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.

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

SECOND REPORT

OF THE

ROYAL SANITARY COMMISSION.

VOL. III.

Part 1.—Minutes of Evidence from November 1869 to June 1870.

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

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1871.

[C. 281.—II.] *Price* 2*s.* 3*d.*

CONTENTS.

	Page
LIST OF WITNESSES - - - - - - - - - -	iii
MINUTES OF EVIDENCE - - - - - - - - - -	1

LIST OF WITNESSES.

November 1869 to June 1870.

Name of Witness.	Office held by Witness, &c.	No. of Question.	Page.
71. Thos. Huskinson, Esq. -	Land Agent, Midland Counties - - -	8497–8668	1
1*a*. Tom Taylor, Esq., *recalled.*	Secretary of the Local Government Act Office	8669–8807 9922–9926 12,346–12,436	13 79 205
61*a*. Major-General Sir Wm. Denison, K.C.B., *recalled.*	Chairman of the Rivers Pollution Commission -	8808–8816	22
72. Wm. M. Burke, Esq., M.D., F.C.P.	Superintendent of the Statistical Department, General Register Office, Dublin.	8817–8961	23
73. Rt. Druitt, Esq., M.R.C.P., F.R.C.S.	President of the Medical Officers of Health Association.	8962–9208	28
74. Wm. Budd, Esq., M.D. -	of Clifton, as to prevention of disease - -	9209–9394	42
75. Robert Baker, Esq. -	Inspector of Factories - - - -	9395–9613	52
76. Mr. James Dewdney -	Corn Miller, Dorking - - - -	9614–9662	62
77. Richd. Gay Francis, Esq. -	Clerk to the Board of Guardians, Stow-on-the-Wold.	9663–9694	65
11*a*. John Simon, Esq., F.R.S., *recalled.*	Medical Officer of the Privy Council - -	9695–9784 9927–9979	67 80
78. Arthur Helps, Esq., D.C.L.	Clerk of the Privy Council - - -	9785–9921	73
79. Henry Bleckley, Esq. -	Ironmaster, Warrington - - -	9980–10,027	84
80. C. Marshall Hole, Esq. -	Town Clerk, Tiverton - - - -	10,028–10,136	88
81. Basil T. Woodd, Esq. -	Knaresborough - - - -	10,137–10,213	92
82. Rev. Henry T. Dowler -	Vicar of Aldeburgh - - - -	10,214–10,315	95
83. Geo. F. Chambers, Esq. -	Chairman of the Local Board, Bromley -	10,316–10,417	98
84. Rd. Hy. Wyatt, Esq. -	Parliamentary Agent - - - -	10,418–10,442	103
85. A. Batt, Esq., M.D. - -	Medical Officer, Witney Union - - -	10,443–10,641	104
86. Rt. Weale, Esq. - -	late Poor Law Inspector - - -	10,642–10,848	113
87. The Earl of Devon - -	late President Poor Law Board - -	10,849–10,971	124
88. Wm. N. Hancock, Esq., LL.D.	in charge of Judicial and Criminal Statistics, Ireland.	10,972–11,076	132
89. E. S. Gordon, Esq., M.P., Q.C.	late Lord Advocate of Scotland - -	11,077–11,135	137
90. Wm. J. Mantle, Esq. -	Chairman of the Sanitary Committee, Lincoln Union.	11,136–11,305	140
91. C. F. Devas, Esq. -	late Chairman of the Local Board, Bromley -	11,306–11,369	147
92. Robinson Latter, Esq. -	Clerk to the Local Board, Bromley - -	11,370–11,387	151
93. C. Diver, Esq. - - -	Town Clerk of Great Yarmouth - -	11,388–11,503	153
94. Alexr. Brogden, Esq., M.P.	(as to Ulverstone) - - - -	11,504–11,594	157
95. Thos. P. Heslop, Esq., M.D.	Physician to the Queen's Hospital and the Children's Hospital, Birmingham.	11,595–11,687	162
96. Rev. Thos. B. Whitehurst	Chairman of the Board of Guardians, Warwick	11,688–11,754	167
97. Charles J. Blagg, Esq. -	Clerk to the Magistrates, and a member of the Board of Guardians, Cheadle.	11,755–11,895	169
98. Alfred Power, Esq. - -	Chief Commissioner of Poor Laws, Ireland -	11,896–12,078	179
99. W. S. Walker, Esq. - -	Chairman of Board of Supervision, Edinburgh -	12,079–12,182	189
100. J. Hill, Esq., M.D. - -	Inspector of Poor Law Medical Officers, Ireland	12,183–12,260	195
101. Jno. Liddle, Esq. - -	Officer of Health, Whitechapel - - -	12,261–12,345	199

MINUTES OF EVIDENCE

TAKEN BEFORE THE

ROYAL SANITARY COMMISSION.

Wednesday, 17th November 1869.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL of ROMNEY.
The EARL of DUCIE.
The Right Hon. LORD ROBERT MONTAGUE, M.P.
Sir THOMAS WATSON, Bart., M.D., F.R.S.
Lieut.-Colonel EWART, C.B., R.E.
FRANCIS SHARP POWELL, Esq.
BENJAMIN SHAW, Esq.
HENRY WENTWORTH ACLAND, Esq., M.D., F.R.S.
WILLIAM STOKES, Esq., M.D., F.R.S.
JOHN LAMBERT, Esq.
FRANCIS THOMAS BIRCHAM, Esq.

(71.) THOMAS HUSKINSON, Esq., examined.

T. Huskinson, Esq.

17 Nov. 1869.

8497. (*Chairman.*) You are an extensive land agent and surveyor, are you not?—I am residing at Epperstone Manor, in Nottingham. I have been pretty largely engaged for 25 years as land agent and surveyor.

8498. In what counties?—I have the agency of large estates, principally in Nottinghamshire, Leicestershire, Lincolnshire, Derbyshire, and Suffolk.

8499. Will you give us generally your own views, both as to the laws relating to local government, and the administration of those laws in the rural districts with which you are acquainted?—I would say generally, with regard to the rural districts, that there really has been no application of any law at all. The state of our rural parishes is as bad generally as it can well be. There are 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 I may describe 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 I believe, on the health and comfort of the inhabitants. This is the state of things as far as my experience goes generally, with very few exceptions.

8500. In that answer you have given us have you not the main heads under which you find defective arrangements?—Yes.

8501. Do you find also that the water supply is bad?—Yes. I may say that in many parishes the water supply is extremely defective.

8502. Having stated the general defective sanitary condition of the rural districts with which you are acquainted, will you tell us what you think of the law on the subject as it now stands?—I have read very carefully through the whole of the Acts of Parliament which have been passed with regard to sanitary matters, from 1848 up to the present time. I believe they are 10 in number, and I must say that in looking carefully through those Acts there is not one single nuisance which I observe in our rural parishes, nor any difficulty with regard to the drainage, sewerage, or water supply which could not be effectually met if the provisions of those various Acts of Parliament could be applied. It does not appear to me that any further legislation on the subject is needed; all that is wanted is to make that legislation practically available.

8503. When you say that you think no further legislation is required, do you not think that those 10 Acts might be simplified and consolidated?—I meant that nothing further is required as regards the substance, but I think it would be a very great advantage if those 10 Acts could be consolidated.

8504. Do you think that they contain altogether, if put into one Act, all the powers necessary if they could be applied?—As far as my experience goes, they give all the powers that are required; they give power not only for drainage, but for disposing of the sewage, for the purchase of land, if need be; and that I think a very desirable power to have, even with regard to our small parishes, as a means of utilising the sewage. That power is given in the principal Act, the Local Government Act, which, I need not say, is hardly applied anywhere at present in our country villages, and I think it is very desirable that it should be.

8505. What do you consider is the defect which prevents those Acts being applied?—I think there are two radical defects. In the first place, there is no authority upon whom there is any imperative obligation to put the law in force at all; those Acts are for the most part, more or less, to a very great extent permissive, and not obligatory. And the next, and the main, difficulty is the want of a properly constituted local authority to carry those Acts into operation.

8506. In the first place as to the defect of the Acts by reason of their being too permissive, to what extent do you think that such Acts as those could be made compulsory?—I think that there should be no option left to the inhabitants of a parish as to whether certain things should be done or not. I think that a certain state of things being given there ought to be a central authority who should have the power to inquire, and, if necessary, to enforce action on the subject.

8507. Do you think that public opinion is sufficiently ripe to enable the central authority not only to say that certain things shall be done, but how they shall

T. Huskinson, Esq.

17 Nov. 1869.

be done?—Public opinion has very great force, and is increasing on this subject every day; but still I think we ought not to wait for public opinion entirely, where the case is very flagrant. But when I mention that, I think that the principal difficulty arises with regard to the want of power in the local authority; if that were given, then I think that the authority which I suggest would have sufficient interest, and they would be operated upon by public opinion sufficiently powerfully to give the stimulus which would be desirable.

8508. Do you think that the law could go so far as not only to say that house-drains should be made, but upon what principle they should be made?—I believe that the law at present under the principal Act of Parliament, that is the Local Government Act, does give that power. It says that there shall be no house without a drain; but as I have said, that law is not put in use in any of our agricultural parishes, and therefore, if that power was given to the local authority which I should suggest, there is legislative powers; it merely wants, as I say, somebody to put it in motion.

8509. In your opinion, should the law say generally, This drainage shall be done, but the way in which it shall be done we leave to you?—In my opinion legislation can hardly reach that point; it is very difficult to deal with points of detail in an Act of Parliament.

8510. You think that the thing should be done in the best way?—I think that the law should give to any one or two persons aggrieved by the state of things in a parish the power to apply to the central authority, and say what their complaint is, and that that central authority would in the ordinary course require the local authority, who are responsible, to give an explanation of how it was that such a state of things existed, and if that explanation was not satisfactory to the central authority, I imagine that an inquiry would be instituted by some of their inspectors; but I should also suggest that if it was found that the local authority were neglecting their duty, the central authority ought to have the power to compel them to do that which they believed to be necessary.

8511. Do you think that with that power of compulsion they might leave it to each locality to do the work in the way they thought best?—I think we might perfectly well leave to each locality which originated the necessary measures the mode generally in which they should be carried out, subject to an appeal, and that appeal, again, I think, should come to the central authority, who would judge upon the case that might be presented to them.

8512. You do not think, I presume, that general opinion is sufficiently agreed as to the best of the various modes of draining to enable Parliament to make any particular mode imperative?—I do not. I think that circumstances differ so extremely that it is very dangerous to lay down too minutely technical details.

8513. As to the improvement of the constitution of the local authority in rural districts, have you any suggestions to offer?—First of all I may say that by those Acts of Parliament the local authority is in the first instance a committee to be elected by the ratepayers; that is, under the Local Government Act (1858); then the local authority is by another Act placed in the power of the Board of Highways; then, subsequently to that, another Act passes, and it is supposed to be put in the power of the vestry; then another Act passes and uses the words "sewer authority," and the same Act uses the words "nuisance authority," and then by a general clause leaves it extremely doubtful who is the authority in a district who would have the power to set that particular Act in motion. There are three or four bodies who are successively in those Acts of Parliament called the "local authority," and it is extremely perplexing to know in reading the Acts carefully through, at least the last Act of Parliament, who really is now the local authority upon whom you could call to pay attention to these matters. The book of Acts before me belongs to the clerk of the magistrates of Nottingham, a most valuable public officer, and being myself extremely perplexed in going through those Acts of Parliament to know who at the present moment was the local authority to be called upon, I see the same difficulty has occurred to himself, for in the margin he says, "Query. This seems to vest the power altogether in the Board of Guardians." I believe at the present moment the board of guardians of a union are the local authority who have the power to apply those Acts of Parliament, except the principal Act, which is the Local Government Act. With regard to the authority both of the highway board and the board of guardians, my observation is, that in the first place they are not a local authority in the sense in which I think the authority ought to be, that is to say, they are not resident in the parish where the sanitary difficulties arise, and where the works have to be constructed. A board of guardians sits probably in the centre of a district comprising 25 or 30 parishes, and, therefore, on an average nine or ten miles away from any particular part of that circle, and therefore in order to set any of those Acts in motion, you must go to the board of guardians, and the board of guardians of course are a body entirely unacquainted with that particular parish, except the guardians representing that parish; and it is hardly reasonable, and in fact it never would happen, that any committee of guardians, or any number of guardians, would come over nine or ten miles and give their time to look into matters affecting the sanitary condition of a parish in which they were not personally interested; and, therefore, I do not think that that is a local authority strictly in the sense in which a local authority ought to be. The same observation applies to the board of highways, because the highways are now formed into districts pretty much concurrent with our poor law unions; at all events embracing 20 or 25 parishes on the average, and, therefore, to such a board as that it is extremely difficult to have to appeal on many matters, trifling in themselves, but important in the aggregate, which would arise with regard to the sanitary condition of any village, and I attribute it to that circumstance that practically boards of guardians have not exercised the powers which they have, nor have the board of highways in many cases. I know they have not in many cases appointed any inspector, nor taken any steps whatever with regard to matters which are by law vested in their hands. Then I should have another objection to a board of that description, that it represents only one element, that is the element of the ratepayers. I think that in sanitary matters where considerable expense is incurred the owners of property ought to be specially represented on the local authority or sanitary board.

8514. But such persons are *ex-officio* guardians, are they not?—That is to say the magistrates are *ex-officio*, but there are another class of persons in most of our villages, and a very important class, who do not generally get elected waywarden or guardian generally speaking. I mean no disrespect to the guardians and the waywardens in saying this, but as a matter of fact it is not generally the most intelligent and active men who are elected to those posts, but they are men whose time is not of very much value, and who do not object to go and spend a day once a month in talking to other guardians and waywardens about parochial affairs. But we have in most of our parishes resident landowners, and persons of a very different class, who with reference to those questions in which they would naturally feel a higher interest than the ordinary ratepayers, would be glad to be placed upon the local board which I should suggest, and being generally of better education and more intelligent they would form the most admirable element of a local board. Those are men who would never be elected waywarden or guardian, and go to attend a meeting 9 or 10 miles away, but they would be perfectly ready and very capable to give an opinion upon a subject which would lie in their way and which they could attend to without any great sacrifice of time. Perhaps I may now say, that in my opinion the want of a good local authority is the

real defect, and the real cause of those Acts of Parliament being practically, as they are, inoperative. I should suggest a local board in each parish, composed of persons resident in the parish; and I should suggest that it ought to be constituted in this way: that the two overseers, the waywardens, and the guardian be *ex-officio* members of that board. That would be four persons elected by the ratepayers who are occupiers of land in the parish, and therefore they distinctly represent the occupying and ratepaying element upon the board. Then I would supplement those four by four other persons elected by the owners of property in the parish; the owners voting upon a scale in proportion to their property, in the manner prescribed in the first Local Government Act, the Act of 1848. That would give four persons on the board representing distinctly the owners of property; and to that board I would remit the whole of the questions of drainage, sewerage, and nuisance removal, all of them being subjects of a cognate character, and necessarily having the most intimate relation with each other; and therefore you would have in that board a body representing all the separate interests belonging to the parish.

8515. What would be the area over which this board would have authority?—I should recommend that the parish should be still kept as the unit in the agricultural districts, because it is the area of rating, and I do not see any advantage in going beyond the parish boundary, because those Acts which I speak of, and which I expect in the legislation which will take place will be embodied in the future Act, give the power of union among parishes for drainage and sanitary purposes if it is found desirable that there should be a union between adjacent parishes; therefore there is facility for combination, which is all I think that is required.

8516. There would in country districts be many parishes for which this board would be almost too large, would there not?—It is possible that in some very small agricultural parishes it would be so; at the same time those four persons are standing officers in every parish, and I think it would be possible to find four persons representing the owners. Of course it never happens that all of them would attend, but I do not think that the number nominally would be greater than is desirable.

8517. Does not another objection occur to you, that this body would be too local and would never act?—Then would come in the element which I wish now to suggest, which is, that in order to make those operations effective, you must, besides that local authority which I have described, have a central board in London, who should be a board of reference, and a board of appeal also in cases of dispute. Upon that point I should suggest, rather by way of example, such a board as the Inclosure Commissioners, that is to say, a non-political body, not moving out with the Government, but a non-political body who would be obtaining very soon a considerable amount of important practical information which would be very valuable to the local board in the country, who would have access to it, and have the advantage of it. I mention the Inclosure Commissioners by way of example, because they have already acquired very large experience in matters of drainage and building and of works generally all over the country, and also because they have a body of trained inspectors, who have had their minds directed very much to those subjects. At the same time any other central commission might act just as well. I merely put that by way of example, and as saying that I think it should be a body unconnected with political parties.

8518. How would you bring this central board or commission to bear upon those parochial boards?—Then I would give, as I said, an appeal on the part of any person in a parish who is aggrieved by any nuisance or any difficulty which he finds there. I would give him the power of appeal to this central board in London, and upon that they should found their action, which in the first place would be one of inquiry into the facts, and then upon those facts I would give them the power to act, provided the local board did not choose to follow the direction which upon hearing the case they might be disposed to give.

T. Huskinson, Esq.

17 Nov. 1869.

8519. Do not you find now that the power of complaint or information which every individual has is seldom put in force?—I do find it so; but I think it arises from the extreme confusion and difficulty in knowing really how to put those Acts in motion. People do not know whom to apply to or what steps to take in the matter, and so they leave these matters. If the law were made clear, and if the local board that I speak of were appointed specifically for those duties, I think then they would hardly be able to rest without doing something which might be necessary in the parish where they are appointed, and if they were so disposed, I think there are in most parishes one or two individuals who certainly would take steps to put them in motion.

8520. Have you ever calculated how many inspectors or officers would be required?—I do not imagine that many would be required. I take again the Inclosure Commissioners as my guide. They have during my experience commuted all the tithes in the country, superintended all the inclosures in the country, inspected all the drainage works of the country, and the buildings, and I do not believe that their staff of assistant commissioners would probably exceed 20 or 25.

8521 With sub-inspectors?—No, I believe they have no sub-inspectors. Their plan is this, which I think a very good one, that instead of sending inspectors from London from a central point, which adds, of course, to the expense, they select in almost every county men who are recommended to them, and if, upon inquiry, they have good reason to believe that they are competent, they select those men, and call them their inspectors, and then when an application comes, if it is from Nottinghamshire about drainage or building, there is a man within 15 or 20 miles who is an inspector, and he is instructed to go and look at the place and report.

8522. But it would be generally a different class of inspectors who would be employed, with specific instructions, from the class of men that the commission would send down?—Yes, I think they probably would be a different class of persons, but I do not apprehend they need be very numerous, because we always find when you have the power of calling in an inspector, or when you have a compulsory power behind you, the fact of its being there is generally motive enough to set people in operation; it is when it is felt that there is no power behind you that this dead lock ensues, therefore I do not think that practically the inspectors would be very often called in. I think that the fact of the commissioners in London having the power to send down to inquire, and if necessary to compel, would induce a more active state of feeling in the country parishes. Then I would add, that I think you would want a further power; that is to say, the local authority which I have mentioned, and the central board in London would want a coercive power in respect of penalties and duties which I think would be well supplied by the magistrates in petty sessions, as being always available in a district, and being the most economical authority to which an appeal could be made, and having this very great advantage, that the magistrates would probably be residents in the district, and you would have the benefit of their personal inspection rather than as in a court of law, judging by evidence only; and, in my opinion, the local authority, with the board in London for reference and for appeal, and with the coercive jurisdiction of the magistrates, which I believe still exists in those Acts more or less, there would be no difficulty which could not be most completely met.

8523. The office of this board would be rather an unpopular one, would it not, amongst the ratepayers?—I apprehend that it would. I think there is no doubt that at all events in the beginning it would. There is, of course, always a reluctance amongst ratepayers to

T Huskinson, Esq.

17 Nov. 1869.

tax themselves for any purpose which they do not very highly appreciate; and if there is a doubt about it they give themselves the benefit of the doubt, by rather doing nothing at all.

8524. Do you think that on that account the guardians who would be elected on those parochial boards and for the union also might become an inferior kind of men?—I think it is very likely that in some parishes both the overseers and the guardian might be elected with reference to the action which they might take upon those local boards; but as there are four of them, it is hardly likely that all four would act from those views, and having four representatives of the owners of property who having a more permanent interest would in the ordinary state of things be much more desirous of carrying out sanitary matters, I think that that difficulty would to a great extent be got over.

8525. Do you see no danger of occupiers electing a worse class kind of men for guardians?—Not at all.

8526. I mean in order to get men on the board who would avoid putting them to expense?—I do not think that in agricultural parishes it would make very much difference in that respect, although in the larger towns very likely it might. Then again, I would observe that upon this local board, a part of them being the representatives of the owners of property, assuming that there were a number of persons on that board disposed to obstruct all improvement, and there being the right of application to the central board in London, any power which that board would have would be sufficient on all important matters to overcome any opposition of that kind. People would be bound to show the reasons why they objected to an inspector coming down. The scandal at present is, that there are all the powers that are required, but none of them put in force, and nobody knowing how to put them in force with any safety. I need not observe upon the great litigation which has taken place in many districts were boards of health have operated, because it is notorious. The difficulties have been so great that people can hardly move without being involved in appeals and lawsuits involving very great cost and trouble.

8527. In the countries with which you are acquainted, has the Highway Act been adopted?—Yes, in Nottinghamshire it is adopted, and in Leicestershire it is adopted, and not altogether in Lincolnshire, I believe, but only in parts.

8528. Are the highway districts coincident with the unions?—Not altogether; they are very nearly so in Nottinghamshire, but not always.

8529. The petty sessional divisions are generally different, are they not?—Yes, they are generally different; and the petty sessional division has this advantage over the board of guardians and the highway board, that those two latter bodies meet at a town in the centre of the district, but the petty sessions are held at the principal towns in the district—the market towns—and the sessions are on market days; and, therefore, persons going there on business can give their attendance to their own business also, and do not lose their time on that particular subject; they are going probably to the market town for other purposes, and that is a great convenience.

8530. Before we ask your opinion upon the town authorities, have you any other remarks to make upon the rural authorities?—I would mention that in the present state of legislation we have in every parish, or are supposed to have, three or four authorities to deal with these matters, and to do acts, all of a cognate character, and many of a very minute kind; and yet we do not know if it comes to a matter of compulsion to whom we should apply, or whom we could compel to do anything.

8531. Do you mean that there is not only a needless variety of authorities for various purposes, but also that the same authority is named in different Acts by different names?—Precisely so, that different authorities would in respect of several matters have a concurrent jurisdiction, those matters being of a cognate character being intimately connected with each other—say nuisance removal and sewerage and drainage. I have said that to the local authority which I would suggest I would give all the duties which are specified in those Acts of Parliament. The powers contained in the whole of those Acts are probably powers beyond what would be required in many of our country parishes; but I see no objection to those powers being more extensive than might be necessary, because I think that when parties are spending their own money the local board which I have mentioned might be trusted not to do any act involving an outlay which is not really necessary; and though it may be on a very small scale, yet the wants in villages are in many respects very analogous indeed to the wants of towns. I allude particularly to the question of sewage, for this happens; if you set about to remedy ordinary nuisances you go and you find an open cesspool in a man's garden, and you threaten that you will put something in force if he does not alter it. He says, "What can I do? I have no drain." Then we say, "We will compel you to put a drain." That drain is carried to the street, and there is no sewer, and therefore you are merely removing the evil from one point to another, and even if you have a sewer, in many places, unless you have the means of disposing of the sewage, you merely collect all those little nuisances into one focus and make the state of things as bad almost as it was before. Therefore, although a very small quantity of land might be required, yet I would have the power given to the local authority to rent on lease, or under certain circumstances even to purchase a quantity of land sufficient to utilise the sewage of the particular parish in which the Act is put in force. And I think that there would be very considerable advantage in that, because without any great expense, if any expense at all to the ratepayers, taking our agricultural parishes at an average population of 500 or 600, an acre or two of ground would be all that is required, and that ground might very conveniently be let to the poor as allotments for gardens, and I think this might happen that the sewage would be utilised and the poor probably would feel that it was not only done for their benefit but the occupation of those gardens would be in many respects a collateral advantage to them.

8532. The sewer authority have this power now, have they not?—Yes, they have under the Sewage Utilisation Act of 1865. But in describing the local authority who is to exercise this power: it is put in the schedule in these terms:—"Description of local authority." They shall be, "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." I would ask anybody how you could set in motion a corporation to purchase land by such a description as that; because in many of our villages it is doubtful what vestry you have, whether it is a vestry by prescription, or a vestry that would have the power, and particularly so when other Acts of Parliament are giving, for almost similar subjects, authority to the boards of guardians; and, therefore, it comes back to my former answer, that although you have the power, yet the confusion of the parties who are supposed to exercise that power is really so great, that practically it is never used.

8533. (*Lord Robert Montagu.*) Is there not always one or other kind of vestry in each parish?—It is either a select vestry, or a vestry under the Act of George the Third, I think, which regulates vestries in general.

8534. But it is either one or the other in each parish?—It is generally so in my experience, but I presume from this description in the schedule, that there may be parishes where you have a vestry by some custom or prescription.

8535. Is not this the meaning of it,—that in parishes where there is one kind of vestry, that is the sewer authority, and in parishes where there is the other kind of vestry, that is the sewer authority; but there are never two kinds of vestries in the same parish; therefore there is no ambiguity in the language of the schedule of the Act of 1865?—I think there is so much ambiguity in it, that I do not know how a vestry would feel themselves justified in purchasing land, or in raising funds for that purpose.

T. Huskinson. Esq.

17 Nov. 1869.

8536. (*Chairman.*) I presume you mean that no kind of vestry would be likely to exercise that power?—I think so.

8537. Supposing such an authority constituted in such a parish as you propose, do you suggest that they should have all the powers of local government given them?—I do.

8538. How far would you give them power to interfere with the building of cottages of agricultural labourers?—I would give them the power which I find in the Act of 1865 is given with regard to construction. I find that the present Act of Parliament does give that which it calls the authority certain powers of control of that description, and therefore I would perpetuate those powers of control, and vest them in the local authority which I speak of.

8539. How often would you propose that such a parochial board should meet?—I think it ought to meet once a month. As it is to be in the parish where the works are either to be inspected or executed, the attendance is a small matter, and it would generally be known beforehand whether there was any business coming on or not; and if not it would be adjourned to the next month; but in case of need I think there ought to be a meeting once a month at least.

8540. Do you think it necessary that there should be any intermediate authority between such a local board and the London Commission?—I think not; I think that would be undesirable, as the communication is now so rapid and cheap from all parts of the country.

8541. Would you have no reference to the quarter sessions or any county authority?—Excepting as a coercive jurisdiction. There are several enactments in those Acts of Parliament where the magistrates have the power of imposing penalties and issuing a distress, and I think that those powers would still be necessary, because I do not see how the board in London could very well exercise, or whether they properly could be invested with a power of that kind.

8542. Will you give us your opinion upon any possible improvement of the local authorities in towns?—Upon the general question of sewerage I have given some attention to the condition of our towns with regard to the appropriation and utilisation of sewage, and I should beg to mention to the Commission two instances in which I have been personally concerned, one of which is the town of Bury St. Edmunds in Suffolk, and the other is the town of Nottingham. With regard to the town of Bury, up to about three years ago the sewage of the whole of that town was poured into a very small river called the Lark. The consequence was that in the summer season the stench from that water was so great, that it was most seriously complained of by the inhabitants on the river bank, and was particularly objected to by a gentleman living three miles down the river at Fornham park, a house of some importance. The nuisance grew to be so serious that he threatened unless something was done he should take such action as the law might enable him to do, and other remonstrances were made by some other parties, and therefore the corporation set to work to consider what they should do, and what they did was to bring the whole of the drainage down to a tank in the lower part of the town, and then to put up a steam engine to force that sewage through iron pipes to a reservoir at an altitude of probably about 100 feet, and then using the power in one of those Acts of Parliament they leased 26 acres of land of a neighbouring proprietor upon which to distribute and utilize the sewage. That has been in operation about three years, and the results are what I will state to the Commission: I should say that Bury contains a population of 14,000 persons or thereabouts; the total cost of the works for steam power, tanks, and pipes was 1,950*l.*; the quantity of land leased by the corporation for irrigation is 26 acres; the crops grown are chiefly Italian rye grass and a small quantity of sugar beet; the rent paid for the land is 4*l.* per acre; the annual expense of pumping the sewage to the high reservoir from whence to distribute it by gravitation, is 175*l.*, and the expenses of distribution and incidental charges per annum 111*l.* The land is re-let by the corporation to a neighbouring farmer, who removes all the crops, and he pays a rent of 150*l.*; and the tenant pays in addition the expenses of cultivation and a man's wages for assisting in the distribution. The money lost to the town of Bury is at present 240*l.* a year. I mention that as an instance where, when parties are compelled to do something, they can at moderate cost and at no great loss get rid of town sewage under circumstances of considerable difficulty, I mean which required the sewage to be pumped up to a high elevation rather than being distributed by gravitation.

8543. (*Mr. Powell.*) Under the head of loss do you include the repayment of any part of the capital?—I believe not. I believe that the interest of capital and the repayment would be additional to that.

8544. (*Chairman.*) Are you so satisfied with that case as to give us as your opinion that at the best the operation must be done at a loss?—My present impression is that in circumstances where it is necessary to pump the sewage by steam power, it must be distributed at a loss, and that the town must consider that what they lose is the expense of scavenging their place; and even in that point of view I do not look upon it as a serious loss compared with the evils that are remedied, because it is quite clear that the loss of 240*l.* per year would come only to something like 3*d.* a head upon the population, and reckoning five persons for each family that would be about 1*s.* 3*d.* per house. Of course if it could be distributed by gravitation that loss would disappear, and probably there would be a small balance of gain. In this particular place, as far as levels are concerned the sewage might very well be distributed by gravitation; but the gentleman to whom I alluded, having a considerable house below there, and it being in the nature of an experiment, declined to allow them to bring sewage there by gravitation; and even now there are parties complaining of the smell from the land that is irrigated, although they are living at a distance of half a mile, and therefore those are considerations which have to be tested by experience; but my impression is that eventually, and not very long hence, the sewage will be distributed by gravitation along the valley of the Lark. But I state generally as the result of my observation and inquiries that where sewage has to be dealt with by steam power at the present moment, it cannot be otherwise than distributed at some loss, that is where the rainfall and house drainage come together in one volume, that is to say, where the quantity to be dealt with is too large to be remunerative if it has to be dealt with by steam power.

8545. Do not you think that we may find some mode in which towns may dispose of their valuable manure without loss?—I think it is quite probable, and if the question of sewerage is to be considered now, I think it is pretty plain in what direction it must take. Unfortunately, enormous sums of money have been expended upon the sewerage of our towns upon a system which carries off not only the house drainage of the town, but the storm water and the rainfall of the whole area, and therefore it necessarily leaves a large volume to be dealt with, and if it has to be dealt with by mechanical means it becomes a serious question; but if the house drainage could be separated from the rainfall, there would be no objection to the rainfall getting into our streams and rivers. You would have probably not one tenth in quantity to deal with, and that would be a material assistance where it had to be pumped by steam power.

8546. What have you to say with regard to Notting-

T. Huskinson. Esq.

17 Nov. 1869.

ham?—With regard to Nottingham, I was going to point to that as a case where very serious evils are existing, and yet nothing is being done, although the corporation under this Act of Parliament have full power to do all that is required, and they could do, if they chose, what the Bury people have done; in fact they could do more, because they could carry the sewage by gravitation along the valley of the Trent and yet leave the river pure. I may mention that the case of Nottingham is that a town with two adjoining parishes of Leuton and Radford, but virtually they are one town for sanitary matters, containing a population of 100,000 persons. The sewage there is all poured into the river Trent, and the waters of the river are polluted to a degree dangerous as I believe to the health of the inhabitants on its banks, and destructive of course of all the beauty and ornament of that fine river; but in the summer of 1868 matters became so serious that at two miles and a half from Nottingham, upon the estate of Mr. Chaworth Musters, of Colwick, a very handsome house property, the stench was so bad that it was impossible that anybody could live in it, and no tenant would take it under such a state of things. Great complaint was made that the water was unfit for use by those who are located on the banks; but the parish of East Bridgeford, about nine miles lower down the stream from Nottingham, having no water bearing strata of its own, is mainly dependent upon the river Trent for a considerable portion of its supply. In the summer of 1868 the water in the Trent at that point, nine miles from Nottingham, was distinctly and extremely offensive both in smell and taste, and thereupon Lord Manvers, who is the owner of one bank of the stream for several miles below Nottingham, and Mr. Chaworth Musters of the other, directed myself and Lord Manvers' agent to give notice to the Corporation of Nottingham that unless steps were taken within a reasonable time to remedy that state of things we should appeal to the Court of Chancery. A year went by and the corporation did nothing, and we are now instructed, and shall in a few days give the final notice that we shall appeal to the Court of Chancery to compel something to be done. That is the state of things at Nottingham, where it would not be at all necessary that they should use steam power to pump the sewage, because Nottingham stands above the level of the Trent, which has a considerable fall of its own, and it would be quite possible to take a line of sewer or pipe parallel to the river Trent, and distribute it over land extremely well suited to irrigation; and although I cannot pretend to say what the economical result would be, yet the situation is so favourable that I think it is a most reasonable thing to enforce upon the town under the circumstances. I take Nottingham to represent also the condition of a good many large towns, and that is the condition in which the sewage question stands in a considerable number of them. I would add also that at Nottingham not only is the sewage of those 100,000 persons brought down and discharged into the river Trent, but the sewage from three or four very populous villages, almost towns, of themselves lying above the level and to the west of Nottingham, also bring down their sewage and combine it with that of Nottingham, and increase the volume and the flow of it; notwithstanding that the sewage of those villages runs through the district of Sherwood Forest, where it is a light, porous, and sandy soil, on the red sandstone, which would be most admirably adapted for sewage irrigation over the land; therefore, in those cases I should think myself that it would be quite proper to compel each of those parishes to utilize their own sewage, and not to add to the evil by bringing it down to Nottingham.

8547. Do you wish to suggest any alteration in the law or the authorities applicable to those cases?—I do not. I merely mention those two facts, the one where the sewage, under difficulties, has been dealt with at no great outlay, and the other where the evil is very serious and yet nothing is done. I would repeat again the observation which I made, that even with regard to this matter at Nottingham I consider that the legislation already existing, if put in force, is amply sufficient for the purpose. They have power to purchase land; they have power to lease land; they have power to set up engines; they have the power of utilising the sewage; and, in fact, they have all the power that is necessary; but they will never do it except under the compulsion of the law, or at least I think probably not.

8548. (*Earl of Ducie.*) You suggest, do you not, that each parish should be the unit for sanitary purposes in a rural district, the reason being that the persons who would administer the sanitary matters would have local knowledge?—Yes, that is one reason.

8549. Do you think that you would get as much independent action from those as you would from the guardians, who have not that local knowledge but who would be less dependent upon local influence?—I think much more so; because the *vis inertiæ* of guardians is what is found difficult, if not impossible, to overcome; because, what are the guardians? They are farmers, like the farmers of their own particular parish, and they have a community of interest, and sentiment, and sympathy with each other, and it is not at all probable in my mind that the guardians, as a body, or as a committee, would go from their homes for ten or twelve miles and take any interest in the sanitary condition of another parish, at least not an interest equal to persons living in the place, and particularly if you could introduce into the executive power persons of property, the owner, as distinct from the occupier, because the one has a permanent interest in the improvement of the property, whilst the other has a more temporary and fleeting interest; therefore I attach great importance myself to bringing in the property element for that reason. We have generally in most of our agricultural parishes resident landowners, and you would get a class of men superior to the class of men elected to the office of waywardens and guardians. You very often have the squire of the place, who would be a member of such a board as that, and would give them his counsel and assistance, but he would never go, except occasionally, to the board of guardians.

8550. You are doubtless aware that are there many parishes in which there is no resident landlord; do not you think, that in those parishes the *vis inertiæ* of the small local authority would be more difficult to get over than that of the guardians?—I think that in such parishes including the element of property would tell, because if you have an owner who is non-resident, he probably has an agent, and therefore he would be entitled to vote, whether resident or not, upon the election of the four persons who would represent the owners of property. You would, then, get in fact the element which they have in Scotland, which, I think, works very much better than our own, namely, the heritor element as distinguished from the occupier element.

8551. Let us take the case of an owner of property who neglects his duties; how would you compel him, he having a paramount influence in the place; would he not get a greater amount of influence to bear upon him if the guardians were the local authority, than if the small parish authorities were the local authority?—I do not think so. Of course there would be cases, no doubt, where a person owning the whole parish might be extremely indifferent and negligent of his duties; but those cases, I think, would be very rare, and the central authority which I suggest in London, I think, would come in at such a point as that; there would be representations made to them, and such an owner would be called upon to assign some reasons for taking such a position, and if his reasons were worthless, I should say that the central body would take care that what was necessary should be done; at least, I think, that that would probably be the action.

8552. What action do you propose on the part of the magistrates in petty sessions?—A coercive jurisdiction of this kind; that if this local board finds

T. Huskinson; Esq.

17 Nov. 1869.

that the owner of a house, or a tenant, will not either reconstruct a bad privy or cover over a cesspool, or do some act which they order him to do, they should go to the magistrates with power for them to enforce penalties, which I believe they have now as the law stands in aid of the recovery of rates, but there has been a great difficulty in all these cases, because an ordinary appeal is very expensive and troublesome, and the issue extremely doubtful, and therefore the local body having levied a rate which would be in some cases partly upon the owner and partly upon the occupier, the magisterial jurisdiction would be the most convenient form of enforcing the payment of that rate.

8553. (*Col. Ewart.*) You have given us your evidence upon the subject of the disposal of sewage by irrigation, but there are cases of small detached groups of cottages, or individual cottages, where you would probably be of opinion that that system would not be carried out, on account of the expense of making drains?—Quite so. I think there are cases of groups of cottages where probably a covered tank properly constructed would be the best receptacle for sewage, and where it might be an advantage for the inhabitants to make use of it in that way, and that would be a point upon which the judgment and discretion of the local board would fairly be exercised.

8554. But you would see no difficulty in their being compelled to provide for the disposal of their sewage without risk to health?—Not at all. I think that in country districts the ordinary privy, if it be 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; but if the privy be built like a water-tight tank, it might be used with more advantage than anything else.

8555. Have you had any experience of the ash closet and earth closet system?—Yes, I have, and I think they are very good things; but there is a difficulty in getting labouring people to take the small trouble which is necessary to keep them in working order, and at present I am inclined to think that a properly constructed privy is a better thing, or if not a better thing practically it comes to a better result, because if an earth closet is neglected it gets out of order, and you have a worse state of things than is the case with a well-constructed privy.

8556. But you would not bind them to any description of works, but you simply think that they ought to be required to dispose of the sewage in a proper way without risk to health?—Yes, certainly.

8557. (*Dr. Acland.*) Have you paid any attention to the subject of water supply in agricultural districts?—Yes, I have. In the district where I live of course we have not the same difficulty with regard to water as in more populous places, but there are districts where they have no water-bearing strata, and where serious inconvenience results to the people, and I think that the local board could with great advantage, and I think also with great economy, furnish a supply to villages; but in the district where I live they are on the red sandstone, which is a water-bearing strata, and there the only thing is to keep the wells from defilement. We have an abundance of water, and anybody who chooses to sink a well will have water in abundance, and of very good quality. On the other side of the Trent there is the case of East Bridgeford, which lies upon the marl and gypsum, but there are no springs, and they are very short of water indeed.

8558. In what way do you think that such cases could be remedied?—There are parishes circumstanced in this way. The parish of Bliðworth is on a very elevated point of the sandstone formation on Sherwood Forest, and if they sunk wells through the rock right down to the water they would have to go 80 to 100 yards deep, which would be quite out of the ordinary power of such villages; but it does happen there, as in some other places, that just on the summit of the sandhill you come at one point upon a very fine spring of water; and in past times, by what means I do not know, that spring has been made available by a single pipe, which runs down the village, and fills a series of water troughs, and the village is really supplied in that way. That is a case where I conceive that the local board, at very small expense, might put down an iron pipe and distribute the water. A very small charge would have to be imposed upon the inhabitants, but it would be a vast inconvenience, at a very trifling outlay, to the ratepayers.

8559. You would not think it a hardship to expect the local board in small parishes to look after the water supply the same as other sanitary matters?—I think they ought to use the powers vested in them, as far as they can, to improve the water supply, because I know some villages where really it is a more serious question than any question of sewerage.

8560. (*Mr. Powell.*) As the law now stands, it does not appear that the sewer authority, which is the parochial authority, has power to acquire land for the purposes of the water supply by compulsion beyond the area of the parish. Do you think that there ought to be such a power?—Yes, I think there ought to be such a power, on paying compensation.

8561. Do you think that practically any difficulty of this kind would arise; that a parish, by laying down a conduit in the exercise of such powers, might tap a spring, of which persons living in the immediate neighbourhood of the spring might shortly require the water, although perhaps at the time they might not be using it, and therefore they could not claim any compensation on that ground?—I apprehend that the moment the water was abstracted which another person would have a right to use he would be entitled to compensation, and probably that compensation would take the very common form, which is that we shall take that water, but we give an undertaking to supply you free of cost as fully as you have hitherto been supplied. If it was a very serious case, then of course there would be the question of compensation.

8562. You would not say that any individual would have a right to this water because of the non-user of the water by the individual living in the house who could claim it?—That would entirely depend upon the fact of what the user had been.

8563. My question assumes the absence of user?—The law with regard to water is this, that you may dig upon your own property and take any water you get there, although you may go so near as to tap a spring that comes out upon your neighbour's land. I cannot imagine that that could be a cause of any very great hardship, considering that there would be a power of compensation, either by way of supplying the person from whom the water might be taken, or by compensating him in money.

8564. Your answer would come to this, that when a parish takes water from a spring in another parish, although there be no right to that spring on the part of any individual in that parish, yet the community, as a community, should be entitled to claim compensation in the shape of money or water supply, as against the invading parish?—I think that there could not be that right in a community as against any other. My notion is, that if parish A has a spring, and parish B says, "We should like to appropriate it," the landowner on whose land that spring arose would be the person to say, I shall not allow you to appropriate that water without paying for it.

8565. Could you describe the population of the parish which you would exclude from the authority which you have named on the ground of its being too large?—I could not myself name any point at which I think the legislation which I believe to exist now, would not operate with advantage.

8566. Would you limit it, say, to a market town of 10,000 or 12,000 inhabitants?—I think so.

8567. But you would not think it applicable to such a town as Nottingham?—Without consideration I think I should prefer not to give a positive answer

T. Huskinson, Esq.

17 Nov. 1869.

upon that point. I think in so large a town as that the local authority ought to have perhaps larger powers than the local authority in a small town or village.

8568. Do you think that the central authority in London ought to have the power of saying that this or that community was too large for the simple authority which you have suggested to us?—My impression is that it would be a great advantage if the central authority in London really had the same power over our towns as I propose that they should have over our villages, because the local authority in towns we find to be this: it is the corporation, the corporation elected under the municipal franchise, selected from a certain class of persons, and a class of persons that I do not think more competent to deal with these matters than our ratepayers in small villages; and it is quite as desirable that they should be under the control of men of intelligence and scientific knowledge.

8569. Do you think that the authority in London, when the local authority was inactive, should have the power to act in large towns as in small ones?—I do.

8570. Would you have that action of a stringent character; for example, do you think that the London authority ought to send down an officer to execute works?—I do not know about their executing the works, but I think that the London authority ought to send down an inspector to hear evidence and ascertain what is the condition of the town, and what the local authorities are doing; and if what they are doing is not effective, I think then the London authority ought to have the power to insist upon the alteration of the works in conformity with what they believe to be a better system; but the execution of works, I think, is entirely a question apart from designing them, and it is rather with regard to design that I think the central authority in London should be a consultative body, and a body for reference and guidance.

8571. But if the local authority continued inactive and obstinate, what would you say?—The town of Nottingham is obstinate and inactive. The town of Nottingham is governed by such persons as I have mentioned, and elected as I have mentioned, therefore I say it would be a great public advantage if there was a body in London who could say, there is a state of things in Nottingham, as represented to us, extremely injurious to health, we will send down an officer to inquire and report to us the facts; and finding the facts to be what I have asserted that they are, I think it would be a great public advantage if that body in London could say, We shall compel you to take steps to purify your sewage; we shall not allow your continued inaction. This Act of Parliament says that you shall not pour your sewage into the river. All we want is that that should be really carried out, and I would have the central London authority say, You shall not put the sewage there; you shall adopt some means of utilising it in a way which we consider reasonable: and I think that that power is as necessary to be exercised with regard to large towns as to villages, and even more so.

8572. You would give the London authority the power to come in as a last resort, supposing after all the town declined to do the work?—Yes.

8573. And if this inaction went on, you would allow the central authority to execute the work themselves?—When you speak of the execution of the works, I look upon that as what the contractor does; but if you mean that they are to order the execution of the works, certainly that would be what I would recommend. I think it is very desirable that a public body should be contractors for the execution of works; but I would wish them to have the power to make an order that such and such works, which in their judgment are required, should be constructed.

8574. You mean that they should have power to enter into contracts on behalf of the local authority?—Precisely.

8575. Should you attach any importance to a difficulty which has often occurred to my mind, that if you had the local authority a parochial authority, you would in many instances not have sufficient resources to pay officers of competence in a small country parish, as you must have officers on very small salaries?—Very true, but the local authority which I should propose would be an unpaid authority, and therefore very cheap. The magistrates work without pay, and therefore all reference to them is cheap; and if it was a very small parish, of course the works would be very small. I think that a sort of proportion would be maintained between the resources of the parish and its expenditure, and I should not apprehend any practical difficulty.

8576. My question refers to executive officers, such as inspectors?—I think not; if it were a very small parish there would not be very much to inspect, and probably a single person might be found efficient; at the same time the local authority would not be tied to their own particular parish; they would have the power of appointing an inspector whom they conceived to be efficient. The local authority already have power to appoint inspectors.

8577. Do you think that two parishes might have the same officer?—Yes, I think so.

8578. And would you extend that to two, or three, or four parishes?—Yes; that again would depend upon circumstances, and I think it fairly a matter in the discretion of the local authority.

8579. Do you think that if there was one officer to several parishes there would be no difficulty in raising his salary, or on the ground of the conflict of authority over him?—I think not. I may add that I think another great advantage of a central authority in London such as I have spoken of, is the accumulation which they get of technical knowledge which would be communicated and available to those country parishes, and, therefore, would be the means of their doing those works on a better principle than they would probably be done without a reference to such a body. Take for instance the construction of privies. I have no doubt there would be very good plans very soon established, and then the central board in London would say, "We recommend," and, if necessary, "We insist that they should be constructed in that particular way;" and I think that that would be attended with very good results; so with regard to street drains and house drains; and so it might be with regard to the methods of connexion, and so on; the central authority would have a mass of information; they would have at their command the best scientific knowledge; and they would give it out in the way of instruction, direction, and counsel, which I think would be of very great value.

8580. In your suggested authority you mentioned one guardian; how would you deal with cases where parishes had several guardians?—I should not see any objection to increasing the number, provided the number elected by the proprietors was also increased. I think it should be a case of equality.

8581. (*Mr. Shaw.*) Does this represent the stages of your plan? The local authority refuses to act; thereupon complaint made to the central authority; thereupon an inspector sent down, he reports, and the central authority makes an order upon his report; continued disobedience to that order—local authority summoned before the magistrates, and fined for disobedience?—Yes, exactly.

8582. That being the process, how would you proceed in large towns, because a corporation would not like to be summoned before the magistrates in petty sessions?—With regard to corporations in large towns, probably not; it might be necessary in cases of obstinacy on their part that they should be summoned before a higher authority, but I do not see any difficulty in that.

8583. There should be something, should there not, in the nature of an action for penalties?—Yes, there should be the power of imposing a penalty, and the power of recovery; it might be simply in a court of record, or wherever it was thought most desirable.

T. Huskinson, Esq.

17 Nov. 1869.

8584. When this state of things arises of continued disobedience, is the central authority to have the option that it may either summon the parties before the magistrates to be fined, or execute the works itself in default of the local authority?—I should go to that extent. From my experience, and what I have seen of the exercise of power by the central authority in London, I would certainly give that power, because, acting under public responsibility, I think they would exercise the power perfectly independently, and probably form the most correct judgment upon the matter.

8585. Then would you have the fines paid out of the rates?—I think it should be out of the rates; I think it would operate in this way, that the persons who elected those parties would at the vacancy next year take care not to elect the men who subjected them to those charges, and I think the evil would cure itself in that way.

8586. Do you contemplate a benefit from introducing magistrates into the subject?—I do.

8587. Do you observe that you give them very little discretion upon your plan; because upon proof of an order made by a competent authority, and proof of disobedience to that authority, the magistrate has no option except to impose a fine? You cannot go into the question of whether the order is a discreet one or not?—No; and I do not think that you could give a concurrent jurisdiction of that sort to two bodies with regard to the public. The advantage arising from magisterial jurisdiction is this, that in case of a disputed rating, on the parties acting obstinately or contumaciously, there is a sort of personal influence brought to bear upon them which is useful, and then the magistrate would, from his local knowledge, know the parties and know the circumstances, which would operate beneficially, in addition to what he might do in his magisterial capacity.

8588. Of course his only discretion would be as to the amount of fine he imposed?—Yes, precisely.

8589. Supposing you should be unable to get the sort of board which you desire, upon which the owners of property should be represented: and supposing that we were compelled to take as the best thing we could get the guardians or a committee of guardians, would you think that it would at all answer your purpose as to introducing the magisterial element if there were an appeal from those guardians, not straight to the central authority but to a sanitary committee of the quarter sessions, consisting of magistrates appointed for the express purpose of hearing those appeals; and that then they should exercise, not merely the power of fining, but actual discretion as a court of appeal from the guardians, with a further appeal, if necessary, to your central authority?—If it were necessary to keep the board of guardians as the local authority for sanitary purposes, which I should extremely deplore, I think then that possibly a jurisdiction of the magistrates, such as you have named, might be beneficial; and as the central board, which I have supposed, in London would have the supreme control, my difficulty lies in giving a control of a similar kind, although less in extent, to the magistrates in quarter sessions. I look upon the one as a sort of coercive jurisdiction in recovering rates and penalties, and upon the other as a jurisdiction of a different kind; and therefore if I had the guardians, as at present advised, I should still leave the guardians to account to this central authority in London for what they did or what they left undone.

8590. Would not the central authority become very much overburdened by business if it had to conduct all those things?—As I said before, the fact of your having the right to appeal very commonly does away with the necessity of appeal. That applies almost everywhere; that as long as people feel that they are irresponsible they do extremely foolish things, and are very obstinate; but if there be a controlling power at their back, that makes people more reasonable, and it is not often that it is necessary to resort to it.

8591. Do you think that the magistrates, being more on the spot, would not exercise a more powerful control than the authorities in London?—I think that the magistrates would not be able to go so fully into the merits of a case if it was a matter of neglect or default of their duty as an inspector, whom the London authorities would send down. The magistrates would exercise a perfectly good discretion upon the evidence brought before them; but I think that in the case of their neglecting their duties as local authorities, an inspector sent down from the central board in London would be able to go much more completely into the state of the parish and the works required, than the magistrates would be able to do sitting in petty or quarter sessions.

8592. I am supposing that a complaint would be laid before the board of magistrates by the inspector from the central authority, and that they should be simply interposed as an intermediate court of appeal, and an inexpensive one?—I do not imagine that there would be much difficulty in point of expense. The expense in these matters is the inspection by the inspector, and the office in London judging upon this report would not add to the cost of the operation very materially.

8593. If you had local inspectors, as under the Inclosure Commissioners, there would be no need of a journey to London at all?—I think not. I have been an inspector myself a good many years under the Inclosure Commissioners in matters of drainage and building, and I have not found it necessary to come to London, or go to the office at all. I have certain instructions, and I make my report to them upon any particular case and exercise my judgment, and there seems to me great economy in selecting inspectors in different parts of the country.

8594. You do not attach sufficient importance to the mere fact of indoctrinating, so to speak, the class of persons who are magistrates with an interest in sanitary matters, to make it expedient to interpose them for that purpose?—No doubt there would be an advantage in that, but I think it would fail of that promptness and efficiency which we should have from a central board specifically appointed to look after those duties.

8595. You stated, did you not, that the local authority should have the existing powers now given by Act of Parliament over cottages?—Yes.

8596. Would you be prepared to give them any additional power; I mean, should a man who intends to build a cottage be obliged to submit his plans to them as regards drainage and ventilation, and such matters, before he was allowed to build?—I cannot put my finger upon any sections which do give this power in the Act of Parliament, but in reading them through I noted that there were valuable powers of that sort as to the drainage of a house, as to the inhabitants not occupying a cellar as a habitable room, and with regard to regulating the street frontage and so on, which seem to me very useful powers.

8597. But at present there is no power in a rural district to compel a builder building a cottage to submit his plans to any board?—No.

8598. Would you think such a power desirable?—I think it would be rather going to an extreme to compel a man to submit his plans to a board. I think that all the board could require would be that his plans should be consistent with sanitary requirements with respect to health, and so on, but that he ought not to be controlled in the detail of his cottage arrangements beyond that; it would be rather a stretch of power.

8599. Should he be controlled in those points before he was suffered to build, or should he be subject to a penalty?—Certainly he should be subject to the control of the board, that a cottage should not be built except upon certain defined conditions.

8600. (*Mr. Bircham.*) You have spoken of a central authority, and of the Inclosure Commissioners as probably the best central authority?—I put that because it occurred to me rather as a good example. They have acted first as Tithe Commissioners, and then as Inclosure Commissioners, for a long series of

Huskinson, Esq.

7 Nov. 1869.

years, and they have acquired a very large amount of knowledge with regard to some portions of the subjects, and they have, as I said, inspectors also to some extent trained in those matters; but I do not the least think that there is any preference in the Inclosure Commissioners over commissioners specifically appointed, if it was felt that the work required the creation of an additional office.

8601. Have you had any experience of the action of the Local Government Act Office?—I have not.

8602. Then you are not intending to suggest that that Office should be superseded in favour of the Inclosure Commissioners, or any other set of commissioners?—Not at all.

8603. The Inclosure Commissioners have no corrective jurisdiction, have they?—They have not.

8604. It is confined to matters of tithe and inclosure and exchange, and the approval of works which are executed under Acts of Parliament, and are to become charges on estates?—Yes, that is so.

8605. You take a parish as the unit, and you assume that there would be a board or council of eight?—I do not attach importance to that specific number; but considering that in parishes, generally in agricultural districts, there are four officers, the overseers, guardian, and waywarden, making four *ex-officio* officers, I think that they ought to be balanced by an equal number of the owners; that is all.

8606. In a great number of agricultural parishes these offices are filled, are they not, by the same person; perhaps one and the same person, being overseer, surveyor, and the like?—In some small parishes, no doubt, the same person would fill two offices.

8607. Would you not in a vast number of agricultural parishes, if you followed that plan, have a very infirm board?—I think that introducing the element of ownership would alter the state of things altogether, because if you take a place, as you may say in Lincolnshire, where the proprietors are very generally absentees, but still the owners of large property, very commonly in two or three parishes lying together, those parishes are not generally ill managed. I do not think that in such a case it would operate unfavourably, because they have their agents, and through their agents they would exercise an influence; and they would have this powerful motive, that it was for the good of their property and their tenants that the board should be made effective and that necessary things should be done. At present they have no power. Everything is done through the mere occupying tenant, whose views of course are rather more shortsighted than those of the man whose interest in the property is of a more permanent description.

8608. Would you suggest that the owner should have the power of substituting his agent for himself?—Yes, I should; and if the owner himself was elected he might by power of attorney act by his agent.

8609. You attach considerable importance to the operation of public opinion upon a board of this kind; but you would leave the central authority, would you not, to be brought into action with reference to it by the accidental interference of some outside person?—I would have that vent for discontent, that if you should unfortunately have a board not influenced by public opinion, or what is better, by a proper sense of the duties which they are specifically appointed to perform, any discontented outsider ought to have an appeal to some authority in London, which should compel those parties to do their duty.

8610. Would you rely upon that simply, or would you not think that a periodical visitation by the central authority might be useful?—I do not think that a periodical visitation would be necessary. There are a number of parishes where I am sure that the introduction of the element of ownership would bring about a state of things which would influence very materially the few other parishes where there might be the difficulty which occurs of parties neglecting altogether their duty.

8611. You attribute, do you not, the present state of apathy, or inaction, in the rural districts mainly to the confusion of authority?—I do, and next that the Act is entirely permissive—there is no controlling power, and no force to set people in motion who are not disposed to do anything.

8612. You are aware that there is in existence, whether the parish will or will not, an authority in each parish?—There is, 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. I may say that in my own parish where I live I have found it in this way—I look through those Acts of Parliament, and I have bought the latest authority on sewers, and I have come to the conclusion that the board of guardians are the persons to be applied to in the case of a nuisance—I heard there was a fever in the upper part of the village in a cluster of cottages, and I went and looked at them, and I found a most offensive privy, and a state of things quite calculated to cause fever; and looking at my legal book I found that the guardian was the man to apply to to represent it to the board. I called upon the guardian and he admitted the state of things, but he said, "My "landlord is an old man living 20 miles away, and he "wishes not to spend a penny upon the property, "and if I take proceedings offensive to him what "position shall I be in?" Therefore I could not make the first move through the guardian.

8613. Do you think that that class of cases is more likely to be operated upon favourably if you confine the local authority to the parish, than if you have it a little further from home, with a mixture of foreign element in it, as in the case of a board of guardians?—I do. I think that the introduction of the element of ownership in a parish would get over the inertness and difficulty that there is in setting the existing authority in motion.

8614. Are you not of opinion that apathy and indisposition to incur expenditure are very large elements in causing inaction in rural districts?—Yes; there is the very greatest possible indisposition to spend any money and to do anything that costs money if it can be postponed. That is the first feeling. The next is that they do not attach the value to those works which more enlightened men would do, and not seeing that they are of very great importance, and knowing that they will cost money, they avoid them generally if they can. But I look upon it that the landowner will view things very differently, for first of all you have the average difference of position between the owner of property and mere cottage tenant. I mean in respect of education and information, and in respect of appreciating the value of good sanitary arrangements. He has the conviction of their importance to begin with, and I think that will make a great change, and probably be all the change which is necessary to set the matter going.

8615. Then you would advise the Commission that interposing the owner element, keeping to the parish unit, and leaving the central authority to be invoked by accidental interference, would be sufficient?—I do.

8616. And that any scheme of action for giving the central authority a knowledge of what is going on in individual parishes is not desirable?—I feel sure that on the average there could be no difficulty in bringing the central authority to bear; because if there was a general and dogged inaction there would be somebody, some owner of property, who would have interest enough to make a complaint. I may say that in recommending and contending for the element of ownership I have been guided by two considerations; first, the experience of a good many parishes, and an estimate of what would probably be the effect of the further element of ownership acting in conjunction with the occupiers; and partly also from considerable experience that I had in Scotland years ago, where the heritors as a body could do almost everything in connexion with the parish, and there I found the

T. Huskinson, Esq.

17 Nov. 1869.

most intelligent, active, energetic, and constant interest in parochial affairs; because the inheritors as a body were a sort of corporation with successors, having their clerk, and everything went on as a matter of business; but in our English parishes you have no organization of that kind.

8617. Is the incidence of the rate which the heritors expend in Scotland the same as it is in England, namely, upon the occupier?—No; in Scotland the owner I believe has to pay about a half of the rates.

8618. Would you propose that this authority should have the power of making a separate rate?—I think that it would be indispensible that they should have the power of making a separate rate, and also in certain cases of laying a rate upon the owner, as distinct from the tenant.

8619. Would not that be an inconvenient arrangement, as introducing a new practice?—There would be occasionally some difficulty; but I think that the circumstances would require it. I know that in many cases a considerable outlay would be involved, but that outlay would tend to the permanent improvement of the property; and if all that had to be taken out of the current rate paid by the occupier only, I think that it would occasion discontent; and I think that it would also be an injustice, because it would be improving the owner's property entirely at the expense of the tenant. If the Scotch system prevailed here, and the rate was paid half and half, there would probably be no occasion for a separate rate, but I think that that is a thing which will have to be left as a matter of discretion, guided by the circumstances of particular works.

8620. Have you considered, in condemning the board of guardians as the local authority, that greater facilities might be given them of appointing parochial committees to attend to matters more immediately arising in particular parishes?—I have considered that, and I do not think it would very much alter the existing state of things, unless you were to pay those committees, and then you interpose the element of cost; because those guardians are of the same class, neither better nor worse than the other men in the village where the works have to be done.

8621. Those committees would, I assume, be of a local character, and on any parochial matter arising in parish A they would be selected in the particular parish A, and the local matter would be remitted to them?—But parish A would only have one guardian, and if there is to be a committee he would have to be associated with the guardians from B, C, and D. Then I say that those guardians are no better in point of information probably than the guardian of parish A himself, or than the person whom they would associate with them as the local authority. And there would be this disadvantage in a committee, that as they have no interest in the particular parish A, it is hardly likely that the farmers will give very much time, nor feel much interest, in works in a parish with which they have no sort of connection, and certainly not in all probability the same interest as the board which I have suggested, who would either be owners or occupiers in the parish where the works were required.

8622. (*Chairman.*) Would not the larger body take a larger view of the sanitary question, and also have less objection to levying a rate upon a particular parish?—I must say that my experience is that I should expect no very elevated views on sanitary matters, or any matter of public improvement, from a board of guardians as a board, because as I say, the persons elected are not commonly the most intelligent persons in the parish. Persons of intelligence have commonly some means of employing their time to their own profit more agreeably than going seven or eight miles to sit with their fellow guardians. Knowledge can rise no higher than its original source, and I do not think that the source of knowledge of the guardians is of a more elevated character. I have not found it so elevated as if you had brought the owners of property in the village to bear.

8623. But the fear of penalty would move the board, would it not?—It would operate in this way: There is very great sympathy amongst persons in similar pursuits, and guardians A, B, and C, when spoken to by the guardians of a particular parish, would be very likely to adopt his views, and particularly as at the next meeting they might wish him to adopt their views with regard to their own parishes.

8624. (*Mr. Bircham.*) Have you at all considered whether the board of guardians might be employed for health and nuisance purposes with the addition to it of the owner element?—I think not, on account of this difficulty, that the board of guardians would be commonly at a distance of nine or ten miles, and it occupies the whole day for a man to go there; and the subjects that come before a board of guardians are such that a man whose time is of any value would naturally say to himself, "I cannot go and give a "whole day to talk about those subjects. I must "attend to my own business;" but if the work was in his own parish, and he could consult his neighbours without much sacrifice of time, he would bring a higher intelligence to bear upon the matter. That is my opinion.

8625. But you might import a stronger owner element into the board of guardians, might you not?—I hardly know how you would do that. The ratepayers elect the guardians, and therefore you must send such a guardian as they elect. You cannot select the guardian.

8626. Every board of guardians, as at present by law constituted, is elected as you suggest, with the exception of the *ex-officio* members; but have you considered whether its jurisdiction would be a proper jurisdiction for sanitary matters, if the law added to it a stronger importation of the owner element?—I have no doubt that the importation of the owner element into board of guardians would be very valuable; but even then I should not see that it would have any advantage in those local matters, because you would be taking the local element eight or nine miles from his own home to consider a question as to what is to be executed under his own nose, therefore he would exercise the same judgment as well at home as in the board of guardians; indeed, it seems to me to be wasting unnecessarily the time of men to whom, if they are intelligent men, their time is of value.

8627. Have you had experience that the nuisance inspectors who are appointed are frequently inefficient for their duties?—I have had very little experience of what they are, for in our neighbourhood we have had none. If fever breaks out they will send a medical man, and then, of course, he is a very competent man for the subject for which he is sent; but ordinarily there is no permanent inspector appointed, who looks round him and reports cases which ought to be reported; and I find in Suffolk it is the same thing. A medical man came there into a parish where I am agent for a property, and complained of the state of the privies, and action was taken, and as soon as our attention was called to the subject it was immediately done; but there is no continuing officer, and no man whose duty it is really to look after these things.

8628. The law being permissive upon this subject?—Yes; and it is the permissive character of the law to which I trace all the mischief.

8629. But it might be made obligatory, might it not?—Yes.

8630. You spoke of highway districts as having been formed largely in the three counties that you have mentioned, are they working satisfactorily?—I think I may say generally that they are now, although they encountered, in Leicestershire and in Suffolk, very great opposition from the ratepayers.

8631. Are they working economically?—I cannot say at present that they are working economically; that is to say, the expenses are in every case, I think, greater than they were before, but the roads are far better than they were before, and it is a question of time before the economical part of the question can be very accurately tested; but in those boards that I have been acquainted with I think the tendency the last

T. Huskinson, Esq.

17 Nov. 1869.

year or two has rather been to reduce the expenses, and certainly the roads are far better managed; and there is a growing feeling on the whole that the highway board is successful.

8632. (*Lord Robert Montagu.*) Would this meet the end that you seem to have in view in your proposition: that in rural districts committees should be appointed of the guardians of each parish, or at least those who are willing to attend and serve, and that they should be associated with an equal number of owners of property in the parish?—My fear would be that importing the foreign element of the guardians would be rather adverse to anything being done, and that the effect would be rather to counteract the local element of ownership upon which I more particularly rely. I think that the guardians who came associated with the parochial guardian would rather come with a bias in favour of taking the view of that guardian, and not spending money, as I have said, probably in the expectation that when they were in a like case he might come to their assistance in the same way.

8633. Does not the board of guardians consist of a certain number elected by the ratepayers, and an equal number of *ex-officio* guardians?—I do not know about an equal number. I think the magistrates are *ex-officio*, and it would depend upon the number of magistrates.

8634. If in the committee there were associated a number of owners equal to the number of elected and *ex-officio* guardians of the parish, it would appear that the owner element would greatly preponderate?—Upon my proposition the owner element and the occupying element would be equal in number.

8635. Boards of guardians have already a staff of inspectors, clerks, and medical attendants ready to their hand; would it not be wise to make use of them?—In medical cases, I should say very much so, inasmuch as the medical officer is paid, and can discharge the duties more efficiently, and with less expense than any other officer; but with regard to sanitary matters, I do not see how they could be so well discharged by the guardians as by the local authority, that I suggest, inasmuch as many of the guardians are at a distance from the spot, and they would not be interested, and would not give their time to the subject; that is my principal consideration.

8636. Supposing that a committee of the guardians living in the vicinity should be appointed and associated with an equal number of owners, in that case would it not be better to use the staff already existing at their own hand, than to create a new body without a staff or medical officers?—I am rather at a loss to know what that staff is, as regards sanitary measures, apart from the medical officer, on medical matters. No doubt the medical officer would be the proper person to be called in by the local authority, but I am not aware of any other staff than the guardians have that would be of the slightest use.

8637. Have they not a clerk?—Yes, they have a clerk, but he again living seven or eight miles away from the particular parish, would not be able, without an extra salary, to come and perform the duties.

8638. Have they not inspectors also?—I believe in many cases there is no inspector appointed. I am speaking from experience of boards of guardians with whom I am acquainted; it may be quite otherwise in some districts, but that is my experience of them.

8639. Do I rightly gather from your evidence that to prevent confusion you would have the nuisance authority and the sewer authority combined?—Yes.

8640. And that there should be only one body in every place for all local government?—Yes, and for all sanitary purposes the duties are so analogous, and run into each other so constantly, that I cannot conceive of any advantage in rural parishes in having a double authority.

8641. It is your opinion that as a general rule, combining towns and rural parishes as far as possible, the one health authority should also be the authority for local government?—Yes, certainly, that is my opinion.

8642. With regard to Bury, you give that as an illustration of the utilization of sewage under difficulties?—Yes.

8643. And perhaps it was not very wisely done?—I think it was very economically done.

8644. Are you sure that there were only legitimate expenses contained in what you put down as loss?—I believe not. I do not see how a steam engine with an attendant, and coals, could be worked at a much less annual expense. The figures I have quoted I obtained from the clerk to the board. I wrote to him a series of questions. I saw the works, and being agent to an adjoining property, I was interested, and I wrote to him and inquired the actual result under the difficulties, and I think the case worth noting.

8645. You are aware, are you not, that at Croydon there is a clear gain of 10*l.* or 15*l.* an acre, and at Edinburgh and Worthing even more?—I have seen all these places. Croydon is a very good case indeed; that is a case of gravitation, and a very advantageous one; in fact, it is the very best case I know.

8646. Are you aware that there is a gain of 10*l.* or 15*l.* an acre there?—I have heard something of the sort, but I have made it my business to go and see all the works of sewerage irrigation in operation in the country.

8647. Do you know that there is also a very great gain at Edinburgh and Worthing, and other places?—Yes, I believe so; as far as my experience has gone, whenever it can be dealt with by gravitation there will be gain, and, probably, a considerable gain; but where the sewage has to be dealt with mechanically and raised by steam, unless you diminish the volume by separating the storm water from the drainage water, it can rarely be made to pay.

8648. Do you conceive that that gain of 10*l.* or 15*l.* an acre would all be absorbed, and more than absorbed, by the expense of pumping?—I am a little distrustful of so great a gain as 10*l.* or 15*l.* That would be an assumption that I should require proof of.

8649. Then you would be inclined to dispute the evidence which has been given upon that point?—I hardly like to say that. I am only speaking my own opinion as the result of a good many observations which I have made, and consultations with persons well acquainted with these matters.

8650. Still, if local persons have stated in evidence that there has been a gain, you would not set your opinion against their knowledge?—I should not be convinced without proof.

8651. Are you aware of the cost of pumping by a Cornish engine?—I am not.

8652. (*Earl of Romney.*) With regard to the formation of committees in parishes, are the parishes with which you are immediately connected large?—No, not large; Nottinghamshire is not a county of large parishes. I should say on the average they would be from 1,500 to 2,000 acres, as against 3,000 or 4,000 probably in Lincolnshire. We have a greater population probably than in Lincolnshire, though our parishes are not half the size.

8653. Would your parishes average 1,000 persons?—No, not more than 600 or 700.

8654. With regard to the ownership, are they generally held by one or two persons, or are they subdivided?—In the central parts of Nottinghamshire they are a great deal subdivided in freeholds; but in the northern part it is covered by great owners, what we call the dukeries, covered by the Duke of Newcastle, and the Duke of Portland, Lord Manvers, and Mr. Saville, who take a very large section.

8655. But there are small owners, are there not, persons who are likely to be more intelligent than the persons who are usually elected to be guardians?—I think so. We have rather a yeoman class left amongst us, not very numerous, and yearly diminishing, but still it is not broken up into little peasant proprietors: but there are farms of 50, 100, and 200 acres, cultivated by the owner. In other cases there are estates of 600 or 700 acres, the owners cultivating a part and letting a part.

T. Huskinson Esq.

17 Nov. 1869

8656. The small owners must be looking after their own affairs, must they not, just as much as farmers?—Yes, of course, if the small owner element is predominant they would not have much more time than the tenants would have, but that is not the characteristic of our parishes generally in Nottinghamshire, and in Lincolnshire and Leicestershire, not at all; the parishes there are chiefly in large properties.

8657. But the class of men, whether small or large, whom you think it desirable to get are those occupying farms?—I am not looking to the small owners merely, but Nottingham is a residential county, and we should have in more than half of our parishes, probably, a resident squire, and, as the owner, he would himself take an interest in the matter, and if he did not attend he would instruct his agent certainly to take an interest, and he having the power would exercise such influence fairly as he had by his agent upon the tenants to do what he thought was necessary. At present the fault seems to me to be that a landowner has no power of doing anything.

8658. In your answer to a question with regard to the use of earth and ashes, you said you considered that the present mode of ordinary privy was a better thing than the application of the ash or earth closet, because of the negligence of the person using it; will you explain what you understand by an earth or ash closet?—When I spoke of earth closets I spoke of the earth closet called Moule's earth closet with machinery.

8659. If an earth closet was fitted on a simple form, without that machinery, then there is no reason, is there, why an earth closet should not be quite as good or better than a privy?—Better. If you could introduce any portion of earth it would be a very great advantage. I know, by experience in a case which I watched very closely, that if you build a common privy water tight the fæcal matter is not in such quantity that there would be any offensive exhalation, provided there is no water drainage that can get access to it; because it is the introduction of water that sets up fermentation and produces the mischief.

8660. Is there any reason why earth should not be thrown into that water-tight place?—No; on the contrary it would be a very great advantage.

8661. (*Mr. Powell.*) With regard to carrying into effect in country districts the powers given by the Local Government Act, with reference to buildings, your answer to a former question related to cottages only; but the law affecting towns touches all buildings of all kinds, and includes, does it not, a gentleman's house as much as a cottage?—Yes; and from what I read of the regulations in the general Act which you speak of, they seem to me to be so judicious and desirable that I see no objection to their being carried into the country, and affecting any class of house.

8662. Do you think if you had the authority, as you suggest, you would prohibit any person from building a house or structure of any kind, except with the approval of that authority?—With their approval in respect of certain particulars, as far as those particulars are set out in this Act of Parliament.

8663. You are no doubt aware that the byelaws built upon those sections are extremely comprehensive, and go so far as to say that for each room they must have a window of an area bearing a certain proportion to the size of the room; do you approve of that?—That would be going to the extreme. I apprehend that byelaws would be prepared by the local authority, otherwise the parties would be left to the operation of the naked Act of Parliament. I speak of the naked Act of Parliament when I say that its provisions might very well be extended to the country; but with regard to minute byelaws, I do not think that they ought to be extended to the country. I think that the points regulating buildings in the country should be few, and such as I read in this Act of Parliament, and directed to certain essential points, namely, drainage, elevation, and so on.

8664. But you would think it necessary, would you not, to guard those buildings and structures against a capricious exercise of authority under any of those Acts?—Yes, certainly.

8665. (*Dr. Acland.*) I rather gather that you consider that *ex-officio* guardians do very little work in respect of sanitary matters?—They do not, and not because they are remiss in what they have to do, but this practically results and it is found to be so in highway boards too, that the *ex-officio* guardians are looked upon to some extent as a body apart from the other guardians, and that the fact of their attending there, or taking any great interest in the matter, is rather a motive why the other guardians should, as a body, have their own way. It is not a pleasant way of putting it, but I am speaking what I believe to be the exact truth.

8666. I have known, in parts of the country with which I am acquainted, an *ex-officio* guardian ride 20 or 30 miles before 11 o'clock to attend a meeting of the board; have you not met with such cases?—Yes; and I am quite sure they would do so in our district if they thought they could do any good by it; but that is the usual result, and it is very apparent in the highway boards, because the farmers were in the first instance hostile to their introduction. The magistrates had the option of introducing highway districts, and the farmers felt aggrieved, and showed their resentment by declining to elect any magistrate as chairman of the board; but that feeling has to a great extent disappeared, and will disappear altogether; but there is what I would call a clannish tendency in guardians to consider that the *ex-officio* guardians are a class apart, and that they only come on certain occasions, and that it is rather desirable that they should have their own views of conducting the general business at the board of guardians.

8667. There is great attention paid just now to scientific and sanitary matters all over the country; our periodical literature, now better than ever it has been, is disseminating valuable information upon those subjects through the whole country. Now would it be your experience, in the part of England that you know best, that a person really possessed of average sanitary and scientific knowledge would be disqualified in the eyes of his fellows from discussing sanitary matters with them, because he was an *ex-officio* person?—I think there would be an impression against him; that is to say, they would not look at sanitary matters quite from the elevated and accurate point of view that he would; the conclusion present to their minds would be that it certainly would be expensive, and possibly might be done without; and, therefore, in that sort of half doubting state of mind they would prefer that less should be done rather than more. On the principle that the light which is now being thrown upon the subject will touch the mountain tops before it reaches the valleys, I think it will touch the owners and *ex-officio* members before it reaches the guardian body as a whole.

8668. Then your plan would be, would it not, to get skilled persons employed, only not through the agency of the guardians?—Yes, certainly; but I think the board of guardians would not be the body likely to select persons of the highest skill, because I think they would prefer the cheaper, rougher, and less satisfactory methods simply because they were cheaper.

(1a.) Tom Taylor, Esq., recalled and further examined.

T. Taylor, Esq.

8669. (*Chairman.*) You wish, do you not, to add something to your former evidence on particular points, and especially relating to Mr. Simon's recent report?—I thought that possibly the Commission might be glad to hear what had occurred to me with reference to Mr. Simon's Eleventh Report, in which he went at considerable detail into the question of central and local sanitary administration; and I think after

T. Taylor, Esq.

17 Nov. 1869.

what the Commission have just heard from the last witness the matter becomes of more interest, because Mr. Simon takes a different view from the last witness, and recommends the boards of guardians as the local authority.

8670. What is your own opinion upon that point as to the best constitution of local authority in rural districts?—I have felt that it is really the most difficult question connected with this matter of sanitary administration, and have found very great difficulty in making up my mind upon the subject. I have watched the working of both systems; I have watched the working of boards of guardians when they were the local authority; I have also watched the working of the parochial system where the vestries were the local authority, and I have been made painfully sensible of the deficiencies of both. I cannot, therefore, say that I have arrived at a clear conclusion in favour of either one or the other, but weighing the difficulties which appear to me to attach to both modes of administration, one against the other, I think that for certain very important subjects boards of guardians or boards of the same nature as boards of guardians, might probably, as Mr. Simon thinks, be the best local authority for sanitary administration.

8671. When you speak of something "of the nature of boards of guardians," do you mean that you would alter the first construction of the board?—Yes, I say that, because I agree with Mr. Simon in thinking that the local body should not be elected primarily for poor relief purposes, as the boards of guardians now are, and have the duty of local improvement or sanitary improvement added as a secondary duty, but I think the local body should be elected for both purposes; that the local body should be elected for local improvement as much as for the superintendence of the relief of the poor, not elected for one duty and having the other put upon its shoulders as subordinate.

8672. In fact you would propose that a board for both poor law and sanitary purposes should be elected at once for every parish?—Not in every parish, but in every union.

8673. You do not propose two elections, but that one election should constitute the board for both purposes?—For both purposes, having in its power to distribute the work amongst parochial committees.

8674. When you say the work, do you mean both sanitary and poor law work?—I am speaking now with reference to the work of sanitary improvement.

8675. In your answer (8671) you seem to object to the sanitary work being made subordinate; would you propose that the sanitary work should be referable to committees, but that the Poor Law work should always be done by the whole board?—My experience, of course, does not extend specially to Poor Law administration. I could not say, therefore, whether that is necessary, or how such work is carried out at the present time by boards of guardians, whether they can work through committees or not; but I am speaking with reference to sanitary administration or local improvement.

8676. Supposing boards were elected, as you propose, for both poor law and sanitary purposes, how would this board of double functions be related to the central offices in London, which preside over those two different sets of functions, namely, the Poor Law Board and the Home Office?—All communications with relation to the Poor Law would pass, as at present, through the Poor Law Department; and communications in relation to sanitary improvement or local improvement would pass through the Home Office. I presume that the work of this local board would be distributed amongst themselves, but in their work of relief of the poor they would entertain communications from the Poor Law Department in London; and in their capacity of improvement board they would entertain and deal with communications that they might receive from the Home Office on that subject.

8677. Your proposition, therefore, is one affecting the constitution of the local board, but not affecting its relation with the central authority?—No, it does not necessarily lead to any modification of the central arrangements in London. I may say that the great reason why I think the union board recommended by Mr. Simon is the best, is because it already has an organization. The difficulty in the case of parochial boards is their great number, and the necessity of an enormous number of organizations; the difficulty of communicating from the centre with the parishes is almost insuperable, whereas the difficulty of communicating with the unions from the centre is not insuperable; it is within your compass, and although you might have some difficulty in parcelling out the duties of your union board parochially, you will always have the organization of the union board for the purpose of communicating with the central authority, which is the important point, as it seems to me.

8678. In what way do you think a board, elected as you propose, for purposes of health and the relief of destitution, would act better in sanitary matters than a committee of the present boards of guardians appointed for the latter purpose?—Because I think that boards of guardians, as now constituted, consider themselves elected primarily for destitution purposes, and everything that is thrown upon them they consider as so much extra labour to be discharged with as little trouble to themselves as possible, and to be rather resented as something that they have no business to be doing. I think this local body should regard local improvement, or sanitary improvement, as a function belonging to them as much as the superintendence of destitution and pauperism.

8679. We are told that the committees of boards of guardians, where they have been lately constituted for assessment, have been very active, and have done their work well; do you not think that committees specially formed for sanitary purposes might be expected to act equally well?—Possibly, if it was distinctly understood that this was a function of boards of guardians. I do not object to the name board of guardians, provided it could be made distinct to them that this was part of their functions.

8680. Is it because you think that a committee formed for the special purpose of sanitary operations would not be active, that you propose that the board should be elected for both purposes, *ab initio*?—That there should be something in the title of the board to indicate that as a reason for changing the title, otherwise I do not object to the name, but I simply wish that the persons who are elected on those local bodies should know that they were being elected for the purposes of sanitary or local improvement, as well as for the purpose of dealing with pauperism and so on. I conceive that there is a very close connexion between the two things. Sanitary neglect is one of the fruitful causes of pauperism, and the same body that is to superintend relief of the poor might very properly be superintending the causes which go a great way to make that relief necessary.

8681. (*Lord R. Montagu.*) Do you think that if they were elected for both purposes it would make any difference in the constitution or the elements of the body; that is to say, would different persons be elected, or would just the same persons be elected as are now elected?—I think that it might induce in some cases a different order of persons to come forward for election, and to be anxious for election. I think that some persons who might be comparatively indifferent to mere questions of poor law relief might feel a great desire to co-operate in local improvements of this class.

8682. (*Chairman.*) Do not you think that the ratepayers might be less inclined to elect a man who they thought might be troublesome as a sanitary improver?—Possibly. You have always the difficulty of the rates meeting you at every turn; I do not see how you can get rid of it.

8683. You mean that possibly you might get a worse class of guardians in the attempt to attach

T. Taylor, Esq.

17 Nov. 1869.

those other duties to their office?—You would have to face that chance, I think.

8684. Have you any suggestion to make as to the employment of inspectors of nuisances?—I would wish to say that I have found, in practice, very great difficulty in getting an efficient inspection of nuisances by the officers appointed by the parochial authorities. In almost all cases those questions of nuisance connect themselves with local disputes, or questions of local authority and local influence, all of which hamper the inspector very much in the discharge of his duty; and in several cases we have found it necessary to exercise the power which is vested in the Secretary of State of directing the principal officers of police to discharge the duties of inspector of nuisances under the Nuisance Act. I have often thought that a very great improvement might be attained if it were possible for the rural police to be associated with the local authorities in the functions of inspectors of nuisances—say the sergeants of police.

8685. In what sort of cases have you had to interfere in the way of insisting upon the police being employed?—In cases of powerful employers, for instance, a brewer polluting a stream: a country brewer is very often a very important person, and he discharges his refuse into a stream and poisons it; or sometimes the leading farmer in a district has possession of a spring which would be the natural source of the water supply for the district; and rather than let the district have the benefit of this spring he will foul it sometimes. We have had cases of a farmer fouling a spring in order to prevent the spring being used, or to spite some rival farmer. Where two farmers were the leading men in a parish, we have had cases where a spring has been actually fouled in order that the parish might not have the benefit of it, because a rival farmer was anxious to give the parish the benefit of it.

8686. I presume that you do not propose, generally, that the rural police should be employed as inspectors of nuisances, but that there should be power so to appoint them in suitable cases?—Yes, that there should be a power to appoint them; and I think that anything that brought the administration of the law of nuisances within the functions of the rural police would be advantageous.

8687. Have you any remarks to make upon Mr. Simon's suggestions for the improvement of the registration system?—That is a point of very great importance; at present, as I mentioned in my former evidence, the districts for the purposes of local government, and the districts for the purposes of registration are not conterminous, and the consequence is that we are quite unable to obtain statistics of health and disease from the districts under the local boards. It seems to me that if registration is to be turned to proper account, as evidence of the rise and fall of health, it ought to have relation to those districts; that, in other words, the districts of the local boards should be sub-registration districts, and that you should have a complete set of registration returns from those districts. At present the boundaries are not conterminous, and it is impossible for us to discover how disease and death are affected by the operations of the local boards.

8688. It would appear by Dr. Farr's evidence that there are 11 main registration districts in this kingdom, and 640 sub-districts, and that there are 665 Poor Law Unions?—Yes, and there are about 700 local board districts.

8689. So that there is no great difference between the number, and what you propose is that they should be made coincident?—Yes. Of course our districts are scattered most unequally, and are very different in size. The registration sub-districts have a more equal population, and no doubt it would give a great deal more trouble to the registrars and sub-registrars.

8690. Have you not some suggestion to make as to the rectification of borough boundaries?—That is a point to which my attention has been very much drawn within the last few years. We are constantly getting cases 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. At present the only way of extending a borough boundary is by going for a private Act of Parliament, and it seems to me that what is very much wanted is some machinery by which the borough boundaries should be extended from time to time as the population of the borough increases outside the boundaries, so that the growing population should be brought within the borough boundaries, and that this should be done by some machinery similar perhaps to provisional orders, a machinery which should not cost the ratepayers of the borough anything. It is a point of very great importance, because from what I have observed there are no districts which are so much in want of improvement as the districts immediately outside boroughs, and no districts which at present it is so difficult to bring within any machinery for local improvement purposes.

8691. Is that from the disinclination of the portion of the town outside the borough to be brought under rates?—Yes; they enjoy all the benefits of the borough expenditure, and they escape all the burdens of the borough rates; and unless you have a machinery for extending the borough boundaries, so as to take in this outside population, you will never get them taken in—they would never do it of their own will—and you must override their will in the matter.

8692. There would be political difficulties in carrying out your suggestion in the case of parliamentary boroughs, would there not?—Generally speaking, I think that would be of less importance, because in most cases the parliamentary borough is much wider than the municipal. The parliamentary borough in almost all cases takes in that out-lying population of which I have been speaking.

8693. Have you any suggestion to make as to the determination of disputes with respect to parish boundaries?—That is another question, upon which a great many cases come before us. At present we are called upon sometimes by a parish to order a work of improvement to be done, the cleansing of a brook, for example. We make inquiries of the vestry of the parish which is inculpated, and that parish says it is not in our district, it is in an adjoining parish. Then we find that there is a dispute as to the parish boundaries, and there is no authority at present which has any power to put that dispute at rest, and to say where the parish boundary really is. The Tithe Commissioners have got such a power. Upon the application of two-thirds in number or value of the landowners of both parishes, they may step in and decide the parish boundary, and, by an amendment Act, they have now got the power to do so upon the application of two-thirds in number or value of the landowners of one parish, unless the other parish protests. If the other parish protests they cannot act, but if the other parish is willing, then they can step in upon the application of two-thirds in number or value of the landowners of one of the two parishes. I think that it would be of very great importance if that power were extended to all cases of disputes as to parochial boundaries; that somebody should be authorized to step in in an unexpensive manner and determine where the parochial boundary is in those cases. It is very seldom a matter of large importance as regards rating; it is almost always a question which is raised for the purpose of avoiding some duty.

8694. Do you suggest that some body in the nature of the Tithe Commissioners should settle such a dispute?—I think so. It would be simply an amendment

T. Taylor, Esq.

17 Nov. 1869.

of their Acts; and I believe they have some amendment of their Acts in contemplation. I have already spoken to one of the Tithe Commissioners upon the subject, and there seems to be perfect willingness on their part to do all that is necessary, if a change could be made, and I do not see why it should not.

8695. What have you to suggest as to the formation of special drainage districts?—I wish to say that, at present, special drainage districts can be formed without any sanction of the Secretary of State, if there is no appeal to him; if there is an appeal to him he has the power to step in and modify the boundaries; if not he has no such power. It seems to me that no special drainage districts should be formed without the sanction of the central authority, because it constantly happens that such districts are very improvidently formed, and people not knowing that there is an appeal to the central authority do not make objection, and the consequence is that a district is formed, and people are saddled with new rates within that boundary.

8696. From your experience you think, do you not, that there should always be a reference to the Secretary of State?—I think so, because it is a very serious alteration of parochial and local burthens. There is also another reason for requiring his sanction, which is this, that he has to sanction the mortgages of the rates for works. When a vestry or a body of ratepayers in a special drainage district apply to him for sanction to a loan he has to give that sanction; and if he has had no voice in forming the district he may find that a district has been formed which is totally unable to bear the burdens which must be imposed upon it for improvements required, so that in fact the improvement is either rendered impossible in that district, or is made so burdensome as to be practically impossible.

8697. The responsibility to make orders as to the payment of works out of the rates is imposed by the Act of 1858, is it not?—We have cases now where the local authority, like the vestry of a parish, have done works and then have come to the Secretary of State to get his sanction to mortgage the rates for the purpose. Under the Sewage Utilization Acts of 1865 and of 1867, vestries have in fact the same power which the local boards have.

8698. (*Lord Robert Montagu.*) Is there a power of combination for making special drainage districts?—There is the power of combining, but there is no power of compelling combinations.

8699. (*Chairman.*) Have you not also some suggestion to make as to byelaws?—Practically we find that we have a great many complaints from local boards of the chances that they have of being tripped up on their byelaws by a magisterial decision. They say it is impossible for us to make byelaws which are not liable to be upset before the magistrates, and we never know whether our byelaws are really good or not. They have constantly pressed me, asking, Can you find no means of making a set of byelaws which shall have parliamentary sanction; giving us, in fact, byelaws with a parliamentary title; byelaws which shall be so framed as to leave questions of distance, and dimensions, and so on open, but yet which shall, in all the essential parts of their frame, be scheduled in the Act of Parliament, and so to speak be approved by parliament, and placed beyond the reach of legal question. If the Commission can discover any means of doing that, I believe it will effect what would be a great boon to local boards.

8700. How far would you extend the present power of making byelaws; at present those various Acts give the local authorities power to pass byelaws upon certain subjects. Would you go so much further that you would introduce what I may call skeleton byelaws in a schedule, leaving it to the discretion of the local authorities to fill up such skeleton?—Still subject, of course, to the sanction of the Secretary of State. No byelaw is now valid as a rule until sanctioned by the Secretary of State; all byelaws require confirmation by the Secretary of State, and I would keep that up still, even supposing a skeleton code could be scheduled.

8701. (*Lord Robert Montagu.*) Akin to the Regulations in the Contagious Diseases (Animals) Act?—Something of that class.

8702. (*Chairman.*) Could you give an example of the sort of byelaw which you would schedule; take, for instance, the regulations as to streets, where the local authorities are possessed of power to pass byelaws relative to the construction and width of streets, you would put, I presume, such a byelaw into the schedule of the Act of Parliament, leaving the width of the street blank?—Yes, determining what power you would give the local board, but leaving all questions of quantity and dimension open for the local board to fill in, to be determined by local circumstances.

8703. We have had a suggestion from several witnesses, that as much byelaw legislation as possible should be introduced into the actual law; but this is the first time that we have had a suggestion from anyone of a hybrid byelaw, in which Parliament should pass a skeleton law, with blanks for quantities and dimensions, leaving the blanks for the local authorities to fill up?—Yes; but always to have the sanction of the Secretary of State afterwards. I do not propose to allow the local authorities to fill up those blanks at their own will.

8704. Is that anything at all parallel to the case put by Lord Robert Montagu?—His lordship can say better than I can how far the cattle plague regulations are analogous.

8705. Have you any other suggestion to make to the Commission?—I should wish to mention two things with reference to the power of local boards; the one is gas, and the other is water. We are constantly asked whether local boards have any power of supplying gas; of constituting themselves, in fact, a body for the supply of gas as they are empowered to supply water. Under the existing Local Government Acts they have no power to supply gas; the powers of the local boards in respect of lighting at present are limited to contracting with existing gas companies. There is a very great demand on all sides for the power of making gas. They say it is very important; and in many cases, in certain districts, the only chance that they have of getting good lights is, that the local board should become a gas company.

8706. In large towns, by local Acts, the corporations have occasionally the conduct of the supply of gas, have they not?—Yes, by local Acts. The necessity of such a power for local boards is very much pressed; that where there are not gas companies established under parliamentary power, local boards should have the power of becoming bodies for the supply of gas. It is also very much urged, and, I think, for strong reasons, that local boards ought to have the power of taking land, compulsorily, beyond their districts, which they require for water supply, as they have for taking land for sewage irrigation or utilization purposes. At present the only case in which they have compulsory powers beyond their district is for sewage-irrigation, or utilization, and very strong pressure is made upon us to obtain the same power for water supply, and it is a very important point no doubt.

8707. Can you not give the Commission some information as to the cases in which, since you gave your last evidence, you have had to take compulsory action under the 49th section of the Sanitary Act?—When I gave my former evidence before the Commission, we felt in doubt as to how far the Secretary of State could raise the money for carrying out the works which he directed under the 49th section of the Sanitary Act of 1866. We referred a case to the Treasury, in which the Secretary of State had directed such works to be carried out, and the Treasury referred the whole case to the law officers of the Crown, who came to the conclusion that the Secretary of State could not raise money until the works were done, under the Acts as they were. That was the case down to August last, but on the 11th of August an Act was passed which empowers the Secretary of State to raise money before the works are done; and since that Act was passed, we have had several

T. Taylor, Esq.

17 Nov. 1869.

cases in which works have been directed, one in the case of Epping, another in the case of Bromyard, and a third at a place called Southover. There is also a small place called Wetheringsett in which we have done work. At present the Secretary of State has appointed four engineers to carry out works in default of the local authorities; one at Wetheringsett, one at Epping, one at Bromyard, and one at Southover, having got the power to raise money which he wanted when I gave my evidence before. It remains now to be seen how far the Secretary of State has power to recover this money. In the only case in which it has yet come to a question of recovering the first instalment of the debt at Wetheringsett, the vestry, upon representations from the Local Government Act office, have seen the wisdom of raising a rate to pay the debt themselves; they have determined to raise the money out of the poor rate, and to pay off the first instalment of the debt which had been incurred for the works which the Secretary of State directed; and of course it is to be hoped that in the other cases they will do the same thing.

8708. If they do not do the same thing, what will happen?—Then the Secretary of State will have to lay the rate. The Secretary of State has already, in two of those cases, appointed a clerk to prepare the notices, and to do all the local work; in other words, he has taken the work of the local authority out of their hands, and has appointed a clerk in the locality to do the work which the local authority ought to have done; and he will have to levy a rate if it comes to the last resource which the law gives him; he will have to employ his clerk to make out and levy a rate for the purpose of paying for the works which he has ordered.

8709. In those cases the Secretary of State has been set to work, has he not, by the powers of the Act of last session?—That is to say he has got the money under the powers of the Act of last session, and without that he could not have done it. The law officers had decided that he had no power to raise the money till after the work was done.

8710. (*Earl of Romney.*) I think you recommended, did you not, that the police in country districts should be the officers appointed to inspect nuisances?—If it was found compatible with their other duties I think it would be very useful if they could be so employed.

8711. In towns, who would be the proper person to appoint as inspector?—It is not so necessary to appoint the police for that purpose in towns, because there is more complete organization, and less local influence in towns. There would be inspectors of nuisances appointed by the local board.

8712. Have the police often been appointed inspectors of nuisances in towns?—No, not often in towns, but in some cases in the country they have.

8713. Have they not in some cases in towns?—They may have been in some cases, but I do not know of it as a fact.

8714. You advise their being appointed in the country, because you think that they would be good officers for those purposes, not considering whether it would be convenient on the whole for the police to be so employed?—Of course I make the recommendation subject to its being found compatible with their duties as police. Of course their duties as police must come first. If it was found compatible with their duties as police, I think it would be a good thing if they could be employed as inspectors of nuisances.

8715. They have no particular advantage, have they, over any other independent officer?—No; their independence is one great advantage, and also their habit of prompt action, of saying to people, we require the thing to be done, and we will see it done. An ordinary inspector of nuisances appointed by a vestry is apt to be slovenly, and very loose in his way of doing business. He has not a proper sense of authority, and he has not the habit when he has given an order of seeing it carried out.

8716. But I presume that a constable inspector would have no more power than any other inspector himself; all he would do would be to report?—Yes; it would simply be that he would look after the thing with more promptitude and efficiency than the county inspector. I do not wish to give the police any more power than the inspector would have at present.

8717. (*Lord Robert Montagu.*) You approve of Mr. Simon's recommendation, that the board of guardians should be the sanitary authority for a rural district, but you do not mention whether you approve of his recommendation that the corporation should be the sanitary authority in a municipal town; do you approve of that or not?—Corporations, or rather town councils, are at present the sanitary authority.

8718. Would you have a third body in the country, for the Sanitary government of all towns that have come under the Local Government Act; or would you make a change and extend the Municipal Act to all towns above a certain size, and then let the corporation be the sanitary authority in every town above that size?—No. Wherever there is at present a local board, I should recommend that it should remain. I do not want to make any change in that respect.

8719. Then in point of fact, throughout the country you would have three species of sanitary authorities—one in municipal towns, one in towns under the Local Government Act, and one in rural districts?—Yes; they would be the same body but under different names; they would all be local boards, but in the one case the local board would be identical with the town council; and in other cases there would be no town council for it to be identical with; in the other cases it would be identical with what is now called the board of guardians.

8720. Is there not a great difficulty in bringing towns under the Local Government Act at present?—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.

8721. Would you make that compulsory on towns above a certain size?—Practically almost all the important powers of the Local Government Act are at present operative all over the country, and I think you are near the point at which it is a question of no importance; that is to say that those powers and those duties are in existence almost everywhere.

8722. Are you inclined to give an opinion on Mr. Simons's other recommendation that the health authority should also be the authority for nuisances, and the sewer authority, and the authority for registration, for the poor law, for vaccination, for baths and wash-houses, lodging houses, and so forth?—I should wish to see as much consolidation of that kind as possible.

8723. And that the same authority should be the authority for the registration of deaths and of sicknesses?—Yes, if possible.

8724. With regard to the ports, what would you do in that case; would you put them under the adjoining union, or the adjoining authority of whichever species it was? For instance, in the case of Plymouth, would you put it under the municipal corporation of Plymouth, or how would you deal with the harbour?—I should wish the harbour to be dealt with as part and parcel of the town and district, not having a separate authority for the harbour.

8725. Would you also take power to compel the combination of unions; for instance, if it were required, to compel the combination of all the unions in a watershed or river basin?—I think that there ought to be a power of compulsory combination resident in the central authority in the last resource.

8726. Would you have one board for the whole area, for certain purposes; for instance, arterial drainage?—That I think must be determined by the special local circumstances.

8727. Did I rightly understand you to say that you thought that some member of the medical profession or that the medical officer of a district should be the inspector or reporter of nuisances?—I did not say

T. Taylor, Esq.

17 Nov. 1869.

that he should be the inspector of nuisances, I rather spoke of him as the man who discovers the actual nuisance on the spot, and who gives warning of it to the authority who would then probably take action upon it through their medical officer. The inspector of nuisances that I spoke of was not to be a medical man, but a man inferior to a medical man, and with inferior functions; simply a man to find out foul drains, foul pigsties, foul cottages, and so on, so that the inspection of the health officer or the medical officer would come after that.

8728. (*Mr. Powell.*) In answer to a question from Lord Robert Montagu, you said that you would compel a combination in the last resource. I presume that you would be unwilling to compel a combination contrary to the wishes of the parish unless it had come to a point of great necessity?—Certainly in all cases it should be a last resource; and it ought to be understood that it is only resorted to in an extreme case where there could be no question as to the necessity of it.

8729. If I rightly understood one of your answers it amounted to this, that the policy of Parliament in gradually taking over to the sewer authority the different powers in the Local Government Act there was practically now no very wide margin between the urban law and the rural law, bearing in mind that the Nuisance Removal Act applies to both?—Precisely so; the country is being gradually covered by those powers.

8730. Should you recommend that that margin be entirely destroyed, and that the urban and the rural should all become identical?—I am not prepared to go so far as that. I think that possibly within the same Act you might have the two cases provided for; or, if not, you might still have two Acts with advantage, one for the towns, and the other for the country.

8731. Which do you think would be the best, to have a considerable body of what I may describe as common clauses, with supplementary clauses for the towns, or to have two statutes?—I should be inclined to think that the clearest way would be to have two statutes.

8732. Do you think that any of the difficulties with respect to byelaws has arisen from the enormous superstructure which has been built up upon the clauses of the Acts which provide for the making of byelaws; for example, on that well-known Section 34 of the Act of 1858, relating to buildings there have been based provisions so minute as to affect the size of rooms, or the size and position of windows and so on?—Some local boards have certainly gone too far in that respect, in some cases so far that we have refused to sanction byelaws that have been framed in that excessively minute spirit. In some cases local boards have added a sort of building code, which does not have the force of a byelaw, and which we know has not the force of a byelaw, but generally speaking we have checked where we could do it the disposition to multiply minute byelaws. Still the Secretary of State has told the local boards in some cases, "I have "sanctioned these byelaws, seeing in them nothing to "object to on the authority of recorded decisions, but "you must not understand that I think that all of them "would be supported if they were questioned." He knows that his confirmation gives them no legal sanction, but he has told the local boards so because he has felt that in some cases the byelaws were probably *ultra vires*, although there has been no decision which has justified him in saying that they are so in reality.

8733. There has been a sort of disposition on the part of the authorities in the country to strain the sections enabling them to make byelaws, and this position has to a considerable extent caused a difficulty with respect to byelaws?—It certainly has increased the difficulty, but I am not prepared to say that in most cases the local boards have not framed their byelaws with perfect *bonâ fides*, and really upon a fair construction of the power of byelaw making in the Act, although they have afterwards been set aside as *ultra vires*. The courts have seemed to me to strain the doctrine of *ultra vires* as against local boards in those cases.

8733*a*. Do you apprehend much danger from incorporating byelaws, or what answer to byelaws too freely in the statutes, seeing that information upon this subject is being rapidly extended?—There is no doubt a chance of making them too rigid by scheduling them.

8734. Is it not the case, for example, that many of the old local Acts are very inferior to some of the public Acts, and on the contrary that some of the local Acts are superior to the old public Acts?—Yes, that is so certainly.

8735. Do you think that assuming that the board of guardians were to be elected both for health and for destitution purposes, seeing that there is a sort of common ground, namely, that of health, there would be a difficulty in dealing with matters affecting that same common ground from the two authorities in London?—Practically I do not think that the difficulty would be serious.

8736. You think that there would not be a collision between the Local Government Act Office on the one hand, and the Poor Law Board on the other?—I think it would be very easy to establish such a possibility of common action between the two departments as to obviate all difficulty of that kind.

8737. Do you think it might not be the case that, in the course of the poor law administration, which sees only to matters affecting the poor, the medical officer would appear to be underworked and underpaid, but who, having other duties of which his board had no cognizance, was in fact overworked and underpaid?—I think it would be important to establish such a relation between the central authorities who were working the sanitary law, and the poor law authorities, as to bring about a consultation and common action on those points. Mr. Lambert is the best judge upon that point, but I should have thought that for many purposes the Poor Law Board, and the Public Health Department, or whatever it might be called, would necessarily have communication, and ought to have communication.

8738. Can you give us the most recent information respecting the case of Chichester, as to which we heard something in the early spring?—I do not think that anything has been done there yet.

8739. (*Mr. Shaw.*) You propose, do you not, to have skeleton byelaws scheduled to the Act of Parliament, and then that the quantities should be filled up by the board, with the sanction of the Secretary of State?—Yes.

8740. Then you do not give statutory sanction to the quantities, but only to the mere skeleton?—Yes.

8741. Still it might happen that a byelaw might be unreasonable in respect of quantities?—Yes, and for that reason I would have the confirmation of the Secretary of State.

8742. But you would not give any more force to that confirmation than it has now?—No, not as against a court of law.

8743. A byelaw might still be held unreasonable for having too large or too small quantities?—Yes, quite so. I may say, generally, that in the case of byelaws which have been questioned before the superior courts I have not known any case of unreasonable quantities. It has not been on that sort of ground; it has always been on the question of *ultra vires*.

8744. With regard to the police being employed as inspectors, suppose the case of a nuisance suspected to exist upon premises, and that the inspector goes to a justice for a warrant under the Nuisance Removal Act, on the ground that entry has been refused him, do you not think that the policeman entering under those circumstances puts the man in rather an unfair position with regard to his neighbours, because in the country the lower sort of people would hardly understand that the man has not been guilty of a criminal offence when the policeman enters, *vi et armis*, under the warrant?—Practically it would be very soon known in the country that the policeman was

T. Taylor, Esq.

17 Nov. 1869.

acting as inspector of nuisances. I think that a rural policeman is not like a town policeman; he is generally in more intimate relations with the people, and he knows them all and they know him.

8745. Supposing that he went into a house on the subject of a nuisance, and accidentally discovered some stolen property or other evidence of a criminal offence, do not you think that it would raise a very invidious feeling if he founded criminal proceedings upon something which he discovered on going there as inspector of nuisances?—That might be so, certainly.

8746. (*Mr. Lambert.*) With regard to skeleton byelaws, would there be any objection to giving your department power to frame byelaws in the same way as the Poor Law Board have power to frame orders, which should be valid after being laid before Parliament?—I should think that something of that kind would serve the same purpose, as the Home Office has prescribed regulations in the case of common lodging houses.

8747. If such power were conferred upon the Local Government Act Office, it would not be necessary, would it, to prescribe any byelaws by Act of Parliament?—No, that would serve the same purpose.

8748. Did I rightly understand from you that the byelaws were rather skeleton byelaws to be filled up than positive enactments?—Yes, so as in fact to determine the scope of the powers, of course leaving the details, such as the quantities, dimensions, and so on to be filled in.

8749. Those byelaws would be very considerable?—Yes, in various cases.

8750. Therefore, for all the practical purposes, if your office had the power of prescribing byelaws, there would be no necessity for appending them to an Act of Parliament?—No; the only object is to give them certain validity, to prevent their being questioned on all occasions, and to enable the local boards to feel with some assurance that they were administering what was really the law.

8751. At the present time you have no power, have you, to make byelaws prescribing the duties of the officers of local boards?—No, none.

8752. Do you consider that it is desirable that some authority should be vested with such a power as that?—With regard to prescribing the duties I think it would be important. The power that we formerly had, which was that of consenting to the appointment and dismissal of officers, we found to be one of very doubtful good, because we found that when an officer had got into collision with his board we could not support him. In the Act of 1848 the General Board of Health had power to approve of the appointment and dismissal of officers of health and surveyors, but that power was dropped out in the Act of 1858, because of the inconvenience that was found in acting upon it.

8753. You think upon the whole, do you not, that it would be desirable to have the power to prescribe the duties of the officers?—It might be desirable.

8754. Take, for instance, the office of clerk; the clerk at the present time is very often a professional man, is he not?—In almost all cases.

8755. And a good deal of litigation sometimes arises connected with local boards?—Yes, in some cases.

8756. Is it not desirable that his duty should be prescribed so far as to indicate clearly the portion of his duties which are covered by his salary, and those which are not?—There are questions which constantly arise before the auditor with respect to the payment of large bills for legal expenses, the contention being that they were not covered by the terms of the clerk's engagement, and it being impossible to say that they were, or there being a doubt whether they were or not.

8757. Do you not think that it would be desirable to avoid those questions?—Yes.

8758. Do those questions frequently arise?—Yes.

8759. You have spoken of the desirability of having some mode of determining the parish boundaries; is it not the case that in a number of instances, the limits of the area of the local board are not conterminous with the parishes?—Yes; but those cases that I am speaking of do not arise in local board districts; they arise under the Sanitary and Sewage Utilization Acts; for instance, where we are called upon under the 49th section of the former Act to exercise some compulsion upon the vestry, say, to clean out a ditch, or do some such work. We address a letter to the vestry, and the answer we get is, "It is not our parish." Then the other parish says, "It is in their parish, it is not in ours," and we have no means of determining in which parish it really is, or where the boundary is.

8760. Where the area of the local board is not conterminous with the limits of the parishes are you not of opinion that it would be desirable to have some law giving the power of subdividing the parish, so as to bring that portion of it which is populated within the area of the local board as into a separate parish, that is to say, that power should be given to split that parish, so as to make a separate parish of that which is inside the limits of the local board, and a separate parish of that which is outside?—At present I am not aware that any practical inconvenience is caused, because the Local Government Act is administered out of different rates from the poor rates.

8761. But I would suppose this, that the local board rates are collected with the poor rate; would not such an arrangement as that be desirable?—It would cheapen matters very much.

8762. With regard to water supply, did I rightly understand you to say that you thought it desirable that the local board should have the power of giving a supply of water to any neighbouring place?—No; I said it was desirable that local boards should have the same power of taking land compulsorily beyond the limits of their district for the purposes of water supply, as they now have of taking land compulsorily for the purposes of sewage utilization, namely, by a provisional order confirmed by Parliament.

8763. Do you think it desirable, in any instance, that they should have the power of supplying inhabitants beyond the district with water supposing they are capable of doing it?—That is a question of very considerable difficulty. There are some cases in which it seems very hard to deny them that power, where, for instance, there is a small population very near the boundaries of the district, and where really the expense of supplying that particular population is no material addition to the cost of the water supply. It seems very hard to prevent those few people who lie close at hand from getting the benefit of the water if the others are willing to give it them; but on the other hand, where the population living outside 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, and unless you could make the outsiders contribute to the original cost of the waterworks, as well as to the current rate, it might be doing a great injustice to the district.

8764. Supposing that power were taken to make a reasonable addition to the charge for water for the outside district, do you see any objection to such a power?—No, provided there was a guard against any undue burden being thrown upon the district to which the water has been originally supplied.

8765. With regard to the appointment of the board of guardians as the local authority, you stated that you thought it should be clearly understood that they were elected for sanitary purposes, as well as for poor law purposes; that would be clearly the case, would it not, if the law conferred upon this authority the powers that you contemplate?—Yes, there is no doubt about it.

8766. Do you think it desirable that the whole board of guardians should act as the sanitary authority, or would you recommend that a committee should be selected from them?—I should myself practically prefer a committee.

8767. Are you aware that under the Union Assess-

T. Taylor, Esq.

17 Nov. 1869.

ment Committee Act the guardians have power to appoint a committee for valuation purposes?—Yes.

8768. And that the committees appoint an officer of their own as clerk?—I was not aware of that.

8769. Do you think it would be a desirable arrangement that the sanitary committee, for instance, should appoint their own officers?—I should think it would. There would be certain officers who would be specially their officers; for instance, the inspector of nuisances and the health officer. Then again with regard to the clerk, I should conceive that the same clerk could do the work connected with both the poor law and the sanitary administration, but if not, they might, if it was found necessary, appoint a separate clerk, although I should doubt the necessity of that in the case of rural parishes.

8770. It would be necessary, would it not, to have a clerk?—Yes, it would be necessary to have a clerk, but I do not know whether it would be necessary to have one distinct from the union clerk.

8771. Having regard to the fact that there would be two central authorities, the Home Office and the Poor Law Board, would it not be desirable that the officer appointed by the Sanitary Committee should be a separate officer from those appointed by the guardians, the guardians being another authority?—Yes, that might be so.

8772. Is it not likely that that would tend to a conflict of jurisdiction in certain cases?—I must say that I do not fear that. If the clerk were in correspondence with the two departments, I do not see that there would be any chance of a conflict of jurisdictions from their clerk being the same man.

8773. Supposing the medical officer of the guardians were by virtue of his office to be the officer of the Sanitary Committee, might there not be a difficulty in dealing with him supposing he neglected his duties as sanitary officer?—Yes, I see a great deal of difficulty with regard to the medical officer; at the same time, I observe that Mr. Simon thinks it important that the poor law medical officer of the district should be the sanitary officer of the district also.

8774. Supposing the two offices were held by one and the same person, would it not be necessary that there should be one supreme authority, having the power of dismissal in order to prevent the conflict which I indicated just now?—Yes; clearly that would be so, supposing his appointment and dismissal to rest with the centre authority. At present the Poor Law Board have power over all the medical officers; but we have no such power.

8775. Would you propose that in the event of the guardians being the sanitary authority, the Secretary of State should have the power of dismissing an officer for neglect of duty?—From what I have seen of the working of that power, I should be very little anxious to have it. I have felt the difficulty of attempting to act against the local authority in respect of their officers.

8776. Would you say upon the whole that such a collision as I have indicated would be less likely to occur if the officers of the two authorities were separate, that is to say, the sanitary committee appointing their own officers and the guardians appointing their own officers?—That is a point upon which I am not prepared to give a decided opinion. On the other hand I see very great reason why the medical officer of the union should also be the medical sanitary officer, because he is the person who certainly knows best about the condition of the villages which would be great ground of action for the sanitary committee.

8777. Might it not be sometimes extremely difficult to determine where his duties as medical officer of the guardians ended and his duties as sanitary officer commenced?—I think that the two duties run so much into one another that I see an objection to their being separate officers.

8778. That being so, would it not be desirable that the poor law authority should have jurisdiction over the medical officer as the medical officer of the sanitary authority?—It might be advisable in certain cases that the central poor law authority should have jurisdiction, and that I should not object to; but I should think it undesirable that the medical officer should not be at the service of the local sanitary committee; that is to say that he should be under the exclusive control of the poor law authority. I should not object to his being under the control of the central poor law authority; but I presume that there would be some provision probably for co-operation between the central poor law authority and the central sanitary authority.

8779. Might it not 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?—Certainly.

8780. (*Dr. Acland.*) In answering Mr. Lambert just now, you assumed, did you not, that the guardians of the poor would really be the guardians of the public health also?—Yes, they would be one body; that is to say, they would be the guardians of the public health in districts which had not special local boards—what Mr. Simon calls the common health authority as distinct from the special health authority.

8781. But in point of fact we should have in very many parts of the country one body of guardians of the public health and of the poor, which indeed might be their title?—Yes.

8782. You will observe that there are a great many functions connected with the public health now under several central offices in London, we want to get your opinion upon the amalgamation of those functions; for instance, vaccination and the superintendence of registration, the health superintendence of factories and questions of burial and of quarantine are under different central boards?—Yes, but almost all those functions are at present under the control of the Home Office, so that practically they would be very much under the eye of the same central authority, and might be worked by consultation or by arrangement between the different branches of the central authority.

8783. The local authority in this case would really have the discharge of all the Public Health functions; would they refer in the first place to your office, that is to say, to the Home Office, or would they be in communication separately with the Registrar General, with the Vaccination authority, with the Burial Board, and so forth; would they have to correspond with all those offices in London, or would they make them correspond with one office only?—The only important office, it seems to me, as to which you have to establish a new nexus with the Home Office is the registration department, because I presume that the medical department would come under the Home Office. I assume that the medical department of the Privy Council as it now is would be in future the Medical Department of the Home Office, as the Local Government Act Office is now a department of the Home Office, and the factories inspection is now a department of the Home Office; and when the medical department of the Privy Council came under the Home Office, the superintendence of vaccination would be a function of the Home Office. At present the Registrar General's office is nominally a branch of the Home Office; his would be the only important branch which would not be in practical departmental relations with the Home Office already, and arrangements might be made by which he might be brought into real departmental connexion.

8784. The Factory and Workshops Act Officers are under the Home Office, and the Alkali Act Officers under the Board of Trade, are they not?—Yes.

8785. So that there need be little alteration of the central authority so as to enable the local authorities who would be charged with the local administration to communicate directly on all subjects with the Home Office?—Yes.

8786. Have you considered how far you would put the hospitals under the charge of such local authorities, speaking of the future rather than the present? No doubt, hospitals, dispensaries, druggist establishments, and all establishments connected with the department of public medicine, will be under some general superintendence in future, but would you think it safe to put them under small local authorities?—I presume that the local authorities would not have control over those subjects.

T. Taylor, Esq

17 Nov. 1869.

8787. Take the case of a provincial hospital for the insane: at present all hospitals for the insane are under an isolated department: would you keep them under an entirely distinct commission, or would you put them in relation to the Home Office also?—I have not considered that question. Of course, there is a certain side by which questions which come under the charge of the Lunacy Commission are questions of public health; for instance, the drainage, the ventilation, and the construction of asylums, and on all those points they ought clearly to be in communication with the department of the Home Office which is concerned with those things. On the other hand, as to visitation and as to reports, I do not know that they would necessarily be in connexion with that department.

8788. They would not necessarily be so, but it might be convenient. I would suggest this case. Just now there is a discussion, as we all know, about the administration of hospitals, and it is not at all impossible that there may be hereafter arrangements for the general superintendence of hospitals; for instance, Mr. Simon, in one of his recent reports about three years back, exercising his own undoubted right to do so under the Privy Council, has given an account of all the principal hospitals in the country. Supposing it were settled that there should be an inspection of hospitals, might the inspectors of general hospitals also inspect hospitals for lunatics. It would be strange that they should not, and yet they would be invading another department?—Those departments clearly ought to have some nexus, some point of common action.

8789. Do you think it would be reasonable to compel the local authorities to execute a variety of orders from several central authorities, those central bodies having no connexion with each other?—Not entirely. Local connexion seems to involve a central connexion.

8790. Does it not seem necessary that we should endeavour to combine them?—Yes. For instance, I may say that the Education Department refers questions to us from time to time with regard to schools—questions of the construction of schools, or the site of schools, as to whether they are healthy or not, and likewise as to nuisances existing in the neighbourhood of schools. Those frequently come to us from the Privy Council Office, and then we direct inquiries.

8791. At this moment is it not the case that the factory inspectors and the workshops inspectors virtually have to make regulations concerning the education of children, or at least to see them carried out, and they have to regulate the hours with an express view to the education of children?—That I believe is so under the late Workshops Act.

8792. With regard to the qualifications of medical officers under the Poor Law Board, has it occurred to you that a medical officer might be exceedingly fit for the therapeutic management of the poor, but be by no means the best person to be found for a general sanitary adviser?—That is quite conceivable; but I suppose that there would be a gradual education of men for those functions specially; of course it is obvious that many a man who is fit to deal with diseases has not made a special study of sanitary matters, and structural matters, and so on.

8793. On the other side also it is very conceivable, is it not, that with the great amount of public attention which is given to those sanitary questions now, there may be men who may be very desirous to give their whole time and attention to administrative sanitary questions, and not to be engaged in practice, especially in the laborious care of the poor in poorly populated districts?—Yes, no doubt that would be so.

8794. So that you would not like to pledge yourself to uniting those two functions in one person without much consideration?—No, I do not mean to be understood to advocate it; it might or might not be. The reason why naturally the medical officer of a union suggests himself as a fit person for those functions is that he exists already, and that he exists all over the country. You have medical officers with public functions who are naturally very closely associated with sanitary functions, because they are conversant with the poor amongst whom those sanitary mischiefs exist in their worst forms.

8795. But your office on behalf of sanitary administration would not like to find itself involved in a pledge to employ only the union medical officers as their advisers?—No, not at all; at the same time I conceive that, generally speaking, the poor law administrators are better able to speak than I am upon the medical question upon the one side, and the poor law question on the other.

8796. (*Dr. Stokes.*) Supposing that things go on very much as they are, and that no special person is educated to fulfil the office of sanitarian, as it were, do you see any difficulty in the poor law medical officer also acting as the sanitary officer, when you reflect that he is very often not only the physician to the poor, but the physician to the rich; in fact, he is very frequently the medical attendant of the district in general, and a nuisance may belong to a poor man, or it may belong to a rich man, it may belong to the lord of the manor, and do not you see that some inconvenience might arise from making the medical officer an informant against a man whom it would be very inconvenient for him to offend or annoy?—I am supposing that there was an officer distinct altogether from the medical officer for these purposes; I am supposing that the information would be laid through the inspector of nuisances. Those are possibilities of difficulty which you cannot altogether obviate, you must face them.

8797. As an illustration, some years ago the practice of inoculation was followed in Ireland, and the magistrates refused to take any information of the offence, except through the medical man of the district, and the consequence was that in one case the family of a very wealthy man, who was the patient of the district medical officer, and whose family he had always attended, were all inoculated and all took small-pox, and he did not dare give the slightest information upon it. Is not that a danger which seems to indicate the necessity of separating those functions, as far as it goes?—Of course there is great difficulty in getting any local officer who is altogether independent of that class of considerations, unless you get a man who is entirely devoted to public functions, and who has no private practice whatever.

8798. Do you think that benefit would be derived from the establishment of central inspectors, that is to say, inspectors over a district of considerable size?—I am inclined to think that some kind of central inspection would be necessary; that even with local administration which was upon the whole satisfactory, the activity of the local authorities would be kept up very much, that the worse ones would be stimulated, and that the better ones encouraged, by some kind of inspection from head quarters.

8799. For that office of central inspector, I presume you would require some very superior qualification to the ordinary medical education of the country?—Yes, certainly.

8800. There would be only very few possessed of such requirements?—Very few.

8801. And they could act over very large districts of country?—Yes.

8802. (*Lieut. Col. Ewart.*) Referring to the question of the inspection of districts, we had some important evidence from Mr. Redgrave as to the action of inspectors under the Factory and the Workshops Acts; and he went so far as to propose that their functions should be extended; and we have also reason to believe that there are inspectors under the Home Office for other purposes; have you considered the question whether supposing you had inspectors of counties or districts, or groups of counties, you could

T. Taylor, Esq.

17 Nov. 1869.

not combine those duties and have one inspector who should perform the former of those duties, and thus utilize your present inspectors, or others who should take their places, so that they should inspect for health purposes, as well as for factories and workshops, and other things?—Of course it would be very desirable to consolidate the functions of inspectors in so far as you could do that consistently with their efficiency. All that I would say upon the subject is this, that as far as I know of the condition of inspection at present, each class of inspectors has got quite enough to do with its own work; and the force of inspectors is so small that, for instance, the factory inspector's time is fully occupied in inspecting factories, and our inspector's time is fully occupied in the duties which arise under our Acts, and so on with other classes of inspectors. I am not aware that there is any class of inspectors who have any time to spare.

8803. But might you not by a rearrangement of the inspection, giving an inspector less travelling to do, let him do more work in a certain district where he would become acquainted with the local authorities, and be their adviser and assistant?—Yes; but we have at present had no experience of that kind of local inspection. At present the only inspectors that we have had have been at head quarters, whom we have sent where they were wanted; we have not a man living in a district and doing the work in that district, like the Poor Law Board inspectors. If you extended the principle of local inspection, possibly there might be some economy by consolidating the duties as you suggest.

8804. There appears to be, from the evidence which we have had, the want of some one who should advise the local authorities and keep them moving; and the former witness this morning showed us that there was great ignorance of what could be done and how to do it?—Yes; quite so. In fact I know from letters received every day how entirely ignorant the great bulk of parishes are of the law; and we have had prepared, in consequence of that, a paper which gives them in a compendious form what the law is; and this I am perpetually sending to vestries, who are almost absolutely ignorant of the law; and not merely to vestries, but to clergymen and magistrates. In fact ignorance of the law is the mischief that we have to struggle with; and I may say one of the great reasons why I should prefer a system like the union system to a purely parochial system is the difficulty of disseminating any knowledge of the law amongst 18,000 parishes; we cannot communicate with them. We can communicate where we get a knowledge that there is some mischief existing in a particular parish; we can give information as to the law in that particular place, and to those particular people; but there may be side by side with them a whole knot of parishes that know nothing of it, and never may learn it unless they make a complaint to us, and get one of those papers which explain to them for the first time, what the law really is.

8805. Supposing a system of health authorities has been established for the rural districts, and that you rearrange in fact the whole of your health arrangements, do not you apprehend that the duties to be performed by the inspectors visiting in that way would be too much for the inspectors in the central office, such as you have at present?—Probably if you got any complete, regular system of inspection, you would require to have local inspectors like the poor law inspectors, men who have districts assigned to them, or factory inspectors who have districts assigned to them.

8806. If that were the case, do you not think that they might perform a variety of duties which are now performed by different classes of inspectors?—The only question is whether you would not have so to multiply the numbers that you would get no gain by it. I do not know whether there would be really any economy in that arrangement, because you would require to have so many men.

8807. There would be less moving about, would there not?—It is possible that in certain cases a man might look at the districts of the local boards, while he was looking at a factory, and you might in certain cases reduce the travelling expenses, but it is a question of facts which I can hardly offer any opinion upon.

The witness withdrew.

(61*a*.) Sir WILLIAM DENISON recalled and further examined.

Sir W. Denison.

8808. (*Chairman.*) I believe you will be good enough to give us some information as to your present views preparatory to drawing up the report of the Commission on the Pollution of Rivers of which you are the chairman?—I am prepared to state to the Commission certain conclusions which we have come to, and I am also prepared to state my own individual opinions as to the remedies that should be applied. We see no reason why the same prohibition which it is proposed to enforce upon the people in towns with respect to passing matters into the sewers should not be extended to the inhabitant of the village or of the single cottage; and we are prepared to recommend that, under no circumstances, shall it be allowable to pass into the streams, brooks, or drainage channels of this country any household refuse, slops, contents of privies, &c., &c., or any manufacturing refuse which shall not have been previously submitted to some efficient cleansing process. The manure from the privy, the slops from the house or the washtub can all be employed most profitably on the garden; and in the same way the drainage from the stables and the farmyard, which is too often allowed to pass into the horse-pond, or flow away into the streams, would amply repay to the farmer the cost of collecting and removing it. While, however, we are quite prepared to justify the above recommendations, and to insist upon their important bearing upon the question of the purification of the rivers and streams, and the health and convenience of all classes of the population we are well aware that it would be altogether hopeless to attempt to carry them out efficiently, by means of any of the agencies at present existing. It is quite true that the corporate bodies in the larger towns, and the boards of health, which have been lately constituted in the smaller districts would, with somewhat enlarged power in respect of purchase of land, of raising money, &c., be able to deal with a portion of the questions necessarily arising out of the general enforcement of rules, with regard to the disposal of sewage and refuse, which have hitherto been left, to a certain extent, optional; but these are but a small portion of the general question which embraces supply, as well as the purification of water, and which must comprehend not merely detached districts, dotted about here and there, but the whole area of the watershed of a river, including not only that of the main stream, but also of all its affluents. The evidence we have had of the utter disregard of enactments which in any way tend to fetter the freedom of action of classes of people; of the constant evasion of obligations imposed upon them by law; of the inefficiency of the law, even when means are found of bringing it into action, to enforce any special remedy for the evil complained of, has satisfied us that it will be necessary to call into action an authority differently constituted from any at present existing, and to confer upon such authority power differing, both in kind and degree, from that hitherto exercised by ordinary municipal or conservancy bodies. That is the conclusion we have arrived at, and which we shall embody in our report. What I mention next is merely my own opinion as to the remedies. I am disposed to recommend that these authorities should have a local organization, as their powers will be exercised within a limited area and for purely local objects. Such an organization, while it would harmonize with the principles upon which the municipal system is constituted, might, at the same time, be made sufficiently responsible to the general Government, to enable the latter to check or prevent any abuse of the power entrusted to the local body, or to notice and reprove, and even *punish*, all negligence or unfairness in its mode of action. The power to be entrusted to this local body would be so extensive as to require an organization placing it beyond the suspicion of subserviency to local influences; it should consist of few members, for responsibility becomes but a name when it is shared amongst many; and these few should have such rank and position as would give weight to their decisions. The power which will have to be intrusted to this superior local authority, and the duties it will have to perform, would partake of both a legislative and an administrative character. When I say "legislative," I mean that it should not only have power to frame regulations, or byelaws, and to enforce their observance, but that it should also deal with the questions of the supply of water, and the purification of the rivers and streams to an extent which would render from henceforward any application to Parliament upon such matters, either by individuals, or local bodies, altogether unnecessary. The administrative power of this local body would be confined within narrower limits; that is, it would act more as a referee than as the initiator of schemes. Still, however, it should have power, when complaint is made, to direct the initiation of schemes, and to enforce the adoption of that which, when it is brought officially before it, is considered to be best suited to the circumstances of the case. That is, I propose to divide the whole of the watershed of a river or stream, or of a river and its affluents, among a set of local bodies, who shall be answerable for the state of the streams within their division of the district; it will be the business of these local bodies to insist upon the adoption by individuals, farmers, manufacturers, and others, of proper modes of cleansing the water they may foul; and I propose to place over these bodies a local authority embracing the whole of the watershed of the river and its affluents, which should have power to say to the smaller local bodies, you must do your duty, and if you do not we must do it for you.

8809. There would be nothing inconsistent, would there, with your plan, in the combination of small local authorities, to the extent of the area upon which the abatement of the nuisance to the river took place?—Nothing. I should propose that it should be made compulsory, for it will be absolutely necessary that those smaller bodies should be acted upon by the larger body, whether you proposed to make it elective or not—probably elective would be the best plan.

Sir W. Denison.

17 Nov. 1869.

8810. It would not interfere with your proposed plan, but on the contrary would rather fall in with it, if the smaller authorities were the constituents of the larger?—Not at all.

8811. And if the larger body were representative of the smaller?—Not at all. I am proposing to do that in Lancashire, and certainly I should think everywhere; but it should be a small body.

8812. Supposing one of your central authorities for a river basin represented 20 local authorities, I presume that you would not give each of those local authorities one representative, but you would say that the 20 local authorities must elect, we will say, four persons?—Yes, they should elect a certain executive committee or whatever you choose to call it; and I think that that would answer every purpose.

8813. (*Earl of Ducie.*) Is the area out of which the local authorities in the smaller body are to be elected, to be the watershed area of the affluents of the larger stream?—It will be comprised within that. We must take, I imagine, the existing municipal bodies, whether you call them municipalities or boards of health. We must take them as existing and leave them a certain authority, and give them probably more authority; but it is perfectly hopeless, as far as I can see, to get those people to act except by compulsion. For instance, I will take the valley of the Irwell with all its affluents, which will take in nearly 1,000,000 people, and make it one district under one central authority. You may divide the district by parishes, or in fact any other local divisions. I should propose local divisions as has been done by my predecessors with regard to the Aire and Calder; they split up those valleys into districts, and propose to give them something like an organization enabling them to raise money to do this and to do that. The wider the area the better, and the less interference the less chance of collision.

8814. Your point is that there must be small bodies, or else they will not work?—They should have the whole area among small local bodies, as being the most convenient, but over them should be a conservancy board.

8815. (*Lord Robert Montagu.*) The plan that you propose is exactly similar to the plan which was proposed in the River Waters Protection Bill of February 9th, 1865, is it not?—I am not acquainted with that plan.

8816. Was not such a plan recommended by a committee of the House of Commons in 1864?—I am not aware.

The witness withdrew.

Adjourned to to-morrow at 11 o'clock.

Thursday, 18th November 1869.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL of ROMNEY.
The EARL of DUCIE.
The Right Hon. LORD ROBERT MONTAGU, M.P.
Sir THOMAS WATSON, Bart., M.D., F.R.S.
Lieut.-Colonel EWART, C.B., R.E.
FRANCIS SHARP POWELL, Esq.
BENJAMIN SHAW, Esq.
HENRY WENTWORTH ACLAND, Esq., M.D., F.R.S.
WILLIAM STOKES, Esq., M.D., F.R.S.
JOHN LAMBERT, Esq.
FRANCIS THOMAS BIRCHAM, Esq.

(72.) WILLIAM M. BURKE, Esq., M.D., F.C.P., examined.

W. M. Burke, Esq., M.D., F.C.P.

18 Nov. 1869.

8817. (*Chairman.*) Are you at the head of the General Register Office at Dublin?—I am not the head of the General Register Office, the Registrar General is the head of the department, but my office is that of medical superintendent of statistics.

8818. (*Dr. Stokes.*) Are the members of the Commission to understand that all the certificates of death from the various registers of the county come before you?—Yes, they are returned to the General Register Office, and subsequently filed there.

8819. Is that for the purpose of establishing the statistics of mortality through the country?—Yes, tabulating the causes which have produced the deaths that have occurred in the country.

8820. Is the form of death certificate the same in Ireland as in England?—Not exactly the same. I have

W. M. Burke, Esq., M.D., F.C.P.

18 Nov. 1869.

both of them here, and they differ in this respect, that in filling up the form of the certificate in the English certificate the causes of death are specified, as the first and the second cause; that is the main difference between the two. There is also this difference, that the Irish certificate is in the schedule of the Act, whereas the English certificate is framed by the Registrar General independently of the Act of Parliament. I may observe that the Irish Act is the 26th of Victoria, chap. 11.

8821. Do you think that there is any room for emendation in the forms of either of those certificates?—The form of the certificate of the cause of death is generally distasteful to the practitioners of Ireland.

8822. On what grounds?—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.

8823. What form of certificate would you propose? Would you confine the medical signature merely to the opinion of the medical man as to the cause of death, and leave out all other matters?—Yes, certainly.

8824.—Do you think that the insertion of other matters gives a strong temptation to make loose statements?—Yes, I do.

8825. And you object to the profession being made informants?—I do not think that I am in a position to object. I am merely recounting what the medical men say. I think the intention of the legislature was merely to get the information as to the cause of death from the physician, and nothing more.

8826. Is the determination of the cause of death simply a matter of course?—Decidedly not in many cases, inasmuch as it is often a difficulty to know what disease the patient is labouring under when alive.

8827. Looking on the registration of deaths as a ground for scientific inquiry, do you think that it follows that because a man died with a disease he died of it?—It does not follow. Of course the introduction of the primary and secondary cause of death in the English certificate implies that.

8828. If it be a difficult thing to determine the cause of death, does it not follow that for that purpose, in a scientific point of view, there should be a higher or more special education of the medical man who certifies?—I did not state that it was always a difficult matter to determine the cause of death, but in some cases it is very difficult.

8829. Even though you find disease in the dead body, is it difficult?—It is in some instances difficult, because the amount of lesion which you may find after death would not be sufficient to cause death, though it is disease.

8830. What is your opinion as to the question whether the certifier of the cause of death should be a man of a higher or more special education than the ordinary run of practitioners?—In the majority of cases I think the ordinary run of practitioners are quite competent to certify as to the cause of death; but many cases occur in which it would be necessary to have one of special pathological knowledge to determine a point of that sort.

8831. Then in your opinion dissection does not always reveal the cause of death?—Certainly not.

8832. Are there not conditions that are a consequence of the approach of death, and that appear when the body is examined, which are liable to be mistaken for the disease which killed the patient?—There are.

8833. Would you specify one or two of them?—I think it will be sufficient to specify a matter which was stated many years ago by Dr. Latham, that frequently even when a patient is in *articulo mortis* there may be effusions of lymph in the peritoneum and the pericardium and other parts, and that that effusion has nothing to do with the cause of death, and is not the cause of death, but is an accompaniment of it.

8834. Have you considered the question of the registration of sickness as distinguished from the registration of deaths?—Yes, I have.

8835. Do you think that the registration of sickness is a matter to which the profession would object?—That would depend upon what class of society the sickness occurs amongst.

8836. Are there not many cases of sickness—for instance, cancer, delirium tremens, epilepsy, and mania—to reveal and to publish which would certainly be a breach of medical propriety?—I think and hope that by no legislative enactment could you get physicians to give such information, that is to say, as regards their private patients.

8837. Then if such information seems to be desirable, from what source should you obtain it?—I think there are ample sources for affording sufficient information as to the status of disease generally, through the means of the public insititutions, the hospitals, dispensaries, the lunatic asylums, the gaols, and poor-law dispensary districts.

8838. In other words, you would make those institutions which are supported by public money the sources of this kind of information?—Yes.

8839. Have you turned your attention to the subject of compulsory vaccination in Ireland?—I have very much, it is constantly before me; the Act came into operation the year that I was appointed to the General Register Office, in the year 1864.

8840. And is it your opinion that it is working well in Ireland?—Remarkably well as far as we can judge. I may mention the number of figures from the register of deaths from small-pox in the year when the Compulsory Vaccination Act came into operation, and in the subsequent years to 1868, inclusive. The Act came into operation on the 1st of January 1864, and the number of deaths from small-pox registered in the whole of Ireland during the year 1864 amounted to 854. I cannot give the year before because there was no Registration Act before then. In the year 1865 the number of deaths from small-pox registered in Ireland amounted to 461, in the year 1866 to 194, in the year 1867 to 20, and in the year 1868 to 21, and in the 21 are included two doubtful cases, one of which was returned as chicken-pox, and the other as the effect of cow-pox vaccination.

8841. Are you satisfied that that singular diminution in the amount of small-pox is owing to compulsory vaccination?—The diminution is very remarkable, but no epidemic of small-pox has occurred since the introduction of the Compulsory Vaccination Act.

8842. I presume that you do not go so far as to say that, owing to compulsory vaccination, small-pox has been stamped out in Ireland, or that it will be stamped out?—I should be very sorry to make use of such an expression. I think you should have the test of an epidemic in the country before you would use such strong terms.

8843. Has there been opposition on the part of the people to compulsory vaccination?—There was very great opposition at first.

8844. How was that opposition overcome?—There were some few brought up at the petty sessions and prosecuted, and the magistrates gave them nominal fines which had no effect; but at the instance of the Poor Law Commissioners, a man of the farming class was prosecuted and fined 10s., and this had a remarkable effect upon the neighbourhood.

8845. Now, I suppose, owing to the improvement of the knowledge of the people, there is but little difficulty?—The people have thought they have seen the good effects of vaccination, and they come in in many districts voluntarily, without being noticed by the registrar.

8846. (*Chairman.*) Was there anything in the nature of an epidemic during those first years, 1864 and 1865?—In 1864 there was.

8847. Which may to a certain extent account for the much larger number compared with the years

W. M. Burke, Esq., M.D. F.C.P.

18 Nov. 1869.

1867 and 1868?—It would to a certain extent, but the epidemic was not general.

8848. How many registration districts are there in Ireland?—163. The registration districts are conterminous with the unions in Ireland, and the sub-districts are conterminous with the dispensary districts.

8849. (*Lord Robert Montagu.*) The guardians are elected by dispensary districts, and not by parishes, in Ireland, I believe?—By electoral divisions, not by dispensary districts. The union includes a certain number of dispensary districts,

8850. Is it not the case that each dispensary district elects its two guardians, or whatever the number may be?—It is the electoral division that elects the guardians, and the dispensary district includes a number of these electoral divisions.

8851. As to the cause of death, which would be the most useful cause for us to know, I mean for sanitary purposes—the disease which the patient first contracted (for instance, scarlet fever) or the disease which killed the patient, and which supervened upon the first disease?—In many instances that I have had brought before me of scarlatina, there is secondary disease to scarlatina, but dependent upon the scarlatina poison, namely, dropsy. The patient may, apparently get well of the scarlet fever, and die of the dropsy and the renal disease consequent on the scarlatina, and in some instances I dare say the return would be dropsy, which is a vague term in itself, and the real cause of death, scarlet fever, would be overlooked.

8852. Then we ought to know, ought we not, the first cause of disease, for sanitary purposes?—Yes, that would be desirable.

8853. (*Chairman.*) When you say that the registration of sickness could be better obtained from public institutions than from the medical attendants on the sick, would that give information of the sickness of more than a small portion of the population?—Yes, certainly.

8854. How far would the information given from public institutions apply to more than a small portion of the population of the country?—The hospital accommodation in Ireland is very large. You have a great many patients in the hospitals connected with the workhouses; and then, in addition to that, if you get the information from the medical officers of dispensaries throughout Ireland, you will have a very large return of sickness.

8855. Do you mean that through the public institutions you might get a general statement of the sickness of the kingdom, or only that you might get a sample from which you might judge of the whole?—I think you would get a very fair account of the status of disease throughout all Ireland.

8856. (*Mr. Powell.*) You stated in answer to Dr. Stokes, that a considerable diminution in the number of cases of small-pox has arisen from compulsory vaccination; unfortunately cases have arisen in England where parents have been unwilling to have their children vaccinated, and I observe they have stated to the magistrates, that though they had no doubt that vaccination did defend children more or less effectually against small-pox, yet other diseases were apt to arise from the operation of vaccination. Do you consider that there is any ground for that apprehension?—I think not. I do not consider that there is such a ground. There may be exceptional cases; for instance, a child may be labouring under syphilis, but if due care is taken by the vaccinator never to take lymph from any but a healthy child, no such accident will occur, generally speaking.

8857. But due care is taken, I presume?—Yes.

8858. Therefore that apprehension is really groundless?—It is unfounded.

8859. In the event of records being taken, as you have suggested, of disease in certain institutions, that would not, I presume, show as a matter of course the condition of disease in the whole community, because the number of the population resorting to those institutions is small?—I should think it would give an amount of information which would be very desirable.

8860. But anyhow it would give a comparative statement as between different periods?—Yes, clearly.

8861. Do you think that any importance ought to be attached to this source of error, that in times of pressure, owing to the spread of disease, or from some change of management, patients must be passed more rapidly through the institutions in one year than in others?—That is the very period at which the medical officers of dispensaries would be most anxious, and in fact would be called upon, to be most accurate in their returns. I think there need be no apprehension on that score. The poor-law system in Ireland, working under the Medical Charities Act, is so admirable that they can at any time supplement the staff, and an addition of medical officers can be made to any dispensary in Ireland.

8862. Then that source of error disappears?—Yes, it does.

8863. What proportion of the population would you consider would naturally resort to all the institutions which you have mentioned, and which therefore may be said to be the proportion fairly represented in the proposed returns?—In the case of an epidemic I should say three-fourths of those attacked; for instance, in the epidemic of cholera.

8864. What number of the Irish people would resort to those institutions as their natural home in case of sickness?—I could not give the figures exactly, but a very large proportion of the population. There is one thing that I ought to have mentioned as regards getting returns of sickness, that doing so would involve an increased amount of labour upon the registrars, who are generally dispensary physicians or medical officers of dispensaries, and as their labour would be increased they would expect to be paid more, so that the registration of disease would involve a certain amount of expense.

8865. Do you think that the staff would be necessarily increased?—I do not know whether the staff would be necessarily increased, but the labour of the medical officer would be increased, and you could scarcely ask him to do more than he does at present at the salary which he has now allotted to him.

8866. (*Chairman.*) At present are the registrars or sub-registrars in Ireland generally the same persons as the medical officers of the union?—The dispensary medical officer is *ex-officio* the registrar.

8867. He is the poor-law medical officer, is he not?—Yes, he is under the Poor Law Commissioners.

8868. (*Earl of Ducie.*) Do I understand you to say that you think that medical men should only certify as to the cause of death, and not as to the actual death itself?—Medical men object more to the wording of the certificate than anything else. I think I can illustrate this by a circumstance which occurred in Dublin; I cannot fix the date of the occurrence, but it is not very long since. A physician in large practice in Dublin was told that a patient of his was dead. The physician, on being informed of his death, went up to the patient's room and found him alive. The certificate goes on to say, "I hereby certify that I attended" so-and-so, "who was apparently aged, or was stated to be aged," so many years. "That I last saw him on" such a date, "and that he died on a certain day, that the cause of death was" so-and-so "and that the disease had continued for" a certain period. The physicians and surgeons of Ireland object to being asked to furnish all those details, and to furnish them gratuitously. In the majority of cases they say that they may not have been present when the patient died, and all the evidence they have of the patient's death is the information which they receive from some of the family or other persons. They are, generally speaking, willing and anxious to certify as to the cause of death, but they object to being informants of the death.

8869. On whom, then, should the duty of certifying the actual death devolve?—The Act is very explicit on that point; the 36th section of the Act of the

W. M. Burke, Esq., M.D., F.C.P.

18 Nov. 1869.

26th of Victoria, chapter 11, says, "Some person "present at the death, or in attendance during the "last illness, of any person dying in Ireland after the "said 31st day of December 1863, or the occupier of "the house or tenement in which such death took "place, or if the occupier be the person who shall "have died, then some one or more of the persons "residing in the house in which such death took "place, shall, within seven days next after the day of "such death, give notice of such death to the regis-"trar of the district in which such death occurs." That is the informant. The physicians and surgeons of Ireland think that information sufficient, and they do not think it is fair to call upon them to be informants of the death.

8870. By that clause which exists are physicians often called upon to certify the death?—They must necessarily if they sign this form, because they say, "I saw him last on such a day, and that he died on such a day;" that is informing of the death.

8871. Are we to understand that the clause practically only applies to physicians?—That is so.

8872. (*Chairman.*) Are still-born children registered in Ireland?—No.

8873. (*Mr. Powell.*) Do you think it practicable to register them?—I do not.

8874. (*Chairman.*) Do you suppose that there are many unknown deaths, particularly of infants, that never come upon the register?—A great many.

8875. Do you think that that defect can at all be remedied?—By closer police supervision, and only by that.

8876. Are the police employed at all by the registrars now?—Not at all.

8877. Do you think they might be so employed?—They might be. It was proposed at one time to have the police as registrars, instead of the medical officers of dispensaries.

8878. What is your opinion of that proposition?—It has its advantages and its disadvantages. It has this advantage, that the police are always on the spot; the police are always in the barrack, ready to give information, whereas the dispensary medical officer has many interruptions; he is very hardly worked, and he has a great deal of clerical work, independently of registration; that is, as poor-law medical officer he has very many returns to make to the Poor Law Commissioners.

8879. Those are the advantages of using the police; what are the disadvantages?—The people do not like police interference, they look upon it as a kind of espionage, and it was thought that employing the police when the Act first came into operation would add to the difficulties of carrying out the provisions of the Act.

8880. What communication is there between the General Register Office in Dublin and that in London?—We furnish on every Monday the number of births and deaths, and the temperature, to London, and also to Edinburgh; the information which we supply to the Registrar General for London is published and appears in the morning papers on the Wednesday morning; and the Registrar General for London reciprocates with us, and Scotland also.

8881. Can you inform us whether there is much difference between the system in Scotland and that in Ireland?—In Scotland they have for registrars the parish schoolmasters. There are some medical officers registrars in Scotland, but as a rule the great majority are parish schoolmasters.

8882. Is there much difference, do you suppose, in the completeness of the registration in Dublin, as compared with that in the country in Ireland?—It is more complete in Dublin.

8883. Is it very imperfect in the country?—I think as yet it is very imperfect.

8884. Do you think the system in the country might be brought more nearly to the state of perfection which has been arrived at in Dublin?—The registration is improving, but in wild districts it is very hard to get the information; the people are loth to travel some eight or nine miles to register a death or a birth. If the police gave assistance, and got something for every return they made of a birth or a death that occurred in their neighbourhood, I think you would have the system of registration in Ireland as perfect as that in other countries.

8885. (*Mr. Lambert.*) Do you know the number of dispensary districts that there are in Ireland?—770.

8886. In fact is not each union in Ireland divided into a certain number of dispensary districts?—Yes.

8887. Is the medical officer required to attend at those dispensaries at stated times?—Yes, two or three days in the week, and at a certain hour.

8888. Those dispensaries afford great facilities for vaccination purposes, do they not, as stations?—Yes.

8889. Do you know the annual number of cases receiving medical relief under the dispensary system in Ireland?—I do not know the exact number, but I can ascertain it.

8890. If I said 700,000 should you say that it would be excessive?—I should say not, but I can merely approximate.

8891. The dispensaries are regulated under the Medical Charities Act, and those Acts are distinct from the ordinary Poor Law Acts, are they not?—Yes. I forget the exact date of the Medical Charities Act; there was the Poor Law before the Medical Charities Act came into operation.

8892. Since that period those dispensaries have been set up under the Medical Charities Act?—Yes.

8893. Can you state to the Commission how they are managed, by what authority?—There is a dispensary committee appointed by the guardians.

8894. Have they the power of appointing the medical officers?—The dispensary committee have the power of appointing the medical officers.

8895. Do they regulate their salaries subject to the approval of the Poor Law Board in Dublin?—They do.

8896. Do they also appoint the dispensers?—I think so. I do not think that the dispensary committee have the power of fixing the salaries of the dispensary medical officers.

8897. Do the dispensary committee act independently, as it were, of the guardians in the management of the dispensaries.—Yes, they do.

8898. Are those dispensaries regularly inspected by the poor-law inspectors?—Yes, regularly.

8899. Is that for the purpose of seeing whether the medical officers do their duty?—Yes, whether the medicines are good, and whether the books and returns are properly kept.

8900. Is there a record kept in the book by the medical officer of all the medical cases that come under him in the course of the year.—Yes.

8901. Do you conceive that there would be any difficulty in having two or three additional columns to that book, in which the name of the person might be entered a second time, his age, and disease?—I think it would add a great deal to the clerical work.

8902. But it would not be impossible?—Not at all impossible. Perhaps I might state that at an interview which I had the other day with one of the poor-law Commissioners, Dr. Macdonald, I was speaking of the very subject of the registration of disease, and he showed me an old form where the nature of the disease was returned, in fact a register of disease, a return that was made every three months and forwarded to the Poor Law Commissioners; but the dispensary medical officers complained of the labour it entailed upon them, and it was discontinued.

8903. Are you of opinion that the book kept by the medical officer might be so arranged that one or two columns of it might from time to time be torn off, supposing it were perforated, and sent to some central office in Dublin?—I think that it is a very feasible idea.

8904. The dispensary committee, as a rule, do not care much, do they, about knowing the causes of disease, or retaining a record of the causes of disease?—Unless the disease is of a contagious nature.

W. M. Burke, Esq., M.D., F.C.P.

18 Nov. 1869.

8905. But having the books once brought before them they would not object, at the expiration of, say three months, to have the record torn off and sent to some central office in Dublin?—I think they would rather facilitate it, as it might be advantageous to the public.

8906. You referred to public institutions in Ireland besides dispensaries. I believe in every county in Ireland there is a hospital, is there not?—Yes; it is styled the county infirmary.

8907. What class of persons go to those institutions?—The farming class and some of the very poor; but as a rule the very poor go to the union workhouse, or to the dispensary, and the class above them go to the infirmaries, as far as I can say.

8908. Have you any idea as to the annual number of cases which resort to those county infirmaries?—There is a record kept, and it is a very considerable number.

8909. With regard to the persons who go to the dispensary, it is not necessarily paupers who go there?—No.

8910. Persons above the pauper class go there, do they not?—Yes, a great many.

8911. Is it considered that any stigma attaches to any person in Ireland for going to a dispensary for relief?—I think not, from the class of persons who avail themselves of the gratuitous advice afforded at the dispensary.

8912. Do not, in point of fact, a very considerable number of a certain class of occupiers resort to the dispensaries?—They do.

8913. I believe the reception of dispensary relief is no disqualification for voting?—No, it is not.

8914. (*Chairman.*) Is any fee paid upon registration?—Not any; it is perfectly free.

8915. So that there is no check to registration from a person having to undergo more than the trouble?—That is the only thing.

8916. (*Dr. Acland.*) Is the new nomenclature of diseases coming into use in Ireland?—We get a great many returns which supply information so far as regards the three types of fever, the typhus, the typhoid, and the common continuing fever; the relapsing fever we have not at present.

8917. Will it cause much trouble in your office to change from the old registrar general's nomenclature?—Considerable trouble; but the experiment is about being tried, first, by altering our weekly tables in accordance with the new nomenclature; and I am in consultation with Dr. Farr, of the General Register Office in London, upon that subject at present.

8918. It will, I suppose, require some time before the medical officers in outlying districts will be able to thoroughly use it?—Some time, certainly.

8919. They have had a copy, have they not?—The Government supplied every member of the profession with a copy.

8920. Is it obligatory on medical men to fill up the certificate of death?—There is no penalty attached, but the Act is imperative, it says that they shall do so. In the original draft of the bill there was a penalty attached to the non-signing of the death certificate, that is to say, the cause of death; but at the instance of the Medical Association of Ireland, of whom the late Dr. Mackesy was president, the penal clause was withdrawn.

8921. But though there is no penalty attached, probably a refusal very rarely occurs?—Very often. There is one physician in Dublin who refuses to fill up any certificate.

8922. Is that an act of eccentricity, or is it a matter of principle?—I should say that it was a matter of principle.

8923. Does he think it wrong to sign a certificate of death?—That is the ground upon which he goes for his refusal.

8924. Supposing many medical men thought it wrong to sign a death certificate, your returns would be entirely falsified?—Yes, to a certain degree.

8925. What would you propose under those circumstances?—I speak not as an authority, but I would suggest allowing the physicians merely to sign the cause of death, and omit altogether when the person died. I think that the circumstance which I have related touching the case of the physician who received information of the death of his patient who then was alive, is quite enough to startle people, and to make them hesitate before they sign such a certificate.

8926. Then really the objection of medical men to signing a certificate turns probably upon the form of the certificate, and not upon testifying to what they do know?—The greater number of the profession throughout Ireland are very anxious to have the provisions of the Act fully carried out, especially as regards the statistical tabulation of disease.

8927. You think that some attention should be given to the wording of the certificate in the way of revision?—Certainly.

8928. You have paid a good deal of attention to sanitary questions in general; may I ask if you have any opinion as to the nature of sanitary inspection, and how it should be carried on, if adopted?—There have been so many ideas started on this subject that it is very hard to determine; but I know this, that if the Sanitary Act of 1866, which now applies to Ireland, be thoroughly carried out, there is very little more wanted.

8929. Why should it not be thoroughly carried out?—That is an abstract question which I find it difficult to answer, inasmuch as a great many laws have not been effectually carried out in Ireland.

8930. Do you think it depends upon unwillingness to carry it out, or upon the idea that it is useless?—A great many hold that it is useless.

8931. Are there any facts which justify people in supposing that a great deal of dirt and a great deal of unsanitary condition is really not injurious to health?—There are some parts of the city of Dublin, I would refer to the banks of the Liffey, where there is an almost perpetual stench, and I will venture to say that the death rate there is not higher than in any other part of Dublin.

8932. Upon the whole have the medical profession in Ireland any doubt as to the expediency of complete sanitary measures?—They loudly call for them.

8933. The statements which have been made as to the filthy condition of many places being consistent with health are to be taken, are they not, with a great deal of doubt and reserve?—Yes, certainly.

8934. Have you paid any attention to the question of central administration and inspection, if it were carried out?—Without having something of the kind sanitary measures will never be thoroughly carried out in Ireland, and they cannot be.

8935. That probably is really the cause why the Sanitary Act has been of so little use?—The Sanitary Act has not been very long in operation, but the Poor Law Commissioners have full powers; in fact, they occupy the position in Ireland which the Board of Health does in England.

8936. What do you mean by the Board of Health in England?—When the Board of Health is referred to in the Sanitary Act of 1866 there is almost always a star, and a foot-note stating that in Ireland, instead of appealing to the Board of Health, you appeal to the Poor Law Commissioners. I do not know exactly what the functions of the Board of Health are.

8937. You are of opinion that there should be some central authority?—Yes.

8938. Could you state, generally, what duty should be assigned to that central authority, if such a one existed in Ireland?—For instance, the inspection of localities where any particular disease prevailed. If the registration of disease were carried out, and returns furnished to that central authority on receiving information of an outbreak of disease in any particular part, they should send an inspector to report upon the state of the district. In fact, the Poor Law Commissioners have that power at present, but what would facilitate very much their action, would be having a weekly return of the status of disease in

W. M. Burke, Esq., M.D., F.C.P.

18 Nov. 1869.

every district throughout Ireland, and this could be done.

8939. I understand from your previous answers that there would really be no difficulty in getting a complete knowledge of disease throughout the kingdom from the dispensary and infirmary returns?—That is my decided opinion, that it could be done, all public institutions included. It applies equally to the county infirmaries.

8940. I ask you the question, because in a previous answer there seemed to be a little doubt, not, I think, in your mind, but in the mind of the questioner, as to whether the public institution returns would really give us a knowledge of the state of disease all over the country. I entertain no such doubt, and I merely wish you to state distinctly whether you believe that the public institutions sickness returns would, or would not, give us a complete notion of the general course of sickness throughout the country?—My opinion is that they certainly would.

8941. Have you a class of superintendent registrars?—The clerk of the union is a superintendent registrar.

8942. Could those gentlemen act as a superior class of inspectors for sanitary purpose?—Certainly they could, they are generally speaking a very intelligent set of people.

8943. If that be so, the poor law board at this moment has virtually a complete inspecting staff all over the country?—They have.

8944. And they could be so utilized, could they not?—Yes, and in addition to that they have certain medical inspectors; there used to be four, but there are only three now.

8945. (*Earl of Romney.*) You stated, did you not, that the medical profession generally in Ireland are very anxious indeed to enforce sanitary regulations?—Yes.

8946. With regard to Dublin, you said that the Liffey is in a very foul state, but yet that the persons who live on the banks of the river are no more unhealthy than they are anywhere else?—I stated that as my opinion.

8947. What are the sanitary regulations that the medical men wish to establish in order to remove that state of unhealthiness?—I do not think that very much importance ought to be attached to my opinion. I mention it as rather a curious circumstance, that on the banks of the Liffey, which is now more foul than ever it was, in consequence of the increased number of sewers which have been constructed by the corporation, and which has increased the quantity of sewage fouling the river, the people are not more unhealthy than those in other parts of the city.

8948. Where is it that those diseases are generated, because it is generally supposed that a foul river is a great means of producing disease?—And so I think it is, but I merely stated that it was a very curious circumstance that on the banks of the Liffey where the smell is very bad the death rate is not higher than in other parts of Dublin.

8949. (*Chairman.*) How do you account for that?—I cannot account for it.

8950. (*Lord Robert Montagu.*) May there not be some other healthy condition that may balance the unhealthy condition; may there not be an open space?—The chief cause of the mortality in towns is overcrowding, but on the banks of the Liffey there is not over crowding.

8951. (*Chairman.*) So that the malaria has space to disperse itself?—Yes, it is diluted.

8952. (*Mr. Lambert.*) There is a wide open space on each side of the river, is there not?—Yes, a wide roadway and thorough ventilation.

8953. (*Earl of Romney.*) That would probably account for what you have stated?—Yes, and moreover, it is a tidal river.

8954. (*Chairman.*) Is it impossible that though there is less death, there may be more sickness in that quarter?—It may be; I did not say that there was less death. I said that I did not think the mortality was higher there than in any other part of Dublin; but that is a mere assumption upon my part in a great degree.

8955. (*Lord Robert Montagu.*) So that in fact the healthy condition balances the unhealthy?—Yes.

8956. (*Mr. Powell.*) If the tide comes up there, there would be a certain number of hours in the 24 when the sewage is much diluted?—Yes, certainly.

8957. (*Lord Robert Montagu.*) Do the medical officers as registrars receive no fee, either from the guardians or from any other person, for registration?—Yes, they do; they receive from the board of guardians one shilling for every entry of a birth and every entry of a death; and 6*d.* is the ordinary fee for marriages.

8958. Not from the person whose child is born, but from the guardians?—Yes, from the guardians.

8959. (*Chairman.*) Is there anything else which you wish to state to the Commission?—With reference to the subject of the Liffey and the smells, I think it is well known that malaria may exist without any bad smell whatever, and what strikes me at the present moment is this—I may mention a circumstance which occurred recently in the neighbourhood of Dublin, in the Phœnix Park. The Board of Works under the Utilization of Sewage Act commenced using the sewage from the Hibernian Military School, the same kind of school in Ireland as the Duke of York's is here; they spread out the manure on a meadow in front of the school and they deodorized it. The meadow has been irrigated with the sewage for nearly two years. Carbolic acid is used as a deodoriser. The sewage is distributed by means of wooden shoots all over the meadow. The medical officer, Dr. Templeton, was very much distressed on finding several of the boys attacked with typhoid fever and a low form of sore throat; in fact there was a great deal of illness, though not many deaths, and he was at a loss to know where this came from; and then he hit upon the excreta which was spread in front of the building, though deodorized. He reported to the governors of the school on this subject, to the *ex-officio* governor, General McMurdo, and others, and he said he thought it was a very bad place for this experiment to be tried. The report went forward to the Board of Works, and the Board of Works referred it to the registrar general, not knowing that the Poor Law Commissioners could take action in the matter as the Board of Health, that is to say, the Privy Council here, would do; so the matter may be referred to the Poor Law Commissioners, and the action that they will take will illustrate what can be done as regards sanitary measures. They can send down an inspector to report upon it, and then they can direct the nuisance authority, the guardians (or by whatever term they are called), to have this nuisance abated; so that there is ample machinery for carrying out sanitary work in Ireland, if that machinery be only put in force.

8960. (*Dr. Stokes.*) Do you happen to know whether in the Hibernian Military School there are water-closets used or privies?—Water-closets which are flushed three or four times daily.

8961. (*Mr. Powell.*) When you used the term "in front," how far from the school was this done?—The distance of the meadow irrigated from the school is from 200 to 300 feet, and at a depression of 60 feet.

The witness withdrew.

(73.) Robert Druitt, Esq., M.R.C.P., F.R.C.S., examined.

R. Druitt, Esq., M.R.C.P., F.R.C.S.

8962. (*Dr. Acland.*) You are a member, are you not, of the College of Physicians of England, and fellow of the College of Surgeons?—Yes.

8963. And you were formerly medical officer of health of St. George's, Hanover Square?—Yes, but I resigned that office in 1866.

8964. Are you not president of an association of medical officers of health in the metropolis?—Yes.

8965. In that capacity you have been for a long time in communication with many sanitary officers in the metropolis?—Yes.

8966. And you have accordingly had an opportunity, have you not, of observing the general working of the sanitary laws in a great town?—Yes.

8967. With which of the laws have you had most to do?—The Nuisances Removal Act chiefly, the Sanitary Act slightly, the Bakehouses Regulation Act, the Adulteration of Food Act, and some others that apply to London only, as the Metropolis Local Management Act.

8968. Have you taken any action under the Diseases Prevention Act?—No, none actually, because in 1866 the cholera which it was put into operation to counteract did not visit our parish in an epidemic form; we just escaped it, we had a very few cases only.

8969. Are the powers under the Acts which you have enumerated satisfactory to you?—No.

8970. Could you state the principal points in which they seem to you to be deficient?—I assume that the object and reason of my office was to check disease, and in order to do that one wants the exercise of power tolerably quickly. But in the first place, there was the difficulty very often of getting information. Information was studiously concealed. For instance, at the time of the cholera, a gentleman came from Belgium and put up at a large hotel in our parish, where he died in about 36 hours of cholera. That was in July 1866, at the very commencement of the epidemic, but I did not hear of it till the Wednesday following, from the Registrar-General, and the man died, I believe, on the Saturday. I made it my duty to visit the hotel, and there found the landlord in consternation at the idea that anyone knew of the fact that a death had occurred. I questioned him about it, and was told that the clothes had been burnt, and the bedding sent to be disinfected with proper precautions, and the body was removed to be buried, but I learned afterwards that that bedding went into the parish of Marylebone to be purified, that it had not been properly disinfected before removal, and that one person who worked at the factory where that bedding was purified contracted the disease at that time, and died of it. I quote that as a case in which defective information led to the neglect or the inability to exercise proper means of prevention. That is one point.

8971. You would say then that the lack of information has been a hindrance to the discharge of what you consider to be your duties as officer of health?—Yes; that is the first kind of hindrance.

8972. Is there any other particular in which you have found deficiencies in the Act?—Yes. Let us suppose that we had some acknowledged and grievous nuisance of which there was full evidence. Our duty was to bring it before the local authority; and supposing the local authority did not meet very soon, we had to summon a special meeting, that might be got perhaps in 24 hours, or it might take 48 hours. Let us suppose it was a case either of serious disease or a disputed nuisance, then at that meeting of the local authority there would be a large attendance of persons, including the persons on whose premises the nuisance was existing. There were the medical officers of health and the inspectors to relate the facts, and there were persons interested to confirm or rebut those facts, all appearing before the local authority, and the local authority composed of intelligent gentlemen sifting the facts thoroughly, and coming at last to the conclusion that the case should be dealt with. Then our difficulties would begin. If the local authority had the power to deal with it much mischief might be stopped; but the local authority only has power to send the case before magistrates; and the next thing is that we have to go to the police magistrates, and there begins an endless series of difficulties.

8973. Is there any other general point in which you find a lack of power?—In getting a large vestry to take up certain Acts, such as to put in execution the provisions of the Sanitary Act.

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

8974. Probably you would find, in the course of your work as medical officer, that a great deal of your time was occupied in what really had nothing to do either with the prevention or treatment of disease, in consequence of technical and legal difficulties?—There was very much time wasted, especially if legal proceedings had to be resorted to.

8975. Could you suggest any way in which the law could be improved, so as to relieve you, as a medical officer of health, from trouble of this kind?—It always occurred to me that a local authority consisting of a small committee of intelligent gentlemen, probably retired men of business or lawyers, selected out of a larger number, by such a set of persons as the vestry of St. George's, Hanover Square, might be entrusted with the powers which are at present delegated to the police magistrates, that is to say, the power of carrying out the nuisance laws summarily.

8976. That is chiefly, however, as regards the metropolis, is it not?—I think that the same would be the case all over the country.

8977. You have mentioned that you had to do with other Acts, such as the Bakehouse Regulation Act. That was with respect to the habits of the persons employed in them, was it not?—Yes.

8978. Did you find any difficulty with that Act?—No; that Act worked very satisfactorily.

8979. Had you to do with the control of smoke to any great extent?—Unfortunately not. That used to be under the control of the police; and under the Sanitary Act while I was a medical officer of health no action was taken. I believe that the Sanitary Act empowers action to be taken against smoke, but nothing was done in our parish whilst I held office.

8980. The bakers resist, do they not?—All manufacturers resist it.

8981. Had you to do with the Act with respect to the adulteration of food?—Yes.

8982. What had you to do under that Act?—I was appointed analyst of food under that Act.

8983. Was that a laborions office?—No, it was a sinecure absolutely.

8984. How was that?—In the five or six years during which I held the office only four persons applied to me, and those four cases did not come under the Act.

8985. And you had no power then, I believe, of seizing or examining food?—As medical officer of health I did do so, but I was cautioned by my legal adviser that I must take care not to do so; that I should have no right to act both as accuser and judge, because as analyst I acted in some measure as judge.

8986. Have you any doubt that a great part of the food of the lower orders is adulterated?—Diluted, I should say, milk especially; flour, I think not.

8987. Does that Act extend to medicines?—I think not. I think it has been extended to medicine by a late Act, but that is since I have been out of office.

8988. You had no duty then to supervise the medicines sold in druggists' shops?—No.

8989. Are the cleansing powers under the Sanitary Acts adequately enforced according to your experience?—No.

8990. What are the reasons for that?—In the first place, with reference to the removal of refuse from private houses, that is intensely badly managed. It is forbidden to any private person to remove, for instance, coal dust or refuse from his house; he could not do it under a fine. Then the parish makes a contract with certain persons who remove it; but those persons, although they 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. Hence I pay a sum per annum in order to get the thing done civilly and conveniently, and most other persons do the same, which ought to pay for the whole thing if it were applied properly.

8991. I daresay you have seen an account of the

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

method of scavenging in Bristol, where it appears that the people assist in cleaning their yards themselves; have you noticed that that has been feasible at all within your experience?—I should think it was, but virtually it is not done by the population that I have had anything to do with.

8992. In Bristol it was brought about, was it not, by a very simple and efficient means of local inspection?—Yes.

8993. It was of course impossible for you personally to inspect those crowded districts with which you had to do?—I did inspect them, but with regard to the cleanliness of the streets that was under parish regulation, and it was done in a certain way, and at a certain expense; and any additional cleansing, as I understood, was resisted because it would cost too much.

8994. You are a robust man, and able to undergo the great physical labour of examining all those poor places, and you were very inadequately paid, but every medical officer I presume could not do it?—No; but every medical officer must go into them enough to see what is the nature of the population and the houses that he has to deal with.

8995. Are you satisfied with the general arrangements for water supply under the existing Acts?—In London there is plenty of water given, and I only know London, but it is immensely wasted in the houses of the poor; this is a matter rather of distribution than of supply; but there is quite an adequate supply, that is to say, there might be an adequate supply.

8996. Have you had much observation of the state of overcrowding among the poor?—Yes.

8997. Could you state to the Commission the chief results that you have seen to ensue from that cause?—There is a general lowering of health, a degradation as it were of the whole system and character accompanying overcrowding; but we have not in the parish that I was concerned with anything very gross except as an exception.

8998. You probably, from your colleagues in the association of officers of health, have, however, learnt a great deal about it in the East of London?—Yes.

8999. Is it possible, do you think, to prevent it?—I very much doubt it, because I suspect that it arises in the first place from poverty, and the desire of warmth; and in the next place from utter ignorance or recklessness; overcrowding is a compound of those two causes, the moral status of the population and their means.

9000. What diseases do you think are chiefly produced by overcrowding?—I should think typhus and bronchitis.

9001. Is not the overcrowding accompanied also, generally speaking, by want of drainage?—Yes, that follows of necessity, that 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 of their own exertions.

9002. (*Chairman.*) Are you talking now of the overcrowding of houses, or the overcrowding of people in houses?—Of both.

9003. (*Dr. Acland.*) That is to say, of the overcrowding of houses on a particular spot of land by first making them too close together, and then, secondly, by putting too many persons in one room?—I think they go together generally.

9004. But the first of those evils, overbuilding is a question depending upon their local Acts and byelaws, is it not?—Yes; but in such a parish as I am acquainted with there are many old houses and old premises at the fag end of leases which fall into poor hands and become overcrowded, and yet which there was not at that time any power to pull down or alter.

9005. Have you found that the existing laws are inadequate to remedy existing evils, although they may be adequate to hindering the introduction of errors with regard to the construction of new houses; can you always alter or close insufficient and improper buildings?—No, not always; but more can be done now than we used to be able to do, and more than could have been done formerly.

9006. Then as to the second point, the personal overcrowding in rooms, is that a preventible evil?—I believe so, if the Sanitary Act were put in execution. The Common Lodging Houses Act is a different thing, the lodging houses where people are received for the night are under admirable regulation. I have seen that myself personally by going into Southwark and Whitechapel; but with regard to those houses that are let out in separate tenements or rooms for the labouring population, our vestry refused to put into operation the clauses of the Sanitary Act, which would have given ample power for the regulation of those houses. The medical officers of health devoted enormous time and trouble to drawing up a code of regulations under the Sanitary Act, which would have brought every such house under control, limited the number of inmates, and secured their cleanliness; but the vestry of the parish that I was connected with refused to put that clause of the Act in operation.

9007. Are there no more recent Acts upon the subject?—Yes, Mr. Torrens' Act.

9008. Have you a copy of the regulations which the medical officers of health drew up?—I beg to hand in one to the Commission. (*The same was delivered in, and is as follows:*)

COPY OF REGULATIONS drawn up by a Committee of Medical Officers of Health, for the Management of Lodging Houses, under the Sanitary Act, 1866.

REGULATIONS in regard to Houses or Parts of Houses, which are let in Lodgings or occupied by Members of more than One Family.

Parish [*or district*] of

To Wit:

Whereas, by an Act of Parliament made and passed in the 29th and 30th years of the reign of Her present Majesty Queen Victoria, intituled, "An Act to amend the law relating to the public health," it is enacted that—

"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 city or town containing, according to the census for the time being in force, a population of not less than 5,000 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.

"3. For the inspection of such houses, and the keeping the same in a cleanly and healthy 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 40*s.* for any one offence, with an additional penalty not exceeding 20*s.* 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."

And whereas the Right Hon. , one of Her Majesty's Principal Secretaries of State for the Home Department, did, by notice published in the "London Gazette" on the , declare the said enactment to be in force in the parish [*or district*] of : Now, we, the nuisance authority acting in and for the said parish [*or district*], do in pursuance of the power conferred upon us by the 35th section of the statute above-named, make the following regulations; that is to say,—

REGULATIONS.

I.—*Preliminary Notice.*

Before putting these regulations in force with respect to any house or part of a house, the nuisance authority shall give 15 days' notice in writing to the owner thereof, and shall serve him with a copy of the said regulations, and shall permit him to attend their next meeting to state his objections thereto.

II.—*Owner.*

The person paying, or liable to pay, or entered in the poor-rate book as liable to pay rates for any house, shall be deemed to be owner thereof.

III.—*Registration.*

Every house in respect of which these regulations are put in force, shall be registered in a book to be kept by the nuisance authority.

IV.—*Number of Inmates.*

The number of persons who may occupy any room, used both for living and sleeping in a house so registered, shall be such that each grown person shall have the cubic space of at least 350 feet.

The number of persons who may occupy any room used for sleeping only shall be such that each grown person shall have the cubic space of at least 300 feet.

Two children under 10 shall count as one grown person.

Not more than two grown persons of different sexes shall occupy the same sleeping room.

V.—*Owner to keep a Ticket.*

Every owner of any house so registered shall keep a ticket to be supplied by the nuisance authority, and signed by their clerk, stating the number of persons which each room let in lodgings may accommodate, according to the foregoing regulation. Such ticket shall be signed by the owner with his name and address, and shall be produced when demanded by any officer of the nuisance authority.

VI.—*Inspection.*

The owner of every such house shall allow every part thereof to be inspected at any time by any officer of the nuisance authority duly authorized for that purpose.

VII.—*Cleanliness.*

The owner of every such house shall cause the walls and ceiling of every room, and the staircase, passages, yards, basements, areas, and water-closets, and dustbins to be lime-whited or otherwise well and sufficiently cleaned to the satisfaction of the officer appointed to inspect such house, once, at least, every year in the month of March or April; and shall cause the floors of all rooms, staircases, passages, yards, and closets to be at all times kept clean, to the satisfaction of the officer appointed by the nuisance authority.

The owner shall also remove any animal which the nuisance authority may require him to remove from the said house.

VIII.—*Ventilation.*

The owner shall cause every room to be ventilated by a sufficient window and fireplace, or in such other mode as may be directed or approved by the nuisance authority.

IX.—*Infectious Disease.*

Whenever any inmate of any room in any house so registered shall be attacked with fever, scarlet fever, smallpox, cholera, or other infectious disease, the owner shall forthwith give notice thereof to the nuisance authority.

X.—*Water Supply.*

Every house so registered shall be provided with a covered cistern, capable of holding 24 gallons for each room occupied; such supply to be unconnected with any water-closet.

XI.—*Water-closets.*

The owner shall provide water-closet accommodation at the rate of at least one water-closet for every 20 persons in the house. Such closet to be supplied with water, to the satisfaction of the nuisance authority, from a separate butt or cistern.

The owner shall cause every water-closet to be washed out and cleansed every day, and, if need be, disinfected, to the satisfaction of the nuisance authority, and shall cause the seat, floor, and walls thereof to be at all times kept clean.

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869,

The water-closets and all sinks or inlets into drains shall be at all times kept well trapped.

XII.—*Dustbins.*

Every registered lodging house shall be provided with a covered bin-box, or tub to contain dust, ashes, and other refuse; and the owner shall cause the same to be emptied at such times as shall be fixed by the nuisance authority.

XIII.—*Drains.*

Every registered licensed lodging house shall be drained to the satisfaction of the nuisance authority; and every yard and area shall be well paved in such a way that the water may run off quickly.

No roof gutter or rain-water pipe shall be used for carrying off slops or dirty water.

Every owner shall cause the windows to be kept in good repair, and shall cause the roof to be kept weathertight.

XIV.—*Penalties.*

The owner of every registered lodging house shall be responsible for carrying out these regulations, and such orders as the nuisance authority may issue in conformity therewith. To this end the owner, or his agent, shall visit every room in such house at least once in every week, and shall see to the cleanliness thereof. He shall also cause a copy of these regulations to be affixed to the wall in some conspicuous place within the house, and shall take care that the same is kept at all times visible and legible.

Any neglect or infringement of any one of the above regulations shall render the owner liable to a penalty not exceeding 40*s.* for any one offence, with an additional penalty not exceeding 20*s.* for every day during which a default in obeying such regulations may continue.

The above penalties may be imposed by the nuisance authority; and if on demand the person on whom they are imposed refuses or neglects to pay the same, the nuisance authority will forthwith proceed to recover the same by such proceedings as the law directs.

XV.—*Application of Regulations.*

These regulations apply to those houses, or parts of houses, within the parish [*or district*] of , let in lodgings, or occupied by members of more than one family, in regard to which the nuisance authority may declare them in force; excepting only common lodging houses within the provisions of the Common Lodging Houses Act, 1851, or any Act amending the same.

(Signed) , Clerk to the Nuisance Authority.

Dated this day of , 1866.

Confirmed

9009. We have heard from various parts of the country that in large towns the general or public health is deteriorating from those causes which you have enumerated; have you had any opportunity of observing whether that is the case or not?—Yes, certainly; that is to say, there is a general deterioration of the stock, if I may so call it, of the human plant.

9010. Should you be able to give any description of what you have noticed with respect to the children whom you believe to be in that condition?—If I go, for instance, into Grosvenor Mews, or any other crowded part of our parish, I meet children there whose bones are bent, and whose foreheads are prominent, and who show all the signs of what is called rickets, which means an ill-made child; not that rickets is peculiar to the poor, but that such of their children as survive often exhibit the traces of it, and very many die early in life.

9011. Is there a type of physical deterioration which you recognize, and which you may see, for example, in workhouses?—I think so, clearly. There is a peculiar look about what may be called a garret-bred child, or a child who is stived up in close houses in large towns.

9012. Do you believe that that is physical deterioration only, or is there also mental deterioration?—I

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

think it is physical chiefly, though mentally they may be even precocious; I mean that they may have mental precocity and sexual precocity. I have seen instances of that combined with the worst possible physical development.

9013. A kind of animal degradation?—Yes.

9014. What is the result of marriages among that class of persons?—I have not had a sufficient number of instances that would enable me to answer that question satisfactorily, but I may state generally that the mortality of children amongst that class is very high.

9015. Have you had any opportunity of observing the mortality amongst children of that type in the workhouses?—I think in many workhouses they would be better off than at home if they get over the lactation period, if they get over the first year.

9016. How would it be in the first year?—In the first year the workhouse children brought up by hand die miserably, that was the case in our parish, they die frightfully.

9017. You mean numerically?—Yes, numerically and actually as regards the painful nature of their sufferings and death from slow starvation.

9018. Have you formed any opinion as to the prevalence of syphilis among this class of persons?—I believe that syphilis is very small in amount generally, compared with other diseases.

9019. Do you think that the ravages of syphilis, especially of hereditary syphilis, are not great?—Great where they happpen, but certainly not frequent. I have practised a large number of years amongst all classes of society, and have seen a large number of poor persons; but if one comes to reckon up the number or cases of syphilis, and compare them with the detriment from scarlet fever, or the detriment from scrofula, or any other disease, they would hardly amount, I think, to one per cent.

9020. You probably have seen an article on this subject, which lately attracted a great deal of attention, in the "Westminster Review"?—Yes.

9021. Then you do not agree with the picture there drawn?—Not the least.

9022. Then you do not think that amongst the lowest classes of society there is any great amount of syphilis?—There is more amongst them than amongst others. I have had opportunities of seeing the prostitutes who used to be brought in from Hyde Park. Theirs is a special case; they used to die, but not of syphilis pure and simple; they used to die of the effects of gonorrhœa and sloughing venereal diseases that are not syphilis.

9023. And those diseases you mean are not inherited?—No, they are not inherited.

9024. Have you any opinion as to the introduction of the Contagious Diseases Act amongst the civil population?—Yes. I have gone into that subject very carefully, with the best lights that I could get.

9025. Would you object to state to the Commission your opinion?—It is my opinion that if the existing laws for the repression of prostitution were put in force, and if women had every opportunity given them of seeking advice at lock hospitals, and elsewhere, for any venereal disease, we should be doing all that we can, or all that we need. The accounts which I get from Paris of the effects of the examination of public women are anything but encouraging.

9026. Do you believe that the system in Paris does not materially check disease?—It checks disease in the portion of the population subjected to it; but whatever increases vice generally, I believe, will increase syphilis, and this system may increase vice.

9027. You have been present during the examination, and heard Dr. Burke's statements concerning the registration of disease. Would you like to say anything to the Commission upon that subject?—Yes, very much, for 15 years ago I wrote a paper advocating it, and am at present concerned with a voluntary committee of gentlemen in endeavouring to urge it upon various public bodies. such as the Poor Law Board, and the Registrar-General, with a view to securing their sanction and co-operation for the scheme.

9028. Do you think it would be desirable to have it carried out under the Government, or do you think it can be done by voluntary association?—I do not think it could be done by voluntary association; you would not get medical men in private practice to give the particulars of the diseases of their private patients at present.

9029. But in public institutions it might be easy, might it not?—Yes, in public institutions it might be easy, and under the poor law easier.

9030. To whom would you send those registration returns?—To the Registrar-General.

9031. So that he should be the registrar of disease as well as of death?—Yes.

9032. But supposing this system were carried out by the poor law authorities, would you propose that those returns should go to the Poor Law Board, or to the Registrar-General, or both?—To the Registrar-General first, because then he could publish the result of the returns immediately, as he does his returns of deaths.

9033. Do you think he could publish such returns weekly, or monthly?—Weekly. I have gone into that question with various gentlemen who are interested in the matter, and have been concerned in making out a scheme with Dr. Richardson, by which it may be done.

9034. Should you be willing to send notes of that scheme, or some memorandum on the subject, to the Commission?—I should be glad to have the power to do so. (*The same was sent in, and is as follows:*)

EXTRACTS from a MEMORANDUM on the advantages to be derived from a Registration of Disease, and on the Mode in which such a Record may be obtained.

Adopted at a Meeting of a Committee representing The St. Andrews Medical Graduates' Association, The Medical Society of London, The Metropolitan Association of Medical Officers of Health, and the Poor Law Medical Officers' Association, held June 16, 1869.

There are about 3,200 Poor Law medical officers in the United Kingdom, attending annually, as nearly as can be computed, 3,000,000 of cases of disease.

Weekly or fortnightly, the 3,200 Poor Law medical officers furnish their respective boards of guardians with a return, under several heads, of all the cases of sickness at the time under their care.

These valuable returns serve now for a mere local purpose. But the information they contain would, if collected and tabulated, furnish the data necessary for a knowledge of the distribution of disease generally, the character of diseases special to localities and occupations, and the presence and spread of epidemics.

By the action and authority of the Poor Law Board, a registration of disease, based on these returns, may be effected.

The needful arrangements for such a purpose are simple and inexpensive; the columns of the present form of district medical officers' returns should be rearranged and added to, so as to consist of two parts separated by perforations; one part (*A*) containing all the information necessary for the board of guardians; the other part (*B*) containing the particulars needed for the registration of disease. Part "*B*" should be entirely filled up by the medical officer, as well as the columns in Part "*A*," headed "Days when attended, or when medicines were furnished," "Necessaries ordered to be given to the patient," "Present state or termination of the case," and "Observations;" the other columns in Part "*A*," being duplicates of those in the part relating to the registration of disease, should, following the precedent of the present workhouse book, which is partly filled by the medical officer and partly by the master, be entered by the clerk or other officer appointed for the purpose. For workhouses the same plan may be adopted, with but slight modifications. Specimen forms are appended showing the alterations required.

This scheme is simple, it is easily carried out, and it meets the requirements both of the boards of guardians and of a system of registration of disease.

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

DISTRICT MEDICAL RELIEF BOOK.

(*A.*) *This part to be retained by the Board of Guardians.*														(*B.*) *This part to be sent to the General Register Office.*							
To be filled up by the Clerk.				To be filled up by the Medical Officer.																	
Name.	Age.	Residence.	Nature of Disease.	Days when attended, or when Medicines were furnished.							Necessaries ordered to be given to the Patient.	Present state or termination of the case.	Observations.	Name.	Age.	Residence.	Occupation.	Nature of Disease.	Date of commencement of Disease.	Recovery or Death.	Observations.
				Sunday.	Monday.	Tuesday.	Wednes.	Thursday.	Friday.	Saturday.											

PARISH OF_____WORKHOUSE MEDICAL RELIEF BOOK.

(*B.*) *This part to be sent to the Gen. Reg. Office.*								(*A.*) *This part to be retained by the Board of Guardians.*																			
To be filled up by the								Medical Officer.												To be filled up by the Master of the Workhouse with the articles actually given.							
									Days when attended.							Extras.											
Name.	Age.	Former Residence.	Occupation.	Nature of Disease.	Date of commencement of Disease.	Recovery or Death.	Observations.	Initials of Med. Officer in attendance.	Sunday.	Monday.	Tuesday.	Wednes.	Thursday.	Friday.	Saturday.	When ordered.	When discontinued.	Termination of Case.	No. of Ward.	Name of the Sick Pauper.	Age.	When admitted to Sick Ward.	When discharged.	Nature of Disease.	Quantity of provisions consumed.	Extras provided.	Remarks.

9035. Do you think that that would have a great effect in detecting the sanitary wants of the country?—Yes, because my experience has shown me that when a certain amount of disease of a particular class occurs, in a particular locality, there is an excess beyond the ordinary of certain unhealthy conditions; and in the next place, with regard to diseases that are imported, and are spread by contagion, that system would give the only chance of stamping them out at first.

9036. Supposing we had returns from all the civil and military hospitals in the country, and from all the union medical officers, would those returns give a good idea of the condition of health of the community?—I think that they would do so, and especially with regard to those spreading diseases which are of greatest public interest.

9037. So that in fact, for the purpose of giving us information on the subject, probably those returns would be all that could be desired?—I think so.

9038. If, for instance, fever existed in a parish, or scarlet fever, or small pox, or any great class of infectious diseases, as a matter of fact those returns would show the spot in the country where it existed?—Yes.

9039. And you think that the information might be easily given weekly?—Yes, I think so.

9040. Without great expense?—Yes, without great expense. There has been a scheme proposed by means of which each clerk of the guardians may fill in three or four columns which are attached to their regular books, and then by means of perforation tear the leaf off and send it to the Registrar-General every week.

9041. (*Chairman.*) By whom was that scheme proposed?—It was devised by a joint committee, persons who voluntarily undertook to make a scheme for this purpose, consisting of Dr. Richardson, of medical officers of health, of poor law medical officers, and of gentlemen deputed by two influential societies, the St. Andrew's Graduates' Association, and the Medical Society of London; and that scheme has been submitted to the Poor Law Board, and is on the way to be submitted to the Registrar-General.

9042. (*Dr. Acland.*) And that would only require a small number of clerks in the central office?—I believe the Registrar-General could do it easily by a slight extension of his office.

9043. I mentioned just now the Diseases Prevention Act, and you stated that the operation of that Act had never come within your personal cognizance in your own parish; the reason of that I suppose is that it is unsystematic in its operation?—It is only put in operation upon some great occasion, of which cholera is the only one within my knowledge, and then it is only put in force in parishes where the disease prevails epidimically. We exerted ourselves to the utmost of our power to take care that the disease should not prevail epidemically, to save ourselves from being put under that Act, for we should have thought it rather a disgrace in St. George's, Hanover Square, to have let it be done.

9044. Are there powers under that Act which do not exist in the Sanitary Act, and which you really desire to have?—If that Act were in force habitually, that is to say, if there were certain diseases marked out as diseases of great danger to the population, say, scarlet fever, small pox, typhus fever, diphtheria, and any other diseases which are most dangerous to the community at large, and if the Act could be in perpetual force with regard to them, I think there might be a great change for the better in the prevalence of those diseases.

9045. Could you state what powers under that Act you desired to have which are not in the Sanitary Act?—One is the power for the speedy interment of the dead. I must confess that most of the powers are contained in the Sanitary Act, although not perhaps in the same terms; but the Diseases Prevention Act gives a sharper remedy than the Sanitary Act does.

9046. It is virtually put into operation, is it not, at the will of the medical officer of the Privy Council?—Yes.

9047. And he can immediately send an inspector under that Act, and order certain things to be done summarily?—Yes.

9048. Do you suppose that it would be dangerous to the community if the same power always existed in a well-constituted central authority?—Not at all.

9049. Or in well-constituted local authorities?—Not at all. I think it would be highly beneficial.

9050. Do you think that there might be always the power to send a case of infectious disease, for instance, into a hospital?—Certainly. I can give instances which I have known of the slow spread of disease

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

from room to room and from house to house in a crowded population, for want of the means of exercising such a power.

9051. And summary powers of cleansing?—Yes; but the chief power wanted is the power of emptying and removing the inhabitants from an infected room or house.

9052. I presume you mean removing the sick persons first of all?—Yes; or else removing the healthy and leaving the sick for treatment, but at all events isolating the sick.

9053. But to deal with the population of the sick room as a sick room, and to see that the sick house should be thoroughly cleansed?—Yes.

9054. You do not think it is sufficient to have the power to remove an infectious case?—Not without powers of cleansing, which I think we need.

9055. Do you know whether, under the Sanitary Act, there is power to make an agreement with hospitals to receive the sick?—There is in the 37th section of the Sanitary Act of 1866.

9056. According to your previous answer it seems that you think that there are very ample powers, but that there is something wanting in the constitution of the central authority and of the local authority?—Yes.

9057. Will you say what powers you would like the local authority to have that they have not now?—I should like the local authority to be constituted carefully. The local authority, for instance, let us say the vestry of a parish, consists of 100 persons, and if any matter, especially a matter of detail, comes to be discussed by a large number of persons, there is never any chance of an agreement. The bane of such bodies is that they are divided into parties, and that the leader of a party (it is a bad imitation of the House of Commons) will not consent to the sweeping of a crossing if the leader of the other party wishes it, and so forth. It is perfectly ridiculous. Mr. So-and-so's party are known to object to a measure, not because of the merits or demerits of the measure, but because the opposite party has proposed it. I always found that although a large body was utterly unmanageable, yet if you had a small committee of, say, four or five gentlemen, you could always get their most particular and intelligent attention to the matter before them, and that they would act with the utmost discretion and conscientiousness; and I only wish for them a power of doing what can now only be done with delay and dilatoriness; the same power which is now exercised by the magistrates in petty sessions whom they appeal to; that is to say, that they should be able to do what the magistrates now do in their evidence.

9058. Could you say how those persons should be selected?—Yes. Let me give an instance. I used to be summoned, we will say, to attend at the office of the local authority of my parish on certain occasions when sanitary business was done. On one occasion it would be the licensing of cowhouses, or butchers' slaughter-houses, and then we should find that two or three members of the vestry who happened to be justices of the peace were there sitting as a court of petty sessions for that purpose, with the vestry clerk acting as clerk to the magistrates. Then the next morning I should be perhaps attending a committee of the local authority on a matter of life and death, not on a matter of cows and oxen, but on a question as to whether we could save the lives of perhaps half a street. They might be the same persons, and go into the case with the same intelligence and conscientiousness, and yet after we had gone into the case, and examined witnesses, and come to a decision, we must then carry the case before the police magistrates, who (with all respect for them) often listen to sanitary cases with the utmost possible fatigue and difficulty—the subject is quite foreign to them.

9059. Then you would wish the local authority to have the power of the justices?—Exactly so.

9060. (*Earl of Romney.*) How was this small number of persons constituted?—They were elected out of the vestry, by the vestry. It was a committee of the vestry under the Act, which enables the vestry to make a committee for the purpose; but if to that body were added one or two *ex-officio* members of magisterial dignity, or justices of the peace, I cannot conceive of a better tribunal.

9061. (*Dr. Acland.*) Do you think that the police should act as inspectors of nuisances?—Yes, undoubtedly as informants.

9062. You consider that it is not the business of a cultivated medical officer of health to be harassed with reporting upon matters of this kind?—No, not to hunt them up personally. You must have an inspector.

9063. You think that that is not the business of the medical man, but that he should rather be informed, and then pass his judgment upon the case?—Yes, quite so; the inspector should collect the facts.

9064. And you think that the business of the medical officer is to say what is to be done where there is an evil pointed out?—Quite so.

9065. How would you appoint the medical officer of health?—By election by the vestry or district board; but I would make his salary and his persistence in office during good behaviour under the control of the Secretary of State, and have his appointment confirmed.

9066. What do you think should be the functions of a first-class medical officer of health?—To superintend and advise generally on all points affecting the public health, not the private treatment of disease but the public health of his district.

9067. Do you think that he should be devoted exclusively to that work?—In a large town where you could afford to pay him well, I think he should be. He had better either be a scientific chemist, or have some tie that shall connect him with the progress of science, that he should not sink into a mere sanitary officer.

9068. Probably you would say that two kinds of medical officers of health are needed in the country at large, viewing it as a whole, and that in the rural districts it must be one of the medical practitioners of the district?—I think so.

9069. In large towns do you think that there would be room for a person of high scientific education to give his whole time and life to the occupation of promoting public health?—Yes, I think so, in towns.

9070. But in that case he must have such a salary as would enable him to live?—Yes, he must have such a salary as would enable him to live, and such a staff as would enable him to work.

9071. Are you of opinion that the work of the country in those particulars has been very much done hitherto from purely philanthropic motives?—Yes.

9072. And that a great part of the sanitary knowledge which we possess has been given to the world by persons who have been very ill paid, or not paid at all?—Certainly for a man to devote himself to sanitary work, or sanitary ideas, is in the present state of London to condemn himself, I will not say to poverty, but certainly to a small income.

9073. (*Sir T. Watson.*) The more successful he is the worse for him, and for the whole profession, is it not?—Yes, I think so.

9074. (*Dr. Acland.*) Probably it is of your knowledge that there are many men who have willingly devoted themselves to this sanitary work for the benefit of the whole community, with the certain conviction that it debarred them from great profits in their professional life?—Yes, I have known many such.

9075. Simply to better the public health of their country?—Simply following a benevolent instinct, not a selfish one.

9076. What I understand by your answer is, that preventive medicine generally does not give now a living to a medical man?—No, it does not.

9077. But curative medicine does?—Yes.

9078. But the country does not at present consider the preventing of disease an occupation worth paying for?—No, I think not.

9079. Is it possible that in reorganizing the sanitary

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

administration of the country this rude method should continue?—No, I think that for large towns you ought to have a well-paid special officer over rather a large area; and for the country and thinly populated places you should get the best medical practitioner you can, and pay him for his extra work.

9080. Would you call him a sanitary inspector?—That word is already used in an Act of Parliament in another sense, and therefore I should avoid that term as being ambiguous; I should call him an officer of health.

9081. Would you have one for each county?—I do not see my way to that. If every district had the best man it could get to superintend the public health, without private practice where he could be sufficiently well paid, and with private practice in places where he was not well paid; then if we had besides a sort of central body of superintendence who could employ a staff of inspectors, and send them over the country from time to time to see how things were working; I think that that would be organization sufficient.

9082. You would have health areas then, as I understand you, or health districts?—Yes.

9083. Could you say at all what kind of area you think one such health officer might preside over, speaking of the higher class, and not the merely local class?—I think that two such officers would be enough for the western parts of London; in the eastern and more thickly populated districts I would have smaller areas and more officers over them.

9084. (*Chairman.*) When you said that two would do for the western parts of London, what number of unions do you mean, and how many for a union?—I should not think of appointing more than one to a union, and in fact many unions might combine, for instance, St. George's, Hanover Square, and St. Marylebone, and Paddington; and I think that they all might be under one active man.

9085. (*Dr. Acland.*) But speaking of the country at large what would you say?—Having gone a good deal into this matter, in conversation with various persons interested in it, I have come to the conclusion that the best plan in thinly peopled districts would be to take the poor law medical officers, get the best men you can for those offices, add every inducement to good men to hold the office, and make them the medical officers of health also, paying them very liberally in addition; give the officer a new name, call him the "Civil Surgeon" of a district.

9086. You know that there are highly skilled poor law inspectors; would you have the general inspectors for the whole of England persons of that class?—Yes, I think so; but they must be medical, and not legal, for those purposes.

9087. When you say "medical," would you say that, generally speaking, they had better be persons of the education of an ordinary medical practitioner up to the present time, or do you think that there should be any special qualification superadded, as those of chemist, or analyst, such as you mentioned previously?—For the inspector, that is to say, for the superior officer of the central government, I should think that you would find the best man for the purpose among retired medical officers of the army and navy, for it is to them that we are indebted for the most advanced knowledge that we have of sanitary questions. They began before anybody else, and they carried out things in India, and suggested things in India years ago that are novelties, and are not yet accomplished here. Then we want men of business, accustomed to method, discipline, and order, and the management of a staff. If, besides, they know a little of law, I should trust to their common sense to supply themselves with such technical qualifications as they want.

9088. That is, they might employ experts when requisite?—Yes.

9089. Do you think that this staff of persons should have any relation to forensic and medico-legal questions?—I believe that many a time an inquest, which costs, I think, 3*l.* 10*s.*, might be saved if a medical officer of health were empowered to decide whether an inquest were necessary or not. This thing is incessantly happening. It costs 5*s.* to bury an unbaptized child, and it costs 7*s.* 6*d.* to bury a baptized child. There are repeatedly found dead bodies of children in our streets and parks, in dust heaps, and so on; and that is a constant element in the number of deaths. Now it is my belief that those are not children that are murdered, but are children that are thrown away, to save the expense of burial. But for each of those children there is a coroner's inquest, and there is a fee to the medical witness of a guinea, and another guinea for the *post mortem* examination, and the fees to jurors, and all those sort of things, all of which might be saved by one intelligent man, who would decide upon the thing first of all if he had the power.

9090. Then he must be an officer whose special business questions of this kind should be?—I think a well-trained medical officer of health, a man of good sense and experience, would be quite competent.

9091. But still he should be a person so fully employed in occupations of this kind, and so well remunerated, that he should be able to live without the anxiety of daily practice to maintain himself?—Quite so.

9092. You have several times had occasion to refer to the Poor Law Board; the Poor Law Board is virtually, in some particulars, the central sanitary authority of the country, is it not?—Yes.

9093. This is necessarily the case, is it not, because it has under its immediate control a medical staff occupying the whole kingdom?—Yes.

9094. Do you think that supposing there to be a central sanitary administration formed for the whole kingdom, that central body had better be the Poor Law Board?—I am hardly competent to give an answer to that question. That there should be some person in the nature of an under secretary of state or secretary of state, I believe; but I do not think that the public generally would like to be under the Poor Law Board.

9095. I suppose you mean to say by that that the Poor Law Board was originally constituted mainly for one special purpose, namely, the treatment of the poorest class of the country, and their maintenance in destitution?—Yes.

9096. It is a destitution body in fact?—Yes.

9097. And that by the accidental circumstance that they have a legal adviser and a medical adviser in every nook of the country, they have been of the utmost value to the country in its sanitary administration?—Yes.

9098. But now the question arises how far from that accident they should be erected into the sole or chief sanitary central body?—I should desire to see a fusion for what may be called central sanitary purposes of the Privy Council authority, the Poor Law Board, and the Registrar General; or that they should be three separate departments of one function of the Government, and above all things that with regard to the subordinate officers they should not be multiplied. If you could get men in country and sparsely peopled districts to undertake the preventive as well as the curative treatment of disease, to make safe the community as well as to save the life of the individual, I think you would be largely diminishing the labour. I used to find that there was this sort of absurdity, that we had dispensaries which occupied themselves largely in giving medicines, we will say for diarrhœa; but when I asked those dispensaries also to give with each dose of medicine a dose of disinfectant, so as to take care that all that passed from the sick was deodorized or decomposed, so that it should not infect any one else, they would not do that, they thought it not in their department. I should like to see both departments fused where it can be done; that is to say, if you cannot have an efficient department in each sort, which is only possible in large towns, you should fuse them; but in every case the sanitary officer or medical officer of health should report to the central office, and be subject to occasional visitation and inspection.

9099. Is it not the case, for instance in rural districts, that there is virtually but one authority, namely, the guardians, for almost all medical and sanitary purposes?—Yes.

9100. That local authority therefore would discharge all sanitary functions, as I understand?—Yes, I think it might.

9101. And as I understand, you are of opinion that it would be desirable to combine the same functions in the central offices?—Yes, I think so.

9102. Not to have the Poor Law Board as the sole sanitary centre, nor the Privy Council, nor the registration office, but to unite those bodies in some way?—Yes, in some way.

9103. So as to have the departmental action together?—Yes.

9104. Are there any other subjects which you think should come under the cognizance of such central authority; you have mentioned three, the registration of death, to which you propose to add the registration of disease, the functions of the Poor Law Board, as far as regards sanitary and medical matters, and the unsystematic operations, important and extensive as they are, of the Privy Council?—Yes.

9105. You mentioned that you have had to do with the adulteration of food and with the bakehouses. Were you also an inspector of workshops?—No.

9106. But could you name any other acts which you think should come generally under the cognizance of such a central authority?—There is one which is important, namely, the taking of the census, which occurs at 10 years interval; but it is of the utmost importance for every sanitary officer to be completely *au fait* with the census, as to its details for his own district; and the medical department, whether central or local, ought to have as it were the right of friendly entry, and of inspection of any documents or inquiries which may be going on, and particularly the census.

9107. You propose the registration of disease for public institutions; that would bring all the civil hospitals of the country into immediate relation with the central authority in the metropolis, would it not?—Yes; and I think that they ought to be each more or less under the inspection of the medical officer of health; that a public institution, or a *quasi* public institution for the treatment of disease, is a thing that ought to come under the inspection of the medical officer of health of the district.

9108. There are a great many hospitals in the country besides the voluntary civil hospitals; there are all the hospitals under the immediate control of the guardians, that is to say, all workhouse hospitals. So that there are two classes, the voluntary hospital and the workhouse or State hospital; would you have all those in relation to one central authority?—Yes, I think so, certainly.

9109. There is another class of splendid establishments for the treatment of the sick which I believe are under a different authority altogether, namely, the asylums as they are called, or hospitals as they should be called, for the insane. Would you have those in relation to the same central authority?—Yes, for certain purposes.

9110. Would one of the results of that relation of all those medical institutions to a common centre be, that a complete sanitary knowledge as to hospital building and hospital administration, and the highest class of sanitary information, would come immediately within the reach of all the distant parts of the country?—Yes, I think so; that would necessarily follow. We should know what diseases were cured, and what not cured, and what were aggravated in a hospital.

9111. And without any expense, and with very simple central arrangements, we might have reports upon all those matters?—Yes, I think so.

9112. I daresay you are personally acquainted with all the reports on the registration of disease that have been published by individuals; such, for instance, as by the corporation of Newcastle, or by the corporation of Liverpool?—Yes.

9113. If you want to get any of those reports, may I ask how you get them?—I generally have them sent to me by personal favour.

9114. Because you are personally acquainted with the individuals who edit them?—Yes.

9115. And because you know where to write for them?—Yes; and I give them to the Royal Medical Chirurgical Society of London, and I hope that they will bind them and take care of them.

9116. But all this is purely voluntary?—Yes.

9117. And it depends upon your mental activity, upon knowing where to apply?—Yes.

9118. And upon their choosing to give them to you at their own expense?—Yes.

9119. Do you think that in any general sanitary administration this kind of accidental courtesy and philanthropy is a just way of the administering the sanitary affairs of an empire like this?—No, there ought to be some public system. The only danger would be that of making the reports too long.

9120. But is it not quite conceivable that with very little labour and expense a good system might make all the sanitary information of the country readily available?—I think so.

9121. Do you think that the registrar should be a medical authority?—Yes, I do, wherever practicable, or that he should work with some medical authority at his elbow.

9122. How ought that medical registrar to be made sure of the cause of death?—Sure he cannot be; but with regard to something like an approximation to it, I hold that whenever he receives a suspicious or illiterate certificate the medical officer of health ought to be applied to; in fact that it ought to be a part of the medical department of a parish. Instead of having a registrar, who is in our district a tallow chandler, and having besides a medical officer of health and a poor-law medical officer, and half a dozen other officers, all working at sixes and sevens apart from each other, if we had anything like a civil medical department for each area, then the medical officer of health in any case of doubt could cause inquiry to be made, which would protect life, and give us at all events something more certain than we have already.

9123. I suppose that you allude to cases where the person who is deceased has not been attended by a regular medical practitioner?—Yes, or where the medical practitioner, or some person representing the medical practitioner, may sign a certificate of an illiterate or suspicious sort.

9124. At present it is not necessary that the certificate of death should be signed by a medical man at all, is it?—No. The act of the registration of death is performed by some one who asserts that death has taken place, and he usually but not necessarily brings a certificate of the cause of death from a medical man as a sort of concurrent evidence.

9125. You think that the registrar is not bound to require a medical certificate?—No, he certainly is not.

9126. And the medical practitioner who attended the case is not bound to sign the certificate?—No.

9127. There is no penalty attached to the refusal, I believe?—No, there is not.

9128. The board of health of Massachusetts inflict a penalty of ten dollars on a practitioner if he does not sign the certificate, which penalty is enforced. Do you think that that should be?—No. I think that the medical profession in England, or Ireland either, ought not to be so illiberal as to be calling for payment for just signing their name. I think that they would do it very readily, and much more readily, if there was no penalty attached to the non-performance.

9129. It is in England very rare, is it not, that medical practitioners decline to sign the certificate?—Very rare indeed; I have heard of one or two men who have refused to sign upon what they call principle.

9130. Which sometimes means eccentricity?—Churlishness. They are not obliged to do it and they will not; but that is exceedingly rare.

9131. Do you think that it should be compulsory?—No, why should I be compelled to state a fact of which I am not certain? Supposing that I am called in to a patient on Thursday; I see the patient and take my leave, and they come to me on Saturday telling me that the patient is dead; in such a case I write a certificate, stating that I attended such a person, who was ill with such a disease, and that I am informed that he died, but I cannot certify to the fact of the death.

9132. That objection only applies to the wording of the certificate; it does not apply to the circumstance of signing a certificate that you know that the person is dead?—But I may not know that the person is dead; I am only informed that the person is dead.

9133. And you would object, and properly object, to being obliged to go and ascertain that fact?—Certainly.

9134. You would say that that belonged to the public health officer?—Yes.

9135. You are wanted only to treat the patient during his life, and the duty of the inspector is to see after the other circumstances?—Quite so; but as society is constituted, one would do of course that act of courtesy as an act of public duty. One would not object to state that A. B. had been seen on a given date, ill with a given disease, but I should be sorry to put my name to the fact of death unless I had seen the dead body.

9136. Are there any other circumstances connected with the registration of death which you would like to state to the Commission?—I think that still-born children should be registered when they have passed a certain stage.

9137. How should you enforce that? Would you make it penal to neglect it?—We might make it concealment of birth; but with regard to still-born children in general I do not think there would be any difficulty. The difficulty is with regard to illegitimate children.

9138. You would find it difficult, would you not, to fix by law the period of gestation at which a child should be returnable?—Yes, there would be difficulties, no doubt.

9139. In Paris there are now tables of abortions of so young a period as two or three months, but probably those returns are accidental; but you would only speak of those at the advanced period when they might have lived?—Only what are technically called *viable infants*, strictly speaking premature births.

9140. I have just mentioned the board of health of Massachusetts, which is a newly constituted board. They are specially charged by the state with the duty of inquiring into the injury to the population from alcoholic excesses; is that a subject to which you have turned your attention?—Very much indeed, and I have written a good deal upon it.

9141. As a matter of public health, without going into the question of the relations of temperance to morality, or what I may call the mental department of the question, would you state to the Commission any opinions which you may have formed upon the subject?—In investigating that matter for myself, and making inquiries, I found that the great source of demoralization by drunkenness, say in any given street or small circle, was the fact that there was established there some public-house, which instead of carrying on its business in a quiet way, made it a prominent business and took pains to attract customers. For instance, there is a street that I know in which this was told me by a person. "So long as we had the "old public-house there, with a blind in the window, "an old sleepy-looking quiet place, people may have "gone and have bought their beer or gin occasionally, "but there was no harm done; but there comes a new "proprietor, who puts in plate-glass windows and "gilded frames, and has singing, and I make no doubt "has other means of attracting people there. And "then immediately the married women in the street, "the young women, and the boys resort to that house, "and it becomes a universal propaganda of debauchery "for the neighbourhood." I am driven to the conclusion that the ratepayers, if they knew their own interest, would clamour for the power of being able to shut up any such house, and not to allow any such establishment to be opened.

9142. I am bound to endeavour to restrict my questions to the sanitary and physical aspect of the matter; and however interesting the question of the bearing of this subject upon education may be, yet it would not be proper for me to ask any questions in that department. I limit myself to the physical question, do you think that there is permanent sanitary injury to the public health produced by alcoholic excesses?—Yes, without doubt.

9143. Have you any power to restrain a person who is virtually a lunatic from *delirium tremens*?—I am employing a barrister at the present moment to investigate the law upon that subject for my own private information, and I learn that there are such powers, but I should get out of my depth if I were to attempt to define them.

9144. You mean that for the care of the health of those unfortunate persons we have no means of control, but the police have?—The police have; but may I ask if you refer to the seclusion or shutting up of what are called dipsomaniacs?

9145. There is a class of persons called dipsomaniacs, and there have been within your knowledge, have there not, suggestions for having houses for the care and charge of such persons?—Yes; I have got a large mass of material on that subject, but it is so vast that I hardly know how to bring it out in a few words. The dipsomaniacs that I am acquainted with are generally persons in good circumstances; but with regard to the poor, it strikes me that if any man becomes chargeable upon the parish through drink, the parish ought to have the power to shut him up and take charge of him.

9146. (*Earl of Romney.*) What power have the police to restrain in the case of dipsomaniacs?—Only if they are riotous in the street.

9147. (*Dr. Acland.*) Is there any statement bearing upon the health of the people in the direction of death rate which you would like to append to your evidence?—I should like to put in two short extracts from reports which I drew up for the parish of St. George's, Hanover Square, to show the necessity of analyzing the population before fixing the death rate. Perhaps I may venture to put before the Commission a diagram (*producing the same*) that I made to show the space enjoyed by the people of Belgrave Square, and to show their population and their mortality compared with the space enjoyed by the lodger population close by, because it shows that to attempt to deduce the general death rate of the parish is almost worthless. This diagram is accompanied by observations on the different mortality of different classes in the same parish. (*See the following extracts.*)

(*Extracts from Reports made to the Vestry of St. George, Hanover Square, on the Analysis of the Population, and in the study of Social Condition, in order to determine the elements of the true Death Rate of the People in a given area, were handed in.*)

(1.) From a Report dated Michaelmas 1858.

In the next place we will give some details respecting the poor and their habitations, which will show, at a glance, what their most pressing want is, and in what way the charity of the rich can best be directed for their relief. On the present occasion allusion is made solely to the Hanover and May Fair, or in wards, for they are smaller and more compact than Belgravia, lying as it were within a ring fence; and the character of their poorer population is different from that of Belgravia.

Out of the 33,000 inhabitants of the older part of St. George, Hanover Square, about 20,000 live in first and second class streets, and 13,000 in third class streets and stables. It is fair to assume that the number of the poor (that is, of those who require medical attendance when sick, and other aid at the hands of the rich) is 13,000, exclusive of the inmates of the workhouse.

As we stated in our Annual Report, the mortality of the dwellers in the better, and in the worse parts of the parish, is very different. During the two years, ending Lady-day

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

1858, there died *at home* in the houses of the 20,000 better class, 425 persons, being at the rate of nearly 11 per 1,000 per annum of the population, as estimated in 1851. During the same two years there died in the homes of the 13,000 poor 544 persons, being at the rate of nearly 21 per 1,000 per annum of the persons who occupied these houses in 1851. In this statement all deaths in the workhouse, hospital, streets, and Serpentine, are left out, although they belong chiefly to the poor. But without them the difference of the mortality in the two classes of residences is palpable enough.

In the next place, taking 29 places called mews, with a population of 2,928 persons in 1851, the mortality in those mews was, during those two years, at the rate of 16 per 1,000 per annum, whereas the mortality of the remaining 10,072 of the poorer classes, who live in the lodging-houses in poor streets, was at the rate of 22·3 per 1,000 per annum. Thus the stables, some of which are even luxurious, although others are still ill-ventilated and rank enough, are as a whole, wholesomer than the lodging-houses.

According to a report presented by Dr. Druitt, in April 1857, there were living in Brown Street 93 families, 47 of which, at the least, were provided with medical attendance and medicine by charity. Of the 93 families, 3 had three or more rooms; 26 had two rooms; 64 had one room each. In 61 of the rooms there lived 162 persons. The average size of these rooms from actual measurement, was 10 feet square, and 8 feet high, giving a cubic capacity of 800 feet; and the average rent 3*s.* 5*d.* weekly. Of course there are great varieties in the details. A kitchen measuring 1,145 feet, lets for 2*s.* 9*d.*; a second floor front of the same dimensions for 4*s.*; a first floor front of 1,440 feet, for 4*s.* 9*d.*; a first floor front of 864 feet, for 4*s.* 6*d.*; a front parlour only 864 feet, inhabited by a shoemaker, also 4*s.* 6*d.* The number of inmates varies from 1 to 8.

Taking 75 families, living in the other poorer districts (Hertford Place, May's Buildings, Carrington Street, Thomas Street, Grosvenor Market, &c.), it was found that 61 live in single rooms; that these rooms, if measured, give an average cubic capacity of 982 feet; that the average number of inmates is 3·7, and the average rent 3*s.* 4*d.*

In the model lodgings in Grosvenor Mews one set of rooms 1,568 cubic feet, brings a rental of 3*s.* 6*d.* per week; another, 1,480 feet, lets for 4*s.*; and a third, 2,160 cubic feet (that is a space 8 feet high, 27 long, and 10 broad), is let for 5*s.* All the lodgings in the model house, and in Bloomfield Buildings, which are built on the same plan, are subdivided into two apartments.

(2.) Extract from Report No. XXX. dated 12th April 1865, addressed to the Vestry of St. George's, Hanover Square.

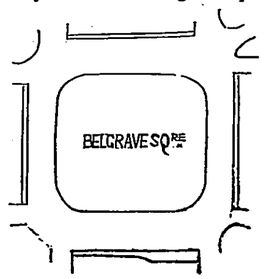
Further Analysis of Population and Mortality of Belgrave Sub-District; Displacement of Population, &c.

The lesson which we venture to enforce on the Vestry, as we ourselves learn it from an investigation of the facts, is that it is of little use to bring forward broad general figures without entering into details: that to assert that a place is unhealthy intrinsically because a great many persons die there, is absurd; that sanitary matters, drains, cesspools, &c., are very important as causes of death, and spare neither rich nor poor; still that they form only a small share of the general conditions, whether of plenty or poverty, ignorance or knowledge, virtue or vice, love of life, or carelessness of life, in which a population lives. In fact the mortality is a test of the whole condition of the people, and not merely of the existence of nuisances as they are called.

In former Reports we have given the mortality in a group of squares in the Belgrave sub-district, and compared it with that of a group of small streets, with the view of showing the greater general mortality in the poor streets than in the rich, and the greater proportion of children's deaths. But we were not in possession of figures to show the mortality per cent. Desirous of getting at some numbers with respect to the Belgrave sub-district, and especially as regards the quantity of people displaced by the pulling down of houses, we made application to the Registrar-General, who kindly ordered the original Census documents of 1861 to be brought from the House of Lords to Somerset House, and to be placed at our disposal. From these we made as many extracts as our time permitted, and propose to set them forth here, in order to show the difference between a wealthy and a poor neighbourhood within the same sub-district.

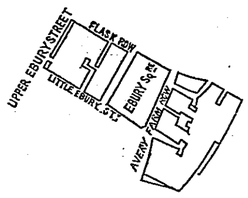
Suppose we take Belgrave Square as the type of the richer. The first fact is, that at the Census in April 1861, out of 49 houses, it is evident, from the returns, that only 22 families were in town; the remainder were at country seats, watering places, &c. And this gives us but an imperfect idea of the extent of change enjoyed by the rich in the autumn.

Secondly, Space.—The adjoining diagram represents the space occupied by the houses in Belgrave Square. At the



time of the Census the numbers in that square were 152 males, 274 females, total 418, of whom 22 were under 14. This is probably an average number for the whole year; but let us give all the houses the same population as those of which the owners were in town at the time of the Census, the full population would be 627.

The next is a diagram of a space forming one of the enumeration districts of the Census, comprising parts of Little Ebury Street, Warrad's Court, Ebury Square (an open space), Flask Row, Susannah Place, Upper Ebury Street (part of), Kemp's Row, Bridge Row, Darnley Cottages, Flask Lane, Boyd's Gardens, Avery-farm Row (south side), Girdley's Mews, and Ebury Place. In this there were 545 males, 642 females, total 1,187 persons, of whom 392 were under 15 years of age.



Thirdly, Arrangement of Space.—When many human beings are to be planted on a small space of ground, the dwellings should be in good blocks, so arranged as to let the sun and wind have full sweep; and without odd close back yards, *culs-de-sac*, courts, &c., &c. The distinction between dwellings of rich and poor is clear enough in this respect from a glance at the diagrams.

Fourthly, Proportions of the Sexes.—Nothing is more remarkable than the accumulation of women of the active and healthy time of life as servants in the houses of the rich. Throughout them the women are to the men as two or three to one; in the poorer the proportions are nearly equal.

Fifthly, The Absence of Domestic Servants.—Out of the 333 families comprising the 1,187 persons inhabiting the poor patch of streets above designated, there is not one domestic servant.

Sixthly.—The proportion of children; always greatest where the families are poorest and smallest. Hence such districts show the high mortality necessarily attendant on infant life. Moreover, it is almost impossible for one woman to rear children; she must have the aid of others of her own sex, and the deficient means of the poor tell heavily here.

Such are some few of the evils of poverty and of the statistics of the poor.

(5.) Further extract from Report No. XXXIV., 31st March 1866, on the difference between the gross mortality, and the mortality of special classes of houses in the parish of St. George's, Hanover Square.

Mortality and Death-Rate of Hanover and Mayfair.

In these sub-districts the gross number of deaths, that is including all in the workhouse, in the year ended 31st March 1866, was 553; in the years—

1857	1858	1859	1860	1861	1862	1863	1864	1865
563	605	543	567	534	570	577	630	612

The gross death-rate of this part of the parish, therefore, this year has been 17; and has fluctuated during the last eight years, between 16 and 19 per 1,000 per annum, estimating the population as virtually stationary at 32,500.

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

Division into Rich and Poor Streets and Mews.

Rich Streets.—We now proceed, as in former reports, to divide the Hanover and Mayfair sub-districts into two classes of streets. First, the aristocratic and first-class business streets and squares, such as Albemarle and Arlington streets, North and South Audley streets, Grosvenor and Berkeley squares, Old and New Bond streets, Bolton, Brook, and Bruton streets, &c. We obtained an exact record of the population of these streets at the census of 1851, and we believe there has been no material fluctuation since; the population of these streets was then 20,000. The deaths in them last year were 178, or at the rate of 8·9 per 1,000 of the population.

Out of the 178, the number of children's deaths under 5 was 44.

In the foregoing years the numbers were:

—	1858	1859	1860	1861	1862	1863	1864	1865
Total deaths -	216	209	192	201	187	201	240	218
Under five -	—	—	—	—	43	41	39	41

Poorer Streets.—Now if we take the second and third-class business streets, the mews, and the streets occupied by the artisan and servant classes,—such as Adam's-mews Avery-row, Barlow-mews, Bell-yard, &c., &c.; the population of these is 12,500, say 13,000. The total number of persons who died *at home* in these streets last year, excluding all that died in the workhouse or in the hospital, and seven that were found in the park or streets, is 280, of whom 136 were children under five, or nearly one-half. The rate of persons who died at home is 21·7 per 1,000.

—	1857	1858	1859	1860	1861	1862	1863	1864	1865
Total deaths	251	293	269	279	241	303	258	273	266
Under five -	—	—	—	136	119	154	121	123	123

There is a class of dwellings called Mews, in which the families of coachmen and grooms live over stables. These are usually considered more unwholesome than the ordinary artisan's home, because of the ammonia evolved from the horse manure. In our parish, however, the stables are very well looked after, and the increased space which the residents enjoy is more than a compensation for the ammonia. The population of the mews in the Hanover and Mayfair sub-districts was 3,000 in 1851, and cannot have greatly altered since. The deaths last year were of 24 adults and 28 children under 5, total 52; or at the rate of 17·3 per 1,000 per annum.

When we speak of deaths *at home*, it must be understood that we speak of those who die in their own beds. This year 19 of the inhabitants of the Hanover and Mayfair sub-districts died in St. George's Hospital. As we have said before, if we take the 88 parishioners who died in the Mount-street, and 23 in the Little Chelsea Workhouse, and the 82 in the hospital—total 193—we see that nearly one-tenth of the deaths in our parish took place in beds provided by charity.

Mortality in Belgrave Sub-District.

The gross number of deaths in this sub-district (that is, including *all* the 352 deaths in the hospital) was 1,454. In the eight foregoing years it was—

1858	1859	1860	1861	1862	1863	1864	1865
1,124	1,202	1,242	1,210	1,368	1,270	1,388	1,381

Estimating the population to be stationary at the calculated amount of last year, 59,500 or 60,000, the gross rate of mortality was about 24 per 1,000. Excluding the deaths in St. George's Hospital and workhouses, the people who died *at home* were 1,102, or at the rate of 18·3 per 1,000 living.

Deaths at Home in Belgravia.

1858	1859	1860	1861	1862	1863	1864	1865
813	948	926	880	1,060	962	1,047	1,045

The deaths under five in this sub-district were 548.

1858	1859	1860	1861	1862	1863	1864	1865
389	477	431	353	580	489	475	445

We have not of the Belgrave the same minute information as to population as we have of the Hanover and Mayfair sub-districts. But we have some which enables us to contrast the mortality of the richer and poorer classes to a certain extent. For this purpose we have taken five *squares* which belong *par excellence* to the wealthy classes, and seven *streets* which equally belong to the other class.

Population of Five Squares in Belgravia, Census 1861.

—	Houses.	Families.	Males.	Females.	Total.	Persons under 15.
Belgrave Square -	49	49	144	274	418	22
Eaton Square -	118	118	367	775	1,142	102
Chester Square -	76	76	152	379	531	63
Eccleston Square -	61	61	169	383	552	83
Warwick Square -	35	35	101	214	315	76
	339	339	993	2,025	2,958	346

Mortality in the Five Squares.

To April,—	1862.		1863.		1864.		1865.		1866.	
—	Deaths under 5.	Deaths over 5.	Deaths under 5.	Deaths over 5.	Deaths under 5.	Deaths over 5.	Deaths under 5.	Deaths over 5.	Deaths under 5.	Deaths over 5.
Belgrave Sq. -	1	3	0	2	0	2	0	2	1	2
Eaton Square -	0	5	0	8	1	6	1	3	0	8
Chester Sq. -	1	4	0	3	0	4	1	4	1	4
Eccleston Sq. -	0	4	0	3	1	2	1	6	1	5
Warwick Sq. -	0	2	0	1	1	1	0	3	0	3
	2	17	0	16	3	15	3	18	3	22

Population of Seven Poor Streets in Belgravia, Census 1861.

—	Houses.	Families.	Males.	Females.	Total.	Persons under 15.
Upper Ebury St. -	103	317	598	644	1,242	365
Pulford Street -	73	185	387	375	762	254
New Grosvenor Pl.	25	40	112	103	215	80
Brewer Street -	33	94	205	216	421	158
Glasgow Terrace -	12	72	166	156	322	136
Robert Street -	24	62	172	162	334	160
Eaton Court - -	17	37	88	92	180	42
	294	807	1,728	1,748	3,476	1,195

Mortality in the Seven Streets.

Year ending April,—	1862.		1863.		1864.		1865.		1866.	
—	Deaths under 5.	Deaths over 5.	Deaths under 5.	Deaths over 5.	Deaths under 5.	Deaths over 5.	Deaths under 5.	Deaths over 5.	Deaths under 5.	Deaths over 5.
Upper EburySt.	17	9	10	12	9	14	3	10	7	6
Pulford Street	17	7	9	7	13	5	11	8	8	5
New Grosvenor Place.	8	5	1	0	5	6	4	5	4	1
Brewer Street	6	4	3	2	6	6	3	4	8	1
Glasgow Ter. -	15	3	10	0	8	5	9	4	2	1
Robert Street -	11	3	2	2	4	4	7	1	5	3
Eaton Court -	8	2	2	3	6	4	5	5	5	4
	82	33	37	26	56	44	42	37	39	21

These facts and figures contain the very A B C of statistical knowledge with reference to town populations. The rich people live one family in one house. Between 60 and 70 per cent. of the inhabitants of those houses are women—that is, domestic servants—women in the prime of life and health. Children under 15 constitute only about 1 in 8 or 9 of the population. In five years they lose 33·5 per thousand of their population by death, or 6·7 per thousand per annum. Of this number deaths under five are one-ninth of the total deaths. Many of the inmates, if likely to die, are removed elsewhere. On the contrary, the poor people live more than two families in one house; the proportion of the sexes is equal; there are no domestic servants; the number of children under 15 is 35 per cent. The deaths in five years are 119 per thousand of their population—that is, 23·8 per thousand per annum—of which the deaths under five are 60 per cent. The deaths in the poorer houses must be more numerous, because more of the inhabitants are of the ages at which mortality is highest, and because they have fewer of the resources which make life worth having or possible to have.

9148. Then that raises this question—whether, in order to get a precise notion of the death rate of a district, it does not require the skill and supervision

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

of a health officer, or some competent person, to analyze the localities in detail?—Certainly.

9149. But the general board death rate is virtually in many districts useless?—Yes, it is; and the true result can only be got at by analyzing the census returns with great labour.

9150. Is there anything else that you would like to add to your evidence?—I think not, unless the Commissioners will do me the favour to put questions to me.

9151. (*Mr. Powell.*) When you gave that sad and graphic picture of the physical condition of the very humbler classes, you mentioned that overcrowding and its concomitants were the cause; do not you also attribute considerable influence to the unhappily vicious condition of the parents, to their constitutions becoming dilapidated and degenerated by loose living?—In some degree; but I have seen a healthy father and mother whom you would take as types, living in a confined room where they had to perform all the offices of nature, living and sleeping, and so on, together, and I have seen them produce children which were born apparently healthy, but which gradually withered and became rickety and scrofulous; and, therefore, without underrating the influence of vice in the parents, I believe that overcrowding by itself will stunt the human race.

9152. But still you would attribute a certain influence to vice in the parents, would you not?—Yes.

9153. Does the scheme with regard to the local authority which you have sketched out apply to towns, or to country districts only?—To both.

9154. Can you form any estimate of the population which the medical officer whom you have suggested might be expected to superintend?—If there is a medical officer who gives up his time to his functions and does nothing else, and has an adequate staff, I think that he might, in towns, superintend a rich population of from 200,000 to 300,000 persons and a poor population of 100,000.

9155. The question of area would be blended with the question of numbers?—Yes; but number of itself would in towns form the chief element, whereas in the country, perhaps, the area would form the element.

9156. You would contemplate such an officer giving his whole time to the duty, would you not?—Yes, in towns.

9157. You made use of the term "adequate staff," do you mean a medical staff assisting him, or a staff more of the class of inspectors of nuisances?—The class of inspectors of nuisances.

9158. Supposing, for the sake of argument, that the law were abolished and that the table were clear, what staff would you give the medical officer that you recommend?—I should give him for every 20,000 or 30,000 persons one inspector of nuisances.

9159. Will you describe the functions of that inspector?—In the first place, he should consider himself responsible to the medical officer, and not to the local authority independently, because in many districts the inspectors of nuisances, having an independent appointment and functions, set the medical officers at defiance.

9160. The servant whom you describe should report to the medical gentleman whom you likewise describe?—Yes.

9161. The local authority would still retain their own staff of various officers?—Yes, they must have a staff; but for the medical staff you would want inspectors following out certain definite functions to be given to them.

9162. You suggested, did you not, that the functions of the officer should be to superintend and advise on all matters connected with health?—Yes, and I should call him the medical officer of health, whose duty it should be to look after the births and deaths in their relation to the public health, to look after the causes of disease, to look after the amount of sickness, and to give his skilled advice to the local authority towards the abating of any nuisances that may be detected or that may be complained of.

9163. Then he would to a considerable extent be a substitute for the present medical officer of health, with probably higher functions?—He would be the same man with the higher functions.

9164. Should you consider it his duty to call the attention of the local authority to any small nuisance, any such mischief as an individual nuisance, or to deal more with generalities?—Both, if it came within his province; I should consider it his duty to hunt nuisances out, and to cause periodical inspections to be made, and also to attend to complaints. If there are many deaths in a house, for instance, or many deaths in a street, or cases of illness in a street, he ought to send and have every house in that street carefully explored.

9165. Would you give him the power of entry for those purposes?—Yes, certainly, but at present he has not that power.

9166. You mentioned a painful occurrence of a patient dying from cholera, and a desire to conceal the fact; that occurrence took place, did it not, before the passing of the Sanitary Act of 1866?—Yes, just before it.

9167. Is there not a provision in that Act which would guard against such an occurrence, so far as relates to the letting of any room where such patient had been?—Yes, but in this case there was a removal of the bedding, and I think that that is also provided for. But with regard to information, the medical officer of health ought to have been informed of that case.

9168. Then you would suggest an addition to the present law, in the sense that when anyone has in his house a patient labouring under a disease which is infectious he should give some notice of it?—I think so, or in the case of a certain definite list of diseases.

9169. It would probably be the function of the medical man to give the information, because the owner of the house has no technical knowledge that the disease is of such and such a character?—No; the medical man should be invited to do it, but there would be some difficulty there.

9170. You admit that the question is surrounded with great practical difficulties?—Yes.

9171. I think you have been attached to the parish of St. George's Hanover Square; have you not a custom in that parish of appointing committees of vestries for sanitary purposes, and the like?—Yes.

9172. Do not you find that those committees of vestries work very evenly, and that the discussions are calm and peaceful?—Yes, quite so.

9173. And free from that party spirit of which you gave a description?—Yes; that party spirit is in the vestry as a whole, but as to the committees nothing could be more satisfactory.

9174. Seeing that the sanitary committee has separate functions and performs them, what objection is there to the committees as they are now constituted?—I do not object to the committees, except that they have not power enough; and there is this to be said, or at least it was our experience, that if the sanitary committee took up a given measure, such as we will say the registration of lodging houses, and wished the vestry as a whole to put it in force, probably the vestry would reject it.

9175. So that in fact it comes to the point that public opinion in that parish was not as yet ripe?—Possibly.

9176. Would you give the committee of the vestry the equipment of a court for the hearing of those cases, that is to say, would you allow both parties to be heard?—Yes, certainly; that is the case already. If a nuisance was complained of, and complaint was made to the local authority, and they were going to hear the case on a given day and hour, notice always used to be given to the person who was complained of, so that if he chose he might explain the matter and stop further proceedings.

9177. He might explain it in a conversational manner, but not through counsel and attorneys in the form of a court?—Attorneys come there very often.

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

9178. That was in a desperate case, was it not?—Yes.

9179. The smoke Act of the 16th and 17th Victoria has been put into operation in London, has it not?—Yes, with regard to furnaces and things of that sort.

9180. But you did not speak of your own knowledge, that knowledge being of a comprehensive and complete kind, in saying that the smoke clause, clause 19 of the Sanitary Act, has never been put in operation in London?—While I was in office we had no case under that clause in our parish.

9181. Do you consider that the bakehouses are completely dealt with under the Bakehouses Act?—Yes, I think that they are very completely dealt with.

9182. And that the evil which the Act was intended to remedy has been remedied?—Yes, decidedly so.

9183. You rather somewhat startled the Commission by describing the cost of burial in the case of two children, the cost in one case being 5*s.* and in the other 7*s.* 6*d.* Could you explain the reason of that difference, which appears to be an extremely undesirable state of things?—It is undesirable. If a child is still-born, or represented as still-born, it is generally taken by an undertaker, who engages to get it put under ground for 5*s.*; and I have reason to believe that in some instances the 5*s.* is pocketed, and the child put on a dunghill or thrown into the streets by the undertaker's man, or in some other way the misappropriation is effected. But if the child is to be buried as a christian person and as a citizen, and not merely to be put under ground as a still-born child, who is no person in the eye of the law, the cost of burial comes to at least 2*s.* 6*d.* more than in the other case, because of some fees at the cemeteries.

9184. Do you think that the power is sufficient at present, as regards the disinfecting of clothing, and so forth?—No, very much the reverse.

9185. Could you suggest what alteration should be made in that respect?—I would suggest that they should carry out the Sanitary Act.

9186. Do you consider the powers of the Sanitary Act sufficient?—Sufficient if they were compulsory and not permissive.

9187. You probably agree with a previous witness, who complained that there was not sufficient power to destroy or disinfect clothing in a summary manner?—The Sanitary Act would go a great way; but we have no power to destroy clothing, or to compensate for it; and if it is done the expense is entered under some other head. I have myself caused bedding to be destroyed, and then the people have been compensated in some informal way.

9188. (*Earl of Romney.*) With regard to the committee of the vestry, I understand you to mean that a committee having once been appointed, and having come to a decision, their judgment ought to be absolute, and there ought to be no appeal from them back again to the vestry?—Certainly.

9189. If their determination was final then you think the law is sufficient?—Yes, if their determination were final, and if they had the power which is now exercised by the justices under the Nuisances Removal Act, of ordering nuisances to be removed under a penalty.

9190. You stated that you thought that the medical officer, when appointed, ought to have the power of inquiring into the cause of death of infants and persons who were found dead. If he had the power of investigating thoroughly into those matters, would not that supersede very much the duties which are now imposed upon the coroner and the jury?—Yes, very much in some cases. It would relieve the coroner of all the trifling cases.

9191. And if it were thoroughly carried out it would be well if the coroner and his jury were confined solely to cases where there was good cause to suspect that there had been something wrong, either by malice or by culpable negligence?—Exactly so.

9192. In that way most likely there would be a considerable saving to the public, because a coroner's jury is an expensive operation with regard to those trivial cases?—I am sure that the expense might thus be considerably diminished.

9193. In speaking of cases of syphilis you said that you thought one remedy might be if the laws as to common prostitutes were more put in force, what laws were you alluding to?—The laws which hinder women from congregating in the streets soliciting the passers by, and the laws which would hinder their frequenting the Haymarket or places of public resort as prostitutes.

9194. But that is done now, is it not?—It is done now, but not effectively.

9195. Do you think that it would be an advantage if the new law that applies generally speaking to seaports and military stations were applied generally?—I am afraid not.

9196. You think that that would not be desirable?—No, if there is any means of repressing the prostitute as a prostitute, and of detaining her under treatment supposing she is found to be ill, and if women who are ill had opportunities given them of treatment voluntarily, I think that that would be better than any system which would lie under the stigma of licensing prostitution, or giving clean bills of health, which the French system does.

9197. But there is a wide difference between the French system and our system, because by the present law we only take charge of a woman in that way when she is believed to be in a state of contagion, in the same way as with regard to people wandering in the streets with smallpox; in both cases they are liable to be taken up for offending against the law, but the French system is that of licensing the woman to go out and follow her trade?—But I am afraid that in England, if a system of inspection were carried out at all efficiently, it must end in the French system.

9198. Dou you object to the present system as far as it is carried out at naval and military places?—No, not there, because that is a limited area, and under peculiar conditions.

9199. But with an area of 15 miles round the place?—Yes; but still I cannot help reverting to what I said before, that if the same energy which would be displayed against a woman accused of syphilis were displayed now against a woman who is a notorious prostitute, and who haunts public places, all the good would result without any outcry.

9200. (*Sir Thomas Watson.*) You stated that you thought that the water supply in London was ample?—That there is an ample supply of water in London for the population.

9201. The very poor get their water chiefly from cisterns used in common by many, do they not?—Yes.

9202. Do you not think that those cisterns become impregnated very often with impurities that are poisons?—Yes, I am certain of it.

9203. Would there be any great difficulty, either in expense or in arrangements, in giving a continuous supply of water to the poor, as well as to all others?—I think they ought to have it, and I do not see the difficulty in it. What I have suggested before now is, that there should be some neighbouring place where water could always be drawn, and it is easy to have what is called a waste preventer, and not to allow people to take more than one bucketful or one small tubful at a time.

9204. You would have the supply, would you not, very near at hand, so that they might be always sure of enough of pure water especially for drinking purposes?—Yes, for drinking purposes especially.

9205. You stated, in answer to a question of Dr. Acland's, that many of the suggested improvements could be made without any very great additional expense; do not you think that the presence of disease in the community is itself a very expensive thing?—Wonderfully so, much more costly than any reasonable means of prevention.

9206. So that if well-devised sanitary legislation could be well enforced, and the balance struck in point

R. Druitt, Esq., M.R.C.P., F.R.C.S.

18 Nov. 1869.

of expense, there would be a great saving of expense rather than any additional expense to the community and the ratepayers?—I am sure of that.

9207. Do you think that cholera, when imported into the community, as I believe it always is, might, if immediately detected, and proper means were taken, be stamped out and prevented from spreading?—Yes, I feel morally certain of it.

9208. And with respect to all this inquiry the problem to be solved really is, how to get instant information of the presence of any contagious disease, or any hurtful matter, or any sanitary wants, and how to ensure the instant correction of the evil, in spite of any opposition or reluctance; does not that constitute the whole problem?—I think it does.

The witness withdrew.

Adjourned to Monday, the 13th of December 1869.

Monday, 13th December 1869.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL of ROMNEY.	SAMUEL WHITBREAD, Esq., M.P.
The Right Hon. LORD ROBERT MONTAGU, M.P.	FRANCIS SHARP POWELL, Esq.
Sir THOMAS WATSON, Bart., M.D., F.R.S.	BENJAMIN SHAW, Esq.
Lieut.-Colonel EWART, C.B., R.E.	JAMES PAGET, Esq., F.R.S.
JOHN ROBINSON MCCLEAN, Esq., M.P., F.R.S.	HENRY WENTWORTH ACLAND, Esq., M.D., F.R.S.

FRANCIS THOMAS BIRCHAM, Esq.

(74.) WILLIAM BUDD, Esq., M.D., examined.

W. Budd, Esq., M.D

13 Dec. 1869.

9209. (*Sir Thomas Watson.*) You are a physician, are you not, and have been for some time in practice at Clifton?—Yes.

9210. Have you turned your attention a good deal to the question of the prevention of disease?—I have.

9211. Have you been enabled to form any estimate as to the proportion between the deaths that are produced by preventible diseases in this country, and the deaths from other diseases?—Yes. I draw my data from the mortality of London, and I believe that the deaths in great towns from recognized infectious diseases amount to rather more than one fifth of the whole.

9212. And have you formed any estimate of the proportion between diseases which are preventible, and diseases of other kinds?—I believe that the diseases which cause the largest mortality in mankind are nearly all of them self-propagating diseases, and being self-propagating I believe that they may be prevented.

9213. My question rather went to the proportion which you believe those preventible diseases bear to the whole number of diseases?—Rather more than one fifth in great towns, as measured by London, in point of deaths, and that will have to be multiplied by about 10 to give an estimate of the sickness. I have come to the conclusion that if you take infectious diseases in the aggregate, excluding another disease which is all but invariably fatal, and which I believe to be infectious, I mean consumption, that about one in 10 of the whole series is fatal; therefore to get the total sickness caused by them you must multiply the deaths by 10.

9214. (*Mr. Powell.*) Do you mean this, that given a certain number of deaths, one fifth of those deaths were preventible?—For every one that dies, there are about 10 besides who are sick.

9215. I think you said that the number of deaths is a certain number; one fifth portion of that number is from preventible disease, and that if you multiply that by 10, you get the number of sick cases which are preventible?—Yes, that is what I mean. I do not think that the data exist at present for ascertaining the proportion of cases of sickness caused by infectious disease to the sickness caused by other disease. The deaths in London for the year 1833 from recognized infectious diseases were rather more than a fifth of the total mortality.

9216. (*Sir Thomas Watson.*) You intend to express your belief that one fifth of the number of deaths arises from preventible disease, and 10 times as many cases of preventible sickness occur as there are deaths?—Yes, that is the statement which I wish to make. Certainly you would have to multiply the other diseases that are not fatal, and the exact proportions in which the other diseases are fatal or not are not determined.

9217. The object of my question was to get from you your opinion as to the number of diseases which a certain number of deaths from those diseases would imply?—I have come to the conclusion, for instance, if you include the tubercular group with the infectious group, that the two groups together cause very nearly one third of the mortality.

9218. Excluding the tubercular forms of disease, do you think with respect to any one of the recognized infectious diseases that it could be now-a-days engendered *de novo* in the community without the previous existence of some germ or material cause of it?—I do not.

9219. Then in that case would it not follow that if those germs could be dealt with and destroyed, such disease might in process of time be exterminated from the country?—That is my distinct opinion.

9220. And that no circumstances of dirt, crowding, and destitution would be sufficient to generate any one of those diseases *de novo* now-a-days?—That is my distinct opinion.

9221. Then in that case is not the term famine fever an erroneous and so far a misleading name?—Clearly so.

9222. And if all that are infectious and in your opinion preventible diseases be exterminated, they could upon their re-introduction at any time or in any way be very easily what is called stamped out?—Yes, certainly. We have had many illustrations of that in the city of Bristol.

9223. Would you give the Commission some information as to the methods by which you think any and all of those infectious diseases might be eliminated from the community?—The one thing to aim at is to extinguish the infectious poison immediately on its issue from the body. This in a great number of infectious diseases can be accomplished by very simple means, means that are simple in design and very easily executed. I would particularly instance typhoid fever. Typhoid fever I believe to be an exclusively self-propagating disease. Typhoid means enteric or intestinal, and it is invariably attended by a specific disease of certain parts of the intestinal canal, the essence of which I believe to be an eruption. I would venture to hand to the Commission one or two photographs by myself from that form of disease, which illustrate

that particular point (*producing the same.*) I think in many of those the eruptive character of the disease is very strongly exemplified. Perhaps this would be better interpreted if I were to show you one or two other types of intestinal eruption. Here is a photograph (*producing the same*) of the eruption of the cattle plague, showing Brummer's patches in a state of eruption. Here is another form of it (*producing another photograph.*) This is an intestinal eruption in the case of a very peculiar fever of a malignant kind to which the pig is liable, and which I was the first to describe (*producing another photograph.*)

9224. Then your opinion would go to this, would it not, that typhoid fever and those other fevers and diseases of which we have spoken, are entirely analogous to smallpox?—Entirely so. I can speak not theoretically, but as a matter of very large experience, that outbreaks of typhoid fever can be infallibly suppressed by the destruction on their issue from the body of the excreta from those diseased intestines. The poison which is bred in the body of a man affected with typhoid fever is mainly, not exclusively, perhaps, but almost wholly, I think, eliminated from this channel, and is, on its issue from the body, therefore entirely, or ought to be entirely and absolutely, within our power. I do not speak of that as a theoretical inference at all, but as a conclusion to which I have come by the largest possible application of the principle that outbreaks of this disease may be prevented by that simple measure, and one or two other auxiliary measures.

9225. Then if diseases of this kind can be so prevented by any interference of the Government, does it not follow that the Government must for their prevention have the means of instant knowledge of the presence of such diseases?—Clearly.

9226. And further, that it must have the means of instantly applying the preventive remedy?—Clearly so.

9227. Have you formed in your mind any notion of how that immediate knowledge and that immediate application of preventive measures can be effected?—Yes, I have. Of course that would involve the consideration of the whole scheme of the sanitary organization of the country.

9228. Will you state to the Commission what that scheme in your judgment ought to be?—Of course it is difficult to give an exhaustive account, but I will, if the Commission will allow me, note down one or two fundamental points which I think would be of great importance. In the first place, and before all, I should recommend the abrogation of the present permissive system under which, for instance, some towns place themselves under the Sanitary Acts as at present existing, and others decline to do so, so that we in Bristol, for instance, who have placed ourselves under the Sanitary Act, and have kept down this group of diseases very much in the town, are liable constantly to be re-infected by neighbours who have not placed and who decline to place themselves under the present Sanitary Acts. I consider this to be a great solecism, if I may so speak. If such a system were adopted, for instance, in the case of diseases among cattle or sheep, if one parish or township were very earnest in keeping down the cattle plague or sheep's smallpox, in the case of an outbreak of these disorders, and the next parish were allowed to follow its own bent and to do nothing at all, such a system as that would be seen at once to be futile and disastrous, and would be repudiated by the country instantly; but that is exactly the system under which we are at present acting with regard to every human infectious disease, with the single exception of smallpox.

9229. Then, in short, your opinion is that those measures which the Government might see fit to employ for the prevention of preventible disease ought to be compulsory?—Clearly they ought to be compulsory. That being so, what I would suggest would be a thoroughly efficient administrative department of the Government presided over by a minister of public health, for the superintendence of all sanitary matters, and armed with power to enforce the law on recusant local authorities, as also to enforce the adoption by those authorities, as far as this may be possible, of whatever science may have made sure in the way of prevention of infectious disease. Secondly, I would suggest the compulsory appointment of medical officers of health, responsible to this central department, and with salaries adequate to command the undivided services of able men, not only in large towns but in rural districts also.

W. Budd, Esq., M.D.

13 Dec. 1869.

9230. With respect to those medical officers of whom you now are speaking, would you have them appointed to certain areas where great towns are not existing?—I would. The question has once or twice occurred to me whether it might not be advantageous, at any rate if we had to begin anew, to appoint the coroners to such duty, so that they might have to investigate all causes of death; but that would involve this consequence, that all coroners should be medical men, a proposal which I fear would meet with great opposition from the legal profession.

9231. You hold it to be essential, do you not, that those officers whom you call health officers should really be medical men?—Essential.

9232. Do you think that the medical officers of the poor law unions would be men of such a stamp that they would suffice for this duty?—I think not, and I think there would be other very great and fatal objections to their being so employed. The poor law medical officers are in very large proportion young men who come newly into a district, and who take the charge of the poor at very low salaries in the hope that their having the care of the poor may form an introduction to practice, and in fact that they may get the employers of the poor as their patients. They are therefore not in a position of independence, and it is of the most vital importance that health officers should be in a position of independence. I know from having myself practised in the country that medical poor law officers often stand in great awe of the guardians, and shrink very much from imposing anything that may entail immediate expense and outlay, which is a thing that guardians generally seem constitutionally adverse to.

9233. Will you go on with the suggestions which you were about to make?—Those officers who, under this scheme have nothing else to do (and I hold it to be a very important principle that they should be precluded from private practice), should have salaries sufficient to command the services of able men. Those officers who would have a staff of inspectors under them, a sort of sanitary police, would be furnished weekly by the registrars of their respective districts with duplicates of the death register, and by the poor law medical officers, as well as by the medical authority or authorities of public hospitals and dispensaries, with the earliest intimation of the occurrence of infectious disease in the same districts. Thirdly, I would suggest the institution of fever hospitals in towns, and of cottage hospitals in the country, for the timely separation where needful of the infected from the non-infected, and the appointment by every union of one or two nurses versed in the methods of disinfection, those nurses to be employed among the poor in the case of infectious disease.

9234. (*Mr. Powell.*) When you use the term "union" do you mean the poor law authorities in that union?—Yes.

9235. (*Sir Thomas Watson.*) Will you proceed with your suggestions?—I would also suggest the adoption of regulations for preventing, as far as possible, children sickening for, or convalescent from, infectious disease from mixing with other children at school, and the abolition of the present evil practice of assembling large numbers of children in the out-patient waiting rooms of public hospitals, a practice which, as I can testify from my own experience, is very influential in the spreading of infectious disease. Fourthly, I would suggest the issue to all health officers, poor law medical officers, and to the public

W. Budd, Esq., M.D.

13 Dec. 1869.

generally, of regulations for the means of prevention adapted to all the great leading types of infectious disease, those regulations to be drawn up under the authority of the cental department; and those regulations should form the basis of what the health officers would have to do and enforce as far as possible in cases of infectious outbreaks. With the permission of the Commission I will hand in the following regulations which I drew up some years ago for the prevention of typhoid fever:—

How Typhoid Fever (otherwise called Gastric Fever, or Low Fever) may be prevented from spreading.

The means by which typhoid fever may be prevented from spreading are very simple, very sure, and their cost next to nothing.

They are founded on the discovery that the poison by which this fever spreads is almost entirely contained in the discharges from the bowels.

These discharges infect.—1. The air of the sick room. 2. The bed and body linen of the patient. 3. The privy and the cesspool; or the drains preceding from them.

From the privy or drain the poison often soaks into the well, and infects the drinking water. This last, when it happens, is of all forms of fever poisoning the most deadly. In these various ways the infection proceeding from the bowel discharges often spreads the fever far and wide.

The one great thing to aim at, therefore, is to disinfect these discharges on their very escape from the body, and before they are carried from the sick room.

This may be perfectly done by the use of disinfectants. One of the best is made of green copperas. This substance, which is used by all shoemakers, is very cheap and may be had everywhere. A pound and a half of green copperas to a gallon of water is the proper strength. A teacupful of this liquid put into the night-pan every time before it is used by the patient, renders the bowel discharge perfectly harmless. One part of Calvert's liquid carbolic acid in fifty parts of water is equally efficient.

To disinfect the bed and body linen, and bedding generally, chloride of lime, or MacDougal's or Calvert's powder is more convenient. These powders should be sprinkled by means of a common dredger on soiled spots on the linen, and about the room to purify the air.

All articles of bed and body linen should be plunged, immediately on their removal from the bed, into a bucket of water containing a tablespoonful of chloride of lime, or MacDougal's or Calvert's powder, and should be boiled before being washed.

The privy or closet and all drains communicating with it should be flushed twice daily with the green copperas liquid, or with carbolic acid, diluted with water.

In towns and villages where the fever is already prevalent the last rule should be put in force for all houses, whether there be fever in them or not, and for all public drains.

In the event of death, the body should be placed, as soon as possible, in a coffin sprinkled with disinfectants. Early burial is, on all accounts, desirable.

As the hands of those attending on the sick often become unavoidably soiled by the discharges from the bowel, they should be frequently washed.

The sick room should be kept well ventilated day and night.

The greatest possible care should be taken with regard to the drinking water. Where there is the slightest risk of its having become tainted with fever poison, water should be got from a pure source, or should at least be boiled before being drunk. Immediately after the illness is over, whether ending in death or recovery, the dresses worn by the nurses should be washed or destroyed, and the bed and room occupied by the sick should be thoroughly disinfected.

These are golden rules. Where they are neglected the fever may become a deadly scourge; where they are strictly carried out it seldom spreads beyond the person first attacked.

W.B.

N.B.—A yard of thin wide width gutta percha placed beneath the blanket, under the breech of the patient, by effectually preventing the discharges from soaking into the bed, is a great additional safeguard. As in all cases of infectious disorders, full ventilation by open fire, or otherwise, is of the highest importance.

9236. You stated in answer to Mr. Powell that a remark which you made had reference to the poor law unions; did you mean that it related expressly to poor law unions, or rather to health areas?—To health areas.

9237. Have you formed any notion as to the mode in which the necessary preventive measures should be immediately applied?—I would take as a model the practice of Bristol for that.

9238. Will you be good enough to state to the Commission what you have to tell of the prevention of disease in the city of Bristol?—We have in the city of Bristol the good fortune to possess a very able and energetic health officer. He attends every morning at 9 o'clock at the board of health where he meets his entire staff of inspectors, each inspector having a certain district of the city under his charge. These men chiefly, at present, furnish him with accounts as to the existence of contagious disease; each man in his own respective district. Immediately on being so informed the medical health officer himself proceeds with one or two of his staff to the infected locality, and carries out what he considers to be the proper measures.

9239. Can you tell the Commission how long this system has been in operation in Bristol?—I think about eight years.

9240. And what has been the effect of those regulations so carried out?—A very remarkable abatement in the prevalence of one or two leading types of infectious disease, and the suppression of one or two very formidable outbreaks of malignant disease, of cholera, for instance, of typhus and of typhoid. I can instance those three.

9241. Can you state any numerical results?—I have not had time myself to look up that question, but they are considerable.

9242. Has that administration by this health officer been attended with any very great amount of expense to the city?—No.

9243. But whatever expense it may have caused, has there been a counterbalancing saving of expense which was produced by disease previously?—Yes, very great. Bristol is one, I believe, of very few towns that exhibit at the present time a considerable reduction of the poor's rate, and there is a general opinion in Bristol that this reduction is, I will not say wholly, but is in part due to the prevention of sickness and death. I may state that the mortality of Bristol has been reduced from 31 per 1,000 to 22 per 1,000; but as at the same time we have introduced a system of very perfect sewerage, and have also brought in a lavish supply of pure drinking water, the result, no doubt, may be largely put down to that, but not wholly so, I think.

9244. During the period to which your evidence refers, can you tell the Commission anything respecting the emigration returns with regard to the city of Bristol?—I cannot.

9245. Emigration might have influenced the comparative health and the mortality of the city and the amount of the poor rate, might they not?—I think not.

9246. Would you extend your observations as to the saving of expense which may be obtained from good sanitary legislation when enforced throughout the whole country, as well as in a city like Bristol?—Unquestionably; there is no tax I think that lies so heavily on the English people as the infectious fever tax.

9247. Have infectious diseases any other evil influence in your judgment upon the community besides the number of deaths which they cause?—By infectious diseases there is an enormous waste of power and of labour. For instance, many of those diseases, typhoid fever and typhus, are much more fatal to people in the prime of life than to young persons; they carry off the fathers and the mothers, and at a time of life when the children are young and helpless, and every year those two types of disease, when very prevalent, bequeath a very large contingent to the roll of pauperism.

9248. Is that opinion which you have just given of the disease striking more at the heads of families, at the fathers and mothers, your own simple judgment, or does your opinion rest upon any statistical evidence?—It is partly from my own observation, but I think there is abundant statistical evidence to show it. Deaths among children from typhoid fever in my practice have been extremely rare, whereas deaths from typhoid fever among fathers and mothers in my practice have been very frequent. It was also, with regard to typhus, laid down as one of the most striking characteristics of the great epidemic in Ireland, that the fathers and the mothers suffered much more than the children. The late Professor Alison repeatedly made the same remark, particularly in a very remarkable memoir which he published some 30 years since, on the distress of the poor as a cause of fever in Scotland.

W. Budd, Esq., M.D.

13 Dec. 1869.

9249. With regard to the fever which prevailed in Ireland just 50 years ago, was there not a Government inquiry and a report?—Yes, there were, and that was one of the striking characteristics of the disease.

9250. Should you say with respect to those many infectious, and therefore in your judgment preventible, diseases, that some are preventible with much more difficulty than others?—Certainly. The diseases which are most easily prevented are the diseases that are attended by what I call eruptions on the intestinal surface, because the excreta then on their issue from the body are entirely, or ought to be entirely, within our power. They are much less dangerous in the sick room, but there appear to be other diseases which are very infectious by the breath of the patient, and those are, of course, much more difficult to deal with. The separation of the infected from the non-infected becomes a very much more important measure of prevention in cases of that latter class. But I consider that the excreta from the internal surfaces of the body when they take a liquid form may all be readily dealt with. I am quite sure myself, also, that the eruptions on the skin may be disarmed by very simple measures. My experience, with regard to that in the case of scarlet fever, is very striking to me. I would venture to suggest the extension of the same principle to the extinction of smallpox. It may seem out of date almost, with the discovery of Jenner in our hands, to propose any other measures for the extinction of smallpox; but vaccination, inestimable as it is, I believe, it must be confessed, does not confer a certain and *absolute* security against smallpox. Besides this, I think nothing can absolve us from the primary and paramount duty which lies before us in every case of this kind to extinguish, if it can be done, the poison issuing from the bodies of infected persons, by which the succession of those diseases is kept up.

9251. The doctrine which you have just been enunciating explains, does it not, how it happens that certain of those diseases, cholera and typhoid fever, for example, though self-propagated, are, in a sense, less contagious than the rest?—Just so. For instance, to take an extreme case, you may get a case of typhoid fever in Belgravia, where all the sanitary appliances are perfect, and the danger of infection from that individual case may be much less to the inmates of the identical house than to some poor people who may be living half a mile away on the line of sewer which is the channel of the excreta, and where the sanitary conditions may not be so perfect.

9252. Do you think that those discharges from the body are instantly upon their discharge capable of producing the specific disease, or are you of opinion, as some have thought, that there is some kind of decomposition necessary or putrefactive change to be exercised upon them before they become efficacious?—You have asked me a very interesting question; it is a point which I have much considered and I think I can make some important suggestions as to it. I had long ago observed that the discharges of typhoid fever and of Asiatic cholera do not develop their full infectious power at first. That is one of the reasons, no doubt, why the disease even when congregated in fever hospitals has not shown any great tendency to spread; various explanations have been offered of this, but I myself think that they are inadequate. My own view is this—typhoid fever I have reason to believe, indeed I can scarcely say that I doubt it at all, is mainly communicated by emanations through the air, it may be by contamination of water, but mainly as I think by emanations through the air. We know very well that those emanations tainting the air are in the form of impalpable atoms. The only way in which the germs of contagious disease can be taken into the system through the air is in the form of impalpable atoms. But the typhoid stuff as it is cast out of the body is in the form of small clots or pellets, and often probably the essential thing in the virus is entangled, if I may so speak, in some organic husk from which it requires to be liberated before it can pass into the air of a dwelling or a street, and become the means of propagating the disorder. We never know when we breathe those things, we are not conscious of them at all, so impalpable are they. I will endeavour to make my meaning more clear by an illustration; I will take the case, for instance, of the capsule of the poppy. Poppies grow and go to seed, and when the capsule is ripened it drops off, but it often has to travel a long way; the capsule itself has to be broken up and to pass through an entire disintegration before the thousand seeds which it carries are thrown out upon the soil to become fresh poppies. I believe myself that that is in great part, at least, the real solution of an enigma which has perplexed many observers. I consider this to be a principle of the very highest importance, and it applies, I believe, particularly to a disease which I fancy I am thought eccentric and extreme in believing to be contagious, namely, the disease of phthisis. The excreta there are thrown off in pellets, and are often bound together by a viscid medium, and a considerable time must elapse very often, and long distances have to be travelled, before they can again be transplanted and bear fruit. Of the existence of this element I have not a doubt, but whether there be any other element or not I scarcely know. It has occurred to me sometimes that possibly those things require to be quickened for fresh germination by the action of oxygen, for instance. Something of that kind is known to occur with regard to some of the ferments.

9253. What you have been lately saying with respect to contagion finding its way from one place to another through the sewers shows, does it not, that the question of sewerage is of vast importance with respect to the public health?—Of course, because the sewers are the channels for all excreta that take a liquid form, and the most prevalent and the most fatal of all the infectious group are those which are propagated chiefly by excreta (there are exceptions, but I speak generally), which emerge in a liquid form.

9254. Therefore are we to conclude from what you have been saying throughout, that the drains proceeding from a town or a city in perfect health, if we can imagine such a city, would be innocuous so far as a great number of our diseases are concerned?—Unquestionably.

9255. Have you anything further to suggest in the way of the prevention or the extinction of diseases throughout the community?—I would suggest the establishment of depôts of disinfectants of proved efficacy in every union or health area, with directions for their use. And I would add instruction in all public schools, whether for the higher or lower classes, and especially in the schools of girls who are to be the future mothers, in the laws by which infectious diseases spread, and the principles to be acted upon to prevent their spreading, and more especially the periodical delivery (on the principle of the lectures on physiology lately delivered by Professor Huxley, with the sanction of the Privy Council, to school teachers) of short courses of lectures, imparting the same knowledge to school teachers, to trained nurses, and to inspectors of nuisances. I attach great importance to this suggestion, as helping to secure that intelligent co-operation of the laity in this great work, the lack of which every medical man must have felt

W. Budd, Esq., M.D.

13 Dec. 1869.

to be his one great hindrance at present in the way of prevention.

9256. By laity you mean all those who are not medical?—Yes. It is a suggestion that can be the more easily acted upon, because our knowledge of the whole subject is not only sufficiently advanced, but is of a kind that lends itself with peculiar facility to popular exposition. And lastly, I would mention the institution in all medical schools of special courses of instruction in preventive medicine.

9257. With respect to those health officers to be appointed to separate health areas of which you have spoken, do you not think that the establishment of such health officers would give them opportunities in the exercise of their duties for very much increasing our knowledge with respect to a matter of which England as yet has taken very little notice, namely, what is called State Medicine?—Certainly. We have found already in Bristol that the educating power of the practices carried on in the city is very great. I mean education on medical subjects in the way of medical prevention. For instance, we have a large body of nurses now in Bristol, who from having practised those things so much are wonderfully versed in them, and they are the means of disseminating knowledge among the people in whose families they are employed.

9258. But those medical health officers themselves while exercising their duties would be instructing themselves as a body, and would be instructing the whole profession with respect to disease in general?—Certainly.

9259. Government in its legislation deals with nuisances. Do you think that, so far as this Commission is concerned, nuisances need to be regarded except in so far as they are hurtful or dangerous to health?—The only thing I can say about that is, that in my own view nuisances do not give rise to infectious disorders; they may be injurious to health in other ways.

9260. You would think that foul smells and dirt and other nuisances would be injurious to health, although they would not produce in your opinion any infectious disease?—Undoubtedly. Besides, I think that the habit of living amid filth and dirt begets a negligence in regard to those higher matters which it is very difficult to get over.

9261. Is there any other point upon which you would wish to make any suggestions to the Commission?—I would wish to draw the attention of the Commission to what I would call the principle of disinfection by anticipation. In the outbreak of cholera which occurred in Bristol in 1866, for reasons given at length in a narrative which I have drawn up of the outbreak, it was determined to keep the drains and sewers of all the lower levels, and all the drains of large schools, large establishments and workshops, and the privies of all the poor people inhabiting the lowest districts, in a state of permanent disinfection as long as the disease threatened. This is what I call the principle of disinfection by anticipation; and I believe that to the adoption of this principle is due the quite unexampled success of Bristol in the suppression of cholera, and that on the contrary its non-adoption is the principal reason why so many other towns have signally failed in the suppression of cholera even when largely employing disinfectants. We prepared, so to speak, a chemical bed, so that in case of mistake from errors of diagnosis disease could not be propagated for instance; the moment any excreta were discharged into the sewers, they found in the sewers waiting for them a disinfectant certain to disarm them of their infectious power. I believe, further, that this is the only principle by which any sure security can be obtained against infectious diseases of short incubation and rapid course, and whose diagnosis is open to ambiguity; that it is especially applicable therefore to Asiatic cholera, the yellow fever, and to the tropical infectious fevers generally.

9262. In one part of your evidence you spoke of the suppression of cholera, and in another part of its prevention by anticipation. Will you be so good as to state exactly what you mean by the use of those terms?—What I mean is that the disease of cholera was suppressed, so to speak, in our town, that it made no head at all, that it was warded off.

9263. And you think that in the other towns of which you spoke, the suppression of disease when it had manifested itself was not so easy as it might otherwise have been made?—Just so.

9264. (*Dr. Acland.*) What I suppose you to mean is that, the infectious spores already existing, your method immediately destroyed them before they could increase?—Just so. It prevented infection from any accidental mistakes; for instance, Asiatic cholera in its malignant form is always attended by a great cluster of cases of what are called choleraic diarrhœa, which are not treated as cholera very often, either medically or in a sanitary point of view; but cases of that kind may infect the sewers and propagate the disease, so that it was a system of insurance, so to speak, to guard the community at large from those accidents, or from the occurrence of emergencies in the dead of the night, or what not, when no help was at hand.

9265. In short you made their development impossible?—Impossible. I have said that the principle is particularly applicable to infectious diseases of short incubation and rapid course, and whose diagnosis is open to ambiguities, but I believe it to be of wide application also to infectious diseases generally. This is strikingly exemplified by what happened in Bristol in 1866. The disinfectants employed in the sewers were ostensibly directed to the extinction of the poison of cholera, but it was obvious from the first that they might be equally fatal to many other deadly poisons of which sewers are the known channels, and this view was entirely borne out by the result. The disinfection was continued for five months, and towards the end of that time a gentleman who had the charge of one of the largest and poorest districts of Bristol told me that in his district the whole tribe of zymotic diseases had fallen to a lower level than he had ever known before, had almost disappeared, in fact. This very remarkable climax occurred in a time of pestilence, in a year in which, for instance, in London the mortality for the year exceeded the average mortality by 10,000 or thereabouts. The mortality of Bristol fell for one week to 14 per 1,000; a lower point than it had ever reached before or than it has ever reached since, except once, when disinfectants were again largely employed in the same way; and it was stated in the papers—I must take the papers for my authority here, for I was absent at the time, but I believe the fact is true—that the whole of the large parish of Clifton, numbering, if I remember rightly, more than 20,000 inhabitants, passed an entire week without a single death. Of these and other grounds there is reason to believe that if disinfectants were universally used, whether illness were present or not; if, for instance, to take a hypothetical case, all the waterclosets in great towns could be supplied by a special service from reservoirs of water charged with disinfectants, the public health would be raised to a degree that in comparison with its present state would be something like an ideal standard. But although for this the public probably is not prepared, even at present, where sanitary arrangements permitted, much could be done by the adoption of this principle in checking the spread of self-propagating diseases. Among the agencies which promote their spread, sufficient importance has not been given to the subject of large establishments, such as schools, factories, workshops, barracks, gaols, &c., where large numbers of persons are congregated, using latrines, which are the daily resort of the healthy and often at the same time the receptacle of excreta from the infected. Some of the most formidable of all the outbreaks of typhoid fever, for instance, which have been observed by myself have originated in this way. I think it should be a rule, therefore, that all public establishments of this sort should be provided with self-disinfecting latrines, on the principle of disinfection by anticipation.

W. Budd, Esq., M.D.

13 Dec. 1869.

9266. (*Sir Thomas Watson.*) Have any such self-disinfecting latrines yet been invented?—No, I believe not.

9267. Have you any faith in the earthclosets as a useful system?—I have had no experience of them. I myself believe, for material reasons which I could give if it were thought necessary, that dried earth has a great disinfecting power.

9268. But that would be a distinct question from the facility or practicability of applying it?—Yes, certainly. Schools, public and private, constitute a special case where the adoption of this principle is urgently required, on account of the great prevalence of infectious diseases among the young. Hospitals are another, as being places where infectious diseases are being treated and congregated. I have been able myself to trace many severe outbreaks of self-propagating diseases to emanations from hospital sewers. I am of opinion that many evil things little suspected at present of such an origin have very probably a similar source, and I think that would be a very interesting subject for investigation. It is certain at any rate that many malignant forms of disease, which are but too well known within the hospital itself to have the terrible power of self-propagation, feed the sewers largely with very specific excreta, and I would desire to impress the Commission with my very strong conviction that the permanent disinfection of the sewers of all hospitals should be enforced by law. I have no doubt that a great improvement of health within the hospital itself would follow. All those recommendations have double force in hot climates, in the conditions attaching to campaigns, to emigrant ships, and so on. I am of opinion that if they were universally acted upon their beneficial influence would soon be made apparent in a sensible reduction of mortality.

9269. Have you any further suggestion to make to the Commission?—With the leave of the Commission I would like to pass to another subject, and to draw their attention to some striking defects in the present mode of death registration. While making abstracts from the mortality records of Bristol, my attention has been drawn very forcibly to some very grave defects in the present mode of registering deaths. Two great objects should be kept in view in those records, first, to aid in the immediate prevention of disease; and secondly, to furnish materials for science; at present both objects are very imperfectly fulfilled. I would illustrate what I have to say by the case of Bristol. In the first place, it is obvious that in every great town these records should be deposited in one central office; Bristol, Clifton, and Bedminster are for all sanitary relations, but one town, as anyone may see by looking at a Bristol map. But the records of Bristol are deposited in the centre of the city, those of Clifton in a remote suburb, and those of Bedminster at the Bourton Workhouse, more than five miles out of the town. This I consider to be simply barbarous. In the next place, if the records are to be of service for immediate prevention, they should be made up once a week, so as to be accessible once a week at least to the officer of health. At present the time at which those returns are sent in to the three central offices depends on the time at which each sub-registrar may happen to have filled up his local book, so that the total returns for Bristol, for 1869, for instance, will probably not have found their way to the three central offices, and will not be accessible in Bristol, therefore, except by an inspection of the books of each local sub-registrar, until 1871, say, or possibly 1872. In the third place, it is of the highest importance in many cases to scientific inquiries, as well as to prevention, that the exact house where death has occurred should be designed. An infectious disease, for instance, may make a whole household desolate and may leave the next house intact. It is of obvious importance, therefore, that the very house should be identified; but at Bristol, at least in a considerable number of cases, the street only and not the exact house is given. What I would propose, therefore, would be, first, that the returns for every great town should be in one central office, presided over by the health officer or otherwise: secondly, that the returns, such as those furnished every week to the Registrar General, by the 16 great towns, should be sent in duplicate to the local health officer. And thirdly, that it should be compulsory to give the exact number or other sufficient designation of the house in which the death occurs. If this were all done I would wish to supplement this verbal registration by what may be called map registration. This is a point which I wish particularly to bring before the Commission. Under this system it would be the duty of the medical officer every week on receipt of his death returns to mark the locality of every death by a dot on the local map. One map might be kept for the aggregate mortality, and other maps for the separate registration of each of the diseases which commit the greatest havoc on human life, as also of diseases whose causes are still obscure, and which it may be thought desirable to study under this point of view. I myself entertain from having done a good deal in this way the highest expectations of this mode of studying disease. I am confident 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. Once constructed such maps might be reduced by photography to the dimensions of a magic lantern slide. I have brought with me two of my magic lantern slides (*producing the same*), which will illustrate what I mean, so that in this form the mortuary records of a great city for a whole century might be kept in a box a foot square, to be reproduced at any moment, either for scientific purposes or for popular instruction. I think those maps themselves offer a very striking illustration of the interest attaching to that mode of inquiry. I have here a map of the distribution of phthisis in Bristol, and I confess that when I had made it and looked at it, it opened my mind at once to some very new and unexpected thoughts about that disease. To begin with, no one who had not seen a map of that kind has ever I imagine actually realised the magnitude of the phenomenon of phthisis. Bristol is better now, but that is what phthisis always permanently was 16 years ago (*producing a map and describing the same to the Commission.*) The red colours are the consumption and the blue the mesenteric diseases. Phthisis was formerly estimated to be a disease of about two years' average duration. Dr. Charles Williams, who is a great authority in these matters, has lately published some statistics, from which he infers that in consequence of the improved method of treatment it lasts now three years; but I have taken two years, the old standard of mortality, and I said thus to myself, if it lasts two years, if I put down the whole of the deaths for two years in Bristol on the right addresses, I shall have a picture of what phthisis permanently is, and this is the result.

9270. (*Dr. Acland.*) You spoke of health officers of the highest class; is there anything you wish to say concerning their education?—Of course at present their education in these matters is very defective, but I think myself that that difficulty would be met by instituting special courses in preventive medicine at all the schools of medicine and the universities.

9271. Would you suggest that a certain class of highly educated medical men should have this special instruction?—Certainly, and all medical men, I think. If I might speak my own mind about it and look into the future, my idea would be this, that preventive medicine should be studied on the lower animals, where all the questions that you wish to put to yourself may be decided experimentally. I think if I were to form an ideal of a university of medicine, I should say that it should include, as a matter of course, a large institution wherein medical men should study the diseases of the lower animals also.

9272. I believe that such a course has been instituted in the metropolis, has it not?—I believe so, and

W. Budd, Esq., M.D.

13 Dec. 1869.

I thought it a very good omen that some charitable person has left a large sum of money for the building of a hospital for the treatment of diseases in animals; but all those questions of the propagation of disease by infection could be studied experimentally, and decisive answers given.

9273, I understand you to mean that you consider that the pathology of the animals nearest to man is not widely removed from human pathology?—Clearly; we have smallpox in man and smallpox in sheep.

9274. And therefore you believe that in the study of disease as disease, it would be for the benefit of mankind if there were not so wide a line of demarcation between the department of animal pathology and human pathology?—Unquestionably.

9275. And you would therefore think it a proper thing that in pathological collections and pathological study there should be a greater opportunity of studying, on the part of the medical profession, the pathology of animals?—I think it the one great opportunity open for modern medicine.

9276. That, as it happens, leads to a question of considerable importance to this Commission. There has lately been instituted a class of inspectors of the diseases of the lower animals all over the country, especially of domestic cattle; do you suppose that it would be possible or desirable in any way to combine the sanitary inspection of the farmyards, for instance, and the homesteads, as they are called, for the cattle, with the general sanitary inspection of the country?—I should say so.

9277. And that is partly the meaning of your observation?—Yes, quite so.

9278. Did I rightly understand you that you think that every member of the medical profession should be sufficiently highly trained in those subjects to be constituted at once a first-class health officer?—Not officially, but I assume that every medical man should be well versed in the subject of the prevention of disease.

9279. Then what is the objection which I understood you to imply to the employment of the poor law medical officers being looked to for this purpose?—My objection to it is their being in a subservient relation towards their employers; not being in a state of independence, I feel quite sure that a great many poor law medical officers would shrink very much, from a fear of offending the guardians, from proposing sanitary measures that would require an immediate outlay; at least it would be so as things are at present constituted.

9280. You do not think that there would be any incompatibility in their offices?—No, clearly not; there would be on the contrary rather a compatibility, for this reason, because the poor law medical officers attend professionally the class who suffer the most by those contagions.

9281. And therefore they really know the condition of the people?—Yes; my objection is merely a social objection, not a professional or a scientific one.

9282. You spoke of the distribution of nurses among the poor in Bristol; have you anything further to suggest beyond what you said concerning the district nurses?—No, I have not.

9283. Anything concerning their education?—Nothing beyond what I have suggested.

9284. Have you ever thought that it would be desirable to have a systematic education for a higher class of midwives and nurses in this country?—Yes.

9285. Would you propose that they should in any way be officially recognized, to say, registered, for instance?—I have never considered that question, but I think it might be well if that were the case.

9286. You spoke of the issuing of regulations for health officers; that is now done by the Privy Council, is it not?—I think not.

9287. When the Contagious Diseases Prevention Act is put in operation, is it not the habit of the medical officer of the Privy Council to issue such regulations as he thinks fit?—I am not aware of that, but I would have it universal.

9288. Instead of regulations being issued occasionally and unsystematically, you would wish to have some central authority responsible for the issue of such regulations constantly?—Yes.

9289. There are a good many departments directly or indirectly connected with the public health, the Poor Law Board, the registration office, the commissioners who have the charge of the hospitals for the insane, the factories and workshops inspectors, and several others; do you think it would be desirable to place all of those under one central health administration?—I should think so, but it is not a subject that I have deeply considered. My attention has been more directed to scientific inquiries into the modes of preventing those diseases rather than into the present organizations and the Acts of Parliament. I have not gone into them myself. I think that everything should be done to ensure unity of action.

9290. Are the Commission to understand that, in your experienee, the sanitary construction and arrangements of even our gaols, hospitals, and workhouses, require a good deal of consideration and revision?—Undoubtedly.

9291. And that even in places which should be the centres of our knowledge of public health we have yet a good deal to learn?—Certainly. I could illustrate that by a very striking example. Rather more than a year ago more than 100 cases of typhoid fever occurred among the inmates of one workhouse in the neighbourhood of Bristol; and it turned out, on investigation, that the sanitary arrangements were altogether vicious and abominable in every way.

9292. Without presuming to inquire into the particular cause, which I think does not concern us, of that particular case, to what circumstance would you attribute so remarkable a fact as that, in the advanced state of knowledge of public health now, a national institution of that kind should be so ill constructed; does the fault lie in the architect, or in the subsequent administration after it has been built?—I think that the fault originated probably in the fact that the greater number of those establishments were built before our knowledge of sanitary matters was very advanced, particularly before we knew much about the laws of spreading of the infectious group of diseases; and I think in consequence of our advanced knowledge of those matters all the details of the construction of those great public establishments require revision.

9293. And have you observed whether in cases of that kind it would have been possible, without great expense, to thoroughly remedy the sanitary evils?—I think so. I might adduce as another illustration of what you observe yourself that the workhouses and the gaols of this country, and some lunatic asylums, have been the scenes of all the very worst outbreaks of Asiatic cholera that have ever occurred in England, and the same is true, I think, pretty well of typhoid fever. I might say that there have been within a very few years three instances of outbreaks of typhoid fever in the neighbourhood of Bristol, two in workhouses and the third in a great reformatory, in which from 50 to 100 subjects with typhoid fever have been in bed at once. I have cognizance of that.

9294. And from your experience you believe that that might have been prevented?—Entirely. I have not the slightest shadow of a doubt of it.

9295. You have had great knowledge of rural districts in that part of England as well as of Bristol; am I right in understanding you to say that the same kind of sanitary administration which is employed in Bristol might *mutatis mutandis* be applied to rural districts, without any great expense, by a suitable method of inspection?—I think so. I think that the railway and telegraph have much simplified all those matters, and would tend very much to reduce the expense of that sort of supervision.

9296. (*Mr. McClean.*) You state that you are in favour of a compulsory instead of a permissive sanitary law; would you include the supply of water to domestic dwellings in the compulsory system?—Yes, certainly; but when I say compulsory, I mean not

W. Budd, Esq., M.D.

13 Dec. 1869.

every house, for instance, but there may be a common tap, as we have in Bristol, for the service of a court.

9297. Why would you apply the compulsory system to water?—Because water is a great vehicle for the propagation of infectious diseases.

9297*a*. Does a deficiency of food originate disease?—Undoubtedly.

9298. And would you allow the inspector if there was a deficiency of food to send an order to the poor law guardians for a supply?—That is a very difficult matter.

9299. Would not the same argument apply to food as to water?—Yes; but a great number of people in this country cannot be supplied with sufficient food as I believe by any Government power.

9300. In Bristol the sewerage has been very much improved, has it not, and the drainage also?—Yes.

9301. It was subject to floods formerly, was it not, and those have been completely removed?—Not quite, but very much so.

9302. And I presume you attribute the diminution of disease largely to that improvement?—Yes, largely. We have still a very flagrant evil in Bristol, namely, that the sewage is emptied into the tidal river, as the London Sewage used to be emptied into the Thames formerly.

9303. But it is at a considerable distance from the town, is it not?—No, at no great distance.

9304. (*Mr. Whitbread.*) But it is a river which has a very great rise and fall of tide, is it not?—Yes, and that lessens the evil certainly.

9305. (*Dr. Acland.*) You did not mean just now to say that water and food are exactly in the same category, because as I understand one reason for a good water supply is for the purpose of sewerage, it is not solely for drinking?—No; I think that every precaution should be taken; and it would be the work of the medical officers of health, and of the inspectors to see that every court, for instance, was supplied with water secure at any rate from sewage contamination. I think that that would not be a matter to regulate by enactment, but it would necessarily very often be a matter of discretion with the medical officers.

9305*a*. But the water supply is partly for the purpose of cleansing is it not?—Yes, partly for the purpose of cleansing.

9306. (*Mr. Paget.*) You spoke of defects in the system of registration of deaths in Bristol; have you any registration of sickness which does not lead to death?—We have not.

9307. How does any person then become acquainted with the fact of any sickness which is not mortal existing in Bristol?—I may use the words of our medical health officer, who says that his system is in reality a system of espionage. The greater number of his inspectors are old detectives, and they hunt those things out. Of course that is a very imperfect plan, and that is why I suggest that returns should be made officially.

9308. Do you speak of returns of sickness as well as of death?—Yes, as well as of death. His staff of inspectors, in some way of which I know nothing about, do certainly to a wonderful extent post him up to the existence of infectious disease in any part of the town.

9309. You suppose that that is due to his own great personal activity?—I think so.

9310. Supposing there was a less active inspector, do you see any method except by compulsory legislation which would give him acquaintance with the existence of sickness?—I do not; and I think for that reason he ought to have the death returns every week in his office.

9311. But would not the death returns be a very imperfect statement of the quantity of sickness?—Yes, they would be; but they would be sure, and they would not exclude other means of inquiry.

9312. Does it seem to you that it would be very important that all the sickness in public institutions and of all persons receiving aid from the state should be recorded, irrespective of the deaths?—Yes, I have suggested that already.

9313. Are there any cases within your knowledge in which infectious disease has existed to a considerable extent undetected because not very fatal?—No.

9314. (*Mr. Bircham.*) You have had considerable experience in rural as well as in town districts. I understand you to fear that the medical officers under the poor law would make bad medical inspectors for the purposes that you have been suggesting, as not being sufficiently independent?—Just so.

9315. They are paid very insufficiently, are they not, for the duties which they undertake?—They are.

9316. Has it occurred to you how that state of things could be corrected?—No, it has not. They undertake the charge of the poor at a very low rate of remuneration, simply because they hope to get through the poor to the employers of the poor.

9317. There is, in fact, a competition of low salaries?—Yes.

9318. You suggested that there should be a medical inspection, consisting of men forbidden to undertake other duty, and paid sufficient salaries to secure the services of really efficient officers; has it occurred to you for what salaries that object could be effected?—Yes; I have often considered that subject, and I should think from 500*l*. to 800*l*. a year or upwards would be about the right sum.

9319. What area of duty would you assign to each of those officers?—That would require great consideration, I think; it would depend partly on the amount of railway communication, and a number of other conditions, but I should think myself one to each parliamentary division would be sufficient; for instance, the county of Devon returns six members to Parliament.

9320. Do you mean the parliamentary division for the purposes of returning members to Parliament?—Just so. That I believe is the way in which the coroners are appointed, a coroner to each parliamentary division.

9321. Would not a medical officer devoting his time solely to your purposes be able even to undertake a larger area than that?—Possibly, quite as large, I think.

9322. And would you give him the duties of superintending registration, vaccination, and all matters of that kind?—I would.

9323. In fact he would be an itinerant officer, making circuits throughout his district?—Yes.

9324. (*Mr. Shaw.*) You stated to the Commission that the medical officer of health, when he received intimation through his inspectors of the presence of disease, went to the place and used disinfecting measures. Could you tell us what disinfecting measures they are, and how they can be used in a private house?—For a case of typhoid fever, for instance, the measures prescribed in the regulations which I have handed in are adopted. Another measure which our health officer always adopts, is to permanently disinfect all the sewers in communication with the infected locality.

9325. But what I mean is this, is it not neeessary, in the case of materials such as bedding, and so forth, which you cannot put into hot water without spoiling, that they should be subjected to a high temperature in an oven?—Yes, or to burn them. We burn very largely in Bristol.

9326. But you have no authority to burn; the Act only says that you are to disinfect?—The Act only says that we are to disinfect, but practically the poor people are very glad to have them burnt. The local authorities or private persons furnish them with new things in the place of what are destroyed, and they prefer that alternative, and our health officer very largely acts upon that principle.

9327. What is your opinion as to how far it is desirable that in each parish or unit of sanitary action, be it what it may, there should be a public place for the disinfection of infected bedding?—I think it very desirable, but it is already provided for in the Sanitary

W. Budd, Esq., M.D.

13 Dec. 1869.

Act. I think I have not mentioned the things that are already provided for by the existing Acts, but I think that very important.

9328. But my question related to your practice; is there such a place in Bristol?—There is only a private establishment at present, where you pay for having things disinfected; but in reality the disinfection is carried on in another way very often. The apparel and bed linen and many other things are often disinfected by our health officer by a diffusion of carbolic acid, or chlorine, or sulphurous acid in the infected place.

9329. But if you were to apply that in large quantities to anything like bedding you would destroy it, would you not?—No, not at all, but we burn very largely, and as a general practice we disinfect the interior of houses by the vapours of some of those disinfecting substances.

9330. But you are no doubt aware that in many places the authorities would not be willing to undertake the expense of supplying new beds and new things to the people, and I desire to learn your opinion as to what should be done in that case?—I think that in every great town, at any rate, or in every important health area, there should be a place of that sort. It might be, well, I think, if an institution of that kind were attached to the fever hospital as a part of the establishment, and perhaps it might be well if private persons, on payment of a fee, could get any tainted article disinfected there also. I think that that would be a great help.

9331. Is that private establishment in Bristol much used by order of the medical officer?—Yes, much used.

9332. Does he send things there to get them disinfected?—Yes, but private medical men do mostly so, I think.

9333. I presume that if it is a private affair it is self-supporting?—Quite so, they charge a certain sum for disinfecting the articles.

9334. I suppose the only influence that you can use to induce persons to send their things there is, that if they do not do so you will enforce the penalty of the Act upon them for not disinfecting them?—There is never any resistance, but that would be the *ultima ratio*.

9335. When you speak of poisonous excreta, do you mean that all excreta give rise to germs of disease, or only the excreta of persons who are already suffering from enteric fever, or something of that kind?—Only the excreta of persons already affected.

9336. Then supposing that the sewers contain nothing but the excreta of healthy persons, you do not think that they would give rise to poisonous emanations?—Of an infectious kind clearly not.

9337. To what kind would they give rise if they were not infectious; would they be in the nature of cholera or enteric fever?—I think not.

9338. Would sewer emanations give rise to any disease?—I really cannot tell you. I should think that they would be likely to disorder and depress the general health, give people headaches and lower the general health, but they would give rise to no specific and infectious disease.

9339. With reference to the diminishing of poisonous emanations, I suppose you would think it very desirable that there should be a certain quantity of liquid in the sewers, something like flushing?—I should.

9340. Do you think that the separation of the natural flushing which is produced by the surface water going into the sewer, I mean the separation of it by conducting it by a separate channel, would be likely to put the sewer in a less healthy condition?—I should think it might.

9341. Then you would not recommend the separation; you would think that the surface water formed a natural means of flushing?—I should say so, and a very salutary one, I think.

9342. (*Mr. Powell.*) I understand you to be of opinion that the benevolent gentleman who left a large sum of money for the investigation of diseases affecting the lower animals was a wise and foreseeing man, and that those men who laughed at his mode of bequest were not wise men except in their own conceit?—That is your form of putting it; the bequest was prompted I believe by benevolent motives chiefly, and had no relation I fear to scientific inquiry.

9343. You remember that Mr. Stuart Mill spoke in favour of that disposition, and you concur with him in favouring it?—I should certainly.

9344. Have you any local Act at Bristol?—We have a local improvement Act.

9345. Without going into minute details, which might be wearisome, do you remember the points in which it differs from the general Acts, and therefore what advantages Bristol has had, as compared with other places, in carrying out the sanitary reforms of which you have given us a description?—I cannot speak accurately, but I believe myself that all of what I have spoken of to-day has been carried out not under any local Act at all, but under the Sanitary Act of 1866 and the preceding Acts.

9346. Then the happy condition of Bristol is merely an illustration of the condition into which the whole country might be brought if the local authorities exercised their functions properly?—That is my opinion. There is no doubt or question in the city of Bristol as to their having made a first-rate bargain, in point of pounds, shillings, and pence, in carrying out all those separate improvements.

9347. You gave the Commission a very interesting account of the medical officers in your district in the country, and you also stated that you desired to have a minister of public health in London. Confining yourself to the medical staff, I would ask you whether you would desire that the officer in London, namely, the public minister, should be surrounded by any medical men in his office in London?—Yes, certainly.

9348. Would you favour us with your views as regards the central authority in a medical sense?—I think that would be very important for many reasons. Of course our knowledge of all those sanitary matters is very imperfect as yet, and scientific inquiries on a large scale will be demanded for the advance of our knowledge, and they could be only instituted, I think, by a central authority; the expense could not be borne by private individuals. All that must be originated by and be regulated of course in the end by eminent medical opinion.

9349. Would you still retain a medical officer such as Mr. Simon?—Yes, I should.

9350. Do you think that one officer would be sufficient in connexion with the central authority?—I think not.

9351. How far would you multiply medical officers?—I think that there should be at least two, one for human diseases and another for animal diseases.

9352. And you would place them, would you not, in continuous communication with the medical officers of the country?—I should.

9353. Without going into minute detail, would you say that in order to get rid of any noxious effects from discharges from patients suffering under infectious diseases, the remedies are cheap, simple, and easy of execution?—Yes, undoubtedly.

9354. You state in language the technical accuracy of which it would be very wrong in me to dispute, that nuisances do not give rise to infectious disorders, I presume you would not desire any person reading your evidence to infer that it is your opinion that infectious disorders do not ordinarily in practice accompany nuisances?—Quite so.

9355. And therefore that if any community desire to be free from infectious diseases, they must first of all get rid of and always keep free from those nuisances?—Not first of all, but they ought to keep free from them.

9356. Have you had difficulties in Bristol arising from your communication in the course of business with infected ports in tropical climates?—Yes, often.

9357. Have you found the sanitary laws as locally administered sufficient to deal with the difficulties thence arising?—I think that it is one of the weak points.

9358. Could you explain the deficiencies in the law and suggest remedies?—My acquaintance with precise Acts of Parliament is not sufficiently close to enable me to do so.

9359. Have you any carriages in Bristol, provided by the authorities under the Sanitary Act of 1866, for the conveyance of infected persons?—Yes.

9360. Have you any reason to fear that the fact of such carriages being used by infected persons is unfortunately the means of propagating and increasing infection?—No. After the conveyance of a person labouring under an infectious disease in the public carriage, the interior of the carriage is always disinfected by the health officer.

9361. You give us as your opinion that there is nothing to fear upon that score?—No, I am quite sure that there is not; of course I mean under that condition.

9362. Do you think that elementary lectures on health might be given in national schools?—Undoubtedly.

9363. Should you recommend that national school teachers should be taught in some elementary manner with a view to giving such simple lectures?—I should.

9364. (*Mr. Bircham.*) By whom do you intend that those medical officers should be appointed?—I think in that case the local authority should be the justices in quarter sessions. In matters of this kind it is very desirable to go upon the old lines, and not to create fresh machinery if you can avoid it, particularly in matters concerning public health, where you have to interfere a good deal with the liberty of the subject. The justices in quarter sessions I would suggest on many grounds, and one is particularly that they have already with very great zeal and success administered functions of the same order in the suppression of the cattle plague. There is no real difference between animal diseases and human diseases.

9365. You would prefer an appointment by the justices in quarter sessions to an appointment by the central authority?—Yes, I would.

9366. (*Mr. Powell.*) Could you suggest in detail what kind of regulations you would think desirable to prevent children who are either convalescent or under the influence of some infectious disease from attending schools?—That is a very difficult matter, no doubt, but an idea has occurred to me that it would be well in times of an epidemic to appoint a medical inspector to visit the school two or three times a week, or oftener, perhaps.

9367. But you do not contemplate constant inspection as a security against children with disease on them attending the school?—No, I think that that must rest chiefly with the master.

9368. (*Lord Robert Montagu.*) You stated an infectious disease is a disease of which the poison is conveyed from one body to another, and in that way only the disease is spread?—Yes, just so.

9369. Do you mean that infectious diseases cannot arise spontaneously?—I think so.

9370. That they cannot arise except by the poison passing from one body to another?—That is my opinion.

9371. Then if you intercept that poison you destroy or stamp out the disease altogether, and it cannot arise again?—Quite so. We stamped out the cattle plague entirely by acting on that principle. The cattle plague originated with two or three infected bullocks. It was only from those two or three infected bullocks that the whole national infection came; but when all the infected beasts that were breeding the poison were destroyed, and the taint which they had left behind them in the cattle sheds were extinguished, the cattle plague became extinct. That is quite an epitome of my views upon the subject.

9372. And you put all infectious diseases in the same category with regard to that?—Yes.

W. Budd, Esq., M.D.

13 Dec. 1869.

9373. Even consumption, I think, I understand you to say?—Yes, even consumption.

9374. With regard to the statistics which you gave at an early part of your examination, I think you stated that of every 100 deaths, one fifth, that is to say, 20·3 per cent., are due to zymotic or infectious diseases?—That is a statement which I have drawn from the death returns for London in the year 1863.

9375. And for every death from an infectious disease there are 10 cases of sickness from infectious diseases?—I do not wish to adhere to 10 exactly, because it is very difficult to get the data, but approximately it would be about 10.

9376. Then we may say that approximately this is true, that in a town where there are 20 deaths for 1,000 of the population, that is to say, 200 deaths for 10,000 of the population, there are 40 deaths from infectious diseases, and 400 of the people ill of infectious diseases?—Just so, taking London as your standard.

9377. When you stated that vaccination was not a certain preventative of smallpox, did you refer to the perfect and imperfect vaccinations together, or to perfect vaccination alone?—I referred to perfect vaccination, and I may give an illustration. Three members of my own family connexion, two sisters-in-law and one of my own brothers, all three of whom were vaccinated with the greatest possible care, two out of the three having been vaccinated more than once, nevertheless had the smallpox; two out of the three nearly died, one of the three is very severely marked, and the third had the disease severely.

9378. Can you give me the per-centage of the persons who have contracted smallpox after having received a perfect vaccination?—No, I cannot; it is very small, I believe. I have the highest idea of vaccination.

9379. And the number is about equal, is it not, to the number of persons who take smallpox a second time?—I believe so, but I have not looked into that subject.

9380. So that, humanly speaking, we may regard vaccination as almost a perfect preventative of smallpox?—Yes, to a very great extent.

9381. Vaccination is now compulsory in England, Scotland, and Ireland, is it not?—Yes.

9382. (*Lieut.-Col. Ewart.*) You spoke upon the subject of the introduction of disinfectants into the sewers as being of much importance; but I presume in combination with that you would consider the question of ventilation of great importance?—Undoubtedly.

9383. And do you consider that is satisfactory in Bristol?—Not at all. I should consider ventilation of very great importance, particularly in the diseases in which the breath is tainted with infectious power.

9384. Have you formed any strong opinion as to how ventilation should be best carried out for the prevention of disease?—It cannot be carried out, I think, except by the removal, as things stand at present, of the patient to a fever hospital; but of course it can only be carried out otherwise by a gradual improvement in the dwellings of the lower classes.

9385. But what I allude to more particularly is this—for instance, we have had some evidence from the health officer of Liverpool that they have adopted the shaft ventilation, and he attached great importance to that, in opposition to the fact of allowing the ventilation of the sewage to escape into the streets, or into waterclosets which happen to be out of repair?—You are now speaking of the ventilation of the sewers. We have done nothing of that in Bristol; but I should consider it very useful.

9386. Upon the question of registration, to which you alluded, do you believe that to any very great extent individuals avoid registering their children?—I could not say; I think it likely in cases of premature birth, but I cannot speak of my own knowledge.

9387. Under present circumstances, is it not a fact that the knowledge of a case being suitable for a coroner's inquest depends upon the registrar informing

W. Budd, Esq., M.D.
13 Dec. 1869.

the coroner?—I do not know what the practice is; I believe it depends partly upon that, but I believe that information is sometimes also conveyed to the coroner by the medical attendant voluntarily. I have often myself suggested to the coroner, and in fact, required inquests.

9388. But it mainly depends upon the registrar's information to the coroner, does it not?—I should think so, but I cannot speak of my own knowledge.

9389. And therefore more or less upon the zeal and discretion of the registrar?—I should judge so.

9390. (*Mr. Whitbread.*) You spoke just now of the provision of public carriages for the conveyance of persons with infectious diseases; have you any suggestion to offer with regard to any enactment which may be necessary to regulate the travelling by public conveyances, like the railways, of persons who are suffering from infectious diseases?—I have not considered that question; but I think that when people are well enough to travel by railway, they ought, if their medical man knows what he is about, to be pretty nearly incapable of conveying infectious disease.

9391. Would you say that in the case of a person recovering from scarlet fever, for instance?—Yes, I think so; I think patients, as soon as they are well able to travel, in recovering from scarlet fever, may be made pretty safe, that is, according to my experience.

9392. Do you think that it should not be made an offence to travel in a public carriage in that stage of a disease when it could be possible to communicate it to the next traveller or occupant of the same compartment?—I think so, if knowingly done. I have known a great many people travel by railway with the eruptions of scarlet fever out on them.

9393. (*Sir Thomas Watson.*) They could not of course be ignorant of that?—No. I could point now to individual cases that have come within my own cognizance, and I think that it ought to be made penal, as it may be the means of destroying even the very lives of other passengers; and what offence can well be graver than that?

9394. (*Mr. Whitbread.*) Have you considered the question enough to give the Commission a suggestion whether it should be penal upon the traveller or upon the railway company?—I think that the railway company very often are not cognizant of it, and it should be penal upon the traveller, I think.

The witness withdrew.

Adjourned to Monday, the 17th of January, 1870.

Monday, 17th January 1870.

PRESENT:

THE RIGHT HON SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL of ROMNEY.
The EARL of DUCIE.
Sir THOMAS WATSON, Bart., M.D., F.R.S.
Lieut.-Colonel EWART, C.B., R.E.
JOHN ROBINSON MCCLEAN, Esq., M.P., F.R.S.
SAMUEL WHITBREAD, Esq., M.P.
FRANCIS SHARP POWELL, Esq.
BENJAMIN SHAW, Esq.

FRANCIS THOMAS BIRCHAM, Esq.

(75.) ROBERT BAKER Esq., examined.

R. Baker, Esq.
17 Jan. 1870.

9395. (*Mr. Powell.*) You are one of the chief inspectors of factories, are you not?—Yes.

9396. You have obtained considerable knowledge of the practical operation of sanitary matters by being first of all in practice as a surgeon, at Leeds, and subsequently, for some years after the passing of the Municipal Corporations Act, member of the town council of that borough, and chairman of the streets committee?—Yes.

9397. Did not you in the year 1833 lay before the Leeds Board of Health a report containing an account of the progress of cholera in that town?—I did.

9398. What did you embody in that report?—The general condition of the streets as to sewerage, drainage, and paving and flagging, showing the cases of cholera in each street, and its contiguity to rivulets and rivers.

9399. And to any sewers which might have existed in a bad state?—Which did exist, and I examined all the streets named in the report for that purpose.

9400. At that time you also gave an account, did you not, in very considerable detail, of the state of the out offices, the size of the houses, their condition as regards over-crowding the population, the different ages of the different inmates, and the criminal state of the borough?—That was in 1839.

9401. I believe those two reports were greatly in advance of what had been done up to that time in such matters?—I believe so. I do not know of any other before that time.

9402. And you were assisted in those inquiries, were you not, by officers paid by the Council?—They gave me a number of men, and paid them for the three years which it took me to collect the information and report.

9403. Amongst collateral matters affecting the sanitary condition of the population is the state of the graveyards; have you any brief remark to make upon that subject?—Yes; I gave evidence before the Committee of the House of Commons upon the state of the graveyards in Leeds before the Act for regulating them was passed, and certain things arose at that time out of my inquiry which seemed to me to have a bearing on sanitary matters, and I should be glad to submit them to the Commission, if I might be permitted to do so. My examination of the graveyards led me to believe that it is desirable that all disused graveyards in cities and towns should be asphalted or flagged over, the gravestones being set among the flags, or in the asphalte; take for example the city of York, and even in Leeds now, the disused graveyards remain as they were originally before the cemeteries were put in operation, and so many bodies have been interred in the spaces allotted to what would be for one, that when the rain falls it must necessarily pass through those yards where the interments had taken place, and may affect materially the wells in the neighbourhood, if there are wells there.

9404. And you suggested that those yards should be asphalted?—Yes. I think it would be a very good thing: the living have long since forgotten the dead; and if the graveyards were asphalted they might be used either as areas of ventilation or, in some of our large towns, would be extremely useful as drying-grounds for the working classes.

9405. Would you remove the gravestones?—I would put them into the asphalte exactly where they found them.

9406. And as regards the locality of cemeteries, what observation have you to make?—I think that also is a very important matter. A cemetery should never be upon a hill or upon the side of a hill, unless where flowing towards a river.

9407. Have you any opinion to express respecting mortuaries or places for the reception of dead bodies?—Yes, I wish strongly to express that I think at every cemetery there should be a mortuary for from one to 50 bodies, with separate cells with locks and keys, the numbers of the cells and keys to correspond; and I think it would be desirable in non-contagious deaths that the bodies of the poor should be conveyed soon after death to those mortuaries, and, if the people are poor, at the public expense; and the key should be given up to the relatives to the time of interment, which should be fixed, in order to prevent offence in the summer time.

9408. You would make that removal optional in non-contagious diseases and compulsory in the case of contagious diseases?—Yes; and I think again that in case of contagious diseases it should be compulsory to have the body placed within a shell within a coffin (if it be desirable that it should be kept for the arrival of friends) between which and the shell there should be an interstice of pitch, the lid of the shell being also pitched on, but with a glass over the face. This idea arose from a peculiar circumstance. I was attending a carpenter's wife in a case of extreme fever, and I found him making this arrangement for the interment of his own wife, which I thought so admirable that I have recommended it in many cases of the sort. It is very cheap; it is quite preventive of contagion from the dead, and when I have seen, as I have seen, in practice in many instances, a dead husband laid upon three chairs in the living room with all the family about him, it seems to be absolutely necessary that some steps should be taken to remove the dead from the living in cottage houses of the people, and with as much expedition as possible, due regard being had to their feelings; not to be in a hurry they might be pitched up in this way and left with a glass over the face.

9409. At whose cost would you conduct the removal in the case of the poverty of the survivors?—At the cost of the parish in a little shillibeer. There are little shillibeers to be found everywhere now.

9410. Would you throw the cost upon the poor rates or upon something more in the nature of a district or lighting rate?—That would depend very much upon the nature of the locality.

9411. Are you acquainted accurately with the provisions of the law upon that subject at this time?—No. I know that mortuaries are directed to be constructed, but then it is not compulsory, as far as I understand.

9412. How far would the existing law enable the authorities to flag disused graveyards?—I am not aware that there is any law upon the point. The object of my suggestion is to check exhalations, to get an impervious surface, and to check percolation as well, the great danger being the exhalations, and also the danger to the wells below.

9413. Do you think that, if on examination of the statutes, the present powers are insufficient to carry out your suggestion, those powers should be enlarged in future legislation?—Yes, that is quite my view.

9414. With regard to the medical staff which ought to exist with a view to making efficient the execution of the sanitary laws, first we commence with the central authority. What medical staff do you think there ought to be at the central office?—I very deferentially give an opinion, but it is, that there should be a central office, with two or three gentlemen all under the Home Office, who would divide amongst them at their own pleasure the subjects that would come up from the country or in the metropolis.

9415. And who should be in communication with the Home Office, and advise the Home Office, and probably go on journies when requested by them, as they thought desirable?—My idea is that there should be two or three medical men in London of the highest possible position, as there are now, and such gentlemen as there are now would be all that is requisite, only that they should be in communication with the Home Office, and from them and to them everything should emanate and go to and from the country.

R. Baker, Esq.
17 Jan. 1870.

9416. What medical staff would you suggest in the country?—My idea of what is absolutely necessary for the country is this. I speak more particularly with respect to my own duties because that comes more immediately before me. I think that there should be an officer of health in every small and large town, but particularly in large towns; and having an eye to districts in which I have a great deal to do, where at present there is no officer of health with whom I could communicate in any way, I think it would be very desirable that there should be a competent officer of health, say in Birmingham, or say in the Potteries for the Pottery towns (those two I would name particularly), who should be entirely independent of the local authority, and should be appointed by the Government, and paid by the Government, and dismissible by the Government, and that the Government might recoup the expenses by estreats on the borough rate or the county rate, or whatever rate they might think desirable, but that those gentlemen should act under the office in London in all matters relating to sanitary questions.

9417. What population would you assign to each of those gentlemen?—That would depend upon circumstances. Where there were 100,000 inhabitants such a gentleman should not be allowed to have private practice. Below that they should be allowed to practice, with salaries proportionate to the amount of population.

9418. In a large town like Liverpool or Manchester, where you have a population of 300,000 or 400,000, or 500,000 would you have one man governing the whole, like Dr. Trench at Liverpool, or several?—Only one. I think that where the population exceeds 300,000 to get a competent man, which would be economy, in the first instance he should have a salary not exceeding 1,200*l.* a year, and that that amount should decrease down to 800*l.* a year and so on for a smaller population.

9419. How would you deal with country districts?—There are areas in my district for instance where he would scarcely be needed. I should give the town officer of health a diameter of five miles at first, and within that area he should include all that was necessary in connection with sanitary matters.

9420. In very sparsely populated districts, such as certain parts of Norfolk, you would give him a wider area, would you not?—Yes; because even five miles would have to be regulated very much by population and local circumstances which you cannot define just at once; but I am speaking of an area within which a competent man would be able to take the sanitary work, and dispose of it properly.

9421. You stated that the salary for the medical officer of a large town, that is to say for example for upwards of 300,000 inhabitants, should be 1,200*l.* Going downwards to a lower population, what would be a fair salary for such an officer?—If there are only 25,000 inhabitants the salary might be 250*l.* a year, and the officer be allowed to practise.

9422. Going lower down still, what would you say?—About 800*l.* a year for 100,000 and under, that the salary should diminish in proportion to the population; the minimum to be fixed by law.

9423. Would you impose upon every area of which you have given a very rough and necessarily imperfect description the duty of having such a medical officer?—Yes.

9424. You would think it necessary to have a medical officer of the sort you mention everywhere?—Not of this competency; you could not get them for all the districts everywhere to begin with. You would get them by-and-bye, but I desire to attain that.

9425. With reference to a certain number of districts, do you consider that there are scientifically educated men who are perfectly competent to perform those functions now?—Yes; I think so. I think that they would be obtainable under the circumstances of the appointments that I have been speaking of, and I

R. Baker, Esq.
17 Jan. 1870.

think that it would be an inducement to other men afterwards to get the same attainments.

9426. By what means would you raise up a sufficient number of men in future to cover the whole country?—By examination and diploma by a competent board, and by giving them a competent salary at a certain time of life when it would be desirable for them to retire from ordinary practice, and to devote themselves to the pursuit of sanitary questions solely.

9427. You think that the science of health would be much more studied, and ought to be much more studied amongst the profession than has hitherto been the case?—I have no doubt of it at all in my own mind.

9428. By what means would you give those medical officers of districts information of what is passing in the locality?—In the first place, we are bound in the discharge of our duties to take cognizance of certain insanitary things that happen in the factories and workshops, and I think that the inspector of factories and sub-inspectors of factories should be called upon as a matter of duty to inform the officer of health of anything that they find which is insanitary, and to take his opinion (for this is as far as I should wish him to go in that respect) as to the fact of its being prejudicial to the health of the people that are employed, and if it were, then it might be left to us to enforce the necessary means, as it is at present.

9429. Supposing there were to be in a factory either gases, or any dust, or any exhalations of any kind which the factory inspector supposed to be injurious to health, you would put upon the medical officer the duty of pursuing any inquiry which might be necessary for ascertaining the fact whether injury to health did or did not arise under those circumstances?—I would put it in this way. At present in the neighbourhood of Birmingham and the Potteries, there are eight or nine or ten kinds of dust, all of which, according to a little book which Dr. Greenhow has just published upon the effect of dust on the human constitution, which I consider of great value, are prejudicial to the health of the people employed, and most of all, the dust of the china scourers.

9430. They could give you a list of the kinds of dust and gases which either certainly or probably are injurious to health?—Yes, unquestionably.

9431. And you think that bringing to bear the scientific opinion of a medical man in such circumstances would be of very considerable value?—Yes, Let me put it in this way. Supposing a case of dust. I go into a work, and see the man covered, say, with the dust of the pearl oyster in making buttons, or the dust of hollow ware which is caused by turning the hollow ware, or the dust of the china scourers, all of them very serious and fatal after a little while, and I say to the master of the premises, "This dust is very "fatal to your workpeople, and I require you to take "some steps to prevent it in future from having this "effect." He first of all would say to me, "How do "you know that it is fatal? What means have you of "ascertaining that it is fatal?" I reply, "I know it of my own knowledge." His answer is, "We say that it is not." I should, therefore, be glad to bring in the officer of health to confirm or otherwise for the satisfaction of the occupier, my opinion that it was a dust which was prejudicial. Although I know it is so myself, yet I should be very glad of the assistance of the officer of health, and it would be very satisfactory to the occupier and to the country to know that the proper person had been called in to state why it was prejudicial, and how the evil ought to be removed. In that case I should call him in.

9432. You would also propose that the other officers employed by the local authority, such as nuisance inspectors and the like, should give information to the medical officer?—I think it should be a part of their duty.

9433. Would you suggest that the medical gentleman practising in the locality should also give information to the medical officer?—Yes, if there was an officer of that sort they would only be too glad to do it everywhere.

9434. Have you any further remarks to make with regard to the functions of the medical officers?—I think that the law requires to be made compulsory with regard to the overcrowding of workshops and factories, and also with regard to lodging-houses and nuisances on public or private property, and with regard to the consumption of smoke and noxious gases, and the deficiency of sewerage, the want of proper privy accommodation, and everything in fact which relates to the general health of the population. Upon those points I should be glad to make this observation. It has been my habit within the last four or five years, since the Act of 1867, to inquire what kind of accommodation in the large and small works they have for the workmen, in order that the decencies of life may be properly observed. In a brickyard about three years ago, where 30 or 40 women were employed, and perhaps 20 men or more, I asked this question of the manager, and his answer to me was, "You see that "little building in the middle of half an acre of ground, "that is the only privy that we have upon the pre-"mises." I said, "Have you only one for both those, "men and women?" and his answer to me was perhaps peculiar, "There are two seats, what more would you have?"

9435. The 52d section of the Public Health Act of 1848 provides that certain closets are to be constructed in factories in certain cases on the report of the surveyor; have you ever known that clause put into operation?—No; but I have known a great many instances where the privies were perfectly unuseable, and I have gone to the occupier and said that I would send a surveyor. I did report at Stockport to the authorities in one case, where there were seven or eight occupiers under one roof, and there was not a useable privy in the whole place.

9436. Do you think that the factory inspectors or the sub-inspectors could act in any degree as sanitary inspectors?—I do not see how they could; their qualifications are not in that direction at all. In fact it is rather an anomaly with respect to our department, that the civil service examination has not a single question with regard to their subsequent duties. This is the qualification, and here are the examinations (*handing some papers to the Commission.*) The inquiry is into a general gentlemanly education, but it does not effect the duties afterwards.

9437. In fact, they learn their duties by the actual practice of them?—Yes.

9438. What number of such inspectors are there?—41; I have 21, and my colleague has 20.

9439. Would you describe your district?—My district contains the western side and part of the mid-districts of England, Ireland, and the principality of Wales.

9440. With a view to the discharge of your duties what place have you chosen as your residence?—Leamington, because there I am in the centre of the district.

9441. How many factories, proper, are there in your district, exclusive of workshops?—Some months ago I had them counted, and they were 11,964, but since then they have got to about 12,000.

9442. Can you give us a specimen of the districts which are under sub-inspectors, so that we may learn the ordinary area of a sub-inspector's district?—The Leicestershire district, for example, embraces Bedfordshire, Rutlandshire, Northampton, and Leicester. So I endeavour to put three or four counties, where I can, into a district. The Coventry district takes in Oxfordshire, Bucks, and Warwickshire, excepting Birmingham; in Birmingham there are two districts special to themselves.

9443. How many districts are there in Wales?—Two, north and south, divided as nearly as possible across.

9444. What is the annual mileage of the sub-inspectors?—About two years ago it was about 103,000 annually.

9445. Have the sub-inspectors much spare time at present?—Mine have not any.

R. Baker, Esq.
17 Jan. 1870.

9446. Is that the mileage of each man?—No, that is the aggregate mileage, 103,000, speaking of my own district. I have mentioned in my report the mileage, and the cases of mills, and everything visited in one year.

9447. What is the other district?—Mr. Redgrave has the whole of the remainder of the country, including Scotland.

9448. How many sub-inspectors' districts are there in Ireland?—Three.

9449. Do you know how many factories there are in an ordinary district?—That depends a good deal upon the density of the population. In Birmingham there are 1,376, or thereabouts, for two sub-inspectors. In Wales, probably, each man would have about 360, because there is a great deal of travelling.

9450. How many times should each factory be visited in the course of a year?—Twice, certainly, and sometimes three times or four times if you want to avoid prosecutions. Our desire is first to persuade occupiers to do what is right.

9451. How many factories can a diligent inspector who is competent visit in the course of a year?—If mine do 25 a week I am quite satisfied with that work, and their time is fully employed, because there is a great deal to do; sometimes they are delayed three or four days by prosecutions taking place, and, therefore, including wet days and other interruptions, when they cannot get out, I think if they do 25 a week that is satisfactory.

9452. Is it necessary to go upon the factories suddenly by a kind of friendly surprise?—If you did not you might as well never go. For instance, if I was to go into a town and stay longer than a day it would be quite useless, for it would be known in a few hours that I was there.

9453. How far from that point of view would it be possible for a gentleman on his rounds as factory inspector to be also examining into nuisances?—I do not see how he could attend to it, the one would confuse the other and you would spoil both. First of all I do not see how he could competently do it, and in the second place I do not think you would get any gentlemen to do it under any circumstances, they would not like to go into crowded houses and look after cesspools and such things.

9454. If one of those gentlemen were examining cesspools in one part of the district, upon reaching the centre his presence would be known, and his action as a factory inspector would not be effective?—There would be this difference, that whilst the factory owners were getting to know that he was there, they would get rid of their mischief as fast as they could, whereas they could not remove nuisances so fast.

9455. In what condition would you place the factory sub-inspectors after your medical staff has got fairly into work; would their duties be changed?—Not at all; they would go on just as they are going on now. They would report to me a matter which they found within the walls or without the walls, that in their judgment was insanitary, and into that I should inquire, and if I found that it was so I should report it to the medical officer.

9456. You do not propose any alteration in the functions of the sub-inspectors?—I do not.

9457. And you would deprecate any such change?—I should very much deprecate it; they have quite enough to do.

9458. Do you think that you could not satisfactorily impose upon them duties of a more varied kind within a narrower area?—I can only say that as far as I am concerned myself, taking charge of all those 21 gentlemen, I have a great deal more to do now than any man ought to have, and in my judgment it would be impossible for me to throw upon them any more duty of another kind than they have at present.

9459. Then there would be a difficulty, would there not, in finding gentlemen of the necessary attainments and qualifications?—I think so.

9460. As to the certifying surgeon, what observations do you desire to submit to the Commission?—I wish to say a few words upon the value of the certifying surgeon, because he is not quite understood as I think he ought to be. Perhaps you will allow me to detail how the surgeon ever got into the factories at all. In 1828, when I was in practice at Leeds (that was before there was a Factory Act at all), the millowners were complaining very much of the public opinion against them for the deformities which were occasioned by the long hours of work, and by the employment of children of very tender years. I was speaking to one of the masters, whom I knew intimately, and he said, "I shall give up business." I said, "Well, you have a remedy by which you may be prevented this annoyance." He said, "What is that?" I said, "Put your medical man between you "and your workers. Give him the key, and let him "go in night and day when you are working, and if "he finds the work operate prejudicially upon any of "the hands that are either poorly fed or delicate, let "him discharge them, or put them to half-time." Then I said, "If anybody says anything at all to you "that you are killing the hands, tell them that it is "the doctor, and not you, and you are personally "relieved from all responsibility."

9461. In case a child is not strong enough to enter upon work, the certifying surgeon's duty is to prevent the child from working, is it not?—Yes, that was my duty, and it fell afterwards to the certifying surgeon's. The parents know very well that any sick or delicate child would be rejected, and therefore they never send them.

9462. The mere proof of age then, supposing that proof could be obtained by the register, which would be a sufficient evidence to identity, would not be sufficient to render the certifying surgeon necessary?—No, it would not give the physical fitness. Moreover, the parents very often falsify the registers of age when they get them; they scratch out the year, and make the child appear older than he really is.

9463. Is it not the fact, that there is considerable pressure from the parents upon the masters, and upon the officials of various kinds, to employ children before they arrive at the proper age?—Certainly.

9464. And that has to be constantly contended against?—Yes, certainly.

9465. Do you think that anything might be done by the certifying surgeon as to watching the health of children employed in mills after they have once passed an examination?—Yes, if to follow out the notion with which I began it, the certifying surgeon was allowed once a quarter to walk through the works, and look at the hands as they were at work, he would see whether the work to which they had been put had been prejudicial to their health or not, and he would either rectify that, or they would be discharged.

9466. Do you think that these visits cannot be made as things are at present?—I think that certainly not less than once a quarter the surgeon should walk through the works, and if under a contract with the millowner, I am sure that the medical man would do that without any extra payment. I propose that he should walk through the works.

9467. Do you propose that he should act in some sort as a sanitary inspector, and take notice of gas or dust?—He would do so, but he would communicate to the officer of health; he might be useful as an informant, but he would have no special functions in that direction.

9468. What are the qualifications of the certifying surgeons, and by whom are they appointed?—They are appointed by the inspectors of factories. They must be registered to practice; and then we get the best recommendation that we can locally and otherwise, so as to appoint the best men. I think there can be no more intelligent men than those under me. I saw them once all together, and they are really most excellent men.

9469. Is not each child sent to a surgeon?—No, the surgeon goes to the works.

9470. What is the process of giving a certificate?

R. Baker, Esq.

17 Jan. 1870.

—The surgeon goes to the mill, and the child is presented to him, and he examines it at the mill, and asks it certain questions as to its physical ability, or otherwise, and then gives a certificate, and goes away. The certificate is, that this child has the appearance of a certain age, and of being physically fit to be employed.

9471. Is that certificate renewed in every case of a change of employment?—Yes. It is not necessary if they come back again to the same employment.

9472. Is there not an exception in some of the more recent Factory Acts not making that necessary?—There is an exception that within the same district the certifying surgeon's certificate may be taken, but it is never used, for this very substantial reason, that if a man once parts with his certificate, he parts with his protection for two months after the child has left his employment.

9473. With a view to protect life during infancy, do you desire to offer some suggestion as to the registration of birth?—Yes. When the Registration Act was first brought out, I ventured to suggest to Mr. William Brougham, as he was then, that the medical men all over the country should be the registrars of births and deaths *ex-officio;* and I put it in this way before him; that midwives practising should everywhere register themselves with the nearest clerk of the peace, and that the surgeons should be the registrars of births and deaths *ex-officio;* that they should communicate, and should receive forms, which it is very necessary they should receive of a peculiar character from the gentlemen in London, who would form the central office. The registry of births would be a very simple thing. All births should be registered, and, in my judgment, all premature births up to three months of gestation ought to be.

9474. Upon whom would you impose the duty of registration, on the parent or on the medical attendant?—The medical attendant would be the registrar *ex-officio;* and he would be paid as the registrars are paid at present, and for deaths also.

9475. With whom would he be in communication, with the registrars in the country or with the registry office in London?—With the superintendent registrar in the country. It would not be possible by this instrumentality to prevent altogether abortions and infanticide; but I think that both of those crimes would be considerably reduced if the medical men were registrars of births *ex-officio*, and that you would get a correct register better in that way than in any other.

9476. Would you impose the same duty on the midwives?—No; I would permit midwives to practice as now; I would not interfere with them.

9477. But would you recognize them for that purpose?—Yes, I would recognize them, and I would compel them to give information to the nearest medical man of any birth they had attended; and a midwife should have half the fee that the medical man would get.

9478. You propose, do you not, to register premature births?—Yes, but not in the same form as the others. I would register premature births, for the purpose of ascertaining how often any individual unmarried mother had these abortions, and to check it by inquiry.

9479. At whose expense would you have those registers?—I would have them paid as they are now. It would be a very simple matter for every surgeon to give a certificate that such a child had been born in such a place of such parents, and send it in quarterly. You could trace them then. My impression is that now a great many births are never registered.

9480. Do you desire to impose any fresh duties upon the relations in the case of a birth?—Yes. In the case of a birth where there had been neither a midwife nor a medical man present, I think that some imposition should be made upon any person present who did not communicate to the nearest medical man the fact of there having been a birth.

9481. But your idea appears to be that you would impose the duty upon the medical man, and take it from the parents?—Yes. I would put it upon the medical man to give the registrar notice of any birth that he had attended.

9482. Have you any observations to submit for the guidance of the Commission with reference to the registration of deaths?—The registration of death it appears to me, might be very much improved by a form of certificate, which gentlemen much more competent than I am would draw out and issue to the medical men everywhere.

9483. How should the medical men take action?—In every case where they attended a death, they would give a certificate as attending the death.

9484. Is there any other point which you wish to submit to us beyond what you have stated?—I think not.

9485. (*Mr. Shaw.*) Would not there be a great deal of difficulty in getting ground for mortuaries in large towns?—I would have them at the cemeteries, because the difficulty and expense of removing the bodies to the mortuary and afterwards to the cemetery would be very considerable; but if you have the mortuaries at the different cemeteries I think that difficulty would be removed; there would be only one removal. They would have to remove the body by a hand shillibeer or a horse shillibeer to the cemetery at first, and then they would merely go from the mortuary to the grave.

9486. Would you have them at the parish cemetery for paupers and poor persons?—Yes, and at the other cemeteries for other persons, if necessary.

9487. Would not there be rather a difficulty in the case of a death from a sudden contagious disease, in conveying a body perhaps it might be two or three miles to a cemetery?—I think not. The necessity of it would be very imperious, and it would be absolutely necessary to get it away.

9488. Do not you think that it would be contrary to the feelings of the relatives to take it such a distance, where if they were poor people they could never see the body again before the day of burial?—I do not think that you would find them so sensitive as that. The advantage to the living would be very great, and the disadvantage to the friends would be comparatively small. For example, I have attended occasionally in my life a labour where there was a dead husband in the room, and children sleeping in the same place; and the necessity of getting the dead body removed in such a case is very marked.

9489. I presume that you would give compulsory power either in the case of a contagious disease or in the case of a body being so decomposed as to affect the health of those in the dwelling?—Yes, certainly, I would.

9490. Would you have the goodness to describe to us again the method which you propose for rendering the presence of a body in the room innocuous?—First of all, the body is placed in the common shell, and then the shell in a coffin; between the shell and the coffin, in the case that I have mentioned, there were put little bits of wood about the thickness of a two-shilling piece, both at the bottom of the coffin and the sides and the ends, to keep the one from the other, and then the insterstices were filled in with boiling pitch. It took about a stone to fill it in, in the case that I have mentioned; so that there was a pitch coffin between the two wooden coffins. Then, if you put the shell with glass over the face on to the top of the corpse, and cover the shell all over with pitch, in the same way, excepting the glass, you have a perfectly pitched coffin, perfectly air-tight, and perfectly water-tight, and nothing can escape. It is a very simple and inexpensive form of burying bodies without a leaden coffin and with the same result.

9491. Would you give the sanitary authority power to order such a coffin?—Yes, certainly, in the case of paupers and in contagious diseases; you would not want it in other cases. In the cases of contagious diseases of non-paupers, the sanitary powers should enforce it or recommend it, but in cases of paupers it should be compulsory; and in pauper districts it is all the more necessary.

9492. You spoke of finding districts, in the course of your inquiries, where there was no health officer; what sort of districts were those?—Take the Potteries for example; there is no officer of health, that I know of, in the Pottery towns.

R. Baker, Esq.

17 Jan. 1870.

9493. There would be the medical officer of health, of the union, of course?—Yes, possibly; but not an officer who would be always accessible, and upon whom you could depend, doing nothing else but sanitary work.

9494. Do you think that in all cases in the rural districts it is necessary to have an officer of health besides the Poor Law officer?—No, I do not; I think he would do very well. It would be only in large towns that a separate officer would be necessary.

9495. What is now the *ultima ratio* to which you resort in factory inspections. If parties will not comply with your requirements, do you summon them upon your own authority before the justices?—We have the power of doing so, but we generally use the magistrates' clerk in any case; but in sanitary cases we have not taken any steps. I should be answered at once, in carrying out a penal statute like the Factory Act, "By what authority do you order me to clear away this particular dust?" I may answer, "I think this dust prejudicial." Then the reply would be, "It "may be so, but what is your opinion upon that point "worth, it must be supported by somebody else, other-"wise I do not take that as an opinion; we do not "find it in our experience." The bad consequences only come on in after-life.

9496. How would you propose to remedy that?—In this way. The other day I was in a place where they were making hollow ware, that is the ordinary iron pans that you see upon fires that the poor use very much. They were turning them out with chisels. There were seven or eight lathes in the room, and perhaps there might be 20 men and boys at this work. The solid parts of the iron fell to the ground, but when a ray of sun came in upon the room itself, you could see the floating particles of the finer iron all over the room, which breathed on to the delicate membranes of the lungs become impacted there, and become subsequently the source of great irritation as shown in the book of Dr. Greenhow's to which I have referred.

9497. How do you propose to check this?—When I entered into a room where I saw what I considered to be dust prejudicial to health, I should say to the occupier of the works, "Well now, I shall go and fetch "the officer of health, and I shall throw upon him "the responsibility of saying that this is prejudicial "to health, and if he says it is, and gives me a certi-"ficate to that effect, I shall call upon you to get "some remedy somewhere or other to correct it."

9498. Or else you would summon him before the magistrates?—Yes, I would summon him before the magistrates within so many days under the Factory Act.

9499. Your objection now is that you could do the same thing, but you decline to do it without having an independent medical certificate to back you?—Yes, because I do not think it would be right in me (and I think the occupier would have a good answer to my demand,) to put him to the expense of speculative machinery time after time when it ought to be done upon a proper basis at first.

9500. You propose, do you, to keep that power in the hands of the factory inspector?—Yes.

9501. You would not propose to throw it into the power of any sanitary local authority which you might recommend?—No, certainly not. You would not do that, I think.

9502. (*Mr. Bircham.*) Have you any authority at this moment to take them before the justices in a case of this kind?—Yes.

9503. And the justices have power to interfere?—Yes, they have power to interfere.

9504. Then all that the medical officer would do in the matter would be to strengthen your hands before you took this sort of remedial action?—Yes.

9505. You stated that your medical officers would not be needed in rural districts, do not you rather mean that the person who is acting under the poor law board would perform duties analogous to those for which you would constitute a special officer in the urban districts?—Yes, that is what I mean. I think that they would be quite competent, and that they would do the duty very well in the rural districts.

9506. Do you mean that this medical officer should exercise health functions analogous to those which you do in the case of factory inspection. For instance he would be making circuits through the country and finding things wrong, he would be suggesting their correction in the same manner as you do in the case of factories?—I think so. It would be left to his judgment what steps to take in cases where he found insanitary matters.

9507. I did not understand you quite to define what his duties would be; in the first place he would not have to give medical attendance in particular cases?—No.

9508. But his duty would be strongly analogous to what you are performing yourself in the case of factories?—It would be so. Matters would be reported to him by either the nuisance inspector or the sanitary inspector, or some other person, and then he would take such action as he thought right.

9509. You have spoken of the registration of births and the registration of deaths as being proper to be performed by the medical man of the locality; would you carry that to the registration of disease?—In cases of death, certainly.

9510. But we have had it suggested here that it is very desirable that there should be a registration of disease, as distinguished from death?—All information of that sort is valuable if it could be done consistently with the duties imposed upon the officer. Every information of that sort, however small it might be, is of assistance.

9511. Has it occurred to you from your experience in these matters that that is a function which you would recommend to be performed throughout the kingdom?—It would be so useful that I should recommend it.

9512. (*Mr. McClean.*) In the case that you mention with regard to dust arising from turning hollow ware, if the manufacturer could not find a remedy would you close his works?—No; I would not close his works, because I think he could find a remedy.

9513. (*Sir Thomas Watson.*) You mentioned a plan for preventing contagion proceeding from a dead body; is it quite ascertained that in infectious diseases there are infectious emanations from the dead body?—I would not say that positively, because I have been so long out of practice, but assuming it to be so, my plan would be very useful.

9514. It has been ascertained to be so with respect to smallpox, and probably it is so with respect to other diseases of that kind; but do not you think that the disinfecting of clothes would be more important?—That is part of the same proposition, that the officer of health should see instantly to the disinfecting of clothes and excreta which had taken place.

9515. Some enactment has been quoted with respect to the regulation of graveyards which have been closed, namely, that they should be kept in decent order; but that decent order would, I presume, have no reference whatever to sanitary considerations?—Not at all.

9516. Your plan for covering them with flagstones, or better still with asphalte, would have this double effect, that it would prevent emanations from the graveyard itself, and it would prevent the flow of any rain water through into the ground below, which might afterwards percolate dangerously into wells?—Yes; that is my object in mentioning it.

9517. Without such precautions those graveyards might be sources of infection for years?—Yes, for many years.

9518. You stated, did you not, that hereafter those officers of health who might be appointed to large towns and to rural districts ought perhaps to undergo

R. Baker, Esq.

17 Jan. 1870.

some special examination to show that they are fit for such office?—I think they should.

9519. Did I rightly understand you to say or to infer that each of them, notwithstanding this examination, should have had some previous practice of his own; some experience, I mean, in the treatment of disease?—I think that that should be also; and I think that a gentleman having had such experience would be the only kind of person who would present himself for an examination.

9520. You would not have it an examination which was undergone by a mere student in the first instance, but by a man who had been engaged in practice, and who offered himself with those qualifications in the first place?—Yes, that is what I suggest.

9521. Do not you think that the appointment of those health officers, besides the immediate benefit which would arise from it, would have this good result, that it would instruct medical men in the knowledge of what we call here State Medicine, that is to say, of all questions relating to the preservation of the public health?—It would necessarily lead to a course of study, so that we should by-and-by have a class of men of quite a different character to what we have now.

9522. You mentioned that in your opinion medical men throughout the country ought to be registrars of births *ex-officio*, and receive the ordinary fee. What is that fee?—I really do not know; 3*s*. 6*d*., I think, but I am not sure.

9523. Do they receive any fee for the registration of deaths?—I do not know. I think that the registrars do, and if they do not I think they ought, because with the new forms of registration which I hope will come based upon the experience of gentlemen of such great ability as we have now upon sanitary matters, a great many more questions and investigations will be necessary in case of death to get at the trade, the idiosyncrasy, the locality, and many other things.

9524. You have been asked a question with respect to the registration of diseases; does it occur to you that there would be any great difficulty in getting returns of diseases?—No, I think not.

9525. Would it not be comparatively easy to get them, at any rate, from all institutions which are kept up at the public expense, such as hospitals and so on?—Yes. I do not think that there would be any difficulty in it at all.

9526. There might be a difficulty, might there not, in getting them from separate practitioners?—There is *esprit de corps* enough among the medical men in places to give a great deal of information added to that which would be collected from public institutions, which would render it very valuable, I think.

9527. I think you also said that the examination by the certifying surgeons was of use in this way, not only to detect and report upon any inadequacy for work on the part of children brought before them, but that no sickly and very few younger children than the law allows were brought before them, because it was known beforehand that they would be rejected?—That is so with sickly children, and comparatively so with young children.

9528. So that they are of more use than is obvious upon the surface, like many preventive remedies, which the more successful they are the less apparent is the need for them?—It is a curious fact that in 1833, when the number of persons deformed in the knee, and with flat foot, and deformities of the spine were so great as to call for public attention, 10 years after the Act had been passed compelling them to appear before the certifying surgeon, in 1844, you could not find an example, except it was an old person.

9529. (*Mr. Whitbread.*) With regard to your suggestion that every medical officer should be *ex-officio* registrar of births, how in your view would that check infanticide?—In the first place, where persons are employed in procuring abortion, of which there is evidence in the paper this morning, the second time the person had been brought before the magistrate, the very fact of an inquiry as to how the abortion happened and who had been the attendant, would render it so dangerous an occupation that I think it would not be followed. With regard to the other part of the question, it would be useful in this way. In the Black Country, lately, when a surgeon was with me, I spoke to a woman and I said, "You have "plenty of children here, at all events, you will not "want children here for the works." "Yes," she said, "I have eight, and if four of them were dead it "would be the greatest comfort that could be to "me." I remarked upon that to the surgeon and he said, "There was a birth here a few weeks "ago, which I attended, and the mother said to "me, 'That child will be dead on a particular day;' "and it was dead on that particular day; but how "it died," he said, "I do not know." But in all such cases, and in cases where children are put out to nurse to be kept whilst the mothers are at work in the factories, any death brought under the notice of the medical man would immediately attract his attention, and it would be brought under the notice of the officer of health, when otherwise it would pass unnoticed.

9530. I quite understand your proposition that the deaths should be brought under the notice of the authorities; but I am rather at a loss to see at this moment how you can connect the registration of births by individual medical officers with the protection of infant life?—If they were known to be the registrars of deaths also, every death that happened would come under their immediate cognizance, and naturally would lead them to make inquiries which now escape attention.

9531. (*Lieut.-Col. Ewart.*) Are not the duties now performed by the sub-inspectors under you largely of a sanitary nature?—No, scarcely ever.

9532. Do not they look to the sanitary state of the factories which they visit?—They look to certain matters. Since the Act of 1867 they are to look to the state of the employments as to the dust which may be generated, and to gases, if they find them; but it is very rare indeed, as far as I know, that they refer to them.

9533. Do they look to the question of ventilation?—Yes, very often they do look to the question of ventilation, and suggest ventilation of various kinds; but ventilation is a very difficult question.

9534. They would take notice of defective drainage, would they not, as affecting the health of those employed in any factory?—I do not think so; it is very rarely if ever they do. They may say that it was very offensive; but it would stop there, I think.

9535. Are the sub-inspectors now selected from any particular profession?—No, they are all gentlemen; and they are selected as they present themselves, according to the chance they have of getting into office.

9536. Do you think that gentlemen of any particular profession would possess more qualifications than those of another?—I have always thought myself that sub-inspectors should be medical men; but taking the present gentlemen, who are well educated, and very able and industrious men, and, as far as I have seen, very useful men indeed; if I could get the other point, namely, that the certifying surgeon should go once a quarter through the works, I think that might be sufficient.

9537. But looking to future appointments, you would prefer medical men?—Yes, I think I should.

9538. You have spoken of the system of having health officers for large towns, and a corresponding system in rural districts upon a smaller scale; do you contemplate that every one of those health officers should correspond directly with the central authority in London?—No, with the officer in the nearest large district.

9539. Do you contemplate an intermediate officer between those health officers and the central authority?—No; take for example the Pottery towns, the health officer appointed for the Pottery towns being

R. Baker, Esq.

17 Jan. 1870.

independent of the Pottery towns would be the person to receive communications from outside, from anybody, either from factory inspectors, or poor law surgeons, or medical men generally, or anybody; and they would communicate to him, and he would act according to his judgment in communicating with the central office in London to take the necessary steps to prevent mischief.

9540. Then you contemplate that the central office should have a certain number of inspectors with circles in the country?—Yes, so you may call it. I say that a man appointed in Birmingham for example, or in the Pottery towns would be a person appointed with independent power; not independent of the central office in London, but with independent power so far as the corporations or local authorities were concerned; but that he should receive from London all his forms, and should communicate to London and suggest forms if he had any suggestion to make, of which the registration of sanitary matters would be made a part.

9541. Then he would communicate again with the health officer of each locality?—Yes.

9542. How do you contemplate that this intermediate officer should be paid, by the central authority or by the local board?—I say that he should be paid out of the consolidated fund, and that the government should have the power of repaying themselves out of the corporate or borough rate or county rate, as the case might be, or both, as the district might extend into different jurisdictions.

9543. Would it not be very difficult to levy his pay in that way?—I do not think so; a stipendiary magistrate for example is paid out of the local rates, but he is appointed by the government. I do not think that there would be any more difficulty in any other case than there is in his; and I am sure that it would be economy on the part of the local authorities to have such a person. What I mean is that he should be the principal officer in a large area, that he should receive his forms and his direct orders from the central office in London, that he should receive communications from officers in the country, inspectors of factories, poor law officers, and other medical men which should direct his action in the country, and that whatever came up new in the sanitary details that came before him he would communicate to London in order that the practice might be uniform throughout the country.

9544. Do you mean that supposing the central authority received any information elsewhere from any other source they would be expected to communicate what they had received to this health officer, and set him to work to investigate the matter?—Yes.

9545. As an example, take the case of Manchester; how would you organise Manchester as regards the health officer?—I would make one centre there just the same as in Liverpool.

9546. Would you annex to it a country district?—I should give him an area—not an arbitrary area—a diameter of five miles, and he would come probably within another health officer, and so work two districts in that way which would extend over the whole area. You would have to extend the area into the suburban parts or more modern districts in some cases, which would depend upon local circumstances, which one cannot detail at the present moment, but he would get in from that neighbourhood all matters connected with sanitary remedies, because the medical men would know that there was an officer in Manchester to whom all this would be very valuable, and they would send it in without any difficulty.

9547. With regard to what you said about burying grounds, you are aware, I presume, that at present many of those places are laid out for walking, and for the inhabitants to take the air, as in London; do you consider that what you propose would interfere with that?—No, because I am only speaking of certain disused graveyards in such places as I name, the city of York, for instance, where they remain exactly as they were 50 years ago, and where the living have long forgotten all the dead that were there.

9548. They have been made pleasure grounds in some places, and laid out for exercise?—They may have been in London, and so I would appropriate some of those others for drying grounds. I refer to the large burying ground at Leeds for example, over which the North-eastern Railway passes, where all the tombs are put on the side of the embankment as near as possible in the places where they were formerly, as a proof that you may do a great deal with a churchyard for the use of the living without much prejudice on the part of the living themselves.

9549. With regard to the question of inspections, do you think that if you had those health officers that you were mentioning they could perform any part of the duties that are now performed by your sub-inspectors?—I should not like them to do so. They could not go into places without power to do it upon a requisition from us probably, but I think that it would be better that we should do everything that is penal, as we do it now, rather than throw upon the medical officer that which would make him perhaps objectionable in some parts of his duty, and that we should do it more effectually than he would.

9550. But you think that he might take the initiative, and you might step in when action is necessary?—Sometimes he would do it, and sometimes we would. It might occasionally be that he would be the person who would say that in such a place there is a nuisance, or there is such a want of ventilation, will you go in and take action and remedy it? Or, on the other hand, if I went into a place and I found a want of privy accommodation, or that there was a want of ventilation, I should go to him and say, "In such a place there is a case for you." And in that way you would get a uniformity of action which would be very valuable.

9551. Are there any additional duties now done by an inspector under the Home Office, which you think could be annexed to the duties of your department of inspection?—I think not. I am sure that we have more work to do almost than we can do. I breakfast every morning at 7 o'clock, and I am in the office when at home, with few exceptions, at 8.30, winter and summer, all the year round, and I have as much to do with my 12,000 works as any man can do, and rather more.

9552. But supposing there were smaller districts and other duties annexed, how would that work?—Then you would require a special qualification on the part of the sub-inspectors which we have not.

9553. But that might be arranged in future, might it not?—No, I do not think that you would get the class of persons to take those duties upon them. It is necessary for our employment that we should have gentlemen, and I do not think you could get those gentlemen to take the duty of nuisance inspectors under any circumstances. In certain cases I am sure you could not. How could a sub-inspector of factories go into a dwelling where seven or eight or nine people were sleeping in the same room? First, he would not like to go lest he should meet with contagion, and, secondly, if he did go he would not be able to ascertain what was the right thing to do in such a room, and how to remedy it.

9554. Would not that be more the duty of the local sanitory inspectors of a subordinate class?—Yes, certainly.

9555. Might not your inspectors see that the local inspectors of that class did their duty?—It would be impossible without neglecting their own. It requires the careful thought of a man who is visiting factories, and seeing the children go to school; it requires the careful thought of the man as to what the antecedents of a particular person have been; whether he has been a correct person or not on previous visits; and if you were to confuse him with a variety of other things, it would be disparagement of the whole of them, and he would do none of them well.

9556. (*Earl of Ducie.*) Do I rightly understand that your sub-inspectors are powerless when they meet with great sanitary defects other than those of

R. Baker, Esq.

17 Jan. 1870.

ventilation in factories?—I think so. I am myself, and I think they must be much in the same position.

9557. Do you think that greater power should be given in that direction?—I think the officers of health would be the proper persons, because as a body we have not the qualifications. With respect to ventilation: you go into a room where there are 40 or 50 women employed, and perhaps gaslight for every two, and you say, "There is a want of ventilation here." "Well," says the proprietor, "I put up ventilators in "all parts of the room, but the moment my back is "turned every ventilator is shut up. The cold air "comes into the room and they complain of rheu- "matism, and everyone is shut, and I cannot keep "them open, do what I will." It is a matter of very great consequence that you should call upon that man to put ventilators between the roof and the wall, and that he should put them with side slides, but you cannot get that by any possibility because of the nature of the roof where there is no wall, and no partition where you can get between the ceiling and the wall. You must consider the nature of the people, that they are very hot and cannot bear a cool draught upon them, and though you want to give them an amount of ventilation, the form of the rooms themselves, often composed of old dwellings, and old attics added from the next door in order to make a factory, renders it a matter of very great difficulty to know how to ventilate without interfering with the property of a person unnecessarily.

9558. Under such circumstances as those that you have detailed, would you leave the matter unremedied?—No; I think that the officers of health backing me up in the idea that the place wanted ventilation, would call upon the local authorities to know what they would do; whether the place should be pulled down, or whether it would be necessary to take other steps. It would be a very difficult question indeed, but I think it should be remedied.

9559. Do not you think that the sub-inspector of factories would himself have sufficient authority to recommend improvements in ventilation?—We do recommend improvements in ventilation when we can in every way, but it is a very difficult question to deal with in the case of old buildings in large towns, such as Birmingham, where there are many old buildings tacked together.

9560. Besides the defects in ventilation, do they not come across many other sanitary defects?—They do sometimes, but they do not always see them; it is not their habit to look for particular things, which arise by the employment of children amongst machinery; they do not see them. For example, a sub-inspector went with me not long ago to a cotton manufactory, and I said to him, "Now look over all those people, "and tell me if you see anything insanitary, or any- "thing which is bringing on mischief to any of the "workers." He looked, and said, "No, I do not see "anything." I said, "Look again; put your eye "upon that girl of 16, who is working in that parti- "cular frame, and tell me if you see anything about "her that she would be likely to suffer from by-and- "bye?" He said, "No;" and yet she was a girl of 16, walking between two frames with 21 inches only between them, and her right shoulder blade, in consequence of her position, was very considerably displaced, and very shortly she would have been quite deformed. In many cases of eye diseases, where, from the negligence of the parents, the children would lose their sight, they do not see them, because they are not accustomed to look for those things. I see them and turn them out, but the sub-inspectors do not see them; it is not their habit of thought.

9561. (*Sir Thomas Watson.*) It would be necessary, would it not, for the purposes that Lord Ducie has spoken of, that the sub-inspectors should in fact be medical men?—That was always my opinion; but now, if I could get the quarterly inspection I have before referred to, the gentlemen with whom I am working are so excellent in every way, that I think it might be accomplished.

9562. (*Earl of Romney.*) Supposing the inspector of factories went through a place, and found it very insufficiently ventilated, and has recommended improvements a great many times, and his recommendation not attended to, what is the remedy?—The remedy is to summon the party. First of all he must give notice of the fault that he has to find, and by-and-bye he must summon the party before the magistrate. The answer would be, "Let him prove that it is prejudicial to the health of the people."

9563. Generally speaking, are the magistrates willing to take up those cases?—I have not had an opportunity of bringing such a case before the magistrates, because I did not feel myself competent to do it.

9564. You alluded to a gross case of negligence on the part of some factory occupiers in the neighbourhood of Stockport, where the party was taken before the authorities; do you recollect what happened in that case?—I wrote to the mayor, or the local authority—or the proper officer, I forget which—and he said he would attend to it, but whether he did so or not I do not know.

9565. You cannot say whether the local authorities generally are willing to attend to such cases or not?—I do not think they are, from what I have seen of them.

9566. If all those cases were taken straight to the central authority in London, do not you think that the central authority would be overpowered by the multiplicity of such cases?—That is not my idea. They would go to the central authority of the locality, if I may so use the word, and he would attend to it.

9567. Then you come back to what Colonel Ewart suggested to you, and which, as I understood, you would not accept as your plan: you were asked whether there should not be an intermediate authority for those parties to communicate with, instead of going to the central authority, and I understood you to say that you did not want to have an intermediate authority?—An intermediate medical authority. What I meant to say was, that all those local sanitary matters would come to the central authority in the country—the officer of health—and he would communicate to the central authority in London in any case which he thought needed it.

9568. Supposing 50 cases came before the officer of health, and he thought it necessary in all those cases to send up to the central authority in London for instruction, the central authority surely would be overworked?—They must divide it as well as they can. All those departments are overworked before they get thoroughly into gear, and they would be overworked, unquestionably, but it is an immense work to do, and we must expect that they would be overworked.

9569. But an overworked authority does not do its work very well?—No, but you would have to enlarge it.

9570. But with regard to the best plan of carrying on an improved system of ventilation and sanitary matters generally throughout the country, the question is rather, as was suggested to you by Colonel Ewart, should not the officer of health communicate with an intermediate authority in the country instead of going direct to London?—It strikes me in this way from my experience, that when you once get a mode of doing anything you can do it very well, but the difficulty is getting the right mode of doing what you want to do with the least expense and most effectually. For example, I have a little plan for protecting the scourers of china in the potteries. They have no engines there, and therefore I cannot get a blast; but if I had the power of enforcing a fire every day of sufficient size to produce the draught I want, I could protect the scourers without much difficulty, and once having got it in effective operation I could bring it as an example amongst all the other pottery masters, and enforce it under the Earthenware Act.

9571. You contemplate a difficulty at first, which difficulty would go off as the system became established?—Yes.

9572. And it is that that you are rather trusting to?—Yes.

9573. (*Mr. Powell.*) I believe that up to the time

R. Baker, Esq.

17 Jan. 1870.

of the passing of the Factory Act of 1864 there was not embodied in legislation any definite and precise clause as to sanitary measures within your jurisdiction?—No.

9574. On turning to that Act I find the following clause, clause 4: "Every factory to which this Act "applies shall be kept in a cleanly state and be venti- "lated in such a manner as to render harmless so far "as is practicable any gases, dust, or other impurities "generated in the process of manufacture that may "be injurious to health," and then follow words imposing certain penalties, and then clause 5 runs thus: "In order to prevent the requirements of this Act as "to cleanliness and ventilation in a factory being "infringed, to the detriment of the occupier, by the "wilful misconduct or wilful negligence of the work- "men employed therein, it shall be lawful for the "occupier of any factory to make special rules for "compelling the observance amongst his workmen of "the conditions necessary to insure the required de- "gree of cleanliness and ventilation, and to annex to "any breach of such rules a penalty not exceeding one "pound." Then follow words providing for the posting up of the rules, and so on. I believe that you have a specimen of special rules which you can put in?—Yes, I have a specimen of special rules for the Act of 1867. It was the same also for the Earthenware Act of 1864, though not quite in the same words.

9575. I believe those two clauses, as far as regards factories, contain the present law upon the subject?—Yes.

9576. You think that those clauses are not sufficient?—They are not sufficient to enable me to act, as I said before, for the want of positive information on scientific points.

9577. If you could be supplemented with that evidence upon scientific points through the medical officer you would be content with the law?—Yes, I should. I could then act sufficiently and confidently.

9578. In order to avoid overcrowding in the places where people work, have you any suggestion to make to the Commission?—I think that it would be an admirable thing if the officer of health, through his subordinate, the inspector of nuisances, measured the area of a workshop and licensed it for a limited number of persons that would be proper to work there, and that that should be posted up in the room, because upon that also I could act.

9579. And could you carry out the same idea, so far as regards ventilation?—If the officer of health would tell me that the ventilation is imperfect I could carry it out so far as to require more ventilation, but the way to secure that ventilation would be a difficult thing for either of us to do.

9580. You could not post up a notice that such a window should be kept open such a time, or that such a passage should be kept open?—No, I think not.

9581. Do you think that the medical officer of whom you have spoken would exercise a useful authority as regards noxious effluvia which emanate from factories?—I think he might. In the manufacture of lucifer matches it is absolutely necessary that gases should be conveyed away not only from the workers, but from the population in the neighbourhood. That it is conveyed away from the workers as far as it may be I know, or at least I do my best to have it so, but whether it is conveyed out in such a form that it would not be brought back again to the inhabitants I do not know.

9582. Under certain Acts of Parliament proceedings may be taken in the case of noxious trades, where certificates are given by medical gentleman, would you impose upon the medical officer whom you describe the duty of giving a certificate in the case of a noxious trade injurious to health?—No, I would rather leave that to the officer of health to do; I would not even suggest anything about it. It would be part of his duty, and he would do it better than anybody else at his own discretion.

9583. But supposing there were a noxious business carried on and health being injured thereby, the medical officer of health remaining acquiescent and doing nothing, should you consider that he failed in his duty?—It is a very difficult question. There are certain noxious employments with which it would seem almost impossible to interfere without destroying the trade itself; and it is a question which would require local consideration as well as general.

9584. There is an American statute in which there is a proviso that the local authority may define a district for carrying on noxious trades, your idea seems to be one which corresponds with the American idea?—I should not like to express it so. There are certain trades that must be carried on, and wherever they are carried on they are noxious.

9585. Your memory is full of melancholy cases of distorted limbs and bodies sorely diseased in the mills, but that evil is now in the main cured; what do you think would be the effect of the cessation of the system of certifying surgeons?—My opinion of the parental feeling amongst the working classes is that many children would be compelled to work without regard to their condition. I do not mean to say they would compel a child to work utterly without regard to its condition, but in a semi-condition to work, and we should get back again to the same condition in which we were in 1833.

9586. (*Chairman.*) Do I understand you to propose that there should be two or three principal medical officers connected with the Home Office?—I would not venture to suggest how many, but it would be found out according to the duties they had to discharge how many were requisite.

9587. Is it your idea that their duties should be something like what Mr. Simon now discharges?—I think so.

9588. Then in fact you propose three Mr. Simons instead of one?—Something of that sort. The work would divide itself, one would take one thing and another another.

9589. Is it your idea that those two or three gentlemen should have defined districts?—No. I should let them do it themselves as a council for the whole of England. You might carry it further by-and-bye.

9590. Supposing there were those two or three medical officers connected with the Home Office, can you state how many health officers distributed through the kingdom would be necessary under those two or three chief officers?—No, I have not thought of the number.

9591. But you propose that every large town should have one, and that the country districts should have one for every radius of five miles?—No, a large town district should be a radius of five miles, and a country district would be regulated by the population, say 25,000, or from that to 30,000, and so on.

9592. Would you not propose that in country districts those sub-officers should have areas which are already known?—I think those sub-officers would be very likely, those that are already there, the Poor Law officers.

9593. In fact, we should come to the union officers after all?—Yes, in those districts.

9594. Do you think that those union officers, as they are now appointed, would be fit for the duties which you are contemplating?—I am scarcely competent to give an opinion upon that point.

9595. You seem to me, in the course of your evidence, to be rather looking to the use of those health officers with reference to factories?—I put that primarily. But generally they would be very useful, and it would go further by-and-bye, because medical men now meet together more than formerly, and are more in the habit of talking sanitary matters over; and if once this system were established, they would always be corresponding and talking with each other as to best remedies, and a system would soon be formed which would be very effective.

9596. It was not specially with reference to carrying out the Factories Act, but for general sanitary purposes, that you propose that those officers should be appointed?—Yes.

R. Baker, Esq.
17 Jan. 1870.

9597. Do you propose that they should be appointed and dismissible by the central authority still, or would you be content with their being officers of the local authority, and under the orders of the local authority?—Yes, I think that they should be officers of the local authority, but not dismissible by them.

9598. Employed by them, but not dismissible by them?—Exactly; paid by the Government, who should be repaid by the locality.

9599. Should you not be afraid, when you got an officer for a large town with above 100,000 inhabitants, so large that you are obliged to get a man without practice, that he would be less serviceable as a health officer, for want of practice?—No, I do not think so; because you would get a man thoroughly up to everything in his own practice. When you turned him over to an office of health he would be as far as up in his general knowledge as he could be; and then he would go on and acquire experience in this particular science, which would be of great value.

9600. Your views being naturally turned to your own particular department, you want those medical officers to back up your authority?—Yes, as far as I am concerned in my own department.

9601. Would not employing a well known medical officer for each case be just as good for your purpose as employing a regular salaried officer?—No. I think in many cases, particularly in the rural districts, you would be obliged to do so per case; but in large towns it would be essential that you should have a man of the highest possible class. It would be economy; it would be instructive for the men coming on; and it would be encouraging to them; and in every sense of the word you would improve medical men and medical science by it.

9602. When you have appointed a medical man upon a salary, and deprived him of practice, will it not be very possible that there might be men in the public estimation of higher reputation whose employment per case would be a better support to you than a salaried officer?—I do not think so. I do not think that you would get a man of higher order than that which I would put in as an officer of health.

9603. In other cases for carrying out the general sanitary law, what would be the use of a salaried medical officer to carry out the law, for example, as to overcrowding, is not the law definite as to so many cubic feet of air which any inspector can ascertain just as well as a highly qualified medical officer?—Yes; but in many cases the answer is that you could not have the quantity of cubic air; you could not have it with the present size of the building, and you could not get it under any circumstances, and the question would be whether they should be permitted to work in such places at all; but neither would buildings be pulled down nor alterations made upon the mere assertion of the nuisance inspector, or a person of that class. It must be done by the general medical officer to bear any weight upon the local authorities or upon anybody else.

9604. Your proposition involves a very considerable expenditure of public money, and I want to see how far it is absolutely necessary to employ men of this class for such functions as might be discharged by a different or an inferior class of men?—You would not get the same uniformity.

9605. Supposing your proposal to be carried out all over the kingdom, how far would it affect the number of inspectors of nuisances?—Not at all. They would go on just the same as they are now. It would add expense to the local authorities, but not to the country. It would combine the nuisance inspector and two or three of the inspectors in the same person just as is done now, in fact there would be a little saving in that way.

9606. You gave a very decided opinion, did you not, that your own sub-inspectors could not be employed to carry out the inspectorships under the sanitary Acts?—Mine certainly could not.

9607. Have you formed any opinion whether there are any other inspectors who could be employed to take the chief offices of inspectors of nuisance with inferior officers under them, as for instance poor law inspectors?—No; I have not thought of that.

9608. Would the sub-registrars of this country not be superseded by your proposal to make medical men registrars?—The superintendent registrars would remain and the others would die out naturally.

9609. Do you consider from your experience that the business of your department altogether diminishes in process of time by the factory law being more known, recognized, and carried out of itself?—No, it seems to increase very much as the Act extends itself to different occupations, but when once the Act gets into operation the business is much more easily carried on than it formerly was.

9610. Therefore the increase of your duties is from the increased number of factories?—Yes, and the area that we have to travel over.

9611. But a given number of factories would give less and less trouble to your department, would they not?—They would.

9612. (*Mr. Shaw.*) You spoke about what are commonly known as baby-farming establishments; do you think that it could be useful and feasible to compel them to submit to registration and inspection?—I think that they would come under it as a matter of course if there was anything to examine, but I have not considered the matter sufficiently in the way that you have put the question.

9613. (*Mr. Powell.*) Might it not be made illegal to receive another person's child to nurse from the parent's house except there was a licence?—They cannot afford to pay for a licence, and the great mischief of the factory system is the breeding mothers working there, and putting these children out; it is one of the greatest misfortunes that can be. Drunken men drink on Monday, and spend their wages, and their wives are obliged to go to work to supplement the wages, and it is one of the greatest misfortunes that ever came to a country that women who are breeding mothers are allowed to work in such a way.

The witness withdrew.

(76.) Mr. JAMES DEWDNEY examined.

Mr. J. Dewdney.

9614. (*Chairman.*) Are you a corn miller, residing at Dorking?—I am.

9615. Have you lived there all your life?—Yes; I was born there in 1799, and have not been away from the parish more than eight or nine years, during my apprenticeship.

9616. What is the population of Dorking?—Of the parish it is now 7,000; that is to say, it was 7,000 in 1861. It is computed now that it will be 7,800, the whole parish.

9617. What do you call the town population?—The town population is computed now at 6,000; that is to say, it is 6,000 immediately in the town and just around the neighbourhood in which a district has been formed for the adoption of the Local Government Act.

9618. What is the rateable value of the town?—It is computed at 25,000*l.*

9619. What is the rateable value of the whole parish?—38,425*l.*; it is increasing from 1,500*l.* to 2,000*l.* a year, and has done for the last four or five years.

9620. What is the area of the parish in acres?—10,021 acres.

9621. And the number of houses?—1,088 in 1851; 1,348 in 1861. We had 28 uninhabited houses in 1851, and we had 41 uninhabited in 1861. We had 21 building in 1851, and 15 building in 1861.

9622. Can you tell us what the rates average?—The rates altogether will be not more than 4*s.* in the pound, and that includes the poor rates, the lighting, the watching, and the highway; the church rate has ceased, as you are aware.

9623. How much out of that 4*s.* is the poor rate?—This year it is 2*s.* 10*d.*

9624. How is the town drained?—It is not drained at all.

9625. Where does all the sewage go?—It goes into the surface drains, which belong to the board of highways. By surface drains I mean mere drain tiles, about 12 inches in diameter, put down for the purpose of taking off the rain water; and until these few years the sewage was entirely carried off by cesspools, which were emptied. From 1856 to 1866 the board of highways had the control, under the Nuisance Removal Act, and then we built one barrel drain, which perhaps might be called a sewer, but that only applied to a very small district of the town. We had also applications at that time from the inhabitants to be permitted to carry their sewage into our surface drains, and because we could do nothing better, we permitted it. I say "we," because I have been a member of the board for 25 years.

9626. Until what time was the board of highways the authority for removing nuisances?—We were put out of office by the Act of 1866, an Act to amend the law relating to the public health, and it was then vested in the board of guardians, which I take leave to say I think was a mistake, for this reason: the majority of the board of guardians are members living in the rural districts, who take no interest whatever as to the health of the town of Dorking, and little or nothing is done by them.

9627. Can you tell us whether the guardians are more active in the country round as removers of nuisances?—I do not believe they do much.

9628. So that they are just as bad in the country as in the town?—Yes.

9629. What is the authority of the vestry in Dorking?—The vestry is the local authority, but it cannot be used, and for this reason, that whenever we have a vestry called for the purpose of improving the state of the health of the town we have a vast number of small proprietors of cottages who immediately go to their tenants and tell them "Oh, if you have this done you will have your rents doubled." The consequence is that whenever any good measure is proposed, those men come to the vestry and out-vote us, so that we really are powerless. There were two or three vestries for the purpose of draining the town, but we could not do anything.

9630. What do you think ought to be the local authority in Dorking?—The Local Government Act.

9631. Have you tried to introduce it?—Yes, we have, several times. Two or three years ago it was tried, and then difficulties arose with regard to the boundary that should be taken. Those difficulties were finally overcome in the beginning of last year. We then applied to the Secretary of State, and presented a certain boundary, which the landed proprietors and the people in the town all agreed to, and the Secretary of State sanctioned that boundary. After that we proceeded by notice—we held a meeting to adopt it. In that case, as in the case of the vestry, the tenants of those cottages came and out-voted us. A poll was demanded, and we proceeded to election, if my memory serves me, the first week in last December. On the day on which the voting-papers were added up—our Member, Mr. Cubitt, was the chairman, and he was occupied from 12 till 8 in taking them. At the conclusion they were added up, and he reported the result to be 535 against the adoption of the Act, and 530 for it. But mark the peculiarity of the case. It was on Saturday that he added them up—and when at home on the Monday morning he looked over the list a second time and found that he had miscalculated 10 votes in the last page in favour of those who were against the Act, so that in reality if those ten votes were taken off, we who are in favour of the adoption of the Act have gained the day. Upon this discovery Mr. Cubitt at once admitted it. He had an interview with the leading people of the town, and it was agreed that an opinion should be taken, and application made to the Court of Queen's Bench to reverse his decision. That opinion and certain affidavits are, I believe, now sent up, and I hope in the course of this week it will be brought before the court for their decision. I am told that it is quite a new case, and that there is every probability of the court quashing the decision. At all events we hope so, and if they should be adverse to us we should immediately fight it again.

Mr. J. Dewdney.
17 Jan. 1870.

9632. In fact you will spend in law what might make your drains?—No, we shall not do that.

9633. Could you suggest any remedy for this state of things?—Indeed I could. I think one very simple, very easy, very effective, and very cheap remedy is, if you take the Local Government Act and erase the word "may," and substitute "shall," that would do everything. You see those who are willing to pay for those improvements, and those who can pay for them, are out-voted by really paupers. In the case of our election the other day, many of the voters were men actually in receipt of parish relief. That is not a state of things which the Dorking people think desirable.

9634. What is the result in the health of your place of the cesspool system?—We have a great deal of fever.

9635. Does the fever hang about the places where this sewage lies?—Very much.

9636. What is the death-rate of Dorking?—The death-rate is from 20 to 21; but the death-rate is not a clear indication of the health of the town. For instance, I know a linendraper who told me on Saturday that in 1868 he had 10 cases of fever in that year, that he lost his son and one of his servants, and I know several others who have had three or four cases of fever almost annually. I think that at this moment there are three children of our vicar, Mr. Joyce, down with a fever of some kind.

9637. Are the houses of those two persons near each other?—No. The vicarage is quite at the west end of the town.

9638. What is your water supply?—It has been very bad. There are some waterworks that were established rather more than a century ago, and the spring from which they take the water adjoins a certain brook which is called the Pipp brook, and above, in the course of the brook before it comes down to this spring, there is a vast quantity of sewage which falls into it. The spring from which the water is taken is only divided from the brook by a mere embankment of perhaps 2 feet thick, which of course the water rats perforate. It is notorious that at one time the people of Dorking were drinking partly spring water and partly the brook water and the sewage mixed. An Act was passed last year giving a certain company at Dorking the power of supplying us with water, and I have with me the charges which they propose to make: "that where the annual value of a house or "part of a house shall not exceed 5*l.*, it shall be at "the rate of 2*d.* per week; and for premises exceeding 5*l.* it shall be 7*l.* 10*s.* per centum, and so on in "proportion." That I consider a high charge.

9639. Have any of the owners of the stream that is polluted threatened the place with legal proceedings?—I have. I have suffered very much indeed from it. When I came to the mill which I occupy, which is now 42 years ago, for the first 20 years we could use the water for brewing or any other culinary purpose we liked, but for the last 20 years we have been unable to use it, and occasionally even the horses will not drink it. After a considerable dry time during the summer, when there comes a flush of water, I assure you that when the sluices of my mills are drawn the water is the colour of my coat, from the accumulation of sewage up above.

9640. Who are your inspectors of nuisances?—His name is Alloway; he is the fifth overseer;

Mr. J. Dewdney.

17 Jan. 1870.

he makes the rate; he is the inspector under the guardians.

9641. What salary do they pay him?—I think 10*l.* a year.

9642. Does he do his duty?—I should be afraid to say.

9643. Does he report any nuisances?—I know some cases that are very much overlooked, but they may not come within his duty.

9644. What is the union in which Dorking is?—It is called the Dorking Union, and it consists of eight parishes, I think—Mickleham, Wotton, Newdegate, Ockley, Capel, Abinger, and Effingham. But the population of the parish of Dorking far exceeds the rest of the union, and the rateable value is far in excess of all the rest of the union put together.

9645. How many medical officers are appointed for the union?—Four.

9646. Is one for Dorking alone?—There are two for Dorking. Mr. Chaldecott and Mr. Curtis are for Dorking, and Mr. Jardine is for the lower district, about Capel, I think, and there is Mr. Steadman, who lives at Effingham.

9647. What sort of salaries do they give them as medical officers?—Small, I believe. The town of Dorking is probably known very well to some of the gentlemen on this Commission, but it is so situated that there cannot be the slighest difficulty in draining it. As a rule it is built upon the sand rock, to the south of a small stream, which we call Pipp brook. It is the junction at that point of the chalk and the sand. The sand is all found to the south of the brook, and the chalk to the north. All the springs come out of the sand. We have not a single spring out of the chalk up that valley for miles till we come to Albury; they all come from the sand.

9648. (*Mr. Whitbread.*) With regard to the voting of the ratepayers who have not paid their rates, you have told us that you were out-voted by a body of men, many of whom were in receipt of parish relief; under what clause of what Act did they vote?—It was an Act that was introduced, as I think unfortunately, last year, the Poor Rate Amendment Act. I presume that it was intended to affect only boroughs, but in its application three of our professional men say that it applies equally to ourselves.

9649. Can you refer us to the clause under which they vote?—I cannot.

9650. Would it benefit your case if no one could vote who was in receipt of parish relief, or had not paid his rates?—Then we should get a majority; it is the number of those small votes that out-vote men like myself, and even like Mr. Cubitt.

9651. (*Earl of Romney.*) Have you taken the votes under Sturges Bourne's Act?—As far as I am concerned, whenever we have had any question of importance at the vestry, I have insisted upon their votes being taken so, but the rule is, that where no vestryman will rise for that purpose, they take the votes in the old fashion, by holding up hands; that is a very rude and imperfect mode. I have seen it repeatedly, that one man will hold up both hands.

9652. When you came to taking each vote, were not the votes then taken according to the amount of assessment?—Yes, recently; but they were only done so if some one insisted upon their being done so.

9653. Was it done so upon this occasion?—Yes, it was, because there is a special clause which regulates voting by papers sent out similar to those for the election of guardians, and in this case we voted not only as occupiers, but as owners, having previously sent in our claim as owners.

9654. (*Mr. Powell.*) Can you tell me how it was ascertained by the person who conducted the voting as to who was entitled to vote?—All persons whose names are on the rate book are entitled to vote.

9655. The rate book was taken for that purpose as the register, was it not?—The fifth overseer was applied to, and he gave the names from the rate book. That book was not under examination by any other person than himself and the overseers.

9656. But when a man came up and said that he was entitled to vote, did they turn out his name in the rate book?—All the voting was filled up by the voting papers the same as for the guardians. A paper is sent to each voter's house, he fills it up, yea or nay, as he pleases, the papers are collected, and the votes are added up from the papers.

9657. How are the owners ascertained?—In the same way; there are two columns, one so many votes as owner, and another so many votes as occupier. But the owner can only enjoy those votes by an application to the registrar, I think, or some officer to get his votes allowed a certain number of days before the election.

9658. Have you made much stir about this matter in the board of guardians?—No, not in the board of guardians.

9659. But the board of guardians are the nuisance authority, are they not?—Yes, they are.

9660. Then you, as representing the town gentlemen, might make an agitation in the board of guardians, and cause them to exercise their functions as a nuisance authority?—No, we have not done so for this reason, that their powers appear to us to be so very weak.

9661. However good their inclination, you consider that their powers are weak?—Yes. I was asked just now whether any litigation had been threatened, and I think I answered that I had threatened it. I threatened it under these circumstances; I took the opinion of Lord Chief Justice Bovill before he was elevated to the bench, and I was informed that there were two ways in which I could proceed, either by indictment or by action. If by indictment, I should have had to prove that the public health was endangered by the effluvia arising from the brook, but as this brook runs along the north side of the town, not very close to many houses, I should have had very great difficulty in substantiating that point, therefore I was afraid of it. Then with regard to actions at law, it would have required that I should have brought, perhaps 500 actions, and as I think law is more adapted for wealthy people, and I am sorry to say that I do not belong to that class, I was afraid of the expense of doing it. That was my only reason. But I have after all very little doubt that I should have beaten them all if I had tried it.

9662. Would not an action against one polluter have been a scarecrow to the rest?—I think not, because, if I understand the matter rightly, if I object to Mr. A.'s polluting the brook, he will say, "I will cease to do it." he merely cuts off his sewerage from his water-closet or his back kitchen, as the case may be, and I have nothing more to say to him if he cuts it off. It is right I should tell you with regard to the Highway Act, that we keep 30 miles of road in repair for a rate of 5*d.* in the pound, including all the pavements of the town and improvements there. A few years ago, I think it was at the commencement of the reign of William the Fourth, an Act was passed by which, when any parish should have 4,000 inhabitants, they might, with the consent of the vestry, appoint a board of highways in order that a good system should be adopted. Mr. Charles Barclay and Mr. Crawford, the father of the present member for London, persuaded the people to adopt it, and our rates have been very much reduced since that was done. I merely give this now to show the influence of the word "may." The Board of Highways answer admirably, and if the word "shall" had been put into the Act instead of "may," we should not have had any occasion for all the district boards.

The witness withdrew.

(77.) Richard Gay Francis, Esq., examined.

R. G. Francis, Esq.

17 Jan. 1870.

9663. (*Chairman.*) You are clerk, are you not, to the guardians of Stow-in-the-Wold?—Yes; I am a solicitor, and clerk to the guardians.

9664. Do you wish to make some counter statements to the evidence given before this Commission by the Rev. Mr. Hippisley, the rector of Stow-in-the-Wold?—Yes.

9665. Will you proceed to make your statement?—I will take first of all his answer to question No. 3339. I think it desirable to mention this, as it shows the origin of the feeling on his part, which will account for a somewhat one-sided statement. With reference to the seeming insolent conduct of the committee which was his cause of withdrawal, I desire to say that that insolent conduct was in electing someone else to be chairman, and not electing Mr. Hippisley.

9666. Was the committee that you allude to a committee of the vestry formed under the Sanitary Act of 1866?—Yes.

9667. Were you a member of that committee?—I was not a member. I was clerk to the committee.

9668. Do you wish to make some remark upon Mr. Hippesley's observation as to the conduct of that committee?—I do. The first remark that I would make is this: he alludes to the seeming insolent conduct of the committee that is, in the election of another person as chairman, not himself. He has admitted that that was the cause of his retirement from the committee, as he considered that having regard to his position, to his education, and to the amount of consideration that he had given to the question, he ought to have been elected, and it was a very great slight or insult in not electing him. He also complains very much of the conduct of the committee throughout the course of those transactions. I have here a paper which he himself issued some years back, in which he advises the parish with reference to the objects to be sought in the adoption of the Local Government Act—a very proper paper and very proper advice it is—and I have to say that that is precisely what the committee have done, because the course pursued after their appointment was following out his own words, to employ at the expense of the parish an engineer to instruct them how and from what springs they could in the best and cheapest manner get a satisfactory water supply. Secondly, to obtain estimates of the cost of the proposed works and other things connected therewith. Thirdly, to borrow money to meet the estimated expense on the security of the poor rates, with the consent of the ratepayers in public meeting, that is to say, in the vestry. That is precisely the course which the committee in question, of which he so greatly complains, has pursued. He complains, with reference to the purchase of certain pipes repeatedly throughout his evidence, that no statement whatever had been made by the committee in their first two reports to the vestry with reference to that purchase; upon that I desire to correct him. I have here the first report which was presented to the vestry, in which the matter was distinctly alluded to. He also charges the committee distinctly with departing from the plans prepared by their engineer and sanctioned by the Secretary of State. Those plans have been strictly followed; I believe the only departure which he has ever ventured to allege is, that he considers that the water tower is two feet higher than would appear by the specifications. Our plans and specifications do not provide for the height of the water tower; but on measuring it by the scale according to the plan it is 38 feet high, and I believe the actual height is about 40 or 41. He also charges the committee with having erected works out of the district. The only foundation for such a statement is this—Stow is a very small parish. The houses in many places extend to the extreme boundary of the parish, and the road or street running in front of them is actually in another parish. So that in one or two instances the water mains which have been laid down for the supply of water to those particular houses are actually out of the district, I believe.

9669. Have you legal power to do that?—There has no objection or impediment been raised to our doing so. The principal road in question is a turnpike road, and the consent of the commissioners of turnpikes for the district was obtained. He also states that no part of the loan borrowed had been repaid, that again is not correct; up to the time of his giving evidence here every instalment of principal and interest had been paid to the person who had lent the parish the money, which Mr. Hippesley should have known from the copy of the committee's banking account in his possession. Since that date an instalment has become due and is unpaid, owing to the action of Mr. Hippesley himself as chairman of the vestry. I would also call particular attention to a passage in his answer to question 3355. In alluding to those particular pipes, he states that "having been underground 30 years "they are full of holes, fouled, and perfectly unfit for "any purposes connected with water supply. By "patching them, and so forth, the committee did use "them for a short time after they had opened the "works, and perhaps would have gone on doing so to "the present moment, had not the water with which "they so supplied the inhabitants proved of the most "polluted kind." I do not suppose that it was intentionally done with the view of giving the Commission the idea that the pipes themselves were the cause of the impurity. If so, it was incorrect on this point as well as in the condition of the old pipes. The analysis of Dr. Frankland proves that the impurity existed in the well itself and in the tank, before the water had come in contact at all with the old pipes. It seems to me calculated to convey that impression, but I do not think Mr. Hippesley could have intentionally meant to have done so. He also complains of the course pursued by the committee with reference to the audit of their accounts. The objection that the committee made was not so much to the audit of their accounts, that is to say, to their producing their accounts, in order to have it seen that the money had been applied for the purposes directed by the Government, and that they had carried all the charges to the proper accounts; but Mr. Hippisley sought to object to every item of an expenditure of 2,000*l.*, and to raise a great many questions upon new Acts of Parliament—legal questions with which we considered a court of law only was competent to deal. Had the committee submitted their accounts to the district poor-law auditor, or any other similar officer, they would have subjected themselves possibly to a surcharge to the extent of the full amount of their expenditure, supposing there to be anything in Mr. Hippisley's objections; and at any rate the district auditor would have been called upon to decide questions of law upon new Acts of Parliament, with no decisions of the courts to guide him upon their construction, and these Acts of a most involved character. The committee therefore felt that they should not be justified in subjecting themselves to anything of that kind, but that he having objected to the expenditure, should pursue the ordinary course of seeking the aid of a court of law to set right what they had done wrong, as he alleged. There was nothing kept from the ratepayers, who were furnished with a printed abstract of the accounts.

9670. Do you think that the law requires altering as to the auditing of vestry accounts?—I think it should be. I would propose a similar machinery to that which obtains in poor-law matters—an auditor with an appeal to a court of law upon questions of law, and an appeal to the Secretary of State, as there is to the Poor Law Board in poor-law matters, on matters of equity. It is frequently the case in my experience with officers under the poor-law system, and it might very easily be so with officers under the Sanitary Acts, that mistakes may occur, and things may be done not strictly in accordance with the letter of the law, but matters which in equity there should be some authority that could set right, and could relieve against.

9671. Have you any suggestion to make as to the

R. G. Francis, Esq.

17 Jan. 1870.

working of the local authority in Stow?—With regard to its working in Stow, I think it would be well in the case of country parishes if the area were extended. I think that the vestry of a small country parish would generally be incompetent to deal with such questions as come before them.

9672. What body would you propose instead?—I think the highway board would be the most suitable body.

9673. Would that be in every case available?—There are not highway boards throughout the country, but through the greater part of it, and wherever a highway board existed, I would make it the authority for a small parish; but with a country parish of the extent of Stow, they might still have, as they have now, the option of the adoption of the Local Government Act, should they prefer to have a jurisdiction of their own.

9674. How would the board of guardians act in the case of Stow as the local board?—I think the board of guardians would not be so good an authority as a highway board, because the board of guardians have a great deal of work to do now in connexion with the poor laws; they have much more onerous duties than the highway board has, which is a body of similar composition.

9675. Supposing a committee of the board of guardians were elected by them every year for this particular purpose, how do you think that would act?—I do not think that it would act so well as the other authority. My experience of committees of boards of guardians is that they do not like having so much work thrust upon them.

9676. Supposing the board of guardians had power to elect a committee with certain *ex-officio* members also upon it, elected year by year, for the purpose of sanitary administration, as the assessment committee of the guardians now act, would that meet your views?—That had not occurred to me before, but I think that possibly such an authority might work well.

9677. How has your assessment committee worked?—It works very well. There is a general feeling of unwillingness on the part of the guardians to undertake so many duties as are imposed upon them by the present state of the law, but it has worked well as a matter of fact.

9678. Have you any other suggestion to make as to your local authority?—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 connexion with the sewer authority. Those Acts embody 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 those Acts through the several intricacies that are involved in them, and getting at anything like the fair state of the law. Without a legal adviser it would be impossible for a small sewage authority to go satisfactorily through the difficulties that are imposed upon them. 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.

9679. You wish the existing law repealed, and a consolidated law to embrace the whole subject?—Yes, to embrace the whole subject, and that not by reference, but by express enactment where necessary.

9680. Have you any other suggestion to make to the Commission?—I would mention the Poor Rate Amendment Act of last session. I consider that that Act has had a very injurious effect upon the sewer authority where that sewer authority is the vestry, in giving in all parishes the power of voting to the smaller class of ratepayers.

9681. How would you propose that the law should be altered?—I think that a similar system to the old Small Tenement Act ought to be introduced with reference to the power of voting in vestry. I presume that the Act of last year had a political object, and it was by a mere oversight that the power of voting in vestry was given to the occupier not paying the rates. The 7th section of the Poor Rate Assessment and Collection Act, 1869, enacts, "Every "payment of a rate by the occupier, notwithstanding "the amount thereof may be deducted from his rent "as herein provided, and every payment of a rate by "the owner, whether he is himself rated instead of the "occupier, or has agreed with the occupier or with "the overseers to pay such rate, and notwithstanding "any allowance or deduction which the overseers are "empowered to make from the rate, shall be deemed "a payment of the full rate by the occupier for the "purpose of any qualification or franchise which as "regards rating depends upon the payment of the "poor rate." It is the opinion of Mr. Glen and other editors of the Act, that that includes the right of voting in vestry, and I believe it is generally so understood. The result is, that the smaller and poorer class of ratepayers have the control in those matters.

9682. Is not the payment of rates necessary?—The payment of rates is necessary, I believe, under one of the sections of that Act up to the previous January.

9683. Still that does not remove your objection?—No. This Act adds very much to my objection to the vestry being the sewer authority in small parishes. The owner of the property is subjected to this, that the occupiers, the cottagers, have the power of disposing of his money for public purposes. That is what it practically comes to, and therefore the owner very often seeks by indirect influence, and probably (although I have no case in view at the time) he naturally would seek to exert it, by telling his cottage tenants, "If you vote for such and such a measure I shall have to raise your rents." That I am sure would frequently be the result.

9684. (*Mr. Whitbread.*) Is there anything to prevent a man who is in receipt of outdoor parish relief from voting?—The Vestry Act I think contains nothing prohibiting it, nor the Act of Parliament that I have just referred to. An occupier in receipt of relief, and unable to pay rates, might still have a right to vote in the vestry, as the payment by the owner preserves the franchise to the occupier.

9685. (*Earl of Romney.*) If the votes are taken in vestry now for the purposes for which they assembled the other day in your parish, would the votes be taken according to Sturges Bourne's Act, which is on the cumulative principle, a man assessed at 150*l.* being entitled to give six votes?—The votes ought to be taken so, but in the parish of Stow there are not more than two persons who are entitled to duplicate votes.

9686. But the votes would still be taken in that way; 100*l.* would give four votes, and 150*l.* would give six votes?—Yes. I apprehend that they were taken under the old vestry system, on that scale.

9687. (*Mr. Bircham.*) If the ratepayers in the parish met for the purpose of considering whether they will adopt the Local Government Act, they would vote, would they not, under the provisions of the Act of 1848?—As affected, I presume, by the Act of last session, "The Poor Rate Assessment and Collection Act of 1869."

9688. That is to say, that Act of 1848 requires the payment of the rate by the ratepayer, whereas the Act of 1869 says that if that rate be paid by the landlord, or agreed to be paid by the landlord, that shall be a payment for all the purposes of the franchise?—Just so.

9689. When you meet as a vestry, for the purpose of carrying on your business as a sewer authority, you have no restriction of that kind, and consequently you are not affected by the Act of 1869; there is no restriction, is there, upon any ratepayer voting, whether his rates are in arrear or not?—None whatever, except the nonpayment by the owner, which is a state of things which I can hardly imagine, the provisions of the Act are so stringent; and you will observe the 7th section to which I refer hinges upon the payment of the rate either by the owner or by the occupier.

9690. After all, if a man is positively in arrear of his rate he cannot vote?—In that case there would have been an application, I suspect, to his landlord, which would have brought the payment.

9691. I am speaking of the question of actual arrear; if he comes to the poll to vote when he is actually in arrear, and neither he nor his landlord has paid the rate, he is disqualified, is he not?—I think under that Act it must be a rate made some six months previously, but under the Vestry Acts nonpayment after demand would disqualify.

9692. (*Mr. Powell.*) That is to say, it is to be a rate connected practically, though not technically, with the Reform Act of 1868?—Undoubtedly that was the object, I presume, of the Act.

9693. (*Chairman.*) Is there any other suggestion that you wish to make?—There is one point which I would like to mention with reference to nuisances. It appears to me that the nuisance authority in country districts is becoming very much involved. The Sewer Authority Acts have given the jurisdiction in cases of nuisances arising from ashpits, drains, privies, and cesspools, and from the fouling of water, to the sewer authority, and it would become a question, in the event of any nuisance prejudicial to health (and there are very few, probably, except those above specified), whether the board of guardians retain their old authority in those matters. As a fact, I may mention that I have been clerk for 15 years, and there have always been either one or two paid inspectors of nuisances in the union. Mr. Hippisley is wrong in supposing that they are only just appointed.

R. G. Francis, Esq.

17 Jan. 1870.

9694. Do you know what salaries they receive as inspectors?—When there were two their joint salaries amounted to 12*l.*; the present inspector receives 10*l.*

The witness withdrew.

Adjourned.

Monday, 21st February 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF DUCIE.	Lieut.-Col. EWART, C.B., R.E.
The Right Hon. LORD ROBERT MONTAGU, M.P.	SAMUEL WHITBREAD, Esq., M.P.
The Right Hon. RUSSELL GURNEY, M.P., Q.C.	FRANCIS SHARP POWELL, Esq.
The Right Hon. S. CAVE, M.P.	BENJAMIN SHAW, Esq.
Sir THOMAS WATSON, Bart., M.D., F.R.S.	FRANCIS THOMAS BIRCHAM, Esq.

(11*a*.) JOHN SIMON, Esq., F.R.S., recalled and further examined.

J. Simon, Esq.

21 Feb. 1870.

9695. (*Chairman.*) You wish, do you not, to add something to your former evidence?—There are two points on which I think it may be convenient for the Commission to have some addition to my former evidence. One relates to what I consider the statistical basis of operation for our office. The Commission may remember that in my answer, No. 1910, I referred, as I also did in my annual report of last year, very particularly to the want we felt in my office of more particular quarterly reports of causes of deaths than we have yet had. I am glad to say that the Registrar General has determined to act upon the principle in future of making as detailed returns from the country as from the metropolis. His next quarterly report will begin the system of exact returns as to the principal causes of death in each sub-district of the country. Thus there will be detailed quarterly accounts for each sub-district of the country at large, as hitherto there have been weekly returns for London in particular, with respect to the number of deaths produced by each of the more important zymotic diseases. I was anxious to bring this fact before the Commission, because such an account as I describe is the essential basis for any real Government superintendence of the administration of the nuisance removal law. The test of the efficient administration of the nuisance removal law in a large part of its provisions is the absence of typhoid fever and other diarrhœal diseases. It is of course impossible that the Government can superintend the administration of the nuisances removal law as regards the individual nuisances existing in the country; it cannot have statistics of nuisances as such; but in having before it frequently a knowledge of the prevalence of typhoid fever and other diarrhœal infections in the country, it has before it the several nuisance removal authorities as tested by their respective results; and then on this evidence it knows which nuisance removal authority to stir up. Of almost equal importance will be the information given in the returns as to deaths by smallpox; a test, supplied from quarter to quarter, of the local administration of the vaccination law And in many other respects the same sort of advantage will be got. My department, in short, will have an immensely improved basis for measuring what local defaults are made in the duty of preventing needless disease.

9696. Is there any other point on which you wish to add to your former evidence?—The second point which I thought it important to bring before the Commission relates to our very frequent and intimate communications with the Poor Law Board. In looking at my former evidence it seemed to me that this had not come at all into relief. The Commission had adverted to our communications with the Local Government Act Office, which are not in point of fact so very frequent, though hereafter they may probably become more so; but at least hitherto our communications with the Poor Law Board are immeasurably more frequent than with the Local Government Act Office.

9697. Will you state the nature of those communications generally?—The communications relate, first of all, to the Vaccination Law, and secondly to the objects of the Diseases Prevention Act. It is true that during the past year the Diseases Prevention Act has not been actually in operation; it would have been inconvenient to put it in operation; but, nevertheless, during the year we have had substantially the same sort of communications with the Poor Law Board as if the Act had been in operation.

9698. Do you mean that the Act has not been in operation owing to the absence of epidemics?—Epidemics have been present, but there would have been in the present state of the law such aggravated confusion if the Diseases Prevention Act had been put in force, that it was far better to leave it alone. First, there has been relapsing fever in the country again. Relapsing fever is a matter that particularly concerns the more destitute parts of the population As soon as we were aware of the existence and of the spreading of that infection in London, we com-

J. Simon, Esq.

21 Feb. 1870.

municated on the subject with the Poor Law Board as to the necessity of increased hospital accommodation in the metropolis; bringing before them, and moving them to bring within the cognizance of the local destitution authorities, the more important facts which we had collected about the disease. It was more convenient that this communication should be from the Poor Law Board to the local destitution authorities than from our office to them.

9699. What are your communications with the Poor Law Board, under the Diseases Prevention Act, relating to the rest of the kingdom outside the metropolis?—The objects are the same as in the metropolis.

9700. During those two years in which you stated that the Act was not in operation generally, but that there were nevertheless communications between you and the Poor Law Board relating to the increased necessity of hospital accommodation in the metropolis, have you also had communications under the Diseases Prevention Act with the Poor Law Board, relating to the rest of the kingdom?—Our communications with the Poor Law Board during the last two years, excepting the present winter, have not related to the objects of the Diseases Prevention Act at all, but have related very abundantly to the Vaccination Act. Concerning the administration of the Vaccination Act, we are in almost daily communication with the Poor Law Board, and often in very considerable detail.

9701. (*Sir T. Watson.*) With reference to the relapsing fever which you just now mentioned; it has been confined, has it not, to London?—It has been almost entirely confined to London. I wish I could say entirely, but there is some of it in Manchester; and I should fear that by this time there may be some of it elsewhere. We had a report of it at Merthyr Tydfil, but on inquiry we saw reason to doubt whether the cases that had occurred there had been of relapsing fever. It very easily might be there, but the main stress of relapsing fever hitherto has been in London.

9702. (*Chairman.*) Your general statement that your communications are more frequent with the Poor Law Board than with the Home Office is a very material statement for us in considering what should be the central office superintending all the local government of the country, excepting the metropolis, therefore I want particularly to know in what way your communications are more frequent with the Poor Law Board than with the Home Office in relation to the country outside the metropolis?—In ordinary times because of the vaccination law, and at times of epidemics because of the Diseases Prevention Act. The Diseases Prevention Act is in no degree confined to the metropolis, and it is by mere accident that the present particular communications with the Poor Law Board, having reference to the objects of that Act, are chiefly or exclusively metropolitan. There might be a great extension of this disease, relapsing fever, in Manchester, or in Liverpool, or in Newcastle, and we should then equally have to communicate with the Poor Law Board about the action of the destitution authorities in those places. Suppose the case of an epidemic of fever in any part of the country to be brought to our notice, if on inquiry we find that increased hospital accommodation is wanted, we communicate with the Poor Law Board upon that subject. Again, the Lords of the Council regulate public vaccination; and inspections to see to the working of the vaccination law are made by the Privy Council; and the Poor Law Board habitually refers to the Privy Council for advice on the local contracts for vaccination.

9703. In fact the communications that you refer to are connected with the Vaccination Act or with the Diseases Prevention Act, and under that Act, except in cases of epidemics, your business is chiefly in advising and reporting?—Under both Acts the Privy Council is authorized to issue orders and regulations.

9704. Upon this point what do you wish to add to your previous evidence?—To point out that we have intimate and frequent communications with the Poor Law Board; communications more intimate and more frequent than with the Local Government Act Office.

9705. Is there any other point on which you wish to add to your evidence?—No, there is no other point that I am aware of. But the departmental affinities of my office will perhaps be made more evident to the Commission if, by way of illustration, I enumerate the principal matters to which I believe I shall have to refer in my annual report of this year as matters dealt with by me in 1869, and point out where other departments have part interest in them. First, as regards relapsing fever and scarlatina, I shall have to speak of the prevalence of those during the year; and respecting those, or at all events respecting relapsing fever, there has been communication with the Poor Law Board. Next, I must refer to the administration of the nuisance removal laws, particularly in regard of what I may call their sewage clauses; and here of course we are liable to have communications with the Home Office. Thirdly, I have to report with respect to the Vaccination Act; and here, as I said, there are communications with the Poor Law Board. Fourthly, I have to speak of the working of the Acts relating to the medical profession, that matter having been a good deal under consideration during the year; and on this business, which is proper to the office, we do not communicate necessarily with any other office. Fifthly, I have to advert to proceedings under the Pharmacy Act; and here again is business which attaches exclusively to the medical department of the Privy Council Office. Sixthly, a subject of which I shall have to speak is that of the metropolitan water supply; for we have had to inquire this year about complaints which have been made of its turpidity in certain cases. I will ask leave of the Commission to point out the intricacy of this water business. The Board of Trade is the authority under the Metropolis Water Act; but the Board of Trade apparently cannot act unless put in motion by local complaint; and it is held in the Council Office that, although the Board of Trade may, on complaint from a certain number of householders, cause inquiry to be made, and prosecution to be instituted, the Lords of the Council are not relieved of their responsibility to consider this as a question concerning the public health, over which they have to exercise a general superintendence. So we have had to investigate certain matters of complaint alleged against some of the metropolitan water companies, not alleged by the householders, but alleged in the Registrar General's reports. Seventhly, I must this year say something in relation to milk supply; having had to inquire whether the milk of animals suffering from foot and mouth disease is injurious; and in this sort of question we have not relations with any other department. Then an eighth matter which I shall probably have to speak of in my forthcoming report is a matter that I have been looking into for the Home Office, but not in connexion with the local government branch of it, the question of explosives. And, ninthly, the purely scientific work that is done in the office, and on which of course I have to report, is matter exclusively our own.

9706. (*Lord. R. Montagu.*) That is to say, the inquiries conducted by Dr. Thudichum and Dr. Sanders?—Yes.

9707. (*Chairman.*) In mentioning those nine different heads of your proposed report you wish to show us that your functions relate to three different departments besides your own, namely, the Home Office, the Poor Law Board, and the Board of Trade, and that some of them have really no relation to any other office than the Privy Council?—That is so.

9708. But supposing a body to be formed like the sub-departments of the Home Office, to which all matters of local government were referred, what difficulty should you have in fulfilling your duties with regard to all the objects under your cognizance within that office?—My office could no doubt be worked as a branch of the Home Office.

9709. If, in fact, you and your officers were wholly placed in the Home Office, could you not conduct all the business of your office just as well as if connected with the Privy Council?—Subject to one or two qualifications, which I will afterwards state, it would not make the least difference to which minister I was responsible; whether to the Home Secretary, or to the Lords of the Council, or to any new minister that might be devised for that and other purposes.

9710. Can you tell us of any advantage whatsoever that results from your connexion with the Privy Council?—In 1858 it was an open question where I should be deposited; whether at the Home Office, or at the Privy Council Office, or perhaps elsewhere. I believe that the view which you personally took, after communication with the Home Office, was that the Home Office had too much work for a medical department to be located there; and probably that difficulty, such as it was, exists at the present time in at least equal force. The Home Office is notoriously a very burthened office.

9711. At present you reside officially, do you not, in the Local Government Act Office?—My office is in the same building with that office.

9712. And supposing that the Acts were so amended as to disconnect you from the Privy Council, do you foresee any difficulty arising or any obstruction to the execution of your office?—My office makes very little claim on a minister except for legislation; but it is quite certain that in that respect we at present want a great deal of the attention of a minister, and I apprehend that we could hardly expect the Home Secretary to give us the time.

9713. Then the only advantage that you see in your connexion with the Privy Council is that the President of the Council has less to do than the Home Secretary?—Yes.

9714. Supposing the Home Secretary, either himself or in his officers, to be supplied with sufficient power to execute the work, you would then see no objection to your being wholly disconnected from the Privy Council?—I think it very unimportant, as I said before, under which minister my office is: but I think it essential that I should be in direct communication with a minister; and it is very eminently to be desired that the minister should not be one so overburdened with other affairs as to be unable to do what is requisite in the way of sanitary legislation.

9715. But you would see great advantage in having only to refer to one minister instead of three, would you not?—I think it very desirable that all the medical subjects should be under one minister.

9716. Whatever the minister superintending all may be, it would be better that there should be one than three, as at present?—Certainly.

9717. (*Lord R. Montagu.*) At present a great deal of the legislative action of the Privy Council is very short; instead of passing an Act of Parliament an Order of Council is passed, is it not?—Yes, or may be.

9718. If you were to be transferred to the Home Office, should you not also like that power to be transferred with you?—Assuredly.

9719. Then you would be of opinion that the Home Office (if that is to be the central authority) should have the power of passing Orders in Council instead of having to go through the necessarily tedious work of passing an Act of Parliament?—Certainly I think it of great importance that under the amended sanitary law the Government, through whatever department it may be, should have very large power of making regulations and orders in matters concerning public health.

9720. Are you aware whether the Home Office has that power at all at present, or does it rest with the Privy Council only?—It rests entirely with the Privy Council, except as regards the Home Office power of sanctioning regulations under the Local Government Act, and the power which the Home Secretary has in the last resort to issue imperative orders under the 49th clause of the Sanitary Act in default of local authorities.

9721. You are not alluding to provisional orders, are you?—No. *J. Simon, Esq.*

9722. Provisional orders have to go through both Houses of Parliament after all, have they not?—Yes. 21 Feb. 1870.

9723. Then the Home Office has not that power which you consider to be necessary, and it becomes a question whether the Home Office (in such a case) should be given the power to pass orders analogous to Orders in Council? Whether the Home Secretary should have power to make orders, and whether such an order of the Home Secretary should be equivalent to an Order in Council?

9724. Whether, in point of fact, the Home Secretary should have power to make regulations which have the force of law?—Yes, such power would be necessary.

9725. (*Chairman.*) Did I rightly understand you to say that you have more frequent communication with the Poor Law Board even than with the Home Office?—Very much more frequent.

9726. Does it render it advantageous at all to have the central authority in the Poor Law Board rather than the Home Office, supposing you were disconnected from the Privy Council Office?—I think it would never do to make the sanitary superintendence of the country a branch of the Poor Law Board as such. I apprehend that that would be out of the question; but a destitution branch and a health branch might very well be co-ordinate offices under a single chief minister. That is quite a conceivable arrangement.

9727. Would it not be convenient to have it a separate department of the Poor Law Board in consequence of your necessarily having such very frequent communication with them?—To make it a department of the Poor Law Board would be to merge a major in a minor interest. In a very comprehensive view of public health interests, destitution is but a section of the whole. It would not, I think, be convenient to alter the existing arrangements as regards the Poor Law Board, unless as part of a very large change which would concern much more than the mere question of the constitution of the medical department.

9728. It is a very large change that you contemplate as being necessary, is it not?—Yes; I am bound to say it is.

9729. Then, supposing that a very large change is made, would it be a convenience to have for the central authority one department of the Poor Law?—If a very large change were made, it might be a question whether the Poor Law Board would be as now a primary department or a sub-department; that is to say, whethether there would not be three or four co-ordinate departments (of which the Poor Law Board would be one) under a single chief minister; for it seems to me that a natural division of government is a division concerning the physical interests of the population. I said that this is a very large subject, because it seems to me that at the root of it is the difficulty, that the present constitution of the Home Office not only includes some of the physical interests of the people, but also includes justice and police. If ever a time should come when justice and police become matters of a separate ministry, then I can conceive, as a very natural arrangement, a minister looking after the physical interests of the people as his one subject matter, and having destitution as one branch, registration as another, municipal machinery as a third, and sanitary superintendence and administration as a fourth. I can conceive that that would be a very excellent arrangement; but, as I said at starting, it involves very large questions.

9730. But it does seem, does it not, to form naturally a part of the duty of that department to see to the physical condition of the people?—Of what are commonly understood as affairs of home government, the physical interests of the people are of course an essential part.

9731. (*Mr. Powell.*) Taking the Poor Law Board on the one hand, and taking the Home Office on the other hand, have you in your own mind any choice as to which of these two departments the health de-

J. Simon, Esq.

21 Feb. 1870.

partment should be attached?—The strongest, that it would never do to attach it to the Poor Law Board in the sense of making it a dependency of that Board.

9732. I am assuming, by way of explanation, that, as some of the witnesses have suggested, the poor law guardians should not be called poor law guardians any longer, but guardians of the poor and of health. So the central authority might be called the Board of Health and the Supervision of the Poor, so that the name both of the central office and also of the subordinate local authorities would indicate that health was of at least as great importance as the attention to the poor?—I certainly see the germ of a very good arrangement in that suggestion, but I do not think that it would be satisfactory unless the minister took in more than those two offices. I think that the minister who took in those two ought certainly also to take in the General Register Office as a third branch, and the Local Government Act Office (with other business of municipal machinery) as a fourth.

9733. And vaccination?—Yes, certainly, as an element in the health business.

9734. And quarantine?—Yes, if you mean serious quarantine: but then in this country there is no serious quarantine.

9735. Do you think that, seeing that quarantine involves relations with foreign powers, there is any reason why the conduct of quarantine should rest with the Privy Council rather than with a department which is purely domestic, such as the Home Office?—A difficulty which I have in speaking about quarantine is implied in the expressions that I just used. It is necessary to distinguish between serious quarantine and quarantine which is merely ceremonial. If there were any question of serious quarantine no doubt it ought to originate from my office; but there is no such question. Quarantine in the ports of the United Kingdom is merely ceremonial. No one pretends here that such quarantine as is carried out has any serious medical effect, but it has to be done for commercial reasons; and probably, so far as it has to be done for commercial reasons, the Board of Trade would be the best department to dictate it.

9736. Then you would not place quarantine under the new central authority?—It is so difficult to talk of shams instead of realities; if it were a real thing I should know what to say directly.

9737. Do you think that quarantine is of no avail in preventing the action of cholera?—Not the least. I mean such quarantine as we have in this country.

9738. Have you communications with the Poor Law Board as to the condition of the poor law patients, whether indoor or outdoor poor?—No.

9739. They do not supply you, do they, with any information by which you can gauge the condition of public health in the different unions?—No; but we are in communication with the Poor Law Board at the present time as to the possibility of some arrangement of that sort being made. It is of great importance for many reasons that the quantity and kinds of sickness treated at the public expense should be known; and it is of importance to us that we should get that sort of information, quarterly if possible, from the localities, so that we may know of the outbreaking or increased prevalence of certain diseases before we get the Registrar-General's record of deaths having been caused by such diseases.

9740. Do you have any information from the naval or military authorities as to the sanitary condition of soldiers and sailors?—No.

9741. Do you think that you ought to have?—No, I think not. I think it unimportant for our purposes. Of course every now and then there may be special cases where the military, as inhabitants of a place, have a complaint to make about the place, but that is not specially a military question. It is not important for us to know anything specially of the military as such.

9742. In the event of the military authorities being of opinion that disease prevailed in a quarter owing to the general sanitary condition of the neighbourhood being unsatisfactory, you would be at all times glad, would you not, to receive a representation to that effect?—Certainly. We have had cases of that kind.

9743. Have they any right to make such representation at present?—Yes; anyone has.

9744. Do you desire to keep some power in reserve in the statute, the Diseases Prevention Act, or do you think that localities ought to be invested at all times with all the powers?—The present arrangement is, I think, a clumsy one. It is inconvenient that a particular law should have to be put in force before Government can issue regulations in the matter of epidemics, and that those two stages of the business should be under different legal sanctions; but I think something must be kept in reserve, though not so much as at present. The view that I take of the Diseases Prevention Act is that it allows the extension of medical relief to classes that are not paupers and without making them paupers; and I suppose that the authorization of this extension ought to be discretionary with the Government.

9745. You are probably aware of the provision in the Sanitary Act (§ 37) which enables localities to erect a hospital?—Yes.

9746. You think, do you not, that there ought to be a power vested in the central authority to enable them to fit up that hospital, and to supply food, nourishment and medicines to the persons in that hospital as an exceptionable matter, not investing them with such power at all times?—The destitution authority ought to have power to provide a hospital with all belonging to a hospital, and ought to be empowerable by the central authority to extend relief from the absolutely destitute to the classes above the absolutely destitute.

9747. Do you think it would be practicable for the destitution authority to administer medical assistance to two classes, the one being made paupers by the process, and the other not being paupers?—It would only be under extraordinary circumstances that they would say, "We cannot here draw the line. All the "people who want assistance are poor, or nearly all, "and it would be convenient to us not to draw a "strict line." For instance, where typhus is spreading in a place, it is of the most vital importance to the community that all new cases, except the comparatively few which occur in good social circumstances, should be treated in hospital: but the advantage of removal to hospital would often be an awkward remedy to press if it necessarily made the recipient a pauper.

9748. Your mind rather travels, does it not, to the system of the considerable extension of gratuitous relief which prevails to a certain extent in Ireland?—Yes. That that extension should be possible when epidemics are prevailing I have not the least doubt; but whether it should be the ordinary system is a large and very difficult question.

9749. I did not entirely understand whether you said that relapsing fever prevails anywhere beyond the metropolis at this time?—It is in Manchester at the present time. As to Merthyr, I think probably there may have been a misapprehension of the cases, but there is typhus there, which after all is a worse disease than relapsing fever.

9750. As to the metropolitan water supply, where the Board of Trade acts upon complaint, you desire, do you not, the new central authority to act either on complaint or when attention is called to the circumstance by the prevalence of disease?—Yes. Not only as regards the metropolis, but universally, the question of the water supply of the population is a question of supreme sanitary importance; and the sanitary department of Government ought to have the amplest powers of inquiry in relation to it, and of acting, where necessary, for the public protection.

9751. But would you give to the new central office, whatever it may be, the same power over the water companies which is now vested in the Board of Trade?—The power vested in the Board of Trade is an extremely small and insignificant one, and the

central authority might, I think, advantageously have a much larger power entrusted to it.

9752. The supply of milk you would leave to the new central authority, would you not?—I said that we have inquired concerning that matter, but we have no power to do more than inquire. If a sufficient case arose we could give the public notice on the subject, but we have no power of action.

9753. Do you desire that new powers should be possessed by the new central authority in relation to milk?—I think it would be desirable that the Government should be able to declare, in relation to certain diseases of cattle, that the milk furnished by the diseased cattle, or from dairies in which they are, must be deemed "unhealthy" milk. Of course adulteration of milk is another question; but Government should be able to define "unhealthy" milk, and the sale of such milk should be illegal.

9754. As to the adulteration of food generally, would you give power to the new central authority?—There would be matters, probably, where it would be desirable that the central authority should make regulations, but it would be quite impossible, I think, that the central authority should work the law. It would be a matter for the local authorities to work; but for this and some allied purposes I would contemplate larger local authorities than those of unions or parishes. I think that all protection of the public health in relation to commercial misdeeds should be by the quarter sessions authorities.

9755. Will you have the goodness to put in the minute referred to in your answer to question 1794?—Since I gave that evidence the minutes to which I referred have been superseded by a more extensive order. The original minutes referred only to the Public Health Act and to the Medical Act; but the present order includes in addition the Vaccination Act and the Pharmacy Act. I will put in the amended order.

9756. Do you think that there should be vested in the central authority a power to combine local authorities?—Yes, without doubt, for any or all their purposes.

9757. (*Mr. Shaw.*) When you spoke of the central authority, whatever it was, having power to make regulations, did you contemplate general regulations like byelaws or regulations *pro hac vice* as under the Diseases Prevention Act?—Both classes of regulations. As regards the first-mentioned sort of thing, take such a matter as the removal of refuse; the local authority ought, I think, to have power, subject to the approval of the central authority, to make regulations for its own district; but also the central authority ought to have an initiative power to make regulations applying to all districts.

9758. And, I presume, when a particular bad state of things occurred, as, for instance, the existence of infectious disease, the central government ought to have power to come down and do acts of a summary nature in order to stop it, as, for example, under the 49th section of the Act of 1866?—On that point you must not lose sight of the very serious difficulty, that, if the local authorities fell frequently into default, the Government could not practically replace them all. Take an epidemic of cholera in a hundred different places; the central government issues an order that such and such things shall be universally done where cholera is prevailing; but it has not the means of looking after all those places very much in detail; and if in many of the places the authorities fell into default, it would be absolutely impossible for the Government to do offhand all those things that are required. Government could not meet such a responsibility unless beforehand, and habitually it had had at command a staff which habitually is not wanted. The safer principle, I believe, is not to supersede the local authorities, but, in case of necessity, to coerce them by legal process: thus never relieving them of responsibility.

9759. But still your answer contemplates the two classes, the doing of acts *pro hac vice* upon the prevalence of a particular disorder, and the laying down of general rules for the conduct of the authorities generally throughout the kingdom?—Yes. As an illustration of the *pro hac vice* question, I would refer especially to the matter of hospital accommodation in a district where there is infectious disease. You have got an epidemic of typhus, and your chance of stopping it is to get plenty of hospital accommodation. That costs money, and the local authorities are perhaps very tardy in moving. It is therefore necessary that there should be the power of commanding, and even of compelling, in such case.

J. Simon, Esq.

21 Feb. 1870.

9760. When you spoke of extending medical relief to persons not paupers, I presume you meant some extension of the section of the 31st and 32nd of Victoria, by which the sewer authority has power to make provision for the supply of medicine and medical assistance to the poorer inhabitants with the consent of the central authority?—I meant that such objects as are now attainable by putting the Diseases Prevention Act in force should be attainable by some such simple process as is illustrated in the clause to which you refer.

9761. I only meant that the principle of the clause is what you wish to see extended?—Yes.

9762. You merely wish that the local authority should have the kind of power given by this clause with consent of the central authority?—Or rather that the powers, both local and central, should be exerciseable without putting in force an extraordinary statute.

9763. (*Sir T. Watson.*) You have stated that it would be very desirable, and indeed it has been conceded, that the returns of deaths should be made quarterly instead of less frequently; would not you say the same *à fortiori* with respect to returns of disease?—Yes, I think it very important that we should have returns at short intervals of diseases as well as of deaths. We are in communication with the Poor Law Board upon the subject. The point is not yet decided. The proposal only relates to sickness treated at the public expense.

9764. Is not that disease of which you have spoken to-day, relapsing fever, a strong illustration of that necessity, seeing that it is a fever which results in a very small mortality; not above 2 per cent., I am told?—Yes, it is eminently a case in point. When the present epidemic began, it had a singularly low mortality, and if we had waited for the Registrar General's returns we should have discovered almost nothing of the disease.

9765. Therefore those returns would be no measure whatever of the damage to the community arising from this particular disease, either of the expense, or of the loss of power in the community, or of the destitution which it caused?—Quite so.

9766. Notwithstanding the more natural association of health and destitution than of health and education, is it your opinion that, being so, it would be inexpedient, or impossible perhaps, to transfer your department from the Privy Council to the Poor Law Board?—To make the President of the Poor Law Board as it were *ex-officio* master of the health department would I think be an extreme mistake.

9767. Under whatever minister of heath the administration should pass, you hold it to be essential that the communications between that minister and the head of the medical department should be direct?—Yes; that is, in my opinion, quite a fundamental principle in the matter. If my department has been successful, the success must, I think, be very mainly attributed to the establishment of that principle by the minutes and order to which I have referred, as dating from 1861 under direction of Lord Granville and Mr. Lowe. Great importance also attaches to the statutory constitution of my office; making me, for parliamentary purposes, a special and separate reporter on the sanitary interest of the country, and giving me in this respect an essentially initiative responsibility.

9768. You have mentioned in the early part of your examination to-day the staff of inspectors whom you have under you. They are some of them, are they not, what might be called emissaries, persons whom

J. Simon, Esq.

21 Feb. 1870.

you either send into the country to make inquiries or to whom you commit some particular subject of inquiry here?—Quite so.

9769. And they would be independent of those officers of health who were spoken of formerly, who, in your opinion, would be distributed over the country and would watch over the health of particular areas, and report to the central office if need should be?—There should be, I think, officers of local appointment universally through the country; where there is a special health district, a special health officer; and in other districts the poor law medical officer, acting *ex-officio* for rudimentary sanitary objects; but I think that, in addition to these local arrangements for reporting to local authorities, the central office should exercise superintending functions by a certain number, not a very large number, of very highly trained and highly qualified officers, each of whom should have (say) an eighth or some such fraction of the country allotted to him as his district, within which he should reside as its superintending sanitary officer, watching the epidemics and sanitary administration of that portion of the country, and reporting from time to time to the central office, from which his instructions would be derived.

9770. Would you interpose between the central office and the office at the other end under the local authority any smaller body of officers, who might be called officers of health or inspectors?—There should be interposed a certain number of government inspectors, looking after the local authorities, as I have meant to suggest, and in personal communication with the officers of the local authorities. We have such an arrangement perfectly illustrated in the plan upon which we work the vaccination law. There are more than 3,000 public vaccinators officers of local appointment; and there are our four inspectors looking after them in detail.

9771. Leaving yourself out of the question, is it not in your opinion essential that the person who should be at the head of this medical department, under whatever minister it may be placed, should be a medical man of unquestioned and undoubted eminence and weight with the medical profession?—I can in one sense easily answer that question apart from myself, because I am, I suppose, by efflux of time getting towards the end of my own work. And whatever may have been my insufficiencies, as first holder of a new office, at least as regards any future holder of it, grown and developed as it now is, the answer is surely quite obvious that he must be a person having weight with his profession, a person that his profession can believe in.

9772. His usefulness as a functionary in that position would be greatly impaired, would it not, if he were not a man of such authority and eminence as I have indicated?—Clearly that ought to be desired.

9773. (*Mr. Whitbread.*) Have you ever had your attention turned to the consideration of the proportion of pauperism which is entailed upon us by directly preventable sickness and ill-health amongst the people?—I have never worked out minutely the arithmetic of the matter, but in general terms of course I am very abundantly familiar with the fact that you refer to, of pauperism being caused to a very great extent by preventable disease.

9774. Do not you think that there would be some advantage in the arrangement that the minister who is in charge of poor law administration should also have under his own eye the means that are taken of enforcing a due regard to the public health?—And yet, if I might answer that by a parallel case, how much has ignorance to do with the extension of pauperism, and yet ought the education minister to be the destitution minister?

9775. (*Earl of Ducie.*) In the event of the Home Office or the Privy Council being constituted the central authority, and, in addition, supposing according to your recommendation the poor law union districts are taken as health districts, as you have just now recommended, and poor law medical officers were appointed the health officers for those districts, would it be possible for the central office or either of those offices to carry on the duties of the central office without daily and almost hourly application to the Poor Law Board?—I think it would be possible. So far as the local authority and its officers acted for health purposes so far they would communicate directly with the central health office, and not through the Poor Law Board. They would communicate with the Poor Law Board on destitution questions, and they would communicate with the Health Office on health questions.

9776. But considering the authority which the Poor Law Board naturally has over the union medical officers, and the knowledge which it possesses of all that has to do with the geographical part of the question, would it be possible for those offices to carry it on without perpetual reference to the Poor Law Board?—I think so. I should not myself see any difficulty in it.

9777. I will now take the converse, and ask whether, if the Poor Law Board were made the central authority, an equal amount of reference would be necessary to those other offices?—Referring again to my memorandum of the subjects which we were dealing with last year, I may observe that with most of the subjects the Poor Law Board had nothing to do. It could have nothing to do with the question of milk supply, it could have nothing to do with the metropolis water supply, it could have nothing to do with the Pharmacy Act, it would have nothing to with the Medical Act, it would have nothing to do with the excrement removal law, it could have nothing to do with the making and traffic of explosive substances.

9778. (*Chairman.*) Is it not the fact that out of the nine heads which you have given us of your report which is in preparation, only one has anything to do with the Poor Law Board?—Two; relapsing Fever and the Vaccination Act. The real unity of my departmental work is expressed by the word "health" or "human life." There is the unity of all our subjects of work; and unless the principle is adhered to that the health-interests of the population are matter for separate central administration, I cannot conceive any other principle.

9779. (*Earl of Ducie.*) One can quite easily realize that no existing office is the real centre for all those subjects as it at present exists, but would it be impossible by legislation to group those matters, and place them under the care of a central authority?—I suppose that destitution must be the work of a separate department, though not necessarily of a separate chief minister. I suppose that is certain, or at all events at present may be taken as certain. But whether the Destitution Office would for all time continue to have, as it has now, the outdoor medical charge of the sick poor, is, I suppose, questionable. I can easily conceive that in an altered state of the poor law a separation such as again and again has been suggested might be made between the medical charge of the sick poor, on the one hand, and destitution or pauperism on the other hand; that the workhouse test should be much more stringently applied than it is, that outdoor relief should be reduced more or less completely to relief of sickness, and that this should be once for all separated from pauperism. No doubt the Commission is aware that that has been over and over again discussed. And if any such plan were ever adopted (a plan extending to medical assistance generally, the principle which has been recognized in regard to vaccination), the present relations between the Health Office and the Poor Law Board might be very importantly modified.

9780. What do you recommend as the central authority?—If the Home Office were relieved of police and justice, of course I should say the Home Office without any doubt at all. For what is Home Office work if the physical interests of the people are not so? But great interests like these should not be postponed to other interests; and apparently the Home Office is so oppressed with other obligations that its work requires to be subdivided.

9781. (*Sir T. Watson.*) If the Poor Law Board would comprehend the other subjects which you speak of it would be equally eligible, would it not?—Yes, but then it ceases to be the Poor Law Board. There would be a minister, one of whose departments would be the Poor Law Board, but who would also have the General Register Office, my office, and the Local Government Act Office.

9782. (*Mr. Whitbread.*) A minister of health and relief?—Yes, a minister of health and of relief; but also a minister of population arithmetic, and of municipal machinery.

9783. (*Sir T. Watson.*) Do you object to that as a thing not practicable or as not recommendable?—It is so much a question concerning the convenience of our respective political heads, that I look upon it rather as a matter for my masters, and the masters of other departments to consider. I should not venture to say that it is impracticable; but you will see that the minister that I am supposing is really a home minister relieved of justice and of police. It comes to that. The minister who would take all those interests under his charge is the larger half of a home minister; but perhaps the time has now come when no one man can do all that logically belongs to a home minister in this country.

J. Simon, Esq.

21 Feb. 1870.

9784. Which of the four departments at any rate would in your opinion be the best, the Privy Council, or the Home Office, or the Poor Law Board, or the Board of Trade?—I can unhesitatingly exclude the last two. And I am not sure that there would be any advantage in transferring me from the Council Office unless it were intended also to make such other changes as I have described.

The witness withdrew.

Adjourned.

Thursday, 3rd March 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

THE EARL OF ROMNEY.
THE EARL OF DUCIE.
THE RIGHT HON. STEPHEN CAVE, M.P.
SIR THOMAS WATSON, Bart., M.D., F.R.S.
LIEUT.-COL. EWART, C.B., R.E.
JOHN ROBINSON MCCLEAN, Esq., M.P., F.R.S.
SAMUEL WHITBREAD, Esq., M.P.
HENRY WENTWORTH ACLAND, Esq., M.D., F.R.S.
WILLIAM STOKES, Esq., M.D., F.R.S.

(78.) ARTHUR HELPS, Esq., D.C.L., examined.

A. Helps, Esq., D.C.L.

3 March 1870.

9785. (*Chairman.*) You are clerk of the Privy Council, are you not?—Yes.

9786. Supposing a more complete and distinct office for local government to be established, it being the object to get into that office everything connected with its subject, and amongst other things to transfer the entire Medical Department of the Privy Council to it, the Commission wish to know how far there would still remain in the Privy Council certain functions to be discharged under the Cattle Plague Acts and under the Quarantine Act which it might possibly be desirable to transfer also to the new department; and, in the first instance, will you tell us what the Privy Council has to do at present under the Cattle Plague Acts?—It has the sole and entire control of everything relating to the cattle plague. There is a separate department called the Veterinary Department, and all questions connected with that department are referred, in the first instance, to the Vice-President of the Committee of Council for Education. He of course confers with the Lord President, and if there is any occasion for an order to be drawn, we receive instructions with respect to that order.

9787. Of what persons does the veterinary department consist?—It consists of a secretary, a chief clerk, 12 other clerks, and about 25 extra clerks.

9788. Are they a separate set of officers employed for no other purpose?—Certainly for no other purpose.

9789. What have they to attend to besides the Cattle Plague Act?—They have to attend to everything in relation to the foot and mouth disease, and to the registration of the diseases of cattle. For instance, if any disease were to break out anywhere throughout the country, they have all the information about it which they would be able to submit to the Vice-President of the Council. A good deal of their work is statistical.

9790. Can this work connected with the cattle plague and the foot and mouth disease alone employ a secretary, a chief clerk, 12 other clerks, and 25 extra clerks?—Yes, very fully.

9791. Have they also inspectors for this special purpose?—Yes, two.

9792. Do the inspectors go round the country?—They go down upon special occasions. There is an outbreak at this present moment I think in Gloucestershire, and probably one or the other of them will be sent down to inspect.

9793. When was this department first constituted?—In the year 1866.

9794. This is the department which in fact presides over the various local agencies under the Contagious Diseases (Cattle) Act throughout the kingdom?—Yes. I think it right to mention to the Commission that the department will also have a great deal of additional work thrown upon it if the Government should adopt the recommendations which the Transit of Animals Committee, a separate committee which has been formed, consisting of Mr. Goulburn, Mr. Farrer, and myself, have recommended to the Government in reference to the transit of animals. We were ordered, in reference to certain clauses in the last Act of Parliament that passed, to see whether animals could be carried with more humanity, and with regard to the provision of food and water at stations, and the mode of transit by railway entirely, and also transit by steamers.

9795. Who is the secretary of the veterinary department?—Dr. Williams.

9796. (*Dr. Acland.*) Is he a medical man?—Yes.

9797. (*Chairman.*) Has Mr. Simon anything to do with this department?—Nothing whatever.

9798. What has this department to do excepting upon information coming from the country to them; has it any ordinary work?—Information from abroad they also seek after, and they are continually supplied with it; also, as I mentioned before, they keep up all the statistical information respecting cattle.

9739. And do they report?—They report. I do not mean that they are bound to make a yearly report to the Privy Council, but they report to the Lord President or to the Vice-President anything that

1. *Helps, Esq. D.C.L.*

March 1870.

they think it requisite that the Privy Council should act upon.

9800. I presume that their chief work is upon information coming from various quarters in the country, making orders for the Act to be carried out?—Yes; the moment an order is made there generally is an immense mass of correspondence with regard to the interpretation and the application of it. I have known them in the busy time sometimes receive as many as 1,500 letters a day.

9801. And does the work increase or decrease?—It went down after the cattle plague ceased, but it has increased immensely since the Contagious Diseases (Animals) Act of last session.

9802. That is chiefly with regard to the foot and mouth disease, is it not?—The former Act did not touch pleuro-pneumonia, and this Act does touch pleuro-pneumonia.

9803. And that, I suppose, would be the object of recent correspondence?—Yes.

9804. When orders are finally made by whom are they made?—By the Lords of the Council.

9805. Is a committee of Council called together?—Yes.

9806. Is that frequently the case?—Very frequently.

9807. (*Sir T. Watson.*) You have mentioned that the cattle plague has broken out in Gloucestershire, how does the Privy Council know that?—From the local authority; the local authority direct their inspector to put himself into communication with us; they are bound to do so by the Act.

9808. So that you are sure of having early information of any outbreak of that kind?—Yes.

9809. By means of the person employed by the local authority of the place?—Yes.

9810. You also mentioned the transit of animals; you do not confine your attention to the transit of animals in this country, but you extend it, do you not, to the transit of animals from foreign countries also?—Yes, from foreign countries, but that is a matter of great difficulty to us, because, of course, we have no command over persons abroad, but we have suggested to the Government certain regulations with respect to the fitting up of the vessels that are to convey animals.

9811. That is in the matter of humanity, but how do you act with respect to suspected contagion coming from abroad?—That we meet by the cattle being instantly sent either to be slaughtered or for quarantine; they go to separate markets at certain ports; the Customs have orders to slaughter diseased animals.

9812. (*Chairman.*) Does this department take in Scotland as well as England?—Yes, but not Ireland.

9813. (*Dr. Acland.*) You have mentioned that the Secretary of the Veterinary Department, Dr. Williams, is a medical men; what class of persons are the county inspectors?—I cannot for certain say that they are all veterinary surgeons, but I should think by far the greater number are, because the local authorities would be anxious to get the best men they could.

9814. The inspectors are all arranged according to counties, are they not?—Chiefly so, but also there are inspectors for cities and boroughs.

9815. (*Chairman.*) Can you see any objection to this department being entirely removed out of the Privy Council into the proposed General Local Government Office?—Perhaps I may be allowed before answering the question to ask a question of the Committee. Is the department which is contemplated to be a department of great force such as would be an equivalent to a Secretary of State?

9816. My question supposes a Secretery of State's Department, in which the local government should form a sub-department completely officered for all subjects connected with local government, and that the medical department now in the Privy Council should be transferred to it; and my question is, whether this veterinary department could also be transferred?—I think there would be very great objection indeed to its being transferred, and I will state two or three reasons if the Commission will allow me. I think that everything that has to do with the diseases of cattle is likely to form a question which it is very desirable to settle by a board, and I will tell you why. We can attain at that board local information of the best kind, and my reason for wishing this matter to be left in the power of a board is that I think that although we may have a good deal of knowledge ourselves, and although we may send down inspectors who bring us a good deal of information, yet without the presence at the board of independent men not connected with the department, we do not get the power of knowing whether our rules will be applicable. Very frequently we have had six or seven cabinet ministers at those meetings, and one may have said "this will not do for my county;" or, "the magistrates will not act upon this;" or, "the land is let out in such a way that this, I think, will be inapplicable;" or, "there is very considerable exaggeration in the accounts that you have heard." And, therefore, I have very often seen that the opinions of the department have been considerably modified by the presence of those members of the Council who bring to it very considerable local knowledge. To show how much that would differ from any other department, it would be useless for the Minister of War to call in a council. He generally knows everything about the details so very much better than anyone else can; but the questions relating to the Contagious Diseases (Animals) Act are of a general character, with regard to which there may be seated at the board men who know even more than the Lord President himself. There may be a man of special agricultural knowledge. I must tell you candidly that the Privy Council have derived great advantage from these committees. Very often they have modified, or they have increased, the powers of the regulations which the Council Office submitted to them. Therefore, I am for a board.

9817. By "a board" do you mean a committee of Council?—Yes. If you will allow me I will venture to state another very strong reason for not transferring this cattle plague work. Every new department always has great labour and difficulty before it. People will bear with things from an old department that they will not from a new one. A new department is watched with considerable jealousy. The things that we have had to do in this cattle plague business are often very arbitrary and very disagreeable to the people principally concerned, and the regulations adopted tend sometimes to produce an increase in the price of meat. I do not think that the people would bear that as well from a single minister as they do from a board of Council. They see in the newspaper the names of six or seven ministers attending the board, some of them from the counties where the people are suffering most from regulations; they see that those ministers attend the board, and that I think enables us to do many things. You may say that they are not worth doing, but if they are to be done, I think they would be done better by a board.

9818. On the average how many ministers attend on such a committee of Council?—In almost all cases there must be three, but very often we have had six or seven. We have even had nine, with the Attorney and Solicitor General, perhaps, attending, and we have called in the very best men in veterinary science.

9819. That a new board could do, could it not, just as well as the old?—Yes, I admit that.

9820. I presume that the quorum of three is most usually the number there?—Yes, but still very often there is a much larger number, especially in all important cases.

9821. When you call this an old deparment, it is not older than 1866, is it?—The Veterinary Department is not; but it has the advantage of being under the superintendence of the Privy Council. I have a third point to mention, and it is a very strong one indeed, and I should regret if I had omitted it. You might say that this separate office will bring to the Privy Council orders in council. Without upsetting a great deal of legislation, you must have orders in council

and besides it has been found an admirable and convenient way to give large general powers to such a body as the Privy Council, so that they may act upon them when they think it necessary. I, therefore, believe that you will still have to act by orders in council, and you may imagine the delay that would take place between this new office that you propose to create and the Privy Council, in issuing an order. Sometimes, all the business connected with an order of council has not occupied more than two or three hours. People have come and made representations to us at the Council Office; we have immediately summoned several ministers; we have got all the means of information, and the thing has been passed immediately, it being very important that it should have been immediately passed. I know as well as possible that if another office were concerned in the matter, 24 hours would go in circumlocution. Therefore, for speediness, I also strongly advocate that if the thing is to be done by orders in council, as I believe it must be and will be, the Council should do it.

9822. Do not you yourself think that all those various subjects, cattle plague, medical subjects, and quarantine, and everything of that sort requiring action on emergencies have gone to the Privy Council chiefly for the facility of transacting business through orders in council?—No, not exactly.

9823. The first reference in cases of the information from the country under the Cattle Plague Act is to the Vice-President of the Committee of Council for Education, is it not?—Yes, but not necessarily. He has taken up that branch of the business. He brings every important paper to Lord de Grey, but the daily current business of the secretary would come to him first, after coming, perhaps, to me, and talking over the matter with the Secretary of the Veterinary Department.

9824. Then he is not the minister in the first instance with reference to those Acts in the same sense as he is with reference to education?—Not at all, nor as he is with regard to the Contagious Diseases Act, and other Acts that you know about. This cattle plague business has not been fixed upon him specially by Act of Parliament.

9825. Nor by the custom of the office?—Not necessarily.

9826. Do you think it likely that the Cattle Plague Act will continue long to occupy so large a staff in its execution?—I do. If the Act were here I could show the Commission the provisions, especially as regards transit, which would confirm what I say.

9827. Supposing we may hope for as long an interval as the last, 150 years, before the cattle plague comes again, what will this staff have to occupy it?—I think you will always find it very desirable to have the statistical information which that department collects; and you are to recollect that the orders in council have prevailed almost as much in checking other disease as they have the cattle plague. You will find that the foot and mouth disease has diminished, and certainly pleuro-pheumonia has immensely diminished since those orders were enforced.

9828. Then you do not see any prospect of the work diminishing in process of time?—No, I do not.

9829. Under the 14th section of the Contagious Diseases (Animals) Act of last session, providing for reports from local authorities to the Privy Council, are such reports made periodically, or only on occasion?—I think occasionally. But I wish to make one remark, that I only act in this as *amicus curiæ*. The duties were taken from me. When the cattle plague broke out I was made the local authority for London, as well as having the business of the clerk of the council. It was then found necessary to have a secretary, and at first Colonel Harness was appointed, and then afterwards Dr. Williams, and they only come to me as clerk of the council because I know something about the matter, but I do not go down, for instance, to that department any day and see how it is going on; it is not my business to do so any more than it would be to interfere with the Education Department, and therefore I am not able to answer your question with certain accuracy. I believe I am right in saying that reports are only made occasionally.

A. Helps, Esq. D.C.L.

3 March 1870

9830. (*Earl Ducie.*) Do you believe that if the present veterinary staff and the present legislation on the subject had been in existence when the late cattle plague broke upon us, it would have been checked?—Yes; at once; and I sincerely believe that we have the matter so much in hand now that it would be checked almost immediately.

9831. You have told us that you get a great deal of local information from the different ministers who attend the Committee of Privy Council, could you not get also that local information from your own inspectors?—I do not think it would be of the same kind. I am not quite sure that the words "local information" exactly express what I mean, it is rather "instruction." One of the committee would say, these regulations, I know, will not be adopted by the magistrates, supposing there was room given them for choice of action. He probably has been a chairman of quarter sessions, and he has knowledge that certainly the inspectors have not.

9832. (*Mr Whitbread.*) How is an order in council passed when it comes from an outside department; for instance, take an order in council transferred by the Admiralty, in what way does it differ from an order in council which originates in the Privy Council Department?—As regards the first order, we should not conceive ourselves responsible if it came from any department of the Secretaries of State; but, at the same time, if we saw anything wrong as *amici curiæ* we should inform them the department. As regards our own orders, if I may so call them, we take care to see about the law; we take care to submit them to the law officers of the Crown, or to some lawyers specially conversant in the particular subject.

9833. Then there is not in the essence of it any greater necessity for delay in an order in council sent by an outside department than there is in an order in council which is framed from within?—Not of necessity, but in reality it is so. When it is communicated to us that there is an outbreak of disease, or that something has happened of that kind, we know that we shall want an order in council directly, and knowing that the great difficulty will be in getting councillors together, Mr. Harrison and myself set to work at once to do it. Then we know all about the arrangements for a Council; we know how this man can be found or that man. If you say that the other department may get an order passed, that is true, but they will not set to work at this as speedily as we shall, and they would not know, before preparing their order, how or when a committee of Council could be formed without previous communication with us.

9834. Is there any insuperable difficulty in that; could not an outside minister inform you just as well as one of your own department sitting under the same roof with you, that he would want an order in council passed that afternoon, and request you to summon the necessary councillors?—Probably he would not do that until he got his order in some shape or form; and with respect to that, again, as we have more constant communication perhaps with the law officers than almost any other office, we are able to press on matters with a more judicious pressure—one more likely to succeed. I will venture to say that, practically, you would find that if an order was framed by any other office, and then brought to us, it would not pass in two or three hours.

9835. You mean that your experience is, that where one office has to communicate with another great delay does practically take place?—I would no say great delay, but some delay.

9836. Is not that a pretty strong reason for consolidating under one head as far as possible all the different branches of the law relating to health?—I do not know why you should necessarily conjoin the health of animals with the health of human beings; there is certainly an apparent plausibility in consolidation.

A. Helps, Esq., D.C.L

March 1870.

3

9837. Are not the orders in council, which embrace very arbitrary rules relating to cattle, pretty well consolidated and established now?—They are, as far as they have gone; but if you will look at the Act of last year you will see that there are things that will have to be continually done, for instance, power to define ports, power to apply regulations in the schedule to landing in specified cases; provision respecting animals within port; power to vary regulations; power to impose quarantine. There is also a schedule of countries respecting which you are to beware of importation. There are perpetual changes going on.

9838. Admitting there are constant changes going on, is it not true that the country has got to acknowledge the benefit and advantage derived from those arbitrary rules, and that they bow to them much more readily now than they did when they were first imposed?—I think they do. But at the same time there are sometimes considerable remonstrances. For instance, "my lords" came to a certain conclusion about the mode of dealing with the foot and mouth disease, and there was much adverse correspondence about it.

9839. Have you carefully considered that answer in which you say that the public is much more ready to bear with an arbitrary rule issued by a board than by a single individual?—Yes; I think so because the public, or a portion of the public, feels that its views may have been represented by this man or that man on the board, whereas, where it is only one man his views are generally known, and frequently they are considered to be prejudiced.

9840. Do not you think that it is the more general opinion that a board relieves itself from all responsibility, and that there is a very general desire nowadays to fix the responsibility upon a single minister?—A great deal of what is done in this way is consultative; and if I might venture to turn the question upon you, do not you think, after all, that it is a great advantage in making this present investigation, to do so by a committee, thus having a number of minds brought to bear upon the subject?

9841. (*Dr. Acland.*) Are there not veterinary inspectors now in almost every county?—Yes.

9842. And those veterinary inspectors are generally the most skilful persons for that purpose that can be found?—I assume so, because I think it would be so immensely for the advantage of the persons choosing them, that is to say, the local authority, to choose good persons.

9843. Do you happen to know about the number that there are in a county of average size?—That is not a detail which I could venture to give.

9844. Have those inspectors any relation to the Medical Department of the Privy Council?—None at all.

9845. So that supposing a person of intelligence and education as a veterinary surgeon were sent to any particular hamlet that was in a very foul state, and it came to his knowledge that it was in an essentially unsanitary condition, he would not report it in any way to the Health Department of the Privy Council?—No.

9846. Although he might, from the very nature of his duties, visit often the very worst villages of the county, he might never make any report upon the subject?—Certainly.

9847. So that for getting that information Mr. Simon is to be responsible for, it must have another collateral class of inspectors?—Yes.

9848. Do you think that the inspectors in the cattle department could in any way be utilized in that respect?—Very rarely I think.

9849. Why is that?—I should imagine that Mr. Simon would hardly be satisfied with the representation of those men. It is a higher class of men that is required I should think. I do not think that the veterinary inspectors would do more than tell what any inhabitant could tell.

9850. Is it necessary to have a complete set of inspectors for health purposes, all skilled persons, and therefore all considerably paid, in two departments of the Privy Council?—I think that that is a point which Mr. Simon and Dr. Williams would be able to answer much better than I am, but my opinion is that there must be two different sets of men.

9851. It is admitted that there must be a complete organization of health inspectors for human diseases, but it is absolutely necessary that there should be two complete sets of inspectors for the two purposes in question?—My impression is that it must necessarily be so.

9852. Therefore, if we are to seek for a complete sanitary organization over the whole country, we cannot obtain it through your office?—I think that you cannot combine those two sets of inspectors.

9853. For all purposes of human health it is quite clear that you require persons specially trained as medical men, but it cannot be necessary that a skilled medical man should go to examine the sanitary condition of a lone farm. Is it not possible that some kind of combination might be effected through the employment of country officers, who might be a class of sub-inspectors?—It is not a question which I have considered, and I should be afraid to pronounce decisively, but my impression is that it is not. I am by no means sure that all those men are veterinary surgeons. I imagine that in some cases where there is a farmer who is supposed to have a great knowledge of cattle he is appointed. But upon such points of detail I would rather that Dr. Williams would inform the Commission.

9854. Are we to understand that the Privy Council has no direct control over the local county inspectors?—None whatever, except that those local county inspectors are bound to report upon cattle diseases, but we do not pay them.

9855. (*Mr. Cave.*) Do not you find sometimes, considerable difficulty in forming a committee of the Privy Council?—Very great.

9856. And in that case, the members of it are chosen, not from any acquaintance with the subject that they individually possess, but because they are the nearest, and can be most easily got at?—We endeavour to combine the two things. For instance, we should have to come to you, thinking that you would be interested in the subject as representing the Board of Trade, and also from being a near neighbour.

9857. Now that the Board of Trade is removed, and somebody else is put in my place, you would still in many instances go to the nearest members of the Privy Council, from the necessity of the case?—Certainly, but only in minor cases. When we have anything important connected with the administration of those Acts, we endeavour to get a council together of people who would really be able to give sound advice and direction.

9858. Do not you find very often an inconvenience from this circumstance, that when a discussion of an important question extends over one sitting, in the second sitting many of the members of the Council have not heard the previous discussion?—Yes, that is an evil that attends all boards and committees.

9859. And in that case the members who have not heard the previous discussion have either been obliged to satisfy themselves, have they not, with what they can gather on the spot, or with the decision of those who have been present on former occasions?—Yes, I do admit that.

9860. And therefore they give the sanction of their names really on trust, rather than from having made up their own minds upon the point?—It very rarely happens that a question is not settled at one sitting of the committee of the lords of the council.

9861. I think that you rather understate the value of your advice upon those occasions; but it is not the case that the lords of the committee act on precedent very much, and trust to the permanent officials of the Privy Council to guide them in such cases?—I should hardly say so as regards this particular matter. In all things relating to the cattle plague and other kindred diseases which are dealt with by this Act, it being a new thing, I think that their lordships have been very little guided by the permanent officers. Everything was carefully considered *de novo*.

A. Helps, Esq., D.C.L.

3 March 1870.

9862. At the same time I think you would say that in the majority of cases, even when it was a matter requiring great consideration, the committee of council who really considered the question consisted solely of the Vice-President?—I do not think that I could go as far as that. I think that the current business would be brought to him, and immediately upon any difficulty he would go to the Lord President, and if necessary he would summon a council, and perhaps they would send for me as being interested in the subject, to hear what I should say about it. I do not think that the Vice-President would decide anything of importance on his own responsibility.

9863. Supposing it was the middle of the recess, and that an important question suddenly arose, would there not be more official power in a department to deal with it than in the committee of the Privy Council?—No, I think not, for this reason—there must always be a Secretary of State in London, there generally is another minister near. Lord Palmerston used most carefully to arrange that. During his time I found no difficulty. He would say, "Come always to me," and he would attend a Council when very ill, even up to the last.

9864. Was it not the case that a good many of those points were relegated to the Privy Council as being considered temporary in their nature; for instance, was it not considered that the functions of the Board of Health might be carried on for a time, and that it was better that they should be carried on by orders in council?—I think not; I never heard of it.

9865. You do not think that sending them to the office of the Privy Council was a good way to close some of the functions of a moribund department?—No, I never heard so.

9866. Has Mr. Simon anything to do with the veterinary department?—Nothing whatever.

9867. Was he not at one time sent into the country to make reports with regard to the cattle plague?—Never, he entirely declined to have anything to do with the cattle plague.

9868. Your opinion on the whole is that the office of the Privy Council, with regard to such questions as these, could not be improved, would you go so far as to say that?—I think that the business in question had better remain with the Privy Council. I hold to the opinion that a board in such cases is best both for obtaining information and for making regulations that the country might consider arbitrary and severe—pole-axing, for instance.

9869. And you would say that the difficulty that members of the council have sometimes in making up their minds, in consequence of not having been present at former discussions, is rather one that applies to individual members than to the committee of the council itself?—Yes; and I certainly say that in those important cases it has been rare that they have not been decided at one sitting, because the matter has generally been very pressing as regards time. It has been desirable to do such a thing at once, or not to do it at all.

9870. Of course there are inconveniences in consequence of so many members having such a general pressure upon their time?—I admit that.

9871. (*Chairman.*) Would you inform the Commission what are the functions of the Privy Council under the Quarantine Act?—On receiving information from the Customs of the arrival of a vessel with yellow fever on board, the Privy Council immediately issue an order for the detention of the vessel and all on board, and for the removal of the sick to a hospital ship, and the crew and healthy passengers to receiving ships. They subsequently issue orders with regard to the purification of the vessel, and further orders, at the proper time, for the release from quarantine of the healthy passengers, the crew, and those on board the hospital ship.

9872. Is the only Act upon the subject the 6th of George the 4th, 1825?—That is the only one, or rather the chief one. The Sanitary Act of 1866 contains a section giving further powers for dealing with vessels in port.

9873. Who are the officers in the Privy Council specially connected with the execution of the Quarantine Act?—The clerk of the council.

9874. Was there not a head of the quarantine department formerly?—Sir William Pym was superintendent general of quarantine, but that office has been abolished.

9875. When was that office abolished?—By a minute of the treasury in 1853, it was directed to be abolished upon the office becoming vacant by the death of the occupant of the office.

9876. Had the superintendent general officers under him, either in the way of clerks or of inspectors?—No, he was the sole officer.

9877. Would you furnish the Commission with a copy of that minute?—Yes, it is as follows:—Superintendent of quarantine may be discontinued. "We "therefore consider that after his (Sir Wm. Pym's) "retirement from the service the appointment which "he now holds should not be filled up, and that such "medical assistance as may from time to time be "required, should be obtained by the occasional "employment of medical officers when their services "are demanded."—Report of the commissioners directed to make inquiries into the establishment of the Privy Council office and Education Department, August 1853. Approved by Treasury minute, 29th November 1853.

9878. Who transacts the business which the superintendent general transacted?—His business is divided between Mr. Simon and the clerk of the council.

9879. If, then, Mr. Simon and his staff were transferred from the Privy Council to this new office, who would be able in the council office to do his present work connected with the Quarantine Act?—Mr. Simon's present work connected with the Quarantine Act consists merely in reporting to the lords of the council upon the general principles and practice that they should adopt with regard to quarantining. He does not take any part in the ordinary business of quarantining. He is called in as an adviser. It was provided by the then Lord President that when the office of superintendent general of quarantine became vacant, the medical officer of the Privy Council should tender such advice to the council as they might require with regard to questions of health connected with quarantine matters; but excepting upon a special reference to him, he has never had any duties connected with quarantine imposed upon him.

9880. When information comes to the Council office of the arrival of an infected vessel, is a committee of council called together to make any orders?—Invariably.

9881. Do the orders of council under the Quarantine Act not only apply to vessels arriving with fever, but also to epidemics in ports?—No.

9882. Would there be any difficulty in transferring the execution of the Quarantine Act out of the Privy Council into the new office?—I would not say that there would be any difficulty, but I again think it most undesirable that it should be done, and for this reason, that it might be advisable to keep up regulations as regards quarantine which you could not at all justify medically, but which you could justify commercially and internationally, seeing that our commercial marine would be smitten by most severe regulations in other countries if we did not keep up quarantine here. We find that if there is the slightest relaxation of quarantine, immediately other countries are informed of it. It is the business of their consuls to tell them, and we have inquiries from foreign ministers, and threats, and sometimes threats carried into execution, of putting additional detention upon our vessels in Spain and Portugal and other countries.

9883. I do not see that that view offers any reason for retaining the execution of the Act in the council?—I would rather state it negatively, that it offers no

A. Helps, Esq., D.C.L.

3 March 1870.

reason why you should take it away from the Privy Council department, when you know really and truly that the main question is not medical but political. And there, again, is a matter in which a committee of council would come in very well, because we have always taken care in summoning such a committee to consider quarantine regulations, to have the president or the vice-president of the Board of Trade present, to hear what would be said in the interests of trade.

9884. (*Mr. Cave.*) If it was transferred to a department which practically looked after the health of the country, probably they would begin by abolishing it altogether?—Exactly so, and you would find that that would be attended with enormous commercial loss.

9885. The Mediterranean Powers would immediately put all our ships into quarantine, would they not?—Yes.

9886. (*Mr. Whitbread.*) Surely those answers which you gave about the comparative uselessness of quarantine as regards health do not apply to the case of a ship coming with cholera in it?—Cholera is not a quarantinable disease. We have no power whatever with respect to cholera in such a case. The Government has denuded itself of that power, and declared it to be not a quarantinable disease.

9887. Is not that a great evil in your opinion?—I do not think that it is possible to carry out quarantine with such a thing as cholera without producing such a check upon the movement of the world in reference to transit that it would be impossible. I think that you will find that Mr. Simon would say that probably any disease of this kind could be stopped if you would all bear the necessary restraint. There must be quarantine between Dover and Calais to prevent cholera coming. As regards yellow fever you have some chance, for you know what vessels are coming in and you know the time that they will arrive, and you know the ports to which they are coming, which is totally different from the case of passengers coming from the continent generally.

9888. (*Sir T. Watson.*) Although you think that our quarantine laws are of little value with respect to the protection of society against infectious disease, would you say that they are of no use with respect to that particular disease, yellow fever?—By no means.

9889. Do you not think that those laws probably do prevent the extension of yellow fever to the inhabitants of the port where the vessel arrives?—That is a question which I think you would be able to answer much better than I should; but they do say that in our latitudes yellow fever will not live, although it has once occurred in Swansea.

9890. (*Mr. Cave.*) There have been cases, have there not, in which a man going on board has caught the yellow fever?—Yes, the doctor, for instance.

9891. There are still some ports in England, are there not, where there are quarantine establishments?—Yes.

9892. Are those under the committee of the Privy Council?—Yes; when you say some ports, there is only Southampton where there is anything like a station.

9893. In other ports are there not what you might call dormant quarantine establishments?—There is one vessel at Rochester. The Liverpool establishment has been broken up entirely.

9894. Is there not at Bristol a dormant establishment?—No.

9895. And there is none on the east coast?—None.

9896. The estimates still contain charges for some of the outport establishments, do they not?—Yes, we have a really good establishment at the Motherbank, where the cases have chiefly occurred, and that establishment is under the Privy Council. I may say that although we have no power as regards cholera, yet we did act when cholera was raging in Hamburg. Several vessels were expected to bring cholera patients over, and we sent medical officers in time to watch for their arrival, and take from those vessels all afflicted with cholera, and put them on board the "Dreadnought." But that was a thing which could scarcely have been legally justified, and the Government might have been called upon to pay compensation for the detention.

9897. (*Dr. Acland.*) Might not you have put the Diseases Prevention Act in force any day that you pleased?—We might have done so, but the information arrived one night and the vessel was there the next morning.

9898. What length of time does it take to put that Act in force?—It can be put in force within six hours.

9899. Then you may put it in force in ever so restricted a locality if you please—in Wapping, for instance, or Greenwich?—Yes; but before the Act is operative regulations require to be issued under the Act, which regulations are framed by the medical officer of the Privy Council.

9900. But those regulations exist now; through Mr. Simon you have all those regulations?—Yes, we have them now, and he would be responsible now for putting the Diseases Prevention Act in force, and also for the issuing of regulations. The Privy Council Office would not have to do it now, he would do it.

9901. Would he put in force the Diseases Prevention Act?—No; but it would be by order in council framed at his instigation.

9902. (*Mr. Cave.*) Do you recollect what was done in the case of the cholera epidemic, when passengers from Hamburg landed at Hull and went across to Liverpool?—Nothing was done in the way of detaining the vessel. No quarantine detention has been resorted to against cholera since 1858. At the time of the Hull case, a general order of Council was issued prohibiting for three days the landing of persons from an infected vessel without the permission of the local authority.

9903. And they were left entirely to the local authorities?—Yes.

9904. (*Dr. Acland.*) I understand you to say that it would be Mr. Simon's duty to put the Act in operation, or rather to require you to do so; how does he know that that ought to be done?—He obtains from the local authorities of the country all possible information as to the outbreak of any infectious disease which would render it desirable to put that Act in force.

9905. (*Chairman.*) Has not the Privy Council power to set the local authorities to work to enforce their orders?—Yes.

9906. (*Dr. Acland.*) Mr. Simon is supposed to know this, but how, as a matter of fact, does he know it?—I think that that information could be more accurately obtained from him. Of the details of his labours I have no knowledge.

9907. The Privy Council has no systematic organization of health?—None but that which has been organized by the Medical Department.

9908. You are not cognizant of any complete network, such as the registrar general has for the registration of death, or of any such organization.—No, whether it exists in the medical department I am not able to tell you.

9909. (*Chairman.*) Does not the fact that the Quarantine Act empowers the Privy Council to make the local authorities carry out their orders, as to the treatment of infected persons arriving on board ship, necessarily connect the execution of this Act with the proposed new local government office?—No, I think not at all.

9910. Can you tell us what authorities are usually instructed by the Privy Council to carry out their orders under the Quarantine Act?—The Customs.

9911. Are not the nuisance authorities of the seaport towns the persons with whom you communicate?—We have never communicated with them except on the occasion before mentioned, in 1866.

9912. Would not the harbour board and the local board of a port be called upon to see to the execution of the orders of the Privy Council?—No, we rely upon the Customs, and we have an officer at Southampton who represents us to a great extent there, who was employed under Sir William Pym in former days. He is called the medical superintendent of quarantine, he assures us that the vessel has been disinfected, and he informs us of the time at which the passengers should be landed when they have undergone sufficient quarantine. We rely upon him and the Customs.

9913. I was referring not so much to the orders for the purification of vessels, as to the treatment of persons landed from vessels affected with contagion?—We never in any way correspond with the local authority when a vessel is placed under quarantine. We ask the Admiralty for a gunboat, and that prevents all communication from the shore; then our medical superintendent is allowed to go within hail, and he examines the surgeon on board, and according to the surgeon's report he acts.

9914. (*Mr. Cave.*) The Custom House officer simply refuses a clearance of the vessel?—Yes, the Custom House officer does not allow that vessel to clear until he receives an Order in Council from us.

9915. And you have nothing to do with the shore?—Nothing whatever.

9916. (*Chairman.*) Are there at any ports, as, for instance, Southampton, officers called medical officers of quarantine?—This very officer that I speak of is one. We send to him for special information, and he goes within hail of the vessel.

A. Helps, Esq., D.C.L.

3 March 1870.

9917. Of what authority is he the officer?—Of the Privy Council.

9918. Are there any other medical functions discharged within the Privy Council, as, for instance, any connected with the medical council?—All appointments have to be made by the Queen in council, and all representations of alleged shortcomings on the part of the universities and the medical licensing corporations are to be made under the Medical Act of 1858 to the Privy Council, by the medical council, and the Privy Council is to adjudicate thereon. This is by clauses 19 and 20 of the Medical Act.

9919. Supposing that we were to get both the veterinary department and the medical department and the quarantine taken out of the Privy Council, would there be any medical functions which there would be no officer left to discharge?—No, there would be no medical functions.

9920. Can you state to the Commission when quarantine was first referred to the Privy Council?—I could not name any time. As far back as I have ever consulted any of the Privy Council documents it has been in that department.

9921. Do you see any objection to the transfer of the medical department, that is to say, Mr. Simon's, from your office to the new proposed office?—None whatever.

The witness withdrew.

(1*a**.) Tom Taylor, Esq., further examined.

T. Taylor, Esq.

9922. *Chairman.* Supposing that your office were extended, so as to be quite sufficient for the general functions of presiding over the local government of the country, would you see any objection to the veterinary department and the quarantine department of the Privy Council being transferred at the same time with the medical department to this enlarged local government office?—I certainly do not feel competent to give a very useful opinion to the Commission upon that subject. I have been listening to the evidence of Mr. Helps, and I have learned for the first time, from that evidence, how large the veterinary department of the Privy Council was. I was not aware that it was so large, and I cannot very well understand how, supposing the quarantine regulations upon the introduction of foreign cattle once put upon a proper footing, there could be any necessity for such a department as that being kept up for this matter alone. If it comes under the head of agricultural statistics, or statistics with regard to the cattle trade, that is another question; but so far as regards the cattle plague, it seems to me that if once the regulations for the introduction of foreign cattle are soundly framed and established, it ought to be a matter of local police very much, and not a matter for the central department at all. Then with regard to quarantine, it seems to me that it must be called rather a political than a sanitary question; it is a concession to the opinion of foreign countries.

9923. If there must be some central power to issue orders upon the arrival of an infected vessel for the treatment of the passengers who are so brought to this country, may it not be supposed that the office presiding over local authorities is the most implicated in the execution of those orders?—It would seem to be so. As far as there is anything to be done, I do not see why it should not be done as well through the new department as through the Privy Council. It seems to me that the Privy Council's functions in the matter are purely ministerial; they have nothing further to do with the matter but to issue the order in council.

9924. In your experience in your office, have you ever known cases in which difficulties have arisen at ports from the clashing of the authorities, namely, the Privy Council under the Quarantine Act, and the local authorities of the ports?—Not exactly cases of clashing, but I have known cases where deficiencies of power were felt; for example, cases of men with smallpox 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 the captains of ships have landed men suffering from smallpox, thereby giving rise, on the part of local authorities, to fear of 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. I have also known cases where the local authorities have complained to us with regard to imported cattle that have died on board the steamers and 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. I do not know whether those things are better regulated under the new Acts with regard to the cattle trade, but I have had a correspondence upon the subject in which I did not know how to advise.

9925. Do you wish to add anything to your previous evidence as to the desirability of the medical department being under the same roof with the new local government office?—I would say in illustration of the desirableness of such an arrangement, that Mr. Simon has lately prepared a paper upon the subject of the inquiries that hitherto have been made through our office, which he considered rather belonging to his, with a view to establishing what he calls a concordat between us: that is to say, certain classes of complaints are now to go to him for the purpose of his officers making reports for the Home Secretary, instead of going first to us, and afterwards to him, so that in point of fact he is to be working for the Home Office, under this concordat which he proposes.

9926. (*Mr Whitbread.*) Reporting directly to the Home Office?—In effect the reports of his inspectors are to be acted upon. The Home Secretary has power to inquire, and if he is satisfied upon inquiry that certain things exist he may take action. Now he is going to use the reports of the Privy Council officers to satisfy him that a case for action has arisen, instead of sending an inspector of his own; that is an illustration, I think, how the functions of the two offices are coming to be really exercised under one head. This very morning, before I came here, I received a complaint from the rector of a village where fever had been prevailing, and where certain neglects existed which he thought had led to the fever. I at once sent on that complaint to Mr. Simon, to be dealt with by his inspector.

The witness withdrew.

J. Simon, Esq.

3 March 1870.

(11a*.) JOHN SIMON, Esq., F.R.S., further examined.

9927. (*Chairman.*) The Commission are anxious to get some further opinion from you as to whether, supposing your medical department transferred from the Privy Council to the new Central office, other departments, more or less similar, might not be also taken out of the Privy Council; and in the first place the veterinary department?—There are two different sorts of questions that arise under the Contagious Diseases Animals Act. On the one hand, there are in great numbers small administrative questions which I may call for shortness questions of cattle police; and, on the other hand, there are questions of a scientific kind as to the principles upon which that cattle police should be administered. Of course the principles on which cattle police has to be administered, with reference to the object of limiting the spread of contagious diseases among cattle, are principles of ordinary scientific medicine; and it would be desirable that any government officer charged with watching the administration of sanitary cattle police should to some extent be in relation with our medical department. The interests of human life make it a paramount obligation of our department to study with the utmost thoroughness all laws of morbid contagion; laws which are substantially the same for man and beast; and in this study we are continuously employing the best contemporary skill and best scientific appliances. It would be wasteful in the public service if this work, which we are obliged to do, and which we do with special advantages, were not utilized for veterinary as well as for human purposes. Therefore for principles we might well be looked to; but I do not think there would be an advantage in making the medical department responsible for cattle police in detail.

9928. Is it not true that the Contagious Diseases Animals Act gives no powers to the Council office over the local authorities in matters of police; but that the local authorities must make reports when the Privy Council calls for them?—The Privy Council makes the regulations under which the local authorities act.

9929. Supposing that upon the transfer of the medical department of the Privy Council to the new Central office the veterinary department were transferred with it, would not the police part of the Contagious Diseases Animals Act go to the police department of the Central office, and the medical part to the medical department?—It might be so.

9930. And in that way the whole Act would go entirely from the Privy Council to the new central authority?—Yes.

9931. Are the medical and scientific questions arising under the Contagious Diseases Animals Act so cognate with those which come under your cognizance that you could preside over both?—I should certainly think that the holder of my office ought to be a proper adviser on the principles of a contagious disease cattle law. The questions that come up are such as these; the length of time of the incubation of diseases, the premonitory signs of diseases, the modes in which contagion operates, the facility with which different vehicles lend themselves to its propagation, the lasting of contagion in particular places, the selection and application of disinfectants, and so forth. Those are matters that we of course have to study as thoroughly as we can for the interests of human life; and although the cattle plague has no doubt been of more interest to the laity in this country than most human plagues have been, scientific workers at the causation of disease have certainly hitherto studied very much more the contagion of human diseases than of brute diseases; and what is common to the two subjects has been infinitely more advanced by the studies of human pathologists than by the studies of cattle pathologists.

9932. Is there so much in common between the two sciences of human and cattle disease that the chief medical authority might preside over the execution of Acts relating to both?—As regards the principles, assuredly; but if your meaning is, could the holder of my office work the details of cattle police for the country, I say, no, he could not do that, or at any rate in the present state of affairs could not.

9933. Supposing anyone in your office presiding over the medical department of the proposed central office, could he not preside over the execution of the Contagious Diseases (Animals) Act as a department of his office; that is to say, the medical and scientific part of it, not the police part?—Yes, I think so. I should at any time have considered it quite a proper matter of reference to me from the Privy Council, if they had ever seen fit to make it, to examine, for instance, what is the incubation of cattle plague, or for what time we ought to quarantine animals against that disease.

9934. And could not the inspectors under the Contagious Diseases (Animals) Act be under your orders; I mean the special inspectors in the central department?—That would, I think, pretty nearly involve that we worked the police of the law.

9935. (*Sir T. Watson.*) Is it not of great importance that in executing this medical police of the cattle plague it should be executed promptly, at once, and therefore would not the operation of Orders in Council be a much more convenient and ready way of doing it than if it were under any other department?—There is an advantage in promptitude, of course; but it seems to me that this is not so much secured by orders made for the occasion, as by universal standing laws on the subject; and that the local authority ought to be under obligation to work those laws in the interests of the local public, in a way to prevent the spreading of contagious disease. I am speaking now of a department that I have not had the working of, and therefore I speak of course with diffidence on the subject, but my impression is, that it is not quite a case for Orders of Council, but rather a case for the uniform operation of laws or regulations.

9936. Of fixed regulations which do not require the immediate interference of the Privy Council?—Precisely so.

9937. We were told to-day of a rumour of the cattle plague breaking out in Gloucestershire. By the law that could be immediately checked, could it not, without the interposition of the Privy Council in that particular case?—It is of enormous local interest that it should be stopped, and if there is a universal law or regulation that on the breaking out of cattle plague the responsibility is with the local authority to take such and such definite steps, that is better, I think, than that government orders should be extemporised for the purpose.

9938. Do you think that on a case of urgency arising you could get an Order in Council without much delay from the new authority?—In the transfer of responsibility not only in this, but in other matters, from the Privy Council to any new minister, I take for granted that it would be the order of that minister and not the order of the Privy Council that would be the *vis* to move local authorities.

9939. (*Dr. Acland.*) Under the Privy Council now you have no systematic and universal method of inspection, have you?—We have a systematic and universal inspection for the purposes of one law, namely, the Vaccination Act. We have not a systematic and universal inspection for the other sanitary laws. Our inspections are here determined by circumstances as they arise; but I have felt it for a long time so immensely important that our general inspections should be systematic, that I have long been hoping (as I believe I explained on the last occasion when I gave evidence here) to get a regular statistical basis from which systematic inspection might be arranged. We now have an important part of such a statistical basis; and our future proceedings will be as nearly as we can make them systematic; but unless our number of inspectors is considerably increased, they can, though systematic, scarcely be universal.

9940. Would it be possible, do you think, to get in a new department such detailed and systematic information as to the local conditions of health as would be satisfactory to you, for instance, through the agency of the registrars. There is in every district a statistician, if I may so call him, connected with disease and death. Could you utilise him?—It is exactly this officer whom we hope through the Registrar General to utilize very regularly. The Registrar General's quarterly returns will in future tell us for every sub-district of England how many deaths by each of the more important zymotic diseases there have been during the past quarter. Typhoid fever and the other diarrhœal infections are, roughly speaking, a test of the administration of the nuisances removal law; knowledge how far these diseases have been prevailing is a basis for proceeding in relation to the nuisance authorities. We have a *primâ facie* case against the local authority where there has been an outbreak of typhoid fever or a quantity of other diarrhœal disease. Similarly the statistics of deaths by smallpox will be pretty conclusive as to the administration of the vaccination law in different places.

9941. Do I rightly gather from your statement that if any new department be organized, you would wish to have in every part of the country this means of systematic information?—Yes.

9942. But you would like to have definite official relations with the Registrar General's department, and you are creating them now, are you not?—The Registrar General has always been perfectly willing to give us any assistance in his power. It has only been lately that he has seen his way to those more elaborate quarterly returns that I have asked for, but now that they will be given I have nothing further to ask from the Registrar General.

9943. In your function as the supreme medical officer of the country, is there any objection to sickness returns coming to you elaborated by the Registrar General in such a way as he thinks fit? Should you not receive all those sickness returns if there are any?—We have communicated with the Poor Law Board within the last two months on the subject of sickness returns, so far as the sickness is treated by the poor law medical officers. The question whether we shall get those is still under the consideration of the Poor Law Board. If such returns are made I do not think that there would be any particular advantage in connecting them with the Registrar General's office. They would be tabulated, I suppose, by the Poor Law Board, in a form which would be suitable for our purpose, and on which probably our opinion would be taken. The Poor Law Board has already many statistical compilations to make, so that the business of compiling this new mass of valuable information would not be strange to it. Then, further, we should be very glad if we could also (but that would be quite a separate matter) get the returns of the sickness which is treated by charitable institutions. Here, of course, the Poor Law Board cannot help us; and it is very doubtful whether the information could be got except through an alteration of law.

9944. The Poor Law Board has great facilities at the present moment, has it not, for getting sickness returns of the pauper class?—Yes, of course, of the pauper class, but there are no facilities for getting sickness returns from charities.

9945. Do you think it desirable that there should be some actual authority for obtaining returns from public institutions?—Most desirable. A charity is a public beggar, and ought not to be allowed to continue to beg without showing what good it has done with money previously received. Nor ought a charity to have any privilege under the law unless it gives intelligible accounts of its work; accounts in a form which the central authority ought to be able to prescribe for uniform adoption.

9946. With regard to the relation between animal and human pathology of which you have spoken, is it not the case that, under your instructions, there has been a quantity of valuable information obtained and published by you?—Yes.

9947. You have, I believe, obtained great elucidation of diseases in the human subject by experiments upon animals with respect to tubercles and phthisis?—Yes.

9948. You stated just now, did you not, that much information bearing upon human health might be obtained by enlightened investigations into the cause of diseases in our domestic animals?—Yes.

J. Simon, Esq.

3 March 1870.

9949. So that in any new department you would think it desirable that the facilities already placed at your disposal should be extended, with a view to investigation and information of that kind?—We are at the present moment working to the best of our ability in the studies of contagion, and our investigations are made with perfect impartiality on the human subject and on brutes.

9950. And therefore it is quite correct, is it not, to say to the public, who at present are not too well informed upon the subject, that animal pathology and human pathology do run very closely into each other, and under proper and skilled supervision mutually elucidate each other?—Yes, certainly.

9951. And we are justified in resisting all attempts to prove the contrary because of popular prejudice upon the subject?—Science is very greatly interested in resisting any endeavours to separate human pathology and brute pathology.

9952. Is not this also true, that in the investigation of the cattle plague, those who were desirous of preserving their cattle were really indebted to medical men and physicians such as Professor Beale for the light which was thrown upon the diseases of animals?—The work done by the Cattle Plague Commission especially by Dr. Sanderson and Dr. Beale was among the most valuable studies of disease with which I am acquainted—I mean of disease in its universal sense, as disease common to man and brute.

9953. And that it is not being utopian, or seeking a new Atalantis, to desire that in any great health department there shall be facilities for improving our knowledge of disease both in men and in animals?—Assuredly.

9954. (*Sir T. Watson.*) Supposing that facility should be obtained for getting from hospitals and similar institutions returns of sickness, would it not be not only desirable but almost essential that those returns should somehow or other be incorporated with and form a common stock with that which is to be got by the Poor Law Board?—It should be eventually utilized and interpreted by the same central (medical) department.

9955. So that there should not be two possibly or apparently conflicting returns?—Quite so.

9956. (*Dr. Stokes.*) I understood you to say that there was no essential line of distinction between human and animal pathology, and therefore I suppose it would follow, would it not, that as far as the central authority is concerned, it would not be necessary to have a special veterinary inspector, as distinguished from the inspector who has to deal with human disease?—Ordinary medical education does not include the study of the symptoms of brute disease, and our men, if purporting also to be veterinary inspectors, would have to qualify themselves specially in that study. When the cattle plague came here, the veterinary practitioners were as ignorant of it as human practitioners were, and only gradually acquired their knowledge of it.

9957. That points, does it not, to the creation of studies which would embrace human as well as brute pathology?—Every one who is a pathologist, in any large sense of the word, has studied brute pathology as well as human pathology. Not every practitioner is equally a practitioner in both domains, but the pathology of both is common ground.

9958. There is a great deal of movement now abroad with respect to instituting studies in what is called "state medicine"; do you think that it should be a necessary condition upon all officers concerned with preventive medicine that they should be qualified in curative medicine; in other words, would you insist upon those officers having their names placed on the medical register?—I must distinguish, in answering that question, whether or not I am speaking of curative medicine as represented by our present system. If I understand the question to mean whether I would, under the present system, allow any man, not being a legally qualified medical practitioner, to be taken as an officer of health, no, I certainly would not. And even if the question means whether it

J. Simon, Esq.
8 March 1870.

would be theoretically possible so to distinguish the two sorts of qualification, that one line of work might be planned out for a practitioner meaning to be curative, and the other for a practitioner meaning to be preventive, I even doubt whether that would be possible. 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.

9959. But he might get that portion of medical knowledge without going through the whole curriculum which is now demanded, and he might be a most valuable man, for instance, a man who had been educated in physics, a man who knew something of engineering, a man of general information and common sense, and to eliminate that man from such employment would seem rather a strong measure?—And yet, perhaps, the first employment that you give that man requires him to know a case of relapsing fever when he sees it, or a case of typhoid, and he will possibly not have seen those cases unless he has worked in the ordinary line of professional study. My impression would be this, that, if the "one portal," which people are hoping for now-a-days as the system of admission to the medical register, should be established (that is to say, a uniform minimum qualification for admission to practice), no man should take his state medicine degree who had not passed that one portal. I think that he should have at least some proficiency in all parts of medicine.

9960 (*Mr. Cave.*) Could you, do you think, have the same inspectors for cattle diseases and human diseases; could you find the same people who would be competent for both generally in the country?—Accidentally in some districts you would find that by far the best knower of cattle diseases was the doctor; some of the greatest contributions to the knowledge of cattle disease in this country have come from members of the medical profession; but if it is a question of a system to cover the whole land, I do not suppose that you could at all universally expect that the doctors would know cattle diseases.

9961. Do you know whether in many parts of the country there has been difficulty in getting a person with competent veterinary knowledge as an inspector?—That has not come officially before me, but I can answer for it that there must have been some difficulty, and, I should suppose, to an immense extent.

9962. Since the cattle plague first broke out has there been any improvement in veterinary knowledge in this country?—The knowledge of that disease has grown up in the country; to that extent there has been an improvement; but whether in other respects there has been an improvement I cannot say.

9963. There has been of late years, has there not, an endeavour among the heads of the veterinary branch of the profession to improve the education of veterinary surgeons?—Veterinary colleges and their work are of comparatively late date, and represent, no doubt, a very considerable improvement on the state of things which existed before they came into being.

9964. Can anyone practise as a veterinary surgeon in the country now without having gone through an examination at the veterinary college?—Any man may practise veterinary surgery. And so may any man practise human surgery.

9965. Then the only restriction upon either the one or the other is saying that they may not give themselves out to be what they are not?—That, as regards human surgery, is the only restriction.

9966. Did you give advice at any time with regard to the cattle plague?—I gave advice twice. It was my lot to convey the first announcement of the disease to the Council Office; that is to say, Mr. Simonds called upon me and told me of certain symptoms presented by certain cattle, and I took him then and there over to the Council Office, and stated my impression of the facts; after which, for a short time, I continued in communication with the Council Office on the subject. And subsequently I gave evidence before the Royal Cattle Plague Commission as to the principles, on which, in my opinion, the disease must be dealt with.

9967. Have you never had practically anything more to do with it than that?—No; those were the only occasions on which I had anything to do with it.

9968. I need hardly ask whether, if you could get the inspectors in the country districts to inspect equally subjects connected with human disease and cattle disease, it would be a great advantage in economy as well as in other ways?—Yes, that would be so.

9969. Is there not the greatest possible ignorance as to the diseases of animals, especially in remote parts of the country?—I should think so. I have often wished that the members of my profession would give more study to the diseases of cattle. I think that they would be doing great public service, and collecting very instructive material for themselves.

9970. (*Dr. Acland.*) Are you aware that in the small pathological collection at the University of Oxford there are, as you suggest, among the specimens of human diseases, various pathological specimens derived from the lower animals on that principle?—I am. And I trust that knowledge of that kind will be extended.

9971. (*Mr. Cave.*) If all those different questions were united under one department, as has been proposed, instead of being scattered as they are now over different departments, would not the result which you desire be more likely to take place, that is to say, that medical men would be induced to give their attention to animal pathology in order to fill the office of inspectors of diseases of animals?—Yes; and so far as the inspection might be necessary to supply a scientific basis for regulations and orders, such a plan as you suggest might work; but I should hesitate a great deal as to the medical department being able to superintend the police of the cattle trade. I doubt if that could be done from a medical department as the centre.

9972. If it were proposed that the medical inspector should simply give notice of the outbreak of disease, or give notice of cattle being ordinarily kept in an unhealthy state in any district, and the police were set in motion in consequence of that information to prevent such practices, do you see any objection to that?—In the present state of organization and in the present state of knowledge in the country, it would not, I think, be practicable to maintain from the centre a really effective superintendence of the health of cattle.

9973. There is no difficulty, I presume, in many instances, in saying that cattle are kept in a state productive of disease?—I suppose cattle are often kept in an unhealthy state; but the human subject matter is so very large, and so very much has yet to be done in order to get human beings up to the condition even of well-kept pigs, that for a medical department to give a great deal of energy to the pigs at present would seem a refinemen

9974. Do you think that there would be a disinclination on the part of the owners of those animals to submit to any interference?—Yes; but no doubt there are many directions where the keeping of cattle ought to be looked after.

9975. You would see no difficulty in any such inspector giving notice of an outbreak of a contagious epidemic among cattle?—I think it would be desirable to throw the stress of this as much as possible on the local authorities. What you could have at the centre for working any sanitary system would always, from the nature of the case, be the first responsibility of a single person; and any single person made responsible for looking after the health of the population of this country could only do even that in a broad sense; and evidently, if charged with that, could not look after the health of cattle in any minute or detailed sense.

9976. My question rather tended to obtaining information as to whether the some person in the locality might not be the local inspector of both human diseases and cattle diseases?—Supposing that

J. Simon, Esq.
3 March 1870.

the law imposed on the same local authorities certain obligations as regards human life and as regards cattle life, then the same local inspector could no doubt see to the fulfilment of those obligations.

9977. And the best man for that purpose I suppose would be the local medical man?—If the medical man were willing to undertake the double duty, he could, I apprehend, easily qualify himself for the part of it which at present he would not deem his business.

9978. (*Dr. Stokes.*) If there was a highly educated man who was not on the register, or was not even qualified to be on the register, but who could produce evidence of what would be satisfactory to the minister of health of his knowledge of medical science, would you be satisfied that that man should be employed as a state medicine inspector, that is to say, supposing a man had had a fair medical education, would you object to that man, in all other respects unobjectionable, if he could not produce to the minister of health satisfactory qualifications in what we call medical science?—A minister's exercise of patronage would be extremely difficult if he had to require medical education, and yet were not to make what we technically call a medical "qualification" one of his conditions of appointment: a sort of very general test, after which more special tests can be applied; and in this sense it seems to me that satisfactory evidence as to medical education would be best furnished by the constituted authority, which for these matters is the general examination board.

9979. (*Chairman.*) Have there not been some rules issued lately in the Home Office carrying out suggestions of your own as to the arrangements between your office and Mr. Tom Taylor's?—Yes, and, as they have been referred to, I beg to hand in a copy of the rules and suggestions. (*The same was delivered in, and is as follows*):

SUGGESTIONS for AMENDING the present DISORDERLY STATE of PARTS of the CENTRAL SANITARY ADMINISTRATION.

[Throughout this memorandum I refer to the 49th section of the Sanitary Act, 1866, only so far as that section is related to sanitary objects; and if questions of neglect of local government duties in matters not concerning health (as, for instance, in relation to roads or markets) can be raised under the 49th section, such questions are of course not contemplated in the proposals of this memorandum as subject matter for the Medical Department. Also it deserves notice that the kinds of confusion against which this memorandum seeks to provide are incidental only to a comparatively small share of the business of the two offices; no ambiguity of jurisdiction attaching either to such questions of local machinery and finance as are the main business of Mr. Taylor's office, or to such exclusively medical questions as are from first to last my business. The two offices only come into contact by a comparatively small share of their subject matter; and to that share alone the present memorandum refers.

This memorandum has been read by Mr. Taylor, and is assented to by him.]

I. The 16th and 49th sections of the Sanitary Act, 1866, are enactments which, in their general intention, represent a most important progress in principles of sanitary government. But accidentally they have confused the limits which previously separated the jurisdiction of the Home Secretary from the jurisdiction of the Lords of the Council in matters concerning the public health; and this confusion tends to produce very serious inconveniences of administration. It seems extremely doubtful whether the disorderliness to which I refer can soon be rectified by new legislation; and as, in the meantime, the inconveniences are not only becoming greater, but are threatening to become accepted as normal, I would suggest, as a provisional remedy, that the jurisdictional relations of the two ministries concerned should, for the present, be regulated by some sort of CONCORDAT. And I am the more obliged to press for this object as one of immediate importance, because, till it is attained, the new medical inspectors of the Medical Department can hardly be set to work on the improved basis which (with the Registrar General's co-operation) I have arranged for them.

As regards the enactments to which I have referred, the law, broadly speaking, is this: that in all matters concerning the public health, the Lords of the Council (acting through their Medical Department) are the *investigating* central authority: and that in certain of such matters, if local authorities are in default, the Home Secretary (acting through the Local Government Act Office) is the *coercing* central authority. It has been urged that these two central functions, in relation to the public health might, with better convenience, be vested in a single chief minister, instead of being, as now, divided between two. But if this view were accepted, its acceptance would not supersede the necessity for distinguishing between the two functions; the one function essentially sanitary and medical, and the other function essentially legal; and the concordat which I now suggest, as between the Home Secretary and the Lords of the Council, would be equally applicable as the basis of sub-classification, if Mr. Taylor's office and mine were branches of the same chief ministry.

In considering how to harmonize the working of sections 16 and 49 of the Sanitary Act, 1866, with the working of section 3 of the Public Health Act, 1858, the essential point to remember is that Government does not profess to interfere coercively in local sanitary affairs except for demonstrable needs of the public health; and no consistent application of this test is possible except on the basis that my office and Mr. Taylor's be clearly understood to represent different stages of Government action. On no other plan can Government ever know how to keep a middle course in relation to local authorities, between (on the one hand) improper indolence and (on the other hand) such detailed interferences as would be deemed fussy and impertinent.

I propose, then, that, in relation to the 16th and 49th sections, *my office and Mr. Taylor's should invariably be regarded as representing two successive stages of administrative action*; that every question arising under these sections should, in the first instance, be dealt with in my office, and not be referred or transferred to Mr. Taylor's office till the matter of complaint has been, as far as needful, investigated in its relation to health, nor unless the inquiry of my office had established a case for coercive interference by Government; that so soon as coercion proves necessary, a second (legal) stage of business should be deemed to begin, belonging solely to Mr. Taylor's department: and that this moment of transfer from the Medical to the Legal Department should be one of consultation and mutual understanding between the respective chief officers of the two departments.

I of course assume as an element in the working of this plan that *inquiries made by the Lords of the Council under the Public Health Act, 1858, should* (so far as they go) *be accepted by the Home Secretary as inquiries made in his behalf for the purpose of sections* 16 *and* 49 *of the Sanitary Act*, 1866; and, if requisite, it would be easy for my Lords, by the use of special language in the conduct of their inquiries, to insure that local authorities attached this administrative meaning to the inquiries.

II. The above is my main point. But, both as connected with it, and also as bearing very importantly on ulterior re-arrangements of central sanitary work, there are two other points on which I would at the same time submit my opinions:—first as to the Government superintendence of nuisance authorities; next, as to the Government use of civil engineers in relation to sanitary objects.

The concern of central government in the local administration of the Nuisances Removal Acts is substantially a concern for the public health; and therefore, from the nature of the case, the Medical Department of Government is the department which ought to be responsible for superintending the administration of those Acts, and for making all such inquiries as that superintendence may require. My annual reports for the last 12 years will show that I have always, to the best of my power (though hitherto with very inadequate machinery), acted upon that principle; and I insist upon it as, in my opinion, a most important one.

I wish particularly to observe that, for purposes of central administration, the nuisance business should be regarded as a whole. At present complaints of nuisance come sometimes to Mr. Taylor, and sometimes to me; sometimes alleging, sometimes not alleging, that disease has already resulted from the nuisance; but in any case always thus far the same, that the complainant is supposed to speak in the interests of health. My proposal is that all such complaints should, in the first instance, be deemed matter for the Medical Department. I admit that, among local complaints of nuisance, there are many which any sensible, though medically unskilled, person can in a certain way deal with; either, in some cases, by pooh-poohing the complaint, as apparently of no importance to health, or, in others, by condemning the nuisance on such generally-understood grounds as medical men have now made popular. But, on the other hand, many cases have to be spoken of very discriminatively and guardedly, and may require patient skilled investigation. And to judge be-

J. Simon, Esq.

3 March 1870.

tween these two classes of cases is in itself the function of an officer more or less skilled in medicine. I therefore think it extremely to be deprecated that the medical administration of the business should be overlapped by a certain quantity of non-medical administration, unaccustomed to exact ætiological inquiries, and unguarded against exaggeration in such matters.

The Government use of engineering inspectors, in connexion with sanitary objects, is at present, broadly speaking, two-fold: first, as occasional skilled assistants in the administration of the Local Government and Sewage Utilization Acts, particularly where the boundaries of the special rating areas under the Acts have to be fixed with more or less reference to drainage exigencies, or where, before mortgages of rates for purposes of local improvement can be sanctioned, criticism has to be made of the object for which money is to be borrowed; secondly, as occasional skilled assistants in the coercive action of the Home Office, where responsibility has to be incurred for ordering, and in some cases executing, specific works of local improvement. It seems to me that Government has not, initiatively, anything whatever to say to local authorities about their plans of sanitary works; that for instance, it has no primary call to ask of a place, where are its sewers, or how are they constructed, or where do they open: for sewers are mere means—optional means—to an end; and if the end be attained (namely, the prevention of excremental and other drainage nuisances) it matters not whether sewers or other means have been employed to attain it. Rather indeed, especially in the present divided state of opinion on the subject, Government ought primarily to endeavour that responsibility for choice of means should rest, as unreservedly as possible, upon the shoulders of the local authority. Government might easily contract embarrassing responsibilities, as well as encounter awkward professional opposition, if it needlessly accepted the position of mere adviser in relation to local sanitary constructions; and it is no part of the duty of Government to spare particular local authorities the cost of employing proper service. Let each local authority get for itself what skilled advice it thinks best, as to the modes of preventing nuisance, and let it within its legal limits act accordingly. Government in its coercive relations has not to insist on anything but results. Simply there must not exist any nuisance endangering health. To see to the fulfilment of this condition is primarily in the province of the Medical Department; which department, where health is endangered, ought to make to the local authority all requisite admonitory representations. Failing the success of such representations, the Medical Department would move the legal or coercive department. And now, as coercion begins, Government of course becomes responsible for whatever means it dictates or enforces; and, at this secondary stage of nuisance proceedings, the engineer may be an essential officer.

III. Lastly, *there are certain occasions on which*, as I will proceed to explain, *the two departments ought systematically to borrow assistance from one another.*

I have pointed out that the superintendence of the administration of the Nuisances Removal Acts, and the consequent admonitory relations of Government to defaulting nuisance authorities, are functions essentially of the Medical Department, and that in these functions, as a rule, no engineering questions arise. Sometimes, however, it will happen that the Medical Department, in seeking to define exactly the nature of an existing nuisance, may wish to refer in detail to specific faults in the construction of the local sewers, or to some other constructional fault, where an engineer's criticism would be helpful; and in regard of such cases, the practice has been, and ought still to be, that the Medical Department borrows the assistance of an engineering inspector from the department to which such inspectors are attached. Similarly, where any business under transaction in the Medical Department raises incidental questions as to the legal powers of any local authority subject to Home Office sanction, the practice has been, and ought still to be, to refer for Home Office direction.

On the other hand, wherever local authorities desiring for sanitary purposes, to do specific acts or make specific regulations, are obliged, in order to their proposed course, to obtain Home Office sanction, it would seem desirable that, prior to such sanction, unless the matter be distinctly non-medical, the opinion of the Medical Department should be taken. An important class of cases in respect of which this practice has already (at least to some extent) been followed by the Home Office, is that of the various draft regulations proposed by different nuisance authorities for the Secretary of State's approval under section 35 of the Sanitary Act, 1866; but an equally important class of cases where it has not been followed is that of local authorities requiring the Secretary of State to approve their proposed sources of water supply. And my mention of the latter class of cases will probably suffice to show how necessary it is that one common rule should be established for our inter-departmental references.

JOHN SIMON.

January 21, 1870.

RULES PROPOSED TO GIVE EFFECT TO THE FOREGOING MEMORANDUM.

1. Complaints addressed to the Home Secretary, under section 49, in matters not concerning public health, are to be dealt with in the Local Government Act Office.

2. All other complaints addressed to the Home Secretary under section 49, and all complaints addressed to him under section 16 are, in the first instance, to be referred to the medical officer of the Privy Council, with liberty to him, as regards any engineering questions which may arise, to have the assistance of an inspector of the Local Government Act Office. If, after inquiry in any such case, the medical officer of the Privy Council finds it requisite to recommend the issue of an order under sections 16 or 49, he shall report to this effect to the Home Secretary, and the proceedings thenceforward to be taken shall be taken through the Local Government Act Office.

3. Questions as to the quality of proposed sources of water supply, and byelaws or regulations in matters concerning the public health, submitted for the sanction of the Home Secretary, shall be referred to the medical officer of the Privy Council.

Approved,

February 15, 1870. H. A. BRUCE.

The witness withdrew.

H. Bleckly, Esq.

(79.) HENRY BLECKLY, Esq., examined.

9980. (*Chairman.*) Are you an ironmaster living at Warrington?—Yes.

9981. And also a magistrate of the county of Lancaster and of the borough of Warrington?—Yes, I am.

9982. Will you inform the Commissioners what objections are made by manufacturers to the law with reference to the consumption of smoke?—The law as it stands at present, we think, is confused and ambiguous, and somewhat harsh and oppressive in its operation; the words of the Sanitary Act of 1866, Section 19, with reference to the consumption of smoke, "as far as practicable," have no sufficiently definite meaning. These are the words upon which the magistrates are called to adjudicate, and there is no standard to which they can be referred unless it be understood that all smoke made in manufacturing processes is capable of being consumed. One person may think that a larger quantity is practicable than another, and the matter is left without any definite standard by which it can be measured.

9983. The 19th section adds to the former definitions of a nuisance, "any furnace which does not as far as practicable consume its smoke," those are the words which you object to as vague?—Yes. It is upon that that the whole question of the liability to fine depends. The next paragraph of the section provides that if the magistrate is satisfied that "as far as practicable" the smoke has been consumed, he may decide that it is not a nuisance within the meaning of the Act. That is the essence of the provision that it shall be "as far as practicable," but the measure of practicability is entirely undefined. The inspector is not called upon to examine into the particular circumstances under which the smoke is created; he simply makes a memorandum that a quantity of smoke is produced, and upon that he takes proceedings. The offence being that the smoke is not consumed as far as practicable, he does not attempt to show the practicability. He merely produces the fact that there was a certain amount of smoke existing at a certain time, and the question whether it was practicable to consume that smoke is not a question proved by the person making the complaint. I would go a step further in the next stage, and show that the production of smoke at a given moment ought to have reference to the particular circumstances that exist at the manufactory at the moment at which it is produced, and that there ought to be an inquiry, not as to what general principles might do, but what, under those special circumstances, it was possible to do, and I would say that no such question as that is now raised, because an inspector makes a report in July of observations which he made in the preceding March, or the preceding April or May. He has a series of reports which he makes of chimneys smoking three and four months before the case is tried before the justices. A defendant, therefore, has no means of showing what the circumstances were at that particular time when this information is laid, nor has he the power at all of giving evidence to rebut the facts which are stated by the inspector. I have in a newspaper before me, "The Warrington Guardian," Saturday, July 3, 1869, an account of the number of cases which were tried before the justices at Daresbury in Cheshire, in July last, in which there are these statements. Thomas Astles (the defendant in the first case) said, "The making of a little smoke at times was "unavoidable, as he thought he would be able to prove "by the scientific evidence of an engineer from Man- "chester. That the smoke complained of by Mr. "Arrowsmith was emitted from their chimney under "unavoidable circumstances, and that it was so little "that it ought not to have been complained of, as he "thought he should be able to prove by several "witnesses. Mr. Astles went on to state that in the "morning it required some time to effectually consume "the smoke in consequence of letting the furnace cool, "and the same applied to any stoppage which might "occasionally be made in the day. He then called "Charles Millward, of Salford, practical engineer, "and member of the Engineers' Society, Salford, who "said his experience in the consumption of smoke "was considerable, and he had both seen appliances "for the purpose and their effects. He had seen the "plan now in use at the defendant's works, and con- "sidered it as good as any he had seen. After "describing the plan adopted, the witness said that if "the gases mingled the smoke was consumed, what- "ever plan was adopted. Heat was also essentially "necessary for its ignition—a bright red heat. If "the furnaces were cooled, it would be impossible "directly after to consume the smoke." "Messrs. "Bromilow, salt manufacturers, were summoned "for disobedience of an order made by the bench "on the 25th February 1868, to abate a nuisance "arising from the emission of smoke from chimneys in "their occupation within two months. Mr. Cheshire, "who prosecuted on the part of the authorities, said "orders to abate the nuisances were made on the "defendants and William Hayes at the same time. "The cases were very simple. The law was, that if "it was proved to the satisfaction of the justices that "black smoke was emitted from chimneys on defen- "dants' premises so as to cause a nuisance, they might "make an order to abate it, and in case of non- "compliance, defendants were liable to a penalty "of 10*s.* a day after the expiration of the time "allowed. He thought that all he had to prove "was that the order was made and that the black "smoke had been emitted from the defendants' "premises so as to make a nuisance after the expira- "tion of the two months. Then the police constable "proved having served the order on the agent of "Messrs. Bromilow. The inspector was called, and "stated that on the 2d November last year he made "observations, and found that from three of defen- "dants' chimneys black smoke issued. On Decem- "ber the 2d (these proceedings being taken in July) "black smoke issued from five chimneys 15, 16, 13, "and 17 minutes." Then there were two more summonses for the non-consumption of smoke, and the inspector gave evidence that he had seen black smoke issuing from defendants' chimneys. "Mr. "Hayes, in defence, stated that he had tried Hogarth's "plan at his works at Marston, and that it had failed. "Mr. Green, in addressing the bench for Messrs. "Bromilow, complained that when the inspectors "made their visits they did not communicate in any "way to the defendants, so that they had no chance "of remedying anything wrong, and yet they were "summoned after eight months had elapsed. He "mentioned the names of several manufacturers who "had tried Hogarth's plan for consuming smoke "(which seemed to be, he said, in favour with the "inspectors), and added they had all failed. He "called in evidence the manager to Messrs. Bromilow, "who stated that they had tried many plans, Hogarth's "amongst others, to consume smoke, and the plan "they now had was as good as any he knew." "Mr. Roper (for another defendant), after some "further remark in which he contended that 'as far "as practicable' the smoke had been consumed, called "Robert Hickson, the defendant's manager. He said "he had since the date of the original summons ex- "amined a large number of plans and adopted the "process which seemed to be the most satisfactory— "Hogarth's—and this had been applied to all the "furnaces. On one day mentioned by the inspector, "they had a break down causing the furnaces to cool, "and in firing up again, Messrs. John Lovet, Fryer, "Bostock, Boardman, George Johnson, jun., and "Thomas Vernon, residing in the vicinity of the "defendant's works, stated that they had not observed "any nuisance arising from them. Mr. Roper asked "if the magistrates would request the inspectors to "go to the works which they were 'observing' and "inform the occupants of any so-called nuisance, so "that if summoned they might have an opportunity "of getting more direct evidence on their behalf. "The magistrates, however, thought they could "not enter into the question." Various other persons were called who said that they were not annoyed by the smoke at all, and in the end the magistrates fined the defendants 5*l.* Of course the point of that is, that the inspector by being at liberty to make those observations without communicating in any way with the person whom he seeks to charge, and bringing up those charges several months afterwards, deprives him of the opportunity of proving what was practicable under the circumstances of the case, and thereby inflicts upon him a very great injustice, because they say our only course is simply to pay the fine and have done with it.

H. Bleckly, Esq.

3 March 1870.

9984. What alteration in the law would you suggest?—The first alteration would be that the *onus probandi* should lie upon the party complaining—that he should do that which common sense would say is requisite to be done, namely, that at the particular time at which he seeks to charge a person for a breach of the law, he should ascertain as a matter of fact that the breach of the law could not be avoided at the time, supposing it to be a breach. The breach is not the production of smoke, but the production of smoke under circumstances in which it was practicable to consume it. It appears that an objection was made that the proceedings were taken six months after the offence was stated to have been committed, but the objection was overruled. The section says, "having "regard to the nature of the manufacture or trade." It would be very much better that the trades should be named which are to be specially regarded. In the next place, the law is exceedingly partial in its operation. There are many parts of England where no notice whatever is taken of it. It is to be set in operation by the local authority, and there are many local authorities that decline to set it in operation. I have travelled a great deal through England and have taken notice that chimneys on all sides were smoking just as much as if there was no Smoke Act in existence at all—the fact being that the local authorities do not think it necessary to put it into operation. Then, again, there are provisions in some Acts which would be very fair if they were introduced into all. In the Act, with regard to Rotherham and Kimberley, there is this pro-

H. Bleckly, Esq.

3 March 1870.

vision: "No conviction for any of the above-mentioned "offences can take place within the Rotherham and "Kimberley district, except in the case of furnaces "for generating 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 com-"plaint is made."

9985. (*Mr. Cave.*) Black smoke is considered to be always consumable, is it not?—Perhaps so, but I say that in this case in Rotherham and Kimberley unless the plaintiff can prove that it is practicable by some means in use to consume the smoke arising from the combustibles used in the furnaces, no complaint can be maintained. That is a local Act, and under that local Act Rotherham and Kimberley are exempt, and are put in the position in which we say that other places ought to be, that it should lie upon the complainant not only to show that there was smoke, but to show that which the law intends him to show, that it is practicable to prevent it. It is assumed (and that I shall express my opinion upon afterwards), as a matter of fact, that it is possible, and I think I shall be able to show satisfactorily that it is not possible. I deny that is possible under a variety of circumstances which I will name to the Commission. Therefore we say that in other respects the action of the law is partial; that whilst it may be set in operation in one district, to the cost and annoyance of the manufacturers, in another district they are exempt from it.

9986. (*Chairman.*) Not that they are exempt from it, but that the magistrates do not put it in force?—That is the same thing. Not only so, but in other cases we have provision made by the local Act for their being exempt from the operation of it.

9987. By that provision you are not exempted from the duty of consuming smoke, but it is left to the judgment of the magistrate to decide whether the thing is impracticable. Has not the magistrate to satisfy himself whether all practicable means have been used or not?—But if it be assumed to start with, as a matter of fact, that all smoke can be consumed, under all circumstances, then the mere production of smoke is treated as a nuisance, whereas the law provides that it shall be as far as practicable. What we say is, that the complainant should make out that under the particular and special circumstances of the case it was practicable, because it might be very easy to say that, generally speaking, the manufacturer could do it, but yet at the particular moment at which he is charged he could not do it.

9988. (*Earl of Romney.*) Is not the presumption against him, because it is a thing so easily done?—That is a thing which I think I shall satisfy the Commission upon afterwards.

9989. (*Mr. Cave.*) What was in the mind of parliament was not that all smoke should be consumed, but that black smoke was to be consumed, and therefore "as far as practicable" was put in not with regard to black smoke, but to other smoke?—In parliament this week Mr. Corry made a speech upon the subject of coal used in the navy, and in the course of his observations he quoted the opinion of some person of "great authority and experience," who in speaking of the Newcastle coal said that the smoky coal cost less per ton as compared with Welsh coal, but that the tubes get so foul with soot that you waste your coal, lose the heat up the funnel, and fall off in speed. "With smoky coal you lose speed, damage your sails "and rigging, damage your men's clothes, disgust "your ship's company with constant dirt and cleaning, "and all this in peace time. In war time smoky "coal would at once be pitched overboard." When a man comes to deal with real work and has no theory to support, he gives clear and intelligible evidence about the thing which is sought to be done. The officer in this case wants to get up steam for an urgent purpose, and he says, I must work the coal that I am provided with, and it will produce smoke at times if it is made to do its best.

9990. (*Chairman.*) Are there any objections taken to the inspectors appointed under the Act?—We think the inspectors are persons open to influence. I would contrast them with the inspectors appointed under the Alkali Act, and say that they are not a class of men to whom it is desirable such power should be intrusted. I had a note this morning from a gentleman who is very much engaged in manufactures and he says, "Inspectors take upon themselves to ex-"press confidently and authoritatively an opinion "without any experience, in opposition to men who "have for a quarter of a century or more been quite "alive to the commercial advantages of perfect com-"bustion, if they could attain it, but who have failed "after repeated efforts and the expenditure of thou-"sands of pounds, and the decision between the two "is placed in the hands of country justices." Under the Alkali Act the inspectors are appointed by Government. They put themselves into communication with the manufacturers, and go over their establishments, and point out to them where they are defective, whether there is any scientific means of accomplishing the objects which they have in view, and if there is they aid them in doing it; whereas the inspectors under this Smoke Act are many of them relieving officers who have no qualifications, and in some cases I am told they are paid by the number of convictions they obtain.

9991. Are the penalties regarded as excessive?—Yes. As to the penalties, I would just refer to two letters, one which I had from a solicitor, who says: "At Middlewich sessions, on Monday, 21st June "last, the fines amounted to 40*l.*, and five orders to "abate were made. There were 14 cases, and Mr. "Cheshire's fee was 10*s.* in each case, total 7*l.*, and "the defendants had to pay the apportioned costs "of the witnesses' attendance. At Daresbury ses-"sions on Tuesday last the fines amounted to about "20*l.*, and two orders to abate in two months were "made. At Eddisbury sessions, on Monday, the fines "amounted to 21*l.* 5*s.* 0*d.*, and one order to abate "was made. There were nine cases. It would take "considerable time to arrive at the total amount of "fines and costs already levied. In November 1868 "the amount paid to the nuisance authority in respect "of penalties and costs at one fortnightly sitting was "80*l.* 13*s.* 0*d.*, and I should think some 300*l.* or 400*l.* "has been paid in all by the salt proprietors;" and the other from a gentleman in the salt trade of Cheshire, who says, "At the suggestion of the smoke inspector, and "at a very great delay, we altered nearly all our fur-"naces to 'Hall's' plan, after which we were fined on "four distinct occasions in fines amounting to 40*l.* "We had Mr. Hall, the patentee of the plan referred "to, engaged in our works for about 12 months solely "looking after the consuming of the smoke, and we "told both the inspector and the magistrates that we "were anxious to do all we could to abate the "nuisance, and were willing to adopt any plan with "this view that they might suggest, but they were "unable to suggest any."

9992. Do you think that a penalty, perhaps a much smaller one, on the fireman or stoker might be more effectual than the penalty upon the master?—The stoker is a mere labourer, and it is quite impossible that you can get men of this class who shall be upon the alert and not prefer their own ease in throwing on shovels full of coal at once instead of doing it in a minimum quantity. It is further impossible that you can get a skilled mechanic who will undertake such work; and it is to be observed that, no matter how carefully the furnaces are constructed, if they are not carefully fired, the penalty is inflicted upon the manufacturer, whether he is guilty or not guilty; and as it comes to pass that those proceedings are sometimes taken months after the offence, it is quite impossible for him to say who the man was, the manufacturer would not therefore be able to fine the man for it. You find great difficulty in fining your own servants. They tell you that they will summon you before the magistrates, or they will do a variety of things, if you do

H. Bleckly, Esq.

3 March 1870.

not pay them their wages. We have been threatened many times for fining although it is part of our regulations.

9993. Are you of opinion that the injury to the public health by black smoke is much exaggerated?—We think that it is very much exaggerated. The coal in Lancashire contains from one and a half to two per cent. of sulphur, and in the combustion of that coal there is a very large quantity, a larger quantity than anybody would probably believe, of sulphurous acid thrown into the atmosphere; yet if inquiry is made as to whether injury is done by the smoke, the whole injury which is done by the invisible gases is put to the account of black smoke, and it does appear unreasonable that there should be the charge put to the account of black smoke, because it happens to be seen, whereas the effect upon the vegetation and upon the atmosphere is due probably to the invisible gases which do much more injury. In the works with which I am connected we burn about 2,000 tons of coal in the course of five days in puddling iron, upon a space of about 10 acres of land. Every hour there are about 15 tons of coal consumed, so that it is practically impossible to prevent smoke issuing from such a quantity of coal burnt in a small space and under a small number of chimneys.

9994. What an enormous economy of fuel you might have by the consumption of smoke, might you not?—Yes, no doubt, and we should be delighted if we could do it. There is another point also to be borne in mind, that there are in many cases in ironworks 20 or 30 furnaces turned into one chimney. The Act never provides for or contemplates that fact at all. If one man is firing one of those furnaces there might be a very moderate amount of smoke produced, and not what would be considered a nuisance under this Act; but if you multiply that smoke by 15 and the men happen to be firing 15 furnaces at the same time, the smoke from them all going into one chimney, it is quite impossible that the combined smoke of 15 furnaces should not present some black smoke in the atmosphere.

9995. Would you briefly state to the Commission what you wish to suggest in the way of making the law more satisfactory?—We are inclined to think, with very great respect to parliament, that the legislation upon this subject is a mistake; that the law is little less arbitrary than the Contagious Diseases Act; that manufacturers are dealt with as though they were enemies of society and a nuisance, to be treated with a severity which interferes with their action, and puts them in the position of persons who are supposed to be breaking the law, when they have no intention of doing so, and no wish to do so at all.

9996. Does not the law merely say to them, as to all the rest of the world, that they must not commit a nuisance?—If the law requires that which is impracticable I am quite sure that parliament would very soon put an end to such a law. They might make such a law unintentionally, but I am quite sure that if this Act were put in operation in the stringent way all over England that it is in some parts of England, it would be swept out of the statute book within a very short time. If the provision in respect of Rotherham and Kimberley were applied to the whole country, and if it be so easy as gentlemen suppose it is to consume all the smoke, what objection can there be to throw upon the complainant the proof that it is possible to do it? If it be assumed that it is quite easy at all times to consume all smoke, and that there is no difficulty whatever in doing it, it would be a very simple matter indeed that the plaintiff in such a case should be required to prove that under the circumstances of which he complains it was possible.

9997. The complainant has not the materials for making the experiment which the defendant has. The defendant can show or ought to be made to show that he has taken all practicable means to consume his smoke; how could the complainant show that he had not?—But he could be admitted to the works as the alkali inspector is admitted. The alkali inspector is the man to make the complaint, and he goes round the works and he tests the condensation as to whether it is as it is required by the Act.

9998. (*Mr. Cave.*) He only examines as to the fact?—He makes an absolute test; they have a means of testing.

9999. That must necessarily be so because he cannot see it, but in the case of smoke it is seen?—But the offence is not the emission of smoke, but the emission of preventible smoke.

10,000. So the offence under the Alkali Act is not the emission, but the emission of a certain amount?—If there is a certain escape the manufacturer is liable to a penalty, and parliament ascertained in the first instance that it was possible to condense up to that point.

10,001. Is not that the case with regard to smoke too?—Parliament never contemplated for a single moment that there should be 40 furnaces put into one chimney, but dealt with the question as though each furnace had a single chimney to itself. If we were to do that we should fill the atmosphere with a smothering sulphurous acid, and we should never probably be liable to penalties under this Act, but we should do infinitely more mischief to the community than we do by having one chimney to 30 or 40 furnaces. Parliament has never made any provision whatever for that.

10,002. Is it not the fact that some manufacturers do consume their own smoke entirely?—I am not aware of any such manufacturers doing it constantly. Everybody knows that the seat of the iron trade is called the black country, and so long as iron is made, and until new methods are discovered, there always will be smoke. I do not mean to say that science will not enable us to effect the object, that we may not make iron without coal at all, but so long as we are obliged to make it with coal so long smoke must be produced. I know of no case in which puddling is carried on and smoke is never produced.

10,003. (*Chairman.*) What is the usual process by which you attempt to consume smoke?—Supposing this place were an ironwork, these tables might represent the flues through which all the flame would pass into one stack, and the whole of the products of combustion are passed into these flues, which are in fact underground chimneys, and as far as possible the smoke generated passing through a heated atmosphere is consumed.

10,004. Then there is no special mode of introducing an outer draught by which the smoke is consumed?—You are obliged to have different circumstances at different stages of production; when you throw iron into a furnace you lower the temperature of the furnace very much. You must then raise it immediately by throwing on coal, not as you would get up steam, by doing it gradually, but you must as rapidly as you possibly can restore the heat of the furnace, and in doing so you produce a very large quantity of combustible gases, which issue partially unconsumed from the chimney.

10,005. Has there been any experiment made in your neighbourhood for the consumption of that mass of smoke as it comes up the final stack?—We have made many experiments ourselves, and have spent a good deal of money for the purpose of consuming smoke. We are not ignorant of the fact that if we could save the fuel it would be very much better for us.

10,006. Do you know of no instance in which any contrivance has succeeded in consuming the smoke?—I do not know of any contrivance by which puddling furnaces in any instance can burn all their smoke.

10,007. Have you never heard of such a thing?—I have heard of many such, but I do not believe in them, and no man could live in the iron trade who was bound to make constant experiments to carry out the notions which amateurs have as to the possibility of consuming smoke.

10,008. Do you know that smoke has been consumed effectually in Manchester?—I do not.

10,009. Nor in Birmingham?—No.

10,010. You know of no instance?—I do not mean

H. Bleckly, Esq.

3 March 1870.

to say that it has not been so with regard to furnaces for raising steam. I wish to draw a very clear distinction, and the distinction which I draw is, as to fuel for purposes of manufacturing, and fuel for the purposes of raising steam. You must take cases that are practicable, which is the question, as I understand it, of this Act. In a great number of old works the boiler power cannot be increased, there is no room for it, and if you could do it, the cost of additional boilers would be more than the profit which is derived from the place; then even taking the coal used for the purposes of raising steam, reference should be made to what is practicable under the circumstances of the works, and not what is theoretically practicable; not what can be done by an amateur putting coal on by hand, but what is practicable with such men as iron-masters have to work with; puddlers and men of that description are among the least educated and hardest working perhaps of the community; and having to deal with such men, you are not to consider the consumption of fuel as if it were in the hands of men who have nothing in the world to do but just to throw a little coal on a fire to keep up the combustion. I cannot find that even the servants in my house feed the fire as they ought to do; they will throw a whole scuttleful of coals on at once and produce smoke which might be prevented. They say that if in towns we used Arnott's stoves we should have no smoke at all, yet nobody chooses to use Arnott's stoves, because they would either let their fires out or they would get no warmth from them; and in the case of apparatus for burning smoke every one of those apparatus lowers the power of the boiler under which it is placed.

10,011. (*Mr. Cave.*) Is there not a machine for distributing coal over the fire so as to remedy the negligence of the stoker?—There is an apparatus that is called self-acting. But you must depend upon the carefulness of the fireman, whatever apparatus you adopt.

10,012. I think we heard of something of the nature of a hopper in evidence some time ago. Are you aware of that contrivance?—We tried it, but we did not find it succeed. We have sent to us continually patents for the purpose of consuming smoke, and every fresh patentee tells you that the patents previously taken out were insufficient for the purpose, and in fact all of them are so unless the man fires carefully.

10,013. (*Dr. Acland.*) Are there no skilled inspectors of a superior class?—None in my neighbourhood.

10,014. In case of a dispute as to the fact whether all reasonable means have been taken or not, is there no referee or arbitrator?—No.

10,015. Would it be satisfactory to the manufacturers if in such disputed cases there was a referee, such as Dr. Angus Smith, the Alkali Act inspector?—No doubt it would.

10,016. Is it not the case that in your class of manufactures the smoke may be and is necessarily intermitting?—It is.

10,017. That is to say, that the chimney may at times be kept for several hours perfectly free, and then that on throwing on fuel rapidly there is almost a necessity of having smoke?—Yes, that is so.

10,018. Then the question to be referred to the arbitrator would be whether or no due and proper means had been taken?—No doubt.

10,019. If one goes to such a place as Manchester or Leeds he may satisfy himself without much knowledge, may he not, that more care is taken in one manufactory than in another?—Yes, but then that may arise entirely from the circumstances of the manufacture. If it is a manufacture in which heat is regulated, and has to be distributed carefully over a definite surface, it may be dealt with in that way; but if it is a trade in which, for men to get wages, the heat must be raised rapidly to produce effects, as in chemical works and in iron works, you cannot regulate it in that way, you must get heat as rapidly as you possibly can.

10,020. Is it not so that in some of those manufactures where a high uniform heat for steam purposes is requisite there is no difficulty?—None whatever, except with careless workmen and ill-contrived works.

10,021. And it is perfectly just to say that in those manufactures where a high uniform temperature is required there need be no smoke nuisance at all?—Precisely so.

10,022. And therefore a man is justly condemned if smoke is produced?—Yes, that I agree to, with the qualification just stated.

10,023. Then the question would be the amount of intermission and excess?—Yes.

10,024. And that ought to be the subject of arbitration?—Yes.

10,025. I have understood on authority which I cannot doubt that although the utmost pains may be taken there are times when in some manufactures black smoke must be issuing?—Yes, that is the case.

10,026. And therefore that ought to be a question for the arbitration of a skilled person?—Yes. Take a town like Manchester or Leeds, where the bulk of the manufacture is carried on by steam power for the purpose of working mills of different kinds; but if you go into Staffordshire or Wales, fire is really the direct manufacturing agent, and you cannot regulate the heat in that way as you can for the purpose of boiling water.

10,027. (*Earl of Romney.*) Are not the inspectors usually appointed by the Government?—They are under the Alkali Act, but in the case of the smoke nuisance they are appointed by the guardians of the poor, and they are appointed by the corporation in the municipal boroughs.

The witness withdrew.

Adjourned.

Thursday, 10th March 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF ROMNEY.	JOHN TOMLINSON HIBBERT, Esq., M.P.
The EARL OF DUCIE.	EVAN MATTHEW RICHARDS, Esq., M.P.
The Right Hon. Lord ROBERT MONTAGU, M.P.	FRANCIS SHARP POWELL, Esq.
The Right Hon. STEPHEN CAVE, M.P.	JAMES PAGET, Esq., F.R.S.
JOHN ROBINSON MCCLEAN, Esq., M.P., F.R.S.	HENRY WENTWORTH ACLAND, Esq., M.D., F.R.S.
SAMUEL WHITBREAD, Esq., M.P.	FRANCIS THOMAS BIRCHAM, Esq.

(80.) C. MARSHALL HOLE, Esq., examined.

C. M. Hole, Esq.

10 March 1870.

10,028. (*Chairman.*) The Commission have been taking evidence with regard to the general condition of towns which have adopted the provisions of the Local Government Acts, and of those towns which have not adopted those powers, and we have asked you to come here to give us evidence as to the general condition of Tiverton as an instance of a small corporate town which has not adopted the Local Government Act. You are town clerk of the borough of Tiverton, are you not?—I am.

10,029. And clerk to the board of guardians of the Tiverton union?—I am.

10,030. What is the population of the town?—The population of the borough was 10,447 at the last census. The estimated population at present is about the same.

10,031. Can you state the acreage upon which it stands?—The parish contains 17,650 acres, and the borough and the parish are co-extensive and incorporate.

10,032. When was Tiverton incorporated?—It is a very old borough; the first charter was granted in the time of James the First, I think.

10,033. What is the local authority which administers the affairs of the town?—The mayor, alderman, and burgesses acting as the local authority, and there are two local Acts for regulating the affairs of the town, such as lighting, paving, and cleansing, one passed in 1794 and the second in 1822 (enlarging the powers of the former Act), under which commissinors are appointed, and they have power to light, pave, and improve the town and make sewers.

10,034. Is the town council the authority in all sanitary matters?—No, not entirely. The members of the town council are *ex-officio* commissioners under those Acts which I have mentioned, which we call the Improvement Acts.

10,035. Are the powers under which those commissioners act derived entirely from those two local Acts, or do they exercise powers under the General Municipal Corporations Act of 1835?—From both of those Local Acts only.

10,036. I presume you have some powers also under some of the Sanitary Acts?—Yes, under the Sanitary Act and the Nuisances Removal Act; and the corporation have made byelaws under the Municipal Corporations Act.

10,037. Has the adoption of the Local Government Act ever been proposed?—I think some 20 years ago Mr. Rammell visited the town and made a very special report to the Board of Health on the subject, but the Act was not applied.

10,038. Was that when the General Board of Health existed?—Yes.

10,039. On what grounds was that proposition dropped?—I cannot recollect.

10,040. Is it your own opinion that it would be better to adopt the Local Government Act?—I think that the powers under the Acts which we have are sufficient if we had only the funds to carry out the various improvements required.

10,041. You think that you have the genegal powers, but you are deficient of power to raise funds?—Yes, that is so; we are deficient of the power to raise funds.

10,042. What should you say is the general sanitary condition of the town under its present system of government?—I should say that it has greatly improved within the last 10 years.

10,043. What is the present death-rate?—The present death-rate is 22½ per 1,000, taking the average of nine years.

10,044. What was the death-rate formerly?—Twenty years ago it was 25 per 1,000.

10,045. To what do you attribute the reduction from 25 to 22½?—There have been many sewers made, and to that in some measure I attribute the lessening of the death-rate; but the sewers that we have are faulty in many respects, especially, I consider, in the outfall, which is often in the summer time of the year above the level of the river Exe into which they empty.

10,046. Do the sewers discharge into the river Exe on which Tiverton stands?—Most of them discharge into the Exe.

10,047. Can you tell us what the sewers have cost altogether, the rateable value of the area upon which the cost of the sewers was levied, and also the rateable value of the town as distinct from the parish?—The cost of the sewers made by the Corporation within the last ten years has been 300*l.* This sum has been paid out of the borough rate, which is charged on the whole parish, the rateable value of which is 39,258*l.* The commissioners under the Acts I have referred to have expended within that period about 100*l.* in making sewers, and this sum has been defrayed by a rate levied on the rateable value of the town only, which is 14,842*l.*

C. M. Hole, Esq.

10 March 1870.

10,048. Has it ever been proposed to utilise the sewage?—It has not; it is partially utilised by means of a gutter carrying it over some land adjoining the river for irrigation purposes.

10,049. Do you believe that it might be wholly utilised?—I think it might.

10,050. To what do you attribute its being left in its present unsatisfactory state; is it a reluctance on the part of the commissioners to act, or are they unable to get the funds?—I think in a great measure it is from fearfulness and a want of energy to take up those matters.

10,050*a*. Do not you think that a regularly constituted authority under the Act would be more active in such matters?—Very possibly they would be so.

10,051. What have you done with regard to your burial grounds?—A cemetery has been formed within the last 15 years, and the churchyards are partially closed; but they are still open to those who have vaults, and the burial grounds of dissenting chapels are still open. I think that that is a fruitful source of disease, and it is very much complained of by some of the inhabitants who live near them.

10,052. Have the neighbourhoods from whence the grounds inside the town have been removed been improved in healthiness?—I think they have.

10,053. What is your water supply?—We have a very plentiful water supply which rises about four miles from the town, and is conveyed into the town by means of an open channel.

10,054. Is the source of that water above the level of the town?—Considerably so; it is 399 feet above the level of the town.

10,055. So that your supply is by simple gravitation?—Yes, by gravitation entirely.

10,056. Have you water enough, besides what is wanted for domestic and other consumption, for flushing the drains?—Yes, an ample supply of water.

10,057. The water entering the town in an open cut, as you say, does not it get polluted?—Very much so in the higher part of the town, where there are a great number of small cottages; the cottagers very much disregard the utility of the water, and they empty refuse into it.

10,058. And do the poorer classes drink this polluted water?—I think they do to some extent; many of them, I think, are almost dependent upon it.

10,059. Have they wells or pumps?—Not all of them, they are not so plentiful as they might be.

10,060. The expense would not be great, I suppose, for covering this watercourse?—I do not think that the inhabitants would like the present watercourse covered, but a portion of the water might be used and brought into the town by means of a reservoir and pipes, and every house could be well supplied and still leave a large quantity for other purposes.

10,061. Have you any byelaw or rule which makes it penal to discharge refuse into this watercourse?—Yes, we have, but it is not enforced as it should be; there is a reluctance to enforce it.

10,062. What is the actual bulk of water that on an average runs into the town?—It has been gauged, and it is calculated that 2½ millions gallons every 24 hours should enter the town if not diverted in its course.

10,063. What does that give per head of the population?—Allowing 20 gallons per head of the population that would still leave about 2,000,000 gallons for other purposes.

10,064. Has it ever been proposed that you should

C. M. Hole, Esq.

19 March 1870.

collect this water in a reservoir?—It has been suggested, it was suggested at the time that I speak of when Mr. Rammell visited the town.

10,065. If that was done every house could be supplied with pure water, would it not, with but very little diminution of that which flows through the streets?—Yes, and at very small expense indeed.

10,066. Why is not that done?—The local Acts do not give us power to do it.

10,067. And you think that if the Local Government Act were adopted giving you those powers they would be exercised?—Yes. There is a clause in the first Act which I referred to, the Act of 1794, which has reference to this stream, and it gives the commissioners power to manage and regulate the same; whether that would be considered as giving power to make a reservoir and levy a rate I am hardly prepared to say.

10,068. At all events it is your belief that although this reservoir is considered desirable by the commissioners yet they have not power to make it?—I should state that I am not clerk to the commissioners, and I have not heard the matter discussed.

10,069. Have you baths and washhouses in the town?—We have nothing of the sort, and I consider it most important that we should have them; for although a manufacturing town and having a very large manufactory, and employing a great number of hands, there is no place whatever were bathing can decently take place.

10,070. Is there no part of the river were bathing is permitted?—There is not now. The inhabitants have for several years asked the corporation to provide a bathing place, but there are difficulties in the way, and we have none.

10,071. Does that mean that there is no suitable part of the river for bathing, or what are the difficulties in the way?—I think a suitable place might be found, but the corporation do not quite see their way to levying a rate upon the whole parish for the benefit of the town alone.

10,072. What is the manufacture that is carried on in Tiverton?—The lace manufacture.

10,073. Is that a healthy manufacture?—The manufactory is always at a high state of temperature, and a large number of men, women, and children work in the same rooms.

10,074. Does that lead to ill health on the part particularly of the young who are at work there?—I think not. I think they have sufficient relaxation.

10,075. What do you do in the way of the removal of nuisances?—We make an annual inspection of the town. The corporation themselves go through the town once a year, and their inspector is always looking about for nuisances.

10,076. Is there only one inspector of nuisances?—Only one inspector.

10,077. What is his salary for that duty?—He is the superintendent of police, and he fills this office. He has no apportioned salary, or if any, it is merely a nominal one for that part of his work.

10,078. Is his salary as chief of the police increased for the purpose of discharging those duties?—Yes, it is.

10,079. Is he efficient?—Very much so.

10,080. Do you believe that there are no nuisances which are not reported?—I think there may be nuisances, but the inspector is vigilant in his work. There are no doubt pigs kept in the town, and there are slaughterhouses; and it would be desirable to get rid of them entirely from the interior of the town.

10,081. Are there accumulations of refuse in the streets?—No, not in the streets. There may be cesspits which require looking after occasionally.

10,082. Not in the public streets?—No.

10,083. Is there any law that the houses shall communicate their drains with the sewers which you say you have made?—We can compel them to do so under the Nuisances Removal Act, and they do do so upon being required.

10,084. But yet there are some cesspools?—Yes, there are some cesspools, but not to the extent that there were some few years ago.

10,085. Are there any parts of the town where such accumulations produce fevers and ill health?—I do not think you could point to any particular part. Tiverton I think is very much subject to low fever, but I think that arises chiefly from the water being polluted in its course more than from anything else.

10,086. Where nuisances are reported to the commissioners, do they take the case before the justices?—If necessary, if they are not removed and suppressed at once.

10,087. Are you obliged to proceed through the justices?—Yes, we proceed through the justices. In the first instance notice is given to abate the nuisance, and if that is not attended to, then the parties are summoned before the justices.

10,088. And does that generally end successfully in getting the nuisances removed?—They are generally abated upon the notice being given, without a summons.

10,089. Upon whom is the cost charged?—The corporation pay the costs of the notice.

10,090. I mean the cost of abating the nuisance?—Upon the owner or occupier as the case may be; but there is a difficulty in the Nuisance Act in 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.

10,091. Has that doubt ever led to litigation, or an appeal from the order?—No. I do not think so.

10,092. Have you ever had any communication with the Local Government Act Office about your local affairs?—We have not, at least not within my recollection.

10,093. What are your powers as to cleansing slaughterhouses and pigsties, or keeping such places at a sufficient distance from dwelling houses?—I do not think that the Nuisance Removal Acts give us sufficient power to act. I think that it would be desirable to keep slaughterhouses outside the town altogether, at a prescribed distance from any dwelling house; at present there are several quite in the heart of the town, and they are frequently the subject of complaint. They are cleansed for the time, but as every one knows they must be again in a very filthy state in a few days unless great care is taken.

10,094. That is a defect in the general public Acts and not in your local Act, is it not?—Yes, certainly. We have no power, I think, to suppress them altogether.

10,095. And you think that the public Acts are deficient in that respect?—I do.

10,096. What is the power of your local authority over dilapidated houses and buildings which are certified by a medical man to be unfit for habitation?—We have found a great difficulty on that very point. There are certain houses in the town which are quite unfit for human habitation, and yet we have no power to repair them or to insist upon them being repaired, consequently they are inhabited, and I think they generate disease from their unwholesome state.

10,097. Do you know the powers which are given on that point in the Local Government Act?—I do not.

10,098. Have you a medical officer or an officer of health?—No, we have not.

10,099. Do not you think that such an officer would be useful?—I do.

10,100. Has the appointing of such a man ever been discussed?—It has not, at least not within my recollection.

10,101. Who then gives notice to the commissioners of such a state of dilapidation of houses as you have been alluding to?—We have no power to deal with them. It has been frequently tried to bring them under the head of a nuisance, but a dilapidated building, I think, can hardly be called a nuisance within the meaning of the Nuisance Removal Acts, and nothing therefore has been done.

C. M. Hole, Esq.

10 March 1870.

10,102. Have the commissioners ever given notice to the owners of such dilapidated houses that they must repair them?—The town council have done so.

10,103. But such notices have been unattended to?—Just so.

10,104. And the council have felt a want of power to follow up the notice?—They have felt themselves powerless.

10,105. (*Mr. Powell.*) Have you taken any proceedings under the Act of 1868, known as Mr. Torrens' Act, the Artizans and Labouring Classes Dwellings Act, which deals with dwellings in an unwholesome state?—No, we have not. In fact, the Sanitary Acts and the Nuisance Acts are very much involved, and it is very difficult to read them together so as to ascertain what powers there really are.

10,106. (*Chairman.*) Have you common lodging houses in Tiverton?—We have three or four.

10,107. How are they regulated?—They are under the supervision of the town council, and licensed.

10,108. Are they generally well regulated?—I think not; they appear to me to be very useless, inasmuch as the workhouse is situated in the town, and could give accommodation to those who most frequently seek it at common lodging houses.

10,109. Do you think that the lodgers in such houses are generally of the lowest class?—Yes, those houses are frequently the resort of thieves.

10,110. Would you actually suppress them altogether?—I see no desirability in keeping them up. It is almost impossible to prevent crowding. Although they are licensed to receive only a certain number into each room, yet it is impossible to prevent their receiving more than they are allowed by the terms of their licenses.

10,111. Supposing your council were compelled to adopt the Local Government Act or its powers, do yon think that they would exercise the powers?—To some extent probably they would.

10,112. But you think they would require still a little further compulsion to induce them to put in force the powers given them?—I think that it is very probable.

10,113. Is it the fact that they are generally disinclined to do anything that costs money, even although it may appear useful?—I do not say that entirely, because within the last four years sewers of considerable length have been made, and great improvements have been effected in that respect.

10,114. How has the Vaccination Act been carried out at Tiverton?—The guardians of the union are responsible for carrying out the Vaccination Act, but I am afraid that there are a great number of children unvaccinated at the present time. The guardians have not put the Act in force, that is to say, they have not employed anyone to prosecute. If that were done, and if a few prosecutions took place, I think there would be very few children unvaccinated in a short space of time.

10,115. Whom ought they to employ to prosecute persons neglecting the Act?—The Act does not point out any particular person. It only enables the guardians to pay a person, but does not compel them. I think that if they were compelled to employ a person they would do so.

10,116. How does it come to the knowledge of the guardians that any person has neglected the Act?—By the last Vaccination Act the registrars are compelled to make a return quaterly of unvaccinated children.

10,117. Do you suppose that the registrars fulfil their duty?—Yes, they have done so, I think.

10,118. Is it the cost of the prosecution that the guardians are afraid of?—I think it is.

10,119. They do not see that the cost would be amply repaid by keeping the poor in better health?—No; I think that is the mistake which the guardians make, they do not see that a small outlay at the present time is amply repaid by the health which would be gained.

10,120. (*Mr. Powell.*) When you state that the corporation have made byelaws, have they done so? under the powers of what Act?—Under the Municipal Corporation Act.

10,121. Can you give the Commission concisely the subject matter dealt with in those byelaws?—Yes; first of all cleansing the town waters, what is called the town leat. The water which comes into the town rises some four miles from the town, and enters the town in an open channel. The corporation have that channel in some measure under their control, and they have made a byelaw that anyone polluting it may be summoned and fined. Then there is a byelaw against diverting that water. They have power to repair and cleanse the leat. There is also a byelaw against depositing ashes, cinders, filth, offal, or rubbish in the streets, and one relating to filth from cesspools, and one as to dung in the streets; and also as to furious driving, fireworks, tar barrels, as to tallow or soap chandlers or brick burners' business. No person shall commence, practise, or carry on, from the date of this byelaw, the trade or business of a tallow or soap chandler or boiler, or brick burner, in any building now or hereafter to be erected within the borough, within the distance of 100 yards from any dwelling, whether inhabited or not, at the period of commencing such trade or business, under a penalty of 5*l.*, and that any conviction under this byelaw shall be no bar to a second conviction for the like offence upon a future occasion, for the continuance or non-abatement of such trade or business. Probably the byelaw as to the town leat is as important as any: "If any inhabitant or "other person residing within the town or parish "shall at any time hereafter wash any clothes, wool, "mops, or any other thing in the leat or streams of "water which come into and through the streets of "the said town, or shall wash any clothes, wool, or "other thing so near thereto as may give offence to, "annoy, or render filthy or unclean the said streams, "or any of them, or shall throw any excrements, "or any other dirty, offensive, noxious, or unclean "matter or thing into the same, or any part thereof, "or shall suffer any dye water or other foul water "to run into the same, or shall throw any excrements, "filth, or any other dirty, offensive, noxious, or "unclean matter or thing whatsoever into any of the "streets of the said town, then every such person so "offending shall forfeit and pay for every or any such "offence a sum not exceeding 5*s*."

10,122. When you speak of a byelaw affecting filth from cesspools, does that refer to any overflow from cesspools, or to the keeping clean as far as it may be of the cesspools themselves?—It would meet both those points. There is no power to compel the emptying and cleansing of cesspools under those byelaws, but under the Nuisances Removal Act we have the ordinary power.

10,123. Is the source of the water of which you spoke within the parish of Tiverton?—Yes, within the parish and borough.

10,124. Is it within the jurisdiction of the local authorities?—Yes, it is within the jurisdiction both of the commissioners and of the town council.

10,125. Then their power to keep the stream pure extends up to the source?—Yes.

10,126. What is the nature of the source?—A spring.

10,127. Why is it that the Baths and Washhouses Act has never been adopted in your community?—I can hardly give any good reason, or indeed any reason at all.

10,128. Have you lace schools in Tiverton?—There is a school attached to the lace factory, which is kept up by the owners of the factory.

10,129. Do you find that that lace school is overcrowded?—No, there is ample accommodation, I think.

10,130. Are the hours of work long?—I think not.

10,131. Will you state what amendment of the law you would suggest with regard to the keeping of swine?—I would prevent their being kept within a certain prescribed distance of any dwelling house, and

C. M. Hole, Esq.
10 March 1870.

certainly altogether within, say, half a mile radius from the centre of the town.

10,132. You would prevent their being kept altogether?—Yes, within the town, or within a prescribed distance of a house.

10,133. You would not allow any keeping of swine at all, however cleanly that keeping might be?—I think it undesirable.

10,134. Can you see any reason why the provisions of the Artizans and Labouring Classes Dwellings Act of 1868 should not be put in force in your borough?—That might meet the difficulty before referred to, but I have not had my attention directed to that Act.

10,135. (*Earl of Ducie.*) With regard to vaccination, is there any prejudice against it locally?—No, I think not. There seems to be a disinclination on the part of the guardians to enforce the provisions of the Act.

10,136. But the poor have no prejudice against it, have they?—I think not, not generally, at any rate.

The witness withdrew.

Adjourned to Monday next, at 12 o'clock.

Monday, 14th March 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF ROMNEY.	Lieut.-Colonel EWART, C.B., R.E.
The EARL OF DUCIE.	JOHN ROBINSON MCCLEAN, Esq., M.P., F.R.S.
The Right Hon. RUSSELL GURNEY, M.P., Q.C.	SAMUEL WHITBREAD, Esq., M.P.
The Right Hon. STEPHEN CAVE, M.P.	JOHN TOMLINSON HIBBERT, Esq., M.P.
Sir THOMAS WATSON, Bart., M.D., F.R.S.	FRANCIS SHARP POWELL, Esq.

BENJAMIN SHAW, Esq.

(81.) BASIL THOMAS WOODD, Esq., examined.

B. T. Woodd, Esq.
14 March 1870.

10,137. (*Chairman.*) I think you were member of parliament for the borough of Knaresborough till the last election?—Yes, till the last election; since 1852.

10,138. The Commission hope that you will be able to give them some little information as to the state of Knaresborough before it adopted the Local Government Act, and the reasons why it adopted that Act?—I shall be very happy to tell you all I can. I have no papers nor documents with me. I happened to be in town when I received your secretary's note on Friday, and I have not had time to get anything from the country; indeed, I hardly know what questions you wish to ask me, but I shall be happy to give any information in my power.

10,139. You will understand that we are getting evidence as to the general condition of towns of all sorts which have adopted the Act as compared with those which have not adopted the Act, and we thought that Knaresborough having recently adopted the Act, could give us some illustration of the reasons which induce a borough of that size to adopt the Act?—At Knaresborough there has been a board of local commissioners in existence for many years, under an Act of Parliament; I really do not know the date of it, but I should think it must be 50 years old, for there is only one original commissioner now living, and that is Mr. Collins, who is a very old man.

10,140. Were you a member of that board?—Yes, I was a member of that board of local commissioners, and the reason of our placing ourselves under the Local Government Act was, that under the powers of the former Act we were not able to do anything in the way of supplying the town with water; we were able to deal with gas and with the general drainage of the town, but not with water. There is a company for supplying Harrowgate with water, which is about three miles off, which proposed to enlarge their powers very considerably with regard to Harrowgate, and also to take power to extend their works to Knaresborough, which no doubt might have given us a very good supply of water, but we thought that the rates which they would have power to charge under their Bill were excessively high, and we had already old waterworks in the town which were private property, and which gave us a very fair supply of river water filtered.

10,141. Who had undertaken those original waterworks?—A man of the name of Ellison; they were private property, and the owner only died last week.

10,142. With regard to those things which your commissioners had power to do, did they effectually carry out their work?—I think on the whole the town was in fair order; drainage was a thing that had only been attended to latterly; but certainly within the last 15 or 20 years a considerable sum of money was borrowed on the credit of the rates to be repaid by instalments, and expended in draining the town, whereas previously to that the drainage of the town was in a very bad state, indeed there was scarcely any drainage at all, cesspools abounded all over the place.

10,143. What is the plan of drainage which the commissioners carried out?—The surface of the town is so very irregular, that the drainage has been just carried down each street to suit the fall of the land. There is scarcely a piece of level ground in the whole town. A main drain is carried down the centre of each street, and the houses drain into it, and the sewage is carried out into the river below the town. That is the way in which the town has been drained.

10,144. Has there ever been any proposal to utilize the final discharge?—No, there has not.

10,145. Do you think it likely that the local board now established will do so?—I do not think they will, unless there is some special reason which has not yet arisen.

10,146. Is it your opinion that it might be done?—I suppose that it might be done, as it is done in other places.

10,147. Is there a system of surface drainage separate from the sewers?—I can hardly say that there is. I think what you may call open drains, that is, rain water drains, all drain into the sewers.

10,148. Since the drainage has been carried out, have cesspools ceased to exist?—I think so generally. I think that the town is far more healthy than it was.

10,149. Did the commissioners carry out a system of inspecting nuisances?—Yes, we had a nuisance inspector, and the town was and is kept very fairly clean. He looks after the slaughter houses and dunghills, and everything of that kind.

10,150. Was he a man who was specially employed for that purpose?—He was a sergeant of police, who was armed with those powers. He has now retired from the force, but we still employ him in the same capacity.

10,151. And give him a salary for that purpose?—Being a member of the police we could not give him a salary, but we were allowed to give him a gratuity; he is now a retired officer on a pension, and he does the work for a very much less sum than we could get a regular inspector to do it for; he is also the inspector of lodging houses.

10,152. Did he belong to the county police?—He did belong to the county police.

10,153. Did they object to his being so employed?—They objected to his being employed as a salaried officer, but not to his receiving a gratuity. I think we gave him a sum of *5l.* a year, or something of that sort. Owing to an injury received during service he was allowed to retire upon full pay.

10,154. Did the gratuity bear any large proportion to his income from the pension?—We offered him a gratuity of some amount, such as *8l.* a year, as the inspector of nuisances and as the inspector of lodging houses, and his pension is *4s. 2d.* per day.

10,155. Had the commissioners a health officer?—No, we had not.

10,156. Under what regulations were lodging houses?—They were under the ordinary Lodging House Act.

10,157. Are nuisances reported as a matter of frequent occurrence?—No; at our monthly meetings he generally attends, and mentions anything that he may have done; but he is a tolerably active man, and it is very seldom that he has to make any complaint. He takes the matter in his own hands, and provides for the cleaning out of the cesspools, &c., when necessary.

10,158. When the inspector reported a nuisance to the commissioners, what had they to do to get that nuisance removed?—If the nuisance continued they had a power to apply for a summons before the magistrates at petty sessions.

10,159. Were they practically removed?—Yes, generally speaking, I think. I only remember two or three cases coming before us, sitting as magistrates, in which there was any difficulty with the inspector, within the last five or six years.

10,160. What was the nature of the difficulty there?—Only the party refusing to do what the inspector called upon him to do, in emptying a dunghill or whitewashing a privy, or something of that kind; but there were powers under the local Act of compelling him to do it by taking proceedings before the magistrates, and by a penalty.

10,161. Were those cases in which the occupiers or the owners were charged?—The occupier in all cases, I think.

10,162. Is Knaresborough generally a pretty healthy place?—Yes, I think it is. The number of deaths is apparently rather high in proportion to the population, but that is accounted for in consequence of the workhouse being within the parish; it is the workhouse for the whole union, and of course a considerable number of paupers are brought there from other parishes who die within the place, and they are all registered as belonging to the town. The number of burials is about 200 in the course of the year in a population of between 5,000 and 6,000, that is nearly 30 to the thousand. The large number is accounted for very much in that way.

10,163. How long has Knaresborough adopted the local Act?—Only last year.

10,164. So that you can hardly say what they are likely to do?—At present we have not done anything under it in the way of supplying the town with water. As I stated the object of our adopting the Act was to prevent our being over-ridden by a Bill which was introduced by the Harrogate Water Company.

10,165. When were those drainage works carried out by the commissioners?—I should think about 15 or 20 years ago; not more than that.

10,166. Can you state whether those drainage works have improved the healthiness of the town?—Yes, very decidedly. I think the rate of burials frequently came up to 250 a year in former times.

B. T. Woodd, Esq.
14 March 1870

10,167. Were there particular parts of the town in which there were great accumulations of refuse before?—As in all towns there were one or two parts which were inhabited by a very low population, and they were always extremely unhealthy, and at the same time being on the slope of a hill where the drainage would carry off any accumulation of refuse.

10,168. How is your present local board composed?—We adopt in that respect the rules of the old Act. I believe we were compelled to do that. The number is 30 commissioners and a certain number of *ex-officio* commissioners, the vicar, the representative of the duchy of Lancaster, that is to say, the deputy steward of the Forest of Knaresborough, and the three churchwardens, so that our board is very much larger than it ought to be for a place of that size; it is almost unmanageably large.

10,169. Do they work by committees?—They are divided very much into committees. The first election was in last May.

10,170. Is Knaresborough an old borough?—A very old borough.

10,171. What is the governing body of the borough?—There is no other governing body except those commissioners of whom I have spoken.

10,172. Is there a mayor or chief bailiff?—The returning officer is the deputy steward of the Forest, he is called bailiff for that purpose, but he has no authority whatever in the place.

10,173. Do you believe that this local board will more efficiently carry out the sanitary requirements of the town than the old commissioners?—I think it will. I think it is a great improvement upon the working of the old commissioners; our powers are so very much larger in all respects. Within this last month we have decided to adopt the market clauses, we had a public meeting for the purpose. That meeting has sanctioned the adoption of the market clauses, and the business is now before the Home Office. The gas we have under our old Act in our hands, and by degrees we hope to get the water supply also; that is to say, to buy up these present waterworks probably, and manage the town better. As you are also aware, under the Act we take the whole of the highways, we have got a fresh surveyor for the highways, a paid surveyor, who in the event of any change might be appointed inspector of nuisances at the same time.

10,174. (*Mr. Hibbert.*) Does Knaresborough form a union itself, or is it in some other union?—There is the union of Knaresborough, but it includes a good many rural parishes besides.

10,175. Is the boundary of your local board the boundary of the parish of Knaresborough?—The local board is older than the borough, as defined by the Reform Act of 1832, but the boundaries of the local Act were taken as the boundaries of the borough by the Act of 1832.

10,176. Is not any portion of the parish divided off outside the boundaries of the local board?—Yes, a considerable portion, the agricultural portion is outside, and there we only deal with the highways..

10,177. Can you state to the Commission how many parishes there are in the union of Knaresborough?—Twenty-one. I do not attend the board constantly.

10,178. Has your attention been given to the mode of carrying out sanitary works in rural districts?—I think not. I have never heard that subject discussed at the meetings of the guardians at all.

10,179. Is it your opinion that the board of guardians would be the proper authority for sanitary purposes in rural districts?—Speaking of the board as I know it, I do not think they would be men who would object to carrying out anything that was reasonable; but I think that in such a case as that they ought to have a very efficient inspector for the whole of the district. I think that the members of the boards of guardians generally in rural districts are not men who would be willing to take up a thing on their own account. If an inspector were to lay anything before the board, I think they would be perfectly willing to

B. T. Woodd, Esq.

14 March 1870.

carry it out to the best of their power, but they would not initiate any proceeding.

10,180. I presume that the board of guardians have no inspector of nuisances?—No, we have no inspector of nuisances.

10,181. Do you know of their ever having done anything?—I never heard of anything being done beyond the limits of the town commissioners.

10,182. If the law were to compel the board of guardians, as the sanitary authority, to have an officer of health, and he were to report to the board nuisances in various parts of the union, do you suppose that they would, as a body, be disposed to carry out the law?—Speaking of our own board, they are a seasonable set of men, and I think that they would do so.

10,183. (*Mr. Shaw.*) I think you said that you have a local Act?—Yes, an old local Act.

10,184. Do you find any clauses in that Act that give you better or more effectual power than you would get under the general Act for sanitary purposes?—No, I do not think that there are.

10,185. You have not found that you could work under it where you could not work under the general Act in any case?—No, I think not. Our experience of the general Act has been very short; it was only adopted last year, but we have not found any difficulty, either in one case or in the other, in carrying out anything that was desired.

10,186. Do you think that the guardians in rural districts are the best body to clothe with the sanitary authority of the district, or would you recommend any other body?—I do not think that if you were to elect any other body you would get a different set of men; you might not get the same individuals, but they would be men of exactly the same class, and in many cases they would be the same individuals. I do not think that in rural districts any body of men who would be likely to be elected would be more likely to carry out the powers of the Sanitary Act than the board of guardians.

10,187. (*Mr. Powell.*) Do you consider it a disadvantage in a board of guardians, in their capacity as guardians of health, that they should go out of office wholly once in each year?—That would create a difficulty no doubt; but practically a board of guardians is re-elected, or at least so large a proportion is re-elected that it is almost like the same board.

10,188. But supposing a board of guardians, acting as a sanitary board, wanted to adopt stringent measures which at the moment might be unpopular, although eventually they would probably become popular when their utility has been shown, should you not think it undesirable that they should run the risk of their being ejected on the first re-election, and sanitary reforms being arrested?—In such a case as that of course it would be desirable that they should be elected upon the principle of local boards, that only one-third should retire every year, or some proportion of that kind.

10,189. You would think that some reforms in that direction, if they could be accomplished, would be desirable?—Yes, to provide against such a contingency as you refer to.

10,190. Were you present at the meeting when a resolution was passed for the adoption of the Local Government Act?—Yes, I was at that meeting.

10,191. Was there any discussion at the meeting?—Very little. I was the chairman. I merely explained the object of our adopting the Act, and I think there was no counter resolution moved as far as I can remember. The other day, when we proposed to adopt the Market Clauses Act, there was an opposition, but it was not successful.

10,192. What was the nature of the opposition?—I think that it was merely opposed on the supposed ground that by adopting the Market Clauses Act we should be adding to the rates.

10,193. Are you aware of any clause which compels the member of the local board to be the same as the number of the old commissioners?—We considered the matter, and we come to the conclusion (I do not know whether we were correct or not) that we were bound to have the same number, because we conceived that the local Act did not override our old local Act, but to a certain extent was supplementary to it.

10,194. You do not intend to take any proceedings to repeal your local Act?—No, it is not worth while to do that, but I think that in a general Act it would be very desirable that the number of the commissioners should be rather more in proportion to the number of the inhabitants of a district than our present number, as we are very much in excess.

10,195. What is your present number?—Thirty, besides the *ex-officio* members. It is extremely difficult in a town of the size of ours, really to find 30 men who are fit to serve upon a board of that kind, who can give any time and attention to it.

10,196. Your new local board is elected, is it not, by a proper election?—Yes, in the usual mode, 10 retire every year; there are practically 35 altogether.

10,197. (*Mr. Russell Gurney.*) Has any mischief been found to arise from draining into your stream?—On the Nidd there is no town between us and its junction with the Ouse, which is a much larger river, and therefore we have had no complaint made. The drainage is carried into the river below the town; it is a rapid stream, and passes away immediately. The supply of water, I may say, is taken from above the point where the drainage goes from the town. We are now inclined to complain of the drainage of Harrogate, which is above us, and they are now compelled to take steps with regard to their sewage. Nobody below us has complained till we get to York.

10,198. (*Mr. Cave.*) Do you think there would be any inconvenience in a portion of the guardians forming a sanitary committee not liable to go out with the rest?—No, I should not think that there would be any inconvenience—only in another point of view it would not do to render those guardians permanently elected guardians, they would have to run the risk of being turned out of office as usual, I believe.

10,199. The sanitary committee in that case would be composed necessarily partly of guardians and partly of those who had been guardians, but were no longer so?—Yes, and there would be no objection to that that I can see, except as a matter of convenience of meeting.

10,200. (*Earl of Romney.*) It might be a matter of convenience that that should be allowed; but do not you think it is rather contrary to practice that a body that goes out every year should appoint out of themselves a body who would not go out every year?—That is just what I referred to in answer to the right honourable member. My answer bore upon that difficulty, that if there was a permanent committee elected, in the case of their going out of office what would become of them? whether they are to remain members of the committee still or not?

10,201. The first thing that puts a man in the position to be on the committee is that he is an elected guardian?—Yes.

10,202. Then he ceases to be a guardian; he is turned out by the person who is elected, but yet he still continues, by virtue of the former election, to be on the committee; that would be the operation of it?—That might be the operation, and it might so happen that the whole of the sanitary committee had ceased to be guardians at the time.

10,203. Do you know any case at all like that?—No, I do not remember any such case.

10,204. (*Chairman.*) Which do you think would be the best local authority in a rural district, the whole board of guardians or a committee elected by the board of guardians for the special purpose?—I should almost be inclined to say the whole board of guardians, on account of the difficulty of getting members of a committee to attend sufficiently. The attendance of the guardians, except those who are near, is often irregular. If there is no business concerning their own township they very often do not come to the board at all.

10,205. What should you think of such a plan as this that the whole board of guardians should be the local authority for a union, but that when any works were to be carried out they should appoint an executive committee in which that particular place where the works were to be carried out should be represented?—That might be done very easily, because the guardians now appoint committees amongst themselves for the particular management of a workhouse, or for any work that may be going on, any building work or anything of that kind. The whole board is divided into different committees as a matter of convenience.

10,206. What should you think of this proposal: that the board of guardians should elect a committee, but elect anybody they please, whether in their own body or not, provided they be ratepayers in the union?—I do not know whether that would work satisfactorily to the ratepayers.

10,207. The suggestion to my mind is made by Mr. Forster's Education Bill, where he proposes that school boards shall be elected by the vestries, although the vestries may elect who they please without any qualification whatsoever, the vestry being supposed to represent the ratepayers and to act as their representatives, and that the electoral body should choose a number of persons whom they thought proper and necessary for the board?—But in that case the school board is elected by the ratepayers at large, is it not?

10,208. My idea was taking the board of guardians as a sufficiently representative body, being elected by the ratepayers, who might leave them to elect the sanitary committee whom they pleased?—I do not know how the ratepayers would like that. It might work very well practically as to the set of men who would do the work. You might get a very good sanitary board, but I doubt whether the ratepayers would be quite pleased about it.

B. T. Woodd, Esq.

14 March 1870.

10,209. (*Mr. Cave.*) How do you think it would answer if the sanitary committee of the guardians were not allowed to exist for more than two years, unless re-elected as guardians?—That would be a step in the direction of permanence, and a right step, if you could only still satisfy the ratepayers. The space of two years, perhaps, would not be so very important, provided there was the power of turning them out at the end of the second year instead of the first if the ratepayers were dissatisfied with the manner in which they expended the money.

10,210. (*Earl of Romney.*) If your object were to satisfy the ratepayers entirely, would not the effect of that be to give them the power to stop useful works?—I do not think that it would practically work so. It would give them the power no doubt at the end of the year.

10,211. Is there not a strong tendency on the part of a large number of the small ratepayers to stop the outlay of money as soon as it reaches at all a large amount?—There would appear to be so; but I think practically you find that bodies, such as town councils, generally do spend a very great deal of money, and the ratepayers do not stop the operations. As a rule, I think it is found so. The money that is spent by town councils is something very enormous indeed. Take a town like Leeds, for instance; the money they have spent since Leeds has been a municipal borough is something enormous.

10,212. (*Mr. Powell.*) When a vacancy had arisen in the old commissioners, was not the election filled up by the inhabitants?—When they were reduced to the number of 11 then there was a fresh election, and the number was made complete.

10,213. And that appears to bring the body of commissioners within the definition of the Public Health Act of 1858, which says that the Act is to be executed by commissioners, whether already part of them are elected by the ratepayers or by owners and ratepayers?—Yes.

The witness withdrew.

(82.) The Rev. Henry T. Dowler examined.

Rev. H. T. Dowler.

10,214. (*Chairman.*) You are the vicar of Aldeburgh, in Suffolk, are you not?—I am.

10,215. What is the size of Aldeburgh?—At the census of 1861 the population was 1,812.

10,216. Can you state the acreage?—The area is 1,783 acres.

10,217. Are you upon the sea coast?—Yes.

10,218. What body governs the place in all sanitary matters?—The corporation acting under a charter of Charles I., granted in 1638.

10,219. What is the body which acts for the corporation?—The corporation itself, consisting of two bailiffs and 12 burgesses, there are 24 inferior burgesses, as they are called, who do not act; but the acting body will be the two bailiffs and 12 capital burgesses.

10,220. Who elects the burgesses?—They elect themselves.

10,221. Was Aldeburgh excepted from the Municipal Corporation Act?—Yes, it was not included in the schedule.

10,222. Under what local Act does the corporation carry out sanitary measures?—There is no local Act at all.

10,223. Their powers for sanitary measures are merely under the Sanitary and Sewage Acts?—Just so.

10,224. Have they done anything in the way of draining the town?—No, nothing has been done. Perhaps I might say that there would be great difficulty in draining the town by sewers on account of its dead level, there being no outfall except into the sea itself, and as Aldeburgh is a watering place, and its chief attraction is its bathing, the circumstance would not perhaps be very agreeable to the visitors if the sewage were drained into the sea.

10,225. What becomes of all the refuse of the houses?—There are cesspools, and these cesspools are emptied when required, and the contents carried a considerable distance, mixed with earth, and then sold as manure to the neighbouring farmers.

10,266. Have they a regular system of doing that?—No, there is not a regular system. There is a man not regularly appointed, but he is the person who does offices of that kind when required.

10,227. Then there is no regular scavenging system?—No, there is not.

10,228. How often is this clearance made of the cesspools?—Just when necessity requires, when they become full.

10,229. That is when each person wants it done?—Yes.

10,230. Do they apply to the town?—Not to the town, but to the person himself.

10,231. Then there is no check upon individual neglect?—Not at all.

10,232. Does that end in a great many cesspools being not kept as clean as they should be?—I have not heard complaints that such is the case.

10,233. What is the supply of water?—The supply of water is chiefly from wells.

10,234. Is the water good, or is there any case in which water is fouled by those cesspools?—I can scarcely give perhaps a proper answer from my own authority, but I thought that it was just possible that a question of that kind would be put to me, and I myself put a similar question to our resident medical man. The question was this: "Is the drainage of "the place in such a state as to affect the health of "the inhabitants?" and he says, "No." Then the next question was: "Is the water supply from its "nature likely to do so?" and that question he answers, "Yes," after numerous tests I have found "in 10 or 12 instances that the water supplied to

Rev. H. T. Dowler.

14 March 1870.

"the town generally for drinking purposes contains "organic matter."

10,235. Who makes the wells?—Private individuals.

10,236. When you talk of the drainage as good, what drainage do you refer to?—I did not actually say that drainage is good. My question to the medical man was: "Is the drainage in such a state as to "affect the health of the inhabitants?" and he says, "No," and he gives his reason for it: "The system "of our drainage is bad, but any malaria that "could possibly arise from such a source is more than "compensated for by the peculiar features of the "town itself, it being extremely long and straggling, "and exposed directly to the German Ocean, the air "being loaded with ozone."

10,237. I think I understood you to say that there is no system of drainage?—None, except surface drainage; the water as it falls upon the surface is received into what we call dry wells, but there is no system of drainage from the houses at all.

10,238. What is the general state of health?—I think very good; the death-rate is very low. The number of deaths during the nine years that are last past has been 266, giving the average death-rate of 16 per 1,000, and I could give some instances with reference to the longevity of the people living in the place. Out of those 266 that have died during the last nine years, 33 have averaged 76 years of age, 16 have averaged 84 years of age, two above 90 years of age; and there is a person living in the town now, a woman, whose son told me the other day that she was over 105.

10,239. You attribute this rather to the ozone of the German Ocean than to the sanitary regulations of the place?—In a great measure.

10,240. Have you ever had cases of epidemics?—No.

10,241. Have you had scarlet fever?—There have been cases of scarlet fever, but not as epidemics.

10,242. Has cholera ever attacked you?—No, never. Another question that I put to the medical man was this: I said, "Is Aldeburgh subject to "epidemic diseases of any kind arising from local "causes, such as diphtheria, smallpox, typhus fever "and scarlet fever?" His reply was, "No, diphtheria "is unknown and smallpox is unknown, typhus and "typhoid fevers are very rare indeed. Each instance "that we have had of scarlet fever has resulted from "a case imported."

10,243. What is the nature of the subsoil?—The subsoil of the town itself is very coarse shingle.

10,244. Are you generally satisfied with the corporation as a sanitary government?—Yes, I think so, so far as their powers extend; of course their powers are very limited as a sanitary body.

10,245. Has it ever been proposed to adopt the Local Government Act?—Yes, it has; two or three propositions were made and a public meeting called, but the proposal was rejected by the majority of the ratepayers.

10,246. What was the general character of the opposition?—I think it was a fear of the great expense that would be entailed.

10,247. Who were the people that promoted the plan?—Chiefly the members of the corporation.

10,248. Were they persons of the richer class?—Yes.

10,249. And was their object to carry out any particular sanitary works?—Yes; I think one main object was to carry out a system of drainage.

10,250. Then the cesspool system does not give satisfaction to the richer class?—To some of them it does not.

10,251. The objection which you seem to have to a thorough drainage, with an outfall into the sea, as Aldeburgh is a watering place, might be removed, might it not, by utilizing the sewage so collected?—Yes, it is possible that it might be if it were carried in another direction. There are marshes on one side of the town into which it would be possible to carry the sewage, and to disinfect and deodorize there.

10,252. And if you had a Flemish farm there it might be profitably utilized?—Yes, it would.

10,253. (*Mr. Shaw.*) Have you any cases of what are called enteric fever?—No, I never heard of one.

10,254. Nor gastric fever?—No. There has been one case of typhoid fever during the last nine years, and the medical man said that it was not indigenous, but that it was imported.

10,255. Those cesspools are not bricked, are they?—Yes they are, I think. Most of them are certainly.

10,256. Still, I suppose, your medical man's view must be that the sewage matter penetrates into the subsoil and gets by that means into the water?—I think not. I rather imagine that he takes it for granted that immediately the cesspools are filled they are emptied by the person appointed for the purpose.

10,257. How does he trace the animal matter into the water that is drunk?—That I cannot say. He calls it organic matter, but whether it would be drawn from those cesspools or not I cannot say, but I should think not, because the public wells of the town are some considerable distance from private houses and private cesspools.

10,258. Are the wells covered?—Yes, they are; they have pumps over them.

10,259. What is the upper soil?—The immediate upper soil is very coarse shingle, large stones like the shingle of the Dover and Deal coast, for example.

10,260. (*Mr. Powell.*) I observe from the report of the Municipal Corporation Commissioners of 1835 that at that time the corporation had a revenue from the town marshes exceeding 300*l.* a year. Do you think that there is any surplus arising from that source which could be beneficially employed in the sanitary improvement of the place?—I certainly think so. Their revenue is more than 300*l.* a year now considerably; I should say it is as much as 500*l.* a year. The great want, I conceive, of Aldeburgh with regard to sanitary purposes is a better supply of water, and that supply of water might be very easily obtained from a source almost close at hand. In fact, there are very considerable springs rising at the back of the town about half a mile or three quarters of a mile from it; springs, I should say, that would produce 10,000 gallons in a day of the most beautiful and pure water, but the corporation are not empowered to make any waterworks, simply because their charter does not give them the power of borrowing the money that would be necessary to do it in the first instance; but if the corporation had the power given them to raise money upon the security of their landed property, I have no doubt that they themselves would immediately erect waterworks, and supply the town most efficiently with pure water.

10,261. In fact you would desire, as a reform of your local affairs, that there should be power to make more use of those public possessions?—Yes, certainly, that is the great want, as I consider, of the place. There is the machinery, but they have not the power to put it in motion.

10,262. Are the wells numerous?—The public wells are not very numerous, there are about three or four, but most private houses have their own wells.

10,263. Are those wells in the neighbourhood of cesspools?—The public wells are not in the immediate neighbourhood; they are in the public streets, but of course there are houses adjoining not very far from them.

10,264. But the private wells, doubtless, in many cases will be near cesspools?—Yes, certainly they would.

10,265. What was the water which this medical gentleman tested?—Water from the public wells, and also from some of the private wells.

10,266. Was the medical gentleman an inhabitant of Aldeburgh?—Yes.

10,267. (*Mr. Russell Gurney.*) Of course the private wells, many of them, are very near the cesspools?—Some private wells are probably very near the cesspools, but I was asking him some questions with reference to the fact of what he states here, of having found organic matter in the water, whether in the course of his experience he had ever found that it resulted in the ill-health of the inhabitants who consumed that water, and he said "No."

Rev. H. T. Dowler.

14 March 1870.

10,268. (*Mr. Powell.*) Do you think that the corporation as it now stands would be a fit body to carry out sanitary improvements?—Yes.

10,269. Unreformed?—Yes, I think so.

10,270. Is it elected by a popular suffrage?—No, they elect each other. When a vacancy occurs, the remaining capital burgesses elect another to fill the vacancy.

10,271. I observe in the report to which I have made reference that the bailiffs are annually elected from the capital burgesses by the bailiffs in office, the capital burgesses, and the 24 inferior burgesses, and they are removable by a majority of the council?—Yes, they are.

10,272. Who are the capital burgesses, how are they chosen?—They choose themselves; when a vacancy occurs they immediately elect another one to fill up the vacancy.

10,273. They form within themselves, that is to say, a self-elected college?—Precisely so.

10,274. Who are the bailiffs in office?—The bailiffs in office are elected by the whole body, both the 24 as well as the 12, once a year, their office is an annual one.

10,275. What constitutes the qualification of the burgesses?—I do not think there is any peculiar qualification required for the burgesses, anybody may be elected. Supposing there is a vacancy, the 11 may elect anybody, whether he lives in the parish or not.

10,276. (*Mr. Hibbert.*) Must he not be a ratepayer?—No, not at all.

10,277. (*Mr. Whitbread.*) You stated in reply to a previous question that you were satisfied with this corporation as far as their powers went, but that their powers are very limited. Supposing an Act were passed which gave the corporation very large powers, do you think that they would be willing to put them in force?—Yes, I do.

10,278. Do you think that, supposing the using of those powers threw a considerable burthen upon the ratepayers, the ratepayers would be willing to submit to the works and to the course proposed by this body?—My own impression is, with reference to the corporation and its revenues, that if you gave them the power they would use their own money for the purpose, and would scarcely call upon the ratepayers to pay anything at all.

10,279. What do the revenues of the corporation consist of?—Between 500*l.* and 600*l.* a year.

10,280. Can you give us the annual gross estimated rateable value of the property of Aldeburgh?—About 6,700*l.*

10,281. And can you give the Commission an idea of the amount of the local rates existing at this moment?—I think the poor rate is about 2*s.* in the pound in the year.

10,282. Then the rates for local purposes, how much?—There is only the surveyor's rate to add to that, which would be 6*d.* in the pound besides—say 2*s.* 6*d.* in the pound would cover all the local rates. The church rate is now no longer in existence, it is upon the voluntary principle.

10,283. (*Mr. Hibbert.*) Have you any police rate?—No.

10,284. Who appoint the police?—The county.

10,285. (*Mr. Whitbread.*) The ratepayers of the town have no direct representation in the corporation, have they?—No, certainly not.

10,286. And it would give rise to jealousy if you began to spend the ratepayers' money?—I think so, but as I said before, I believe the members of the corporation are liberal, and they would expend cheerfully their own money, and if they had power to raise capital for sanitary purposes upon the security of their landed property they would do it.

10,287. (*Mr. Russell Gurney.*) That is now applied in lieu of rates, but if that property was mortgaged they would have to pay higher rates?—No, there is no portion of the corporation property applied in alleviation of the rates at all.

10,288. How is it expended?—That is a question.

10,289. (*Mr. Whitbread.*) Is there a published account of it?—No, there have been no published accounts of late years, and it is very much to my annoyance that there have not been.

10,290. (*Earl of Ducie.*) Is there much municipal conviviality?—No, I think not. There is one large and expensive festival every year.

10,291. Paid for out of these funds?—Yes, that is paid for out of the corporation funds.

10,292. (*Earl of Romney.*) Are there no signs at all of how they spend their money?—Yes, we have some insight into it. They give, I am thankful to say, 20*l.* a year to the national schools and they give 20*l.* to the infant school. Their legal expenses, I believe, are rather large; we have no lawyer living in the place, and the magistrate's clerk and the town clerk are obliged to come from a distance of some 15 miles, and I think that the salary of one is about 60*l.* or 70*l.* a year, which dips rather deeply into their income.

10,293. What office does he who gets 60*l.* or 70*l.* hold?—He is the magistrate's clerk. There is a petty sessions held every fortnight, and he resides at a place called Woodbridge, 16 miles distant.

10,294. How often do they sit?—Once a fortnight, every alternate Saturday.

10,295. That is the magistrates of the corporation?—Yes, not the county magistrates. The bailiffs are magistrates by virtue of their office as such.

10,296. (*Mr. Powell.*) I observe in the report of the commission that "tavern entertainments" are mentioned as such expenditure, would that be the case?—This annual festival that I was mentioning just now takes place at a tavern, and I suppose it would mean that.

10,297. (*Mr. Cave.*) Do you imagine that there is any accumulation of money?—No, I think there is no accumulation of any considerable amount.

10,298. How deep are the public wells?—Perhaps about from 20 to 30 feet.

10,299. Then they go below the shingle, do they not?—Yes.

10,300. What is the soil below that?—The soil below that is clay.

10,301. And the water comes from the clay?—Yes.

10,302. Is the sewage that is taken from the cesspools utilized?—Yes. I mentioned before that a person carries it away where the corporation requires him. It is carried outside the town, mixed with a quantity of earth, and sold to the neighbouring farmers as manure.

10,303. Does it more than pay the expense of clearing out?—No; that is quite a private affair with the man himself, who removes the soil, he is not appointed by the corporation at all, it is a private arrangement between individuals.

10,304. (*Earl of Romney.*) Does that man pay for it?—I think not.

10,305. (*Mr. Hibbert.*) Has there been any proposal for spending any portion of the funds for drainage purposes within the borough?—No, there have been no direct proposals. As I mentioned before it was a great point with several members of the corporation to get the Towns Improvement Act adopted, and it was with that view chiefly of carrying out a system of drainage by sewers.

10,306. There are no sewers as I understand; what becomes of the surface water, how does it get

Rev. H. T. Dowler.
14 March 1870.

away?—The surface water goes through shingle, it is very coarse shingle, and any amount of water would be absorbed instantly.

10,307. Does the town range parallel with the shore?—Yes.

10,308. Is it much higher than the shore?—No, it is upon the beach itself, upon the crown of the beach.

10,309. The water would get away from the houses on to the shore?—Just so.

10,310. (*Earl of Romney.*) It is a very steep beach, is it not?—It is rather so.

10,311. Are not the private wells and those cesspools very often very near each other?—Yes, I should think they were, some of them.

10,312. And then it is shingle which the surface water passes through so quickly?—Yes, but the cesspools are all bricked, and I do not think that they are pervious to water.

10,313. Supposing a person neglected to have them cleansed out at the proper time, if a heavy fall of rain came it would percolate through this shingle and go down to the wells?—It is possible that it might do so, but the number of public wells is comparatively very small. The town is chiefly supplied by private wells.

10,314. Are the public wells so situated that no percolation from the cesspools could come to them?—They are not very near, certainly.

10,315. What do you mean by very near? as near as the length of this room?—More than that considerably.

The witness withdrew.

Adjourned to Thursday next at 12 o'clock.

Thursday, 17th March 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

THE EARL OF ROMNEY.
THE EARL OF DUCIE.
THE RIGHT HON. STEPHEN CAVE, M.P.
LIEUT.-COLONEL EWART, C.B., R.E.
JOHN ROBINSON MCCLEAN, ESQ., M.P., F.R.S.
SAMUEL WHITBREAD, ESQ., M.P.
JOHN TOMLINSON HIBBERT, ESQ., M.P.
GEORGE CLIVE, ESQ.
FRANCIS SHARP POWELL, ESQ.
BENJAMIN SHAW, ESQ.
FRANCIS THOMAS BIRCHAM, ESQ.

G. F. Chambers, Esq.
17 March 1870.

(83.) GEORGE FREDERICK CHAMBERS, Esq., examined.

10,316. (*Chairman.*) You are a barrister and chairman of the Bromley local board?—I am.

10,317. Are you acquainted with other local boards, in Sussex as well as in Kent?—I have had many opportunities within the last few years of studying the working of the Local Government Acts.

10,318. Are you generally favourable to the principle of the Local Government Acts?—Yes, I am.

10,319. Do you think that they require alteration?—Yes, I think they require alteration.

10,320. In what general particulars do they require amendment?—They require amendment in reference to the constitution of the boards; that is to say, in reference to the character of the men who serve upon them, and I think it expedient to lessen the discretion now conferred on them.

10,321. Do you think that a better class of members is wanted?—Yes.

10,322. How would you propose that that should be brought about?—That is a very difficult question to answer, because it raises so many other questions concerning the want of interest generally felt by educated people in this country in local politics and local affairs generally. Something might be done by raising the existing rating qualification, and I am disposed to think that it might be advantageous to introduce into local boards that principle of *ex-officio* membership which has been applied I think by Mr. Hardy's Act to the poor law management of the metropolis.

10,323. What would the *ex-officio* qualification be?—That of course would entirely depend upon the pleasure of the legislature. I think that we should set before us in attempting an amendment of the Acts some endeavour to improve the educational status of the members, and therefore with that object in view I would make, we will say, the rector or the vicar of the parish, the medical officer of the district, and perhaps the resident magistrates, or some specified proportion of them *ex-officio* members.

10,324. Are you now talking of local boards for towns of any considerable size?—The remark I think will be found of general application. So far as I have had an opportunity of inquiring into the matter I think the want of intelligent, well educated men, is a want felt by local boards of all sizes, large and small.

10,325. What is the size of Bromley?—Bromley has a population of about 10,000; the acreage is 4,706, and it contains 1,800 houses with a rateable value of 58,000*l.*

10,326. What does the local board consist of?—Of 12 members.

10,327. Of what class are they, generally speaking?—The trading class is too much in the ascendant, and it appears likely, from what I can judge, that the influence of that class will increase in consequence of the lack of interest felt by the superior classes in the matters now before us.

10,328. Are they elected annually?—One-third go out by rotation annually.

10,329. Have the same men been generally re-elected?—For the most part—not altogether. There was a severe contest last year under special circumstances which resulted in two of the old members being thrown out.

10,330. Was that from any unpopularity, and if so what was the cause?—Unpopularity arising out of works proposed to be done, a contemplated large expenditure on a drainage scheme which was not thought to be a good one. It was a proposal for the main drainage of the whole parish at a cost of 50,000*l.*, and the parish having suffered a good deal the last year or two by the depression of trade owing to a rise in the railway fares, and the falling off in the demand for houses, it was thought an inopportune time for resorting to this large expenditure, and it was thought also that an efficient result might be arrived at at a much less expenditure than the large sum of 50,000*l.* On that an issue was joined in the parish, two of the old members were thrown out, and I had the honour of being elected as one of the new members.

10,331. Did that alteration put a stop to the proposal?—No, it did not, because I and the gentleman who came in with me remained in a minority; there were 10 against 2, and the old members of the board carried forward their scheme, and went before the Home Secretary seeking powers for borrowing money, which powers, after a long controversy and two inquiries, were refused by the Secretary of State, and now we are brought quite to a dead lock, because the same parties who joined in the application to the Secretary of State to withhold his sanction then are now agitating against any drainage whatsoever.

10,332. On what ground was his sanction withheld?—I have the report of the inspector here, which I will hand in. It was on the ground that the works were too expensive, and were not likely to serve the purposes desired.

10,333. The estimate was I see under one year's value?—Yes, it was colourably under one year's value.

10,334. (*Earl of Romney.*) Who advised the board?—They had Mr. Lawson as their principal engineer, and a local engineer worked with him.

10,335. (*Chairman.*) Do you think that an alteration in the constitution of the board, such as you contemplate, would prevent a public work of that sort being stopped?—I think it would go a long way in that direction. I may just illustrate the spirit of the principles now at work in the town in this way: that the Secretary of State did sanction the subsoil draining of a small portion of the parish which stood in great need of it, and it is a question now at this very moment before the board whether we shall spend 1,200*l.* and simply take away the subsoil water, or spend 1,300*l.* and put down such sewers as shall eventually be convertible into contaminated sewage sewers, and the mere proposal to save or spend an extra 100*l.* is now violently agitating the board.

10,336. At this moment you mean that the more intelligent class in the town is likely to be out-voted by the smaller ratepayers?—Just so.

10,337. Do you think that there would be any danger of extravagance if the board got into higher hands?—No, I do not think so at all, for this simple reason that the higher class of ratepayers have to pay more in the annual amount of their rates. I think there is every inducement with the high class of members to have less expenditure.

10,338. Have the board ever shown reluctance to enforce the byelaws?—Yes, there are frequent difficulties in that way.

10,339. Can you give us an instance?—Only a few weeks ago an application was made to the board by a builder for us to dispense with the byelaw about party walls, and there was a combination between his friends, who were builders, and some other traders, and it was only in consequence of the most strenuous expostulations from myself and one or two others who sided with me that this matter was not put to a vote, and the dispensation granted.

10,340. So that you think that the present class of members are not sufficiently independent?—They are not sufficiently independent; there is too much cliqueism, I think.

10,341. Is a large infusion of *ex-officio* element the only remedy you propose?—I do not mean to say that it is the only remedy I propose, because I think something might be done in that direction by raising the rating qualification, and then the influence of public opinion and an endeavour to interest the educated classes in these matters would all tend in the same direction; but as an immediate remedy for pressing wants it seems to me that something of *ex-officio* membership is the only resource available.

10,342. What sort of influence do you suggest on public opinion?—I think that the reports of royal commissions such as the present one, the reports which are continually printed in newspapers of inspectors' inquiries, &c., all tend to create in the public mind a feeling that drainage and those sort of things are important, and should be taken up by those who are fitted to handle them.

10,343. Would you not be afraid of considerable resentment against the loss of representative character by such an infusion of *ex-officio* membership?—There might be some difficulty and some danger as to that, but I apprehend that the Act which I referred to is working well in the metropolis, and I think that whether that should be the effect or not it is absolutely essential if the local government of the country is not to be brought to a dead lock.

10,344. Do you propose to lessen the discretion vested in local boards?—Yes; I think that would be very desirable, because the discretion which at present exists is often used for various sinister purposes; I think it is not for the interests of the public health to let things remain open to this imputation.

10,345. In what particulars would you lessen that discretion?—I think that there should be a central board in London, entitled and able to dictate to local boards what remedies shall be applied by them for pressing local evils. It is quite futile in my opinion to send down to a local board, as they are ordinarily constituted, merely instructions that it should take steps for providing efficient drainage. The majority of the men constituting these boards do not comprehend and do not care about those things, and will not move unless they are moved by arbitrary pressure.

10,346. Would you propose that inspectors should come round from the central authority?—Yes, something of that sort.

10,347. And should dictate more or less what should be done?—Yes.

10,348. Leaving to the local authority the execution of the work?—Yes, leaving to them the execution under adequate supervision. I might state that I noticed in the papers that Mr. Secretary Bruce proposes to put in force the Sanitary Act at Sudbury, in Suffolk, under circumstances which I am inclined to think will exercise a very wholesome influence on local boards all over the country. The Sudbury town council had failed to furnish the district with a suitable water supply, and remonstrances having been made to the Home Secretary, he has put in force the powers vested in him by the Sanitary Act, and is going himself to execute the necessary works and charge them on the town. I am inclined to think that that provision in the Act will operate very usefully.

10,349. What sized place is Sudbury?—I think it is a place of about 6,000 inhabitants.

10,350. Would you propose any other interference on the part of the central authority?—What I have already said I think would be found in practice to cover a very large amount of ground, and would supply all that stimulus which I think is necessary. Something of this sort has been done, I believe, at the present time by draft forms of byelaws, and so forth, being supplied from the Local Government Act Office. I think the principle of all that is very good, but it wants to be made more compulsory.

10,351. Do you think that the central office ought to gather unto itself work which is now scattered through several departments?—Yes, I think it should. I think that the relations now subsisting between the Home Office and the so-called Local Government Act Office, and also the Privy Council and the Poor Law Board, are very inconvenient. I should like to see all those departments which involve sanitary matters located under one roof in London, and directed by one responsible minister.

10,352. Is that central office which you would recommend something of the same nature as Mr. Tom Taylor's present office?—Something of the same nature, but on a larger scale and armed with greater powers.

10,353. Would you propose that such a central office should have more power in the way of suggesting byelaws to local authorities?—Yes, I think that would be very desirable.

G. F. Chambers, Esq.

17 March 1870.

10,354. But you think at present Mr. Tom Taylor's Office has insufficient power and machinery?—I think it has insufficient power and insufficient machinery certainly. We have had occasion within the last few weeks to appeal to Mr. Tom Taylor for information on the interpretation of an Act of Parliament, and the answers made to our several inquiries are in my opinion much too general and too vague. I do not mean to cast any reflection on Mr. Taylor. I think that an office such as I contemplate in London should be an office entitled to say dogmatically what is the proper interpretation of such and such an Act, and what shall be done and what shall not be done. The answer runs in this way, "the Act seems to include."

10,355. Such a power as that would be less necessary, would it not, if the law itself were consolidated and made clearer?—Probably it would be so.

10,356. At this moment do you not think that the confusion of the law is the great reason for its want of operation?—I think that may have something to do with it, but I do not think that a simple consolidation of the various Public Health Acts would entirely meet the difficulties which exist.

10,357. But your former answer seems to imply the opinion that the law is not generally understood?—I do not think the law is generally understood, but what I disapprove of in the law is, that there is too much permission in it—a great many things are permissive—local boards may do so and so. I should desire to see the Acts altered, that the local board shall do so and so more generally.

10,358. You have had communication with the central office with regard to plans for removing the subsoil water in the parish of Bromley, have you not?—We have.

10,359. Will you state what communications you have had?—We addressed a letter to Mr. Taylor, asking his opinion as to whether drains put down merely for the purpose of taking off water were drains for purposes for which we were entitled to levy a rate. There seemed to be a doubt upon that point as to whether the rates must be levied for sewerage drains, and only that class of drain. Mr. Taylor's answer to that was, "It seems to include the drains you propose." That "seems to include" throws upon the local board a responsibility which I do not consider local boards are in general capable of taking up.

10,360. Where did the plan come from?—The plan came from Mr. Harrison, who had been the engineer employed by the Government last year to hold an inquiry at Bromley, and whom the board selected because they thought he had been well familiarized with the local wants of the place.

10,361. The doubt was whether the local board was entitled to act upon that plan?—Just so, and the answer given by Mr. Taylor threw too much responsibility upon the board in my opinion.

10,362. Was the doubt at all connected with the parties on whom the liability lay, whether upon occupiers or owners?—No; that point did not directly arise. There was a doubt as to whether we were entitled to make a special district and levy a special rate, and the answer given to that was that we were entitled to do so, but it was for the board to consider whether they were justified in doing so. That again throws upon us a responsibility which I do not think in general ought to rest upon us. It was a legal question, upon which the board and myself as chairman did not feel at all clear, and we applied for information, which was very safely given, but not given in the dogmatic spirit which I think it should have been.

10,363. Could you get the central office to give legal opinions upon the construction of the law?—I think that upon the construction of an Act of Parliament relating to the special business of that central office its officials ought to be able to do so.

10,364. But even their opinion would not secure you from legal proceedings?—No; but it would command public local confidence, that would be a great point. It would be sufficient for us in placing the matter before our constituents to be enabled to say, "The central authority says so, whatever may be "your doubts about it." Now we only are able to say that the board thinks so and so, and in cases where boards are lightly esteemed that opinion is apt to be derided.

10,365. Would not the Secretary of State be rather shy of giving a legal opinion?—The Secretary of State no doubt would, but I look forward to the constitution of a central office specially intended to manage this sort of business, with a staff of legal advisers if it became necessary on account of the influx of business to have one. I might illustrate this point by an answer which was given to me by one of the inspectors. I appeared at the first inquiry as counsel against the sceme of the local board of which I was not then a member, and I put it to the inspector in this way. I said, "Now, the town has no confidence in what the "board is doing, but I think we should have confi- "dence if the Government were themselves to pro- "pound a plan." The answer he gave was that the Government had no staff of engineers for attending to that sort of work, and would not undertake it.

10,366. What is your opinion as to the areas proper to be controlled by local authorities?—The areas of course as you know at the present moment are the whole parishes, and that may answer very well in the case of parishes with populations of 5,000 or 6,000 and upwards; but I think it would be desirable to make the union the area of local government, and in that case I would make the Local Government Act in a certain sense compulsory in every union. There are many parishes lying just beyond the boundaries of populous and well-regulated towns which have no local government at all of their own. Within the last few years they have acquired a little local government as far as the highways are concerned in the constitution of highway boards, but barring that, sanitary affairs take their chance almost entirely. That is a state of things which I think ought not to continue.

10,367. But in those districts the Nuisance Removal, Sanitary, and Sewage Acts impose certain duties upon the board of guardians and upon the vestries?—Yes, but I think the vestries fail from their constitution to comprehend anything about the requirements of Acts of Parliament.

10,368. Do you find that boards of guardians in country districts have not done their duty as regards nuisance removal?—I think in many cases they have not.

10,369. And you think that boards of guardians should be specially constituted the sanitary authorities in such places?—Yes, I think so.

10,370. You would except from the unions places having their own local board?—Yes.

10,371. And in the case of semi-rural portions where places are gradually becoming populous how would you deal with them?—That would rather depend upon whether you drew a hard and fast line between parishes which were to have local boards of their own, and parishes which were not to have them. I would have the rural local authority for sanitary purposes spread over the union, and where that union contained a populous town of over 5,000 inhabitants I would give to it the privilege of having a local authority for itself.

10,372. Have you considered whether the boards of guardians in many places would be rather too numerous a body to deal with such subjects?—No, I do not think that in general they would be. We have 12 on our local board, and in my opinion it is not a sufficient number. We are unable to form an efficient series of sub-committees, and I think the work would be better done in many cases by sub-committees if we had the requisite number of men wherewith to organise them.

10,373. You would propose that boards of guardians as the local authorities should act by committees?—Yes, they should act by committees. There are ample

G. F. Chambers, Esq.

17 March 1870.

powers in the Local Government and the General Board of Health Acts for boards forming themselves into committees, and appointing sub-committees, but except where the numbers are considerable, that power is not very commonly exercised.

10,374. Which do you think would be the best plan, that every year the board of guardians should constitute a committee for those purposes to sit for the year, meeting as the assessment committee now does, or that the board of guardians should be the local authority and only make committees *ad rem* when any particular work was wanted?—I think that that would break down in practice, because the boards of guardians would find that they had so much to do of their own proper work that the appointment of committees as the occasion required would be found to involve the very rare appointment of any committee.

10,375. Supposing the board of guardians appointed a standing committee for the year, or for two years, on which every parish in the union had one representative, would you think that a good plan?—That, I think, might perhaps answer the case.

10,376. Have you considered how far your former suggestion of an *ex-officio* element might usefully be brought to bear on the constitution of such a board?—I think that the suggestion would apply with nearly the same force there. The only distinction that appears to offer itself is this, that in rural districts, the rector or vicar of the parish very often happens to be the guardian for the particular parish; therefore there is a larger element in the guardians that is educated and trained to this sort of work than usually is found in local boards.

10,377. But still, would not the owners claim to be represented?—Possibly.

10,378. We have several boards of guardians in some counties consisting of nearly 100 members; if you were to add a considerable number of *ex-officio* members, do you not think that they would constitute too large a body?—That I think would be an unwieldly body. I think a remedy might be found for that by dividing such districts.

10,379. You mean that you would divide the union into two?—Yes, or something of that sort. Speaking of rural districts generally, and allowing for absences due to length of distance, inclemency of weather, and so forth, I think a suitable number to be from 30 to 40. I do not think that 40 is practically too many, but the small number which are found in many places under the Local Government Act, in some cases 9 or 12, is in my opinion inadequate.

10,380. In your county is the Highway Act introduced?—I am not quite sure. [*The Earl of Romney here intimated that it was.*]

10,381. You would propose, would you not, that the Local Government Act should be turned from a permissive into a compulsory Act all over the kingdom, including the country districts?—Yes.

10,382. Why do you fix the limit of 5,000 population as between the country districts and the urban districts?—I cannot exactly justify that limit by any particular argument. I think 5,000 was the limit drawn by the Representation of the People Act of 1867. Towns having a less population than 5,000 were disfranchised by that Act.

10,383. To such boards, both rural and urban, would you give all the power of local government?—Yes, I think so.

10,384. Do you think that it would require a distinction of the powers to be given to rural authorities and urban authorities, or do you think that their powers may be generally enumerated, and leave the different authorities to exercise such as are suitable to each of them?—I think that there would be no occasion in a general Act of Parliament to draw any distinctions between urban and rural authorities.

10,385. You would leave any place to exercise any of the powers which they found they wanted?—Within some not very wide limits it might be politic to do this, but it is to be observed that most of the larger towns in England now are governed by private improvement Acts of Parliament of their own, and therefore those would be taken out of the category.

10,386. Do you know instances in which the jurisdiction of the vestry and the local board have come in conflict?—Yes, I do. A case occurred in my own district only a few weeks ago. A turnpike trust was dissolved having some surplus money, and the question was who was to take it, the local board of the parish or the vestry? The board claimed it, and no doubt, I think, rightfully so; but there was a difficulty on the part of the turnpike trustees as to paying it to us. They said they wanted the signature of the vestry clerk, but the vestry clerk took the matter into his own hands and took the money and gave his receipt as clerk of the board.

10,387. Do you consider generally that the Bromley local board has broken down in the administration of the affairs of that place?—Yes, I do; decidedly so; it has broken down by the operation of the causes which I have already pointed out.

10,388. What are its powers as to overcrowded buildings?—We have no special powers; we have the general powers conferred on us by the Local Government Act, but those powers are not exercised, and there is a general indisposition at the board to exercise any powers.

10,389. When did Bromley adopt the Act?—In 1867.

10,390. What led them to adopt it?—The great difficulty about drainage. The place has been very much sought after the last few years as a building centre, and an immense number of houses have been constructed there without any regard to sanitary requirements, and the health of the place has been most seriously endangered.

10,391. Have any fevers broken out there, or epidemics of any kind?—We have been very fortunate in being tolerably exempt from the epidemic of fever, but that fact is rather due to the great salubrity of the place than to the remedies taken to prevent it. I am very apprehensive as to the future, I must confess.

10,392. Have the board attempted anything in the way of a sewage farm?—The board last year sought power to buy 100 acres for the purpose of constructing a sewage farm, and they applied to the Secretary of State for permission to borrow the necessary money, but the project was viewed with disfavour in the town. Two inquiries were held, and the project fell through.

10,393. Was that connected with the 50,000*l.* plan?—Yes, that was the plan which I referred to.

10,394. At present is there a great deal of overcrowded building with defective drainage?—A great deal of it, in fact there really is no drainage at all in the place, at least virtually none.

10,395. Have the Government ever been asked to interfere by an engineer of their own coming down to advise upon this question of the sewage farm?—The idea was mooted at each of the inquiries, but it was repudiated by the inspectors as being entirely beyond the usages of the Home Office; the inspectors said that it was not customary. It was stated to the inspectors that the town would probably be satisfied if the Government propounded a plan, but they said that they could not do anything of the kind, all they did was to say what the boards should *not* do.

10,396. Have you any further information to give the Commission as to the Bromley Sewage Inquiry?—It is rather difficult to sum it up in a few words. Perhaps I could only do it in this way: that that inquiry was held and the Government inspectors made a report which threw over the plans of the board and interposed various obstacles and difficulties, and in consequence of the various and conflicting opinions recorded therein everything has come to a standstill. The original plan of the board is of course withdrawn, and as no alternative plan was suggested by the inspectors, nobody knows now what to do.

G. F. Chambers, Esq.
17 March 1870.

10,397. (*Earl of Ducie.*) You have been defeated in your attempts at large sanitary improvements, but has your board been of any service in the smaller items of sanitary matters?—No, nothing of any very great importance has been done; we have an inspector of nuisances and we make some small attempts to check that class of evil, but nothing very much has been done.

10,398. Does public opinion support you in those smaller matters?—That is rather difficult to answer. I think, on the whole, the educated reflective opinion certainly does; but the board is unpopular with the trading, that is the demonstrative part of the town, the small ratepayers, and so on.

10,399. Then the board is not popular generally with the lower and lower middle class in the town?—No, it is not, certainly.

10,400. Is it respected by those persons who represent the intelligence of the neighbourhood?—Yes, I think it is.

10,401. Is there any interest felt in its operations?—There has not been hitherto; but there is an annual election shortly coming off which will give the educated part of the town an opportunity of recording its opinion, and from what I have heard incidentally I believe that it will show a determination on the part of the educated classes to come forward and claim some controlling share in the management of the place.

10,402. Have these differences which have taken place tended at all to educate the general public in sanitary matters there?—Yes, I think they have. It has made the people think, and the various sorts of evidence produced with respect to these matters have tended to make people comprehend that to attend properly to sewage is really of very vital importance to the health of the place.

10,403. (*Mr. Hibbert.*) What officers have you for your board; have you any health officers?—We have an unpaid medical officer of health who acts gratuitously and who volunteered his services out of regard for the public good; but on the ground that, unless he volunteered to do it, the board would not be enlightened enough to pay him.

10,404. Has he been of any use in the sanitary operations of the board?—I think so. He has not undertaken the work for more than a few months, but I am inclined to think that good will come of his action.

10,405. Have you any nuisance inspector?—Yes, we have a surveyor who acts as nuisance inspector.

10,406. And is he the surveyor of the roads as well?—Yes.

10,407. Have you any other officer of your board?—We have no other officer in the sense in which the honourable member puts the question.

10,408. What amount are the rates?—That I am not able to answer, because we are now raising extra rates for the purpose of paying off the expenses thrown upon the town by this abortive Government inquiry.

10,409. Have you spent any money at all for drainage purposes?—We have only spent the sum of 1,000*l.* which has gone in costs, the costs of the inquiry alluded to. We have not spent anything directly for drainage purposes, except just small trivial sums, 50*l.*, or something of that kind.

10,410. (*Mr. Powell.*) Do you wish that the officials of the Local Government Act Office should have the functions of a court of law in interpreting Acts of Parliament?—I think that something of that sort would be very desirable.

10,411. But do you think that the House of Commons would ever submit the interpretation of a statute to the judgment of an official in a government office?—I think that that is rather an extreme way of putting it. I think that if you were to go to Parliament and say that there are various local authorities in the country which are hampered by their inability to interpret the local government statutes; give some power of reference to some central authority, I think the common sense of Parliament would not refuse this power.

10,412. Would not an Interpretation Statute be the more clear course?—It might be the more clear course; but I feel that we want some power of communication with men—deputations, for instance, sent up to the Local Government Act Office to have interviews. A deputation will elicit a better interpretation than all the letter writing or "interpretation clauses" in the world.

10,413. What is the salary of your inspector of nuisances?—I think 4*l.* a week. We have only one; but he is not only inspector of nuisances, but he is surveyor or general superintendent, I may say, of the parish.

10,414. (*Mr. Cave.*) Have you made any use of the police as inspectors of nuisances?—Not to any considerable extent. Some few occasions have occurred when the police have been invited to interfere with a nuisance, but I believe they have commonly declined to do so, and said it was a local board business, and that the aggrieved parties must apply to the surveyor.

10,415. Do they give information, for instance, in any cases?—I do not think that there is exactly any disinclination on the part of the police to be useful in their way; but they do not act as any motive power towards putting the Act of Parliament in force.

10,416. Have you borrowed money for the purposes of the local board?—No, we have not. We had the sanction of the Government to a loan of 1,700*l.* for our offices, and we applied for sanction for a larger sum for drainage, and that sanction was withheld under the circumstances that I have mentioned.

10,417. Then you have not borrowed any yet?—No.

The witness withdrew.

Adjourned.

Thursday, 24th March 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF ROMNEY.	SAMUEL WHITBREAD, Esq., M.P.
The EARL OF DUCIE.	JOHN TOMLINSON HIBBERT, Esq., M.P.
The Right Hon. Lord R. MONTAGU, M.P.	GEORGE CLIVE, Esq.
The Right Hon. STEPHEN CAVE, M.P.	HENRY WENTWORTH ACLAND, Esq., M.D.
Lieut.-Colonel EWART, C.B., R.E.	JOHN LAMBERT, Esq.

FRANCIS THOMAS BIRCHAM, Esq.

(84.) RICHARD HENRY WYATT, Esq., examined.

R. H. Wyatt, Esq.
24 March 1870.

10,418. (*Chairman.*) You are a parliamentary agent?—I am.

10,418*a*. You are agent for the bill now before Parliament called the West Hartlepool Extension and Improvement Bill?—I am.

10,419. Under what local authority is West Hartlepool?—It is at present governed by a body of commissioners, who since their incorporation have adopted the Public Health Acts.

10,420. Having adopted the Public Health Acts, how do you find it necessary to come to Parliament for a bill generally giving you all the powers of local government?—The necessity for coming to Parliament arises from the town having very rapidly extended. I has become necessary that the adjoining districts should be placed under the same local government as the town. The manufactories and buildings in the adjoining district are discharging offensive matter into the streams, and being under no control whatever, it is absolutely necessary for the well-being of Hartlepool that the adjoining district should be placed under some local government. As the Commissioners were obliged to come to Parliament for that purpose, they resolved to adopt the course, which has 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.

10,421. Did not the existing Acts enable you to annex the outlying district by a provisional order without incurring the expense of obtaining an Act of Parliament?—There is no power in the governing body of any district to extend its limits otherwise than by agreement with adjoining districts.

10,422. Then you are proceeding without the consent of the adjoining districts to incorporate them by Act of Parliament?—Yes, and against their wishes; indeed some of the landowners of the outlying district are opposing the bill.

10,423. (*Mr. Cave.*) Are the landowners and the inhabitants generally of the district proposed to be incorporated favourable or not to the bill?—The landowners have compromised with the promoters in consideration of the promoters agreeing to include within their extended limits a larger portion of one of the public highways than was originally contemplated. I have presented a petition for an additional provision to enable that arrangement to be carried out, and the House has granted permission to insert that additional provision. The manufacturers outside of the present limits are still opposed to the extension of those limits, on the ground that it will subject them to the rates of the town of West Hartlepool.

10,424. In what condition are those outlying places at present?—There are manufactories, and cottages for the artisans employed at the manufactories chiefly, and some agricultural land.

10,425. Under what control are they?—None. Since the bill has been introduced I believe a portion of the district proposed to be annexed to the town of West Hartlepool has applied to the Local Government Act Office for a provisional order to set up a local board of its own.

10,426. Under what Act have they applied to constitute themselves a separate district?—Under the Local Government Act of 1858.

10,427. (*Chairman.*) It was not merely for the purpose of annexing a district that was covered with buildings, but also for the purpose of simplifying and consolidating the law, that you came to Parliament?—It was.

10,428. Is the bill that you now have before Parliament a consolidation of the public Acts?—It is, with such provisions as are thought to be necessary for the good government of West Hartlepool in particular, there being special circumstances connected with that place that perhaps would not apply to other places.

10,429. It, in fact, proposes to re-enact the existing Acts, with some local provisions besides?—It does.

10,430. Is the constitution of the governing body altered by this bill?—Not at all.

10,431. Do you know of other towns which have been obliged to go to Parliament for the purpose of consolidating the law in the way that you propose to do by this bill?—I know several towns that have done so. I do not know that they were obliged to do it, but it is felt to be so great a convenience to have but one Act instead of so many that several large towns have applied for consolidation Acts. The towns I allude to are Salford, Birmingham, Stockton, and Wolverhampton. I do not remember any others that have adopted this particular course.

10,432. Is it true that the first draft of your bill omitted certain provisions requiring the sanction of the Secretary of State, but that you now intend to supply that omission?—That is so.

10,433. In fact your object is to reproduce the public Acts with certain additions?—It is. I may say, on the part of the promoters, that there is not the slightest desire to avoid the restriction which the local board, or the Secretary of State, has over the borrowing of money.

10,434. What is the date of the constitution of your Improvement Commissioners?—1854.

10,435. What was the date of your adopting the Local Government Act?—In 1859 they adopted a portion of the Local Government Act, and subsequently they adopted the whole of the Local Government Act of 1858.

10,436. (*Mr. Cave.*) Is all the district which you propose to take into the town by your bill within the parliamentary borough?—It is within the parliamentary borough, but I do not think it includes the whole of the parliamentary borough.

10,437. (*The Earl of Ducie.*) Do you think that this Act gives sufficient power without having resort to byelaws?—The promoters think so.

R. H. Wyatt, Esq.
24 March 1870.

10,438. (*Chairman.*) Have you not entered much more into detail in the clauses of this bill than the Public Health Act does?—I think not.

10,439. I see, for instance, under your buildings clause, such details as "height of room and windows," "ventilation," and so on. Is there not much more detail of that sort in your bill than there is in the Public Health Act?—I think those details will be found in the Public Lodging House Act.

10,440. You incorporate then other Acts?—We intend this to be a perfect code of laws for the management of this town. I may state that I find on inquiry that all the large towns in America have adopted the same course. They have their laws in one book handsomely bound, a copy of which is presented to every member of the corporation or governing body on his election, so that he may understand and know the law which is in force, and of course 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 Acts he is taxed; in fact, he is helpless.

10,441. (*Dr. Acland.*) Does the book to which you refer contain the State law?—Yes.

10,442. Are you aware it is the code adopted by New York, or recently by Boston?—I believe so, and a great number of other places.

The witness withdrew.

A. Batt, Esq., M.D.

(85.) AUGUSTINE BATT, Esq., M.D., examined.

10,443. (*Dr. Acland.*) Do you reside at Witney?—I do.

10,444. You are a doctor of medicine and member of the Royal College of Surgeons of England?—Yes.

10,445. In general practice at Witney?—Yes.

10,446. I believe you are also the medical officer of the union?—Yes.

10,447. Were you formerly a member of the local board?—Yes.

10,448. You are not so now?—I am not.

10,449. Do you hold the office of certifying surgeon of the factories?—Yes.

10,450. What is the population of Witney?—Of the township it is 2,989, and the parish 5,180.

10,451. What is the population of the union in which Witney is situated?—The population of the union is 23,248.

10,452. Are you the medical officer of the workhouse?—Of the union house and of the Witney district.

10,453. I believe you are also coroner for that part of the county?—Deputy coroner.

10,454. Have you in the course of your experience had occasion to make sanitary reports?—Yes, very frequently.

10,455. To whom have they been addressed?—To the guardians and to the local board. Sometimes they have been made specially at the request of the board; generally they have been made voluntarily by me.

10,456. Have you had to report both to the local board and to the board of guardians?—Yes.

10,457. As entirely different authorities?—Yes.

10,458. Have those reports been connected with epidemics?—Yes, I think in every instance. One was made at the time fever was raging at Brize Norton. The rector of the parish wrote to the Privy Council, because he thought that the fever was dependent upon some manure works which had recently been established there. I reported on those works, on a night soil shed, on the water supply, and on the overcrowding of the village. (*The Reports were handed in, and are as follows*:—)

REPORTS to BOARD of GUARDIANS.

The Hill.

GENTLEMEN,

I beg to forward to you my observations on the sanitary state of Brize Norton. I have made separate reports of—

(1.) Night Soil Shed,
(2.) Superphosphate Works,
(3.) Water Supply and Drainage,
(4.) Overcrowded Dwellings,

directing my attention, in accordance with your wishes, to the subjects mentioned by Mr. Fereman in the order in which they occur in his letter.

In reference to the mortality, the average mortality from March 1864 to December 1867 (I was unable to obtain statistics further back than this date from Mr. Green) appears somewhat less than 12 per annum, whereas the last year it has reached the number of 26. I enclose Mr. Green's list. It will be observed there are fewer deaths from fever and more from diarrhœa and old age than might at first be expected, but on reflection it will be remembered that persons, particularly the old and young, are more likely to sink under ordinary diseases when breathing poisoned air and drinking poisoned water, than under more favourable circumstances; and thus the bad sanitary state of the place may be indirectly in these cases the cause of the greatly increased mortality.

I think, as you will gather from my report, that the bad drainage and the bad and insufficient water supply (and particularly the latter), are the probable causes of the late epidemic.

Some wells, like those attached to the cottages called the Lane, should, I think, be closed at once.

I have, &c.
(Signed) AUGUSTINE BATT.

To the Guardians of
the Witney Union.

(1.) NIGHT SOIL SHED.

This is situated at the back of Mr. Gardner's residence, at a distance of about 10 yards from the back offices of his house. On the north-west side from 20 to 30 yards from the shed are three cottages, occupied by the families of John Arkell, William Akers, and Henry Drinkwater. The occupants state that they do not object to the works, that since Michaelmas last, when the works were first started, they have experienced no bad smell; at that time the night soil was baked in a kiln and the smell was bad, and they then objected. The use of the kiln has since then been discontinued. The children of John Arkell are just convalescent from the scarlet fever which has been epidemic in the neighbourhood. On the south-east side is a field separating the shed by a distance of about 150 yards from the residence of Mr. Joseph Timms, the nearest house on that side. He says:—"Since the burning has "been discontinued I have experienced no bad smell, and "I do not think the health of my family has suffered." His family are recovering from scarlet fever.

There are no houses at the back of the shed nor in front of Mr. Gardner's house. The shed is an open shed, about 15 yards in length by 4 in breadth; it is an old cart hovel; one third of the floor at one end is sunk about 6 inches, so as to form a shallow tank. The process consists in first placing on the bottom of this tank a layer of lime and charcoal; the load of night soil, about a ton, is brought (between the hours of 12 at midnight and 3 a.m.), and is shot from a cart, stated to be air-tight and water-tight, on to this layer of disinfectant; and directly another layer of lime and charcoal is thrown over it. The next morning the soil is thrown up in a heap, and in 24 hours is dry enough to be put in bags, and is then removed to the store room at the superphosphate manufactory.

The heap I saw was devoid of bad smell, was perfectly deodorized and disinfected, and was the produce of last night's manufacture, 4 p.m., January 5th, the time of my visit.

There is no tank or reservoir for the night soil, so that the night soil brought on any one night is said to be at once disinfected on arrival, and so long as this is the case, I think the danger to health very little, for the danger is in the raw material, and therefore no storage of this should be permitted in a locality so nearly adjacent dwelling houses. One pound of the raw material would be, in a sanitary point of view, more mischievous than a ton of the manufactured and disinfected article.

(2.) SUPERPHOSPHATE WORKS.

These works are situated in the centre of the village, near to the church, cottages (at a distance of about 60 yards) bound them on the N. and E. sides. Two cottages adjoin the works on the S. side, and separated by the road on this side is the church, and further on, at a distance of about 120 yards, the parsonage.

A farm homestead is on the W. side. These works have been in operation about five years; they are used for the manufacture of superphosphate of lime, and for the storage in bags of the manure made at the other works adjoining Mr. Gardner's premises.

At the time of my visit 4 p.m. on January 5th, 1869, I found in a stack about five tons of bones. They were under cover, and were generally clean, and most of them appeared to have been boiled, but there were others somewhat greasy, to which fragments of tissue were still adhering. There was very little if any bad smell arising from them. The process consists in grinding these bones first into moderate-sized fragments, they are then treated with sulphuric acid (oil of vitriol), and then again ground, and afterwards dissolved into sulphuric acid, until they are quite reduced. According to my observation there is only one part of the manufacture of superphosphate which is likely to prove injurious to health, and that is the storing of the bones after they are bought. If the bones be ground and dissolved immediately on their arrival at the works, no dangerous (although possibly a somewhat disagreeable) smell would arise.

The gases set free in the process are decomposed by sulphuric acid gas, which greatly preponderates over the other gases, and, so to speak, attacks and destroys them, so that the only resulting gas is sulphuric acid, easily detected by its smell. Any mixture of gases in which sulphurous acid gas preponderates is incapable of producing typhoid fever; on the other hand, if the bones with fragments of tissue decomposing upon them were collected in large quantities and exposed, so that water percolated through the stack, a very deadly poison might be produced, capable of destroying life wherever it got favourable circumstances for its action. I have thought it right to record the accompanying facts, so that you may judge for yourselves to some extent, and compare your views with those I now submit as mine. I think firstly, in reference to position, that in both instances the works are badly placed. Secondly, in reference to the processes carried on, the danger in both instances lies rather in the raw materials employed (the bones and the night soil) than in their manufacture, at least as now conducted. I say as now conducted, for no doubt if the great care now observed were relaxed, results injurious to the public health might arise. I think the night soil cart should be kept at a greater distance than at present from Arkell's cottage.

(3.) WATER SUPPLY AND DRAINAGE.

The water supply is bad in quality, and is insufficient in quantity. It is drawn from wells. These wells are shallow. Many cottages have no wells. I may instance three or four opposite the church. The soil is of a porous character (either gravel or stone brash). The wells are not cemented. Generally close to them is an ill-constructed gutter, into which the slops of the houses adjoining are thrown, and the cesspools of the privies are generally so near as to permit of a percolation of their contents through the soils into the wells. The village appears to me to be bountifully supplied by nature with water. The stream to which Mr. Fereman alludes, if conveyed in glazed pipes free from pollution would serve that part of the village which is now worst served; it used to run nearly on the surface in a little rivulet, on the west side of the main road, from the church to the Bampton end of the village. Some five years since the course of this water was sunk 2 feet and covered over; many of the cottages and houses now drain into it as it passes by them, and I understand a drain from the churchyard (which has been only recently closed, and the ground of which is 3 feet above the level of the surrounding neighbourhood) has been opened into it. Thus some have converted it into a sewer, whilst others, when water was scarce in the summer, have opened a communication from it into their wells, so that one part of the community seems to regard it as a sewer, and the others as a drinking fountain. When I pointed out this enormity to some of the cottagers, they said we send out to other wells for water to drink. But I think thirsty children are very likely to drink water so easily reached as this is. In some instances so near was the water to the surface in these wells, that I was enabled to fill the bottles I took with me for analysis by simply dipping down with my hand. I feel it right to advise you that in places where the soil as here is saturated with decomposed animal and vegetable substances, and the leakage from cesspools and drains, shallow wells, or even deep ones, if not lined with brick or cement are the frequent and ordinary source of blood poisoning and of fevers of the type from which this parish has recently suffered. Entertaining very strongly this view, I thought it right to address a letter to Mr. Tom Taylor at the Privy Council office, asking if his department would undertake the analysis of samples taken from the wells in the affected localities. I enclose his reply and paper of directions. Near to the blacksmith's shop there are 16 or 18 cottages (if not more) dependent on their water supply from one well called Dipper's Well. On the green near the chapel there are six or seven cottages totally unprovided with water. The cottages called "The Lane," near the blacksmith's shop, have all the elements of bad sanitary arrangement about them, both in respect to drainage and water supply, and they will illustrate what I fear is only of too frequent occurrence in other localities.

A. Batt, Esq., M.D.
24 March 1870.

The cottages occupied are four in number (a fifth is empty), and they stand at right angles to the road on the west side. There are two wells, one appears to be in almost direct communication with the sewer. The water in the other is very bad. All the drains which communicate with the sewer are blocked up with filth, as is that from the cesspools of the privy; the cesspool is full and is flushed by water from the surrounding buildings, which are unspouted during rain, so that the soil is saturated with all kinds of impurity. There have been 18 cases of fever in these four cottages; two of scarlet fever in one cottage, and 16 of typhoid fever (with one death) in the other three. I would recommend the introducing of the "Dry Earth System," or of some modification of it, possibly by some arrangement. The disinfectants from the manure works could be brought to the night soil, instead of the night soil being taken to the disinfectants, a great public and sanitary advantage would be gained, for what is worse than useless in the cesspool is invaluable when brought back as a manure to the soil.

The drains for the slops should be in direct communication with the sewer. The sides of the sewer and of the wells should be made water-tight.

(4.) OVERCROWDED DWELLINGS.

There are, I find, many instances of overcrowding, and this arises, as it appears to me, from two causes; the first, in which the family has outgrown in numbers the size and accommodation of the cottage; the second, in which all the members of the family proper, of varying ages and both sexes, are all huddled together in one sleeping room, so as to make a spare room for the reception of one or more lodgers.

I fear no real remedy can be applied to this state of things until the Legislature interferes, and it is enacted that each cottage shall be licensed to accomodate a certain fixed number of persons, and that each cottage holder, before taking a lodger, shall obtain from the medical officer or inspector of nuisances of the district a certificate that he has house accommodation to do so, without trangressing, as is now done, the ordinary laws of sanitary science and common decency.

10,459. In short, together with private practice, which I understand to be over a considerable area, you are able with facility to carry on public sanitary work in your own district?—Yes.

10,460. Do you know over what acreage or number of square miles that kind of public work has extended?—There are 11 parishes in my district; the acreage is 14,453.

10,461. I think besides fever you have had an outbreak of cholera in your district?—Yes, two.

10,462. Did you during that epidemic of cholera carry on the general sanitary inspection to which you refer?—Yes, and for the first epidemic which took place in 1854, with my brother (who was then in partnership with me), we asked you, as you may remember, to come over and organize, as you had had recent experience of it at Oxford, a system of nurses and a hospital. The next attack, which was in 1866, was slight. There were only two cases, but a great deal of diarrhœa; this I carried on alone.

10,463. Did you receive instructions in those cases?—In the first outbreak I received instructions from the board of guardians. There was no local board then as now for the township of Witney.

10,464. Did you in the second case receive instructions from the guardians?—Yes; in the second case also from the board of guardians, there being then a local board for that township.

A. Batt, Esq., M.D.

24 March 1870.

10,465. Did you have any communication at the time of either of those epidemics with any central authority in London?—Yes, we had at the time of the epidemic of 1866.

10,466. Will you state what the nature of that communication was, and how it came about?—It was in consequence of an order in council putting in operation the Diseases Prevention Act.

10,467. What was done on the receipt of the order?—A special committee was appointed to sit during the outbreak of diarrhœa, and they met weekly. That was when the cholera was threatening to break out, and diarrhœa was very bad in the place. There was a book in which we entered every case, and the treatment adopted, and I believe that the clerk was in constant communication with some central authority in London.

10,468. Who was that central authority? The Poor Law Board or the Privy Council?—It was the Privy Council.

10,469. There was no direct communication with yourself?—No.

10,470. All the communications with that central authority went either through the local board or the board of guardians?—Yes.

10,471. Have you found it necessary to press remedial measures upon your local authority?—Yes. In sanitary matters the doctor generally takes the initiative, and urges on the local authorities rather than being called into action by them.

10,472. You do not know whether they did or did not instruct you to carry out the directions they received from the central authority?—Yes, they did. I think that in any great emergency, such as cholera or smallpox, the guardians will generally act; but it is in smaller cases that they are less disposed to act; they will not stamp out the beginning of disease; but if disease, such as cholera or smallpox, affects at one time a great number of persons, then I think they act very well.

10,473. Witney, I believe, is partly a town and partly a rural district?—Yes.

10,474. Have you any means from your local observation of saying whether you think that a local board or a board of guardians is the better sanitary authority?—I think it all depends upon the constitution of the board. 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. In either case?—In either case, unless in the event of a great emergency, and then they act very well; so that they have evidently power enough to act, but the power is misplaced; it is not in the hands of men willing to wield it.

10,476. Upon what does that depend? If there are ample powers and two kinds of authority, how comes it to pass that neither authority is willing to use those powers?—It goes, I suppose, by the feeling of the majority of the place, which is adverse to any outlay for sanitary improvements. For instance, in Witney the majority is against drainage, therefore non-drainage men are elected, who are bound to do nothing on the local board, and in that way nothing has been done.

10,477. Have you had any scheme of drainage brought forward for Witney?—Yes. Mr. Hawkesley proposed three schemes.—*a.* Irrigation. *b.* Depositing tanks, and then direct drainage into the river. *c.* Depositing tanks and drainage through the present circuitous courses and outfalls to the river.

10,478. Has either of the plans been carried out?—No; I have the minutes of what was done, and if you please I will refer to them. The board was established in November 1863. Mr. Hawkesley was called in on 29th January 1864. On the 9th of September his report was received, and it was determined that one of the schemes suggested by him should be forthwith carried out. On 14th October 1864 it was resolved that Mr. Hawkesley be requested to prepare plans and specifications. In 1865 the plans were produced. On September the 20th Mr. Hawkesley explained his plan, and Mr. Strickland objected to the drainage going into the river in the manner proposed, which was part of one of his three schemes. On October the 6th Mr. Hawkesley was asked if his irrigation plan of draining were more expensive than the plan of draining into the river. Then it was proposed on November the 3d to postpone until after the election of the members the further consideration of the drainage, so that the feeling of the ratepayers might be taken, and at that time they elected non-drainage members. At the next meeting in 1866 it was proposed to drain the town in an inexpensive way by means of a sub-committee of three members elected by the board. They produced a plan, but the board became alarmed at their responsibility; Mr. Hawkesley was asked to approve of this plan. He did not do that. A correspondence ensued, and then Mr. Hawkesley's retainer was withdrawn. So that it all came to nothing, and nothing has been done.

10,479. (*Chairman.*) What was the highest estimate?—He thought it would be between 3,000*l.* and 4,000*l.*

10,480. What is the rateable value of the township?—5,968*l.* 8*s.* 3*d.*

10,481. How do you think a local authority could be better appointed?—I think if it could be composed of the magistrates and guardians that they would make a very good board. I think the guardians alone would be of no use. The guardians I am speaking of are the elected guardians, and not the *ex-officio* guardians. At our board the *ex-officio* guardians very rarely attend, except on special occasions, when the general guardians get angry at what seems to them to be the interference of men who do not do the every day work, and oppose the *ex-officio* guardians. If I had any personal matter which I wanted to carry, and was sure of the support of the *ex-officio* guardians, I think I should ask them to stay away for the reason that their presence might beget opposition.

10,482. Then you think there should be a special sanitary committee?—I think so for that special purpose. The guardians are fully occupied. They meet for business, and by the time they have done that they have no time for any special sanitary matter, and if a sanitary report is made to them, little notice is taken of it, as they consider it not their special business, and they do not trouble themselves about it.

10,483. (*Dr. Acland.*) Have you with you any instance of such a report?—When fever was prevalent in the place in 1866 I made three different reports at three different times. Very little was done in the way of stopping the mischief, which still went on. I made this report in the first instance: "Fever is prevalent "in West End, Witney, in two yards (Waines' Yard "and Harris' Yard). The sanitary condition of these "yards requires immediate attention. In both cases "the privies are placed on rising ground above the "houses, in both the cesspools are full, and the over-"flow runs down an open drain (after rain) between "the houses into the street. There is one closet only "to each yard. There are seven houses in Waines' "Yard, containing 30 persons. There are five "houses in Harris' Yard, containing 22 persons. I "trace this fever from this spot as a centre to Pres-"ton's at Lamb's End, Hailey (carried by Mrs. "Preston, a sister of Mrs. Prickett). I also find it "at Poughly End, Hailey, carried by Mark Harris, "a blue-coat school-boy. From the same spot it has "been carried into Witney." That report was made May 17th, 1866.

10,484. That is the report which you addressed to them?—Which I wrote in the district medical book, so that it might be constantly before them. I copied it out the other day from that book.

10,485. In what capacity did you make that report?—Only as medical officer.

A. Batt, Esq., M.D.

24 March 1870.

10,486. Simply in discharge of your ordinary duty as medical officer?—Yes.

10,487. So that it is now part of your duty as union medical officer to inform the guardians of the existence of any fever which is either fixed in your locality, or which in your judgment is carried from part to part of your district?—I think that is generally done as a voluntary act, and receives about the attention that voluntary acts of that kind often do. On May the 28th I wrote again that nothing had been done, and on June the 14th I wrote again, saying I thought if what I had suggested on the 17th of May had been done, that one of the persons who had since died might not have been ill.

10,488. I think you state that you have been required to write sanitary reports on special points?—In the case which I have been speaking of at Brize Norton, I wrote a special report upon the manure works, and water supply, and the overcrowding. That report went up to the Privy Council, and came back from the Privy Council to the board of guardians. Nothing has been done in it from that time to this.

10,489. By whom was that report originated?—Mr. Ferryman, the clergyman of the place.

10,490. But not by the board of guardians in that case?—No. He applied to them first, and then wrote over their heads, as it were, to London. The Privy Council, in their letter to the guardians, said, "Have "you any sanitary report of Brize Norton? If not, "we think you ought to get one."

10,491. (*Chairman.*) The clergyman applied to the Privy Council to call for a report from you, I suppose?—No, the clergyman, I think, simply asked for an abatement of the nuisance. The guardians asked me to make a report, because the Privy Council said, "If you have not already had a report upon the "sanitary condition of Brize Norton, we think you "should get one." I took some water from the wells and suggested that that should be sent to Mr. Tom Taylor. I found that there was a difficulty about that, so that the water really has never been analyzed. It is, I think, a great sanitary defect that we have no public office to which we can send water to be analyzed.

10,492. (*Dr. Acland.*) Do I understand you consider that the water was probably the cause of the fever?—Yes, I do.

10,493. And in consequence of that you sent the water for analysis to the Local Government Act Office in London?—So I proposed to do. I took the water in the bottle, but there was some difficulty on account of which it could not be received in London, and there was no other place to send it to without the payment of two or three guineas for the analysis of each bottle of water, which expense the board of guardians did not choose to incur. So things have gone on since. The poor people have been told not to drink that water, but the wells are open to them if they like to do so.

10,494. You have been unable then to get an analysis of the water?—Yes.

10,495. Where should you have been able to get an analysis of the water for two or three guineas?—I do not know. I think at Cirencester you may get it done for two or three guineas through the introduction of a member.

10,496. Then I understand that if you believe that people are being poisoned by water, although you are called upon to make a sanitary report, you do not at all know how to get the water analyzed?—No, practically, certainly not.

10,497. You might find a private person to do it?—Yes.

10,498. But you do not know of any authorized way of obtaining an analysis of the water?—No; you must pay for the analysis. That is the only way of getting it made, I suppose.

10,499. Is it in your judgment then desirable that there should be convenient office or offices in which such analysis can be obtained, or such answers given as you may want?—Yes; I think that is most important. I think there ought to be something of the kind in every county.

10,500. About what area do you think a person in your position, that is, as a private practitioner and union medical officer, having other duties, as you have stated, to perform, could superintend as public sanitary adviser?—Looking at it from your point of view, 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, and let him hold such offices as would be compatible with his doing the work well. I do not suppose a man could without resigning some of the offices I hold attend to private practice, and in addition take any formal office in connexion with sanitary regulations if the area was the whole of the union.

10,501. Is it by accident that you have been almost obliged to discharge these several duties?—Yes; I think a man could be found in every union who could do sanitary work for the whole union and carry on private practice, and perhaps hold in addition one or two appointments.

10,502. Speaking as a person of practical experience in the care of the health of the poor in your neighbourhood, as well as of the patients of your private practice, what kind of work is it you think you could do as sanitary adviser to the local authority?—I think a great deal of it is the same ordinary work that wants doing to-day and every day. Of course there is a great radical defect about some of the dwellings and manner of drainage in some localities which would require in the onset great consideration and care, but there is commonplace work that wants doing over and over again, and requires a great deal of looking after. I think if the police were employed as inspectors of nuisances that they would do this part of the work very well indeed; a great part of the mischief is occasioned by want of inspection. In difficult and doubtful cases they might consult the medical officer.

10,503. Supposing there was a general sanitary code or code of byelaws giving directions and instructions for sanitary administration in rural districts, should you have any difficulty in supervising the inspection that the police should carry out in detail?—No, I think not, when you have once got a district into something like sanitary order. I think a great deal of mischief arises now, for instance, from overcrowding. It seems to me that you will never get to the bottom of that until you license every sleeping room in a cottage to hold so many and no more, in the same way that omnibuses are licensed, and take a register of the number, and make it an offence if more sleep in any one room than are permitted by the license. I think the sanitary inspector should in the first instance determine the capability of each room, looking at its ventilation as well perhaps as its size, and then the number which it is capable of accomodating should be determined and registered. No man should be allowed to take a lodger without a licence stating that he has proper accommodation from the sanitary officer. The overcrowding of lodgings is very great in some of the villages in our neighbourhood, and injurious alike to morals and health.

10,504. That would be simply a police regulation requiring no medical skill?—It would. I think it is important to have determined by a medical inspector how many should sleep in each room in each cottage throughout each sanitary district. After that work had been once done the police could see that the law was not transgressed.

10,505. That might be easily arranged by wisely constructed byelaws, framed by some central authority for use in districts like yours, which would not leave discretion in the hands of the police, but in yours; would that meet your view?—I think there should be an express law that not more than a certain number of people should sleep in a room, and that this law should apply to every cottage under 8*l.* in a rural district, and 10*l.* in towns. I would have them all inspected for a time, and if there was any overcrowding

A. Batt, Esq., M.D.

24 March 1870.

the offenders should be punished. This law could not be brought into operation at once, as I believe cottage accommodation is insufficient.

10,506. (*Mr. Lambert.*) You would limit the number of occupants according to the cubic feet contained in each room of a cottage?—Yes; I would have regard to the ventilation also, because in some of the cottages the windows will scarcely open. If that was so in the case of a very small room I should say that it was unfit to sleep in at all. If it were well ventilated, then although the size might be somewhat less, I mean I would not altogether go by cubical measurement, but would have regard to ventilation and other circumstances.

10,507. (*Dr. Acland.*) Of course in your capacity of medical officer of the union you are well acquainted with the bedrooms and mode of living of the poor?—Yes.

10,508. What should you say are the chief causes of preventible diseases in your district?—I think overcrowding and the use of water from shallow wells, contaminated by bad drainage, and especially the drainage from breweries.

10,509. I believe you are a certifying surgeon under the Factory Act?—Yes.

10,510. What are your duties in that capacity?—Chiefly to pay weekly visits in the town and fortnightly visits out of the town, and register all children under sixteen years of age who are employed in the factories, and to report all accidents.

10,511. You have only a few factories, I believe?—We have only a few children at work in the factories. We have several factories, but since the recent Act very few children are employed in them, so that I have not much to do in that way. They employ women now.

10,512. What are the manufactures of Witney?—Blankets, mops, and tweeds, tiltings, &c.

10,513. Has the Factory Act diminished the number of children employed in the factories?—Yes.

10,514. Materially?—Yes, I think very materially.

10,515. Are your visits acceptable to the manufacturers?—No, I cannot say that they are.

10,516. How is the payment made?—They have to make it.

10,517. And therefore they do not like it?—They do not like that either.

10,518. Do you think that the union medical officers generally would be available as sanitary inspectors?—If the police acted as inspectors of nuisances then I think so.

10,519. Could they discharge all the duties which under a complete system of sanitary supervision might be expected of them?—I think so.

10,520. (*Chairman.*) Do you mean simply if the police were to act as inspectors of nuisances, or would you give a different opinion if persons in a different position were so appointed to act, such as relieving officers?—I should prefer the police, because my idea is that a great deal of the work would be taken away from the local sanitary authority altogether if the police were to be allowed to report every case of a breach of the sanitary laws, like a breach of any other law, and the parties offending were summoned to the petty sessions and punished accordingly.

10,521 (*Dr. Acland.*) Do you think that one medical officer should act over the whole of the union for this purpose, or only over a particular district of the union to which he might be appointed?—I am not at all sure about it. That must depend on the constitution of the new sanitary authority. It would be rather invidious picking out one man from four or five in a union; it would create a difficulty in that way.

10,522. Do you think that the time is approaching when union medical officers generally will be able to discharge sanitary duties all over the kingdom?—Yes, judging from the men in my own neighbourhood, I think so.

10,523. (*Mr. Clive.*) Have the medical officers ever been paid by the case in your union?—Only in midwifery cases, but now it is all done by contract.

10,524. Do you recollect the first formation of the union?—No.

10,525. You do not know whether there was then any payment by the case?—Yes; the midwifery cases were paid for by the case until within the last eight or ten years, when they proposed to average them. It was 10*s.* 6*d.* per case; they averaged the number and so added the payment to the salary, the object being to save trouble. An assistant of mine came to me a short time ago from a gentleman who had always been paid by the case, and he said it was satisfactory, and worked very well.

10,526. (*Dr. Acland.*) Supposing the direction of preventive duties were confined to the union medical officers, have you any opinion as to whether they ought to be paid in addition to their present salaries and if so, in what manner?—I think they ought to be paid if they get any more duties to perform, because they are underpaid now.

10,527. Have you formed any opinion of the principle upon which they might be paid; would you pay them on the reports which they had to write, or the particular duties they discharged, or would you give them a commission on their present salary?—I will suppose a kind of board constituted, as I have suggested, of four magistrates and four guardians, the guardians and magistrates going out of office by rotation, so as not to keep the board constituted of the same members. If you have a board of that kind with a clerk and one medical officer, then the medical officer might be paid whenever he was wanted. Supposing you wanted to send him 12 miles away to report upon a case, you might pay him just as I was paid for that Brize Norton case, only paying him according to some fixed scale, and then when you did not want him you would not pay him much in the way of yearly salary. If the guardians still continue the sanitary authority, and the district medical officers as sanitary officers in each union then the payment might be a commission on present salary.

10,528. You were speaking then of a special committee constituted for sanitary purposes?—Yes.

10,529. Who paid you for the report in the Brize Norton case?—The guardians.

10,530. And not the Privy Council who directed them to make it?—No.

10,531. (*Chairman.*) Did the guardians of the union order the report to be made under the powers given them by the Act of 1860?—I think that was so.

10,532. (*Dr. Acland.*) Has the local board of Witney been of much service for the prevention of diseases?—No, I think not. They have improved the town by watering the streets, and they have paved it; but they do not care about the drainage. The town elected non-drainage men, and they do not mean to drain it.

10,533. You appear to be at a dead lock at present at Witney with regard to sanitary works?—Yes.

10,534. Can you suggest any way by which the sanitary officer should be able to insure the execution of the works which he knows to be desirable?—I think some almost absolute power should be vested in the central office in London. I think there is plenty of power, speaking generally, in local boards and board of guardians now; for instance, there was plenty of power to get the Brize Norton report made, 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; I think they want to be differently constituted. They do not like to increase the rates.

10,535. You have spoken of the functions which you think can be discharged by the union officer and your own local authority, and of the central authority; do you think that a local sanitary officer should have immediate relations with the central authority in London directly, and independently of the local authority or union?—No; I think it would be better to let it come in a straightforward way through the local board, and make it incumbent on the board to send all reports to the central authority. I think, however, all reports made by the medical officer should go to London.

A. Batt, Esq., M.D.

24 March 1870.

10,536. You do not think that there should be any intermediate inspection?—It is a great question whether for purposes of analysis, and a great many other purposes, some head office ought not to be established. I think there should be some head office in the chief place in each county, because if there was a person there superior to the local man, he could be called in in an emergency. All things requiring analysis could be sent there more easily than to London.

10,537. At present you have no such person to whom you can appeal?—No, there is no one to appeal to but the office in London.

10,538. You have a poor law inspector for your own district?—Yes.

10,539. Can you not appeal to him for help?—Mr. Henly is now the poor law inspector. We have now smallpox in the workhouse. He came down the other day and made a great many useful suggestions, and took a great deal of interest in the matter; but I never remember an inspector making suggestions in matters relating to the district.

10,540. Had you applied to Mr. Henley to assist you to get this analysis of the water at Brize Norton, would he not have been able to assist you?—I do not think so, because the board of guardians did not do it, and the Privy Council did not do it. The board of guardians paid me five guineas for that report and then they did not act on it.

10,541. So that you do not consider that he is able to render you any assistance, he can only examine you?—I do not think so; it never struck me to apply to him; I do not think anything would come of it if I did.

10,542. I understand your proposition to be that there might be, in certain districts, for instance, poor law districts, either a central officer who might be a skilful analyst, or medical or sanitary inspectors, who should be scientific experts trained for the purpose with knowledge to whom you could apply?—Yes.

10,543. (*Chairman.*) When you say that the central authority should have more power, with regard to what sort of works do you mean? I suppose you are aware of the power which the central authority has under the 49th section of the Act of 1866, in default of a local authority, with regard to sewerage or water supply, or removal of nuisances, to call upon the local authority to execute works or to execute the works themselves and charge the local authority; is not that power enough?—I do not think it is ever practically exercised, there being no officer whose duty it is to make the formal complaint required by that section. When appeal is made to London for further assistance, the reply sometimes strengthens the position of the non-drainage men. They say, "These men in London are afraid of doing anything." No doubt one reason why so little is done is, that there is a general opinion that the best system of drainage is not yet found out.

10,544. Is not the inoperativeness of that section probably owing to the fact that no complaint is made to initiate proceedings; but the power is sufficient if complaint were made to the central authority, is it not?—It requires I think a public complainant a readier and bolder support in London.

10,545. Yes?—I do not think they act then.

10,546. When did Witney adopt the Local Government Act?—In 1863.

10,547. You say that the local board constituted under those Acts is almost identical in its constituents with the board of guardians?—I do not mean to say that they are the same men, although in three instances they are. The chairman of the local board is a guardian, and the vice-chairman of the guardians is on the local board.

10,548. Do you think that rural parishes or unions, if they were to elect boards under this Act, as towns do, would practically elect the poor law guardians?—I think they would, and that is why I think they might be taken from the guardians as representing the ratepayers and their interests.

10,549. When you propose a committee of poor law guardians for the rural district, composed partly of magistrates and partly of guardians, how would you guarantee any particular parish in which expensive works might be ordered by the local authority being represented on that committee?—I do not know that you could.

10,550. Would it not be necessary, in order to secure a voice to every parish which might be charged with expensive works by the local authority, that every parish should be represented on such a committee?—If so, you practically make a large board and leave the guardians the sanitary authority as now.

10,551. Might not the whole board, being the local authority, form a committee for each considerable operation, as, for instance, if any particular parish was reported as being full of nuisances or requiring drainage, that a committee, on which the locality was represented, should see to that parish being cleaned or drained?—My object was to make a small board, composed in equal parts of magistrates and guardians, I think you will find that something practically will then be done. I think from past experience if it is left in the hands of the guardians that that will not be the case.

10,552. Do you see the possible objection that a particular parish might be charged with the cost of some work, without having a voice in the committee who so charge it?—Yes, I see that; that would be a difficulty certainly. But might it not be met by enacting that before any parish could be so charged, due notice must be given and power (for the time being) to elect a representative member.

10,553. Do you think that the sanitary officer, such as Dr. Acland has been inquiring about, should have a direct command over the services of the inspectors of nuisances?—Yes, I think the police should appeal to the sanitary officer, and his opinion should be final as to whether the thing complained of was a nuisance or not.

10,554. How far could the medical officer of a union, in his rounds visiting the sick, get sufficient information to enable him to report to the guardians the existence of any nuisance?—At the time of the first cholera epidemic, in 1854, the district union medical officers acted as inspectors of nuisances, and sanitary work was thoroughly done, everything kept in proper order for a time, but the moment the epidemic was over the office of the inspectors was suppressed. So that the district medical officers could do it, because practically it was done then; they acted as inspectors of nuisances and sanitary officers too.

10,555. Do you see any objection to medical officers being the principal reporters of nuisances, and inspectors of nuisances being employed in following out their reports?—The great obstacle to that is, that a young doctor, supposing he has got the union, and some great man has taken him by the hand, would not like to offend him by reporting a pigsty belonging to him as a nuisance.

10,556. Would not the medical officer be much more independent than an inspector of nuisances?—I think not; that is why I want the police, because they do not care for anybody.

10,557. At all events, the medical officer is much more independent of the guardians than the relieving officer?—I think very much so, because a relieving officer is under the thumb of a great many guardians.

10,558. Neither the medical officer nor the relieving officer can be removed except by the Poor Law Board?—That is so; but the relieving officer takes his tone from the guardians; he is constantly there, and is paid a very small sum for inspecting the whole of the district. It is quite understood that he is not expected to do very much for it.

10,559. I did not quite understand the duties that you enumerated in answering Dr. Acland's question as to what the sanitary officer would have to do; I think

A. Batt, Esq., M.D.

24 March 1870.

you stated that his ordinary work would be small. Am I to understand from that answer that you think his chief work would be in cases of epidemics and extraordinary sickness?—I think at first there would be a great deal to do, because the cases of overcrowding, and so on, would have to be visited; but when the matter was put into the hands of the police, and people saw that they would not be allowed to break the sanitary law more than any other law, I think it would be very easy work. The medical officer of the union would carry it out very well, leaving the police to report all old standing and acknowledged nuisances, such as an offensive privy, a pigsty, or a collection of refuse or offensive matter, and the doctor would make reports as to any epidemic, or anything else that he might observe prejudicial to the public health, leaving it to the police to cause abatement of such nuisance.

10,560. When the system had come into full operation he would practically have very little to do, excepting in cases of emergency?—I think not.

10,561. Then your remark that he could not undertake other offices, or pivate practice, would not apply?—In our union there are five district medical officers. If you took all five there would be very little for them to do; but if you took one officer for the whole union, and attached him to the newly constituted board, then there would be something for him to do, becaust he must necessarily have to travel a considerable distance. He might have to go 10 miles north and 12 miles south.

10,562. (*Mr. Clive.*) Will you be kind enough to explain the meaning of the expression "newly constituted board"?—I mean the newly constituted sanitary authority.

10,563. Do you not mean a committee of the board?—A committee of the board, or the local sanitary authority, whatever that may ultimately be.

10,564. (*Chairman.*) You would think it better that the sanitary officer should exercise his functions over the same area that he travels over in his usual practice?—I think that would be the most economical arrangement of time and everything else.

10,565. Are you pretty centrally resident in the area that you practise in?—Yes.

10,566. What is the greatest distance from your house in miles that you have to go in your union practice?—About five miles on one side, three miles on another, four miles on another, and three miles on the other, the greatest is five miles.

10,567. Would you think it desirable that a man should undertake a public office like that of sanitary or medical officer without private practice?—I do not think, unless you paid very high sums, that you would get good men to take it without being allowed private practice.

10,568. Would not having no private practice probably render him less efficient as a medical officer?—I think so.

10,569. (*Mr. Hibbert.*) Whom would you propose that the police should report to in cases of nuisances?—I think that they should report all petty acknowledged nuisances to the petty sessions at once; and get rid of the cases as soon as possible. If a person does not remove a nuisance when he is directed to do so, he should be taken before a magistrate.

10,570. Would it not be incurring an unnecessary expense to report a nuisance to the magistrates, when by merely reporting it to the local authority they might give an order for it to be removed without any expense?—The police would in most cases, I think, get a nuisance removed without reporting. Suppose the inspector of nuisances were to tell a man that a certain thing was a nuisance, and direct him to remove it; if he did not remove it, then he should be taken before the magistrates.

10,571. You propose that the sanitary officer should have power to order nuisances to be removed, and if they are not removed that he should then take out a summons to bring the offending parties before the magistrates?—Yes, only I think the police before taking out a summons should obtain the sanction of the medical officer or sanitary officer.

10,572. Then he must also report to the medical officer?—In cases where he meets with difficulty.

10,573. Do you not think that there would be difficulty in carrying out such an arrangement, when the police are under the authority of magistrates, and the nuisance would be entirely under the control of the local authority? Is it not likely that the magistrates would complain of having such additional duties thrown upon the police?—I do not know, but I think not.

10,574. With respect to the medical officer, you think it would be better that such medical officer should be the health officer of the district in which he acts, rather than have one health officer over the whole of the union?—I am not sure which would be the best. I think so much would depend upon the constitution of the local authority.

10,575. Suppose the local authority were the board of guardians?—I think then you had better have the present district officers. If the sanitary board were differently constituted it might like to appoint and have one officer.

10,576. Is it not probable that the medical officer, in going his rounds of visiting the sick, would be likely to see nuisances in various parts of his district, rather than an officer who was appointed over the whole district?—Yes; there would certainly be those advantages in employing all the union officers, and I am inclined to think that that would be the best course to adopt.

10,577. You think that a committee of the board of guardians, something similar to the assessment committee of the board, would be a better authority than the board itself?—Very much.

10,578. What is the size of your union, how many parishes does it consist of?—There are 42 parishes.

10,579. What number of guardians?—I think something over 50—48 elected and 12 *ex-officio*.

10,580. In your opinion, would it be better to have a smaller number to deal with sanitary cases, rather than so large a board as would exist in your own union?—Yes, and to really insure the attendance of the *ex-officio* guardians, in sufficient numbers to give their opinions weight.

10,581. Have you highway districts in your county?—Yes.

10,582. Do you know whether the persons who compose the highway board would be the proper persons to be the sanitary authority?—I do not think so.

10,583. What class of persons are they generally composed of?—A great many guardians; the same men get elected to every post; a ratepayer thinking well of a man as a guardian thinks well of him as a local board man.

10,584. If the guardians would be suitable, I suppose the highway board would be suitable?—A committee of the guardians I think would be better, because they necessarily see the medical reports as to the epidemics and localities specially unhealthy, &c.

10,585. Do the magistrates sit upon highway boards; are they entirely elected?—Yes, and I think they attend the highway board better than they do the meetings of the guardians.

10,586. (*Mr Whitbread.*) You stated just now that you thought the powers were sufficient, but that there was a difficulty in putting them in force. In the case of a rural village, what power is there to prevent overcrowding in letting lodgings?—In our union we have had two cases of that kind, which we have prevented by legal means.

10,587. Can you refer to any authority with any power to prevent the overcrowding of a house letting lodgings in a village?—The Sanitary Act, 1866, sec. 19, makes overcrowding a nuisance.

10,588. With regard to water, what power is there to interfere with a private well attached to a cottage which is clearly more or less in communication with the soil from the privy?—No power, except when the Privy Council put "The Diseases Prevention Act" in operation. I reported a case of that kind at Brize Norton. I ordered one well to be closed, and they put a stone over it; and I remember when the cholera was prevalent we closed one at Witney and stopped a great deal of diarrhœa. At ordinary times the power is wanted.

A. Batt, Esq., M.D.

24 March 1870.

10,589. Is Witney a pretty good specimen of a country town?—It ought to be particularly so, its streets being wide and well arranged, but it has no drainage worthy of the name, and thus we suffer from some preventible diseases.

10,590. Is there a certain number of manufactories?—Yes.

10,591. You have stated that your idea is, that where there is disease any nuisance should be reported at once to the petty sessions, and the persons refusing to abate the nuisance punished?—Yes.

10,592. How would the petty sessions deal in the case of a general nuisance, for instance, an open ditch passing by 20 or 30 cottages?—If it was a public nuisance I (as sanitary officer) should report the local board or the sanitary authority of the parish in which it existed.

10,593. The petty sessions could not deal with that directly?—No; I think if oppositon 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.

10,594. Are there many clergymen on your board of guardians?—Not many, only one elected, several *ex-officio*, who (except in two instances) seldom attend.

10,595. You stated that, although the board was not active in preventing disease, yet when there was a serious outbreak they were pretty determined?—Yes.

10,596. From whom did that determination proceed; who took the initiative at your board when the smallpox broke out?—Mr. Henley happened to come down, and the day afterwards he made a report to the board of guardians, and called with me on the vice-chairman, who at once agreed with us in what was to be done. I believe the board did everything that we suggested.

10,597. Is the vice-chairman a member of the local board?—Yes.

10,598. Is he a tradesman?—He is a farmer, farming his own land.

10,599. Is he an intelligent man?—Very, and with much influence.

10,600. It is that class of men I presume whom you wish to see on your sanitary committee?—Yes, he is sure to be put on by the ratepayers; still, he does not believe that sewage matter in water is bad. He urges that his cattle do better by drinking from those ponds in his farmyard into which the drainage runs than the spring water which is near.

10,601. You referred to some privies which are higher than the wells?—Yes.

10,602. Are those shallow wells with privies above them?—Yes.

10,603. With respect to those privies, has anything been done, or do they remain just as they were?—I do not know what condition they are in now, but I expect nothing has been done, and that they are just the same as they were. There is just a little excavation in the ground, and they very soon get full, and when there is a great downfall of rain from unspouted adjoining buildings it washes the contents of the cesspools over the place, and then the whole place is manured with sewage matter. The want of spouting to many buildings is a great sanitary defect.

10,604. With respect to an analysis of water, I presume you would require a very slight analysis, and would not require to trace the sodas or the potashes?—I think it is one of the most difficult things to analyse water; I would not attempt it at all unless I had a laboratory and time to give specially to it, because it is a kind of thing that wants doing thoroughly if it is done at all. My opinion is, that if you shut a man's well up you ought to be quite sure that it contains bad water. I think great harm arises from medical men giving hasty opinions of that kind on difficult subjects with which they are not perfectly conversant.

10,605. You think that the area which a medical man ought to travel over as inspector would depend, to a great extent, upon the thickness of the population, I presume?—Yes.

10,606. You would not fix any accurate area in a mountainous district where there are narrow valleys, and but few people, running down to a common centre. Of course in that case the area must be much larger?—Yes.

10,607. You cannot suggest any limit to the area that a medical man ought to attend to?—No, I think the circumstances and position of the locality should determine it; the area of our local board requires rearranging. It partly embraces streets, one side being in and one side out of its jurisdiction; three adjoining parishes derive advantages, and contribute nothing to the rates.

10,608. (*Mr. Lambert.*) Does each medical officer take his own district?—Yes.

10,609. There has been no alteration lately?—No.

10,610. Are you aware of any cases in which an alteration has been made, and a medical officer appointed for the whole of the union?—No.

10,611. (*Mr. Clive.*) Are you aware that in Ireland the medical officer communicates directly with the central authority?—I suppose they communicate with the Poor Law Board in cases of dispute and difficulty only.

10,612. Are you aware that that is the system in Ireland?—No.

10,613. (*Mr. Lambert.*) With regard to the constitution of the sanitary committee appointed by the board, would you restrict that committee to the members of the board of guardians, or would you allow the members of the board of guardians to elect any other ratepayers who would be qualified for being guardians as members of that committee?—I think you get the ratepaying element strongly enough represented in the guardians. I should prefer getting some *ex-officio* members of the board of guardians, rather than ratepayers. I think guardians represent the ratepayers, and I do not wish to silence the voice of the magistrates.

10,614. I am supposing that there are ratepayers qualified to be guardians in the union; do you see any objection to allow the board of guardians to elect such persons as those upon the sanitary committee, instead of the guardians?—I think not, unless they were returned as delegates of a local board within the sanitary area; this might be desirable for harmonious action between the two boards.

10,615. Do you know how the dispensary committees are constituted in Ireland?—No.

10,616. You are not aware that the members of the dispensary committee may be elected from the ratepayers of the union who are qualified to be guardians, but are not guardians?—No.

10,617. Might it not be the case that some very intelligent men who had given attention to sanitary matters might be living in the union who were not guardians, but at the same time might be very eligible members of the sanitary committee?—Yes.

10,618. Do you not think it might be desirable to secure the service of persons of that kind?—Very likely it might. On consideration I think it very desirable.

10,619. (*Mr. Cave.*) How many police are there in your union?—I cannot say.

10,620. Would they be able to inspect the nuisances without interfering with the rest of their duty?—I think they do it in some places already, and they would be able to do it at Witney. I know many of the magistrates think that the police would be the best sanitary inspectors. There is, however, one notable exception.

10,621. Is there any feeling against it among the people inspected?—I do not think they like to be inspected at all, but I do not know that there would be any feeling of that kind.

A. Batt, Esq., M.D.

24 March 1870.

10,622. Are there many houses built in the villages of the union without any provision for drainage?—Yes, I suppose that is the rule.

10,623. You have no power whatever to interfere in those cases?—Mr. Ravener, the clerk to the guardians, seems to think that, generally speaking, there is plenty of power if we could only get the guardians and local boards to exercise it. In the cases of emergency, such as cholera, fever, or smallpox, as I have said, they are very determined. For instance, they called in Dr. Acland, and carried out all the suggestions he made. But with regard to what they consider small things, such as scarlatina, which means scarlet fever, they decline to exercise the powers they possess.

10,624. They do not consider it necessary or do not think they have power to interfere, if a man were building a house which afterwards, it is clear, must become unwholesome?—In the district of the local board I believe that is done. Every plan is submitted to the local board, and so practically that is carried out. But that is only for the township of Witney.

10,625. Does that township extend over the agricultural district?—No; in the agricultural district, I, believe, there is no power to control building of any kind.

10,626. Do you not consider that such a power could be exercised with advantage in many open villages?—Yes, I think so.

10,627. Are there not instances of nuisance created by keeping pigs, for instance, in local villages?—Very great.

10,628. Are they interfered with in any case?—Frequently. If there was any epidemic threatening, such as diarrhœa, or cholera, then nuisances are abated and the district made perfectly clean, and the man is told not to keep a pig in a certain sty, but in two months afterwards he has got a pig in the same sty. That is why I think the police are the proper people to discharge these duties, because they will take care that no pig is ever put in a pigsty which has once been complained of.

10,629. In ordinary cases they are left pretty much to themselves?—They are.

10,630. (*The Earl of Romney.*) Do you believe that the inactivity of the guardians is owing to their own indifference on the subject, or from a fear of the body who elect them?—I think in the case of the local board that this fear operates, but not with the guardians. I think they take care of their own pockets; they are large ratepayers, and they like to save their own pockets, and simply decline to tax themselves for any improvement, however great.

10,631. What is the feeling of the electors generally, so far as you are aware?—It is against sanitary reform of any kind. Of that I think there is no doubt.

10,632. (*Dr. Acland.*) Have you any official relations with the registrars of births and deaths?—No.

10,633. None at all?—No.

10,634. You have no kind of control over them?—No.

10,635. You are not obliged to sign a certificate of death unless you like?—No, I suppose not, but one always does, although one does not know for certain that the person is dead. The report of death is sent by any messenger employed by the friends of the deceased.

10,636. But you are not compelled to do so?—No; I think there is no compulsion.

10,637. Can you mention any causes other than you have mentioned injurious to the public health in rural districts?—Yes. Another point I wish to notice is, that I think some power is required to stop the establishment in villages or the proximity to dwellings of any manufactory which may possibly be injurious to public health, without a certificate from the officer of health that the situation is a suitable one.

10,638. (*Mr. Whitbread.*) Is there any power under the Local Government Act to object to a manufactory being established in a rural district which is likely to be injurious to health?—The Brize Norton report is just a case in point. I believe the only redress that the complainant could get was by obtaining an injunction in chancery, which he did, and he shut up, by this costly and unpopular proceeding, the night-soil shed; but the guardians did not order it, nor did the Privy Council. The sanitary authorities are so various, and the laws so complex, that no country person can understand them without the aid of his lawyer.

10,639. Where a place is under the Local Government Act, a manufactory of this sort cannot be set up without the consent of the local board?—No.

10,640. The difference is, that in a rural district you have to proceed at law against the manufactory after it is set up?—Yes.

10,641. Is there anything to prevent a manufacturer who has been ousted by process of law from one place, on account of his manufactory being injurious to public health, setting it up in another place which may not happen to be under the management of a local board?—I know nothing to prevent it.

Adjourned to Monday next at 12 o'clock.

Monday, 28th March 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF ROMNEY.	SAMUEL WHITBREAD, Esq., M.P.
The EARL OF DUCIE.	JOHN TOMLINSON HIBBERT, Esq., M.P.
The Right Hon. Lord ROBERT MONTAGU, M.P.	GEORGE CLIVE, Esq.
The Right Hon. STEPEN CAVE, M.P.	FRANCIS SHARP POWELL, Esq.
Lieut.-Colonel EWART C . ., R.E.	BENJAMIN SHAW, Esq.
JOHN ROBINSON McCLEAN, Esq., M.P., F.R.S.	JOHN LAMBERT, Esq.

FRANCIS THOMAS BIRCHAM, Esq.

(86.) ROBERT WEALE, Esq., examined.

R. Weale, Esq.

28 March 1870.

10,642. (*Chairman.*) You were until lately one of Her Majesty's inspectors under the Poor Law Board, were you not?—I was assistant commissioner and inspector for nearly 33 years. We were first assistant commissioners, and afterwards, although we acted in the same capacity, we were called inspectors.

10,643. What was your district?—The midland district latterly, including for the last 20 years Hertfordshire, Bedfordshire, Northamptonshire, Leicestershire, Huntingdonshire, Rutlandshire, Warwickshire, and one or two unions in adjoining counties.

10,644. We want especially your opinion upon the following proposition:—Suppose the Poor Law were to be considered as part of the local government of the country, and a minister were placed over the whole, both the Poor Law administration and the administration of the Sanitary Acts, and that the board of guardians, under those circumstances called boards of local government, were to be the authorities in rural districts, how far do you think that the present inspectors under the Poor Law Board would be able to carry out a similar inspection over the administration of the whole?—I do not think it would be possible with the present number of Poor Law inspectors that they could do so. I found during the time that I was inspector of poor laws that my time was entirely occupied, and I should not have had any leisure or opportunity for adding to it any other duties.

10,645. Would you be kind enough to tell us as much as possible in detail the duties of a poor law inspector?—In the first instance we were expected to inspect thoroughly the workhouses twice in every year, and we were expected to attend the Boards of Guardians at least once in every year. That was what I would call the routine business. We also had to answer various communications and very numerous they were from the Poor Law Board, for every paper transmitted to the Poor Law Board was afterwards referred to the inspector for his opinion. We had to hold numerous inquiries, and we had the general superintendence of the affairs of the union which I really cannot particularly mention. In any one place if we saw a defect of administration, either in the administration of out-door relief or anything with regard to the management of the workhouse, instead of attending once we were obliged to go three, four, or five times. I think that I had more than 600 officers whose conduct was to a great extent under my control, and everything relating to them had to be brought under my notice and I had to advise upon the subject.

10,646. Can you state how many unions you had in your different districts?—I think in the last that I had there were 64, and amongst them was the great town of Birmingham, and I can venture to say that matters connected with Birmingham occupied a very large proportion of my time.

10,647. How often did you visit the board of guardians at Birmingham?—I daresay I attended the board of guardians four or five times a year, but there were various committees of the board that I attended much more frequently.

10,648. What were those committees for, generally speaking?—There is a house committee, a general relief committee, a committee with regard to the rates, an overseers' committee, and committee with regard to various branches of poor law administration.

10,649. In the country unions I presume your inspection of the workhouse was a part of your attendance at the board?—No; I almost always attended and inspected the workhouses twice a year, independently of my attendance at the board; for the mere inspection of a workhouse on the board day would be very unsatisfactory; generally speaking, everything would be got in good order at that time, and we should have no chance of detecting anything like mal-administration.

10,650. Was the inspection of a workhouse a day's work?—No; I frequently inspected two workhouses in a day; but then travelling occupied a very considerable portion of the time. I have not got it down year by year, but during the whole time of my career I travelled 224,231 miles by railway and 117,968 by coach or posting, making a total of 342,199 miles, so that you will observe that travelling occupied a considerable proportion of the time.

10,651. What was your business in attending to the board of guardians?—If I had no special communication my business was to watch the progress of giving out-door relief, to advise the guardians upon any subject that they wanted advice upon (they generally reserved some questions to ask me), and to bring under their notice any alterations in the law, and a variety of things connected with the administration; where, for instance, we wanted to establish a district school in Warwickshire, that occupied a very considerable portion of time.

10,652. And without much result, I think?—Without much result. It wasted nearly a quarter of my time during four months. I thought that we had succeeded, but at last it fell through.

10,653. Did those communications from the Poor Law Board diminish in number as the law became better understood?—I really can hardly recollect; I think I used to have my bag full pretty nearly every day.

10,654. Taking the last five of your 33 years as compared with the first five, were they more or less?—If I were to take the last 10 or 15 years and compare them with the first 10 years the number was considerably less; but then, at the time that I speak of, instead of having 64 or 65 unions I had 32.

10,655. But would not the tendency be, as the people got more accustomed to the law, that such communications should be very much diminished in number?—I think that they did; but very many fresh elements were introduced into the law; for instance, we had a great number of communications that we had upon the Parochial Assessment Act, and a variety of other provisions that had been introduced, so that we were kept constantly supplied with communications. Every year there has been some alteration; the Union Chargeability Act, and a variety of other questions came up, and I did not find when I left much diminution of correspondence.

10,656. In your attendance at boards of guardians I presume there were fewer and fewer occasions on which you were obliged to explain the law to them?—The guardians are a fluctuating body, and very often they were anxious to look out for any loophole to break through the law. I do not know that there

R. Weale, Esq.
28 March 1870.

was much difference in that respect. If there was any particular portion of the law that they did not like they would be very anxious to find some means of getting out of it. We had to explain the principles. I think it took me as long a time in attending boards of guardians latterly as it did at any period during the last 20 years.

10,657. Did you find practically that the board of guardians was a very fluctuating body?—Always. There were a great number of new importations, and very often when the new importations came in they were generally a little anxious to distinguish themselves, and created occasionally a good deal of agitation.

10,658. When you talk of resistance to the law, what sort of resistance do you mean?—The question was in determining upon any mode in particular, and if they had a notion that a particular mode of relief in any individual case would be less expensive they would fight it out without looking at the result, and not seeing very often that if they formed a bad precedent it might lead to a very great increase of expenditure. We had very often to guard them against that. For instance, they would be anxious to give out-door relief, thinking if only one or two cases applied that it would be a great deal cheaper, but in a few weeks we should have an inundation of applications for out-door relief, in consequence of the guardians having yielded, or being inclined to yield. That pressure would not have occurred if they had stuck to the principle.

10,659. Does your experience lead you to think that, generally speaking, their main idea was to avoid expense without any large view as to the result?—Exactly so.

10,660. You are clearly of opinion that if those inspectors had to watch the execution of the Sanitary Acts in the same way as they now have to watch the execution of the Poor Law Acts with reference to the same body of guardians, it would be more than the present staff could do?—Decidedly; and when I know also from my experience in travelling about the country the large amount of work which ought to be done in sanitary measures, I am quite sure that it would be impossible for them to do it. I know a great many small towns and places that I have been in the habit of visiting are in a most dreadful state for want of sanitary measures, and the inspector would in such a case have to be continually urging the body to an outlay of money which they would be very unwilling to incur, and that would occupy a great deal of his time.

10,661. Compared with the present work of the poor law inspectors, the new work would be something similar with reference to the Sanitary Acts, and both transacted together. They would have to attend the board of guardians the same number of times, to enforce the execution of the Sanitary Acts, to advise as to the meaning of the Acts, to receive reports from the inspectors of nuisances and health officers, in order to ascertain whether the law was effectually carried out, and to report to the central office in London. Do you think, supposing this additional duty to be thrown upon them, it would so much increase their work that they could not properly do it?—I fear that it would be utterly impossible for them to do it, at least I should feel that I could not have undertaken that duty if it had been thrown upon me.

10,662. There would be great economy, would there not, in the same man undertaking both inspections, having the same number of miles to travel, and the same number of visits to make, as compared with having two inspectors, one to inspect the execution of the poor law, and the other the sanitary law, at the same place?—No doubt, but if it was necessary to combine the two it would be possible by giving an additional number of inspectors. I can conceive no other means of doing it. I do not know that the number would be required to be doubled, but the work certainly would be a great deal more than the present staff could do.

10,663. Probably taking into account the economy of travelling and visiting it would require nothing like double the number?—Perhaps it would not. I have never directed my attention to it, but if any such measure is to be introduced I am sure that to inaugurate it would be almost as troublesome as the first introduction of the poor law. It would not be so extensive, but you would have to fight against so many conflicting elements that it would be as troublesome; and where there is likely to be a great expenditure you would meet with a great deal of resistance.

10,664. Can you tell us the number of poor law inspectors at present in England and Wales?—Thirteen or 14.

10,665. How many assistant inspectors?—Two. When I was in office there were no assistant inspectors. There are twelve ordinary inspectors and two medical inspectors. At the present time there are three assistant inspectors; but one of them is only temporarily appointed because of the illness of Dr. Markham.

10,666. Supposing boards of guardians were made the authorities for local government in rural districts, would it be better to make the whole board the authority, or a committee like the assessment committee?—A committee like the assessment committee.

10,667. How would you meet this difficulty, that such a committee called upon to deal with nuisances or want of drainage in any particular part of the union might have to charge part of the union specially, perhaps not represented on this limited committee?—To a certain extent they are represented, because every guardian has to vote for the person who is on the assessment committee; and if he knows that there is to be an expenditure arising from it, he would exercise his franchise in giving it to the person that he thought most competent to deal with the question. Although there is no direct representation from the ratepayers there is the representation from the guardians who are elected by the ratepayers.

10,668. Do you think that it might be better than either of those two plans to make the whole board the authority, and let them whenever any work had to be considered appoint a committee *ad rem.*, upon which committee the place interested should always be represented?—No. Things would be so continually arising that the appointment of a committee every time would lead to great confusion. And another point is to be taken into account, that even under the Assessment Act the committee is obliged to come to the board to undertake the valuation and to appoint the valuer. The committee cannot themselves incur the expense of a valuation without coming to the board.

10,669. You think that the committee might deal with all questions coming before them, but refer to the whole board before it sanctioned any large outlay?—Yes.

10,670. You would not propose that reference in all matters, but only in large matters?—Yes, in all large matters. If you were going, for instance, to drain a place, and to incur a very large expenditure, I would put it in this way, that where there was expenditure requiring a large amount of money to charge the rates with, it should come before the whole board, but in any little trifling current expense that could be paid for at the time I should not think it necessary. I would give the committee power in such cases, but if extensive drainage were to be carried out in any place of course money would have to be borrowed; and before there should be any power given to incur such expenditure the board should give the authority to borrow the money.

10,671. From your long experience of the Midland Counties, do you think that such matters as drainage, water supply, sewerage, and the removal of nuisances, would in those rural districts be best looked after by the board of guardians, or do you think of any other body that would do better?—If the Highway Act had been everywhere established, I should have thought that perhaps the highway board would have been a better board to have done it, inasmuch as they have not the same pressure of business as the board of guardians, as they have a mixture of magistrates and others, and I should have thought that the preferable plan, but as that is not the case I do not see any other better local authority than the board of guardians with committees appointed as I have suggested.

R. Weale, Esq.
28 March 1870.

10,672. Why do you think that magistrates, as *ex-officio* members, would attend to business more on highway boards than on poor law boards?—I can only say that I know it is the case. I cannot give any reason, but I know that they do attend at the one where they do not attend at the other. With regard to the poor laws my experience is this, that when first established we had a very good sprinkling of magistrates on the boards, and they attended to the general duties very well, but it fell off by degrees, and latterly they have very rarely attended unless there was an election. They used to come then, and that created, I must say, and I thought very justly, on the part of the guardians a little degree of uncomfortable and angry feeling that gentlemen should come when there was an office to be filled, who did not come to take upon themselves the ordinary duties of the board. I have never been on a highway board myself, but I have heard in different places that there is a very fair attendance, and I think that you get as far as I have known an exceedingly intelligent body of men to represent the highway board. I think they take in a larger description of farmers than the ordinary guardians.

10,673. In your district were there many unions that overlapped the county boundary?—Yes, a great many.

10,674. Can you state whether there was a general want of coincidence in your district between the union areas and the petty sessional areas?—No, I do not think there was. I think that the unions, when they were in counties, were almost always in the same petty sessional division. There might be some unions so large that they were in more than one petty sessional division, especially in Lincolnshire, where I was for some years, where the unions are so extensive that I should think very likely some of them would go into one or two divisions of the same county. I have been at a Lincolnshire board of guardians where there were more than 120 guardians present.

10,675. Supposing such an amalgamation of local government, including the poor law, do you not think it would be better to have the same inspectors, adding to their number, to inspect all, rather than to have two sets of inspectors?—I know by my own experience that the Poor Law inspector was supposed to be everything. He ought to be a lawyer, he ought to be a surveyor, and he ought to be an architect; all those things come under his particular notice. I should think very likely the inspector of poor laws, if he had time, would be as efficient a person to undertake that duty as any other.

10,676. In your various visits to boards of guardians have you ever had to advise them upon questions about the removal of nuisances?—Occasionally upon an appearance of cholera or anything of that kind, when there was a great stir, those things frequently came before us, and they sought the opinion of the inspectors a good deal. I remember advising frequently the issuing of notices and urging the appointment of inspectors of nuisances, and questions of law were frequently referred to us.

10,677. Then to that extent you, as a poor law inspector, were dealing with the Sanitary Acts?—So far as the removal of nuisances was concerned (and I have no doubt that my colleagues did the same) in any question that came before a board of guardians wanting information I always gave it with the greatest possible pleasure, as perhaps I had studied some subjects more than they had done, and they were very glad to have the advantage of my opinion.

10,678. Cannot you conceive that supposing the poor law inspector extended his inspection to sanitary matters there might be other instances in which the work would be so cognate as not very much to add to his previous work?—No; I think if there be any general system carried out, involving the necessity of his having to carry out any sanitary measures, it must throw an immense amount of additional business upon the inspector. I can give no other answer than that. And the same with regard to advising the guardians under the Nuisance Removal Act, if there is to be any material addition to that duty the present staff of inspectors could not undertake it.

10,679. The addition would probably be calling for drainage where it was wanted, or water supply where that was wanted, or for cleansing a place, which, in addition to the Nuisance Removal Act, would not be a very great increase of the subjects which the inspector would have to look into and report upon in his existing circuits?—That certainly would not interfere much with regard to his travelling, but looking at what his difficulties would be with regard to drainage, I think it must very materially increase his duties. If you have the board of guardians to be the authority, or if you have a committee of the board of guardians to be the authority, they will take a great deal of persuading before they will incur the expenditure that will be necessary to carry out any sanitary system that is likely to be of any avail. I tried my hand as a poor law inspector upon this very question in the little town where I reside in Bedfordshire, Biggleswade, and at the time of the outbreak of cholera I persuaded the board of guardians to appoint an inspector of nuisances for the town. It is a small town of about 5,000 inhabitants, of which a very large proportion are poor people, working in market gardens, and the proportion of the poor to the well-to-do inhabitants is very great indeed. The state of the town was such and the rate of mortality was such that I thought it was due to the guardians to bring it under their notice, and at the request of the guardians we called a public meeting in Biggleswade for the purpose of endeavouring to introduce the Local Government Act. I am afraid it would be considered that I should be intruding a great deal upon the time of the Commission if I were to read to you the long extract which I have here, but it really would put you in possession of the state of a town like Biggleswade, and there are a great many others that are exactly in a like position—it would show you, I think, the enormous amount of labour that would be required to bring such a town as that into anything like a proper state. The inspector of nuisances presented his report to the board of guardians with regard to the sanitary state of the town of Biggleswade. As I said before it was at the time that the cholera was expected, and it was of so alarming a nature that I persuaded the board of guardians to transmit this report to the churchwardens and overseers of Biggleswade desiring their attention to it and asking them to call a public meeting for the purpose of deciding whether or not they would introduce the Local Government Act. I was requested to attend, and I attended the meeting not as a poor law inspector, but as an inhabitant of the place, and urged the adoption of the Local Government Act; but although we got the requisite number to sign the notice to call the meeting, we had scarcely anybody to support us. A mass came to the meeting who refused to pass the resolution; but the state of the town, as represented by the inspector, was such that I should have thought 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 horrible state of things I had ever read of with regard to any town.

10,680. (*Mr. Bircham.*) Was there any other step taken upon that?—No other step was taken at all. I sent the report to the Secretary of State, because, where the people will not carry out an efficient drainage, the Secretary of State has power to do it where the rate of mortality amounts to a certain sum; but it was found to be surrounded with so many difficulties that nothing has been done, and it remains in the same state. The inspector says, "I have now "completed my inspection of the dwelling houses of "the town of Biggleswade. I have examined 930

R. Weale, Esq.
28 March 1870.

" houses. Of these I find 670 with good water, 150 " with bad water, 109 without any water at all. In " the 109 houses without water the inhabitants are " either obliged to beg it from their neighbours or " get a supply from the pumps near the gasworks. " When the water is bad, it mostly arises from the " closeness of the drains, privies, and pigsties to the " wells of the houses. There are 30 houses in Lang- " ford Street, near the gasworks, where the wells are " impregnated with offensive matter from these works, " and which renders the water unfit for drinking or " for cooking purposes. The pigsties are generally " very close to the dwelling houses, and the accumu- " lation of manure is usually kept close to the stye. " And these necessarily occasion very offensive stench " not only to the houses themselves, but to the " neighbourhood in which they are situated. I found " 796 of the houses clean, and 134 were in a very " dirty and offensive condition. Many of the houses " have no back doors to them, and the general run of " cottages are very ill ventilated, and a large propor- " tion of them are in a very bad state of repair. I found " 12 houses in a state totally unfit for habitation; there " are many others in a wretched state, although not " quite so bad as those specified in the table. " Ninety-five of the houses were reported to me as " being infested with bugs and other noxious vermin. " As to drainage, I found 85 houses without any " drains, and in 197 other houses the drains were " most offensive and defective. In 110 instances " where pigs are kept the pigsties were in a most " filthy state, some of them being in small barns with " little or no ventilation, and in those barns there " were often box privies in a very offensive state, " with very imperfect, if any drainage. I found 205 " very offensive privies, and 12 houses without any " at all. In five houses I found privies actually " under bedrooms constantly occupied by persons " at night. I may say generally the privies attached " to the houses of poor persons are in a very filthy " state, and many are in such a state of repair as " to render them absolutely unfit for use; many, " as I have before remarked, are placed in the small " barns in which pigs, and wood, and straw are kept. " I found 179 cottages occupied by 851 inmates, and " for these only 37 privies are provided. I was told " repeatedly that many of these occupiers experienced " great personal inconvenience for want of privy " accommodation; and in three instances there were " no less than 45 persons to one privy, and it fre- " quently happened that they had to watch one " another going to and fro that they might get their " turn. I have given notice in many cases where " the nuisances were of the most glaring kind, and " steps have been taken to abate them, and some " works of improvement have been promised me, and " some are now in progress of being made. In two " instances new wells have been sunk, and many have " been emptied and cleansed. I have before remarked " that the supply of water to many of the houses is " very insufficient and defective. It is, I think, " generally admitted that the drainage of the town is " most incomplete and imperfect, and until a proper " supply of water is secured to the houses of the poor, " the more extensive and decent provision made for " the out offices, and a more efficient system of drain- " age adopted, it is useless to expect that the evils " which I have remarked on can be permanently " abated or remedied. In my inspection of the " houses I inquired the number of inhabitants to each " house, the particulars of which I have entered in " my report book. I found the dwellings of the " labouring classes generally very much over- " crowded; 45 of the most overcrowded dwellings " contained only one bedroom, and there bedrooms " were occupied at night by 301 persons. 39 houses " containing five bedrooms were occupied at night " by 336 persons. In 18 of the houses with one " bedroom, and in 17 houses with two bedrooms, " I found men and their wives, with adult children " of both sexes, sleeping in the same room; and in a " few cases I found the sons and daughters with their " husbands and wives occupying the same bedroom " with their parents. I found also widows with adult " children of both sexes, between the ages of 35 and " 16, sleeping in one room. In several of the cottages " with two bedrooms, the father, mother, and children " were huddled into one room, and the other bedroom " is let to lodgers. The sleeping rooms are generally " very small, and frequently without even the venti- " lation afforded by a fireplace, and I scarcely need " add I found them close and very offensive. The " most crowded room I found was occupied by 14 " persons, and did not afford more than 77 cubic feet " for each person. In the house with one bedroom, " before referred to, there were 12 with less than 150 " cubic feet to each inmate; and in no instance in " these one bedroomed-houses does the area amount " to 259 cubic feet for each person. In the houses " with two bedrooms before referred to, there are " eight with less than 159 cubic feet to each inmate, " and only eight with 252 cubic feet to each occupant. " The population of the parish of Biggleswade at the " last census was 4,631; in the last five years, ended " at Michaelmas last, the number of deaths amounted " to 447, which gives an average death-rate of 21 to " 1,000 inhabitants."

10,681. (*Chairman.*) What is the local authority at Biggleswade?—The only local authority is the board of guardians.

10,682. And the vestry for drainage?—The vestry for any drainage; nothing has been done with regard to the drainage. I called a general meeting, I addressed the meeting, but nothing was done; it remains in the same state.

10,683. Biggleswade must be in an exceptionally bad state as compared with other places in that neighbourhood, is it not?—There is a little town near. I cannot speak with the same degree of certainty about it, because I had not had it surveyed, called Potton, where the houses are, I should think, very crowded, and very offensive.

10,684. What union is Biggleswade in?—The Biggleswade union.

10,685. How many parishes are there in it?—26 or 27.

10,686. Is Biggleswade the place where the board meets?—Yes. Biggleswade is the place where the board meets, and where the magistrates meet.

10,687. (*Lord Robert Montagu.*) Is the whole town of Biggleswade in one parish?—The whole town is in one parish, and there is a large area besides not included in the town.

10,688. (*Chairman.*) Supposing the board of guardians to be at least 27 in number, would they not be likely, as a much larger body, to deal more vigorously with nuisances than any local authority for Biggleswade alone?—My idea was, that in a town of this extent, with 5,000 inhabitants, it ought to provide a very proper local authority. If any work had to be thrown upon it I do not think you would find the guardians particularly willing to undertake it; I think it should be rather thrown upon the inhabitants of the town.

10,689. Has the removal of those nuisances that you refer to been discussed in boards attended by the guardians of 27 parishes pretty generally, or is it the fact that the Biggleswade guardians have the most influence upon the board?—No, I do not think that the Biggleswade guardians have most influence. The chairman of the board is an exceedingly popular man, a Mr. Barnett, he is not a magistrate, but he is a gentleman of position, and I have no doubt he is in the commission of the peace, but he never acted as a magistrate, for he was the master of the foxhounds for 30 years, and he would not devote his time to magisterial duties; he is chairman of the board and he exercises great influence over them.

10,690. Are you of opinion that the guardians of towns are generally more attentive, active, and influential than the guardians of villages?—I think there are three elected guardians of Biggleswade; one is a brewer and banker in the place, and I think the other two are agriculturists. There is a good deal of agricultural land in the parish.

10,691. I suppose that the upper class in Biggleswade would be ready to deal with those nuisances, or adopt the Acts, but for the mass of small ratepayers who out-vote them?—I have no doubt but that they would.

10,692. Is there any great proprietor there?—The greatest proprietors are brewers.

10,693. Do they own much of the town?—Inasmuch as it is a large brewery in the town, and we have 50 public-houses, the larger proportion of which belongs to the brewery, they have a great influence there.

10,694. Has the formation of a local board, or the adoption of the Local Government Act, ever been proposed?—It was proposed at the meeting of which I have spoken; and if the Commission like I will put in this paper just as it is, because it gives the report of the meeting that we called for the purpose of adopting the Local Government Act, and how it was disposed of by the meeting (*delivering in the same*). I was asked to introduce the subject. I did not do it officially, but I did it as an inhabitant of the place.

10,695. (*Earl of Ducie.*) In the event of a committee of the board of guardians being made the local authority, do you think that the difficulty of representation could be got over by submitting all projects involving a certain amount of expenditure to the board of guardians before they are carried out?—Yes, that is what I have suggested. Now that I am upon a subject connected with the health of the place, perhaps I may be allowed to mention a circumstance which has only come to my knowledge within the last few days affecting the sanitary condition of the place. It is with regard to the extent to which children are crowded together in what are called plait schools. The same inspector of nuisances (although I am now living in quite a private capacity) makes me acquainted with anything that occurs. He directed my attention the other day to three or four plait schools, and he asked me if I would go with him to see these schools, and I went to three. The first was kept by a Mrs. Bygrave, a person who can neither read nor write. I found in a room 12 feet by 10 and 6 feet high 40 children at work between the ages of 6 and 14, the majority being between 8 and 10; in this room they work from 9 in the morning till 1; they go again at 2 and stay till 5; and the eldest of them go again at 6 and remain till 8 o'clock at night, stewed up in this wretched room. The next case was a Mrs. Taylor's, where I found 39 children in a room 12 feet by 10 and 6 feet high, and they were detained the same number of hours. The third that I visited was kept by Millie, the wife of James Warner, and there I found 28 children working the same hours, and of about the same ages, in a room 15 feet by 11 and 6 feet high. The stench of those rooms was something truly awful, and one had a stove burning in it. No mental instruction is given in any of these schools.

10,696. (*Mr. Hibbert.*) Are not those children under the Factory Acts?—No; the Attorney-General advised that straw-plaiting did not come under the Factory Acts. Sir John Karslake was asked his opinion, and in the report of the employment of children in agriculture, the opinion is given that they do not come under the Factory Act.

10,697. If not under the Factory Act, could not they be placed by the local authorities under the Workshops Act?—I do not know what power they have of enforcing that Act. His opinion was taken as to the question whether they were under the Workshops Act, not upon the question of the Factory Act. The children each pay 2*d.* a week to the mistress to learn the plaiting, and upon the average they may earn from three farthings to 2*d.* per day at that straw plait. It depends upon the price of straw plait.

10,698. In what condition did the children appear to be?—They looked wretched. The parents get rid of them all that time for the sake of 2*d.* a day.

R. Weale, Esq.
28 March 1870.

10,699. I understand that you would prefer to have a permanent committee of the board of guardians, like the assessment committee, in preference to the board of guardians, as the authority for sanitary purposes?—Yes, it would be a more manageable body, and they would do their work better, I think.

10,700. Would you have that committee appointed similar to the assessment committee?—I do not know a better model that you can take than that.

10,701. How would you get over the difficulty of large unions in some cases, where they have 70, 80, or 90 parishes? Would not it make a very large committee if based upon the plan of the assessment committee?—I do not think it need necessarily make a very large committee.

10,702. Do you know how the assessment committee is formed, upon what basis?—The guardians elect from their own body a certain number, and there must be a certain number of them *ex-officio* guardians.

10,703. Is not one-third the proportion?—Yes.

10,704. Would you state how the committee is to be appointed under the second section of the Parochial Assessment Act of 1862?—" The Board of Guardians " of every union formed under the Act 4th and 5th " King William the Fourth, chapter 76, shall, as soon " as convenient after the passing of this Act, and in " every subsequent year at their first meeting after " the annual election of guardians, appoint from " among themselves any number not less than six nor " more than 12, to be a committee, consisting partly " of *ex-officio* and partly of elected guardians;" then the proviso is "That one-third at least of such com- " mittee shall consist of *ex-officio* guardians."

10,705. There is no provision in that Act, is there, for each parish having representation upon that committee?—No.

10,706. Supposing the sanitary committee were appointed in this manner, how would you enable the parishes to have a representation in matters affecting the rating of any particular parish for sanitary purposes?—The only thing that you could do would be this, you could control the expenditure by making the sanitary committee come to the board of guardians for the purpose of obtaining their sanction. I mean before they carry out any work beyond a certain expenditure they should come to the guardians for permission to do so.

10,707. Would you think it an advantage for the sanitary authority, whether it was the board of guardians or any other body, to have the control of the highways as well?—As I said before, I think that the highway board is a very important one; and I think that if the Highway Act had been a compulsory Act, and everywhere adopted, the highway board would have been a better local authority than the board of guardians; but I think that if you were to add to the guardians the sanitary duties, and those of the highway board, you will be overwhelming them with business.

10,708. Will not the two authorities in some instances clash if you give sanitary powers to the boards of guardians and allow the highway boards still to exist as a separate authority?—I do not exactly see in what way they would clash.

10,709. Would the sanitary authority have power to break the surface of the roads for drainage purposes without the consent of the highway board?—I presume that the legislature would give them some provision under those circumstances.

10,710. Would you not have in that case two clashing authorities with respect to the highways?—You would have that; but I am very much afraid that if you throw too much duty upon the one local authority you will not get it attended to.

10,711. Is it not likely that you would get a better class of men to undertake the position of guardians?—You cannot get them in the country; you must be dependent in the rural parishes upon the farmers.

10,712. It is the case, is it not, that the same men

R. Weale, Esq.

28 March 1870.

both act as guardians and on the highway board?—It may be so in some instances, but I have never been at a highway board, and therefore I only know from what I have heard.

10,713. (*Lieut.-Col. Ewart.*) You mentioned, did you not, that the ordinary *ex-officio* guardians at present do not much attend the board, but that they attend the highway boards?—My personal knowledge of highway boards is confined to one board, and I know that the magistrates do attend that, and in the district that they do attend we have the best roads almost in England, and I judge of how the work is done by the result which they produce. We have admirable roads in every direction, and I am very thankful to say we have nearly got rid of all turnpike gates.

10,714. That being the case, do you think that if health business was thrown upon the board of guardians it would not be likely that the *ex-officio* guardians would attend more than they do now?—No, I do not think they would.

10,715. (*Mr. Hibbert.*) Is it not the fact that the *ex-officio* guardians attend well upon the assessment committee?—I have not attended the assessment committee now for two years, but upon the first introduction of the assessment committee I never heard that there was any want of attendance upon the part of the *ex-officio* guardians. The *ex-officio* guardians attended in the early introduction of the poor law, and I am sure we were indebted very much indeed to the country gentlemen of England for the way in which they came forward and rendered us assistance at that time, but afterwards they got wearied by the general routine of whether it should be 2*s.* 6*d.* and a loaf or 3*s.*, they did not feel sufficient interest to give attention as they did to more important matters.

10,716. (*Lieut.-Col. Ewart.*) Do not you think that the health business would be more interesting than the duties which they now would have to transact if they attended?—No; inasmuch as country gentlemen living in country places would not, I think, feel so much interested in the small towns adjoining to them.

10,717. Since you retired are you aware whether the extent of the district under the poor law inspector is very much what it was before, or has it been diminished at all?—I think it remains exactly the same; the sub-inspectors have been appointed since I left, but otherwise the district remains the same.

10,718. Supposing additional work were thrown upon the inspector by the health business being added to the poor law officers, which system do you think preferable—to have smaller districts with inspectors attending to each, or to employ sub-inspectors under the existing inspectors to assist them?—I have hardly given the subject consideration. I suppose that the main expense of travelling would be the same; I always like it myself to go upon the principle of being responsible for my own work, and I would rather have undertaken to have done it myself than have had an inspector under me. I would rather diminish the service and do that which I was responsible for myself than have a larger area and take a certain degree of responsibility for the officer under me.

10,719. During the time that you were employed were the poor law inspectors taken from any special professions, or for any special qualifications?—I believe that they were, and I dare say they now are. They were not chosen from any particular professions. We had one or two officers of the army, several barristers, and one or two solicitors (I was a solicitor before I became a poor law inspector). I had retired from practice, and there were two or three private gentlemen. In the first place, I am quite sure that the commissioners who had the appointment looked mainly to the persons who had some knowledge of the law, and who had taken an active interest in carrying out the poor law. That was so in my own case particularly. I gave evidence before the commission of inquiry. I was consulted by the commissioners from having interfered and interested myself a good deal in poor law questions, and it was from that ground only that I received my appointment. In any appointment that has been made subsequently, I have never known any particular class of person looked to; but I believe that the Poor Law Board have always considered, in making the appointment, whether or not the gentleman was likely to be efficient for the performance of his duties. I believe they have always been guided in that way.

10,720. Did any cases come before you at the time you were an inspector where it was desirable to have the water analyzed?—I had my own water analyzed, for I was frightened out of my wits one day about the water. A report was made to me that the water of my house was very offensive, and just at the time of the cholera I sent some up to some gentleman in London and had it analyzed. He sent down such a report that I was thinking of giving my landlord notice that I should quit my house; but it was a place that I was very fond of, and I thought I would try another analysis, so I sent some water to the chief authority, Dr. Taylor, and Dr. Taylor's report was exactly opposite to that of the gentleman who frightened me; so that I live very happily in my house now, believing that I have very good water. The one said that it contained all kinds of noxious matter, and the other declared it to very pure and very good.

10,721. But if the medical officer represented to the board of guardians that there was water that required to be analyzed, is there any difficulty in its being done?—I never knew an instance of difficulty, I am quite sure that no board of guardians under my inspection, if there had been a report that the water was in an unfit state, would have ever refused having it done. I never found them unwilling to incur any expenditure, especially where the health of the public was concerned.

10,722. Do you think it is desirable that relieving officers should be employed as inspectors of nuisances?—I think that, as the law at present is, they might very well answer the purpose. They are frequently visiting about places where the greatest nuisances arise, and they become more familiar with them than any one. In Biggleswade, I thought the relieving officer would not have the time, when there was such an amount of work to be done, and I persuaded the board of guardians to appoint a special person for that office.

10,723. Did you see anything of the police being employed as inspectors of nuisances?—I do not recollect any, but my superintendent, as I called him, was an old retired sergeant of police, and, like myself, an old superannuated officer that has a little good in him, so I suggested that he should be employed to do this, and very effectually I think he did it.

10,724. What is his salary?—I do not know what his salary as a retired policeman is.

10,725. What is his salary for performing the duty of inspector?—Just at the time of the cholera I think they gave him 30*l.* a year, and now it is 15*l.*

10,726. (*Mr. Lambert.*) You stated that you were of opinion that if the Highway Act had been generally adopted the highway board would be preferable as the local authority for sanitary purposes to that of the board of guardians?—When I say the highway board, I do not mean the whole highway board, but I mean a committee appointed by the highway board upon the same principle as the assessment committee is appointed by the board of guardians under the Poor Law.

10,727. Would it not be necessary for the purpose of carrying out any sanitary laws effectually that medical officers should be appointed also?—I presume there would be officers of health, for I believe them to be very necessary officers.

10,728. And they would probably he medical men, would they not?—I should think so, certainly.

10,729. There are no medical officers ever attached to the highway board?—None.

10,730. But there are to boards of guardians?—Yes.

10,731. Is it not the fact that the whole of England is now divided into a certain number of medical districts, or rather that each union is divided into a certain number of medical districts, with a medical officer appointed for each?—Yes.

10,732. Is it his duty to visit the sick poor within his district?—Undoubtedly.

10,733. And therefore he has frequent occasion in visiting the various parts of his district to ascertain what the general sanitary state of it is?—Yes; no doubt he is called upon to visit the most ill-drained and worst districts.

10,734. In the discharge of his duty as a poor law medical officer he is constantly visiting the district and becoming acquainted with the sanitary condition of it?—He must do so.

10,735. In that capacity has he not frequent occasion to visit the worst description of houses and cottages?—Yes, undoubtedly.

10,736. Those which are most likely to be overcrowded, and where nuisances are most likely to exist?—Undoubtedly.

10,737. Are you of opinion that there would be any difficulty in constituting the district medical officer of the board of guardians the officer of health also?—I do not know where you would get a better authority for the purpose in the rural districts; generally speaking, almost all the medical men in the district are appointed as medical officers, and if you did not have them appointed at a separate election in most instances you would elect the same men.

10,738. Upon the whole, is it your opinion, from your experience, that the medical officers would be competent to discharge the duties of officers of health?—I think so; and if not you could not get any other medical authority to do the work.

10,739. What is your experience with regard to medical officers in rural districts? Are they generally persons in the lowest rank of the profession, or do you generally find that respectable men undertake the office of district medical officer?—I think they are respectable men, or a very fair sample of men. Perhaps in some places men of very high repute would not take the office; but I think they are the best men that you can get. I do not see how you can improve them in any way.

10,740. What class of medical men are they in Biggleswade?—I believe that every medical man in Biggleswade, either by himself or his partner, is also a medical officer of the union.

10,741. Including those who are in the best practice there?—Yes.

10,742. Would it not be a great convenience if the board of guardians were the sanitary authority, that the medical officers of the guardians should also be appointed the sanitary officers?—I think so, undoubtedly. I do not see where you could get any other staff from.

10,743. Then it would be much better as regards the appointment of sanitary officers that the board of guardians should be the authority instead of the highway board?—Taking it upon that one ground only it would.

10,744. That is an important ground, is it not?—Yes; but if the highway board were the authority there would be nothing to prevent them appointing the medical officers, they would have the same choice of men if they had to appoint them.

10,745. Then you would have a divided authority; would you make it compulsory upon the highway board to appoint the district medical officers?—Most medical men are already medical officers of the union, and there are no others that they could select from; they must necessarily take the same men.

10,746. Would you require the highway board, supposing it were the sanitary authority, to take the district medical officers of the guardians?—I think if you were to do that it would be very repulsive to the highway board; they would say, if they are to have the officers they ought to have the choice of them, because they might say they would want one for one district and one for another.

R. Weale, Esq.

28 March 1870.

10,747. If the district medical officer of the board of guardians is to be appointed for sanitary purposes, would it not be much better that the board of guardians should also be the sanitary authority?—I do not think that that necessarily follows. My preference would be for the highway board. Generally speaking, I think you get a rather better description of persons on a highway board; and they become more acquainted with drainage than you would find to be the case amongst ordinary boards of guardians. I do not mean to say that the in latter there are not equally respectable men; but the Highway Act is not compulsory, and therefore you cannot adopt that alternative.

10,748. You have expressed an opinion that the present staff of poor law inspectors would not be adequate to undertake, in addition to their present duties, the duties of sanitary inspectors; but supposing the board of guardians were constituted the sanitary authority, I presume you have no doubt as to the competency of the poor law inspectors?—Certainly not. As I said before, the poor law inspector is really expected to know something of everything. He is a lawyer, he is a surveyor, he is an architect, and he is an engineer; he is necessarily driven into a variety of things. I do not mean to say that he is a proficient in all, but he has a knowledge of all which is very useful.

10,749. In the event of any serious expenditure, for instance, its being necessary to borrow money for the purpose of carrying out structural works in any particular part of the union, you have suggested that under these circumstances the sanitary committee should be obliged to resort to the board of guardians for their sanction?—Yes, that was to meet the question with regard to the representation. As a matter of principle, I suggested the expediency of making it to meet the question of representation and expenditure go together.

10,750. With regard to the assessment committee, there are certain expenses at the present time, are there not, which they are not authorized to incur, unless they go to the board of guardians first?—Yes.

10,751. Can you mention what their expenses are?—If they want a valuation they are obliged to come to the board to appoint a valuer.

10,752. Valuation is a very considerable expense, is it not?—Very.

10,753. Is it not the largest expense that the assessment committee can incur?—Yes.

10,754. And before they can have a valuation they must obtain the consent of the board of guardians?—Yes.

10,755. Is it not also the fact that before they can take part in an appeal against their decision they must obtain the consent of the board of guardians?—I think it is.

10,756. Those are the two instances in which the largest amount of expense can have been incurred by the assessment committee?—Yes.

10,757. The other expenses incurred by them are comparatively very small, are they not?—Yes, very small—printing, giving notices, and calling meetings, and such things as that.

10,758. With regard to the payment of the clerk of the assessment committee the assessment committee fix that payment subject to the sanction of the Poor Law Board, do they not?—Yes.

10,759. It is not necessary for them to go to the board of guardians for their sanction?—No, I think not.

10,760. But the controlling authority with regard to the clerk's salary or remuneration is the Poor Law Board?—Yes.

10,761. So that with reference to the whole of the expenses, except that very trifling matter to which you have alluded, there is the controlling authority

R. Weale, Esq.
28 March 1870.

either of the poor law board or the board of guardians?—Yes.

10,762. With regard to the sanitary committee that you propose you would have a controlling authority, would you not, with regard to the principal expenses incurred by them?—Yes.

10,763. (*Lord Robert Montagu.*) You have said that you consider a committee of the highway board constituted like the assessment committee would be the best for sanitary purposes?—Yes, I do think so.

10,764. Do you mean that the waywardens are to elect the committee, and that there are to be a certain proportion of *ex-officio* members on it?—Yes.

10,765. In order to make it a sanitary authority, we must make the Highway Act compulsory, must we not?—Yes. The reason why I did not press that particularly was, that inasmuch as the Highway Act is not generally adopted, I merely threw out the suggestion, and I said that in the present state of the law I saw no better board than the board of guardians.

10,766. Would there be any objection to making the Highway Act compulsory?—My own individual opinion is that it would be a great benefit.

10,767. A highway district is different from a union, is it not?—Yes, it is. I know there are some places in the Biggleswade highway district that there are not in the Biggleswade union.

10,768. (*Mr. Burcham*) A part of your preference for the highway board to the board of guardians is founded, is it not, upon the better attendance of *ex-officio* members?—Partly so.

10,769. You told us, I think, that when the poor law unions were in course of formation, and for some time afterwards, the *ex-officio* members did attend more than was afterwards the case?—Certainly.

10,770. Do you not think it very likely that they are attending now much more frequently on the highway board because the matter is new, and there is more important business to transact than when the thing shall have assumed a more ordinary shape?—That may be so to a certain extent, but I think country gentlemen feel a great deal of interest in having good roads about them, and I think that they are interested a good deal with regard to the expenditure of money.

10,771. I think another reason that you mentioned was that it was desirable that those who had structural works to execute in roads, should not be in conflict with the authorities who had the ordinary control of the roads, and that on that account you were of opinion that the highway board would probably be a good health authority?—With regard to drainage, they have always a surveyor, and they seem to me to have more means of inquiring with regard not only to surface drainage and drainage at the side of a road, but also as to general drainage than the guardians of the union have, and therefore that the general drainage would fall more within the province of a board constituted to look after the roads than it would be within that of a board administering parochial relief.

10,772. That would apply to the case of structural works, but not to ordinary nuisances?—No, not to ordinary nuisances; but I think they would be quite as competent to deal with ordinary nuisances as a committee of the board of guardians, and they would, in many instances, be the same persons.

10,773. You must have had considerable experience of and contact with the medical officers through the country; is their duty generally well done by the district medical officers of unions?—I think generally so.

10,774. Are they sufficiently attentive to the poor of whom they have the care?—Yes. Whenever my attention was drawn to a fact of neglect I always inquired into it, and in the event of a medical officer being found negligent, he was in the first instance reprimanded or warned with regard to his duty; and it has been my painful lot to advise that many who have neglected their duties should be dismissed.

10,775. Then there have been in your experience instances of the poor having been neglected?—Yes.

10,776. Do you think that that has at all depended upon the low rate of remuneration which they received?—My individual opinion is this, that you would hardly fix an amount of payment that a good many of them would think to be sufficient, and I think if you were to double their salaries you would find the same amount of neglect.

10,777. Is not your experience rather that they are grossly underpaid for the duties that they have to perform?—I do not think that I could say that. I do not think that they are grossly underpaid; they are paid a great deal more than they used to be, and if you take into account the advances that have been made by supplemental payments made for accidents, and for fractures, and for vaccination, and a variety of other things, I do not think it is right to say that they are grossly underpaid. All I know is that whenever a vacancy occurs there are a great number of applicants for the situation. I am aware that very often a resident medical man will make an application for a district, not thinking the salary sufficiently remunerative, but simply for the purpose of keeping out a rival.

10,778. Is not that a very frequent state of things?—I do not know that it is. I have known instances of men very seriously complaining, but who would be exceedingly sorry to give up their appointment, even to a person residing on the same spot, and where a candidate would not be imported. I have often heard them say, while travelling about in a particular neighbourhood, it is not much trouble to go and look at a few pauper cases, we do not go for the express purpose, and we would much rather do that than lose the appointment.

10,779. You have told us that the amount of inspection that would probably be required of the poor law inspectors, if inspection for the purpose of sanitary matters were cast upon them, could not be performed by the present staff, but an addition to their number would be far less expensive to the country, would it not, than any new system of inspection?—Certainly it would, because there would be the cost of travelling.

10,780. And they have cognate duties?—Yes.

10,781. Does it occur to you also that the auditing of sanitary expenditure might be very well done by the poor law auditors?—Certainly, that might be. I believe that where there is a local board of health now established the poor law auditor is the authority to audit the accounts.

10,782. And that system might be extended if local boards were extended largely through the country and the expenditure became large?—Yes.

10,783. And a larger amount of duty might be done by those gentlemen with less expense than by the creation of any other set of auditors?—Yes, certainly.

10,784. Does your experience of Biggleswade incline you to think that a power vested in the central authority to form a town compulsorily into a local board for sanitary purposes would be useful?—I think so, and I thought so much of it that I wrote to the Secretary of State upon the subject.

10,785. Has it occurred to you that the office of guardian would be better performed if it were less temporary, and was not an annual office entirely?—I do not think it would in country parishes. I have often thought that in purely town parishes, confining myself to the poor law, it would be an advantage if they were appointed in the same way as the members of municipal bodies are appointed, that is, a certain number to retire by rotation, but I do not know that that would work very satisfactorily in rural districts.

10,786. If, in point of fact, continuity of existence were given them?—Yes.

10,787. What is your reason for thinking that it would not also work well in country districts?—I have never thought upon the subject with reference to country districts. I think in purely rural parishes they very often are really so continuative, for I have known the same members of boards of guardians all

the time I have been with them for the same parishes, but now and then there is a change.

10,788. You were in the service of the poor law board, were you not, a good many years ago, when the earlier unions were constituted?—Yes; I formed 33 or 34 unions myself.

10,789. Upon what principle was the area of the union constituted?—The first thing was to look for a convenient centre, and then taking the parishes round it and nearest to the town for all purposes where the medical man resided, and, generally speaking, where the bench of magistrates was assembling—the town that supplied the general wants of the district.

10,790. And the workhouse came to be built with reference to the shape of that union afterwards?—Yes. I should say that in the first formation of unions the course which I adopted, and I believe some of my colleagues adopted the same course, was to take a map and determine, in my own mind, where I thought a good centre of the union would be; then I summoned all the churchwardens and overseers of those parishes, and wrote to all gentlemen interested in property, asking them to meet me at a particular spot, and I stated to them where I proposed to place the union, and if they could give me any good reason why the place that I had selected was not a proper place, and that another would be more advantageous to them, I had no difficulty in changing the position of the union; but I always consulted the neighbourhood as to what would be the most convenient spot for them, and then formed my own judgment, after having heard them, whether or not my original plan was a sound one. When the union was formed, the board of guardians decided the spot where the workhouse was to be, and in many cases the workhouse was not built at the exact spot named as the centre of the union.

10,791. In fact, you took into consideration, as well as you could, the convenience of the governors and the governed?—Yes, exactly so.

10,792. If you had the same duty to do again, has your experience suggested to you any correction of the principle?—None whatever.

10,793. And the unions have now become more difficult of alteration by means of the building of workhouses, each with reference to the shape of its union?—There is no doubt that our great difficulty now would be in deciding, if a parish were removed from one union to another, what proportion should be paid to the outgoing parish for their share in the workhouse, and then if they were put into another, what proportion they would have to pay to the incoming one. I have done that in a few instances, and a most complicated piece of business it is.

10,794. (*Chairman.*) Did you try to make the areas coincident with the petty sessional divisions at all?—That was one element of consideration, but we could not follow it always, because otherwise we should never have gone out of one county.

10,795. That was a distinct element in your consideration?—Yes. I think there were one or two instances, such as Leighton Buzzard, in Bedfordshire, where the next parish to the parish of Leighton Buzzard is in another county—in Buckinghamshire; but there was no other place where we could have put the union, and with regard to Hemel Hempstead and Luton, exactly in the same way you get over the border of the county, and you would have to send part of those parishes to Hertfordshire and part to Bedfordshire, a very long distance.

10,796. But you did try to make them coincide wherever you could?—Yes, wherever we could; but the principal thing was convenient access to the places where the poor persons were required to go to attend the board of guardians to state their case, where the doctor lived that would supply them with medicines, and where they generally got their supplies from; that was the general principle.

10,797. (*Mr. Bircham.*) Having had considerable experience in these matters, have you any doubt that the inconvenience of a union lying in two counties is much more than overbalanced ordinarily by the convenience of the guardians and the convenience of the poor having access to a ready centre and the workhouse, and being at no great distance from any point to which they need to go?—I think it is certainly preferable to have it as it is. You could not remove them, and take the counties as the boundary, without the greatest possible inconvenience. The only inconvenience arises perhaps with regard to the question of assessment, in their being in two different counties. I never found any practical difficulty in administering the poor law from one union being in two counties.

R. Weale, Esq.
28 March 1870.

10,798. (*Mr. Shaw.*) Your observations have been directed, as I understand, to secure as high a class of persons as possible serving on the sanitary local authority?—Yes.

10,799. Supposing that object not to be attained, the question arises how far the deficiency might be made up by very vigorous inspection from a central authority. Now there seems a difference between the inspection of a poor law inspector who attends a board of guardians and then inspects the workhouse, or of a factory inspector who inspects a factory, and the inspection of a gentleman who comes down to inspect a whole parish, because I suppose the former sees certain facts before his own eyes upon which he can found his report, but how is a gentleman who comes down to inspect a whole parish for sanitary purposes to get his information?—I knew very little of the parishes or the state of the parishes beyond where the workhouse was, and I did not know anything of the parish where the workhouse was unless my attention was drawn to it by any particular circumstances. The only thing I knew with regard to the sanitary state of the union was if I happened to be present when the report from the inspector of nuisances came that the parish was in a bad state, and I did not visit it in consequence of that.

10,800. If you had been clothed with the authority of the sanitary inspector you still would only have founded your report upon what took place at the meeting of the guardians?—Yes, upon the report made to the guardians.

10,801. So that if the guardians had a very sluggish inspector of nuisances, and if the report of that inspector were very insufficient, you would have had very imperfect means of attaining any competent knowledge about the matter?—Very imperfect.

10,802. Then there is this essential difference between the two cases, that in inspecting a workhouse you report upon what you see with your own eyes, whereas if you do not appoint the inspector of nuisances you must depend for your information upon the report of an officer appointed by the very guardians whose proceedings you are inspecting?—Exactly so.

10,803. When you went to a board of guardians to see their proceedings, you would be pretty sure that you saw the worst cases, because the parties most in want of relief would be pretty sure to be there to apply, would they not?—Yes, at every meeting there are persons making application.

10,804. But there would be no security if you were clothed with the power of sanitary inspector, that the cases of persons who inhabited the worst cottages, or who might be living in the worst possible state, would ever bring their cases before the board, or would ever come to your knowledge by being at the board?—Certainly there would not, and another thing, you would find very few persons occupying those bad cottages that would ever make any report at all, for they would rather keep you in ignorance of anything than they would tell you. When I went round at the time that Mr. Villiers brought in the Union Chargeability Act, there was a report by Dr. Hunter as to the state of several cottages in Bedfordshire, and Mr. Villiers asked me to go and see whether that report was a well-founded report, so far as my own district was concerned, and when I went to visit people's houses, and saw anything that was very glaring, and those things were pointed out in the report, they

R. Weale, Esq.

28 March 1870.

always tried to make light of it, saying, Oh, it was nothing, they did not care for it; it was no nuisance.

10,805. As the sanitary inspector must be dependent to a great extent mainly upon their report to him by the guardians and their official, do you think that a central sanitary inspector would be a very efficient check, or a complete check, upon a sluggish board of guardians in sanitary matters? — Very often the central authority would become acquainted with any existing nuisance, not from any report that would be presented, but there are a great number of persons who are always ready to correspond with the central authority, and to bring under their notice any particular grievance. A number of private and confidential letters that were sent to the board drawing their attention to certain nuisances and abuses I used to take notice of, and I used to visit them in conquence, and endeavour to find out the truth, and I think you would find that the central authority would not be entirely dependent upon the reports of those inspectors, because clergymen and others would constantly write to any authority, if they found a grievance, and if they thought it could be redressed.

10,806. (*Mr. Powell.*) You mentioned medical inspectors, and I think you said that two were included in the staff of inspectors?—Yes, there are two.

10,807. Could you explain their duties and the mode in which those duties are discharged?—I really cannot.

10,808. Some mention has been made of petty sessional divisions; can you inform the Commission what part those divisions play in the local government of the country?—I believe the principal thing that they do is to take notice of all offences that are brought under their notice, the licensing of public-houses, and such things as that.

10,809. It is therefore simply an area of magisterial jurisdiction?—Yes, that is so. It has often occurred to me that it would be much easier to remove some parishes out of their own county, where the unions are in more than one county, and to remove the magisterial jurisdiction also into the district in which the union was situated, than it would be to take a parish out and remove it to a distant county.

10,810. You suggested a highway board with, if I rightly understand you, some *ex-officio* members as preferable to any other body; had you in your mind existing bodies, or were you thinking of bodies which might be devised after careful consideration?—I was thinking only of existing bodies.

10,811. I gather from your answers that a poor law inspector must at present have varied knowledge if he is competent to discharge his duties; do you think that the knowledge which he now has is as much as you could reasonably expect from a public officer even of that high class?—Quite so, I think.

10,812. As varied and as deep?—Yes, as varied and as deep.

10,813. You spoke of him, did you not, as having a certain knowledge of architecture?—Yes; when I was speaking of him as having a certain knowledge of architecture, I was not speaking of it as anything like high art, but merely of the arrangement of buildings necessary for the purposes of workhouses, and various things of that kind, which they were continually consulted upon.

10,814. Should you expect that he would have the same knowledge of the strength of materials and other matters of that sort, so as to be able to advise the guardians?—No, I should not think he would know that; I would not myself profess to know anything about materials. I think I know a bad brick from a good brick, but I could form no judgment of wood or iron.

10,815. Would he have any knowledge of engineering?—Not as a science; but I think he would understand a little of it. I can hardly call it engineering, but he would know a little of how drains should be made, and arrangements of that kind.

10,816. You think he would be perfectly competent to advise as to the construction of a system of drainage?—Yes, I think he could do that. An inspector travelling about a neighbourhood does get an amount of influence, and very great attention is paid to him. I scarcely ever made a representation that I was not enabled to get carried out. I might not, perhaps, get it carried out directly. If I wanted an alteration in a workhouse perhaps I had to wait for a year or two to get it done, but eventually by persuasion and by kindly feeling towards the guardians, and a kindly mode of dealing with them, I persuaded them to lay out very large sums of money at different times.

10,817. Are you aware of the very considerable extension of duties which attach to a local board beyond those which belong to the poor law guardians acting as nuisance authorities?—I am not.

10,818. Are you aware—to cast the eye hastily over the list that there are such subjects as water supply, overcrowding of dwellings, common lodging-houses, the letting of houses or parts of houses to lodgers, slaughterhouses, noxious trades, smoke, occupation of cellars, markets, reception houses for the dead, and the seizure of unwholesome meat and other things—having that list before you are you of opinion that the existing poor law inspectors could be expected to exercise an inspection of any value over this enlarged list without a very considerable extension of their number?—Certainly not. I have stated that I do not think they could perform any more duties without an extension of their number. Judging from my own experience I think the duties that they have to perform are as much as they can perform now. I am in very good health and I am 72 years of age, and when I arrived at 70 I felt that the labour which I was called upon to perform was more than I really could with regard to my health perform, and I thought that I would much rather retire before I was told to do so by anybody, although I had no reason to expect that I should be told so, because great regret was expressed at my retirement; but I retired because I began to feel that the duties were more than I could conscientiously perform.

10,819. How far do you think that the fact of an inspector exercising an inspection of value, (and it is a mere fallacy if it is not thorough) over all those matters would interfere with the clearness of his vision as regards the particular detail of the supervision of the poor law?—I think that an inspector of the poor law would bring to the performance of any duties that might be deputed to him a great degree of intelligence constantly sharpened by experience in general matters of business, but I do not think you could expect him to perform duties of engineering, deciding about good material or bad material. I never contemplated that that would be a portion of the duty which would devolve upon an inspector, I thought that an officer would be appointed for the purpose of seeing to those things, and that the local board in the event of their wanting drainage or engineering would have an engineer appointed to do it, and all that he would have to do would be perhaps to exercise a superior degree of intelligence to the majority of the board with whom he would be called upon to act; his duty would be principally in giving advice afterwards.

10,820. As inspector of poor laws it was your duty, was it not, to exercise some judgment as to the capacity of the different officers and the mode in which they discharged their duties?—Yes, certainly.

10,821. Therefore if the poor law inspector was also the sanitary inspector it would be his duty to exercise a similar judgment with respect to the capacity and intelligence and industry in discharge of his duties of the sanitary officers?—Yes. I do not think that an inspector of poor laws could go into a question of engineering or anything of that kind unless he had a regular education as an engineer; but I think he would be able to see whether or not the persons appointed to do that duty did it honestly and fairly.

10,822. How could he judge whether an officer discharged his duty in the examination, say of lodging-houses or preventing over-crowding except he personally saw the houses which were the subjects of inquiry?—I think that the inspector of nuisances would be the person to do that and would give certain data to the sanitary inspector with regard to overcrowding and so on, who would then come to a decision upon the matter. I did not visit those houses reported on in Biggleswade; I visited the schools in Biggleswade. I have no doubt that the inspector whose report I have read to the Commission gave a very fair account of the whole thing, for upon its being submitted to a public meeting the truth of his report was not questioned at all.

10,823. What is the proportion of special visits which an inspector would pay to the number of his ordinary visits?—All that I know is that if a workhouse was not in a satisfactory state, I would perhaps go to it six or seven times, whereas to another I should not go more than once or twice. I could not tell how often exactly I should have to attend the board of guardians, for, as I said just now, the Poor Law Board have frequent letters addressed to them by persons making complaints, clergymen and gentlemen drawing their attention to abuses, and whenever those were referred to me I immediately attended to to them and visited the places; but what proportion they bore to my ordinary visits I cannot tell. All I know is that I was generally engaged, perhaps I might say I had one day in the week to write reports, but five days out of six I was absolutely engaged in the public performance of my duties.

10,824. Seeing that there are a certain number of visits for poor law purposes, you would expect that there would also be a certain number of other visits for sanitary purposes?—Yes, I should expect a great many more than on poor law matters.

10,825. On those visits the inspector would attend to one thing and one thing only?—That would depend; if his attention was only drawn to one thing he would would not be able to do more.

10,826. Did you find when you were acting in the arrangement of the poor law unions that there were many cases in which the county boundaries cut across parishes?—I do not think I did in any union that I formed, but I had several parishes in Bedfordshire, one of them, Caddington, Beds, and Caddington, Herts, with one half of the parish in one county and one half in another.

10,827. But I presume those cases are very rare?—Very rare. With my successor Mr. Peel the other day I went over the list of unions, and I think we found five or six in my late district.

10,828. Reverting for one moment to the answer that you gave to Mr. Hibbert respecting the very melancholy and distressing case of the straw-plaiting schools, I am afraid that you were correct in your statement, that they were not within the provision of the Workshop Act, but has your attention been directed to the 19th section of the Sanitary Act of 1866, which provides that "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 mentioned in such a manner "as to render harmless, as far as practicable, any gases, "vapours, dust or other impurities generated in the "course of the work carried on therein, that are a nui-"sance or injurious or dangerous to health, or so over-"crowded while work is carried on as to be dangerous "or prejudicial to the health of those employed there-"in," may be dealt with as such?—It has not, but I am inclined to think that an opinion was expressed even with regard to that Act, that such a school does not come under the donomination of workshop or anything of the kind. If you will refer to Mr. Culley's report upon Bedfordshire, you will find that an opinion was taken with reference to a place in Bedfordshire, and Sir John Karslake's opinion was given upon the subject. I know that the magistrates of Bedfordshire would have interfered if they could with those straw-plait schools.

10,829. The Act says, "any factory, workshop or "workplace not already under the operation of any "general Act for the regulation of factories or bake-"houses not kept in a cleanly state or not ventilated in "such a manner as to render harmless, as far as practi-"cable, any gases, vapours, dust or other impurities "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?"—If I recollect aright the opinion of Sir John Karslake, he said that it did not come under any of those denominations.

10,830. (*Mr. Cave.*) Have you had experience of many alterations of unions?—I think not more than two or three.

10,831. The chief difficulty is in apportioning the maintenance charge, is it not?—The principal difficulty was in ascertaining the sums to be paid and received by the unions in transferring a parish from one union to another.

10,832. There has been some alteration in the London unions lately, has there not?—I do not know much of London.

10,833. Do you happen to know the Keynsham union?—I formed it, it is 30 years aga since I had anything to do with it.

10,834. Do you think that a conveniently arranged union?—I though so at the time, but I have so little recollection at the present day, that I cannot express an opinion. That was one of the very earliest unions that I did form.

10,835. Is it not a very long strip of land, with the workhouse inconveniently situated?—If I recollect rightly, there were very great difficulties about the Keynsham union. Keynsham is situated between Bath and Bristol, and in the two counties of Somersetshire and Gloucestershire. We had several meetings upon the subject, and at last, with the consent of all the people there, it was agreed to be the very best arrangement that we could make. They were very anxious to be kept out of St. George's, in the neighbourhood of Bristol. It was wanted to be kept all as an agricultural union. They did not like being mixed up so greatly with the larger parish of St. George's, and that was taken to the Clifton union. I remember having the advantage during that time of the kind assistance and co-operation of Sir William Miles, who was then the member for Somersetshire. It was a subject that was talked over a great deal.

10,836. It is a narrow strip with the workhouse about nine miles I think from some of the parishes?—Yes, but there are many workhouses that are nine miles from some parishes in a union; it is impossible to avoid it. I have know some 15 or 16 miles.

10,837. Could not a union be formed more conveniently than that in almost every instance?—I would not say. I have not now sufficient recollection of Keynsham, but I know that great trouble was taken with regard to the formation of all those unions in the neighbourhood of Bath, between Bath and Bristol, and it was a subject of very great consideration. After the assistant commissioners decided what was to be done there was always an appeal to the central board, and no objection at all was made by anybody to the union as formed when it was kuown what the union was to be. During the whole time since I arranged that union, which I think is now more than 30 years ago, I have never heard any complaint.

10,838. (*Mr. Clive.*) As to the unions; you did not consider it in those days an evil that a union should be large?—I think that the assistant commissioners took a little different view. I think some of the assistant commissioners were for large unions and some were for small ones. In Lincolnshire the unions were very large, that was because the amount of pauperism there was much less than it was in many other counties, and I think they were made larger there for fear that the expenditure of the staff would be so very severely felt.

10,839. Is it not the fact that before the unions were formed the assistant commissioners visited each parish generally?—Yes.

10,840. Would there be any difficulty, assuming the

R. Weale, Esq.

28 March 1870.

R. Weale, Esq.
28 March 1870.

staff of inspectors to be increased, that they should do that now with the view of discovering any nuisances or any sanitary evil in a parish?—You must multiply the staff very greatly indeed if that is to be done.

10,841. Is it not the fact that the number of inspectors was very considerably reduced at one time?—I think there were 20 at one time, and now there are 14, but I would just draw attention to one thing. At the time that there were 20 inspectors there was only one railway absolutely in existence, and that was the railway from Liverpool to Manchester. In the earlier years of my travelling I used to travel I think it was about 4,000 or 5,000 miles in the year; latterly I had to travel about 300 miles in a week and I could not by any possibility have barely achieved that amount of travelling, to say nothing of inspection, if it had not been for the railways.

10,842. At that time were we not in the habit of sending in weekly reports to the Poor Law Board of our visits?—Yes.

10,843. Were we not then confined to certain districts?—Yes.

10,844. Our visits were then periodical, were they not?—Yes.

10,845. And we were supposed to visit every union three or four times a year, and oftener if it was required?—Yes; I do not know whether it was three or four times a year. I think it was in the year 1842 there was a circular of the Poor Law Commissioners that we were to inspect every workhouse twice a year, and to report. We had a printed form of report in which we were to give a statement of the different workhouses, and we were to attend the boards of guardians at least once a year.

10,846. What number of inspectors do you think would be now necessary, if these additional duties were given to them?—If I could at all learn what the amount of duties would be, I could easily tell you. All I can say is this, from my experience, that an inspector of poor laws has now as much work upon his hands, if he does it faithfully and fairly, as he can do without any addition to his duties, and therefore the answer would be that you would want as many more additional inspectors as the amount of new duties that you would throw upon them.

10,847. The great difficulty that an inspector has to contend with is the distance that he has to travel, is it not?—Yes.

10,848. Assuming a particular inspector to be confined to a particular district, just as the county court judge is, as was the case in our early days, would it not be much more easy for him then to accomplish any other duties that were put upon him?—I think, generally speaking, it would be so, but with regard to some districts I may say that my successor resides in London, and I believe, looking at the convenience of communication by railways, he does his duty less expensively to the public than I used to do it living in the centre of the district, because I was obliged to post from place to place, whereas he can go from London to almost any place by railway.

The witness withdrew.

Adjourned to Thursday next at 12 o'clock.

Thursday, 31st March 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF ROMNEY.	JOHN TOMLINSON HIBBERT, Esq., M.P.
The EARL of DUCIE.	EVAN MATTHEW RICHARDS, Esq., M.P.
The Right Hon. Lord ROBERT MONTAGU, M.P.	GEORGE CLIVE, Esq.
The Right Hon. STEPHEN CAVE, M.P.	FRANCIS SHARP POWELL, Esq.
Lieut.-Col. EWART, C.B., R.E.	HENRY WENTWORTH ACLAND, M.D., F.R.S.
SAMUEL WHITBREAD, Esq., M.P.	JOHN LAMBERT, Esq.

FRANCIS THOMAS BIRCHAM, Esq.

(87.) The Right Hon. the EARL OF DEVON examined.

Right Hon. Earl of Devon.
31 March 1870.

10,849. (*Chairman.*) You were president of the Poor Law Board during the last administration of Lord Derby?—I was.

10,850. We are considering how we can both simplify and consolidate the local government of the country, and the proposition which we want to consult you upon is, whether the local government of this country might not be treated as one system of which the poor law is only a part, and that there should be one chief minister over the whole and that he should have an under-secretary for each sub-department, but that he should, as far as possible, employ the same officers to carry out the whole administration. We have been led to consider this proposition in connexion with another, that the board of guardians in some shape or other, and probably called the board of local government, should be the local authority in rural districts, and in that case, that their officers, both medical and other officers, should be used for both sanitary and relief purposes, and we think that the inspectors of the central department might inspect the administration of both; we are anxious to know how such a proposition strikes you?—I suppose I may assume before I give any answer to any other part of what you have now said, that when you speak of local government you mean local government for sanitary purposes only.

10,851. Yes, but that includes not only medical and strictly health questions, but all those subjects which come under the Local Government Acts, such as water supply, the overcrowding of houses, smoke nuisance, diseased meat, and various other subjects?—Taking that wide range, which is a wider range than I had fancied was contemplated, I would consider first, whether any difficulty is likely to arise from the extension of the operations of the poor law administration as regards the central department. I see no difficulty in devolving the administration in chief of the different matters to which you now refer upon one high officer of state, say in the nature and position of a secretary of state, provided you gave him a sufficient number of assistants. Of course it would not be contemplated (and if it were contemplated, I should be bound to say that I think it would not work) that the present poor law department should undertake those new duties without a very considerable addition to the staff. It would be essential that there should be a secretary for that class of business, in addition to the officers charged with matters specially connected with the relief of the poor, with, of course, the necessary number of clerks under him. Passing from the central department, it would be necessary to diminish the districts of the existing inspectors, and to increase their number, because the

time of the existing inspectors is, if the circumstances are as they were when I was an inspector, pretty fully occupied, and it would be necessary to give the inspectors so increased, with reference to the new duties to be thrown upon them, assistance by qualified subordinates, whether the existing medical officers or others. The proposal therefore would contemplate a very considerable addition to the existing poor law staff. As regards those who are to work locally I feel some difficulty, because not having had my attention directed by any previous notice to the extent of the duties proposed to be thrown on the local administrators of the poor law, I am hardly prepared to say what amount of time those duties would require, or how far they would prejudice the primary functions of the inspectors and those who work with them, namely, the due administration of relief throughout the country. I presume that the suggestion now thrown out would be based upon the assumption that those new duties would not interfere with the due performance of the old ones, and in any answer that I give, I should be most unwilling to assent to anything which would interfere with the full, complete, and regular administration of the duties cast by the legislature upon the boards of guardians and the relieving officers in reference to the administration of the poor law. I am not aware whether it would be proposed to employ under the inspectors, whether the inspectors of the poor law department or other inspectors, district medical officers of unions.

10,852. Yes, that is proposed.—They are a very large body. I have a return which gives their number, and, I think, the number of the medical officers is something like 3,435 district medical officers (to which are to be added, although, I presume, they would not come within your range, the workhouse medical officers, who number 685, many of whom are, however, also district medical officers). As to those district medical officers, the average salary is 68*l.* a-year. The Commission no doubt are aware that, as matters stand at present, there is a limitation in the general orders of the Poor Law Board in respect of the extent of the area and the amount of population to be assigned to each. Subject to a few exceptions, which the necessity of the case has rendered necessary, and which are sanctioned in each individual instance by the Poor Law Board, upon the representation of the special circumstances of the case, the area is 15,000 acres, and the population 15,000, which is ordinarily assigned to the district of each medical officer; but there are many cases in thinly peopled districts in which, from local circumstances, this limit has been very much exceeded. In many districts, the wilder districts of Wales and Cumberland, and even parts of Devonshire, where there is a large extent of uncultivated land, the areas are frequently larger than are prescribed; in town districts, of course, the area is smaller, and the population often considerably exceeds 15,000. It must be borne in mind that the average salary is not in any case that which will secure the services of an ordinary medical gentleman, unless he be allowed to engage in private practice, a permission almost uniformly given, with, however, a very few exceptions: there are, I daresay, now, and there certainly were when I was connected with the department, certain exceptional cases, in which the whole time of a medical officer is occupied, and he receives, of course, a higher salary than that which I speak of as the average salary, unless the salary at present coming from the rates is, in those exceptional cases, entirely inadequate to enable a medical man to dispense with private practice. Of course, therefore, in my view, if new and important duties were thrown upon those gentlemen, the salaries in many cases would require to be largely increased. Further, if those duties are of an onerous character that are thrown upon them, it would be necessary to take very stringent precaution to prevent those new duties from interfering with the primary duties of the medical officer, namely, the attendance upon the sick poor,

Right Hon. Earl of Devon.
31 March 1870.

The cases are not few, at least they were not few when I was connected with the department, and I dare say they are not few now, in which there are from time to time cases of neglect, frequently resulting from preference given to the claims of private patients; and if additional duties of a public character are imposed, it will be very important not to afford a justification or pretext for the neglect of official duty under the board of guardians. Therefore if you were to impose upon the medical officer considerable other duties, you must probably diminish the districts, and the number of officers so employed would have to be increased.

10,853. (*Mr. Powell.*) Can you state the salaries of the workhouse medical officers?—The average salary both of district and workhouse medical officers is 68*l.* for the whole. I cannot give it you as regards the workhouses separately. Passing on to the subject of the relieving officers, I am not sure whether I am correct in assuming that the proposition would be to impose upon them the duty of discovering and reporting the existence of any nuisances injurious to health.

10,854. (*Chairman.*) That is supposing the relieving officers are inspectors of nuisances, the same men doing both duties?—With regard to that, I should say as I said with regard to the medical officers, that in populous districts I think it would be necessary probably to diminish the size of the districts and to increase slightly the number of relieving officers, because their work is such that in most unions, taking into account not merely the relieving officer's personal visits, but the amount of writing which necessarily follows upon his personal visits and the preparation which he has to make for the meetings of boards of guardians, I should say, and I think my opinion probably will be supported by other gentlemen with more recent practical experience, that the time of the relieving officer is fully occupied. It is the disposition and necessarily the disposition of boards of guardians, if they have an intelligent relieving officer, to lean very much upon him. My belief is that the practice of requiring the personal attendance of paupers when applications are made for relief are diminishing, and that the boards of guardians are more inclined than they used to be to trust to the reports of the relieving officer, and it is obvious that those reports can only be trustworthy if they are made upon personal visits and personal investigations. It is true that in country districts he might in the course of his visits as relieving officer observe that there was a pigstye in an unwholesome position, or become acquainted with the worst cottages that were overcrowded, but if the district is one in which the new duties would occupy a considerable portion of time, I think they could not be safely entrusted to the relieving officer without some diminution of his district and consequent increase of the staff of the union.

10,855. Do you think that, supposing the relieving officer to be the inspector of nuisances, the plan sketched out would probably add much to his duties in rural districts?—If he was to discharge the new duties adequately it would form a considerable call upon his time. I am not sure, however, whether it is propesed that he is to inspect without being sent for, or simply to inspect any premises if complaints are made.

10,856. The inspector of nuisances would, as now, be bound to find out nuisances and report?—He would report I presume to the board of guardians, but if the duty of inspector of nuisances is to be thrown generally upon the relieving officer, I think you will find an increase to the staff of relieving officers necessary.

10,857. Does that mean that you think it not wise to make the relieving officer the inspector of nuisances?—I am not sure what the policy of the Poor Law Board is at present, but when I was at the Poor Law Board there was rather a jealousy of imposing upon the relieving officer the duties of inspector of nuisances, on the ground that it might lead to an interference with what I may call the primary duties of the relieving officer. In no case I think a relieving officer was

Right Hon. Earl of Devon.

31 March 1870.

made inspector of nuisances without the sanction of the Poor Law Board in each particular case, and that sanction would not be given unless upon communication with the poor law inspector of the district, the Poor Law Board was satisfied that he might assume this new duty without undue interference with the duties of his principal office.

10,858. Do you not think that the relieving officer is necessarily more cognisant of the existence of nuisances than anybody else?—Yes, an active intelligent relieving officer would be much more cognisant of the existence of nuisances than any other officer whom I could name.

10,859. In some parts of the country the police are employed as inspectors of nuisances; speaking from your own experience, do you think that they are a good body to employ in that way?—I am hardly able to give an opinion as regards England generally upon that subject. I know districts in which the employment of the police would, I think, create considerable jealousy, and in several rural districts that I could name, the employment of the police, with regard to the removal of nuisances, would be less likely to effect the object than the employment of a person not holding the situation of a police officer.

10,860. We have heard that sometimes the relieving officers are so much under the influence of the guardians that they are frequently afraid to report nuisances, do you agree with that?—That may be the case in certain particular instances; but I apprehend that, according to the scheme which was shadowed out by you, those relieving officers would be working under a stricter and more regular supervision than has yet existed. I have indicated certain points which will have to be attended to in case the system which you have shadowed out were carried into effect. Assuming that those precautions were taken, and that there were no indisposition to increase the staff to an adequate amount, I see no objection, but on the contrary I see a considerable advantage in utilising the existing poor law staff, assuming that it is adequately increased and duly remunerated. It must be borne in mind, however, by the Commission, who no doubt are already aware of it, that the members of boards of guardians are persons of very different habits, and in small agricultural boards of guardians, where perhaps there is no resident gentlemen and no clergyman, the board would be themselves very little disposed to originate an inquiry into sanitary matters, or to do anything which in their view might lead to expense. I think, therefore, that it would be essential, if the board of guardians is to be trusted with much discretion, that the number of inspectors, as I said just now, should be so increased as to enable them to act more frequently in personal communication with the board of guardians.

10,861. Do you not think that increasing the number of chief inspectors, reducing their area, would be better than giving the inspectors assistants, because the assistants must be well qualified men, and the addition of an assistant to every inspector would increase the expenses of travelling?—I would rather diminish the district of the inspector, and, with perhaps one or two exceptions, have them of the same class.

10,862. What do you think of the proposition that the board of guardians should be the sanitary authority in rural districts. Do you think that they would be the best body of men, or can you think of any better?—I should say that, taking the country through, they would be the best body of men so to entrust with authority. You would, no doubt, find many districts in which the boards of guardians, as I said just now, would be very much indisposed to take any trouble, but in other districts you would find two or three intelligent men who would have the good sense to see, not merely the physical importance of sanitary improvement, but also its moral bearing, and who would be disposed and be able to lead their brethren to exert themselves actively in the cause. But I think the Commission would be under an errror if they supposed that, if the board of guardians were taken to be the body to superintend the matters which are now sought to be committed to them, you would in all cases have an efficient body. It would be necessary to educate them to a considerable extent in many districts as to the importance of the measures which they would be called upon to carry out, and to do that it would be necessary to have a little amount of pressure judicious and more or less gentle from the inspectors and the central department.

10,863. Do not you think that the exercise of the office of guardian has already very much educated that class of men who are performing it?—I think it has to a considerable extent, but I think there is great room for further progress.

10,864. Supposing boards of guardians, called boards of local government, are made the sanitary authorities in rural districts, do you think that they should execute those duties as a whole body or by committees?—I would leave it to the board of guardians to take the latter course if they thought fit, and it would be most conveniently exercised by committees; but I think there would be jealousy if you made it compulsory to do it by committees. Practically in most cases the board of guardians would appoint a committee, and four or five men who had taken the greatest interest in the subject would be the people to be selected.

10,865. What sort of jealousy do you mean?—I mean that there would be jealousy on the part of the members of the board of guardians who were not on the committee, if the committee of that body had power to take any measures which involved expenditure without referring to the whole body.

10,866. Supposing that they undertook the ordinary duties, but in cases of large works they had always to refer back for sanction to the whole board, would that remove the jealousy?—No; it would be a question of degree. I think that the committee ought not to have the power of sanctioning any large expenditure without reference to the whole body of guardians.

10,867. In those remarks what sort of committee are you contemplating; do you mean a standing committee like the assessment committee, for instance?—Yes, a committee bearing a certain proportion to the whole number of guardians elected for the purpose of a sanitary committee for the year or something of that sort.

10,868. There are two sorts of committees that we have had suggested to us, one elected for the year, as the assessment committee, and another appointed occasionally by the board of guardians as the sanitary authority, when any particular work came before them, which would secure to the place going to be charged with rates a representation upon the committee?—I think that the work would be better done by having a committee *ad hoc*. I mean a committee elected for sanitary purposes. I think that would individualise the responsibility more.

10,869. Upon such a committee would you propose that every parish should be represented?—If so it would be like the actual board of guardians.

10,870. In some parishes there are more than one guardian?—In rural districts not very frequently; in some cases where the population is great a parish has more than one.

10,871. It has been suggested by some witnesses that sanitary duties well performed would make a guardian unpopular, and that that unpopularity might be avoided by working through committees; does that strike you as a reasonable view of the subject?—I think that unpopularity might be the result of the performance of sanitary duties in certain cases; but when it was systematical, as it would be under your scheme, I do not think that that would be so likely to follow as it may at present. In the instance of a union with which I am connected myself, we have had sanitary committees, and on the whole I should say that the sanitary committees have worked well. We have had a committee for, perhaps, three parishes, and a committee for another three parishes, and so on; and on the whole, I should say, with some exceptions, they have done their work with activity and care.

Right Hon. Earl of Devon.

31 March 1870.

10,872. We have had this suggestion also made to us, that if those boards are to undertake all local government in rural districts, and in that way have frequently to deal with large works which would take several years in execution, it might be advisable to have the boards elected for more than one year; how does that strike you?—A certain proportion ought to be elected for more than one year certainly. I have known, and I think everybody who is connected with the Metropolitan district, must be aware of many instances in which considerable improvements started one year were checked, or even abandoned by a change of the board of guardians, by the elimination from the board of intelligent men who were disposed to carry out improvements, and by the introduction of persons who were afraid of expense, and would not go on with the improvements. I am merely speaking of the advantage which would result to the administration of the law; whether public opinion would support it is another thing.

10,873. Do you mean that they should be elected for two years or three years?—I would rather take a longer interval; but I think again that is a question of how far public opinion would bear it, and I should doubt it.

10,874. Are the Commission now in possession of your general opinion upon the proposition which has been laid before you?—Yes, I have placed before the Commission all the views that occur to me at present upon the subject. I was going to add that I would suggest to the Commission that they must necessarily bear in mind the great difference between boards of guardians in town districts and boards of guardians in country districts. According to such experience as I have had (and I was inspector for two years and secretary for nine or ten years) I should say certainly that town guardians are more ready to concur in improvements and less afraid of necessary expenditure than country guardians would be. There is a very great objection on the part of rural guardians generally to encounter any expense whatever.

10,875. Do you think that between those local authorities and the central minister there would be any use in an intermediate authority, as for instance a county authority?—My impression is that that would lead to unnecessary complication.

10,876. Have you considered at all whether highway boards may not make a better rural sanitary authority than boards of guardians?—I had not considered it before I came into this room; but though that suggestion is now made, I retain the opinion which I first expressed that the board of guardians is the best authority, and that amongst others mainly for this reason, that they have already a staff, and the highway board has only a clerk and a surveyor.

10,877. (*Earl of Ducie.*) In the event of committees of boards of guardians being made use of for sanitary purposes, would you recommend such committees being constituted the "sanitary authority," or would you prefer that the board of guardians should be the sanitary authority working through a committee?—I should prefer the latter course; I think it would carry greater weight in the district.

10,878. (*Mr. Hibbert.*) Did you mean to recommend that if the medical officers of a union were made the health officers they should not be allowed to have private practice?—No, by no means. I meant to state that their salaries should be such as should meet the additional duties now thrown upon them, but that they should be allowed to take private practice in those cases in which it was found that it did not interfere with their ordinary duties. I think that the enlarged experience that is to be obtained from private practice is very important. I think it would not be desirable to make any rule forbidding it. I would, however, leave to boards of guardians the option, with the consent of the Poor Law Board, to engage the whole time of a medical officer. If, as is the case now in one or two small unions, they thought the interests of the poor would be better attended to by securing the whole of the services of a competent man, I would leave to the Poor Law Board, upon the motion of the board of guardians, the discretion of so doing; but I certainly would make no rule which would exclude the medical officers from private practice.

10,879. Would not there be an objection, supposing that the guardians as a body were made the sanitary authority, that if they appointed a committee just for the purpose of works in any particular parish, they might appoint a committee consisting of the guardians of that particular parish, who would probably be interested in nothing being done?—I think that partly depends upon what the incidence of the expense was.

10,880. You state that it would depend upon the mode in which the expenses were raised, whether upon the parish or the union, as to what would be the result of the action of a committee and of the whole board. I presume you would not recommend that a sanitary rate should be laid over the whole union?—I am not prepared to say that with certain exceptions it would not be desirable that that should be so in unions not above a certain size. It is of general importance that the sanitary condition of the district should be good, and looking to the incidence of the poor rate at present, which is to a very considerable extent a union charge, I think it is important to consider what would be the result to the board of the breaking out of an infectious disease, and I am not prepared to say that it would not be desirable to look at the whole as a union matter.

10,881. Might it not lead to a very strong objection upon the part of the guardians against expending money, that parishes in which there may have been an outlay for sanitary purposes should be called upon to pay for other parishes which had not made such outlays?—That feeling might arise. It would be some years before the whole of the union saw the importance in a general public point of view, so as to justify the rate. I think that that feeling might arise, but on the other hand I think they would be more likely to carry out great sanitary improvements when such was the rule.

10,882. Would not another difficulty arise in this way, that there are certain unions and certain districts which have been formed into local board districts, and you could not very well levy a union rate, because those districts would have to be excluded?—Those would have to be treated no doubt as exceptional cases.

10,883. There are about 700 such districts, are there not, throughout England and Wales?—If that be so, those would have to be excluded, no doubt.

10,884. You stated that you did not consider that the highway board would be so good an authority as the board of guardians, but would it not be desirable that if the highway boards are not adopted as the sanitary authority, the control of the roads should be transferred to the board of guardians?—Practically in rural districts the same individuals are often members of the two bodies with certain additions, but it is difficult in rural districts to secure the attendance of the working members of boards of guardians for more than one day, or perhaps for at the outside two days, in the week. I myself should be inclined to the view which I think your question indicates, that it would be desirable to place the authority on the board of guardians.

10,885. (*Chairman.*) In your part of the country do you find that the highway districts coincide with unions?—Not necessarily; they are not coincident with, but they approximate to unions; they are, however, ordinarily laid out with a view to petty sessional divisions.

10,886. (*Mr. Hibbert.*) There are 20 unions in

Right Hon. Earl of Devon.

31 March 1870.

Devon, and 25 highway districts, do you know whether they correspond?—I do not know the number of highway boards there, but the district in which I live is in one union, and that is divided into two highway districts.

10,887. The reason why I asked the question as to the transfer of roads to the guardians, was that if the roads were left in the hands, either of the highway board or the parish surveyor, there might be at times a clashing of interest; the sanitary authorities having no power to break up the surface of the road?—I think in that point of view it would be very desirable that the roads should be placed under the same authority.

10,888. Then again it would also reduce the expense in doing away with the necessity of a clerk to the highway board, and the surveyor?—Yes, in that respect it would. I suppose that a surveyor would be required.

10,889. If the surveyor was retained, of course that surveyor might be used as inspector of nuisances?—Yes, and with advantage.

10,890. (*Lord Robert Montagu.*) I think you said that in the rural districts the board of guardians and the highway board consist pretty much of the same class of men?—Of the same class of men, and frequently of the same individuals.

10,891. But the areas of their jurisdiction are different, are they not?—Highway board districts are generally laid out with regard to petty sessional divisions, those petty sessional divisions frequently have reference to some common centre, a market town, and in laying out unions in certain districts of England, at any rate, that market town is taken as the centre of the union. In certain cases the districts more or less approximate, although, perhaps, not absolutely coincident, and in certain other cases they do not.

10,892. I suppose we should be right in saying that the jurisdiction of the boards of guardians is over unions, the parts of which are parishes; and that the jurisdiction of the highway board is over petty sessional districts which go to make up counties?—Yes; a certain number of parishes, ordinarily speaking, thus included in the petty sessional district, form the jurisdiction of the highway board.

10,893. Could you suggest any way in which we could make the larger unit in both cases coincident—namely the county and the union; could we make the county and the union in every case coincident, so that the limits of the union should be the limits of the county, or else so that the county should be a multiple of the unions?—The county has probably its 15 or its 20 unions, and there may be certain cases and I think I know of some, in which the boundary of one union overlaps the boundary of the county.

10,894. What I ask is this, can you suggest any plan for making the limits of every county also the limits of its unions?—The only way in which that could be done, as, of course, the limits of counties are a fixed point, would be by the Poor Law Board exercising their authority to recast all those unions where they overlap; but that would be a very troublesome, difficult, and unpopular course. As the law at present stands, I think I am speaking correctly in saying that the boundaries of unions in country districts cannot be altered except with the consent of the unions affected. Except in the Metropolitan district, my belief is that the Poor Law Board has not the power to alter the boundaries of unions; at any rate it does not exercise that power without the consent of the unions affected.

10,895. But we cannot have one authority for sanitary purposes and for the highways unless we have one unit of area?—No; it would be very inconvenient to do it.

10,896. So that we must either make the areas coincident, or else we must abolish one of the bodies altogether?—Yes.

10,897. Then it becomes a question which is the best area. Do you think that the unions would be the best areas, or would the petty sessional districts of counties form the best areas?—I should say that on the whole the union would be the best area, but in giving that answer I am bound to admit that unions have been laid out to a certain degree on different principles in different parts of England. I say that the union would, I think, be the best area, because, on the whole, I believe that it has been laid out with greater and more direct reference to the convenience of the persons who form the board of guardians than the other districts would have been.

10,898. Do highway boards raise any rates, and if so, how do they do it?—They raise rates.

10,899. On petty sessional divisions or on parishes?—On parishes.

10,900. Although part of a parish may be out of their jurisdiction?—I am not aware that the parishes are divided. I think that parishes only are included in petty sessional divisions.

10,901. You stated, did you not, that the town guardians are more likely to incur expense for sanitary purposes than country guardians?—I can only give the result of my experience, which is 10 or 12 years ago, and certainly, judging from that, I should say that for useful and necessary objects town guardians would be less indisposed to incur expense than country guardians.

10,902. Then the recent proceedings of the Saint Pancras and other boards of guardians, where they refused even the necessaries of life to the poor, did not alter your opinion in that respect?—I should be sorry to take St. Pancras as a type of any town board of guardians.

10,903. As to an intermediate authority between the sanitary authority which may be constituted and the Secretary of State, what is your opinion? Do you not think it would be an advantage, supposing the sanitary authority refused to undertake works, that there should be a larger and more influential body between them and the Secretary of State, to act as a sort of buffer for the Secretary of State?—I think that that necessary office might be performed by the inspectors. I do not see a necessity for any other intermediate person or body than the inspectors, if duly increased, could form.

10,904. Do you mean inspectors appointed by the sanitary authority or by the central authority?—I mean the poor law inspectors appointed by the central authority, and increased so as to enable them to perform duly the new duties assigned to them.

10,905. Would that take off the odium which would attach to the central authority if the Secretary of State insisted upon a great expense being incurred for sanitary works?—I think that the central authority if they are right in the course that they take must be prepared to incur that odium. I do not see that the intervention of any intermediate body would diminish it. The central authority should of course be invested with the power of calling in for some special object if they chose, a special opinion. The Poor Law Board, in addition to their ordinary inspector, in any special case of overcrowding or anything of that sort, if they have thought it necessary to arm themselves with some authority in addition to that which they possess, have the power, and on several occasions within my own knowledge have exercised it, of calling in some leading physician, a man whose authority would carry weight, and thus can arm themselves with his recommendation before they proceed to exercise compulsory power. I think the central authority as newly constituted should have the same power, and if they wish to arm themselves with any authority more than they can supply themselves they should be permitted to call for such additional assistance.

10,906. As a matter of prudent government do you think it will be better, if the sanitary authority refuse to undertake a great work, that the Secretary of State should insist upon it, see that they do it, or on the other hand that some more influential body like the justices perhaps in quarter sessions, should intervene and be the first to insist, so that the odium might attach more to the county justice than to the central government?—My own impression is that in a matter of this national importance, I would arm the central authority with power without any intermediate body.

Right Hon. Earl of Devon.

31 March 1870.

10,907. (*Mr. Whitbread.*) Three courses were suggested to the Commission for dealing with this question; one was to group all officers in connection with sanitary matters under the Privy Council Office, the second to place them under the Home Office, probably with the assistance of a parliamentary undersecretary for the purpose; and thirdly, to place them under the same Cabinet Minister who presides over the administration of the poor law. I should like to know whether, in your opinion, the advantages which would be secured by either of the two former plans would bear any comparison to the advantages which would be secured by the last?—I do not think they would. Of the three machineries or three plans suggested, I decidedly prefer the third. It is a machinery with which to some extent the country is familiar, it would be worked by persons resident within the districts under the central authority, and farmers and tradesmen are accustomed to the interference more or less, and the control of the Poor Law Board, and any control vested in either of the other authorities would strike them as something new, and would be disliked.

10,908. (*Chairman.*) You are aware that the sanitary government of the country at this moment is partly in the Privy Council Office and partly in the Home Office?—No doubt; and if they were brought together so as to be in constant contact, their actions would of course be with greater authority.

10,909. (*Mr. Whitbread.*) I think I gather from your evidence that you believe if the guardians are entrusted with those sanitary duties they will rise to the occasion as you put more duties upon them?—The Commission must not expect very immediate and universal changes, but I think, as the honourable gentleman said, they would in time rise to the occasion. You would have certain cases in which the duties would be very effectually performed, either from the whole body being alive to the importance of the measures that they were to carry out, or at any rate from the fact sometimes of the leading men and the persons of influence being alive to it. I think that on the whole the boards of guardians in the country would gradually appreciate the importance of the due execution of such works.

10,910. At any rate you are of opinion that it would not be possible under any other form of government to create such a medical staff as you have in your hand under the Poor Law Board?—I do not see my way to creating an adequate staff, except through the means of the Poor Law Board.

10,911. (*Dr. Acland.*) Speaking from your own experience, have you any reason for doubting that the medical staff would be competent for the duties that they would have to discharge?—Taking them as a whole I have no reason to doubt it.

10,912. I suppose that as a fact the guardians elect the best person that they can get for the purpose?—I will not say that they do that universally. Considerations of economy, and sometimes a little feeling of partizanship, may lead to the selection of an inferior man; but I think that your opinion is correct, taking the country as a whole.

10,913. Guardians are men like others, but is there reason for supposing that any other board would make a better choice?—I think not.

10,914. Therefore the progress of science and medical education would exercise its influence upon the sanitary officers whether they were poor law officers or not, the same as on other persons?—Yes, certainly.

10,915. Is there any direct supervision of the medical staff as a whole under the Poor Law Board?—No direct supervision. In the case of any complaint made by the guardians, or by an individual, the Poor Law Board make a point of instituting as early an inquiry as possible, but those inquiries only take place upon complaints.

10,916. So that although we have in the "Poor Law Almanack" and in other publications complete lists of what are called the medical officers of unions, those gentlemen are not in fact united as one body under one chief?—No.

10,917. They are simply the local officers of the guardians?—They are the officers of the guardians, whose duty, however, is to send periodical reports to the Poor Law Office.

10,918. Has it occurred to you, that in the case of the medical officer of health of the Privy Council being transferred, as Mr. Whitbread has suggested, to the Poor Law Department, or, speaking more precisely, to the new public health department (a new department of Public Health and Relief), that principal medical officer would exercise a great and beneficial influence throughout the whole country, by officially sending instructions and directions to the 3,000 or 4,000 medical officers whom you spoke of just now?—I think there would be very great advantage in his doing that to which you now refer, but if his connexion with the medical officers in different districts implies any degree of control, I think there would be considerable jealousy on the part of the boards of guardians.

10,919. I can quite conceive that such jealousy would arise if that relation were in the way of control; but there being a general medical and sanitary staff, which would be created in the manner suggested with little expense to the country, there could be no reason why information should not be sent from the central office in the way of scientific advice or direction on preventive measures and the like, as is now done by the Privy Council under the Diseases Prevention Act?—I think that that would be most useful, and the organization which you suggest would give greater facilities for it.

10,920. And in that way this information, in the course of official business, would be dispersed through the whole medical profession, to the great benefit of the public?—It would be a national advantage.

10,921. What is the relation of the present inspectors under the poor law system in England to the medical staff—have they any special relation to them?—I speak with some doubt, because having ceased to be President of the Poor Law Board for some two years or more, I do not know what changes may have taken place since I was in that department, but during the time that I was connected with the department, there was no official relation between the medical officers of the union and the poor law inspectors.

10,922. There are now 12 inspectors' districts in England, are there not, coinciding very nearly, if not entirely, with the district of the Registrar General?—Yes, I should say pretty nearly so. I do not speak very positively upon that point, but I believe they do.

10,923. Do you see any difficulty in respect of administration if those inspectors, having sanitary duties assigned to them, were an intermediate authority for sanitary purposes, between the central medical chief and this mass of medical practitioners, they themselves being paid salaries, as at present, to give their whole time to the public service?—Before I can answer that question, perhaps I might be permitted to ask what special functions you would propose that inspectors placed in that position should perform.

10,924. I presume that if the poor law inspectors were charged also with the function of general sanitary inspection, they must be persons of considerable general knowledge, as they are at present, but superadding general knowledge of the state and laws of sanitary science?—Yes, that would be so.

10,925. But I do not imagine that you would require or desire them to be all skilled engineers and chemists?—I should say not necessarily, although a little knowledge of either would probably be somewhat useful, but the qualifications of an inspector

Right Hon. Earl of Devon.

31 March 1870.

would necessarily be, and ought to be, of a more general character.

10,926. But all these inspectors might have the power, might they not, of calling in experts to be paid fees for particular work, and to decide in particular cases, such as water analysis, or engineering questions, or whatever might arise requiring detailed knowledge?—I think it would be very desirable that they should have such power, but whether that power should not be subject to the sanction of the Poor Law Board would be another question.

10,927. That, I presume, would only be a matter of detail?—Yes.

10,928. But the point at which I aim is this, and it is one of very considerable consequence, that, looking at the case as one of organization, we do not want a great staff of persons all skilled to do all conceivable work, but we want the means of getting all conceivable work done at a minimum expense. The inspector might be quite capable of pointing out the necessity of executing works, but the duty of executing them under skilled advice would rest with the guardians?—I quite agree with that.

10,929. Then, under the control of head quarters, the inspectors might have the power, when necessary, to furnish special information upon special points?—I think it would be necessary to give the inspector, subject to the sanction of the Poor Law Board, considerable powers in that direction.

10,930. Under the existing law the guardians have the power, have they not, to obtain sanitary reports upon the whole condition of any district?—Yes, they have. It is laid down as the duty of one of their officers—the medical officer. Medical officers are bound to comply with the proper orders of boards of guardians on matters connected with their several and particular duties.

10,931. I believe you have considerable local knowledge of Ireland?—No, I would not say so in the strong terms in which you have put it. I am acquainted with one part of Ireland.

10,932. Has that circumstance brought you into connection with the poor law administration there, either locally or generally?—I cannot say that I have any personal knowledge of such a character as would enable me to give any general opinion.

10,933. There is in Ireland a system of medical dispensaries of a very important kind, in which the officers are more highly paid and the dispensary system more efficiently carried out than it is in England?—It is so; and my belief is that the result has been to leaven the whole country with a greater amount of medical skill.

10,934. Are you aware of any abuse or evil which has arisen in Ireland in consequence of the more complete system in this direction than we have in England?—I have no local knowledge which would enable me to say. I never heard of any such abuse. My own impression has always been rather in favour of the dispensary system in Ireland.

10,935. And, as far as your experience goes, that is a system which is worth our serious consideration in attempting the reorganization of the medical department here as far as you are aware?—Any system prevailing over so large an area as Ireland presents, if it has worked well, must be a matter that the Commission ought to take into account.

10,936. (*Mr. Clive.*) Are you aware that very little more than the salaries of the medical gentlemen in Ireland depends upon the guardians?—I know that it is fixed by the government—a good deal of it is fixed by the government I believe.

10,937. I mean that the medical officers are in point of fact and practice more dependent upon the commissioners than they are upon the guardians?—I believe that is the case.

10,938. You have been asked a great deal as to the principle of laying out unions, and you said that the alteration, in order to make unions conterminous with counties, would be troublesome, difficult, and unpopular, do you think that it would be possible?—It would be very difficult.

10,939. You have been a great many years, have you not, almost from the time of the Andover union case, connected with the poor law administration?—I was connected with the poor law administration about 13 or 14 years.

10,940. Have you any recollection of particular counties?—Yes.

10,941. Will you allow me to draw your attention to the county of Monmouth. The county of Monmouth contains six unions, of which five are Abergavenny, Pontypool, Chepstow, Newport, and Monmouth, all five principal towns, and all five on the very borders of the county, could it be possible, with any reference to the convenience either of the poor or the guardians, to make those unions conterminous with the county of Monmouth?—I cannot profess to have present to my mind now the exact boundaries of each of those unions. I can only, therefore, give a general answer.

10,942. Assuming the county town to be on the limit of the county, would it be possible to make those unions, with reference to the convenience of the poor and the guardians, conterminous with the county?—Judging from this map, I should say not, as far as I am able to judge, but I should decline to give a very positive answer, unless I had the names of the parishes, and a detailed map of the county before me.

10,943. You stated, did you not, that town guardians are more intelligent and more useful than country boards of guardians?—I do not think that I used the words more intelligent. I should be sorry to say anything disparaging to the country guardians, and I think I said that during my experience as a poor law inspector, I found less indisposition to spend money in town guardians than in country guardians for objects of admitted utility.

10,944. You would say without any damaging imputation upon country guardians that town guardians are quite as useful as any others?—Yes, speaking generally. I was pressed by a particular case, and I said that I could not take that as a type.

10,945. What would you say of any scheme which would eliminate from boards of guardians the town element, would not that leave them more helpless than they now are?—In my view it would be an evil, and on this ground that I think one great advantage of the principle of boards of guardians is that it brings various persons of different habits and different classes, and different modes of viewing the same subject together, and it leads to the creation of opinion, and the concentration of information which would not be obtained if that elimination which you speak of took place.

10,946. (*Mr. Powell.*) You stated in answer to a question from the chairman that an inspector, supposing he were both a sanitary inspector and a poor law inspector, must have qualified subordinates; had you in your mind a list of the subordinates?—No, I had not. I rather referred to this, that as an inspector is chosen not for any special qualifications ordinarily, but as a well informed man and a good man of business, and understanding the sound principles of poor law relief, there might be many cases in which it might be necessary to supplement that general qualification by some more special qualification on the part of other persons which would be giving him the power to do what Dr. Acland suggested, to call in engineering advice, or medical advice upon particular points.

10,947. Then you would rather suggest a subordinate invited when the occasion arose than a permanent subordinate attached to any general inspector?—That would be my view.

10,948. Do you think that any great benefit would result from inspection by an inspector, except that inspector actually visited the district wherein the nuisances were supposed to exist?—I think that personal inspection would be absolutely necessary in the majority of cases.

Right Hon. Earl of Devon.

31 March 1870.

10,949. You could conceive that any books in which nuisances ought to be entered might be entirely blank in the worst cases?—I can quite conceive that.

10,950. In speaking of a committee of guardians or of any other local authority, should you recommend that the powers of that committee be complete powers delegated to them by the authority, or that the committee should in each case refer back to the authority for confirmation?—My present impression is that the committee ought to have power upto a certain amount to act for themselves without confirmation; but that whenever the expenditure exceeded a certain sum they should they have to go to the board of guardians who have constituted them for their sanction.

10,951. Would you be of this opinion in any work of considerable importance and permanence there should be a reference to the entire body, but that in small matters, such as the removal of any given nuisance, the committee should have full power to act?—I think that some distinction of that sort should be drawn, and no other mode suggests itself to me except the probable expense. There may be frequently occasions upon which it would be very convenient and right that the committee should be authorized to act promptly in the removal of a nuisance acting immediately prejudicially upon health; and supposing it was not a very great matter the committee should have power to act independently of the board of guardians, and simply to report to them; but in all cases involving any considerable expenditure the board of guardians should be parties to the same upon the report of the committee.

10,952. In a case within my knowledge the sanitary committee of the authority recommended a disinfecting apparatus, but the authority to which it was necessary to refer the matter absolutely repudiated such a notion; should you think it better to leave it to time to bring about a better state of opinion in the authority, or would you wish the committee to have power to act at once in a case of that kind?—I must again say that I think the expense would be something of a test. I am not sure whether in such a case as that I would not invest the Secretary of State with the power, upon investigation, of overruling the veto of the local authority.

10,953. How would you say that the day of a relieving officer was occupied?—A relieving officer ought always to have a certain fixed time for going to paticular parishes. His first point when he goes to parish A he is to pay the poor according to the orders given to him by the board of guardians at their previous meeting, those poor to attend at the pay-table. His duty then would be in the few cases probably in which the parties could not attend, either by themselves or by some person for them, to visit the houses of such poor persons, and to give them the necessary relief. He ought then to visit, from time to time, I will not say every week, but to visit those who may, from chronic sickness, be regularly in receipt of relief, and having done that, he should be ready to receive any new applications, and in case of those applications presenting peculiar circumstances, he should visit the persons from whom the applications came.

10,954. Is it found easy, or is it a matter of difficulty to keep the relieving officer well up to his work?—The relieving officers are very numerous, and therefore one may well suppose that they very much differ in the mode in which they perform their duties. There are among them, as far as I know, a considerable number who perform their duties very regularly and promptly.

10,955. Do you think that there would be much practical difficulty arising from this consideration, that at present the relieving officer has the duty that you have described. and you know pretty well what he ought to do in the course of a certain number of hours, but if he were inclined to be indolent he might be idling away his time, and might tell you, were he also nuisance inspector, that he was looking after nuisances. and there might be a difficulty in having any check upon him?—I think that might to a considerable extent be met by requiring, as is done in some unions with good effect, that the relieving officer should keep a diary, and that that diary be presented to the board of guardians at each weekly meeting.

10,956. Do you think it a matter of much importance that the relieving officer should have the whole of his time devoted to the relief of the poor, and that he should thereby be gathering a very wide experience?—It should be devoted to the relief of the poor, or to subjects of a strictly cognate character.

10,957. Do you think that there would be much loss of efficiency by the inspector having to watch over nuisances of the very wide class, which are comprehended under that term, and all other matters which are embraced in sanitary administration?—Unless inconvenience resulted from the absorption of their time, and their withdrawal from the purposes of relief, I do not see that that consequence would follow.

10,958. Which would be the best course, for Parliament to say in a statute that the relieving officer shall also be the inspector of nuisances, or to leave it free to each authority to arrange that matter as they thought best?—I would leave it free to each authority.

10,959. In your answer to a question, when you mentioned the guardians as the local authority, did you understand that they were to be the authority in the country only, or in the whole of England?—The honorable gentleman did me the favour of correcting my misapprehension. I was under the impression that the guardians throughout the whole of England were contemplated.

10,960. Is your Lordship's answer in favour of the guardians as the authority in any degree modified by the opinion that rural guardians are less efficient than urban guardians, and that therefore the best of the guardians would cease to be the authorities if they were not the authority in the urban districts?—I think, as I said just now, that there would be certain instances at first in which the duties would not be adequately performed by the rural guardians; but still rural guardians would gradually be trained on to the due performance of those duties if the inspectors were sufficiently numerous and vigilant.

10,961. (*Earl of Romney.*) You said just now that you trusted that those rural boards of guardians would be well inspected, and that by degrees they would be educated for their work; when you spoke of inspectors in that sense, what class of inspector did you mean?—I was referring to the opportunities which rural boards of guardians would have of receiving visits from the poor law inspectors, which might be increased so far as was necessary, and the advantage of the personal conversations which they would have with them, and the hints given by those inspectors, and afterwards given them by the Poor Law Board, which would enable them to carry out whatever was wished.

10,962. When you said, in answer to Mr. Powell, that you considered it was absolutely necessary that the inspectors should go to the spot in order to inspect nuisances, of what class of inspectors were you then speaking?—I do not know that I spoke quite as strongly as the noble lord says that I thought it absolutely necessary. I said that there would be many cases in which a personal inspection would be necessary, and certain cases in which they might act upon report, but I should consider it very desirable, ordinarily speaking, when an inspector went in to a particular union, if his time should admit of it, that he should not miss any opportunity of visiting any part with regard to which complaints had been made by any party that nuisances of a serious character existed.

10,963. But would not the ordinary inspection from day to day be carried on by the inspector of nuisances whom we talked about as being the relieving officer?—It ought to be so.

10,964. So that there are two distinct officers called inspectors in our conversation?—Yes, one is the inspector of poor laws, who by the proposal has added to his duties as inspector of poor laws the duty also

Right Hon. Earl of Devon.
31 March 1870.

of supervising the sanitary regulations, and the other would be an inferior officer, be he a relieving officer, or be he a person specially appointed, who would be the inspector of nuisances, properly and distinctly so called.

10,965. But when the superior inspector went to a particular place to inspect, that would be more analogous, would it not, to a committee of justices going to view any particular place?—Yes, it would be so.

10,966. You do not contemplate his going round generally and looking for those nuisances?—I should not contemplate his visiting all the nuisances that may be reported to exist; he would do so in any serious case, no doubt.

10,967. Those would probably be quite exceptional cases?—It would not be necessary for him in every case to do it, certainly.

10,968. You stated, did you not, that you thought it might be a good plan that the highway board and the poor law board were made one, and that they acted for the two purposes?—That has been my impression always.

10,969. Do you remember that before the passing of what is commonly called the new poor law, one of the great evils connected with the management of the poor, was putting men upon the roads and paying them out of the poor rate, and treating them entirely as paupers?—Yes, that was no doubt a very great evil, but that existed at the time when the administration of poor relief was in the parochial authority, and also the jurisdiction of the roads, except turnpike roads, rested with the parish surveyor. Now the administration of relief is under a body more or less large, and the supervision of the roads is under a body more or less large; and I do not think the same objection would be likely to arise.

10,970. You do not think that in country districts, if the board were applied to, they would say of a man with a large family seeking relief, "Put him on the roads and pay him a low rate of wages rather than take him into the workhouse, and so incur a large expense for the maintenance of his family?"—I do not think that that would be generally done. There might be some exceptional cases in which they might do so, but I should not fear it generally.

10,971. (*Dr. Acland.*) You will have noticed that in the journals and elsewhere there are frequent allusions to the arrangement of the Poor Law Board as a whole. Am I right in gathering from your evidence that you do not think it would be improper to add sanitary functions to the poor relief administration of the country, although that administration might, from other causes, be improved, or enlarged, or modified?—The consideration which you have now put would not lead me to modify the opinion which I have given, namely, that the sanitary functions might usefully be added to the poor law authority.

His Lordship withdrew.

W. N. Hancock, Esq.

(88.) WILLIAM NEILSON HANCOCK, Esq., Barrister-at-law, LL.D., examined.

10,972. (*Chairman.*) What position do you hold in Ireland?—I am in charge of the Judicial and Criminal Statistics of Ireland and the statistics of the Local Taxation of Ireland. I was employed in 1865 to report to Sir Robert Peel, and afterwards to Mr. Fortescue, upon the preliminary steps for extending the English sanitary legislation to Ireland.

10,973. (*Lord R. Montagu.*) You also attended the committee on the Act of 1866, in order to give advice to the committee, did you not?—I drew the Irish part of the Bill, and attended before the Select Committee of the House of Commons in 1866, to which the Sanitary Bill was referred, and I was in charge, on behalf of the Irish Government under Lord Mayo, of the Irish clauses of the Bill at that time.

10,974. You advised the committee on those clauses?—I did.

10,975. Will you inform the Commission of the state of the law with respect to sanitary matters in Ireland prior to the Act of 1866?—One chief defect in the law at the time was that there was a conflict of jurisdiction. There were two old Acts of Parliament relating to Ireland alone, of 1818 and 1819, the Local Board of Health Act for Ireland, 58 Geo. 3. c. 47, and the Officers of Health Act for Ireland, 59 Geo. 3. c. 41. The Nuisance Removal and Diseases Prevention Act of 1848, and the Nuisance Removal Act of 1849, were also in operation, and there was a divided responsibility between the boards under the one set of Acts and the boards under the other. The Nuisance Removal and Diseases Prevention Acts of 1848 and 1849 were repealed for England in 1855, but remained in force for Ireland until the Sanitary Act of 1866.

10,976. Will you state what were the two sanitary authorities or boards under those two sets of Acts?—The characteristic of the Act of 1819 was that the sanitary authorities were appointed by the vestry, and the authorities under the later Acts were the same as under the Nuisance Removal and Diseases Prevention Acts in England; that is, they were partly under the poor law and partly under the town authorities. The principle of the Irish clauses of the Act of 1866 was to get rid of that divided responsibility.

10,977. Did either of those Acts divide the unions into dispensary districts?—No, they were both passed before the dispensary arrangement; the Dispensary Act did not pass till afterwards.

10,978. When were the unions divided into dispensary districts?—In 1851 the Dispensary Act was passed, which divided them into dispensary districts (14 & 15 Vict. c 68).

10,979. Committees of the guardians look after those dispensary districts, do they not?—Committees, not of the guardians, but dispensary committees which are appointed by the guardians.

10,980. Have they not certain sanitary powers?—Under the Sanitary Act they have certain temporary disease prevention powers, but not permanent sanitary powers. The whole of the sanitary provisions of the Act of 1866 were extended to Ireland, and they are divided into three parts. First, with regard to the sewer authority it was made the same as the nuisance authority so as to get rid of having two authorities; then for the special prevention of disease advantage was taken of the poor law authorities being perfectly organized for the prevention of disease under the Dispensary Act of 1851, and they were made the special disease prevention authority in every case.

10,981. Then the object and aim of the Act of 1866 was merely this, to get rid of the clashing of authorities in Ireland?—The object was to take advantage of the latest improved legislation in England, but in extending that to Ireland to get rid at the same time of all divided responsibility; and in the schedule of the Act we made the sewer authority and the nuisance authority the same throughout. Then there was also 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 that was not within the limit of town government, whether of corporation or commissioners, was placed under the board of guardians, and the boards of guardians were made the sole nuisance authority for every other portion of Ireland, so that there could be no conflict of authority whatsoever. Then with regard to the special medical provisions of the Act for temporary emergencies the guardians are made the only authority in every case with this reservation, that if any town authority applied specially to the Lord Lieutenant it might be created a special disease prevention authority, but I do not believe that any town ever did apply for it, so that practically uniformity was carried out, and the guardians of the poor are the authority that have got charge of the provisions for the special prevention of disease, and they have it in every part of Ireland.

W. N. Hancock, Esq.
31 March 1870.

10,982. (*Mr. Lambert.*) What are the principal provisions of the Act of 1866 with regard to sewage?—The only change that we made with regard to sewer authorities was to amend the Sewage Utilization Act of 1865, so as to give a more complete definition of the sewer authorities in Ireland.

10,983. Have they powers to construct sewers within their district?—They have exactly the same powers as sewer authorities had in England in 1866.

10,984. May they borrow money for that purpose?—Yes; whatever power you had in England up to 1866 we have in Ireland. The legislation since 1866 has not been satisfactory, because we have not got the benefit of the legislation since 1866.

10,985. Has no Act been passed for Ireland since 1866?—Only one Act specially for Ireland since 1866; that was an Act to amend the Sanitary Act of 1866 as far as the same relates to Ireland, and it was to correct a slight omission in the Act. In the description of the Nuisances Removal Acts, the Nuisance Removal Amendment Act, 1863, was left out.

10,986. (*Chairman.*) The one Sanitary Act since 1866 referring to Ireland is the Act of 1869?—Yes, it is a short Act. With regard to the other Acts which have been passed for England since that time to amend the Sanitary Act, the first is called the Sewage Utilization Act of 1867. It is rather ambiguous whether it extends to Ireland or not, because it appears to extend to Ireland, but the amended definition of the sewer authority that was put in the Act of 1866 is not adopted. The Act provides that "the "expression 'sewer authority' shall in this Act have "the same meaning as in the Sewage Utilization Act, "1865," whereas that had been amended in clause 56 of the Sanitary Act of 1866, which provides that, "the "Sewage Utilization Act, 1865, shall be amended by "substituting in Ireland the sewer authority as defined "by the first schedule of this Act for the sewer autho-"rity as defined by said Act." It is obvious that that provision had not been considered with reference to Ireland by the framers of the Act of 1867, because if the Act was intended to extend to Ireland they did not adopt the perfect definition of the Sanitary Act of 1866, but went back to the old definition of the Act of 1865, which had been amended in 1866. The other two Acts expressly excluded Ireland. In the 31st and 32nd of Victoria, chapter 115, which amended the Sanitary Act of 1866, the 2nd section says, "This Act shall not extend to Scotland or "Ireland." And the same clause occurs in the Act of 1869, "An Act for facilitating the borrowing "money in certain cases for the purpose of the "Sanitary Act, 1866, and the Acts amending the "same;" that is chapter 100 of the 32nd and 33rd of Victoria, and the 2nd section of that Act says, "this Act shall not extend to Ireland or Scotland."

10,987. (*Mr. Lambert.*) So that in fact there has been only one Act since 1866 which has affected Ireland?—Yes. The course of legislation is that we are not getting the benefit of the amendments that have been adopted in the sanitary legislation of England, and probably we shall in a few years be in the same position that we were in 1865, that is to say, we shall get 10 years behind; and though those amendments are in small matters, I think the Commission ought to bear this in mind that they are generally very vital, because they are defects in legislation which have been found to fetter the working of the Act and that have been deemed necessary to be amended by Parliament; and it is very unfortunate for us in Ireland when those discoveries are made that we do not get the benefit of them.

10,988. The sewer authority has power to construct sewers, but what is the power which is possessed by the nuisance authority?—The nuisance authority in Ireland, in all cases of towns, wherever there is a town under any organised government, is the town authority, and in every other place it is the board of guardians.

10,989. Is there any central authority in Ireland which is competent to erect a new local board?—Yes, the Lord Lieutenant in Privy Council can erect a new town board.

10,990. But can they bring any new district under the jurisdiction of a new local board to be set up?—No, they cannot create a nuisance or sewer authority as such. If a district happens to fall within the conditions of having a population and other qualifications for coming under town government, then if a town government were formed the district would go from the guardians to the town authorities.

10,991. (*Lord R. Montagu.*) Are you alluding to a grant of a municipal charter?—Not that only, but also to districts coming within the limits of the town: under the Towns Improvement Act, 1854, or under a private Act of Parliament, the moment the town government comes into operation, the guardians cease to be the nuisance and sewerage authority.

10,992. (*Mr. Lambert.*) What are the powers of the nuisance authority?—Their powers are exactly the same as in England; every power in the Act of 1866 is precisely the same.

10,993. With regard to the local town authorities, is there any inspection over them?—No, and there is not only no inspection, but we are behind English legislation on the subject; we have no Local Government Act Office like that in England.

10,994. Have you no central authority to whom they can apply for advice?—No, none whatever. It is in the contemplation, I believe, of the present Government to bring in a Bill to extend that principle to Ireland; that is to say, to give Irish towns the same benefit as English towns. There is a Bill under the consideration of the Government to put Irish towns in the same position as English towns, that is to say, under a Local Government Act Office in Dublin.

10,995. With regard to the expenditure of money by town authorities, is there any audit of their accounts?—There is, but not a satisfactory audit. That is also proposed to be amended.

10,996. What is the nature of the audit, do you know?—The audit, in the case of a town under a Town Council, is by auditors appointed by the ratepayers under the Municipal Corporations Act. They were also liable to be audited by the board of audit in London, but that has been given up and a new system of audit in its place is not yet constructed.

10,997. That is with regard to Dublin, I presume?—Yes, and other corporate towns also.

10,998. In all those cases there is some provision for audit?—Yes, but a very imperfect audit and one of the propositions is to reform that, and to adopt a system similar to the poor law audit.

10,999. With respect to the boards of guardians, are they under any inspection?—They are under perfect organization and arrangements for sanitary purposes.

11,000. Are they under the Poor Law Commissioners with respect to sanitary purposes, as well as with respect to poor law purposes?—Yes, completely under them.

11,001. Do the poor law inspectors in Ireland act as sanitary inspectors?—Not generally; if any special case arose they would act. The board of guardians use the relieving officers as sanitary officers.

11,002. But do the poor law inspectors exercise any supervision over the sanitary arrangements of the guardians?—They do exercise supervision over all the guardians' duties, and this is part of their duties under the statute.

11,003. Are the medical officers of the guardians the sanitary officers also?—For special duties in the prevention of disease they are employed, but not for ordinary sanitary inspection. The relieving officers are employed by the guardians as nuisance inspectors.

11,004. And those nuisance inspectors are appointed by the boards of guardians?—Yes, they are appointed by the boards of guardians.

11,005. Have the Poor Law Commissioners any control over them with respect to the salaries of the

W. N. Hancock, Esq.

31 March 1870.

officers?—I apprehend they have, but I do not know that as a fact; they have not by the Sanitary Act.

11,006. Do you know whether the guardians make any reports to the central authority with reference to the salaries of officers in their districts?—I do not know. The Poor Law Commissioners' reports do not contain very elaborate information upon that subject, but they contain some information that would be interesting to the Commission. Before 1866 the Poor Law Commissioners gave no account of any expenditure by the guardians under previous Sanitary Acts, on account no doubt of its being infinitesimal; if it had amounted to any large sum they would have noticed it. Immediately after the Act of 1866 was passed, in the next year, I find in the Poor Law Report a return of sanitary expenditure for the year ending the 29th of September 1867, the Act having passed in August 1866. Under the Sewage Utilization Act there was 1,570*l.* expended; under the Nuisance Removal Act, 2,800*l.*; and under the Diseases Prevention Act, 10,700*l.* In 1868, under the Sewage Utilization Act there was 1,400*l.* expended; under the Nuisance Removal Act, 2,260*l.*; and under the Diseases Prevention Act the sum had fallen to 276*l.* The reason of the 10,000*l.* expenditure was that a great attack of cholera occurred in the year 1866, which the Sanitary Act very providentially was in time to meet, and the expenditure took place under it. That has now fallen to 276*l.*, because the state of public health in Ireland in 1868 got back to its normal condition, and the expense occurred under temporary powers.

11,007. Have you the subsequent figures?—The figures are up to the 29th of September last, and the subsequent figures are not yet published.

11,008. I think I understood you to say that the guardians were the authority over the whole of Ireland under the Diseases Prevention Act?—Yes, but these powers are not permanent; it is only when they are called into operation by the Privy Council.

11,009. Local boards and town commissioners have no authority whatever under that Act, have they?—None until the Lord Lieutenant upon application decides to give any special local board that authority, bnt I do not believe that that power has ever been exercised.

11,010. So that the guardians are the authorities under that Act for the whole of Ireland?—Yes.

11,011. And are their medical officers the sanitary officers under that Act also?—Yes.

11,012. And they come in that way under the jurisdiction of the Poor Law Commissioners, do they not?—They do. With regard to carrying the machinery of the Act out into minuter detail as to the authorities under the guardians again for disease prevention, the Poor Law Commissioners use the dispensary committees throughout, and the committee under the guardians is in every case the dispensary committee under our very complete Medical Charities Act in Ireland; but with respect to the subordinate authorities under the Sewage Utilization Act and the Nuisance Removal Act, there is a defect in the legislation at present, to which I wish to call the attention of the Commission; there is only one superior authority in each locality for this Act, but 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, and the qualification for those two subordinate offices is different. In the case of the sewerage committee you may appoint other people than guardians on the committee, but for the nuisance committee you can appoint guardians alone. So that that is a very unnecesssry complication in detail which it would be very desirable to get rid of, and to leave the guardians the fullest powers of appointing their own committees.

11,013. Is there any other defect of which you are aware?—That is the most prominent one that has occurred to me. There is another one which is not directly connected with this, namely, the question of local taxation; that the incidence of taxation is different with regard to the nuisance and sewer authorities according as it is under the guardians or under the town authorities, because the poor rate is equally divided between landlord and tenant, but the town rates are not.

11,014. Are the town rates borne entirely by the occupier?—Yes, therefore there is a different incidence of taxation. I merely mention that; it does not fall altogether within the scope of this inquiry, but it is right that the Commission should know that there is a different incidence of taxation. If a town, for instance, is constituted—if from being a rural district a small town increases in population and comes under town commissioners—the incidence of their taxation for sanitary purposes changes with the change of Government, because as long as it is under the poor law guardians the rate is divided between the landlord and the tenant.

11,015. The reason why the guardians are the authority in towns under the Diseases Prevention Act is, because they have an organisation of medical officers, is it not?—Yes, and because they have hospital accommodation in the town.

11,016. And they have the dispensary arrangements of the town also?—Yes, they have the dispensary arrangements of the town, and they have their workhouse hospital in the town.

11,017. And they have their medical officers too?—Yes; and it would be waste to build another hospital.

11,018. Is that the reason why the guardians were appointed the authority in towns under the Diseases Prevention Act?—Yes, because they are the hospital and dispensary authority in the town.

11,019. (*Lord R. Montagu.*) Is it not the duty of the guardians to order the removal of nuisances, and to appoint inspectors even in towns?—No, they have no jurisdiction whatever as to nuisances and sewerage in towns.

11,020. Before 1866 they had, had they not?—Before 1866 there was a divided authority, in fact there were three authorities in some towns.

11,021. In the town of Coleraine, for instance, which is under Commissioners, do not the guardians there appoint the inspector, and deal with nuisances, and summon offenders before the magistrates?—Before 1866 there were three authorities in many towns, in towns above a thousand inhabitants there were officers appointed by the vestry, and there the town authority might appoint officers and the guardians might appoint officers, but that conflict of authority and responsibility was removed by the Act of 1866; and in Coleraine town commissioners alone appoint the nuisance inspector.

11,022. (*Mr. Lambert.*) With regard to the nuisance removal and the sewers, the guardians have authority, have they not, in all those places that are not under town government, and exclusive jurisdiction also?—Yes.

11,023. And in towns the town authorities have jurisdiction?—Yes, for sewer and nuisance purposes.

11,024. Is it not the fact that in Ireland the guardians have some control over the graveyards?—Yes; the guardians are the burial board in the city of Waterford and for all other districts not under town councils, municipal commissions, or commissioners under the Towns Improvement Act of 1854 or Lighting and Cleansing Act of 1829.

11,025. Have they not certain powers over the old graveyards with regard to their being kept in proper order?—Under the new Church Act, there is a provision of that sort.

11,026. But prior to the Church Act had they not?—Yes, under the Burials Ground Act of 1856 they have charge as burial boards of all burial grounds within their district which have been closed by order of the Lord Lieutenant in Council.

11,027. Perhaps you are not aware that they might give the proprietor notice to put those graveyards in repair?—I am not aware of the extent of their power.

11,028. Are you able to speak as to the way in which the guardians generally have discharged their duties under those Acts?—I have always heard the Act spoken of as giving satisfaction. I might say, as my attention has been called to it, that there is some information which the Commission would like to obtain which is not yet officially collected, but if the Commission would wish to have it collected, I will have it collected for them. I have been able to submit statistics of what the guardians have done under those three Acts, and you might like to know what the town authorities have done. In the way the local taxation has been collected hitherto (it was collected to compare with the English statistics), that exact information was not collected, but if the Commission express a wish upon the subject I will submit it to the Under Secretary for Ireland to have that information collected for you.

W. N. Hancock, Esq.

31 March 1870.

11,029. (*Chairman.*) What was the provision of the Act of 1851, which created dispensary districts?—It is the 14th and 15th of Victoria, chapter 68, the Dispensary Act; and the main provision of that Act was appointing a medical commissioner attached to the poor law, and placing the whole of the medical arrangements under the Poor Law Commissioners. The guardians of each union were to divide the union into dispensary districts.

11,030. How many dispensary districts are there in one union?—They run from two to ten districts in a union. There are 163 unions in Ireland and 719 dispensary districts.

11,031. What is the governing body of the dispensary district?—The governing body of a dispensary district is a committee, and by the 7th section of the Dispensary Act, 1851, it is provided that "The "guardians of the union shall elect, if necessary, a "sufficient number of ratepayers resident in each "district, and liable to pay poor rates in respect of "property therein of the net annual value of 30*l.* at "the least, who, together with the *ex-officio* and "elected guardians of the poor resident, or being "the owners or occupiers of property therein, shall be "a committee for the management of the dispensary "of such district."

11,032. What are the duties of the committee of management?—The dispensary committee appoints a medical officer, with salary dependent upon the guardians, and "every member of such dispensary "committee, and every relieving officer and warden "acting for an electoral division included in such "dispensary district shall have power to afford "medical relief by the issue of a ticket for medicine "and advice, or a ticket in such form as the said "Commissioners shall prescribe." (14 & 15 Vict. c. 68. sec. 9.)

11,033. Have they any other duties except those connected with the relief of the poor?—They are employed by the guardians in special cases for the Diseases Prevention Act, and they have charge of that Act while it is in operation, but they have no other duties besides that I am aware of.

11,034. There is a clause in the Sanitary Act of 1866, in the part relating to Ireland, and I find this provision, that "The provisions of the Dispensary Act, "1851, with respect to the duties and appointment of "medical inspectors shall be incorporated with this "Act, and the prevention of disease and inquiry into "public health under this Act shall be deemed one "of the purposes to which such medical inspectors "have been or may be appointed in like manner "as if its provisions had been referred to in the "said Act of 1851, instead of the provisions of the "said Nuisance Removal and Diseases Prevention "Act of 1848." Can you explain that provision?—In Ireland we have under the Dispensary Act special medical poor law inspectors. I think the Act of 1868 (31 & 32 Vict. c. 74) has consolidated the duties of these officers with the general inspectors. I recollect that a section was put in to require the Poor Law Commissioners to make their medical inspectors the officers for carrying out the diseases prevention provisions, and also those inquiries into public health that the Commissioners might be directed to make from time to time.

11,034*a*. Under the Medical Charities Act, the Poor Law Commissioners appointed medical inspectors, whose duty it was to inspect the medical arrangements of each union?—Yes, under the Medical Charities, or as I have called it the Dispensary Act.

11,035. That arrangement has since been altered, has it not?—Yes.

11,036. (*Lord R. Montagu.*) You have spoken of the board of guardians as the body to administer the Sanitary Act. Would you tell us, as to the constitution of the board of guardians, whether it is not a fact that the number of elected guardians are equal to the number of *ex-officio* guardians?—Wherever there are a sufficient number of resident *ex-officio* guardians qualified, the *ex-officio* guardians may be equal to the number elected, and in all the large unions they are equal to them.

11,037. Is not the number of elected guardians restricted to the number of *ex-officio* guardians?—No, it is the other way, the number of *ex-officio* guardians cannot exceed the number of elected guardians, and the number of elected guardians is fixed. In all unions where there are a number of resident gentlemen the magistrates exceed the guardians. There is only then a certain number of magistrates on the board, and in unions where there are fewer magistrates residing, sometimes the elected guardians are more numerous than the magistrates.

11,038. How is the number of elected guardians determined?—By order of the Poor Law Commissioners. There was a revision in Ireland, after the famine, of all the electoral divisions, and the number of guardians were fixed by order of the Poor Law Commissioners.

11,039. Each electoral division elects so many?—Yes, generally one; but the town divisions elect two or three.

11,040. As a general rule, the number of *ex-officio* guardians and the number of elected guardians are equal, are they not?—In a large number of unions they are equal, and the exception is in unions where there are a very small number of justices qualified by residence or by having 50*l.* a year out of the union if non-resident.

11,041. Can you tell me whether the *ex-officio* guardians attend regularly?—I believe so. The chairman, the vice-chairman, and the deputy vice-chairman are generally *ex-officio* guardians, and they attend very regularly, and they have a great deal of influence in carrying on the business, because a man who is constantly the chairman has great weight with the guardians.

11,042. Can you tell me whether the petty sessional districts in Ireland are the same as unions or electoral divisions or dispensary districts?—No, they are fixed by a different authority altogether, and have no necessary connection with the unions at all.

11,043. Do they happen to coincide in area?—No, they are not fixed with reference to the same theory at all, and practically they do not coincide.

11,044. Can you tell me whether the unions are conterminous with the counties?—No, the unions are not conterminous with the counties.

11,045. Do they happen to coincide?—No.

11,046. (*Chairman.*) Do they overlap the boundaries?—Yes, constantly. For instance, a great number of the most important of our Irish towns are situated on rivers, on the borders of the counties. The town is taken as the centre of the union, and the union takes in the district round it.

11,047. (*Lord R. Montagu.*) Do any petty sessions districts ever go outside the borders of the county?—Yes, constantly. They are fixed with regard to the same theory, but they are much more numerous than the unions. There are about 608 petty sessions districts and 163 unions.

11,048. Then the area of petty sessions districts have nothing to say to either the areas of unions or the areas of counties?—Not at all. They are both

W. N. Hancock, Esq.

31 March 1870.

arranged from motives of convenience, that is to say, the union is taken at some town or some central point, and then the country that is nearest to it is thrown into that union.

11,049. (*Dr. Acland.*) How is it with regard to your districts for the registration of births and deaths; are they of the same area as counties or unions, or how are they arranged?—The poor law arrangements have been taken as the basis for them. The superintendent registrar's districts correspond to the 163 unions, and the registrar's districts to the 719 dispensary districts.

11,050. The medical officers in the dispensaries are very often the registrars, are they not?—Yes, they are the registrars.

11,051. It has been discussed in Ireland, has it not, whether there should not be a registration of sickness as well as of death?—I am not aware of that.

11,052. Do you think that the medical officers had better be the registrars?—I would have recommended the police as registrars for births and deaths.

11,053. For what reason would you recommend them?—Because all the statistics which we get through the police are the best statistics we have in Ireland. They collect the census, they collect agricultural statistics, and statistics of crime; they are admirably organised, and all the statistics which we get from them are perfectly done, whereas medical officers or professional men are not necessarily skilful at statistics, and they are more or less connected with the subject, whereas the police are perfectly independent.

11,054. The Commission have had evidence advising them that registration of sickness should be superadded to the registration department of England; would there be a difficulty then if the police were registrars with you?—I think that would be too minute a thing for the police. What the police would register would be events like births and deaths and notorious events in the country, but sickness of course only medical men could register.

11,055. Would the medical men of either dispensaries or unions be able to do it, do you think?—I have not formed an opinion upon that subject, but I speak generally. I have collected a great deal of statistics, some from the police and some from other public officers, and I always find that the police statistics are by far the most complete and the best.

11,056. Are the dispensary medical officers often coroners?—No, I think not often. There are very few coroners; there are about three coroners for each county in Ireland on an average.

11,057. Then the office is hardly compatible with the work of medical men?—Some coroners are medical men, but some are not. They are not uniformly so.

11,058. Do you know whether the poor law medical inspectors are debarred from private practice?—I believe so.

11,059. Do their duties occupy their entire time?—They do.

11,060. It is not so with the dispensary medical officers, is it?—No, their salary is quite inadequate to enable them to do it.

11,061. But supposing they have extensive sanitary duties to perform, how are they paid for them; by an increase of salary, or by a commission upon their work?—I do not know the detail. There was power to the Poor Law Commissioners to pay them specially for any medical duties under the Diseases Prevention Act, but that was only a temporary duty.

11,062. Then they were specially paid for that work?—Yes, they were.

11,063. (*Mr. Clive.*) Have the medical dispensary officers any direct communication with the Poor Law Commissioners in Dublin?—They communicate chiefly with the committee of guardians.

11,064. Always through the guardians?—Chiefly.

11,065. Are there no directions coming from the Poor Law Commissioners to the medical officers except through the guardians?—I do not know the details, but they receive general circulars from the commissioners and make a quarterly return to them.

11,066. (*Chairman.*) Does not the Act of the 31 and 32 Victoria, chapter 74, which is an Act to extend the powers of the poor law inspectors and medical inspectors in Ireland, practically empower the same inspectors to inspect, under the Poor Law Act of 1847, the Medical Act of 1851, and the Sanitary Act of 1866?—I will give a slight history of the Act. The Poor Law Commissioners in Ireland were separated from the English Poor Law Commissioners by the first Act, the 10th and 11th of Victoria, and were formed into a separate board, and they had power to appoint inspectors like the poor law inspectors in England. Then came the second Act, an Act peculiar to Ireland, and which does not exist in England, namely, the Dispensary Act of 1851, the 14th and 15th of Victoria, chapter 68, and under that Act there were certain medical inspectors appointed. The prevention of diseases and inquiry into public health under the Act of 1866 was then enacted to "be "deemed one of the purposes for which such medical "inspectors have been or may be appointed in like "manner as if its provisions had been referred to in "the said Act of 1851;" and by the Act of 1851 there were Commissioners for carrying out the Nuisances Removal and Diseases Prevention Act of 1848. These were the two Acts referred to, the 10th and 11th Victoria, chapter 90, and the 14th and 15th Victoria, chapter 19. Then the 31st and 32nd of Victoria goes on to make direct provision that "every "inspector appointed or hereafter to be appointed "under the provisions of the said Act, 10th and 11th "of Victoria, chapter 90, to assist in the execution "of the Acts for the relief of the poor in Ireland, "shall be deemed to be an inspector under the provi-"sions" of the second Act, that is, under the Irish Dispensary Act of 1851, also under the Sanitary Act of 1866. Since 1868 the distinction between the poor law inspectors and the medical poor law inspectors has been terminated, and the same officers are inspectors for all purposes.

11,067. (*Mr. Powell.*) It is the case, is it not, that since the year 1866, excepting the statute which you have mentioned, there has been no sanitary legislation for Ireland?—No, there has not.

11,068. You have not had the advantage of the Sewerage Utilization Act of 1867?—There is a doubt about it; from the defect which I have pointed out it is possible, but it is doubtful, because it does not define the authority. Ireland is not expressly excluded, but the definition of the sewer authority goes back to the definition of 1865, and not to the amended definition of 1866.

11,069. Are you in a position to give us any information as to efficient working in practice of the inspection which you have described?—I have only a very general knowledge about it. I have always heard that the Act has given satisfaction.

11,070. Do you find that the inspectors do really keep the local authorities up to their duties?—The Poor Law Commission has always been most efficient in keeping the local authorities up to their duty.

11,071. I refer to their duty not *qua* poor law guardians, but in sanitary matters?—I do not know, except that I have seen no complaint.

11,072. Have you no knowledge how far throughout Ireland nuisances of various kinds are removed, and how far the dwellings of the Irish people are in a satisfactory condition?—With regard to the city of Dublin I do know that the corporation of Dublin Health Committee has been most efficient and most active in carrrying the Act into effect. With regard to the rest of Ireland I have not a local knowledge, but I know as far as I can notice, and from seeing that there are no public complaints of the Act, and the expenditure of money shows that it has been carried out.

11,073. Have the inspectors made any complaints?—I do not know; I referred to complaints that became public.

11,074. Have you reason to know that the inspectors have not made any complaint?—It does not appear in the reports of the Poor Law Commissioners.

11,075. If they made complaints there would be some reference made to them in the reports?—Yes; the Poor Law Commissioners have not referred to it in their general reports. To show the efficiency of the poor law inspection, after the year 1867, when the operation of the Special Diseases Prevention Act ceased, some guardians did not appoint local officers to carry out the Act, and the commissioners immediately issued a circular calling their attention to the Act, and requiring them to appoint officers to carry it out.

W. N. Hancock, Esq.

31 March 1870.

11,076. If it proved, on further inquiry, that the sanitary condition of Ireland is not satisfactory, seeing that there are no complaints made by the inspectors, the inference appears to be inevitable, does it not, that the inspection is not wholly successful?—I cannot say; the only place that I can speak of is Dublin. As to the plan of having the same inspectors for all purposes after 17 years' experience, the Poor Law Commissioners recommended to Parliament and carried the change referred to, namely, putting under one inspector all the functions under all the Sanitary Acts and the Poor Law Acts.

The witness withdrew.

E. S. Gordon, Esq., M.P., Q.C.

(89.) Edward Strathearn Gordon, Esq., M.P., Q.C., examined.

11,077. (*Chairman.*) You were Lord Advocate of Scotland, were you not, under the late administration?—Yes, from the beginning of 1867 until the end of the year 1868.

11,078. You were not at first, I believe, as you now are, in Parliament?—No, I was not in Parliament during the first session of 1867.

11,079. Was it not during that year 1867 when you were Lord Advocate, but not in Parliament, that the 30th and 31st of Victoria, called an Act to consolidate and amend the law relating to the public health in Scotland, was passed?—It was.

11,080. And the Act was drawn by, and in fact passed, very much under your influence?—Yes.

11,081. Under this Act was not the Board of Supervision for administering the poor laws made the authority for supervising also sanitary matters in Scotland?—It was. It had some jurisdiction under the previous Acts, under the Nuisances Removal Acts which were passed in 1846 and 1848, and afterwards superseded by the Act of 1856, the 19th and 20th of Victoria, chapter 103, but that Act was found to be defective in many respects, especially when cholera broke out in 1866, and the Board of Supervision applied to the Lord Advocate to have, if possible, greater powers given both to the local boards and to the Board of Supervision, and also to have a consolidation of the several Acts bearing upon public health, including the provisions of the Sewage Utilization Act of 1865 and the Sanitary Act of 1866, which were passed professedly for Scotland as well as for England, but the machinery could not be carried out properly in Scotland, and therefore it was thought better to have an Act consolidating those several Acts, and applying their provisions specially to Scotland.

11,082. Will you be so good as to explain to us distinctly what is the Board of Supervision?—The Board of Supervision consists of the chairman, who is a salaried officer, I think, having 1,200*l.* a year, and he has the assistance of three of the sheriffs who are local judges in Scotland, and those gentlemen attend once a week and give their assistance in disposing of any questions of difficulty which arise in the administration of the poor law, or under the Public Health Act. They receive an allowance, which I rather thought inadequate for those duties, of 150*l.* a year. Of course they are paid for their duties as sheriffs besides, but the duties are very onerous indeed, because they have to consider a number of written documents and write their opinions upon them, and those are afterwards made the subject of resolutions at the board. There is a great deal of labour connected with the duty. In addition to those three paid members there are the Lords Provosts of Glasgow and Edinburgh, and I think two or three other gentlemen are members of the board, but they very seldom attend, so that truly the business is discharged by the chairman and by those three legal members, and the Solicitor General occasionally attends.

11,083. What power or authority does this Act give to the Court of Supervision over the local sanitary authorities in Scotland?—I think you will find that by sections 9 and 10 it gives power to inquire into the state of public health in different localities; they have power also to insist upon the enforcement of the Act; you will find in sections 96, 97, and 98, that if the local authorities are not attending to their duties, there are powers in these sections given to the Board of Supervision to insist that they shall do so. Perhaps the Act is rather more of a permissive character than I would have wished it to have been; but it was very difficult to get the Act satisfactorily adjusted, as there was a jealousy of the action of the Board of Supervision, particularly by the larger burghs, the burghs above 10,000 population, and I was obliged to consent to a limitation to some extent of the powers of the Board of Supervision with regard to burghs having such a population, but still the board have I think powers as regards such burghs, though not so extensive.

11,084. Was there not an amendment carried to your Act exempting towns exceeding 10,000 in population?—Not altogether exempting them, but limiting the power of the Board of Supervision as regards them.

11,085. Then the Act principally refers to the local authorities of rural districts?—It does, but it has reference to local authorities everywhere, even under the jurisdiction of magistrates and town councils.

11,086. The local authorities in Scotland, I think, as enumerated in the fifth section of this Act, are town councils in places where they have them; in places within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act, the police commissioners or trustees; and in any parish over which the jurisdiction of a town council or of police commissioners does not exist, then the parochial board?—Yes, that is, I suppose, equivalent to your board of guardians. The Board of Supervision have also the superintendence and the enforcement of the Vaccination Act. The Vaccination Act was passed in 1863.

11,087. I understood your previous answer to intimate that in general sanitary matters this Board of Supervision is rather a board of consultation than of actual control?—It has control, no doubt, if there is a wilful neglect on the part of the local authorities, that is to say, the parochial board, to put in force the provisions of the Act.

11,088. What is the section to which you refer?—Section 96 gives authority to certain persons such as the Procurator Fiscal of the district (the Procurator Fiscal is the party who acts representing the Lord Advocate in criminal matters) to take proceedings against a local board, and the 97th section provides that "It shall be lawful for the board (that is, the "Board of Supervision), with the approval of the "Lord Advocate, to apply by summary petition to "either division of the court of session, or during "vacation or recess to the Lord Ordinary on the Bills "which division or Lord Ordinary are hereby autho-"rised and directed to do therein, and to dispose of "the expenses of the proceedings as to the said "division or Lord Ordinary shall appear just."

11,089. Before this Act, what was the central power over the local authorities in sanitary matters?

E. S. Gordon, Esq., M.P., Q.C.

31 March 1870.

—Under the Nuisances Removal Act, the Board of Supervision was the supervising authority.

11,090. Was not that because the Nuisances Removal Act vested the local functions in the parochial boards?—I presume so.

11,091. But in towns either under councils or commissioners, what central authority was there to enforce their action in sanitary matters?—The Board of Supervision was the party having authority, but not I think such controlling authority as is given by this Act. When a difficulty arose as to the boundaries, the Board of Supervision was the body entitled under the former Acts to determine the boundaries or to determine which was the local authority.

11,092. Do the local authorities appoint their own officers, both inspectors and other officers?—Yes, they do, but the sanitary inspector is not removeable without the consent of the Board of Supervision. I rather wished also that the medical officer should be in the same position, but I found that there was a strong disinclination to the power of dismissal being vested in the Board of Supervision alone; and not being in Parliament at the time, I was obliged to come to a compromise.

11,093. Has every local authority a medical officer?—No, not necessarily.

11,094. Does not the 5th section empower the Board of Supervision to determine the local authority in parishes not wholly within the jurisdiction of a town council?—Yes, where a parish is partly within the jurisdiction of the town council and partly within some other jurisdiction, then the Board of Supervision are entitled to determine which of the bodies shall be the local authority.

11,095. Section 6 provides that where the district is in more than one county the Board of Supervision shall determine in which county such authority shall be held to be situated for the purposes of that Act?—Yes, that is chiefly with a view to the jurisdiction of the local judge, because the expenses are of course defrayed parochially, and not out of the county assessment, and it is in order to determine which local judge shall be entitled to determine in case of any judicial proceedings being requisite.

11,096. (*Lord R. Montagu.*) Is the local judge a county judge?—He is the sheriff who has extensive jurisdiction within each county; he has much more extensive powers than a local judge in England at present has.

11,097. But this has nothing to say to sanitary jurisdiction but only to the trial of cases?—Just so, if it is necessary to appeal to a judge. The sanitary jurisdiction is vested in the local authority, which local authority may extend over land that is partly in one county and partly in another; and if it was necessary to have recourse to judicial proceedings it was necessary to provide a court where such may be tried where the subject is partly in one county and partly in another; that was the object of the 6th section.

11,098. (*Chairman.*) Can you tell us what staff of inspectors the Board of Supervision have?—I do not think they have any inspectors specially under this Act, but they have, I think, two or three inspectors who visit the different parishes, and one inspector who visits the poor houses.

11,099. And do those inspectors, whom I presume they had for poor law purposes before this Act, act as inspectors for all purposes under this Act?—I think they do, but I have not been connected with the Board of Supervision since this Act was passed.

11,100. Are you not aware that they have been obliged to increase their number of inspectors since this Act was passed?—No, I do not think they have made any extra appointment.

11,101. What was your object in getting the Act passed?—It was to consolidate the various Acts, which were defective in many respects; even those applicable to Scotland alone. For instance, the Nuisances Removal Act was defective in many respects; it did not vest sufficient power of control in the Board of Supervision; and then, as regards the Sewage Utilization Act and the Sanitary Act, it was found that they could not be applied in Scotland at all, owing to the procedure having been made with reference to the English law, and not suitable to the Scotch system.

11,102. Do you know how your Act has worked?—I believe it has given general satisfaction, I have had occasion to hear many persons speak of it, particularly in villages where it is more necessary; and throughout the country districts generally I understand it has given very great satisfaction.

11,103. Do you believe that it has led, particularly in rural districts, to more attention being paid to sanitary matters and to sanitary works being carried out?—Yes, I think it has. Of course the Board of Supervision do not wish to make their power too much felt; they rather try to lead parishes to adopt their views, and hitherto it has not been found necessary to have recourse to any of the compulsory powers vested in the Board of Supervision.

11,104. The Scotch like, as much as the English, to manage their own affairs?—Yes, they are very jealous of interference with their local authorities.

11,105. Would you now wish to give the board more compulsory powers?—If it works well as it is, I think it is perhaps better to leave it alone; but I believe that the board think that it would be better if they had some more stringent powers. I am not acquainted with the practical working of the matter, as I ceased to be a member of the Board of Supervision when I was appointed Lord Advocate. There are very important provisions with reference to the supply of water in the Act, in part 6, sections 88 and 89.

11,106. What is the particular point in those provisions that you wish to call our attention to?—The supply of water is often very defective in some of our villages, and it was found difficult to get a supply. Under those 88th and 89th sections, and some other sections, there is power given to obtain a supply of water from any place where it can be conveniently obtained, and compulsory powers are given to the local authority to obtain that supply, subject to the provisions of the Lands Clauses Act.

11,107. I observe that those clauses 88 and 89 are specially extended to burghs above 10,000 in population?—Yes. I did not mean to say that all burghs having a population of more than 10,000 are exempt from the provisions of the Act, only they are exempt from some of the provisions of the Act.

11,108. (*Mr. Powell.*) Some provisions as regards the action of the central authority?—Yes.

11,109. (*Chairman.*) What is the constitution of the parochial boards?—They are elected by the ratepayers, having a graduating scale of voting; that is to say, depending, to some extent, upon the amount of property; the proprietors above 20*l.* are members of the board, and then the occupiers have a representation, and the minister and the kirk session, that is to say, the elders.

11,110. Are the parochial board active in executing their duties, both those connected with the poor law and those which under this Act are now their sanitary duties?—I think they discharge their duties fairly under the Poor Law Act. Of course there are differences in the way in which they are discharged by different boards, and as regards the execution of this Act, I am not so well able to express an opinion, as I have had no experience of how they discharge their duties. I believe they require to be stimulated a good deal, more perhaps with reference to the discharge of their duties under this Act, because they are not always so sensible of the evils resulting from accumulations of nuisances, want of water, and impurities, as they are of the necessity of relieving persons who are in destitute circumstances.

11,111. You have told us that the local authorities have power to appoint their sanitary inspectors and their other officers; can you tell us what class of men they appoint?—They generally, I think, in the smaller parishes appoint an inspector of the poor who

E. S. Gordon, Esq., M.P., Q.C.

31 March 1870.

is, I suppose, somewhat like your relieving officer. In the larger towns I presume they appoint officers specially for the purpose; at least a more important person.

11,112. (*Mr. Powell.*) I believe that in Scotland, as in England, the system of local Acts extensively prevails, and that your great towns are in very many cases under authorities constituted by local Acts?—Yes, they have separate private Acts very often; Edinburgh and Glasgow, and many other large places have.

11,113. Is it the case that the effect of that local legislation is to exclude those towns in few or more cases from the general Act?—No; according to my impression at present those towns are subject to the provisions of this Act, but, of course, they have the additional privileges or powers which are conferred by their local Acts.

11,114. How do you account for the feeling of jealousy which existed, and which prevented you being able to place under the authority of the Board of Supervision towns which were above 10,000 inhabitants?—There is a feeling entertained by the magistrates or town council representing such large towns that their dignity is affected by the interference of a central board such as the Board of Supervision, and there is this to be said for it, that in those large places public opinion will certainly exercise a more effectual control over them than in small parishes which are not subject to public opinion.

11,115. Do you think that that jealousy arose from the fact that this Board of Supervision had to do with the poor, or was it a jealousy of the central authority?—I think it was entirely a jealousy of the central authority. There was, I may say, considerable prejudice against the Board of Supervision which necessarily was obliged to interfere with the actings of the parochial boards where they did not act up to the provisions of the Poor Law Amendment Act, and there has been a committee sitting, and is sitting at present, upon the subject of the administration of the poor laws. My impression is that the result of the evidence given before that committee is strongly to support the view that the Board of Supervision have very efficiently discharged their duties, and that they have not unnecessarily in any way interfered with the actings of the parochial boards.

11,116. Do you think that if the central authority had been reconstituted so that one branch of it would have attended to the poor law and the other branch of it have attended to sanitary matters, that feeling of jealousy would have been at all diminished?—I do not think that that enters into the feeling of jealousy at all; I mean that it is entirely jealousy of the central authority.

11,117. I observe that under the 10th section of the Act, it is provided that "The board, whenever it "may seem fitting to them, with the consent of one "of Her Majesty's Principal Secretaries of State or "of Her Majesty's Advocate for Scotland, to authorize "and empower, for a limited time, one of the members "thereof to conduct any special inquiry in any part "of Scotland, and to report thereon to the board." Then follow powers for summoning witnesses and so on. There is also power in the next section for the board, apparently under similar circumstances, to appoint some person to be "commissioner or commis-"sioners for the purpose of conducting any special "inquiry for a limited period, and to report thereon." Are you aware whether many inquiries have been conducted under either or both of these clauses?—I cannot say; I scarcely think there have been.

11,118. I believe it is the case that under the 97th section, the power to compel a local authority cannot be exercised by the Board of Supervision of its own volition, but it must be through the intervention of a court of law?—The sheriff has the exclusive jurisdiction in certainly the more important cases of nuisances, involving manufacturing matters; in small matters a justice of the peace may attend to the execution of the Act or give orders for that purpose; those are summary proceedings which are taken before those local judges. As to compelling the local authorities, the Board of Supervision present an application to the Court of Session to compel them to do it, and thereby obtain judicial authority. The effect of that is, that if they could show that the Board of Supervision were requiring them to do that which they were not authorised to insist upon their doing under the Act, the Court of Session would refuse to interfere to compel them. It is something in the shape of a *mandamus*.

11,119. The compulsion then arises not from the central authority, as is the case in England, but from the judgment of a court of law?—Yes; there is a provision in the Poor Law Amendment Act in Scotland that if the 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 show that there has been a failure to discharge the duty, and get an order from the Court.

11,120. You have nothing whatever approaching to or resembling the provision which obtains in England, by which the Secretary of State can actually appoint a man to do the work and levy rates?—No, I do not think we have. Under section 96 there is this power in the judge, that if the local authority does not take means to get rid of a nuisance, then the parties mentioned in that section of the Act, who are to a certain extent public officers, are entitled to go to the sheriff or the justice, and the sheriff or the justice "may appoint the same to be carried into effect by "and at the sight of such persons as he may think fit, "and at the expense of the local authorities."

11,121. But still he acts as a judge judicially?—Yes.

11,122. And not as the Secretary of State sitting in his office, and acting according to his own discretion?—No. The 97th section seems rather to refer to a general failure to discharge the duties, and not to a failure perhaps in a particular case so much, because that is provided for by the 96th section which I have just quoted.

11,123. In the event of a town being partly undrained, the proceeding would be under the 96th section, and not under the 97th?—You might proceed under either section, but I should say rather under the 97th in such a large operation as that.

11,124. Are the large towns having local Acts comprehended under those two sections?—That is my impression. My impression is that this Act applies to all local authorities acting in Scotland, whether in large towns or small, except in so far as there are limitations expressly introduced into the provisions of the Act, and of course those large towns have, what they will call perhaps the benefit of, the additional provisions which they have obtained in local Acts.

11,125. (*Dr. Acland.*) There was a great opposition to the introduction of the machinery of the poor law into Scotland, was there not?—Some people did not approve of it, but others thought it was essential that such an Act should be passed.

11,126. And that dissatisfaction has entirely gone by, I mean that especially which was headed by Dr. Chalmers in Glasgow?—I cannot say that it has entirely gone by, because there are still some gentlemen who entertain his opinion. Before what was called the disruption or cession of the churches in Scotland, that is to say, of ministers of the Church of Scotland in 1843, there were certain facilities for managing the funds which belonged to the poor, because the Established Church represented to a great extent the wealth and the public opinion of the country, but after that event the dissenters, of course, were not so well pleased to have the parish funds administered by the clergyman and the kirk session, who were truly the administrators of the fund, and that, I think, as well as the poor not being so well attended to in some cases, led to the passing of the Act of 1843.

11,127. The practical reason for my question is this, that there has been an attempt of late years in

E. S. Gordon, Esq., M.P., Q.C.

31 March 1870.

England to get up an agitation to show that the care of the poor in some material respects was more successfully carried on in Glasgow than it is under the English poor law in England; and if the experience as stated by you, with your large knowledge of the question, shows that since the establishment of the poor law in Scotland that opinion has entirely gone in Scotland, of course the argument fails?—But I do not say that it is entirely gone, because you will find a blue book published giving the evidence before the committee which is at present investigating that very matter, which was published last year; the proceedings of the committee are still going on, and you will find there the opinions of parties who still entertain that view.

11,128. The argument I understand to be that official inspection and supervision is not efficient, and that a more voluntary system is so, but that is not your belief?—I should be very happy if it could be done voluntarily, but I doubt very much whether the wants of the poor would be sufficiently attended to. There is no doubt that the deserving poor might in many cases have their wants more agreeably attended to, but I am afraid the poor are so numerous that it is necessary to have official inspection.

11,129. You mean official inspection as thoroughly as could be expected in great towns?—I think so.

11,130. (*Mr. Lambert.*) Out of what rates are the expenses of parochial boards in connexion with their sanitary powers paid?—You will find that in part 7 of the statute.

11,131. Are they paid out of the poor rates?—No, it is a separate rate, but of course where the parochial board is the local authority, the parochial board is the body which lays on the assessment.

11,132. Is that a distinct and separate assessment from the poor rate?—It is.

11,133. Upon whom is it imposed, upon the occupier or upon the owner, or partly upon one and partly upon the other?—It is half upon the owner and half upon the occupier, just as the poor rate is.

11,134. It is not imposed upon means and substance, I suppose?—No, means and substance have ceased altogether to be a mode of assessment in Scotland.

11,135. With regard to the rates from which the expenses are paid in towns where you have a distinct local authority from that of the parochial board, is the amount raised by a separate assessment, or is it practically upon the same principle?—Yes, it is upon the same principle.

The witness withdrew.

Adjourned to Monday next, at 12 o'clock.

Monday, 4th April 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF ROMNEY.
The EARL OF DUCIE.
The Right Hon. Lord ROBERT MONTAGU, M.P.
The Right Hon. STEPHEN CAVE, M.P.
Lieut.-Colonel EWART, C.B., R.E.
SAMUEL WHITBREAD, Esq., M.P.
JOHN TOMLINSON HIBBERT, Esq., M.P.
EVAN MATTHEW RICHARDS, Esq., M.P.
GEORGE CLIVE, Esq.
FRANCIS SHARP POWELL, Esq.
BENJAMIN SHAW, Esq.

W. J. Mantle, Esq.

4 April 1870.

(90.) WILLIAM JOHN MANTLE, Esq., examined.

11,136. (*Chairman.*) You are chairman, are you not, of the sanitary committee of the Lincoln union?—I am.

11,137. You were formerly one of the commissioners of the city of Lincoln?—Yes.

11,138. Will you state what is the size of the city of Lincoln and of the union?—The city contains 25,000 inhabitants, and the area of the union is 158,920 acres.

11,139. Do you know the population of the union?—The union contains 120 parishes, and the population at the last census was 46,941.

11,140. What is the rateable value of Lincoln?—74,898*l.*

11,141. What is the local government of Lincoln?—The mayor and corporation.

11,142. Have they adopted the Local Government Act?—Yes.

11,143. When did they adopt the Local Government Act?—In 1865.

11,144. What induced them to adopt the Sanitary Acts?—Pressure, by a committee of which I was the secretary.

11,145. And on what ground did you press them?—The prevalence of fever in the city, the deficiency of water supply, and the inability of the Commissioners to take any part in remedying them.

11,146. Who were the commissioners?—We were working under a local Act obtained many years before, for the purpose of paving and lighting the city, but with very limited powers.

11,147. When did they obtain that Act?—I am not aware, but it was before I went to Lincoln, about 40 years ago,

11,148. Their powers were not sufficient to remedy those nuisances?—No, they could not take them in hand; their powers of rating were limited to 8*d.* in the pound per annum for all purposes.

11,149. Was the limit of the rate the limit of the power that you speak of?—There was that limit to their power, but besides that they had no power in their Act to compel in the same way as the Sanitary Act now compels bodies to act.

11,150. To what do you attribute the prevalence of fever?—To the want of drainage and to bad water.

11,151. Were there particular parts of the town badly drained which the fever constantly hung about?—One particular part of the city was and is still very liable to fever.

11,152. Had you much difficulty in inducing the place to adopt the Act?—Very great difficulty.

11,153. It took you several years to overcome?—Yes. In 1848 many of the better class of the citizens, and amongst them Mr. Seely, the present member for the city, endeavoured to induce the inhabitants to adopt the Public Health Act, but they refused, and insulted those who tried to do it.

11,154. Was the opposition by the owners of small tenements?—Yes, by the owners of small tenements.

11,155. What was their particular object for opposing; was it the fear of expense?—Yes, the fear of expense.

11,156. Had they also an interest in using the river for their drainage, which they thought they would lose?—Yes; one part of the city is particularly well situated for the purpose of draining so long as you allow the river to be the drain.

11,157. Will you tell us what have been the immediate effects of your adopting the Local Government Act?—In 1865 the Act was adopted, 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 office.

11,158. Was the commission done away with by the adoption of the Act?—Entirely.

11,159. And had the corporation to act by a council, one third of which went out annually?—Yes.

11,160. And the one third who had to be re-elected were expelled?—Yes.

11,161. What has been the operation of the Acts since their adoption?—So far as the improvement in buildings is concerned, there can be no complaint; they have done a great deal of good. The owners of small property are now compelled to build proper privy accommodation, and they are also, upon building new houses, obliged to submit their plans to the surveyor, and I believe everything is very satisfactorily scanned with regard to the building and the walls and the roof, and so on, according to the intention of the Act; but the corporation never interfere with regard to drainage and water, except in one respect, that they do not allow any more drains to go into the river; those that are there go still on, but they allow no more.

11,162. How do they get a discharge for the new ones?—They call upon the people who build houses now to make cesspools upon their property.

11,163. Is there no intention to make a general sewerage of the town, discharging into any place where the sewage can be utilized?—There is a strong desire on the part of the intelligent and upper class, but the opposition is so strong that they cannot compel the corporation to carry out the Act.

11,164. What is the arrangement for cleansing out the cesspools?—Contractors come round periodically and remove the contents at night.

11,165. Did you state that another object for adopting the Act was the want of water for the town, and with a view to remedy that want?—The water of the city is supplied for the most part by a company under a private Act of Parliament, and they carry out their Act fairly, but the Act is very faulty; it would not of course pass in the present day, inasmuch as they are allowed to admit water into the houses for a few hours per day, and they throw the supply to the upper part of the city just whenever they please. The upper part of the city and the lower part are quite distinct, and the supply of water to the upper part of the city can only be had when the lower part will allow of it. The lower part can always get it, but the upper part only when there is a surplus, as we have only one reservoir and one system of pipes.

11,166. Have the water company offered to transfer their powers?—The moment the Act was adopted, and before the election in the following November, the corporation (the sanitarians being then in the majority) desired to purchase the water company's powers, and an offer was made by the water company to sell, but this could not be completed till after November. The majority then became the minority, and consequently the corporation would not entertain any proposition of the kind.

11,167. Where does the water come from?—The water of the water company comes from a parish called Skellingthorpe.

11,168. And is it pumped up by steam?—Yes.

11,169. What is the geological formation of the city?—The upper part of the city is somewhat peculiar. It is a very porous oolite with a clay subsoil, and there are large fissures in the rock which will allow the contaminations to pass through for many years, and the whole of the solid as well as the liquid matter in some of those cesspools finds its way into the lower part of the city, and contaminates the wells; except on the western side, where the clay crops up. This strong bed of clay on the western side keeps in the sewage of that part of the city, and you can see it oozing out at different parts by the sides of the road; and one gentleman, who has built some property on that slope, has made a kind of channel for the sewage before it comes to his property; and in that part of the city fever is seldom long absent.

W. J. Mantle, Esq.

4 April 1870.

11,170. Do you think that the corporation, with its powers under the Acts, will by degrees be able to overcome all those evils?—Many of the members of the corporation have pledged themselves to their electors not to carry out the Drainage Acts. The leader of this party, who is also the proprietor of a local paper, declared a few weeks ago that, so long as the present majority in the corporation exists, they need not fear that Lincoln would ever be drained.

11,171. Can you suggest any mode by which, by an alteration of the law, the corporation could be compelled to exercise the powers given them by the Act. One word from the Government, I think, at the present moment, would compel the carrying out of the Act. I think that the great mistake is that the corporation imagine that they have more power than the Government has in the matter.

11,172. What Act are you alluding to when you say that the central government have, at this moment, power to compel the corporation to do its duty?—The Sanitary Act of 1866, section 49.

11,173. In order to put that section in motion, must there not be some complaint or application made from Lincoln to the central government?—No, I apprehend not. I think that a complaint might come from any one, from yourself or the privy council.

11,174. The Local Government Act Office would not be made even cognizant of the state of your town, or the neglect of the corporation, unless some complaint was made?—They have been brought into cognizance of this fact on several occasions; but they cannot act without some specific complaint, and no one in the city at present is prepared to bear the odium which would attach to him if he made a complaint; a complaint has never been formally made.

11,175. Has any complaint been made from Lincoln, either formal or informal, to the Local Government Act Office as to the neglect of the corporation to provide proper sewerage and drainage for the town?—No, I am a member of the sanitary committee of the Lincoln Union, and that committee has no power within the borough. In October 1869 the guardians called upon the local board to find an outfall for the drainage of the workhouse (which is within the borough), in consequence of the prevalence of typhoid fever in the place, and the sanitary committee of the local board immediately met our committee, and the mayor of the borough asked this question of the legal adviser to the corporation—Are we compelled by the Act of Parliament to find an outfall for the drainage of the workhouse? and his reply was, "We are compelled to find an outfall for the "drainage of a district, but not for any particular part "of a district."

11,176. Where is the workhouse situated?—On the top of the hill on the very spur of it. The workhouse is just upon the outlying clay, within the city of Lincoln, and paying very heavy rates to the borough.

11,177. Are you aware whether that is a correct interpretation of the language of the Act?—I am of opinion that the clerk was wrong. First of all, my common sense told me that it was equivalent to saying that I am not supposed to pay any particular debt; I am supposed to pay in a lump all my debts that may be sent in to me, but here is a particular debt which one of my creditors calls upon me to pay, and I say I am not bound to pay that particular debt, but I am bound to pay the whole of my debts. It appears to me that the 49th section of the Sanitary Act (1866), called upon the guardians to make this complaint, but pressure was put upon the guardians immediately after this by the corporation, and the majority of the guardians then let the matter

W. J. Mantle, Esq.

4 April 1870.

drop. They did not make complaint to the Home Office in London, but the complaint was made by myself to the medical department of the Privy Council, and Dr. Edward Smith then came to Lincoln and found the complaint to be well grounded.

11,178. What year was that?—The first complaint was made last autumn (1869), and Dr. Smith's visit was in February 1870. It was in consequence of a state of things in the workhouse which was truly deplorable, and the medical department of the Privy Council drew the attention of the Poor Law Board to it, as it was beyond their province, and Dr. Edward Smith was sent down by the Poor Law Board. I consider the working of the 49th section in the provinces to be bad, inasmuch as it calls upon some person to make a formal complaint to the Home Office. The Local Government Act Office then send down and hold a public inquiry, and some one or other must stand up and accuse his fellow citizens; and although the majority, and I may say all the upper class, are quite ready to sign any document, or to hail with delight the putting of this Act into force, yet there is no one prepared to bear the odium which would certainly be attached to anyone who called formally for inquiry.

11,179. How would you propose to alter the 49th section in order to meet your views?—By an inspector from the Government visiting every town and village, and seeing that the Act is fairly carried out.

11,180. Whether a complaint is made or not?—Yes, whether a complaint is made or not.

11,181. You would have a body of inspectors going round the country and ascertaining what towns or places were wanting sanitary improvement?—Yes; and if an inspector would come to us in the month of August I think he would be satisfied in 10 minutes.

11,182. The 49th section does not necessitate the inspector who is sent down calling a public meeting, it only says that he must make due inquiry?—I have tried in conference with Mr. Taylor at the Local Government Act Office to show him that; but he is of opinion that everything they do should be above board, and every one who accuses his fellow citizens should do it openly.

11,183. We will go from the town of Lincoln to the villages round; the union, you say, includes 120 parishes. What is the general operation of the Sanitary Acts within that union, irrespective of the city?—I do not think that one village in the whole union till last year (1869) had ever thought a word about the Sanitary Act of 1866.

11,184. What is the sanitary condition, generally speaking, of that union?—Very bad.

11,185. In what way?—Typhoid fever is constantly breaking out in one village or more of the union.

11,186. What is the cause?—Bad water caused by bad drainage.

11,187. Does this arise chiefly in one season of the year, or is it constant?—I do not think it is confined to any particular season, or rather I should say wet and dry seasons have a great effect, not hot and cold seasons.

11,188. Do the guardians appoint an inspector of nuisances?—Until September 1869 the relieving officers were the inspectors of nuisances, but it was almost a dead letter.

11,189. You mean that they did not report nuisances?—Very seldom.

11,190. Do you know of instances where nuisances having been reported by the relieving officer were not abated?—Yes.

11,191. Can you particularise some of those instances with regard to any of the 120 parishes in this union?—One village, Scothern, had a serious outbreak of fever some two years ago, and it kept spreading until September 1869; my attention was drawn to it by the relieving officer, who said that it was completely beating him, he did not know what to do; and I took over three or four of the guardians to the village, and we there 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 away from the pump. A stream runs through the village for about eight months in the year, and the other four it is generally dry; the water is obtained from holes about 5 feet deep, and they simply put a bucket down, unless they are rich enough to have a pump.

11,192. Can you state the population of Scothern?—The population in 1861 was 579, and it has not increased since. The number of houses is 143, and the area of the parish is 2,500 acres.

11,193. What is the soil of that parish?—The soil is very porous, limestone and sand, with an underlying of clay.

11,194. Is there one principal landowner?—No, there are a number of small proprietors.

11,195. I suppose the fact is that those cottages have cesspools which let their contents go through the porous soil into the wells?—Yes; you could see it going in some parts. The well generally is in the centre, with pigsties and middensteads around, so that in case of rain it is the natural outfall for the water.

11,196. Is not Bardney another village of the union?—Yes.

11,197. What is the state of the drainage of Bardney?—It was so bad that the attention of the guardians was drawn to it last spring (1869) on account of the health of some of the villagers being injured by it. The sewer which had been placed there by the late Earl of Harrowby being completely blocked up, the villagers requested the guardians to compel the making of a new sewer. In one case the cellar of a tradesman's house in the village had become a receptacle for the drainage of a kind of district, and we found about a foot or 14 inches of this sewage in his cellar in the winter.

11,198. Was there not a remarkable outbreak of fever at Ingham, another village?—Ingham is a most remarkable case; there were 54 cases of fever in that village, containing 646 inhabitants. I have a plan drawn by Mr. Radcliffe, of the Medical Department of the Privy Council, when he was upon the spot, and he found that 52 out of the 54 cases of fever certainly could be traced to the using of the parish pump near the churchyard. In all the cottages where they did not use this water no case of fever occurred.

11,199. Have you anything to say about the other villages?—The village of Bracebridge has had fever for some eight or nine months and a case of typhoid fever in the beginning of last summer (1869) was brought into the city of Lincoln to a house 50 yards from my own, which is used as a kind of private hospital attached to an institution for nurses. This man recovered after some length of time, but the fever has not abated in the village. It became worse last winter, and the vicar requested the parishioners to adopt the Sanitary Act, imagining that the Act was not in force in his village. The parishioners have decidedly refused to adopt the Sanitary Act at all, or allow any drainage, or any of the powers of the Act to be put in force.

11,200. There is no adoption necessary about that Act, it applies everywhere does it not?—Yes, I told him so, and gave him a copy of the Act; but he called a vestry meeting, and a strong opposition against this Act was shown; and although he is vice-chairman of the board of guardians, and a most useful member of the board, he has at this moment to contest his seat at the board: some of the villagers seem determined to eject him on account of his endeavours to adopt sanitary measures in the village.

11,201. Do you yourself conceive that the guardians' power is doubtful?—Yes, I do, very.

11,202. Is not the Act perfectly clear?—With regard to the guardians, I cannot see anything in the Act which tells the guardians what they are to do.

11,203. Not in the Nuisance Removal Act?—The guardians are the authorities to remove nuisances.

11,204. Is there any doubt about the power as the

nuisance authorities?—There is, because the moment the vestry says, "We will act," the guardians can take no more steps, I think. The clerk to the guardians, who is our legal adviser, considers that our powers are very questionable.

11,205. Can you tell us in what particular he feels any doubt?—He hardly knows the definition of a nuisance; and then, again, we have a check put upon us in this way: we can make complaint to the central office, but if we act ourselves, there is a certain limit as to the power of rating. If we were to spend say 500*l.* upon a village, because the vestry will not act, we are bound to put some machinery into force to collect the money, which has never yet been put into force. We must borrow the money, or we must collect so much per annum, and in that case the guardians become lenders of the money; they have to advance a sum and take it back by instalments. Therefore the guardians will always refuse to put that power into force. I assume that if we had put the powers of the Act into force at Scothern when we had such a very serious outbreak of fever there, we should have been called upon to spend a great deal of money, and where were we to get it? I think if you look at the Act of Parliament you will see that we are bound to limit our calls upon the parish to 1*s.* in the pound per annum.

11,206. Is not the limit of 1*s.* in the pound to which you allude the limit in the 27th section of the Act of 1855 upon local authorities making outlays for structural works?—Yes.

11,207. You are not aware of any other limit of expense imposed upon guardians in removing nuisances?—From what I have gathered from the clerk to the union, he seems to entertain a great doubt whether we have any power at all with regard to expenditure, inasmuch as the Act of 1866 has removed the power, to a certain extent, from the guardians to the local [? sewer] authority; and if they will not act the Government can compel them, but the guardians cannot be any more than complainants.

11,208. The default of the board of guardians doing their duty as nuisance authorities may be remedied under the 49th section, to which we have already alluded, just as much as the default of a local authority, may it not?—Boards of guardians seem to entertain great doubt as to whether they can step in, now that the Act of Parliament has vested the powers in the vestries as sewer authorities, and they say that greater power has been given to the vestries, and therefore the guardians cannot step in, except to make complaint to head-quarters.

11,209. It is clear, is it not, that although the vestries have certain powers with regard to sewerage, the board of guardians are the nuisance authorities?—The clerk to the board of guardians at Lincoln advises us to be very careful with regard to steps taken as nuisance authorities, because it is hard to define what a nuisance is.

11,210. If anybody were to proceed under the 49th section of the Act of 1866, and make complaint to the Secretary of State that the board of guardians were not removing a nuisance, the Secretary of State would compel them to remove it, would he not?—I think not. I think he would come upon the vestry. The moment this matter is put into the hands of the chairman of the vestry, he says at once, I have the power to call the vestry together, and if the vestry choose to act, well and good; but according to the Act the board of guardians ceases as a power because the principal duties and powers of the vestry, as the sewer authority, are to provide proper and sufficient sewers and drains, to prevent the pollution of rivers, to superintend the providing of privies, ashpits, &c., to see in certain cases to the provision of earth-closets, to see that the privies and drains, &c., do not become nuisances to the public, and to provide scavenging, a good water supply, and hospitals and medicines. That being the case with every parish in England, how is the board of guardians to step in?

11,211. Supposing the law was made perfectly clear, do you think that the guardians would act?—I doubt it.

W. J. Mantle, Esq.

4 April 1870.

11,212. Can you suggest any mode of compelling them to act?—I would compel some body to act. I do not know whether I should compel the guardians,

11,213. Can you suggest any better body than the guardians for rural districts?—I see no difficulty in the case, if we had a central authority with power, as I have mentioned, to come round to every parish in the county, and see to the wants of the place, and then I would keep the vestries as the sewer authority.

11,214. You would prefer the vestry to the board of guardians?—Yes, I should.

11,215. Would you not think that the vestry would be rather too small a body to attend to those works?—I should think the board of guardians rather too large, we have 120.

11,216. But supposing a committee of the guardians, would not that do?—Then I believe that the majority of the guardians would appoint a committee dead against all drainage. We had no sanitary committee until last autumn (1869), when I drew the attention of the guardians to the state of Scothern, and that caused such a commotion throughout the country, and so exposed the state of affairs, that they did then appoint a sanitary committee, and that sanitary committee appointed me to be their chairman; but at this moment an effort is being made to expel me from the board of guardians, and Mr. Ellison, the vicar of Bracebridge, the vice-chairman, also, simply because he has said something about the drainage of his parish.

11,217. The cause of the general opposition is a fear of the expense?—Yes, the expense has a great deal to do with it.

11,218. And they cannot generally see far enough that a more healthy state will rather reduce their rates than otherwise?—You would never make the ratepayers see that.

11,219. How does the sanitary action of the corporation of the city of Lincoln operate politically?—It sends a body of men to the board pledged against drainage, and that body is now represented by the extreme section of the Liberals; but many of the corporation who are pledged against drainage are themselves thoroughly drained into the river.

11,220. (*Earl of Ducie.*) Is there no local feeling of dissatisfaction at this state of things?—Yes, great dissatisfaction.

11,221. But not on the part of the majority?—I do not think the majority are aware of the real state of things, they are so misled. At a public meeting held for adopting the Local Government Act, the question was put to me as to what would be the expense per annum if we drained the city, and I said that, from the experience of many towns which had been drained, I thought that an extra 4*d.* rate would drain the city. The immediate cry of the opposition party was, "You are very much mistaken; it would be 4*s.* in the pound." And the people believed those who said it would be 4*s.* rather than me.

11,222. (*Chairman.*) What is the death-rate?—Twenty-eight for the past quarter. Lincoln is peculiarly well situated naturally, otherwise we should have the death-rate very high, and I think that has been a great means of preventing drainage. It is built partly on a hill, and constantly water is sweeping through, and in the case of a heavy rain the whole of the impurities are washed out of the city into the river, and the river carries them off to the sea. I believe that has been the greatest blessing that we have, in a sanitary point of view, because in dry seasons our health is very much worse than in wet seasons; we find a sensible difference in the city in the two seasons.

11,223. (*Earl of Ducie.*) You stated that the relieving officers were the inspectors of nuisances, but that in their hands it became a dead letter. From your experience of such persons, do you think that they would be generally persons competent to inspect nuisances?—Not at all; I think that an inspector

W. J. Mantle, Esq.

4 April 1870.

of nuisances should be a man who knows what a nuisance is, and should be independent; and then, again, those men are employed so much in visiting the villages that they have not time to do it.

11,224. But in the performance of their duties in relieving the poor they must come across a great deal of dirt, must they not?—Yes, they do; but those men are dependent upon the guardians for their living, and the guardians are composed, for the most part, of the farmers of the parishes which they visit, and who have to bear the burden of the expenditure. Those relieving officers, therefore, have an interest in being on good terms with the guardians, who are the great ratepayers, and they would rather hesitate to call upon those men to carry out certain measures with the force which is necessary to be applied to them.

11,225. Therefore, if the relieving officers were the inspectors of nuisances, and did their duty as inspectors of nuisances, they would very soon be ousted?—It would, I think, be very unpleasant for them to be placed in such a position.

11,226. (*Lord R. Montagu.*) You spoke of the odium that would be incurred by persons who report nuisances, even in a very unhealthy place like Lincoln, where there are no drains?—Yes.

11,227. Is there generally amongst the ratepayers that feeling of odium towards any person who reports nuisances?—A man is looked upon as an informer, and the lower class are so misguided by their landlords that they are apt to believe that the man has some bad motive in view, rather than give him credit for a good intention towards them. The upper class of Lincoln are desirous that the Act should be put in force, but the lower class are not, being misled by the political party and the middle-class men.

11,228. What station in life do the people of that political party fill?—They are landlords of houses, men who have raised themselves by trade to some degree of independence, and have built a lot of cottages. But before this Act came into force they could build up without any regard to the comforts with which they ought to supply the poor, and we have a great number of them in Lincoln; they are retired tradesmen generally.

11,229. Persons in well-to-do circumstances now?—Yes.

11,230. Are they not aware of the benefits that sanitary arrangement would confer upon the town, or do they not care for those arrangements, and disregard the welfare of the poor?—The interviews which I have had with them have led me to this conclusion, that they are afraid of the expense which as landlords they would be called upon to pay, and they have not much faith at present in the working of the Sanitary Acts in other places. They will not look at places which have been benefited, but they point out any one place in which sanitary operations have not been successful.

11,231. Do you think that an improvement in the Sanitary Acts would overcome their reluctance to be rated for sanitary purposes?—I think nothing would ever overcome the reluctance of men like those to be rated. If you could improve Lincoln without inflicting a rate upon them they would be delighted.

11,232. Is that feeling, do you think, peculiar to Lincoln, or is it very general in the same class in other cathedral towns all over the country?—I should hardly like to speak from experience, except that I was brought up in a cathedral city. Chichester is my native city, and I believe it is somewhat similarly situated. I have been in correspondence there with gentlemen who have been assisting to get Chichester out of the mud, and the means which we had applied in Lincoln in 1865 to get the Local Government Act adopted were tried in Chichester, but without success.

11,233. Is the *odium sanitarum* very strong there?—Very strong, my correspondents at Chichester say, especially among the landlords of public-houses. I am connected with the cathedral of Lincoln, and I say that the authorities there, and I also know that the cathedral authorities of Chichester, are strongly in favour of sanitary reforms, and indeed a sermon in Lincoln cathedral last January by the Archdeacon of Lincoln was a sanitary sermon in every sense of the word.

11,234. (*Mr. Clive.*) You have not a very high opinion of the intelligence of the board of guardians?—I have a very low opinion indeed of it.

11,235. Do not you think that they are improving at all?—No.

11,236. Do not you believe that ultimately sanitary ideas will percolate through that inert mass?—Not as long as the board of guardians consists of 120, and out of that 120 the majority are sent from the little villages with this one object in view—to keep the rates down.

11,237. Are those men chiefly tenant farmers?—Yes, chiefly tenant farmers, and they are bound to vote for reduction of expenditure.

11,238. Do you know whether at any time any offer has been made by the landlords to bear the expense of drainage?—Yes; at Scothern some years ago the late Mr. Ellison, who owned some property there, and who lived at Sudbrook, offered to find bricks for the drainage of the village if they would do the manual labour, and they refused.

11,239. (*Mr. Richards.*) You do not seem to have faith in the corporation, and you do not seem to have faith in the board of guardians; what body do you think should undertake the proper duties of the local authority?—I should recommend a central authority with power to compel the local authority. I do not care what local authority you have, if you do away with the present permissive compulsion. At present the corporation tell us that they are not compelled, and I would not allow them to say that they are not.

11,240. I gather from your evidence that your view is, that indirectly the whole of the sanitary arrangements would have to be enforced upon districts by a central authority?—Yes, by a central authority, and that central authority should make no doubtful sound. At present one part of the Government acts only in open court, another in a private manner, while another will not act at all as a part of the whole, but has its own *modus operandi*. 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 on the Local Government Act Office to compel the local board to find an outfall for the drainage. This will entail additional expense on the guardians, and is quite at variance with the rules laid down by the Home Office; its effect on the guardians has been to retard sanitary measures, and make them think the Sanitary Acts weak and doubtful.

11,241. Assuming that the vestry, the local authority, had neglected its duty in one of the villages to which you have referred, and that the central authority had stepped in and done the work under the 49th section of the Act, do you think that that would have been sufficient to have induced the corporation of Lincoln to do the work themselves?—Perhaps it would.

11,242. Do you think that that one instance would have a salutary effect upon the whole county?—It might. I believe if the central authority sent down an inspector to examine into the state of Lincoln, and told the local board that it would be compelled to do the sanitary work in a given time, it would be done, because I believe that many of those who vote against its being done do so because they are bound to their electors to vote against the measure.

11,243. (*Mr. Shaw.*) Will you tell us what you would have the inspector from the central authority do when he came to a place like Lincoln?—I should have him ask the local authority whether they had carried out the Act, to show a plan of the drainage of the city, for instance. I would have him examine into the question of the water supply, and see

whether the supply of water was good and sufficient, which could be done in an hour in Lincoln. He would find that there is a deficiency of water supply to the upper part of the city, and there is not a soul but would be ready to show him that we are put to the greatest inconvenience from the want of water every week in the year, especially in the dry season, when they begin to water the roads in the low part, and those difficulties are increasing; I think he would then be satisfied that the Act is not carried out faithfully in Lincoln, that there is a deficient water supply, and that the drainage is very defective, and that it had a very detrimental effect upon the health of the city; and I think they should have an order to say if they did not do it within a given time it would be done for them.

11,244. Would you have him act upon evidence, or go and see things with his own eyes?—I would have him go and see things with his own eyes.

11,245. But unless he got some complaint, he could not go all over the city upon the chance of finding something wrong?—Supposing he came to the city for the purpose of inspection, and gave notice to the local board that he was coming, the local board should then produce to him evidence that the Act is carried out faithfully. One question should be, Have you drained the city? Is every part of the city thoroughly drained? No; we have no drainage except into the river, and that is a fearful nuisance in summer. Have you carried out the Act with regard to the water supply? No, the authority here carries it out as it pleases; we do not listen to the complaints of the inhabitants.

11,246. Do not you think that if the inspector had the power of subpœnaing witnesses, so that they should come by compulsion, that would in a great measure do away with the odium of which you have spoken?—Yes.

11,247. (*Mr. Powell.*) In the case of sickness which you have mentioned in different villages, have there been paupers who have been visited by the fever?—A great many.

11,248. What has been the action of the medical officer under these circumstances?—He has given medical relief. The medical officer at Ingham supplied everything that he could.

11,249. Seeing that the guardians are the nuisance authority, at any rate for certain purposes, and seeing that the medical officer of health is the servant of that authority, and therefore constantly in communication with them, has he made any representations to the guardians with a view to their putting in force such power as they possess, whatever that power be, as the nuisance authority?—That has frequently been done, and it has just been done with regard to Bracebridge.

11,250. Do you think that if the medical officer were compelled to keep a book recording nuisances, and the like, and that book were to be inspected by the Government inspector on his rounds, the medical officer could be trusted to make that book a faithful report of the sanitary condition of the place, so far as regards nuisances?—I think so. I think that a great deal may be done by the medical officer of the union; he has already taken action in this direction.

11,251. You think that that book would contain a complete list of nuisances, and mischiefs of that kind, requiring remedy?—I do think so.

11,252. And do you think that the inspector would be greatly instructed and guided by the perusal of that book?—I do think so.

11,253. Do you think that that instruction and guidance would be so complete as to dispense with the inspector personally going round?—I think there would be no necessity for his going round except to verify the reports.

11,254. Would you have that book open to the inspection of the guardians or the ratepayers generally, or should it be a confidential report?—I should make it a confidential report.

11,255. But supposing it was not confidential, would you then think it reliable?—My experience leads me to have very great faith indeed in medical men as sanitary authorities, inasmuch as I have always found that they assisted us in every instance; they did so very materially in getting the Local Government Act adopted in the city, and in every case of inquiry that I have made I have always found them ready to speak out very fully and freely; but I think that they also consider it is rather imposing upon medical men, who are dependent upon the people of the place, that they should be constantly complaining.

W. J. Mantle, Esq.

4 April 1870.

11,256. Was that the case with regard to the medical officer of the poor law guardians?—Yes, and the medical officer of the poor law guardians is also a man in private practice.

11,257. And your answer had reference to the officer?—Yes, to all the medical officers.

11,258. (*Mr. Cave.*) Do you think that the medical officer would be a better man to report nuisances than the relieving officer?—Much better, as being more independent and more intelligent.

11,259. You stated that you preferred the vestries to boards of guardians as the sanitary authorities, because the guardians were opposed to the outlay of money for sanitary purposes. Is not the board of guardians practically composed of persons elected by the vestry?—Yes.

11,260. And the vice-chairman and one of the most active of the board of guardians is likely, you say, to lose his position on account of the vestry of his parish objecting to his course of conduct?—Yes.

11,261. Does not that rather militate against your idea that the vestry would be better than the guardians?—No; I allude to the fact that at present there is a permissive power, but I would make it compulsory upon the vestry, and there should be a pressure applied from the central authority; and as the local board of the city of Lincoln would act for the city of Lincoln, so I think that the vestry of each parish also ought to act for each parish, because you must remember that the board of guardians is composed of many men in the city, who therefore ought not to have a voice, I consider, in the expenditure of money in the villages, but each parish should have the power of spending its own money, and there should be less power vested in the guardians and more power in the vestries, because at present there are so many authorities which conflict one with another. The guardians hardly know how far they may go, and the vestry certainly does not know how far they may go, for they do not know anything about it; but they should be taught that the Act is in full force in every village, and that the central authority will not allow them to evade it.

11,262. But the vestry, you think, is not to be trusted without a strong compulsion over it?—Quite so.

11,263. Do not you think that a committee appointed by the board of guardians, which would include a guardian from any particular parish in which there is a nuisance to be abated, but would at the same time also include several other guardians who would be independent of the objection of that particular parish to spend money, would be equally good as a compulsory power to the central authority in London?—No, I believe in the central authority, because the central authority can act more independently. Every locality has its prejudices and its peculiar views with regard to those measures, and I believe that if a sanitary committee were appointed by the board of guardians, persons would be elected on that committee who would be pledged to keep the Act from having its full force.

11,264. You are probably of opinion that every parish would think its turn would come next?—Yes, I do think so, and they are very much afraid that I am going to make some report now as chairman of the sanitary committee.

11,265. Have you adopted the Highway Act in Lincolnshire?—In some parts.

11,266. Have you done so in the part in which the city is situated?—By the Local Government Act, of which the Highway Act of course is part, it has been one of the greatest blessings which we have had

W. J. Mantle, Esq.

4 April 1870.

from the adoption of the Local Government Act that it has combined the city into one parish.

11,267. In the country part round Lincoln has it been adopted?—In very few parts.

11,268. Have you turned your attention as to whether the highway board would be a better authority for sanitary purposes than the guardians or the vestry?—I think that the highway board would be better, because it is generally composed of men of higher intelligence.

11,269. But the highway board are really the same persons as the guardians, are they not, in most places?—No, the board of guardians in Lincoln has nothing to do with the highways.

11,270. But are they not the same people, actually?—No, I think not, I think they are generally magistrates.

11,271. But the magistrates are guardians *ex-officio*, are they not?—Yes, but they do not often attend.

11,272. In Lincoln itself you have had a very large increase in the proportion of working men of late years, have you not?—Yes, a very large number.

11,273. Has that been in consequence of some large agricultural machinery works?—Yes, there are very large works there.

11,274. And they live, I imagine, in those undrained cottages that you have mentioned?—Yes, they do.

11,275. But at the same time they have a very considerable voice now in the government of Lincoln?—They have.

11,276. While they experience the evil of living in those houses do not they lift up their voice against it?—Many of them exclaim against the want of drainage, bad water, and so on, but they are so misled by the people just above them, and they have an idea that their rates will be so fearfully increased, that as a rule they vote for the men who will be pledged against this extra expense.

11,277. They receive very high wages, do they not?—They receive high wages.

11,278. Lincoln of course is very easily drained, but does not the water lie round the town very much in winter?—Yes. In winter, down by the river, we generally have a good deal of water for about a month.

11,279. Has the river much outfall into the sea?—Yes, at Boston it has a very large outfall.

11,280. Is there fall enough to carry off the drainage quickly?—It is very slow indeed.

11,281. At some periods when the floods are out it scarcely runs, I believe?—It scarcely runs in some months in the year.

11,282. Would not that cause a very great deal more difficulty and expense in draining the town?—That would depend upon the manner in which you drain. There would be no difficulty with regard to the upper part of the town, which could be drained to a district about two miles below us, and it might be utilized over the meadows, and so on.

11,283. With the villages round would not there be considerable difficulty, as some of those 120 villages must be quite flat?—No, the union of Lincoln is not a flat union. I do not know many villages that are badly situated for drainage.

11,284. Do you see any difficulty in carrying away the drainage of this upper country into the sea?—None whatever.

11,285. But you propose, as an alternative, to utilize it in some way?—I think that it should be intercepted, and in such an agricultural district as Lincoln I believe there are many who would be very glad of the sewage.

11,286. (*Earl of Romney*). I suppose you do not contemplate, when you talk about drainage, that Lincoln is to be drained by draining all the fæcal matter into the river?—No; we complain now of the amount of sewage which finds its way into the river. We have one large sewer which runs from the County Hospital down into the river, and many of the inhabitants in the neighbourhood of the sewer 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 the month of August or September it is sometimes so great a nuisance that they have to deodorize and expend sometimes a considerable sum of money in purifying that part of the river which is in the middle of the city.

11,287. How near does the tide flow up to Lincoln?—Within 30 miles.

11,288. When you talk about draining the villages, do you contemplate that all those 120 villages are to be drained in the way that towns are drained with large sewers and works of that sort?—No.

11,289. You stated a short time ago that the reason why those persons were so opposed to improved drainage was because of the expense. Does that apply to the villages as much as it does to the city of Lincoln?—Quite so.

11,290. What necessity is there for a great expense in draining a country village?—The village of Scothern has just been drained at a cost of about 1*l.* per head of the population, and that is not a great expense.

11,291. What sort of drains have they put in there?—Sanitary pipes.

11,292. Where does that sewage go to?—They have an intercepting tank to receive the solid matter, which is taken out; it is about 200 or 300 yards from the village, and the liquid matter runs along by a ditch for some considerable distance into a little river, after it has been purified a little.

11,293. Which little river runs into the main river?—Into the Witham.

11,294. Is there any reason whatever, except idleness and carelessness on the part of the people in those villages, for the overflow from the privies going into the wells?—None whatever.

11,295. Then in the majority of those 120 villages, if they were to make water-tight holes and empty them at proper times, there would be no contamination of the water?—That would no doubt have very great effect, and it has already had the effect of removing fever from Scothern.

11,296. Therefore it is quite unnecessary to go to any great expense if everybody would only make those holes water-tight?—Quite so.

11,297. Have you heard about the application of ashes or mould?—Yes, and have urged it very much.

11,298. Then that would be quite sufficient in the majority of those villages?—Yes, with regard to the solid matter, but there should still be drainage pipes to remove the liquids.

11,299. How large are those villages in point of population?—Some of them have nearly 1,000 inhabitants, and some are very small.

11,300. As many of those people no doubt have gardens near them, and bits of land, there is no reason, is there, why this liquid matter should not be disposed of and used for cultivation?—No, certainly not.

11,301. If they were to use it up in the soil, or apply light rubbish with it, it would all be soaked up, and would not go down into the well?—It would not, but they will not do it. At Scothern it was a complete case of neglect. We saw the people doing everything which would produce fever.

11,302. The alternative is going to the large expense of making drains?—Yes.

11,303. And they will not make the drains?—Unless you compel them.

11,304. Would it not be the better plan to compel them to adopt the cheaper mode, and not to let the filth drain into the wells, as that would be a mere application of a little trouble and save a large expense?—I cannot see how any law could be put into force which would compel them to throw the liquid matter in a certain spot, and therefore I am still of opinion that there should be pipes to convey the liquid filth from the villages, and that every landlord should be bound to pay his expense of the communication with such a sewer.

11,305. That would be a very expensive mode of doing it, would it not?—No, not at all; 1*l.* per head of the population is not a large amount.

The witness withdrew.

(91.) Charles Frederic Devas, Esq., examined.

C. F. Devas, Esq.

11,306. (*Chairman.*) You are a county magistrate residing in Bromley, and late chairman of the local board of Bromley, are you not?—Yes; I was chairman when they first adopted the Act.

11,307. You are aware that the Commissioners have had evidence from Mr. Chambers, who, I think, succeeded you as chairman of the local board last year?—A copy of his evidence was given me by Dr. Farr, and I had it in my possession for a short time, but I had not then time very carefully to peruse it, and I have not seen it again till just now.

11,308. From Mr. Chambers' evidence we had most of the statistics of Bromley, and I therefore ask you at once what is the particular point that you wish to bring before our notice?—The point is this, that I think that ours is a case where, from urgent necessity, the local board was formed to carry out special drainage works. It was a board of, I consider, more than average intelligence, and after co-operation with the authorities, and devoting our fullest time and attention to the subject for two years, we were prevented doing what we wished. No other alternative was suggested to us, and things have come to a dead lock.

11,309. Bromley is a place which has increased in value very much lately. Was it not owing to the railways coming into the neighbourhood?—That is so.

11,310. So that the rateable value of the ground has increased since the London, Chatham, and Dover, and the South-Eastern railways have brought traffic there, from 20,000*l.* to nearly 60,000*l.*?—That is so.

11,311. It is also a sample case of a place rapidly increasing for suburban residences being only 10 miles from London?—Yes, and that renders the land, of course, more valuable, and more difficult to carry out any scheme of drainage.

11,312. And being also a place which has rapidly come under building, and building of rather a superior kind, it becomes imperative that drainage plans should be carried out rather in anticipation in order to be fit for the town which is coming?—Yes.

11,313. Will you state what you think have been the difficulties which have prevented those necessary works being carried out in such a place?—I may say as to some portion of Mr. Chambers' evidence, that although it is substantially correct, it might give a false impression as to the expenditure proposed to be incurred, and also as to the fact of the board being committed to any particular scheme. From the very first the necessities of Bromley as to drainage were apparent, and they have of course increased, and when I was chairman of the Nuisance Removal Committee, and for some years before 1860, I used to have long conferences with Mr. Taylor, and to take his advice as to what was best to be done in the difficulty in which we found ourselves. We could not carry out the Nuisance Removal Act in consequence of the want of drainage, because we were obliged to provide that a man's cesspool shall not be a nuisance, and unless it has an overflow of course it must be a nuisance, and constantly when it is cleared out. Then there used to be no water in the place except what was pumped; but four years ago (1866), the Kent Waterworks Company established a branch there which supplied the town abundantly with water. This, although it afforded facilities for drainage, if drainage was adopted, of course increased tenfold the nuisance if it was not adopted, because a greater amount of water was used per head, and the cesspools, having no overflow, soon became filled. In consequence the state of things became so serious that the inhabitants were induced to attempt to act under the provisions of the Sewage Utilization and Sanitary Acts. The vestry proceeded to ask the Local Government Act Office what they should do, and we were advised to consult Mr. Rawlinson. He said that he was too much engaged, but he recommended Mr. Lawson, C.E., as a substitute, and we had Mr. Lawson, and asked him what we were to do. He proposed a plan, which was rather expensive, for the drainage of the whole parish, necessitating in round numbers an outlay of 30,000*l.*, which would have enabled us to carry the whole of the drainage by gravitation to one particular point. There are very few points in the district where we could carry it by gravitation, and this involved a long tunnel that cost one-third of the whole, nearly 10,000*l.* This was considered too expensive, and it was referred back to Mr. Lawson, and he then recommended a modified plan for the portions of the parish where drainage was more immediately necessary. When we attempted to carry out this plan we were advised that the Sewage Utilization Act and the Sanitary Act were hardly applicable to towns such as Bromley, and it would be much easier if we adopted the Local Government Act. We accordingly did so, and then proceeded to carry out Mr. Lawson's plan, always in due correspondence with the Local Government Act Office. I may say that although we considered ourselves committed to irrigation on the recommendation of the Home Office, we have from time to time investigated any other systems that were prominently brought before the public for the disposal of sewage. Ultimately we tried to acquire the land pointed out by Mr. Lawson as the place where the sewage ought to go; but failing in the negotiation, we proceeded to take it under compulsory powers. You will understand that we were one of the first towns that tried to take land for sewage irrigation under the provisions of the Act, and we were thrown over in the Local Government Act Office in consequence of a formal objection, that we had not complied with the requisitions in depositing the plan of the undertaking. We had marked an Ordnance map, showing where the sewage was to go, and the acreage of the land to be irrigated, and we were advised that we had not put the exact position of the sewage and deposit tanks, and that other minutiæ had not been particularised, so that we were defeated. We hesitated to accept the position of another year's delay, and proceeded to negotiate with the owner of the land. All this time we met with the inevitable opposition that every local board must meet with from the adjacent landowners, in an attempt to establish a sewage farm; and this is especially the case in a district like ours, where, as I said before, land is of exceptional prospective value for building. Even in the case of agricultural land in the neighbourhood of London, people think that it will be ultimately used for building. We negotiated for the purchase of this land, and the owner, Lord Northbrook, agreed to sell it to the board, as if we had taken it under compulsory powers. Thereupon we had the fullest Government inquiry under the provisions of the Act to see whether the plan of the board was a good one. The inquiry was held, and although we were informed afterwards, and it has since become a matter of notoriety, that the report of the Government Inspector, Mr. Morgan, was favourable to the board, we were refused on the ground that we had not satisfied the Home Secretary that ours was the cheapest and best plan at our disposal; the objectors and opponents of the scheme having suggested an alternative. The local board did not acquiesce in this, and they petitioned by a deputation for a rehearing of the case. The rehearing was granted, but on the understanding that it should be conducted by an independent barrister and engineer as Commissioners. This stipulation was made for a very singular reason which was that all the three inspectors of the Home Office had reported favourably on the plan of the board, and that the opponents of the scheme insisted upon an independent barrister and engineer in consequence of all three of the Government officials having so reported. The Secretary of State in his communication of the 17th of January 1870, says, "All the inspectors "of this office have already committed themselves "in favour of the scheme of the local board, "and it is clear that no inquiry conducted by one "of them would be accepted as satisfactory." The second inquiry was opened, and it was understood,

C. F. Devas, Esq.

4 April 1870.

as I think can be confirmed by letters, that the *onus probandi* should be thrown upon the opponents to show that a better scheme was available for the local board, and (on my advice partly) the local board continued the passive attitude which it assumed all along. We sought direction, we confessed our inability to deal with such a desperately difficult question, and both on principle and on detail we sought assistance and counsel from the central authority. The inquiry was commenced, and after some 10 days we were again refused but on totally different grounds. The report of the Commissioners, Mr. Michael and Mr. Harrison, has, of course, been made public; and on the ground that we did not provide for the drainage of the whole of the parish, and that ours was an expensive scheme, and throwing over entirely the principle of irrigation, we were recommended in vague terms to partly temporise with some of the difficulties by the sub-soil drainage of a small portion of the district, to adopt the earth closet system, which, of course, we have no power to enforce, and to get rid of the sullage, or the sewerage relieved from the fœcal matter by some system of defecation, after which it might go into the Ravensbourne.

11,314. What was the nature of this opposition, and who were the opponents?—The original opposition came from a landowner, a Major Boyd, whose property adjoined the place where the proposed sewage farm was going to be. He solicited allies, and he found them in one or two neighbouring landowners in the adjoining district nearer London, and by this time a strenuous opposition had been got up on the part of certain ratepayers in the town to the large expenditure.

11,315. They were very glad, I suppose, to find a leader to help them?—Yes, they were glad of course to find a leader to help them. Those people who opposed it are people who are, to a certain extent, not suffering under the difficulty of drainage, because they inhabit the main street of the town, the sewage of which by sufferance is allowed very improperly to flow into the Ravensbourne by a drain for which I suppose they claim prescription; this opposition combined defeated the board's plan. We met with other opposition from residents who are, perhaps, unwilling that the urban population of the town should spread so rapidly, and interfere with the pleasure of their residences. I may mention, that we were saddled with the whole of the expenses of this inquiry, amounting to 200*l.*; and the board have now spent in endeavouring to carry out the drainage of the town 1,000*l.*, and they are not in the least nearer a solution than they were.

11,316. Do you think that this obstruction to a confessedly desirable work shows any defect in the nature of the central authority?—Yes, the power of veto without direction, saying what you shall not do, without saying what you shall do, is fatal, I think, to the action of local boards. I do not see the slightest guarantee that if the board now were to undertake any other system of drainage, and incur fresh expense, and if they were to have two more Government inquiries, they would be the least more likely to get the requisite permission from the central authority than on the former occasion; on the contrary, I should hardly ever hope that they would be able to get the unanimous approval of all three independent inspectors for any scheme the board might propose.

11,317. You do not mean that the central authority should not negative any proposition without showing a better proposition?—I do.

11,318. Would you throw upon the central authority the proposing of a better plan?—I think that either the local board should have, within certain limits (such as, if you like, a maximum rate), the power of experimenting on their own responsibility, or that the central authority should undertake that responsibility for them.

11,319. (*Mr. Clive.*) Can you state what Mr. Lawson's second plan is?—Yes. It was the plan adopted in the main by the board, and I think Mr. Chambers conveyed an erroneous impression that the amount was 50,000*l.*, because in that is included 30,000*l.* for the purchase of lands; the cry against the 50,000*l.* scheme was one of the main elements of success in the local opposition. They said, "Here you are saddling us with an expense of 50,000*l.*," whereas they forgot that in this 50,000*l.* was included the purchase of land, 100 and odd acres, at 300*l.* an acre, the necessity for which was obviated by the arrangement made pending the inquiry. We gathered from the Commissioners that this expenditure was too great, and therefore we secured the power of leasing from Lord Northbrook at 4 per cent. upon the outlay, paying him 1,200*l.* a-year, with the option of purchase at the end of 21 years; so that it was only a 20,000*l.* scheme, with 1,200*l.* a-year for the rental of the sewage farm.

11,320. (*Chairman.*) Do I gather from your statement that you think that the nature of the opposition in this case was such as might generally be expected from landowners in the neighbourhood of towns fearing that sewage schemes might injure their property in the neighbourhood?—Yes, exactly so.

11,321. Do you think yourself that town sewage schemes, coupled with utilization, and perhaps irrigation schemes, must be injurious to the neighbouring landowners?—I think we have hardly experience enough to enable us to speak confidently upon that point. But there is no doubt that very strong and probably well grounded prejudice exists against the proximity of a sewage farm to residences.

11,322. But that scheme which you approved of at Bromley would have been a matter of utilization ultimately of the sewage so collected?—What we intended when once we had got the land was to have availed ourselves of the best principle that was then adopted for dealing with sewage in any manner before irrigating the land, and if not, we intended to do as they do at Croydon, which is close to us, where we have the experience of a successful sewage farm.

11,323. Your plan was to have a farm irrigated by your sewage?—Yes.

11,324. Was this proposed farm in the neighbourhood of this opponent?—Yes, it adjoins his property. I may say that the reason we adopted irrigation was not only from conviction on many of our minds, but because the Local Government Act Office had always told us in all the reports of the officials that that was the plan recommended to be adopted, and we were led to think they endorsed this recommendation. We were not wedded to it beyond that.

11,325. Was there any mode proposed of satisfying such opposition?—There is no power given that I am aware of by the Act to compensate owners for damage done to their property by irrigation, and I think it might be well worthy of consideration whether some such power should not be given. Otherwise I do not see how local boards are ever to acquire sewage farms in populous neighbourhoods, where, of course, some means of drainage is most needed.

11,326. Do you suppose that this farm, irrigated by the sewage of Bromley, would practically have been a nuisance to this opponent?—The definition of nuisance is rather difficult. If you say annoyance, I should perhaps say yes.

11,327. In the way of creating a smell near his residence?—I am afraid that there is always more or less smell from sewage farms.

11,328. Even where there is sufficient ground to spread the sewage over?—I am afraid so. It is a question whether within a certain area of the metropolis sewage farms should be encouraged. Of course ours is a case where we did what we were told, and what we thought was best, but it is a question how far it may be desirable to have sewage farms within six or seven, or even ten miles of the metropolis.

11,329. (*Earl of Romney.*) Do you mean ten miles from London Bridge?—Yes, within ten miles from London Bridge.

11,330. (*Chairman.*) Do you think that there should be more power to raise money for purchasing sewage farms?—Yes. I think in our case it was wrong to call it a 50,000*l.* scheme. It is quite clear that we had security to offer, and if there were power to mortgage the land, the amount to be levied upon the rates would be simply that incurred for structural works, such as drains, &c. Of course there are difficulties, because you could not probably give power to take possession of the ground when the mortgage was foreclosed, but some mode might be adopted to enable people to raise money upon this security.

C. F. Devas, Esq.

4 April 1870.

11,331. Would you not only extend the power of borrowing, but facilitate the present process by a provisional order?—At present the purchase of the land must be included in the amount that you can raise, compared to the rateable value of the district, and in our case it was three-fifths. We were in excess of the amount which we were empowered to raise, if we had increased the amount by buying land instead of renting it, and we should therefore have had to go for a provisional order, which would have kept us back a long time, and probably would have been unsuccessful.

11,332. (*Mr. Hibbert.*) I think you stated that Mr. Chambers in his evidence had not drawn attention to the fact that a portion of the money was to be debited to the sewage farm. Are you aware that in answer to a question he said that the board "sought power to "buy 100 acres for the purpose of constructing a "sewage farm, and they applied to the Secretary of "State for permission to borrow the necessary money, "but the project was viewed with disfavour?"—As I said before, I have only cursorily read Mr. Chambers' evidence.

11,333. Then in answer to another question, "Was "that connected with the 50,000*l.* plan?" he said, "Yes, that was the plan which I referred to?"—He did not state that 30,000*l.* out of the 50,000*l.* was for the purchase of land, which you will remember was not money sunk in the drainage works. There was to be only 20,000*l.* for works. Mr. Chambers, I may say, was elected in consequence of the opposition to the local board at the end of the first two years. There was a ratepayers' association formed, and he was one of their nominees who was elected in opposition to the original members of the board.

11,334. Were there not two reasons for which people objected to this expenditure of 50,000*l.*, one reason being that the landowners objected to having a sewage farm at all, and the other that they objected to pay so large a sum of money as 50,000*l.* out of the rates?—Yes. I do not think they saw or realised the real amount that they would have had to have paid. We always contemplated 1*s.* in the pound being the whole expense of the drainage rate, assuming that no ultimate loss would arise from the sewage farm.

11,335. But the persons who got up the opposition were actuated really by two different reasons, one portion of them objecting to the sewage farm, and another portion objecting to the large expenditure?—Quite so.

11,336. Having got rid of that proposal, has there not been another smaller proposal brought before the board?—I resigned at that time. Our board laboured assiduously and continuously on this matter. As I said, they were a board of more than average intelligence. We had two or three medical men (Dr. Farr was a member), and there were several gentlemen of independent position and property on it; and I may say that there was not a single thing occurred during the two years that I was there approaching jobbery, or anything that would bring the board into discredit. When our labours were fruitless, and no solution was suggested, I felt that it was a thankless undertaking, and I resigned.

11,337. Has there not been another proposal to spend 1,000*l.* on drainage purposes?—It is for tapping the subsoil water which rises in a portion of the district, and taking it down into 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 the scheme would either be ineffectual to relieve the people from the overflowing of the cesspools, or it would be impossible in consequence of the fouling of the brook.

11,338. Do you know whether that proposal went before the Local Government Act Office?—It is embodied in the recommendations of the engineer that they sent down. The engineer that they sent down differed entirely in opinion from the engineers of the Local Government Act Office, as to the way of dealing with sewage; he was for the earth closet system, whereas all the other three engineers were for irrigation.

11,339. Then the second proposal is entirely the suggestion of the Local Government Act Office?—Of an independent engineer sent down by them, and in all probability if the local board were to carry it out they might be defeated on the advice of the engineers of the Home Office who differed in opinion from this engineer. In dealing with such important matters there is no doubt that it is desirable to have a superior board to what the present local boards are, but it is a question of very great difficulty. If you introduced the *ex-officio* element, you get into the difficulty (which I always felt myself) of the justices sitting to enforce the laws they had themselves made. I used always to absent myself from the Petty Sessions when local board cases came on, because I should be, as it were, a judge in my own case.

11,340. (*Lord R. Montagu.*) Did you ask the Local Government Act Office when they vetoed your scheme to make suggestions as to some other scheme?—I resigned my chairmanship; but on previous occasions I had frequently asked, and during the inquiry as chairman of the board, I courted advice, but they said it is not our province to offer you advice.

11,341. I want to arrive at the grounds on which they refused to give advice; did they assign any grounds for their refusal to give advice?—No, they merely said that it was not their duty to advise.

11,342. You are not aware, then, of the ground upon which that refusal was made?—No; but I see nothing in the Act to compel them to advise. It strikes me that if the board had wished to place itself at all in a hostile attitude, which they never did, to the Home Secretary, they might have put him in an embarrassing position, if under the 49th section of the Sanitary Act they had requested the Home Secretary to interfere. It often occurred to me that it would be a desirable thing to make that clause apply not only to the local boards who do not do their duty, but to the local boards who, from a feeling of inability, seek the interposition of the Home Secretary.

11,343. You said that the ratepayers in the place showed themselves only too ready to join any opposing landlord as their leader. Is that general among ratepayers?—They object to any expenditure, and there would be, to a certain extent, a legitimate mistrust of the competence of the local board to decide upon such a gigantic question as the disposition of sewage. If you make a mistake it is fatal. You saddle a town with enormous expenditure, and if you are in error it is irretrievable.

11,344. I suppose the same feeling would be found with regard to other sanitary improvements?—Drainage is the foundation of all.

11,345. Then, of course, the local boards are very much hampered by the votes of those ratepayers?—The board would ordinarily disregard them. But at the time of the elections they endeavour to put in their own nominees; but I think it is desirable that there should be some external support for local boards, and that is why I want to have a kind of parental authority exercised by a central office.

11,346. What kind of board, or what improvements in the existing boards, would you suggest?—I want the central authority to act and to consider the local boards as their *protégés*; that the local boards should always apply to them, and if they wanted to carry out a drainage scheme, they should enunciate the principle and confer with the local board, and when that prin-

C. F. Devas, Esq.

4 April 1870.

ciple is agreed to, the central authority should aid the local board in carrying it out.

11,347. Then you would not alter the constitution of the local board itself?—It has often occurred to me that an *ex-officio* element would be desirable, but I do not quite see what it is to be. There is an objection to justices, as I said before, and it is certainly objectionable to mix up clergymen in the affair, because local boards are always unpopular; and if a justice or a person in the place, who would ordinarily be an *ex-officio* member, chose to offer himself to be elected by the constituency, so to speak, he would, if elected, have a double authority.

11,348. What would you think of another authority having jurisdiction over a much larger area, and standing between the local board of a small place and the central government, so that the local board of the small place might first appeal to this other larger and more influential board, and that the larger and more influential board should exercise its jurisdiction and force the local board to do its duty. Do you think that that would be a practicable plan?—I should think the fewer the authorities the better; the machinery is already too complicated.

11,349. You would rather have a direct action from the central authority?—I think so. It becomes so desirable to have one principle. Local boards are better acquainted with matters of local detail, but the principle ought to be laid down by authority.

11,350. (*Mr. Clive.*) Your opinion comes to this; that questions involving local taxation cannot safely be left to the present class of ratepayers?—I would hardly say local taxation generally, but as far as drainage is concerned, I certainly think they mistrust their own power. I can safely say myself, upon whom the main responsibility of this matter rested, that it gave me unceasing anxiety for some years, and it was too great a responsibility to throw upon anyone. You want technical and scientific koowledge, and also some support from the central authority.

11,351. Your complaint comes to this, that having a favourable report of three engineers from the Home Office, after all the Home Office deserted you?—Yes, the Home Office deserted us; they have thrown impediments in the way of doing what we thought right, and they have not told us what to do. At this present moment I consider that a fresh inquiry is necessary, and could be demanded under the 49th section of the Sanitary Act, because the local board are not doing enough; and this is the position of things, that the Secretary of State would be holding a fresh inquiry, with three reports of his own inspectors in his pocket favourable to what the board wished to do.

11,352. At what date was it that you were thrown over by the Home Office?—October 1869.

11,353. (*Mr. Richards.*) Have you formed any opinion as to whether it would be desirable to arm the central authority with power to call in an independent engineer after the official engineer of the board had held an inquiry?—I should think that they ought to rely upon their own officer. On the question of drainage it is like calling in an homœpathic and an allopathic physician to an individual; one man recommends irrigation, and another defecation, or precipitation, or deodorization, you do not know which advice to follow.

11,354. Did I gather your answer to the chairman correctly, that the engineer employed by you was a gentleman indicated by the Government office as one competent to undertake the work?—Yes, Mr. Lawson.

11,355. (*Mr. Powell.*) Do you think that there ought to be or could be any kind of appeal from the decision of the Local Government Act Office?—Ihav never thought that necessary; there must be some final authority. I have always considered that at present we have too many, we have two disagreeing, and if we had three the chance of disagreeing would be increased, and I do not see my way to carrying it any further.

11,356. (*Earl of Romney.*) As this Act applies to the whole of England and Wales, do not you think that if every question were to go direct to the central authority they would have more work than they could very well do?—I only want an inspector to come down, a person who has made this his special study, and who from a variety of instances before him shall know what 20 other towns have done in the same condition as this one, which he is called upon to advise.

11,357. But there are a great number of towns of various characters, some adopting the Local Government Act, some under boards of guardians, and so on, and if all of them were to carry up their complaints and their views to this central authority, surely that would involve an immense deal of work?—Yes, it is a very difficult question. All my evidence is an illustration of the practical breakdown of a board trying to do its best.

11,358. Did you not state in your answer to Lord Robert Montagu that you thought it better that there should be no intermediate authority between the local and the central authority, but that all matters should go direct from the local authority to the central authority, be that local authority what it may, we will say the vestry, or the board of guardians, or whatever it may be?—Yes; if there was another authority the present local board would be, as it were, a committee like a committee of the board of guardians. Supposing you had a board of guardians as your local authority, and they delegated their power to committees, they would stand in the same position to the local boards as the board of guardians to the committee of its own body; and you would find practically in that case that the committee of a parish would attend to the wants of that parish, and you would hardly enlist the interest of the local authority in the question.

11,359. The idea is rather to go from the local authority to a county authority, or some extended local authority, and from thence on appeal to the central authority?—What local boards want is guidance as to principle. I think they can be trusted to carry out matters of detail. They are in the hands of their engineer, of course, and though some boards may be fortunate in securing the services of an intelligent engineer, the chances are that for the sake of avoiding expense they do not go to a first-rate man, or a man of large reputation, but a man who surveys or looks after their roads, or who is an inspector of nuisances, which of course a very first-class engineer would not do; and I think they ought to have some such first-class engineer to advise them, who should speak with authority.

11,360. Then there must be a very large staff of such first-class men when you take into consideration that the system which you propose is to extend over the whole country?—But in the present instance the local boards have to submit their plans to the Local Government Act Office, and their inspectors report upon the scheme, and I want those reports to be final, or rather, having received their sanction, I want no obstacles to be thrown in the way, but the reverse, namely, assistance to be given to the local boards.

11,361. But in the meantime under the present state of the law half the country pay no attention to whatever to sanitary matters?—None at all.

11,362. What we hope is that they will be brought to pay attention to these matters, and that would involve a great deal more attention on the part of the central authority than now is the case?—It is not a very attractive subject to begin with, and there is great apathy and indifference in all the educated classes on local matters; you never find them filling the parish offices to which they are elected.

11,363. That is the fact now, but one of our hopes is that we shall be able to set them to work?—I wish I thought that that could be effected by any legislation. It is certainly a most desirable thing.

11,364. (*Chairman.*) Does not the point which you have brought before us amount to this, that whereas the 49th section of the Act of 1866 enables the central authority on default of the local authority carrying out any recognised duty to compel them, yet when an opposite plan comes before them they have not power to choose between the two?—They have not.

C. F. Devas, Esq.

4 April 1870.

11,365. (*Mr. Richards.*) Aggravated in this case by the reports of three engineers?—Yes.

11,366. (*Mr. Powell.*) Do you think that it would be an improvement in the law, to leave the local authorities free to borrow money beyond the year's rateable value in the open market, without necessitating the consent of the central authority?—No, I think there should be a limit to the rates. It is a question now whether the unlimited power of rating by local boards is not excessive. At present they have power to borrow any money with consent up to one year's rateable value.

11,367. (*Chairman*). Have you anything further to suggest to the Commission?—There is only one thing which I should like to say. I consider that the attitude of the central authority is prohibitory and not directory to local boards, and I consider that under the Nuisance Removal Act the attitude of the sanitary authorities is the same to individuals. The law always says what you shall not do—not what you shall do. A man has a nuisance upon his premises, you tell him to abate it, and he says "How am I to "abate it?" "The law says that you shall not make "your cesspool a nuisance." He says, "I do not "want to make my cesspool a nuisance; how am I "to avoid it?" The law does not tell him. There is no power for a man upon a large estate who wishes to build to provide himself with proper drainage. He may say, "I cannot make the drainage; it is a large "question; I cannot deal with it." All that the law says is, that you must not make a nuisance. At the present moment we allow house after house to be erected which we know must inevitably become a nuisance, and we have no power to prevent it. There should be a power to enable an individual or a number of individuals to require the local board to provide drainage upon their solicitation.

11,368. (*Mr. Hibbert.*) It is stated in the report of the engineers sent down by the Local Government Act Office that it was one of their reasons against this scheme that, "In our opinion the inhabitants of No. 3 "district should not be called upon to contribute to "expenses from which they can derive no direct bene-"fit, and which may entail on them serious responsi-"bilities." Was not that one cause, viz., that a portion of your district was to be rated for this scheme, which portion would not receive any direct benefit?—Quite so; but in the case of Epsom, where the grand stand was rated for the drainage of Epsom town, which is under the government of the local board, the owners of the grand stand appealed against the rates of Epsom town, upon the ground that they were out of the district drained, and had no benefit; but they were held liable on the ground that anything that conduces to the health of the district is indirectly, if not directly, a benefit.

11,369. Still that would be a very great cause of objection on the part of a part of the ratepayers?—That accounts for the opposition which we incurred from district No. 3, which no doubt embarrassed us.

The witness withdrew.

R. Latter, Esq.

(92.) Robinson Latter, Esq., examined.

11,370. (*Mr. Richards.*) You are clerk, are you not, to the local board of Bromley?—Yes.

11,371. What is the population of Bromley?—The population at the last census was 5,000, but our actual population while the inquiry was going on was between 10,000 and 11,000; therefore any inference drawn from the population at the census would be utterly delusive.

11,372. Have you had experience in the mode of conducting local inquiries?—I had in this Bromley case. I had the honour of conducting both those inquiries, on behalf of the local board.

11,373. Have you any suggestions to offer to the Commission as an improvement upon the present system of conducting Government inquiries?—What I wish to observe to the Commission is, that, generally speaking, when the Government inspectors are sent down, the officials of the board being fresh to their work, and having no experience of what will be required in the conduct of those inquiries, are at a loss how to proceed. On the present system, one has to conduct the case of the local board as if before a committee of the House of Commons; and there are very great difficulties attendant upon that; first of all, there are the opponents to any scheme, such as the landowner that Mr. Devas spoke of, who is an inevitable opponent in all those cases. It is a matter of urgent importance to him to get rid of the apprehended nuisance, and he spares no expense in providing himself with counsel and witnesses, as Major Boyd did in the case of Bromley, retaining a Queen's counsel and a junior, and employing such skilled witnesses as Mr. Bateman, Mr. Bazalgette, Mr. Vigers, Mr. Clarke, and men to whom he had no doubt to pay large fees for coming down there. On the other hand my board, anxious to save the ratepayer's money, urged upon me, contrary to my advice as a professional man, to conduct this case myself on their behalf. I was unable to employ what I deemed to be absolutely necessary, namely, counsel or professional witnesses to meet the powerful opposition that was urged against us, and I think that the whole of that state of things points to the conclusion that where a Government inquiry is ordered, the object of which is to instruct the mind of the Secretary of State as to the desirability of any particular plan which the local board has before it, the inspector should have instructions not merely to hear the case of the promoters, because for the reasons before mentioned it will be generally incomplete, but he should investigate the whole subject, by calling for such information on the spot, and making such inspection of the district as he may require to form his conclusions. He might, in the first instance, put himself in communication with the board and its officers, and furnish them, in a much more full manner than is now done, with a statement of the statistics which he requires, but which the local board may not know will be required, such as the number of houses, the population, the water supply, and all those things which are necessary evidence to enable him to form his judgment, and which they are probably not ready to present to him at the actual moment if he assumes the position of a committee of the House of Commons, and requires the promoters' case to be conducted in accordance with technical rules; and there were in fact several points of statistical information which did not go before the inspector in the Bromley inquiry. Having satisfied himself that the scheme proposed by the board was *primâ facie* a desirable scheme, he should then hold a public meeting, convened by advertisement, just in the same way as inquiries are held under the Inclosure Commission on the occasion of an inclosure, and the opponents should be at liberty to attend at the public inquiry and state and tender evidence on any objection that they have to the scheme of the board, to which the board should be at liberty to reply.

11,374. All the first part of the information might go by letter might it not?—Yes, but I would suggest that the inspector should attend on the spot, because I wish that the engineer should inspect the locality, and see whether the plan as laid down is that which in his opinion is the best calculated to effect the objects in view, and if he disapproves of the board's plan, he should 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.

11,375. As a matter of opinion, do you think that if your board had incurred a large expenditure by employing professional witnesses, the decision of the Special Commissioners sent down, namely, Mr. Michael

R. Latter, Esq.

4 April 1870.

and Mr. Harrison, would have been somewhat different from what it was?—I think it is extremely likely there might have been a different result, because I see upon a retrospect of the case that I did not adopt the course which I think counsel more accustomed would have done, namely, apply for an adjournment of the inquiry the moment it was stated by the Commissioner, as he did in the first instance, "I am here "as a committee of the House of Commons merely "to listen to the case," which may be made out by the promoters. The view that I took was this: the Secretary of State in 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, the moment the Commissioner made the announcement to me that I was to prove my case afresh (I have thought since) I should have applied to him to adjourn the inquiry, in order that the Secretary of State might be appealed to for special instructions to the Commissioners as to the conduct of the inquiry in accordance with our understanding.

11,376. Turning for a moment to the question of the area for rating, do you think that any alteration should be recommended in the Act of 1848 with respect to special drainage districts?—I do. I think that no special drainage districts should be adopted. Special district rates were abolished by one of the earlier Acts, and apparently with the intention of altogether doing away with them, but there is power under one of the sections of the 11th and 12th of Victoria, still for boards to divide their districts for all or any of the purposes of the Act. Then a great complication arises in the event of any district being so drained that the highway rates shall be levied in a different way, that is to say, that the part exempted from a special rate shall pay for the maintenance of its own highways, and that highways within any part of a district which is subject to the drainage rate shall be maintained out of the general district rate. I think that the whole system of districts for drainage purposes should be abolished, and that the incidence of taxation for drainage purposes might be usefully amended in this way, viz.:—First, the drainage rate should be made only upon houses and upon buildings capable of using the sewer; secondly, the principle of the house duty should be adopted to ascertain the rateable value of houses, that is to say, a house and an acre of land should form the basis of the valuation for houses to which land is attached; thirdly, that land should be entirely exempt from drainage rate; and fourthly, that any houses in the district which for the time being are not provided with sewer accommodation should pay only one-fourth of the rate.

11,377. That would remedy, to some extent, the hardship that has always been felt by the Epsom case?—Yes, and I think any portion of a district not in immediate want of drainage accommodation, the inhabitants of which object to share the expense of draining the rest, under the present system of rating, might be satisfied in the certainty that they would themselves be assisted when the necessity for draining arises.

11,378. (*Chairman.*) One-fourth is already the proportion recognized by law?—Yes, with regard to agricultural land; but I propose, for drainage purposes, that land (not using it at all) should be exempt, for instance, all farmers. There are many districts that I could name—Bromley, Reigate, Croydon, and many others, where there is a very considerable portion of the area of the district that is really agricultural land and which should not in any justice bear any expense of the drainage of the urban portions of the district.

11,379. (*Mr. Richards.*) But you wish to extend the principle of one-fourth?—I would extend it to all houses and buildings that are not actually sewered.

11,380. Do you think that much of the objections to sanitary works being carried out in rural districts would be obviated by some such arrangement as you suggest?—I do. I think it would have an enormous effect upon all that class of people that were alluded to by the witness who preceded Mr. Devas, the farmers in Lincolnshire, who object so much to sanitary measures on the score of expense.

11,381. Having regard to districts that are water-logged, do you think that the present definition of a sewer should have a larger construction than it at present has?—I do. A very curious instance of that difficulty has arisen in our district now. It was recommended by Mr. Michael and Mr. Harrison in their report that we should adopt the system of subsoil drainage, to relieve the water-logged portion of the district, called New Bromley. We have called in Mr. Harrison to carry out his own suggestion, and he recommends that deep drains for the purpose of carrying only subsoil water should be laid down in the centre of certain roads, without any pipe communication with the adjoining properties, and that those drains should be made to open directly into the Ravensbourne, which is a small stream, probably not wider than the width between these two tables, and which pursues a tortuous course for some seven or eight miles through a populous district. There is no power, as it appeared to me (or at least it is very doubtful), to enter on lands and levy rates to construct a drain for the purpose of carrying off pure water alone, as distinguished from ordinary sewage, and I did not think it one of the purposes contemplated by the Act. Moreover, it appeared to me that the 11th section of the Sewage Utilization Act rendered it very doubtful whether we had power to make any sewer opening directly into any stream. I put the question to Mr. Tom Taylor, and he is of opinion that the 11th section of the Sewage Utilization Act does not apply to local boards, and that the drainage of pure water is one of the purposes of the Act for which we may make sewers; but his opinion on this subject is that referred to by Mr. Chambers in his evidence as given with some hesitation. The difficulty could be remedied, if the case was likely to recur, by making the interpretation of the word "sewer" apply to subsoil drains of that description.

11,382. Has your experience at Bromley brought forcibly to your mind the necessity for extending the powers of compulsory rating for water supply?—Yes, I think there is very great doubt created under the present Act where the water supply is not in the hands of the board. The 76th section of the Public Health Act requires amendment, so as to enable the board to compel a supply of water, notwithstanding that the rate of the supplying company may not enable them to do so, at an expense not exceeding 2*d.* a week. It is very true that the 51st section of the 21st and 22nd of Victoria, chapter 98, extends it to the rates provided by any "local Act in force in a district," but it would seem to me that those words refer rather to special Acts of Parliament, such as are in force in Brighton, Birmingham, and other towns managed by commissioners, than to Acts constituting water companies for supplying water on commercial principles. It is a fact that the Bromley board has been under very great difficulty upon the subject, for the majority of their artizan's houses are houses letting at 12*l.* to 15*l.* a year, and the company's rate for that class of house would range from 16*s.* to 18*s.*, which is far in excess; it is 3*d.* to 4*d.* a week instead of 2*d.*

11,383. At present those houses are ill supplied with water?—Yes; we have felt ourselves unable to order a supply on that ground, but that is not so serious a damage in our place as in some others, because, if we had had the power, we should have been unwilling to do so. As Mr. Devas explained, this water supply only aggravates the evil that we suffer from, by more quickly filling up the cesspools, there being no drainage.

11,384. Having regard to the necessity of the local authority obtaining funds for carrying out sanitary works, do you think that some easier mode of obtaining funds would tend to their extension?—I think there can be no question of it, that one of the greatest obstacles to sanitary works in the country is the very large expense which is necessarily incurred, and the onerous terms upon which alone, under the present law, money can be raised for the purpose. I think it being a great public object to improve the health of the country, the local board being engaged in carrying out the laws passed for that purpose, it is the duty of the government to offer every facility to raise such money.

R. Latter, Esq.

4 April 1870.

11,385. Have you thought of any scheme whereby facility might be afforded?—I have. I think that the government might have power by an annual Act to issue for the purposes of advances under the Sanitary Acts an amount of consols not exceeding a sum to be defined in each year—that when the sanction of the Secretary of State has been obtained for the loan the proper government authority should upon his requisition sell on the market, either at once or from time to time as the money may be required for the works, so much stock as is necessary to realise the amount of loan required by the board—that the local board should give proper security to the government for the payment of interest at the rate of 3¼ per cent. on the amount of stock issued, or for the time being to the debit of the board, and for the transfer to the government, to be cancelled in each year, of an amount equal to one-fiftieth part of the stock issued for the purpose of the loan, so that the repayment of the whole amount of principal might be spread over 50 years instead of 30 as is usual at present.

11,386. At present is not a large portion of the money borrowed by local boards obtained from the Public Works Loan Commissioners?—Some of it is, not much. I think the bulk of it is obtained from insurance offices. But there is this further difficulty with regard to the Exchequer Loan Commissioners from whom some is raised, that they charge 5 per cent. to begin with, and that they lend it only for 20 years, which involves a large sinking fund, and they have no power to lend money at all for the purpose of the purchase of sewage farms, but only for the construction of works.

11,387. Have you formed an estimate of what the difference would be between borrowing money upon some such scheme as you have indicated and that at present adopted?—I think there is no doubt that it would save from 35 to 40 per cent. on the annual amounts payable by the boards; I think that the government should have summary powers to compel the levy of rates to make good those payments, and that in case of arrear the board should pay 5 per cent. interest on the arrears.

The witness withdrew.

Adjourned to Thursday next, at 12 o'clock.

Thursday, 7th April 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF ROMNEY.
The Right Hon. Lord ROBERT MONTAGU, M.P.
The Right Hon. STEPHEN CAVE, M.P.
Lieut.-Colonel EWART, C.B., R.E.
SAMUEL WHITBREAD, Esq., M.P.
JOHN TOMLINSON HIBBERT, Esq., M.P.
EVAN MATTHEW RICHARDS, Esq., M.P.
FRANCIS SHARP POWELL, Esq.,
JAMES PAGET, Esq., F.R.S.
HENRY WENTWORTH ACLAND, Esq., M.D., F.R.S.
JOHN LAMBERT, Esq.
FRANCIS THOMAS BIRCHAM, Esq.

(93.) CHARLES DIVER, Esq., examined.

C. Diver, Esq.

7 April 1870.

11,388. (*Chairman.*) You are the town clerk of Great Yarmouth, are you not?—I am.

11,389. What we principally wish to know from you with reference to Great Yarmouth as an example of a maritime borough, is, what its condition was before you adopted the Government Act, what was your reason for adopting it, and what has been the result?—I may premise my observations by saying that I was not town clerk at that time, and I am therefore speaking merely from hearsay; but it is the fact that prior to the adoption of the Act the borough was regulated by an old paving and lighting Act, passed in the year 1810. We may take it, however, that up to that time the paving commissioners who acted under that local Act had not done their duty to the extent that they should have done, and the town was then very badly drained. Upon the petition of several of the inhabitants, and in the face of a great deal of opposition, an inspector from the then General Board of Health came down in the year 1849, very soon after the passing of the Act of 1848, and he took evidence and reported very strongly upon the necessity for the adoption of the Act, and for a complete system of drainage and sewerage in the town. A provisional order which was issued upon his report is dated the 15th of March 1851, and the Public Health Supplemental Act Great Yarmouth, confirming that order, received the royal assent on the 7th of August of the some year. At once measures were taken for draining the town, and a system of main sewerage and subsidiary sewerage was afterwards laid down, and the town is now in a very good state of drainage indeed.

11,390. Will you state what is the population of Great Yarmouth?—I presume you mean the district which is comprised within the local board of health which I represent. The municipal borough of Great Yarmouth comprises more than the town of Great Yarmouth. It comprises the parish of Gorleston, annexed to which is the hamlet of Southtown in the county of Suffolk, Yarmouth proper being entirely in the county of Norfolk. At the census of 1861 the population of Yarmouth proper was 30,338, but certainly 2,000 or 3,000 should be added to that as the present population. I think you may say that it is 33,000 now.

11,391. Is the town council the local board?—It is. There is a local board which was adopted under the provisions of the Act of 1858 applying to Southtown and Gorleston, but I have nothing to do with that. That was applied so late as January 1869.

11,392. Was that a distinct local board from that of Great Yarmouth proper?—That is quite distinct from Great Yarmouth proper.

11,393. (*Mr. Powell.*) Do the boundaries of those local board districts touch each other?—They are separated by the river. The river is the boundary of the county. Yarmouth proper is all in Norfolk, Gorleston and Southtown are in Suffolk, and the river divides them.

11,394. And the whole matter is covered by a local board district?—Certainly.

C. Diver, Esq.
7 April 1870.

11,395. (*Chairman.*) Is it a poor law union?—Yarmouth proper is a parish by itself. Gorleston and Southtown are part of the Mutford and Lothingland incorporation, and perfectly distinct from Yarmouth proper for poor law purposes.

11,396. Is much of the district of Gorleston and Southtown rural?—Yes, it is a combined agricultural and fishing population.

11,397. Do you know how many parishes there are in the union in which Gorleston and Southtown are?—There are 15 or 16 or perhaps 20 parishes, but I cannot say positively.

11,398. Are there any other places within that union which have a local government of their own?—Lowestoft is in the same union, and that is regulated by improvement commissioners under a special Act. The Act for forming that union was passed so long back as 100 years ago, and there was an amended Act about 20 years ago.

11,399. Can you state the rateable value of Great Yarmouth proper within the jurisdiction of the local board of which you are clerk?—Yes. The rateable value for the purposes of our board is 67,016*l.*

11,400. Have there been extensive sanitary works carried on since you adopted the Act?—Not beyond drainage and sewerage.

11,401. Have you borrowed money?—Yes.

11,402. To what extent?—Altogether, since the adoption of the Act, we have borrowed 17,000*l.*, but our present debt is 11,200*l.* We have paid off the difference. There is a further debt which is chargeable to the local board of health, and that is the debt of the old paving commissioners.

11,403. What is the amount of that?—At present the amount of it is 15,150*l.*, that is payable by an annual ballot amongst the bondholders at the rate of 100*l.* a year.

11,404. You stated, did you not, that the state of Great Yarmouth previously to the year 1810, when they got their paving and lighting commission, was very bad?—I said that previously to 1851 it was very bad. I presume that it was extremely bad previously to 1810, but I do not recollect that.

11,405. Will you state what were the principal sanitary works which the paving and lighting commissioners executed between the year 1810 and the year 1851?—The bulk of the money which they borrowed, which is now represented by the debt to which I referred, was expended in the construction of a new street, and in paving, and doing a certain quantity of drainage, but by no means an effective system.

11,406. Was the adoption of the Act chiefly induced by the want of drainage?—It was. A certain section of the inhabitants, in the face of a great deal of opposition, sent a memorial to the General Board of Health. An inspector came down, and a great many of the inhabitants gave evidence then, before the inspector, that there was no occasion for the application of the Public Health Act; but he formed a very strong opinion upon the subject, and reported very strongly that the Act should be adopted, and that Yarmouth was very defectively drained. And there is no doubt that his report was quite correct.

11,407. Was the death-rate high, or was there any particular epidemic which produced at that time the wish for better drainage?—Yes, the cholera had been very fatal in the year 1849.

11,408. Was that the principal cause which induced the petition?—Not the cholera alone, but there was a complication of causes of that kind. If it would be of any assistance to the Commission, I could supply a printed copy of the report of the inspector, which would give everything in detail.

11,409. What is your water supply?—Partly by pumps, but in a great measure now by an artificial supply of a private waterworks company.

11,410. Has that been used since your adoption of the Act, or was it in use before?—It is since the Act was adopted.

11,411. Was the supply of water bad before the Act?—It was limited, no doubt, and being so near the sea there was a great deal of brackish and undrinkable water, which no doubt was drunk, although it was unfit to drink.

11,412. What is the plan of sewerage and drainage which your board has carried out?—Yarmouth is peculiarly constructed. The old town lies between the river and the sea. We have a tidal river there, with a very strong tide, and there is a system of sewerage running north and south. The highest level is in the centre of the town, and the main sewers radiate from the highest level either way north and south, and side drains run into them, and there is an outfall both north and south. At flood tide the sluices are opened, and the sewage goes away to the sea. The northern outfall I should think is three miles from the sea, and the southern outfall is two miles, but there is a very rapid tide.

11,413. Does not any of the sewage come back at the return of the tide?—I am not aware of it.

11,414. There is no nuisance that you are aware of from the discharge of the sewage?—None whatever. As a town council we have considered the subject of utilizing the sewage, not in consequence of its affecting the river, but for the purpose of income. There is no complaint that the river is polluted at all.

11,415. Have you had any plan on foot for utilizing the sewage?—It has been only discussed at present; but at present there is somewhat of a prejudice against it. My own views are in favour of it, but a majority of the town council at present seem to have some doubt.

11,416. What was the nature of the opposition to the adoption of the Act?—The fear that persons had that unlimited rates would be imposed upon them.

11,417. There was a general wish for better drainage, but the fear of expense led to opposition, was that so?—Yes.

11,418. Was it a violent opposition?—It was very violent.

11,419. How long did it last?—The inspector sat for four or five days, and made his report accordingly, and an application I believe went up in the shape of a petition from a great many of the inhabitants to the General Board of Health against the adoption of the Act, but they adopted it.

11,420. Has there been much outlay under the Act for strect improvements besides the outlay for drainage and sewerage works?—Nearly all the street improvements carried out in Yarmouth have been carried out by the town council under the Municipal Acts, quite irrespective of the Local Board Act.

11,421. Do you mean the Act of William IV.?—Yes; we have a surplus borough fund. We have no borough rate in Yarmouth. Our income exceeds our liabilities, and under the Acts we have power to devote the surplus of the borough fund to the general benefit of the inhabitants.

11,422. But are there any powers which the town council have under the Act of William IV. which they have not under the Local Government Act?—No, but we do it in that way in preference to imposing a rate. If we spent a great deal of money in local improvements by means of the Public Health Act, we should have to pay it out of additional rates.

11,423. Whereas as you do it you have surplus?—As we do it we have a surplus of our borough fund, and we apply it, and the same persons who would pay the borough rate would pay the local board of health rate.

11,424. Can you state whether those new drainage and sewerage works and also this better water supply have sensibly reduced the death-rate?—They have reduced the death-rate, no doubt.

11,425. Can you state to what extent they have reduced it?—In Yarmouth we are subject to a death-rate over and above that arising from local causes, and if our death-rate seems heavy, I think it ought not to be attributed entirely to local causes. We are a shipping place, and a great many deaths ensue from drowning, which of course would not be attributable to defective drainage, and in the course of the year a good

C. Diver, Esq.
7 April 1870.

many dead bodies are washed up which are wholly unknown, and they come into the death-rate, although they may have been drowned miles away.

11,426. Is the shipping in your harbour under the jurisdiction of the local board?—No, the harbour is entirely regulated by a special Act, and there is a separate body which has the management of it.

11,427. What body is that?—What are called the haven and pier commissioners.

11,428. Is their jurisdiction quite distinct from that of the local board?—Perfectly.

11,429. Are there no questions which ever arise as to disputed jurisdiction between them?—No. Their jurisdiction extends far beyond Yarmouth; their jurisdiction extends as far as the river running up from Great Yarmouth and its branches are navigable.

11,430. For instance, may not questions relating to the outfall of your sewage occur between those two jurisdictions?—We drain into the river. No question has arisen.

11,431. If you create a nuisance by draining would not the haven commissioners have a right to interfere with your doing so?—I do not think more so than any other person who might suffer from the pollution of streams.

11,432. Are there no nuisances created in the river for the abatement of which it would be disputable whether the local board or the commission should proceed?—I think not.

11,433. (*Mr. Powell.*) Probably they could not take any proceedings against that nuisance because it was a nuisance; but supposing that a silting up of the harbour were to arise from allowing that matter to flow directly or indirectly into the harbour, could not the authorities then proceed?—I think they might proceed by injunction, and a court of equity would probably give them relief, just as many inhabitants of towns are obtaining injunctions against the pollutions of streams from other causes.

11,434. But does not your local harbour Act contain power enabling the authorities to prevent the discharge of solid matter into the water of the harbour?—Yes, of solid matter.

11,435. Supposing that the sewage were to accumulate in a solid form, could they not then proceed under the general powers of the local harbour Act?—Solid matter is in no way defined in the Act as being an accumulation of sewage matter.

11,436. Solid sewage must certainly be a substance?—Yes.

11,437. (*Mr. Bircham.*) Your haven commission is one for navigation purposes, is it not, and not at all for health?—Solely. There are clauses in that Act which relate to the river being filled up with ballast and substances of any kind. I have not the Act before me, but I think possibly that we might be affected by it.

11,438. (*Chairman.*) What would be the objection to the two boards being made one?—Their functions are entirely separate and distinct.

11,439. Are there any subjects that would come under the cognizance of both?—None whatever. The functions of the commissioners are to keep the haven open and to receive dues.

11,440. Have the haven commissioners a police?—They pay the town council of Great Yarmouth a sum of 200*l.* a year, in return for which four extra policemen are provided, who attend to the river. That is under the haven Act of Parliament.

11,441. Are there any of the adjoining streets or quays which are common property, or is there any of the lighting which is common property?—The haven bridge, which is entirely the property of the haven and pier commissioners, leading over the river from Yarmouth into Southtown, is lighted by four lamps, two of which the commissioners pay for, and two of which the town council pay for.

11,442. Who has the supervision of quarantine in case an infected vessel arrives?—That is a matter for the customs authorities. I have only a recollection of one vessel ever being put in quarantine, and that certainly was done by the collector of customs. She got into the harbour, but I think they moved her out again.

11,443. Do you think that the present local board, on the whole, acts efficiently in sanitary matters?—Yes. The sanitary Acts might be improved, no doubt.

11,444. In what particulars?—If I may refer to the evidence which has already been given before this Commission, I would say that I have read the evidence of the town clerk of Halifax, Mr. James Edward Norris, and I agree almost in toto with his evidence upon the subject.

11,445. To what part of his evidence do you particularly refer?—I refer generally to his evidence, and I am more especially struck with the evidence which he gave with respect to the subject of bye-laws.

11,446. What health officers have you?—We have a person appointed by the local board of health, not a surgeon; he is called an inspector of nuisances.

11,447. What is his salary?—30*l.* a year.

11,448. What is he?—He has no trade at all; probably he has some income.

11,449. Has this inspector of nuisances an independent income?—No doubt he has some means of living.

11,450. Is he active?—Yes, we have no complaint. Three or four years ago, when we anticipated a further outbreak of cholera, we appointed a second one, who acted with him for several months, and found out a great many dirty places, which were cleansed.

11,451. Do you think that one is enough for ordinary times?—Perfectly so. The police constables are directed on their beats to act in a certain way as assistants to the inspector of nuisances, and to give immediate notice of anything which they may see which require attention or want cleansing.

11,452. Practically do they do so?—Yes.

11,453. Are there any parts of the old town in which nuisances still exist?—Nuisances spring up from time to time in different parts, no doubt, but not permanent nuisances.

11,454. And are they generally reported and abated?—I think so.

11,455. Can you state whether the local government of Gorleston and Southtown adjoining to Great Yarmouth is working well?—I am not in a position to say what they have done, but I think they have laid out a system of main drainage.

11,456. Do they drain into the same river?—They do not drain anywhere at present, but they propose, I believe to drain part of their district, suiting it to the levels, into the river.

11,457. What was their government before they adopted the Act?—They had none. Probably the guardians for that district were the local authorities for carrying out the Nuisances Removal Act.

11,458. Was the sanitary condition of those two townships very bad before they adopted the Act?—I will not go to the extent of saying that it was very bad, but it was not good.

11,459. Are they now beginning to put the place in order?—They are beginning to do so, but there are no effects at present, certainly.

11,460. Is it a poor fishing population?—There is a mixture; they are in a very fair plight; they are a class of people who can pay rates very well; it is no hardship to them.

11,461. Of what does their local board consist?—Of members elected by vote. They adopted it entirely under the provisions of the Local Government Act, 1858.

11,462. (*Mr. Powell.*) You stated that the police act in some sense as assistants to the inspector of nuisances; do you mean that if a policeman happens to observe a nuisance on his rounds it is his duty to mention it, or do you carry it beyond that and make it his duty to search for and find nuisances?—Not search for them.

C. Diver, Esq.

7 April 1870.

11,463. Then if a nuisance were to exist on a policeman's beat of which the policeman made no report would he be blamed for having been careless?—Not unless it was so palpable that he ought to have seen it. If there were a very dreadful stench on his beat of which he had given no notice, then he would be blamed for having been careless.

11,464. A stench which any ordinary passer-by who had a nose would observe?—Yes.

11,465. Is the outfall into the stream of which you have spoken a discharge of the sewage in what I may describe as its natural condition, or is the sewage disinfected in some way before its discharge?—It is not disinfected by any chemical process. The sewers are flushed by water from the waterworks company.

11,466. Is the sewage diluted by the operation of flushing?—Yes.

11,467. But not by constant flushing?—Not by constant flushing.

11,468. Is it a daily flushing?—Not daily.

11,469. Can you give us some notion how often that flushing takes place; is it once a month, or is it once in six months?—Yes, much oftener than that. I think once a week, but a great deal of fluid matter goes in. Of course all the pumpings of the town go into it, and a great deal of natural liquid matter goes into it, no doubt.

11,470. (*Mr. Cave.*) Where does the water come from for flushing the sewers?—From the water mains, from pipes. There are hydrants in different parts of the town, and it is part of the duty of certain persons to flush the sewers.

11,471. Where does the water come from?—It is conveyed from an inland lake about six miles from Yarmouth.

11,472. Is the town well supplied by water?—Amply.

11,473. (*Earl of Romney.*) That inland lake is what they call a "broad," is it not?—It is what they call a broad.

11,474. Does not that broad ebb nearly dry?—No. The quantity of water diminishes sometimes, but not so as to effect our supply at all. The particular lake from which this comes is 800 acres in extent.

11,475. But it is a dirty place, it is not at all like the water at Loch Katrine, or any of those places, is it?—It is spring water. There is a great deal of vegetable matter, no doubt, which impregnates it, but it is all filtered before it comes into use. It is called Ormsby broad.

11,476. You spoke of opposition to the adoption of the Act; did that proceed from any one class of persons in particular?—No, it was very generally opposed. I think it was the fear of having heavy rates which prompted the opposition.

11,477. But how was that opposition overcome, because you could not adopt the Act without the determination of the ratepayers?—It was in this way: the General Board of Health received a memorial which purported on the face of it to be signed by a sufficient quantity of ratepayers, and in consequence of that an inspector came down. When the inspector came down it was attempted to be shown to him that the signatures to this memorial had been obtained by improper means; but he declined to go into it, he said that he had no power to do so; that the board had received an application which purported to be a proper one; that he acted in a merely ministerial capacity, and that he could not go into that opposition; and the board acted upon his report.

11,478. Believing that petition to be true?—Probably, and at the same time being actuated by his report as to the great necessity for the adoption of the Act.

11,479. But that petition ought to have been the act of a public meeting called by the inhabitants, ought it not?—It ought.

11,480. Was any such meeting held?—It is upwards of 20 years ago, and I was a boy at the time, and I am speaking only from hearsay upon these matters, but I think that I may say that if any irregularities took place in obtaining the application of the Act, the Act has worked very well, and the good has certainly overcome the evil.

11,481. (*Chairman.*) You stated that you generally approved of the evidence of Mr. Norris, the town clerk of Halifax, and especially as to the byelaws; have you had any of your byelaws disputed?—We have only had byelaws under the Local Government Act in force about 12 or 18 months, and I myself have seen one or two byelaws which I should not venture to attempt to contest, but I am speaking more in anticipation of the evil than of any evil that has actually occurred.

11,482. You mistrust the validity of some of the byelaws?—I do.

11,483. Do you think that they or any part of them should be incorporated into a public Act?—Perhaps I may somewhat differ from Mr. Norris in that respect. Some of the provisions might be so incorporated, but the Commissioners are aware, of course, that byelaws now, to be receivable in evidence, must be signed or must purport to be signed by the Home Secretary. I think that the signature of the Secretary of State should carry more weight, and should make the byelaws more valid than they are, and therefore before the Secretary of State allowed any byelaw, I think that by some means or other he should satisfy himself of the legality of it, or should be advised on the point.

11,484. (*Mr. Bircham.*) And that then they should be of statutory obligation?—That they should then be of statutory obligation.

11,485. (*Chairman.*) I observe in Mr. Norris's evidence, at question 920 and questions 1036-1041, that he expresses a very strong opinion that every large town, say of 30,000 inhabitants, should have a paid medical officer. It appears that you have no such officer. Do you agree with Mr. Norris that you ought to have one?—It is difficult to say exactly where you should draw the line between having one and not having one. I like the idea of having a medical officer very well, but whether 30,000 should be the limit I can hardly say.

11,486. Can you state what local government there is at Lowestoft?—There are improvement commissioners under a local Act, in which no doubt are incorporated many provisions of general Acts, probably the Towns Improvement Clauses Act and the Police Clauses Act, but I have nothing to do at all with Lowestoft.

11,487. Have you anything which you wish to add to your evidence?—There is one matter which does not affect the local board of health as much as the board of guardians of our parish, and that is the cases of vessels coming from say one of the northern ports. After they have got under weigh they find some seaman on board suffering from some contagious disease. It very often has happened that they have not anchored in the roads, but they have hove to, and they have brought this poor unfortunate man on shore, and have left him on the beach and have gone away, and we have known no more of them. Those persons have been obliged from humanity to be taken by the overseers to the workhouse and dealt with, and the guardians have no remedy whatever to recover any contribution from anybody for it. At common law I presume it is an indictable offence to leave a man about under such circumstances, but the people are gone quite away, and there is no knowing them or finding them. I have been asked by the clerk to the guardians to suggest to the Commission the desirability, if possible, of giving power in any Act that may be passed to the guardians or overseers to get a contribution from the owner of the vessel in a case where the man was left by an English ship, because it is no greater hardship for him to have to pay his contribution than for the guardians of the parish, who have nothing whatever to do with the person in question. The consuls in foreign places are much more likely to assist us than the owners of English ships. The owners of English ships say, "This man drew a

C. Diver, Esq.

7 April 1870.

"month's pay in advance, and he has only been at "sea a week, and we can do nothing with him."

11,488. Is there any other point to which you wish to call the attention of the Commission?—My attention has certainly been called to the anomaly in the system (I do not know whether it comes within your functions) of auditing the accounts of the local boards of health which are within municipal districts. I am not speaking of elected boards. In other districts the poor law auditor of the union audits the accounts, I believe; but here the auditors appointed by the town council to audit the borough fund accounts audit those accounts. Those auditors are not professional men, and they know nothing about their duties. All they do is to see that the columns of figures add up correctly, and that there are vouchers for all payments, but they do not inquire at all into the legality of the payments, and I think that it is a subject for consideration whether, when so large a sum of money is involved, there should not be a better system of audit. I do not speak from anything which has happened. I believe, so far as I and our local board is concerned, that everything is perfectly correct, but I see that very great difficulties could arise, and that there might be a very improper appropriation of funds.

11,489. (*Mr. Hibbert.*) But in the case of an auditor who audits the accounts of the local board, an illegal charge having been made, to whom does the auditor report with reference to that illegality?—That is specially provided for. He is directed to disallow the amount, and the unfortunate members who have signed it are liable.

11,490. The poor law auditor reports, in the case of the guardians, to the Poor Law Board, but to whom does he report in the case of a local board?—He is directed to disallow the amount.

11,491. But do you mean that the poor law auditor has power to disallow the amount without any appeal by the local board itself?—Yes, the Secretary of State would decide the matter if there were any difference.

11,492. There must be some authority to which they can appeal, must there not?—But nothing of that kind applies to the audit of the local board of health when they are the council of a borough. If any of the ratepayers or burgesses believed that there was an improper amount, he might remove the order for payment by *certiorari* to the Court of Queen's Bench, but that is not a very easy process.

11,493. (*Chairman.*) Can you suggest any better mode of audit?—I think that the auditor to be appointed should be a barrister, or some person who is acquainted with and will look at the Acts of Parliament, and see that the payments come within the scope of the Acts.

11,494. (*Earl of Romney.*) Do you think that he ought to be an auditor like the poor law auditor?—I think so; the auditors appointed by the council to audit the borough books are simply any persons whom the burgesses may like to appoint.

11,495. (*Mr. Bircham.*) Your suggestion goes to a better system of audit in respect to all municipal accounts, does it not?—In point of fact it does.

11,496. (*Chairman.*) Have you any other suggestion to make to the Commission?—A case was recently brought to my notice of a man who was erecting a new house, and sinking a well close to a churchyard, and many medical men were quite of opinion that the well would be polluted by the proximity to the churchyard; but I am not aware of any power to prevent it. It is a very serious matter.

11,487. Have not the local boards jurisdiction over wells?—Not to prevent their being sunk. We have simply to see that every house when it is erected has a proper water supply, but I cannot say that it goes to the extent that if they have sunk a well we can go into the quality of the water.

11,498. (*Earl of Romney.*) Then you would suggest that there ought to be power given to the local board to stop the sinking of wells in unfit places?—Quite so, I think it is very necessary. That particular well is within 20 feet of the churchyard.

11,499. Is the soil shingle?—It is sand.

11,500. (*Chairman.*) Have you any further observation to make?—No. In the circular which I received a reference was made to registration matters with regard to death certificates. It is not my subject at all, but I have made inquiries, and many of the registrars of deaths are of opinion that the medical men should define the causes of death in a much plainer manner than they do. They say that for statistical purposes many of the causes of death which are assigned are really of no use whatever. If a medical man sends in a certificate of death, saying for example merely the word "fever," the registrar of deaths cannot refuse to register the death; but of course there are a great many different classes of fevers attributable to different causes, so that, in point of fact, it gets into no statistics at all under any head. There is nothing to compel medical men even to give a certificate of death now.

11,501. (*Dr. Acland.*) Could you state any alteration in the law which you would desire?—I think it would be a hardship to compel medical men to give certificates in a certain form without they had some slight recognition of their services. I think that if they were paid (and I wish it to be quite understood that no medical man has ever suggested this to me, it is my own idea,) one shilling for each certificate of death, just the same as the registrar of deaths is paid for registering the death, they would then recognize their duty and would do it and would take pains about it.

11,502. Do you suppose that the payment of a shilling to a medical man would make it easier for him to give correct information?—Medical men have complained of many of the Acts of Parliament which have been lately passed, and more especially with reference to vaccination, that a great deal is imposed on them to do, and they get nothing for it, I think even that so small amount as one shilling would be treated by them as a recognition of their services. Of course the shilling is only an idea of my own, and I mention that sum because it is the amount which the registrar of deaths is paid for inserting the entry.

11,503. Is it within your knowledge what is the real reason which prevents medical men from giving fuller certificates?—Probably a disinclination to take trouble in many cases. Many certificates run thus: "old age"; I believe that many medical men say that that is not correct. There may be some such cases, but a great many deaths which are registered as resulting from old age have in point of fact resulted from some special disease.

The witness withdrew.

(94.) Alexander Brogden, Esq., M.P., examined.

A. Brogden, Esq., M.P.

11,504. (*Chairman.*) You are member of parliament for the borough of Wednesbury, are you not?—I am.

11,505. (*Mr. Hibbert.*) You reside at Ulverstone, do you not?—Yes.

11,506. How long have you been a resident there?—I began to reside there in the year 1855.

11,507. Will you state to the Commission what the population of Ulverstone is?—The population of Ulverstone at that time was rather over 6,000.

11,508. What is the present population of Ulverstone?—The population at the last census in 1861 was 7,392.

11,509. What comprises the town of Ulverstone, is it the parishes, or what are the boundaries of the town?—It is the township of Ulverstone, which does not contain a very large area outside the town.

11,510. Was Mr. Rawlinson sent down by the General Board of Health to inquire into the sanitary condition of Ulverstone in the year 1853?—In the year

A. Brogden, Esq. M.P.

7 April 1870.

1853 he was sent down by the General Board of Health in consequence of its appearing in the last return made up by the Registrar General of Births, Marriages, and Deaths, that the number of deaths annually in Ulverstone had exceeded the proportion of 23 to 1,000, and he held his inquiry on the 21st day of June in the same year.

11,511. Can you state shortly anything respecting the sanitary condition of Ulverstone at that time?—I can give you his conclusions without going through the whole of his report, which is very carefully drawn up. He says with reference to sewers and drains, "there is no general system of sewers and drains "capable of removing the sewage of the district. "There are drains made of dry rubble to remove sur- "face water. Street and yard channels are foul with "liquid refuse." His conclusions at the end of the report are "That the town of Ulverstone contains "many nuisances injurious to health which are re- "movable. That there are neither proper sewers nor "drains. That cesspools are crowded amongst cot- "tages, and in some cases are situate beneath sleeping "rooms. That fevers prevail in the houses of the "poor. That there is no local governing body having "power to initiate and carry out proper works." But the recommendation which immediately follows is that, "As the inquiry was made upon the mortality and "not upon petition, and as the return made by the "Registrar General was disputed for reasons stated, "I beg to recommend that no further proceedings be "taken by your honourable board unless an authorised "requisition from the ratepayers be forwarded asking "for the Act to be applied."

11,512. Then nothing was done after that report was made by Mr. Rawlinson until the year 1858?—Nothing was done until the year 1858.

11,513. What took place then?—The mortality in 1858 was very heavy, and a number of the residents in the town summoned a meeting, and some gentlemen were appointed a committee to inquire into the then condition of the town. I was the chairman of that committee, and we made a report to a meeting of the ratepayers, which was held shortly afterwards. The substance of that report I will give very briefly. We found that the total number of deaths from all causes in the year 1858 was 211, which on a population assumed to amount to 7,800 (which was in fact above the actual population) was an average mortality of 27 in the 1,000. "The high rate of mortality amongst "children at and below 5 years of age has engaged "the attention of the committee, and on further in- "quiry it was found that 47 of these died under the "age of 12 months. It was explained by the medical "gentlemen then present that this was attributable "mainly to the following causes: The negligence of "mothers in not sending for medical attendance in "proper time, the want of proper nourishment, clean- "liness, and attention in the cottages and other "dwellings, and it was also stated that in many of "the houses there is no provision for ventilation by "fireplaces or windows, and as a consequence of "these combined causes a feeble condition of body "prevails which makes the population in these places "more than usually susceptible to the influences "of epidemic contagion and less able to combat with "ordinary disease." In the course of our inquiry we found that in some particular limited areas deaths were at the rate of 87 in 1,000, but for the whole of the localities indicated the average was a little under 29 in 1,000.

11,514. (*Chairman.*) Was there an epidemic that year?—There was no epidemic that year.

11,515. (*Mr. Hibbert.*) What was the nature of the limited area, was it a low-lying district?—It was not particularly low-lying, but there were yards with houses built with narrow passages to them, and where open cesspools were in the midst of the yards. Every condition in fact was as unfavourable for health as it could be. I will not trouble the Commission with the whole of this report, but in conclusion it says: "Such are the facts which the committee have "collected, and in considering the best means of "remedying the evils, which all admit, a difference of "opinion prevailed, some were of opinion that a "highway board should be formed, coupled with the "operation of the Nuisance Removal Act, as being "sufficient to meet the exigencies of the case. Others "were of a contrary opinion, and a motion having "been submitted that the committee recommended "the adoption of the Local Government Act, it was "carried by a majority of 10 to 6. It will therefore "be for the consideration of the ratepayers to deter- "mine what steps should be taken in the matter." That is a report signed by myself as chairman of the committee.

11,516. After that report what steps were taken to call a meeting of the ratepayers to take into consideration the desirability of adopting the Local Government Act?—A meeting of ratepayers was summoned. Our report is dated February 28th, 1859, and the meeting was held, I think, on the 14th March 1859, immediately afterwards, to receive this report. There was a very large meeting; there was great excitement in the town upon the subject. The owners of cottage property particularly mustered all their strength, and after a long debate it was felt that if we persevered with the motion for the adoption of the report it would be carried against us, and the motion was withdrawn.

11,517. On that occasion then you did not go at all to a vote of the ratepayers upon the matter?—No.

11,518. Do you know what was the great objection stated by the ratepayers who were opposed to it?—They were afraid that very great expense would be thrown upon the town, and that the rates would be much increased. I should say that after the meeting at which that report was received there was another vestry meeting held, at which a highway board was appointed.

11,519. Do you mean a board of surveyors under the old Highway Act, the Act of William?—Yes; previously there had been only two surveyors who had control of the surface of the streets.

11,520. Then up to that period the whole of the governing power of Ulverstone, with a population of 6,000 people, had been the two parish surveyors?—Quite so, and they had only power to deal with the surface of the streets.

11,521. Did the board of surveyors take any action with respect to carrying out sanitary works and sewage?—They felt themselves to be in a wrong position, and they did, in fact, put themselves into a very difficult position, for I think they very honestly wished to perform their duties. They incurred an expenditure of, I think, some 700*l.* (if my memory serves me correctly, I have not had the opportunity of correcting it) in the construction of one sewer, but the same or pretty nearly the same opponents met them as had met the promoters of the adoption of the Local Government Act, and that money was disallowed, and I believe eventually it was paid by the highway board out of their own pockets.

11,522. Then a portion of this outlay had taken place and was then disallowed by a meeting of the ratepayers?—It was disallowed by a meeting of the ratepayers. I am not quite sure whether I have stated it correctly in saying that they were met by the same opponents. I believe it was just the converse of that, for I think there was so much party feeling in the town as between those who had wished to have the Local Government Act adopted and those who had refused it, that they would have fought upon any question.

11,523. Was this sewerage that was carried on by the board of surveyors made upon a proper system, after full inquiry by an engineer?—No, I think it was not a perfect system at all, or a system which they would now adopt; it was only a very partial work, and not of a character which would be at all permanent.

11,524. After that time, did the death-rate continue to increase up to the year 1864?—I have the death-rates for all those years. I gave you the death-rate for 1858. In 1859 the death-rate was 29·54; in 1860 it was 24·77; in 1861 it was 21·71; but in 1864 it rose to 35·16.

11,525. Was another attempt then made to procure the adoption of the Local Government Act?—Yes, a very strenuous attempt indeed. We felt that the town was in a disgraceful state, and many of us did not like to lie under the imputation that we felt attached to us for having the town with that high rate of mortality. We made a very strong effort to secure the adoption of the Act. We got down Dr. Lankester who delivered two lectures there, and we endeavoured to rouse the inhabitants to a sense of their duty. One of Dr. Lankester's lectures—a printed copy of which I have in my hand—is a very accurate account of the state of things, and he describes it in language which is put as strongly as I think he could possibly put any language. He says, "The object of his visit here was "to look at the town, and see whether there was any- "thing in its sanitary condition that should explain "that terrible mortality. He would first draw their "attention to what he had seen in the town himself, "and what he could answer for. It was not a large "town, and did not require a large amount of time to "go over it, and the causes of the mortality were so "obvious and so striking that those who run may read. "He had drawn up his subject under different heads, "and he would first speak of the drainage of the town. "There was not in the town any system of sewerage "at all. The larger drains which run down the middle "of the streets were not sewers, they were mere "drains; they were not pipe drains even, nor brick "drains, but were made very imperfectly—made in a "loose way with the stones of this district, which were "very convenient and very economical, but unless "they had a great fall they would be very frequently "blocked. In some places he found not even gutters "were made in the streets, and the slops from the "houses were thrown directly into the road without "any possible means of their passing away. All that "must lead to a certain amount of animal and vege- "table decomposition; the refuse of houses and "human beings consisting of animal and vegetable "matter. With respect to the closet and privy ac- "commodation of Ulverstone, it was abominable. "There was scarcely any accommodation at all. "There were open privies which were an abomination "in towns. He also found that in this town in some "instances there was only one privy to five, six, seven, "or eight houses." Then with regard to the question of water supply, he said he saw "several of the pumps "which supplied a certain quantity of water, and he "felt from their position, their relation to the cess- "pools, that they must be influenced by the percola- "tion which takes place. He had samples of water "there from several pumps, and some of the water "supplied by the company which they would see he "had tested by permanganate. In the cases where "the water is bad the permanganate lost its colour in "proportion to its badness, the best water retaining "the most of its purple tint. From the samples ex- "hibited it appeared that the water supplied by the "waterworks company is far superior to that obtained "from the various pumps. Where the soil was porous, "as at Ulverstone, the matters from cesspools and "drains would necessarily percolate through the soil "into the wells, and the test indicated the presence "of decomposing organic matter when it became dis- "coloured." Then with respect to the ventilation, he says: "There was a larger amount of small rooms "at Ulverstone than in most towns of the same size. "He could give them two instances in which there "were only two rooms, and the families were com- "posed of husband, wife, and five children." The rooms were very badly ventilated. I will not trouble the Commission with the whole of this lecture, but he strongly recommended the adoption of the Local Government Act.

11,526. Was Dr. Lankester there in an official character?—He was invited by the promoters of the adoption of the Act to come down, the object being to rouse the people to a sense of their duty. There were several meetings held, and I have an account of them here, but the substance I can give in one or two words.

A. Brogden, Esq., M.P.

7 April 1870.

11,527. Did some of the inhabitants give notice of a meeting to consider the adoption of the Local Government Act?—They did; there was a vote taken upon that question.

11,528. What was the result?—The result was that the adoption of the Act was carried by a majority of 14, but immediately the opponents to the measure lodged a notice of appeal with the Secretary of State, or the proper officer.

11,529. In fact they contested the decision?—They contested the decision. They said that some of the votes were informal, and that some votes which had been refused from informality ought to have been received. The Secretary of State sent down some officer and there was an inquiry before him to test the validity of the votes. That inquiry lasted several days. I think each party engaged their solicitors and two counsel, and they fought with the bitterest animosity.

11,530. What did the promoters spend in attempting to get the adoption of the Act?—It cost us 390*l.* for that inquiry, and the opponents must have spent an equal sum, and those sums were raised by private subscription.

11,531. What were the real objections taken by the opponents of the adoption of the Local Government Act as to the adoption of the Act?—It was still the same question, but it had become a bitter party question then, and the merits of the case were scarcely dwelt upon.

11,532. The result was, I suppose, that a compromise was effected?—Yes, the expense would have been frightful; the inquiry might have been going on to this day if a compromise had not been effected, and it was resolved to let the adoption of the Act depend upon the death-rate for the year 1865. If the death-rate in 1865 should be 27 in the thousand the Act was to be adopted, and if the death-rate were under 27 in the thousand then it was not to be adopted.

11,533. Did you not say that in 1864 the death-rate was 35 in the thousand?—Yes, but this meeting was held in 1865, and it was determined then (I was not much in the town during that inquiry) to let the question depend upon the death-rate of the year 1865, and the death-rate turned out to be 26·26, so that it was just under the point named, and the consequence was that the Act was rejected again.

11,534. Were there any further steps taken before the passing of the Sewage Utilization Act?—I think in December 1867 the board of guardians made a report.

11,535. In what union is Ulverstone situated?—The union of Ulverstone.

11,536. It is a very large union, is it not?—It is a very large union; it consists of 28 parishes, and there are 41 elected guardians.

11,537. What did they do?—On the 9th of December there was a complaint made by the board of guardians against the vestry that there was no proper system of sewerage. I have been reminded of that since I came into this room. Mr. Arnold Taylor was sent down to inquire from the Local Government Act Office, and the result as I read it in the documents on your table is that "the complaint was fully esta- "blished, and the adoption of the Local Government "Act was recommended, the formal notice of recom- "mendation not accepted, but a committee was ap- "pointed to inquire into the sewerage works now in "course of construction."

11,538. What was the date of that report?—December 9th 1867; a memorandum of it is upon your table. In the following February, the 7th of February 1868, the same parties as had been the

A. Brogden, Esq., M.P.

7 April 1870.

promoters before of the highway board, felt that they must do something more, and they carried the application of the Sewage Utilization Act, and under that system they are now carrying out a very efficient system of sewerage.

11,539. I believe a committee was appointed by the vestry?—Yes.

11,540. Do you know what the committee have done since they were appointed?—I know their works are very far advanced.

11,541. What kind of works are they?—The main drains consist of large brick drains well constructed, and all the subsidiary drains are earthenware pipes very well arranged.

11,542. What amount of money have they expended up to the present time?—They have spent up to the present time in actual works 4,908*l.* 0*s.* 7*d.*, and they have expended also (I have taken this from the accounts) in the repayment of an instalment and interest 656*l.*

11,543. Where is the outfall of your sewer?—The outfall is into a stream that goes by the name of the Town Beck, some little distance below the town, and before the sewage runs into the outfall it runs through, I think, three tanks, in which there is a partial attempt made to retain the solid matter, and to filter the water which passes away, but it is a very imperfect attempt, and no one can say that the water is at all in a pure state.

11,544. At what distance from the town are those tanks?—From the outskirts of the town they are not more than 400 yards.

11,545. Does any nuisance arise from the tanks being so near?—The works are only just now completed. The tanks when I was last there were not finished, and I am not able to say whether there is any nuisance.

11,546. Are you able to say whether any deodorizer is used?—There is no deodorizer. I may say that the adjoining proprietor has commenced a chancery suit against the highway board for the purpose of preventing those tanks being used at all.

11,547. Does the stream which you mentioned run into the sea?—It runs into the sea about a mile from the place where those tanks are situated.

11,548. How have you raised this sum of 4,908*l.*?—It has been borrowed upon the security of the rates from the Sun Insurance Office.

11,549. Had you any difficulty in obtaining the money?—I think not. It is the only debt the town has.

11,550. What amount of interest do you pay?—I think it is 4½ per cent. The arrangement was a very good one, it is either 4½ or 4¾; it is below 5 per cent.

11,551. Is it upon the principle of paying back a portion every year?—Yes. In the sum of 656*l.* I have given you one of the instalments which has already been repaid. I think it is spread over 30 years.

11,552. (*Mr. Cave.*) Does the 4½ per cent. include principal and interest?—No, it is interest alone, there is no amortization fund included in that rate.

11,553. (*Mr. Hibbert.*) Do you know what the death-rate now is since those works have been carried out?—Yes, but I do not think you can say that the sewerage works have had any influence whatever over the death-rate because they have so recently been put into operation. In 1869 the death-rate was 28·99 nearly 29 in a thousand.

11,554. With respect to the settling tanks, and the mode of getting rid of your sewage, have you made any attempt to purchase land for the purpose of irrigation?—No.

11,555. Then from your experience and the experience which you have stated so fully to the Commission, is it your opinion that there ought to be power with respect to the Local Government Act being made compulsory?—I have no hesitation in expressing my opinion very strongly that wherever you have a population of 4,000 within a limited area, and the death-rate is above 20 in 1,000, the adoption of the Local Government Act should be compulsory.

11,556. Have you ever had any clashing between the guardians, as the sanitary authority, and the board of surveyors?—There has been a great question as to the body upon whom the duty devolves of removing nuisances, and appointing inspectors, and punishing people for committing nuisances, the highway board contending that the guardians were the proper people and the guardians contending that the highway board were the proper people to take those duties upon themselves.

11,557. The result was, I suppose, that nothing was done?—The result was that nothing was done.

11,558. Do you know whether any inspector of nuisances was appointed by the board of guardians?—After 1864 there was an inspector of nuisances appointed, who was a very efficient man.

11,559. Was he a medical man?—He was not a medical man, but he was a very efficient inspector, and the town was tolerably well attended to for some time after that. He left the town I think to go to Liverpool for a better situation, and I am not quite sure whether there is an inspector of nuisances now or not.

11,560. Was he appointed to act for Ulverstone alone or for other parts of the union?—For Ulverstone alone. In the other parts of the union the police act to a great extent as inspectors of nuisances, but besides them there is no inspector of nuisances, though there are nuisance committees.

11,561. Do you know under what authority the police act as inspectors of nuisances?—I do not.

11,562. Supposing that the Local Government Act were adopted in Ulverstone itself, do you think that the board of guardians would be the proper authority to carry out the sanitary laws in the other portion of the union?—I do not think the board of guardians are at all the proper authority to be entrusted with those powers. I think such a body should be specially selected in the different districts for their capacity and knowledge of sanitary questions.

11,563. Would you have a separate board or committee in each township or parish or district?—No. Where the district is very large and the population small I think they might very well be combined for the purpose of having a local board, who should administer the sanitary regulations over the whole area and have an inspector specially acting under them.

11,564. I think you have had some experience of the difficulty of introducing a local authority in a rural district in another neighbourhood in this part of the country?—Yes, about 10 miles from Ulverstone, we have a charming little village on the sea-shore of the name of Grange. Since the railway was opened across Morecambe Bay the population has been gradually increasing, I am not prepared with any statistics to show what the increase has been, but the number of houses has very much increased, and we have no system whatever of drainage there. It is a source of great anxiety to the owners of property and to residents in the neighbourhood to know what will become of the place if no system of sewerage is adopted.

11,565. Was an effort made there by the landowners to introduce the adoption of the Local Government Act?—By some of the landowners. Some of the landowners objected to it, and the house owners were also divided in opinion.

11,566. What was the result?—The result was that, after endeavouring to arrange and negociate this matter as between all the parties, we felt we should have so much opposition that we should not be able to carry it.

11,567. What sort of district is it of which you are speaking?—I suppose the district that we attempted to cover was about five miles long by two miles wide. It is all in one parish, but it is not the whole of one parish. It was a rural district.

11,568. I suppose the reason for attempting to get the Local Government Act introduced was that you had no power to carry out any system of sewerage?—That was the reason.

A. Brogden, Esq., M.P.

7 April 1870.

11,569. What is the population of the district which you intended to include within your boundaries?—I do not remember, but it was not large. The attempt was made rather in contemplation of the future and on account of the preparation being made there for summer visitors. But I should explain probably why we felt so anxious that the Act should be adopted. Grange is situated on a limestone rock full of great fissures, and the waterclosets and everything merely drain into the rock. The water and the sewage and all such matter finds its way into the crevices of the rock, and I suppose the nuisance will in due time become much more aggravated, but even at the present time in hot weather the nuisance arising from bad smells is very great, and I do not know what will be the consequence if some system of sewerage is not adopted there, in the event of an epidemic of any kind springing up, because this state of things always aggravates itself.

11,570. (*Chairman.*) Do you think there would be material from which to elect a local board in Grange as it is now?—Quite enough.

11,571. Would they have wanted all the powers which the Local Government Acts would give them?—I think they would.

11,572. In fact the powers given by the Sanitary Acts to the board of guardians and the vestry, you consider would not have been sufficient?—No.

11,573. (*Mr. Hibbert.*) You do not say that the village of Grange is at all an unhealthy place now, but that it may become so?—It is more in dread of the future that I am speaking. It is a remarkably healthy place. There is scarcely ever a death in the village. It is a place to which visitors and especially convalescents go for the sake of their health, but I am afraid it will very soon lose its character unless we have the power of enforcing a system of drainage and also of ventilation in the houses.

11,574. The town of Barrow is near to Ulverstone, is it not?—Yes.

11,575. They have obtained a charter of incorporation there. Do you know whether that was done from any difficulty of introducing the Local Government Act?—I think not, I think they felt themselves to be of sufficient importance to become a municipal body, and they applied for and obtained a chartes of incorporation.

11,576. (*Mr. Bircham.*) When the committee were appointed in 1867 under the Sewage Utilization Act, was that upon the volition of the vestry, or was it because they apprehended that the Secretary of State would interfere and execute works?—It is quite manifest that it was under the apprehension that the Secretary of State would exercise his power, because the inquiry being only in December, and the application of the Act in February, the one event followed upon the other almost immediately.

11,577. Do you think that a power for the central authority to execute works, when the locality makes default, would be a desirable power?—Very much so, indeed.

11,578. (*Mr. Cave.*) You stated that you did not consider the guardians a good sanitary authority; did you mean that answer to refer to urban districts only, or as well to purely rural districts?—I mean it to apply to both, for this reason: I think that if you have a dense population the guardians have quite sufficient work to do to attend to their duties at the board, and there is quite enough also to engage the attention of other people in the sanitary questions; and I think in rural districts it is even more so, because there the guardians are always people who have their own engagements. Although they may be (as in our case) members of the nuisance committee, and are the local authority for that purpose, yet they cannot disregard their own business engagements and go seeking after nuisances.

11,579. What authority do you propose in a purely rural district?—I think that a combination of districts with a local government administering the whole of them would be a desirable arrangement.

11,580. But what authority would administer the Local Government Act?—A separate local board.

11,581. From whom would they be chosen?—They would be elected out of the districts which were so combined.

11,582. But would you not find in a purely rural district an impossibility in getting such a body apart from the guardians?—In no district that I know would there be that difficulty; but I cannot say that there may not be districts in which there might be a difficulty.

11,583. Have you turned your attention to the subject of the highway boards as sanitary authorities?—Yes; some time ago when those meetings were going on, I studied the subject very closely, but since then I have had other duties, and I am afraid that I am not so well posted up now as I was then.

11,584. What was your opinion as to the highway board rather than the guardians becoming the sanitary authority?—I think the highway board would be a very good sanitary authority, and I should prefer the sanitary arrangements resting in them to their resting in the guardians.

11,585. Could you state the reason for that opinion?—I think that the guardians are frequently selected for their strong economical professions, and that a man may be a very good guardian who holds such opinions; but he would not have that grasp of mind and knowledge which would enable him to deal with such important questions as sanitary questions are.

11,586. (*Chairman.*) Is there any other point upon which you wish to speak?—I think that the local authorities ought to have compulsory powers for purchasing land for sanitary purposes. I have been sitting on a private bill committee of the House of Commons for some time, and we had the local board of Reading applying for the purchase of a large quantity of land—900 acres—to be applied as a farm for the utilization of sewage; and so far as our committee are concerned we gave them the preamble of their bill and the power which they sought to obtain. I do not know whether there should be some limit to the quantity of land to be purchased for such an object, but I think that in any amendment of the Acts relating to the local boards it would be desirable to give them an authority to purchase lands compulsorily. This bill was contested before us for a long time, and the parties were put to great expense to obtain the powers which we ultimately gave them. And I think that the same conclusion was come to by a committee for a similar object for the corporation of Blackburn.

11,587. (*Lieut.-Col. Ewart.*) It was land for the utilization of sewage, was it not?—Yes.

11,588. (*Mr. Powell.*) Are you quite sure that they cannot apply the powers which they now possess?—They can do it in this way; they can first of all apply to the Secretary of State, and the Secretary of State would direct an inquiry. If there is any opposition the Secretary of State immediately refuses a provisional order; if there is no opposition the Secretary of State gives a provisional order and the parties then bring in a bill, or rather the Government brings in a bill in the subsequent session. But the fact of there being no action taken by the Secretary of State, if there is the slightest opposition, makes those powers perfectly inoperative. I remember that that was the argument put before us and assented to by the counsel for the opposition. They also applied for powers to limit the owners of property putting any sewage into the tributary streams which run into the river Kennet, from which they take their water supply, but the committee did not grant them those powers, for they felt that it was a subject rather for general legislation, and that they could not deal with it. But it was admitted clearly that the Secretary of State would not give any provisional order if there was any opposition.

11,589. (*Mr. Powell.*) Seeing (as I fear must be admitted) that sewage utilization is a source of more or less nuisance, do you not think that considerable care ought to be exercised lest under purchase by compulsory powers very considerable injury, for which

A. Brogden, Esq., M.P.

7 April 1870.

no compensation is paid, be inflicted upon a neighbourhood?—Yes, I think that it is a subject demanding very great attention. In the bill which was before us we limited the power of the local board to grant a lease of the farm, because we found from the evidence before us with reference to Croydon that in that place the tenant had not kept the water passages always running, and in those cases where the water became stagnant nuisances had arisen, and the board was powerless, because the man had got a lease. In the case before us we limited the power to let on lease, not to the term of one year precisely, but making the lease contingent upon the termination by one year's notice at any period of the year.

11,590. Is it your opinion that the power of acquiring land compulsorily should after all be exercised under some kind of control, either parliamentary or from a central office in case of opposition?—I think so.

11,591. (*Dr. Acland.*) Has the case of compulsory powers for taking land outside the district of the local board occurred to you?—It has not, but I do not think they ought to be allowed to take land outside their own district.

11,592. The instance has arisen to my knowledge of their being no suitable land for irrigation in the district of a board, and in that case of course they must, in order to dispose of the sewage, go outside of their district. How would you meet that case?—I think there should be power to enlarge their boundaries, but I should consider that there would be very great inconvenience arising from their exercising any powers in a district where they have really no legal status. They would be occupiers of land, but it seems to me that you would require to create some machinery whereby they could really do anything outside of their own district.

11,593. There should be an external power to meet such cases, because at present all powers are confined to the district of the board. But in the case of a board that wants to dispose of its sewage and has no suitable land in its own district for the purpose, and can by agreement with the landowners outside obtain that land, should there not be some central power which should enable them easily to do so without extending the district for all other purposes?—If it could be done by agreement I think clearly what you say should be adopted, but I do not know about compulsory powers outside of their district.

11,594. How should you wish that the value should be decided upon in the case of compulsory powers for this purpose, by reference to the Secretary of State or by a court of law?—By arbitration in the usual way under the Lands Clauses Acts.

The witness withdrew.

(95.) THOMAS P. HESLOP, Esq., M.D., examined.

T. P. Heslop, Esq., M.D.

11,595. (*Dr. Acland.*) You are a doctor of medicine residing at Birmingham, and physician to the Queen's Hospital and the Children's Hospital?—Yes, and I have been connected with the General Hospital. I was resident physician there.

11,596. Have you paid attention to sanitary administration, and to the arrangements connected with poor law relief?—Yes.

11,597. Have you any opinion as to the best way of appointing poor law medical officers?—I consider that they should be appointed by the central government.

11,598. Should they be irremovable?—They should be irremovable by local authorities. I mean that they should be appointed either (should the present arrangement continue to exist) by the medical department of the Privy Council, or by the Minister of Health, or in any other way, so that the whole medical charge of the poor shall come under the imperial government.

11,599. Then would you remove the appointment of the union medical officers from the guardians?—Entirely.

11,600. Would you remove the control of the medical officers from the guardians also?—Entirely.

11,601. What would be the advantage of that change?—There would 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. In what manner should you desire to improve the capacity of the officers?—So far as possible, especially in the large towns where the question of introducing strange medical men would not enter; I would have them submitted to a competitive examination. The great object which I should have in that would, I may say, be to restore the confidence of the lower classes in those gentlemen.

11,603. How and where would you propose that that examination should be conducted?—It should be conducted under the auspices of the health department, in a somewhat similar way to the examinations now conducted for the military and naval medical service.

11,604. Do you mean that in the case of a vacancy in any union that vacancy should be advertised, and that then there should be candidates for that particular appointment?—No, but I would have in possession of the Government a list of medical gentlemen who had undergone the necessary examination for poor law medical appointments; and if in a large town there were gentlemen who had undergone that examination, I would give the preference, any vacancy existing, to one standing on that list. In a village, if there were two medical gentlemen residing in the village, and one had passed that examination, I would give the appointment, should a vacancy exist, to that gentleman in preference to the one who had not passed that examination.

11,605. In case of there being two or more who had passed it, equally deserving to hold that office, what would you do?—I should then consider questions of seniority in reference to their respective medical colleges, and had they been submitted at the same time to examination, and been placed in a list, I would give the preference to that gentleman who stood the higher in that list.

11,606. (*Chairman.*) Is not being on the General Medical Register a sufficient test for this purpose, or do you think that a further test, such as you are now suggesting, is necessary?—I think a further test is necessary, and it would have the second advantage which I mentioned just now: that it would give the much-needed confidence in those gentlemen to the poor themselves.

11,607. (*Dr. Acland.*) You are probably aware that there has been a desire expressed by many persons to have special licences which should be called licences or diplomas in State Medicine. Do you refer to some arrangement of that kind?—I do.

11,608. Then the question would be, what should be the subjects of examination for that State Medicine diploma?—I have not considered the subject sufficiently to give a full answer, and I prefer not to answer that question.

11,609. What in this view would be the duties of the poor law medical officers?—They should have two functions; the application of the curative appliances of medicine, and the investigation of and the reporting upon cases of sickness and death.

11,610. So that they would be officers of the public health as well as for the relief of the poor?—Precisely so; and for the purpose of getting away from the term "parish doctor" I would style them uniformly throughout the kingdom "medical officers of health."

11,611. And, of course, in the competitive examination to which you alluded just now, your object would be to see that they were in possession of the requisite knowledge for both purposes?—Yes.

11,612. Have you any opinion as to whether these officers should be elected for life?—I have a very strong opinion that on the present plan it is very desirable, in order that the medical officers should be independent, that their appointments should be permanent; but if these gentlemen were elected by the central government, I think that it would be extremely prejudicial to the public interest that they should be permanently elected. Their independence would be insured by being elected by the central government, while the best guarantee for their good conduct would be their being elected for a term of years, subject to re-election if they were found competent.

T. P. Heslop, Esq., M.D.

7 April 1870.

11,613. What would be their ordinary duties?—Especially I would take one duty from them which they now perform; they should not be allowed to supply medicines to the poor except in most remote villages where a druggist cannot live. In this case a separate bill on a defined tariff should be furnished by the medical officer.

11,614. Have you in your knowledge of the rural districts in the centre of England found that evils arise from the present way of supplying medicine, or is it to relieve them of an arduous duty?—Partly to relieve them of an arduous duty, and partly to prevent them employing unqualified assistants, but chiefly to insure that the poor should have confidence in the remedies given to them.

11,615. Is the Commission to understand that you think the poor now generally have not confidence in the surgeon provided for them under the poor law?—I am quite sure, perfectly certain, that in 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.

11,616. Is it the duty of the poor law board, as at present constituted, to be responsible for the character of those who serve under them?—The interference of the board 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.

11,617. Do you think that the medical officers in towns and in rural districts are of the same character?—From personal observation, for reasons which I published 12 months ago in a pamphlet on this subject, I certainly should say that the rural medical officers are much superior to the medical officers of the large commercial towns.

11,618. Are we not to understand that it is generally in the power of the guardians to obtain good advice for the poor in rural districts?—I certainly believe that in rural districts the boards of guardians do often get not only very good but very superior men to advise for the poor. I believe that in rural districts there are some men in every sense an honour to the medical profession who are the parish doctors, and who perform their duties in a very admirable manner. In villages there is often only one medical man. That man, perhaps, is a gentleman whose great-grandfather was a surgeon. He is often a man of high social rank and very well educated—generally educated at a metropolitan city—and he is elected, perhaps, because he is the only surgeon there, and he does the work for a very small remuneration as a part of the regular work of his calling.

11,619. Then, why is it that in towns also, where also the guardians have the opportunity, if they will, of having thoroughly competent advisers, such men are not elected?—Owing to the great competition of large commercial towns, the guardians can elect medical men on a remuneration so disproportionate to the work done, that the more respectable medical men would not accept the appointments. Then the constitution of boards of guardians in great commercial towns is such, as contrasted with that of country districts, that it is not so pleasant for a gentleman to be under their orders, as it is to be under the orders of a board of guardians in a rural district. In other words, many medical men who would not object, possibly, to the remuneration given by a town board of guardians, would object to the general associations of the board of guardians.

11,620. I gather from your statements generally, that the quession of the appointment of the medical officers under the present poor law system requires considerable revision?—It requires considerable revision.

11,621. And, referring to what has passed, the main revision, as I understand it, is that the medical officers should have two duties assigned to them—those of public health and the relief of the poor, and that you wish to have some thorough means of testing their efficiency for both purposes before they can be appointed by the rural authorities; that will fairly express, I think, your meaning?—Yes, I would let it be understood, to use a French phrase, that they should be "Sanitary officers of the first instance;" that their duty, apart from the application of curative measures, should be to bring weekly under the notice of the inspectors all that concerns the application of Acts of Parliament to such matters as infectious and epidemic disease, drainage, overcrowding, &c.; and also all that concerns the breaking out of any disease like relapsing fever, which is attended with very little mortality, or scarlet fever, which is attended with very considerable mortality.

11,622. And, with such proper guarantees, I understand that you would have no objection to the public health of the country being put in connexion with the present poor law system?—I would not, if the officers were appointed by the central government. I must take the opportunity here to say that I should have the strongest objection to placing the sanitary work even of the first instance in the hands of the medical officers if they were appointed as they are now appointed.

11,623. Supposing, then, that the organization of the Poor Law Department were such that it would command your confidence, and that you were satisfied that that department were in full possession of the knowledge of general sanitary science of the age in the direction, you would, as I understand, have the ordinary union medical officers as the health officers in every parish or union of the country?—Exactly.

11,624. Should you require in relation to those medical officers a class of intermediate inspectors of higher skill?—Yes. I will say with reference to the general question that I do not think it is possible to make a material change in the sanitary condition of this country until the medical officers of the poor in large towns are better instructed, appointed under more favourable conditions, and, above all, invested with the full powers of officers of health, as at present understood, acting under the orders of a competent inspector. In reference to the last-mentioned officers, I should wish to say that the health inspectors should be experts, and should not be allowed to practice medicine. Such a town as Liverpool, Manchester, or Birmingham, with the adjoining suburban districts, would require a health inspector to itself; but in some cases a whole county, or even two counties, might be placed under the superintendence of an inspector.

11,625. Then should you propose that the ordinary medical officers of health should report to such superior inspector?—Precisely. I think that the ordinary officers of health should be bound to report to the inspector, at least once a week, any sickness and death in their respective districts, and especially to report upon infectious and epidemic disorders, drainage, overcrowding, &c.; and the reports of inspectors would form the basis of the work of the health department of the Government. To give a clear idea of what I mean with regard to the inspectors, I may say that I think that it is needful that a body of health inspectors should be appointed, partly analogous to those in the Education Department, and partly analogous to those engaged in working the Factory Acts. Those gentlemen should obtain information partly by inspection and examination, as in the former case, and partly by means of reports from subordinates, as in the latter

T. P. Heslop, Esq., M.D.

7 April 1870.

case. That is the method by which it occurred to me that the health inspectors would work.

11,626. And the number of such inspectors would probably be somewhat analogous to the number of the present inspectors under the poor law, or the inspectors under the Privy Council?—Very much so; but I have not considered the number sufficiently to be able to give a precise answer to that question.

11,627. Turning to another branch of the subject, have you considered the relation of the medical officer of health under the Privy Council and his powers of inspection to the actual wants of the county?—I have, and if that particular method of administration should still exist, I would place under that gentleman the entire medical relief of the country. In other words, I would separate the medical service of the poor completely from all other forms of relief, and I would place it, supposing the present Health Department of the Privy Council should still exist as at present organised, under the management of that body.

11,627*a*. Do I understand by that that you would wish to place all the public medical service of the country under one chief?—Exactly.

11,628. Under that department would you place the registration of sickness and death, all health inspection of hospitals, factories, and workshops, the registration of births and deaths, and in fact all which may be included in a complete public health department, and would you utilise all the poor law medical officers who now exist in every parish of the kingdom as the officers of the department, they being properly educated and skilled for that purpose?—Precisely.

11,629. Have you paid attention to the working of the district registrars of deaths and to the general rules for registration in England?—I think that no certificate of death should be accepted except from a duly qualified medical man. When an uncertificated death occurs the health officer of the district should be called upon to inspect the body, to make himself acquainted with the reasons why a medical man had not been called in, and to grant a certificate if satisfied with those reasons.

11,630. You probably just now heard a former witness state that the death certificates are sometimes not filled up by the medical man and sometimes that they are inaccurately filled up. Could you explain to the Commission, if that be the case, what is the reason?—The inaccuracy arises partly from ignorance and partly from sheer neglect of an important duty. In reference to public charities I quite agree with some questions put by Mr. Paget to Dr. Farr 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 that the patient is dead, and reliable data as to the precise manner of the death of the patient. I rather agree 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.

11,631. Then how should the certificate be given, and by whom?—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 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. As a rule the inspection of the body and inquiry from neighbours and persons in the house should be sufficient to enable him to give a certificate of the cause of death.

11,632. I suppose then generally that if the public health department be thoroughly organized we might have an almost absolutely accurate return of deaths, at least so far as science makes it possible?—Undoubtedly.

11,633. In what way do you think the methods for checking the spread of infectious diseases can be improved?—As the spread of infectious diseases can only be effectually controlled by the isolation of the sick, it is necessary that the officer of health should possess the power of compelling infected persons to place themselves in suitable quarters for their reception. It thus follows that every health area should have in readiness such a place of reception. Even in grades of society above that in receipt of relief from public sources, the officers of health should be entitled to make inquiries as to the precautions taken to ensure the segregation of those labouring under infectious maladies and to report thereupon to the inspectors.

11,634. Do you find that the mothers of families are willing to send their children to the hospital when they have infectious diseases?—Often they are very unwilling to do so.

11,635. Do you think that the sanitary inspectors should have compulsory power to remove children to an hospital?—I do, or to some place of reception set apart either by the municipality or the workhouse authority for such disorders. Their reluctance is extreme. Mothers will often keep at home a child, labouring under scarlet fever, when every comfort and happiness that can be offered to them is offered to them—although that child may be a focus of scarlet fever for a whole street or court—and no persuasion that can be brought to bear upon them will induce them to bring the child. It is not a refusal in all cases, but the reluctance does often amount to positive refusal.

11,636. (*Chairman.*) You would not make this proposition in regard to all classes of society, and how would you draw any line?—In reference to the upper classes and those who are not in receipt of any parochial relief, I would simply give the medical officer the power of making inquiries, and of reporting to the inspector the fact that, say, in a certain square, the scarlet fever was in so many houses. I think we shall not be able to approach the sanitary condition of the upper classes, unless some inquiry is made, unless the officer of health is entitled to go up to the door and say "Am I correctly informed that "there are three or six or nine cases" (as the case may be) "of scarlet fever in this house?" and unless having done so, he can bring it under the notice of the inspector of his district, who may, either by suggestions in reference to preventive measures, or in reference to making it a nucleus of inquiry as to the quarter from which the scarlet fever got into the house, or as to how far it is being transmitted to other neighbouring houses, set on foot a line of inquiry which may be useful both in a scientific and in a social sense.

11,637. Would you propose such an inquiry to be made in the houses of the upper classes?—I would make inquiry the limit of the officer's work. I do not propose anything more than reporting to the inspector upon the matter.

11,638. (*Mr. Whitbread.*) Do you think that in any Act of Parliament you could give compulsory powers to enforce the seclusion of a child in one man's family and not in another?—I do. I have thought over that question much. If a mother is in receipt of pay from rates, that mother from that moment becomes amenable in reference to her children to whatever the Government may choose to impose, if the health of the children is a source of danger to the neighbours. I do not say that the Government or any Government would have the right to say, "Do not give the child bread pap, but give it corn flour pap," but if the child is a source of danger to the neighbours, and is being maintained by the Government, or out of the rates, I believe the Government would have a perfect right to say "Your child cannot be a focus of contagious "disease to this neighbourhood; you must put it so "and so, if you cannot isolate it yourself." I would give them that option.

11,639. Do you mean that you would not enforce isolation of a scarlet fever case in a rich man's house?—I would not, because the rich man is not in receipt of pay from any public sources.

11,640. At the same time his children may be a source of the greatest danger to his neighbours?—That is quite true, but he has not exposed himself to the limitations on his freedom which the other people have.

T. P. Heslop, Esq., M.D.

7 April 1870.

11,641. (*Dr. Acland.*) Then as a further reason I suppose you would say that in many cases among the poor their habitations are such that they can make no kind of separation, and that virtually one child falling sick of fever or of scarlet fever means communicating it to almost all the rest by necessity and not by choice?—Quite so. I wish I had here the home-visiting book of the children's hospital, and the mortality register of the in-patients. One is a fearful history of mortality from infectious maladies. The other shows a per-centage of mortality so small as only to average seven or eight per cent., though the worst cases are, as a rule, taken in. I will abstract the entire register of the hospital for eight years on the subject. In reference to what is really the effect of the hygienic conditions of the over-crowded houses of the poor as compared with those prevailing in the wards of a hospital, the books of the children's hospital are quite decisive. Every patient is registered in every department of the hospital, and they can all be identified. It is a common thing for number after number on the register to have the word "dead" written after it in reference to the home visiting; while among the in-patients, though as I say the worst cases are taken in, the mortality is not more on the average than from 7 to 10 per cent.*

11,642. Now if we were to suppose that you had compulsory power for the removal of any person with infectious disease, who could not be safely treated at home, to hospitals, to what hospitals should you remove them?—To contagious hospitals, pure and simple, having no relationship to any other institutions whatever.

11,643. Should these hospitals be built out of the rates?—No, not necessarily. Of course if the great body of the poor labouring under infectious diseases are sent to a proper quarter for their reception it must be built from public money somehow, either from the rates of the town, or from other sources. I am afraid that it would become necessary for the Government to build them.

11,644. Have you in Birmingham any hospitals to which the upper classes can go upon payment?—I am sorry to say we have none. Occasionally unusually sensible ladies have sent their children to the children's hospital, and have given a donation for that purpose; but the aversion on the part of the upper classes to sending their children among the children of the very poorest class is so great that practically it is scarcely usable for that purpose.

11,645. Are you aware that in various parts of Europe, and in the United States also, it is possible for persons to go, upon ample payment, to hospitals for this purpose?—I am very well aware of that, and in Edinburgh there are a few wards where that can be done.

11,646. Can you at all explain the circumstance that there are no such places in England?—I cannot explain it.

11,647. Are you aware of the fact that at this moment in even so great an educational institution as Oxford there is no place to which a student affected with scarlet fever or any other infectious disease can be removed out of the college, or even out of his lodgings, unless he should go to the ordinary wards of the hospital?—I was not aware of it, but I am not much surprised to hear it. The commencement of relief in reference to this great class of diseases has to be set on foot in this country. In continental hospitals there is generally ample accommodation for such purposes.

11,648. The idea now of an hospital is, that it is a place of charity, and not a sanatory institution. It is a sanatory institution which may be used only for charitable purposes, and not therefore for all alike, is it not?—Precisely.

11,649. But is there any reason why there should not be, for the general advantage of the community, some convenient places of this sort built, to which the idea of charity should not be attached?—There is no reason whatever. I have repeatedly suggested this in conversation, and I believe the day will come when persons, rather than subject their friends and their other children to infection from these sources, will see the propriety of placing them temporarily in some fitting quarter where they can be isolated from all other persons.

11,650. You have given us valuable medical evidence, from which I gather that you look to a great improvement in the public health from complete medical organization and inspection; have you considered the expense which would attend the changes which you propose, and do you think that if the poor law medical officers were also the public health officers there would be a large increase in the cost to the country beyond what they ought to have as union medical officers?—I do not think that there would be a large increase.

11,651. You think that you would have a superior class of men, with a higher class of duties, and that the question of emoluments would settle itself according to the ordinary laws of supply and demand?—Precisely.

11,652. The chief additional expense would probably be the skilled superior inspectors, who would be few in number, and who would be occupied, as the poor law inspectors are now, so that they could do nothing else?—Precisely.

11,653. In your experience in Birmingham, and the district round Birmingham, has your attention been drawn to any deficiency in the law, so that you would wish any particulars to be modified to enable the sanitary officers to do their work?—I think that the application of the Acts of Parliament should be compulsory, and I do not think it is satisfactory that the board of guardians, who are mainly appointed for economical reasons, should have anything to do with the working of the Sanitary Acts. In towns I would rather see the entire health department of the town, so far as it can be done in reference to matters unconnected with medical relief, in the hands of a committee of the town council. Speaking frankly, I should wish to see all boards of guardians abolished, and in rural districts I should like to see the entire organization a county organization, and I would affirm the old principle of English law in reference to magistrates being members of boards of guardians *ex-officio* a little more strongly than is now the case. I would rather see the work of poor law relief done under the supervision of magistrates, and if necessary by means of a considerable extension of that body, than I would see a board of guardians elected in the main by persons having no other object in view but the economical administration of the rates. I think that, in questions of health and the relief of the destitute, economy ought not to be the first consideration but the last.

11,654. That answer has reference rather to the mode of appointment of the authority than to the area of jurisdiction, has it not?—It has.

11,655. (*Mr. Lambert.*) Are you aware of the existence of separate fever hospitals in Ireland?—Yes; I am aware that there are many very admirable ones, which perform a most important function.

11,656. Sometimes they are in connection with county administration and sometimes in connection with poor law administration, are they not?—Yes.

11,657. But generally speaking they are separate buildings, are they not?—Yes; I know them well; they are most invaluable institutions.

11,658. With reference to county fever hospitals, what is the class of patients in them?—I do not know sufficiently, though I have been over them both in Dublin and in the provinces, to speak with confidence upon the subject.

* I now append the actual figures. The in-patients labouring under scarlatina and scarlatinal dropsy numbered 745; the deaths were 61, or rather more than 8 per cent. The home-patients numbered 195; the deaths were 28, or rather more than 14 per cent.

T. P. Heslop, Esq., M.D.

7 April 1870.

11,659. Are you aware that under the existing law persons can be taken into the fever hospitals which are under the management of boards of guardians by paying for going there?—I believe that they can be received just as in the Fever Hospital in London.

11,660. Do you know whether persons avail themselves of that right?—Yes, I believe they do very largely.

11,661. (*Mr. Cave.*) You have stated that infectious diseases are very often spread by tradesmen; I suppose that a tailor, for instance, taking home clothes is one of the ordinary modes in which infectious disease is spread?—I have no doubt of it.

11,662. What remedy would you propose for that class of difficulties or evils?—I am afraid that no remedy can be applied in the present state of civilization. I cannot suggest any remedy for such things.

11,663. I suppose that you would consider it too much to follow up that inspection which you mentioned by the publication of the names of infected houses?—I am afraid that that would be impracticable.

11,664. Have you any strong opinion with regard to conveyances for infected persons?—I have a very strong opinion upon that subject. At the same time it would be found more difficult to carry out the principle of a public conveyance than I believe is generally imagined. I have no doubt that infectious diseases are often conveyed by these means.

11,665. But have you formed any opinion as to the mode in which that evil could be remedied?—I have not formed any opinion upon the subject.

11,666. With reference to the unwillingness of people of the upper classes to go into hospitals, is there not an opinion that the atmosphere of a hospital is prejudicial to [the recovery of health?—I do not think that that has much to do with it, although 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, and so forth, do not do so well in hospitals as in private houses; but I do not think that the opinion prevails among the general public that ordinary maladies are impaired in their chances of recovery by being taken to hospitals.

11,667. If there was such an opinion, should you consider it well founded?—In reference to many English hospitals I think it is well founded. There is a large number as to which it is quite untrue, but there is a very considerable number where the crowding of beds in wards opening on to close corridors is so great that it is quite a fair supposition that the patients would not do as well in the hospitals as they would at home.

11,668. That of course would only apply to those cases in which the home was one of considerable comfort and size?—Precisely.

11,669. You stated that you would prevent any certificate of death being given in suspicious cases without an inspection of the body by a medical officer, would you consider that in such cases he ought to apply to the coroner?—If on inquiry he discovered that a child, for instance—as has occurred to us several times at the children's hospital— was an illegitimate child, four or five months old, with all the aspects of starvation about it, in such a case he would not be entitled to give a certificate of death until he had informed the coroner of the suspicious facts about the case; and under such circumstances a coroner's inquiry would no doubt be instituted, and the certificate would depend upon the coroner's order,

11,670. Is it within your experience that the coroner is frequently not communicated with when he ought to be?—Very often indeed.

11,671. In those country districts in which you state (and I think with perfect justice) that the medical officers under the poor law are very superior men, would you make any change in that system?—I think uniformity is so desirable that I should be very sorry to see one mode of giving medical relief in the country and another mode in town; I should like to see the whole medical service of the kingdom under one department.

11,672. The superiority of those medical men in country districts is caused, is it not, by their having considerable private practice, to which their practice under the poor law is supplemental?—Quite so.

11,673. Would you not destroy that advantage by bringing in another man whose duties would be chiefly under the poor law?—I would never take another man and put him into a village, and give him the medical appointment if there was a qualified man already in the village. The remuneration of the medical appointment would be too small to enable any man to live, and it would be unfair to the existing practitioner of the village.

11,674. You would probably get two inferior men instead of one good one, would you not?—Quite so.

11,675. But you would hardly expect the existing medical men to undergo the examination of which you speak, would you?—No. All that I said upon that subject would have no reference to existing officers, but would be prospective.

11,676. Did I correctly understand you to state that you would entirely vest the appointment of those medical officers in the central authority?—Yes, entirely.

11,677. Would you not expect considerable opposition to that from those who would have to pay them?—I entertain a very strong opinion that the medical department of the poor law, if I may so call it, should be paid, not out of the rates, but out of the imperial exchequer. The great need is the separation of medical relief from all other forms of relief, and the closest union of medical relief with sanitary action in its widest sense. My great object is to have the medical officers independent of the local rates, or of the giving of bread, or of money, as the case may be; and, at the same time, to make them the first observers of, and reporters upon, all sanitary work.

11,678. And that they should be considered as imperial officers paid out of imperial funds?—Exactly.

11,679. I think you stated in your evidence that those local medical officers would report to an inspector who was of a superior class any faulty arrangements in their districts; would you include in that report faulty structural arrangements of sewerage, for instance?—Quite so.

11,680. Then what course would be adopted by that inspector?—It would be his duty to report to his chief at certain periods of the year, and the reports issued by him would form the basis of the health department of the Government, and if after such reports they issued orders for a given town or district to be drained, or houses thrown down or less crowded, those orders should be final, and the local authorities should then be compelled to carry out such orders.

11,681. But would you prevent the local authorities from taking such action unless their orders came from the central authority?—As a rule I would.

11,682. You would not have a preliminary report from the medical officer to the local authority?—No, he should report solely to the inspector, and it should be the inspector's duty to place himself in relation to the local authorities; but the medical officers of the first instance should have no other duty in a sanitary point of view than to report to the inspector, who, I take it for granted, would be an expert specially qualified to deal with such questions.

11,683. Would it not involve a certain loss of time and power to report from the locality to the centre, and back from the centre to the locality again, in cases in which there might be no unwillingness on the part of the local authorities to take a hint?—In reference to matters of urgency, the medical officer of health would necessarily be enabled to do a large amount of work without going to the inspector. I am rather considering all those matters involving large expenditure or a change in reference to the outfall of drainage and various matters of that

kind, but in reference to the general work of the health officers I take it for granted that they would enjoy the power to order anything that might be needful, under urgent circumstances, so far as, for instance, regards the arrest of an epidemic, the shutting up of an over-crowded house, the closing of a cesspool, and other matters of that kind.

11,684. Would you give the health officer the power to do those actions without any reference to the local authority?—Yes, without any reference to the local authority.

11,685. Though such a course might involve an expenditure which the local authority would eventually have to defray?—Yes.

11,686. Do you think that that could be done without causing ill-feeling?—It would cause great offence and ill-feeling, no doubt, but I see no other means of getting over the difficulties affecting sanitary works.

T. P. Heslop Esq., M.D.

7 April 1870.

11,687. (*Chairman.*) Do you wish to add anything to what you have already stated to the Commission?—I wish to state that this very day, in the "Birmingham Daily Post," there is an account of the meeting of the Birmingham board of guardians yesterday, when five medical officers gave a detailed account of their work during the last year, the number of patients visited, the attendance, and the pay, and the number of midwifery cases. It is very important as regards all that I have said, and shows how much work a town board of guardians finds it possible to get from medical men for 205*l.* per annum:—

	District No. 1, Dr. Suffield.		District No. 2, Mr. Jackson.		District No. 3, Dr. Suckling.		District No. 4, Mr. Jones.		District No. 5, Mr. Darwen.	
	Total for the year.	No. per day.	Total for the year.	No. per day.	Total for the year.	No. per day.	Total for the year.	No. per day.	Total for the year.	No. per day.
All Cases	3,574	—	7,421	—	6,678	—	7,341	—	6,858	—
New Cases	1,594	4⅓	2,191	6	2,937	8	3,082	8⅓	2,398	6½
Domiciliary Visits	2,924	8	9,454	25⅔	5,695	15½	8,665	23⅔	7,403	20⅕
Patients attending Surgery	1,544	4	4,651	12⅔	2,107	5⅔	3,028	8⅓	3,642	10
Medicines, &c. sent without seeing Patients	1,628	4⅓	1,014	2⅔	1,750	4	468	1⅓	643	1⅘
Midwifery Cases	16	—	77	—	117	—	127	—	92	—
Total of Patients attending daily	—	16½	—	41	—	25*	—	33⅓	—	32

* The exact average number is twenty-five and five-sixths.

Average number of patients attended daily by each medical officer - 29⅔
Estimated at - - - - - - - - 30½
Sum paid to each surgeon - - - - - £205

In another table, in which the weekly averages of attendances by each medical officer were shown, the average number of the whole of the patients attended daily was set forth as being 30¼.

The witness withdrew.

(96.) The Rev. Thomas B. Whitehurst examined.

Rev. T. P. Whitehurst.

11,688. (*Chairman.*) You are chairman of the board of guardians at Warwick, are you not?—I am.

11,689. Could you tell us the number of parishes in that union?—Thirty-five.

11,690. Of which five parishes have local boards of their own?—Warwick, St. Mary, St. Nicholas Leamington, Lillington, and Milverton.

11,691. Are there also some towns of size, such as Kenilworth, which are within the union without any local boards?—There is no local board except in those five parishes.

11,692. What is your number of inspectors of nuisances?—We have three inspectors of nuisances.

11,693. What is the number of medical officers?—We have three medical officers.

11,694. Has the board of guardians at Warwick efficiently carried out its powers under the Sanitary Act with regard to the removal of nuisances?—The plan which we have adopted is by paying our relieving officers for inspecting all their districts. We pay two of them in the most outlying districts 14*l.* a year each, and one who has less to do 10*l.* They report to us, and we take steps immediately.

11,695. Who are your inspectors of nuisances?—The relieving officers.

11,696. And you think that they are better than the police, for instance, or than any other body?—I think so, because their duties lead them very much amongst the poor, and necessarily introduce them to all objectionable things.

11,697. Are you in the habit, in the execution of your duties as a board of guardians, of acting by committees in any cases?—Yes.

11,698. Will you state the plan which you adopt in that way?—On any particular point a committee is elected by the board. That may be for only one object. I think that in a sanitary point of view it would be better to have a standing committee for the year, because there are very many different views on sanitary matters, and possibly what one committee might disapprove of, another might not see an objection to, which might lead to litigation.

11,699. Do you think that your board of guardians would be able to carry out all functions of sanitary administration through the whole union, if an Act gave them such powers?—Yes.

11,700. And do you think that it would be a good body to execute such duties?—I think it would be the best body.

11,701. I understand you to think that if they had such duties imposed upon them they should act by a permanent committee?—I think so.

11,702. Do you mean committees elected for the year, like the assessment committee?—Yes. I think it would prevent anything like difference of opinion. There are so many different opinions upon sanitary matters that I think it would be far better vested in one body.

11,703. What do you think would be the objection to acting by committees on sanitary matters as you say you habitually do in other matters, that is to say by committees appointed for particular purposes and occasions?—There are committees appointed for one

Rev. T. P. Whitehurst.

7 April 1870.

specific purpose, and there is an end to it, but if we had two or three committees upon the same thing, I think it would make all the difference.

11,704. In what way do you mean that it would make all the difference?—I think there might be a difference of opinion on the committee which would be very prejudicial.

11,705. Would it not be an objection that a standing committee might charge a particular parish with very considerable expenditure for works, and have no guardian upon it representing the parish about to be charged?—The thing was mooted at my board of guardians last Saturday, and they came to a resolution (of which I am not prepared perfectly to approve) that they thought no guardian ought to act upon a committee upon matters connected with his own parish.

11,706. Would not that be rather contrary to the principle of representation?—I confess that it did not quite agree with my views of the case, but that was the decision of the board.

11,707. Supposing the town of Kenilworth to be charged with a very considerable outlay for drainage, would not Kenilworth object very much to have that charge imposed on them by a committee of guardians upon which they were not represented?—I should think they would.

11,708. But still notwithstanding that, do you prefer the permanent committee?—I think so.

11,709. But how would you get ever that difficulty?—It could not be got over in all cases, because you could not have a committee for the whole board. I do not know how that difficulty could be completely remedied.

11,710. Would any ratepayers in England submit to be charged without having a voice in the imposition of the charge?—Perhaps not.

11,711. Have you frequently occasion to resort to special committees for a particular occasion?—I will not say that it occurs frequently, but if there is any question of importance connected with the workhouse administration, a committee is formed—for instance, in case any additional building is to be attached or anything of that kind—and they report to the board.

11,712. Have you ever had to form a committee for the abatement of a nuisance?—No; we find no difficulty in that. Our relieving officers have always reported every nuisance which has come under their notice, and I think that we have not had any difficulty excepting in two or three instances, and they have been immediately remedied. The parties have had a notice given to them, and they knew that if they did not attend to that notice, legal measures would hang over their heads. We have never had any difficulty of that kind.

11,713. In the cases in which you have had difficulty, had you to get the parties summoned before the magistrates?—I do not think that we have had a single case of the kind.

11,714. Do you find in your board of guardians that the guardians from the more populous places are the most intelligent and active members of your board?—Yes, that I think certainly is the case.

11,715. And probably they take the most part in your discussion?—Yes, I think I may say that for the most part they do so.

11,716. And probably they attend more regularly than the guardians of the small villages?—Yes; we have some very small parishes and outlying parishes, and we see very little of the guardians from them, but for the most part they attend regularly.

11,717. Do many *ex-officio* members attend?—Yes; we have 52 guardians altogether, *ex-officio* and elected guardians.

11,718. Do the *ex-officio* guardians attend?—Perhaps four or five of them attend very regularly. I think about 45 are elected guardians.

11,719. Supposing that a committee were formed, like the assessment committee, for a year, for all sanitary purposes as distinct from poor law purposes, of how many do you think such a committee should consist?—I think a dozen.

11,720. Should they be chosen by the board of guardians every year?—Yes.

11,721. Do you think there is any weakness in the action of the board owing to their being re-elected every year?—I do not.

11,722. Is it generally the case in your union that the same guardians are re-elected?—Very much so. I think the greater part are standards.

11,723. What should you think of a proposition for their being elected for three years instead of one year?—I do not think that it would be an improvement.

11,724. Why do you not think so?—I think that their being elected every year equalises the thing better. It is a point that has never occurred to me before, and I am hardly capable of giving a reply to it; but I do not see the advantages of it.

11,725. How does the second proposition strike you, that one-third should go out every year, so that there should always be one-third elected and two-thirds remaining?—I do not really see the benefit of it.

11,726. If boards of guardians were made boards of local government, and had to deal with great works of sewage and drainage and so on, which works could not be executed within the year, would you consider it desirable to make the body which had to superintend them more permanent?—Certainly. I think that by their going out annually the ratepayers, if they are dissatisfied, have a means of redressing themselves which they would not have if the election took place only once in three years.

11,727. Have you ever considered whether highway boards, if established universally over the kingdom, might be better bodies for local government than the boards of guardians?—I cannot say that I have.

11,728. Then I understand from your former answers that what I will call the occasional committees which you appoint are chiefly as to matters connected with the workhouse?—They are.

11,729. They are not appointed in any case for matters connected with the union generally?—No, they are generally for matters relative to the workhouse. It is impossible to state all the points upon which committees have been appointed, but they certainly are very rare with us.

11,730. Do you think that if sanitary functions were added to those of the boards of guardians, any guardian doing his duty as a sanitary officer very actively would necessarily become unpopular by doing so?—It would depend upon the way in which he carried it out, of course. That feeling was canvassed at the board the other day, as I stated, and there was a difference of opinion as to whether a guardian should act upon the committee in matters with reference to his own parish or not. Unless the guardian did act upon matters concerning his own parish, I do not see how you would manage. It would not be, I think, quite the thing for strangers to come in and legislate, and he would be more likely to be conversant with the state of the case than a stranger.

11,731. You do not think that there would be any danger in a guardian becoming odious as a very active sanitary officer, losing his election as a guardian, so that the board would lose his services?—Not by any means, because in all probability the nuisance upon which he was called upon to legislate would be that of a very inferior person, and would not at all interfere with his election in the parish.

11,732. But though the nuisance might be one occasioned by an inferior person, yet the expense of removing it or the expense, say of drainage works, might be very distasteful to the ratepayers, might it not?—I do not think that would make any difference.

11,733. Is it not your experience generally that guardians are very averse to incurring expenditure?—No. I can only say with reference to my own guardians, with whom I have been connected for many years, that I have always found them extremely liberal, and always most willing to carry out any improvement which was suggested.

Rev. T. B. Whitehurst.

7 April 1870.

11,734. (*Lieut.-Col. Ewart.*) Have you adopted the new Act for the highway boards?—Yes.

11,735. Supposing that there are places where that Act has not been adopted, and that the board of guardians were to undertake sanitary works, do you not think that it would be an advantage that they should also have the control of the highways?—Upon that I am hardly competent to give an opinion. Generally speaking the guardians are a class of persons who ought to be as conversant with those things as any men can be. I am not prepared to give an answer to that.

11,736. (*Mr. Powell.*) I understood you as suggesting that the inspector of nuisances and the relieving officer shold be the same person?—Yes.

11,737. Do you intend that that should be a rule of universal application, or only applicable where a population is comparatively sparse?—I think that it should be universal.

11,738. Do you think that you could apply the same rule to towns?—Yes, because I know of no person who has such opportunities of becoming acquainted with nuisances as the relieving officers. The nuisances are, generally speaking, in the lowest class of cottages.

11,739. You think, then, that he principle of the division of labour which obtains so much in this country and in all civilized countries would not suggest a division of labour where the houses are close together, as in the centre of Birmingham, or Manchester, or the like?—No.

11,740. Do you think that boards of guardians, acting by permanent committees for sanitary purposes, should delegate their power wholly to those committees as long as they exist, or should the committee refer questions back to their board for final decision?—I think that the committee should certainly have the power to act.

11,741. (*Chairman.*) Upon the assessment committees do the *ex-officio* members attend more regularly than they do on the general board of guardians?—I think not.

11,742. That is to say that they attend well in both?—Yes.

11,743. Do you think that the owner's interest is sufficiently represented in the assessment committee?—I think perfectly so. I can only speak as to our committee at Warwick which seems to give general satisfaction.

11,744. You cannot suggest any better body to carry out the local government of the Warwick union than that committee of the board of guardians?—Certainly not.

11,745. Should you say generally that in your union such a body of local government is wanted?—Yes.

11,746. In what respect do you think that your union requires a better body of local government than it has at present?—As we are at present constituted we remedy nuisances, but we do nothing towards improvements. If a nuisance is represented to us we immediately get rid of it, and there is an end of it; but there is nothing done to put things in a better state, and to obviate any forthcoming nuisance.

11,747. When you speak of putting things in a better state, do you refer chiefly to drainage and sewerage?—Yes. Those are our main necessities, and without any improvement or relief.

11,748. Do you think that supposing a committee of guardians formed as you propose at Warwick had all those powers of local government, they would exercise them?—No doubt they would. They would remedy old nuisances, but I am not prepared to say that they would interest themselves in promoting a better state of drainage.

11,749. You think that one step further would be necessary, namely, that the central authority in London should send down inspectors, and find out what was wanting, and then set the board of guardians to work?—This might be necessary.

11,750. But supposing that there was such a machinery to set them to work, do you think that it would be an affective body?—Yes.

11,751. In your union do you think they would find much to do in the way of drainage, sewerage, and water supply which is not now done?—I do not think they would.

11,752. I suppose that your union is perhaps one of the best conditioned unions in England?—I should think that it was. Some grievances, of course, might be found out, and improvements suggested, but as a whole I think I may say that it is in as good a state as most unions which I have seen.

11,753. I suppose that nobody knows better than you the general condition of the country round you; and would you say, generally speaking, that the drainage is good in the country districts?—I think it is very good.

11,754. And is the supply of water good?—It is very good indeed.

The witness withdrew.

Adjourned to Monday next, at 12 o'clock.

Monday, 11th April 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL of DUCIE.
The Right Hon. STEPHEN CAVE, M.P.
Lieut.-Colonel EWART, C.B., R.E.
GEORGE CLIVE, Esq.
FRANCIS SHARP POWELL, Esq.
BENJAMIN SHAW, Esq.
FRANCIS THOMAS BIRCHAM, Esq.

(97.) CHARLES JOHN BLAGG, Esq., examined.

C. J. Blagg, Esq.

11 April 1870.

11,755. (*Chairman.*) You are a resident at Cheadle, in Staffordshire, are you not?—I am.

11,756. What public offices do you hold there?—I am a member of the board of guardians, clerk to the magistrates, and clerk to the trustees of the Cheadle district of turnpike roads.

11,757. What is the local authority of sanitary matters in Cheadle?—The local authority for certain purposes is the board of guardians, for other purposes the vestry, and I think that for one purpose the magistrates in petty sessions are to be considered the local authority.

11,758. Of what union is Cheadle a parish?—It is the centre of the Cheadle union.

11,759. Of how many parishes does that union consist?—It consists, I think, of 15 townships.

11,760. What is the population of the town of Cheadle?—The population of the town is 3,191, according to the last census. The population of the parish is 4,803.

C. J. Blagg, Esq.

11 April 1870.

11,761. How do you distinguish the town from the parish?—The parish of Cheadle is divided into four quarters. It is the only case I know of in which there is a legal division of a parish of that sort. There is the Town quarter, the above Park quarter, the Huntly quarter, and the Grange quarter, and those quarters have separate jurisdictions with regard to highway matters, though not with regard to poor law matters.

11,762. In what sense do you call that a legal division?—It is a legal division in this way, that from time immemorial each quarter has had the power of appointing its own highway surveyors, and of managing its own highway rates. The parish survey and the parish plans are divided in the same way; instead of having one parish plan, as in most other parishes, there are four plans, each plan containing the fields and houses, and so on, in its own quarter. For poor law purposes we are one entire parish, with one set of overseers having jurisdiction over the whole.

11,763. I suppose that ecclesiastically Cheadle is one parish, is it not?—There are district churches, but ecclesiastically it is one parish.

11,764. (*Mr. Powell.*) Are those district parishes under the recent Church Building Act?—They are district parishes of which, under the Act of the session before last, the incumbents are constituted vicars, but they are hardly district parishes.

11,765. (*Chairman.*) When you say that the local board of guardians is the local authority for matters of nuisance removal, and that the vestry is the local authority for sewers and other purposes, is it the fact that in the one case the board of guardians is the local authority for all four quarters, and that in the other case the vestry is the local authority separately in each quarter?—The vestry have the same powers over all the quarters with regard to matters which are placed under their supervision by the legislature that the board of guardians have.

11,766. Then is there one vestry for all four parishes?—There is the ordinary vestry which every parish has, and which has jurisdiction over all four quarters. The division into quarters, as far as I know, only extends to highway purposes, with regard to highway rates and highway surveyors.

11,767. Then where you speak of the board of guardians as the local authority for certain purposes, and of the vestry as the local authority for other purposes, do you mean that they are both local authorities for the population of 4,800, or only for the population of 3,190?—For the population of 4,800.

11,768. Can you state what is the rateable value of the area over which they are local authorities?—The area of the parish of 6,701 acres, and the area of the town is 753 acres. The rateable value of the parish is 17,700*l.*, the rateable value of the town is 7,950*l.*

11,769. What rates are levied separately on the town and not on the parish?—None except highway rates.

11,770. Is the poor rate levied over the whole parish in one fund?—It is.

11,771. Are there any other rates besides poor rates and highway rates?—None, unless the gas rate, under the Gas Lighting and Inspection Act, is to be considered a separate rate. That is the only thing separate from them.

11,772. Will you state generally how far you think that the present local authorities carry out all the proper requirements for health in the place, or how far they are deficient either in power or in action?—I think they are deficient in both respects—both in the power and in the will, if I may say so. Perhaps the best way of explaining how we stand with regard to these things will be to give a very brief history of what has actually accurred in the parish since the passing of the Sewage Acts of 1865 and 1866. When those Acts were passed I was asked to look into them, as a member of the board of guardians who possessed perhaps rather more knowledge of Acts of Parliament than most of the members. I did so, and I made a rather careful summary of the existing laws upon the subject, which had to be extracted from a great number of Acts of Parliament, as well as I could. At my suggestion the clerk to the board of guardians was ordered to send, in the year 1866, a circular to the churchwardens and incumbents of every parish in the union, calling their attention to those important Acts of Parliament which had just been passed, and suggesting that the incumbent and churchwardens of each parish should call a vestry meeting in their respective parishes to consider the propriety of taking steps under the Acts of 1865 and 1866. So far as I know scarcely any parishes called a meeting. I believe that in one or two parishes meetings were called; but certainly not in one parish in the union was anything done to adopt the Act, with the exception of Cheadle, which is, of course, the most important parish in the union.

11,773. When you speak of "adopting" the Act, do you not rather mean applying the Act, because the Act did not require adoption?—I think it does, because it is entirely permissive, and unless the vestry choose to take the privilege or put in force the powers which those Acts put in their hands, I do not see that the Acts can be said to be put in force. I call it permissive legislature; it gives an option to each parish to put those powers in force or not.

11,774. You mean that there is no means of compelling the parishes to put the Acts in force?—The only means of compulsion that I am aware of are the powers which the Secretary of State has, and which, practically, I think you will find amount to very little indeed. In the month of August the matter came before our own vestry of Cheadle, our rector being in the chair, and I got one of my clerks to copy from the parish minute book the exact record of what took place, thinking that that might be more valuable to the Commission than my own recollection of it. I find, on refreshing my memory by reading over the minutes, that on the 30th of August 1866 the following resolution was moved by one of the churchwardens, seconded by myself, and carried unanimously:—"That "the drainage of the Town quarter of this parish "being very defective, a committee be appointed to "consider the best mode of making such drainage "effectual, and to report their opinion to the vestry." Then nine gentlemen, whose names I need not trouble you with, were appointed on the committee, representing pretty well all classes in the district.

11,775. Were those nine gentlemen guardians, and was that committee a committee of the guardians?—No; as a matter of accident, I see that one of them happened to be a guardian and only one. I may state that there were two medical men upon the committee, and the clergyman of the parish was on the committee. I myself asked to be excused from serving on the committee, as I had not much time to give to running round and looking into details of this sort.

11,776. Was that committee a voluntary association?—It was in one sense a voluntary association, because it was a preliminary; but, strictly speaking, I take it that it was regular under the Act, because the Act constitutes the vestry the sewer authority, and gives them the power of delegating any part of their authority to a committee of their own body, and this committee was a committee of the vestry. Then the next resolution was this:—"Resolved that the "committee be authorized to call in the assistance of "some skilled person or persons, and to defray the "expense in the manner provided by the Sewage "Utilization Act, 1865." Then the meeting was adjourned to the 13th of September, and on the 13th of September the committee reported as follows:—"Parish of Cheadle. The committee appointed at "the vestry meeting held on the 30th day of August "last, find the drainage throughout the Town quarter "very defective, and recommend that a public drain "or sewer be made along each street, at the expense "of the sewer authority, and that every owner and "occupier of house property within the district be

C. J. Blagg, Esq.

11 April 1870.

"required to lay a sufficient drain from his or her "property into the public drain. Dated the 8th day "of September 1866." This was signed by the chairman and six of the other members of the committee.

11,777. Under which section of the Act of 1866 did you do that?—I consider that it was under the 6th section; but I may say that there is no practical importance in that, because the skilled person never was called in, and the expense never was incurred.

11,778. Do you consider that under the 4th section of the Act of 1865, you, as the sewer authority, being a committee of the vestry, had power to order such drains to be made, and to make the owners and occupiers to fall in with your plan?—Yes. I read the Act (and the vestry adopted my meaning of it), that public drains were to be made by the sewer authority out of the local rates, but that every individual owner and occupier was bound to make his own communications. Then the next resolution was this:—"It was moved by Mr. Blagg, seconded by "Mr. Thacker, and carried unanimously: 'That a "meeting be duly convened for the purpose of form-"ing the Town quarter of the parish into a special "drainage district.'" That I may explain was under the powers of the Act of 1866, section 5, which requires 21 clear days' notice, and so on, and certain forms to be complied with, and then you may form a parish or any portion of a parish into a drainage district.

11,779. (*Mr. Powell.*) The Act enables you to form a part of a parish into a drainage district, but does it enable you to form a whole parish into a drainage district?—I think the use of those words legally enables you to form the whole of the parish into a drainage district.

11,780. But the parish is the unit under the Act, is it not?—But it is a portion of the district. You may take the whole district of the Cheadle poor law union under this Act, and you may throw half a dozen parishes together for the purposes of the Act of 1856. The section says that the sewer authority of the district as a vestry may, by resolution at any meeting convened for the purpose after 21 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 be deemed to be a parish, and so on, in which a rate is levied. I take it that for the purposes of this Act, where a resolution of this kind is passed, the specified portion of the parish becomes a parish of itself. The next meeting was held on the 8th of October 1866, pursuant to the legal notice, and then it was proposed, seconded, and 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." I may explain that there was a very stormy meeting. Usually our vestry meetings are very thinly attended indeed, but this was very numerously attended. No doubt a sort of impression had got abroad, and particularly amongst the smaller ratepayers, that a great deal of expense would be caused by these proceedings being carried out, and we had very hard work to persuade them to vote in favour of this resolution, and, as far as I recollect the circumstances (I was there myself), we were only able to persuade them to do it by hanging out a sort of threat of the Secretary of State before them, and representing that if we did not do something for ourselves, the Secretary of State would probably come in and do more, and put us to much more expense than if we legislated for ourselves.

11,781. (*Chairman.*) Was that under the 49th section?—I believe it is the 49th section. Then I see on referring again to the parish vestry minute book, that the next meeting on the subject was held on the 14th of March 1867, pursuant to legal notice, and a resolution was then moved and seconded, "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." An amendment was moved and seconded that no committee be formed, and that amendment was carried by a large majority. That ends the little chapter of our attempt at carrying out permissive legislation in the parish of Cheadle. That is all that we have done, and all that we have been able to do. I think it may be of some little value, because really the resolution, as the Commission will observe, was a very prudent and cautious resolution. It was only to carry out simple improvements, and an estimate of the expenses was to be laid before the vestry for their sanction before they even commenced operations at all.

11,782. The amendment was carried by an enormous number of small ratepayers against the more intelligent part of the population, I suppose?—I daresay a great many of the large ratepayers would be found amongst them; but I think I may say, without any impropriety, that probably the more educated and intelligent class of ratepayers were in favour of the original resolution. I do not think that there is anything exceptional in the state of the parish of Cheadle. I think it is a fair average specimen of what people are in country parishes, and I do not think there is any particular want of public spirit, or any particularly narrow view of these questions.

11,783. What are the facts which prove the want of drainage at Cheadle?—I may explain, with regard to Cheadle generally, that it is not at all an unhealthy place. The death-rate for the last 10 years is about 22½ per 1,000, and in considering it, it ought not to be forgotten that a portion of that death-rate arises, from the old and infirm people who come into the workhouse from all the district, who are counted in that death-rate. There are 11 deaths annually in the workhouse, and the average number of inmates in the workhouse is very small. I think it is something under 100 generally.

11,784. What then proves the want of drainage?—Simply the fact that we know that there are not sufficient drains for decency rather than for health. The desire to carry out a system of drainage arises, perhaps, rather from the wish to avoid unpleasant odours than from the fear of the actual outbreak of disease, because we have been very free from all that sort of thing.

11,785. Are there places where sewage collects and is not removed?—I do not think that practically there is any very great evil arising from the collection of sewage. It is a place where we have a good deal of rain, and where the natural drainage is exceedingly good. We are on a dry foundation, a sandstone and sand and gravel formation, and it is an exceedingly healthy place. We have a very good fall, and good water, with plenty of fresh pure air blowing from the North Staffordshire moorlands, and we are not crowded at all as to our population.

11,786. Are there any localities where fever usually exists?—No. I think there is nothing that can fairly be pointed out as in the least exceptional. We have, of course, like other places, an occasional outbreak; but we never have anything which I could lay my hands upon and say that it was traceable to any particular bad drainage or to any particular sanitary defect.

11,787. What officers are employed by the local authority for the inspection of nuisances?—The relieving officer is appointed by the board of guardians inspector of nuisances under the Nuisance Removal Act.

11,788. What is his pay for that particular purpose?—He is paid 10*l.* a year for that purpose.

11,789. Is he an effective officer for the purpose?—He is a very intelligent man, and if he had nothing else to do I think he would do it very well.

11,790. Do you think then that his other occupation would prevent his effectually inspecting and

C. J. Blagg, Esq.

11 April 1870.

reporting upon nuisances?—He is relieving officer over the whole of the district, which comprises a very large area, and he has to walk over the whole of his district, and I think his time is very fully occupied. He certainly cannot give sufficient time to the important duties that ought to devolve upon the inspector of nuisances.

11,791. But in the discharge of his duties as relieving officer must he not become cognisant of almost every nuisance?—That is saying a good deal. I think that he sees the front door, for instance, rather than the back door, where he goes, and he does not look up the privies and cesspools, and that kind of think. He naturally avoids unpleasant things, I take it, as much as he conveniently can.

11,792. You have no person appointed who might be described as a health officer?—No. Of course we have the ordinary poor law medical officers.

11,793. Would you suggest any better officer for the double purpose of inspecting nuisances and looking after the health of the district?—As regards our own Cheadle district, I have already said that practically I do not think we have any very serious grievance, because nature has been exceptionally favourable, I think, to our district, but I think we have done very little for ourselves. As a general question I think there is decidedly very great room for improvement.

11,794. Have you formed any opinion as to what class of men would be the best inspectors of nuisances in such districts as those which we may call semi-rural districts?—Looking at the question broadly, as a general question, if I am asked to give my opinion upon it, I should say that the whole sanitary system requires revision, so far as I can judge. If I am not presumptuous in saying so, I think that the sanitary system of the country wants a total revision.

11,795. Before we ask what is your general view as to what should be the sanitary organization of the whole kingdom, will you complete your information with regard to what has gone on at Cheadle?—With regard to Cheadle, we suffer, I think, as all rural places must suffer, from the confusion and conflict of authorities. In my view, it is not a satisfactory state of things that ordinary people should not be able to tell where the powers of the guardians end and where the powers of the vestry begin. In the same way it is unsatisfactory that there should be confusion and doubt as to what power the magistrates have over the inspection of lodging houses and so forth. Then, again, I think that even for local matters it is not satisfactory that an inspector of nuisances should be a man who has other and more pressing duties to perform. I think that he should be a man who should give something like his whole time to the duties. With regard to local drainage, to show how far the local sewerage is deficient, I may just say that the only drains that we have, so far as I know (and I believe I know correctly all about it), are drains that have been put in by the turnpike road authorities through such portion of the streets as belong to the turnpike road trustees, that is to say, such portions as are vested in them by their Act of Parliament. There have been no public sewers laid down by any local authority otherwise than that, and those drains are small drains, and are not very artistically done, as far as I am informed. They are 9-inch drains, with brick sides and stone covers—a very rustic sort of drain to carry off the sewage of the town.

11,796. Where does the sewage empty into?—I may explain that there is this exceptional feature about Cheadle, that there are singularly few water-closets in the place. None of the cottages, or houses at all of that description have waterclosets, and a great number even of the better class of houses are without them, so that the sewage question is not so serious a matter as it is in most towns.

11,797. What is done with the contents of the privies?—They are emptied as they get full. Every man does that which is right in his own eyes, and empties his privy or cesspool when he thinks proper.

11,798. And uses it in his own garden?—He uses it in his own garden, or in his neighbour's field or garden, or wherever he can get it disposed of to the best advantage.

11,799. What is your water supply?—The principal water supply is derived from a waterworks company, started as a 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 in quality, from that source.

11,800. Of well water?—Of well water, and besides that, there are a great number of people who do not use the company's water. There are a number of springs and wells and private pumps sunk by private individuals on their own premises.

11,801. Is there an abundant supply of water, both for drinking and for washing?—There is a very fair supply, but no doubt it would be useful if any means could be devised to make the owners of cottage houses on some terms or other lay on the public water where there is no proper supply handy. I think the people are not so cleanly in their habits from the difficulty of fetching water from a distance. Many of the cottagers fetch their water from a well or spring at some distance off.

11,802. Would you have water enough for flushing your sewers if you had sewers?—As far as I know I think we should, because our dry times are not generally very long. Such a summer as we had the summer before last would be about the only time when we should be really tried, I think, with regard to a deficiency of water. As an instance of how partial and inadequate the drains are, I may give my own case. I happen to live just on the outskirts of the town on the Leek Road. My house stands about 50 or 60 yards back from the public road, and is the last house, except a few cottages farther on in that direction. I have a clear country before me, but in the road which runs just below my boundary wall there is no drain whatever. In my house there are three waterclosets and a bath room, and so on, and there is a good deal of drainage, and of course a good deal of sewage to dispose of somehow. If it did not happen that by accident I hold the field opposite, I should have very great difficulty in disposing of the sewage from my house, because I have no power as a private induvidual to take up the public road, and if I had the power I should have to be at the expense of connecting it with the drain, which is probably about 300 yards off. That is a state of things that in my opinion ought not to exist. I think that a private individual ought without difficulty and great expense falling upon himself to be able to dispose of the sewage in some satisfactory way.

11,803. Supposing that you had a complete sewerage system, what do you think would be the best plan of finally disposing of sewage in Cheadle?—I am inclined to think that for a small place there should be several outlets, and that it is more conveniently dealt with in that way. If you have several different outlets you may sell and dispose of the sewage to several farmers, or people with gardens, and so on, in the neighbourhood, without any danger of polluting your streams, and without any particular expense or difficulty.

11,804. Do you think that would be better than that the town should undertake to utilize the sewage on a grand scale?—I do not think it would be important enough in our district for that. I think the machinery would be greater than the thing is worth.

11,805. Will you now proceed with your general views?—My idea about sanitary matters (which is rather a crude one, I dare say) is this, that no local body can ever be effective in rural places. To take them seriatim, there is the board of guardians, who are an unpaid body, to begin with, and do not object to give up a few hours a fortnight to their duties, but I do not think that they are a body who are at all qualified to undertake really important and permanent sanitary duties of this description. To begin with, they are collected from all the parishes in the union, and practically the thing would be left to the guardians of each parish. Taking Cheadle as an instance, the sanitary works of Cheadle would be left entirely to the Cheadle guardians, and the other guardians would not care about it and would not interfere; they would say it was a matter that did not affect them, and that the Cheadle guardians must do it. I certainly could not myself undertake to give up a greater amount of time to duties of that description than I do as sitting as a member of the board of guardians for ordinary purposes, and so far as I have noticed there is a feeling abroad that these nuisances Acts and sanitary Acts are very subordinate matters as regards the attention of the board, and that it is their duty to attend to the relief lists and the contracts and the medical matters, and these sanitary matters come on at the end of a long board day, and not very much time or attention is given to them.

11,806. How many inspectors of nuisances do the board of guardians appoint in the whole union?—The relieving officer is the inspector of nuisances for the whole union.

11,807. Do you think that the board of guardians, supposing that it was made a board of local government generally, and that even its name was altered, would find much additional labour imposed upon it if it had to look after the sanitary Acts as well as the poor law Acts?—I do not think they would, because they simply would not do it; but if they did, I think they would find much additional labour imposed upon them.

11,808. Supposing that the central authority (whether it was the Home Office, or whatever the central authority might be in London) had a body of inspectors going round, something like the poor law inspectors, and that it should be their duty to find out what sanitary works were neglected, and that they should compel the guardians to see to the abatement of nuisances, then the board would be operative; and in that case, do you think that its labours would be excessive?—No. My own idea is very much what you have just indicated. I think, myself, that the way to deal with sanitary matters would be to have a permanent sanitary board, or board of health, or whatever it might be called, in London. I would suggest that it should not be even a board whose president lost his office with any change of administration, but that he should be the permanent president of a body something like the Charity Commissioners in that respect, and that they should have power to appoint district inspectors who should be men of a superior class, who might have districts something nearly commensurate with the poor law inspector's districts (I forget how many districts there are at this moment of the poor law inspectors, but I think they take half a dozen counties each, or something of that kind); and I would recommend that each union should have a kind of working inspector, who I think might be got to do the work very well for a salary of 70*l.* or 80*l.* a year, and who should be stationed in the head parish of each union, and devote his whole time to the duties of his office, and make reports from week to week to his head officer, who should have power to give the resident sub-inspector power to deal with small matters; and I should give that district inspector, subject to the approval of the central board in London, power to deal with structural works.

11,809. Why do you prefer a permanent commission like the Enclosure Commission as the central authority, rather than such a person as the President of the Poor Law Board, who changes with the ministry?—I take it that the point we ought to consider is the advantage of the country, and not the advantage of the individual who happens to fill the office; and although it may be a convenient political arrangement, and calculated to give promotion where promotion is due, I myself do not see any sufficient reason why that should be a changing office. Of course I speak with diffidence, because I really do not know how it works in practice; but my idea, as an outsider, is that whenever an office of this sort is changed the new president has to learn his work, and if he does not learn his work he has to lean upon his subordinates, and I do not think it is desirable that an officer of that kind should take many months to learn his work when he succeeds a man who has already thoroughly learnt it.

C. J. Blagg, Esq.

11 April 1870.

11,810. You have at this moment in Cheadle both poor law inspectors coming down from London, and also inspectors of factories sent down by Government, have you not?—Yes.

11,811. Do you think that either of those inspectors, either the poor law inspector or the inspector of factories, could undertake such an inspection in sanitary matters as that to which you are now referring?—I decidedly do not. I think that it is one of the great evils of modern legislation that with a laudable desire for economy we have missed efficiency, from trying to combine too many offices to save expenses.

11,812. Could not the poor law inspectors come into your union at your board meetings and receive reports of all nuisances and sanitary matters?—They could no doubt do so, but I think the same objection would apply to that as I have already intimated with regard to the guardians, that in the inspector's mind sanitary matters would have only a subordinate place. The poor law inspector (taking him as a sample of his class) has got into a sort of mental groove, and looks upon poor law matters as matters that fall within his department, and he would naturally look upon these new duties as subordinate, and be inclined to shelve them, as, so far as my experience goes, guardians usually do.

11,813. Do you think that if those subjects were not referred to the guardians as a whole, but to a committee of the guardians constituted in the same way as an assessment committee now is, such a committee would be more active and attentive to such matters?—I think it would practically come to that, whether you called it a committee or not, that it would be practically referred to the guardians who had a local knowledge and a local interest, but I do not think that it would be really effective even if it were done in that way, because I do not think the guardians have time enough to give to it, and of course they are resident in the district, and they have their own interests conflicting to a certain extent with their duty. I think we have a very good average specimen of boards of guardians at Cheadle, but I do not think they would be able to take a thoroughly unbiassed view of a question which affects their own pockets as ratepayers.

11,814. But in those sanitary matters the committee would be generally taking money out of the pockets of their neighbours, rather than out of their own, would they not?—Most of the members of the board of guardians are large ratepayers, so that they would be contributing themselves in a considerable degree.

11,815. They would be contributing to the common fund, but in the case of neglected nuisances in any particular parish, or in the case of any particular parish requiring drainage or water supply, then the general committee of the board of guardians would be dealing with the money of their particular parish, would they not?—Yes; but then again the objection would step in that you are setting a man to take a step which is looked upon as hostile against his neighbour, and that is a thing that in rural districts people are very loath to do. They do not like to offend a man who lives next door to them, or whom they meet constantly at the board, or at market. It seems to me that it would be just as wise to have the whole tax system worked by local people, instead of having tax surveyors responsible to Government.

11,816. Has your assessment committee worked well?—Yes, very fairly, I think.

11,817. Has it been well attended and has it executed its work satisfactorily?—I think very fairly. It is not satisfactory to many ratepayers because they think themselves overcharged, but I do not think there is any great ground for complaint. They have certainly devoted a great deal of time to it.

11,818. Why should a sanitary committee be less

C. J. Blagg, Esq.

11 April 1870.

active and intelligent than an assessment committee?—The assessment committee is merely dealing with a thing on paper and a matter in which nobody knows what steps anybody may have taken. The assessment committee meet with closed doors, *quoad* the public, certain items are written down, nobody is responsible for it, and there is no sort of feeling of hostility. If anybody is charged more or less they cannot lay their finger upon anybody and say so and so has done it. But if the committee of the board of guardians had to summon people before the magistrates, or to give them notice to abate nuisances, and to follow that up by proceedings before the petty sessions, it would be looked upon no doubt as a sort of hostile litigation as against the party who is pointed out, and that is a kind of thing that from my practical experience of country neighbourhoods, farmers, and so on, are exceedingly loath to adopt.

11,819. It is the duty of the board of guardians now to summon persons who create nuisances before magistrates, is it not?—I may state as an instance of what they do in our district that nobody has been summoned yet in our district, and lots of people ought to have been.

11,820. In the performance of your duties as a board of guardians do you ever form committees for special purposes?—Yes, we have a committee for finance and we have a visiting committee. I think, so far as I recollect, these are all, except the assessment committee. They have a visiting committee who go through the workhouse prior to the regular board meeting on every board day.

11,821. If you had some great nuisance reported to you, or if some great work that you thought it was necessary to carry out came before you, should you form a committee for that particular purpose?—I take it that structural works are not within our department, but that structural works fall within the sewers authority. There is another instance of what I think is a defect in the legislation, that the jurisdictions and the duties are so very apt to conflict.

11,822. I think that up to 1*s.* in the pound the board of guardians have structural powers in case of the necessity of laying down a sewer or other structure, for the removal of a nuisance; is not that so?—Just so. I see on referring to a summary that I made in 1866 when this action was taken, that I came to the conclusion that the 18th & 19th Victoria, cap 121, sec. 22, was the only clause which gives the guardians power to lay down sewers, and this appears only to apply to house drains, and limits each year's assessment to 1*s.* in the pound, and gives no power to borrow money on rates. On the other hand, the Acts of 1865 and 1866 give vestries and their committees extensive powers to form special drainage districts, to lay down main sewers, and to levy rates of unlimited amount, and to borrow money on rates; so that practically I came to the conclusion that the vestry was really the only authority that could deal on any large scale with structural works.

11,823. Does the plan which you have sketched out just now, in which you propose that a permanent commission, something like the Enclosure Commission in London, should preside over sanitary matters throughout the whole kingdom, and have a body of inspectors of their own who should set in motion the resident inspectors upon the spot, involve no board on the spot at all?—It does not. I would work it in this way: in small matters which relate only to individual matters, such as privy nuisances, and so on, I would give the sub-inspector power to order an abatement of that nuisance, supposing that it was the removal of a dung heap or anything of that sort; but for the sake of the protection of the subject I would give the person causing the nuisance some right to appeal, and it appears to me that in such cases there should be an appeal to the petty sessions.

11,824. Whose servant in this case would the sub-inspector be?—He would be a Government inspector.

11,825. Would he be paid by the Government?—He would be paid by the Government.

11,826. Then, in fact, you think that the whole thing could be carried out without any local machinery in rural districts?—I think so. The expense appears to me to be the great objection to it, as far as I can see into the matter.

11,827. In what sort of sized town do you think that a local authority would begin to be necessary?—I should be inclined to preserve all existing local boards, because they have got into no end of complications, they have borrowed money and they have got their machinery at work, and therefore I should not propose to annihilate them.

11,828. That I believe would preserve all councils of boroughs, and about 700 elected bodies already formed in various parts of the kingdom in populous places?—I presume it would, but I do not know the number.

11,829. I suppose that in order to carry out an uniform system you would allow places similarly situated and similarly populous to have elected boards?—I should not propose to have any fresh boards of that description, I should propose to have Government inspectors to see that even those local boards did their work properly, and that the inspectors should have jurisdiction even in those districts, but merely then as superintending rather than as acting in the manner in which they would act in semi-rural places which had no board.

11,830. Does not your plan rather militate against the principle of taxation by representation, and would not localities rather object to have their rates imposed by a Government authority?—I do not suppose that it would be very popular, but I think the most effective schemes are unpopular at the first start. I think if it came to be worked out that people would submit to it cheerfully enough, because there is no disposition on the part of ordinary country people to object to a law which really is strong, and which they know they cannot resist, and they make up their minds to it; but if it is left to their own option they are very slow to set the law in motion.

11,831. You are so thoroughly impressed with the inaction of the local bodies that you have reluctantly come to the couclusion that the Government must do these things for them?—That is the sum and substance of my opinion upon the point. I am not speaking at all with special reference to my own district. I do not conceive that ours represents any particular grievance, as I have already stated, but I am looking at it rather as a general question, having been asked to give my opinion upon it in that way. I should explain that the only expenses I should propose to make part of the imperial expenses would be the expenses of the board and the inspectors. The local expenses would fall of course upon the local rates. I should suppose that the machinery would be best set in motion by the inspector giving an order to the overseers as the accessible parish authority, in each case, to do what structural works were required, and the overseers would call the vestry together, and if the vestry objected to the works on the ground of their not being necessary, or on the ground of their being too expensive for the operation, they might have an appeal to quarter sessions, or something of that kind.

11,832. (*The Earl of Ducie.*) What area would you propose for those inspectors?—I think the most convenient area would be that of the poor law unions for the resident inspectors. I think they would find enough to occupy their time if the work was well done. With regard to head inspectors, I have already stated that I think the district of the poor law inspectors would be a convenient boundary. Those are well known and recognized districts now, and they seem to form something like an analogous case.

11,833. To whom would this resident inspector report from time to time?—To his superior officer, the district inspector, who should lay the reports, I take it, before the central board, where it was necessary, that is, where there was anything of a structural and important character.

11,834, What amount of power would you give the resident inspector for dealing with pressing cases?—I should give the sub-inspector, I think, necessary power to deal with small matters. Where the estimated cost would be, say under 10*l.*, or something of that description, I should give him the power to make the order to have the nuisance abated, whatever it might be, and in case of failure to comply with the order at once, or at least within a reasonable time, to summon the party before the justices in petty sessions.

C. J. Blagg, Esq.

11 April 1870.

11,835. Would you put him in any connexion with the poor law medical officer?—No. In my view it is an essential feature of this scheme to treat sanitary matters as an independent imperial matter. I think it is of quite sufficient importance in the thickly populated state of our country to have an independent department which can give its whole time and attention to these things, and I think that in process of time you would have civil servants educated for this work who would know their work well.

11,836. Do you think that at the salary which you propose (which I understand to be something like 70*l.* a-year) you would get a man whose chief functions would be of a structural nature, possessing a medical knowledge which would be absolutely necessary for sanitary purposes?—When I say 70*l.* or 80*l.* a-year I was looking more at a semi-rural district like my own, but you would no doubt be obliged to have a graduated scale, and tempt people as you tempt them in other departments of the civil service. I take it that your salaries begin now at about 90*l.* a year, or something like that, in the post office and the customs, and so on, and there you get a very superior class of men for that salary, and I do not see why the same should not apply here.

11,837. Do you propose this system as universal?—I propose it as universal, but my last answer was meant to point out that there was the chance of promotion to a man as he gets on to more important districts, and I think that the prospect of a gradual increase would tempt very fairly qualified men into the service.

11,838. With regard to Cheadle, your attempts at sanitary improvements were defeated by the ignorance or narrow-mindedness of the ratepayers. Were they not at all aware of the existence of any sanitary defects in the place?—I think they looked at the thing in this way, that we had never had any great amount of epidemic disease in the place. I believe there were two cases of cholera in the year 1849 or 1850, or somewhere about that time, when there was an outbreak of cholera in the country, but we have been very free as a rule from anything like serious disease. As I have already stated our death-rate is rather below the general average, and looking to the fact of there being very few watercloset's in the place the sewage question is not so important as it might seem to be at first sight. Practically it does not cause any great grievance, and I think their view, so far as they have thought about it at all, would be that we are a very fairly healthy place as we are, that we are not a very rich place, that we cannot afford to pay very many rates, and that they do not see why we should be saddled with an additional amount of rating for a problematical grievance.

11,839. Nothing has yet occurred to frighten them into action?—No. I believe they would be quite capable of making sacrifices if they were satisfied that sacrifices were needed. As I stated before, I do not think that there is anything exceptionally narrow-minded or behind the times about our parish; it is very much like other rural districts generally.

11,840. And probably under existing circumstances nothing will be done until an epidemic occurs?—I think not certainly, and then they would shut the door when the steed was stolen.

11,841. (*Lieut.-Col. Ewart.*) By whom would you propose that the sub-inspector whom you have mentioned should be paid?—Out of the consolidated fund; he should be also a Government officer. I think it is essential to the working of the scheme that the sub-inspectors should be responsible directly to the Government. If otherwise they would fall into local cliques, and their efficiency would be very much inpaired, I think.

11,842. What class of person would you expect to get as a sub-inspector; do you look to any special education or training for the post?—I think that that would be a gradual work, and that at first you would have to look to men something like the better class of police officers, men who are district superintendents of police; men of that calibre I think would be the sort of men to begin with; but I think that in time you would get men with more medical knowledge, and a sort of outline knowledge of architectural and building matters, and things of that kind. It is not a very pleasant subject, perhaps, for a man to turn his whole mind to, but I think it must be done; and if you are to have efficient officers they must be thoroughly well up in sanitary matters, and questions of sewage, and questions of ventilation. The poorer class of houses, the older houses I think, are very bad in our district, the rooms are very low, and ventilation is not attended to.

11,843. Then you look upon it that these men at first would learn their business in practising it?—It appears to me that it necessarily must be so, because the Government has hitherto done so little with regard to sanitary measures on a large scale that I do not see where you are to lay your hands on a class of men ready educated for the work at once. But I take it that that is an evil which you have to contend with in every new measure of this description. You must take things as you find them, and you must gradually educate your men, as no doubt was done in the poor law machinery.

11,844. Then do you think that those persons would be likely to carry out the duty better than the present medical officers of unions?—I should not in any way supersede the action of the poor law, or bring it into conflict with that in the least in the world. The medical officers would still have to do their duty; but that duty, so far as I understand it, simply consists in seeing patients and prescribing for them, and they are not bound to look after sanitary matters at all. If anything very pressing occurred, no doubt an intelligent medical officer would think it his duty to mention it to the board, but practically such an exceptional report never comes before us at all. All that we have from the medical officer is the string of certificates every board day, stating the case with regard to A B who comes up for relief.

11,845. What is the subsoil at Cheadle?—It is sandstone and gravel, but chiefly sandstone. It is a dry district altogether.

11,846. The wells, I suppose, are in the gravel?—I believe not altogether. The waterworks well, for instance, is sunk by a shaft some depth down through a hard sandstone rock, and that is at a very high point, and consequently the supply is good. There is no particular pressure required.

11,847. Are the cesspits of which you speak cut out of the rock?—No, they are generally very inartificial sort of things. In some cases they are walled up, and in some cases they are not dealt with at all in any proper way, but are simply a collection of filth close to a privy. There are many bad nuisances of that kind that should and ought to be put down. It is wonderful how little they cause diseases in a place which is not crowded, and which is naturally healthy and well supplied with fresh air.

11,848. Do you apprehend that they leak, or that there are escapes from them?—I am not particularly well up in geological matters, but I take it that the strata that we have are more or less porous, and that therefore there must be a certain amount of leakage.

11,849. Do you think that that leakage would be likely to affect the wells?—I do not think they are affected to any large degree. No doubt they must be affected more or less, but I have taken an opportunity of asking the opinion of one of our most intelligent medical officers, and he does not appear to think that

C. J. Blagg, Esq.

11 April 1870.

there is any great complaint, or any appreciable complaint, with regard to the impurity of the water. I asked him to write down in pencil some of his views upon a copy of the printed questions [B], and I see that he says, "In small towns where there is a sufficient [supply of water] each householder should be "compelled to take it. All cottages should be built "with more rooms and more lofty than at present, as "the breathing space in small houses is not nearly "sufficient. A free admission of light is also requisite. "There ought to be a door in front and at the back "of each house, so as to ensure a thorough ventila-"tion." I did not tell him my opinion with regard to the inspection system, but I see that he says of his own accord, "A sanitary inspector ought to be "appointed by each union district, to see that these "things are carried out, also to have the power to "remove nuisances, and to fumigate and cleanse "houses where people neglect to do so themselves. If "these views were carried out epidemic diseases "would be less prevalent and much less severe." I see that in answer to the 41st question as to the existing powers for the abatement and removal of nuisances having been found sufficient, he says: "They have not been found sufficient in all cases. "A public district officer ought to be appointed." I read this because I think it it may be of some little weight. I did not tell him at all what my own views were, although I had formed them before I put those questions to him. It shows at all events that two individuals, both possessing some knowledge and experience of the district and of its requirements, and who see something of the working of the local system, consider it unsatisfactory.

11,850. You proposed that the sewage should be carried away in several directions; did you intend to have a complete sewerage system and to discharge in several directions?—It is important always in talking of sewerage in our own place (of which alone I was speaking) to remember that the sewage is not of a large or important character, from the fact that there are so very few watercloset. The sewage principally consists, I take it, of surface slops, and that kind of thing, which are thrown into the nearest point of the drain to each house, so that unless when exceptional rains occur there is really very little sewage to dispose of at all; in exceptional rains, however, the sewers, such as they are, are swept.

11,851. Then you do not contemplate doing away with cesspits?—I do not think that in rural places the watercloset system is a desirable system. To begin with, it is not a healthy thing unless the water supply is very good, and to continue, it always increases the amount of smells from the drains, and makes the drainage question a much more serious question than it is otherwise. I think that if there was a resident sanitary inspector who could see that the privies were properly cleansed out from time to time, and were properly constructed and dealt with, so as to cover up all the impurities and prevent them from escaping, to the nuisance of the neighbours and the pollution of the air, there would not be any very great practical evil in that respect in our place.

11,852. Then those drains which you speak of are merely intended to carry away the foul water of the houses, and the urine, and so forth?—Yes, and such watercloset drainage as there may be in communication with them. I dare say there may be perhaps 20 houses supplied with waterclosets whose waterclosets empty into the town drains.

11,853. What do you contemplate would become of the sewage that you would carry away in those several directions?—Arrangements would no doubt have to be made with the owners and occupiers of the lands where the outlets were fixed upon and settled to be, in order that the proper tanks, and so on, should be made there, and I take it that at stated intervals the tank would have to be emptied by a pump, and the authorities who had the disposal of the sewage would have to deal with it in the best way they could by sale to farmers or market gardeners, or others who require it, and who would pay what it was worth. As I stated before, I do not think that it would be a sufficiently large question to require the application of the machinery of the Sewage Utilization Act to, and to be taken in hand under the control of any local authority.

11,854. (*Mr Clive.*) You are a Staffordshire gentleman, I think?—I am.

11,855. Your plan evidently embraces a totally new staff, beginning with London and going down to local inspectors?—It does.

11,856. And you think that the general inspectors' districts, as I will call them, might be as large as the present poor law inspectors' districts?—I do.

11,857. And as numerous?—I think so.

11,858. And that the local inspectors' district ought to be confined to the union?—Yes, I do not attach any extreme importance to those limits. I merely fix them because they occur to me as a definite existing boundary, and one which is convenient.

11,859. Have you made any calculation of the cost of such an establishment as that?—No, I have not gone into it in that detail. I am quite aware that one great objection that would be raised to this plan would be the cost of it, but I think that the cost upon the consolidated fund need not be very large. I do not think you need have a very numerous board in London. I do not know how those things practically work, but I should fancy that you might do very fairly with a president and secretary without a number of commissioners to cause an increase of salaries, and so on. I have not any statistics before me which would enable me to say how many poor law inspectors' districts there are, and I could not very well work out a calculation without such statistics. But I do not think that in a question of this imperial magnitude the expense ought to be a drawback. I believe there is a certain considerable surplus now which has to be dealt with.

11,860. But supposing the economical question to be apart, would it not be better if possible to have it done to hit upon some middle term, such as the utilization of an existing establishment, sooner than go on as we do now?—I have a very strong feeling from practical knowledge of these things that it has been the error of modern legislation that it has tried too much to be economical, and not enough to be effective.

11,861. But assuming the economical objections at head quarters to be insuperable, would it not be better to utilize the existing machinery in the shape of the poor law inspectors and the medical officers than to go on as we are?—I think that possibly that might be a little better than going on as we are, but I do not think that it would be much better, or that it would make any appreciable difference in the working of the system.

11,862. Do you know any instance in which a central authority, assisted by general inspectors and local inspectors, has been enabled to establish and enforce parochial taxation in this country?—I am not sure that I can give you any instance of that at the present moment without time to consider, and I am not sure that there is any instance of it, but I take it that there is no particular reason in theory why it should not be worked out. You have the taxation of the country carried on on very much the same system, and although it is true that that is considered imperial taxation, yet it is local taxation also, because the taxes in Schedule A., for instance, in Cheadle, are really and truly quite as much local taxation as rates that would be applied under the parochial system.

11,863. You are probably acquainted with the system of the inspection of mines?—Yes.

11,864. Are you aware that that is paid entirely from the consolidated fund?—I believe it is.

11,865. But are you aware also that any expenditure ordered by inspectors of mines does not fall upon the local taxation but upon the individual?—That would be a somewhat analogous case.

11,866. But with the great difference that it falls only upon certain individuals who cannot help themselves?—The greater portion of this expense would fall upon certain individuals no doubt. In Cheadle, for instance, I think the proportion of structural works ordered would be very small indeed, but there would be a large amount of individual nuisances which the inspector no doubt would put down.

C. J. Blagg, Esq.

11 April 1870.

11,867. Which the individual must submit to?—Which the individual must submit to. I think that an appeal would probably correct any feeling of harshness or despotic power on the part of the inspector, but of course all this is subject to very great correction in detail. It is only a very crude outline of my own, and I am aware that it is open to much criticism, of course.

11,868. You stated, did you not, that the houses are unhealthy in your district, the rooms being both too low and ill-ventilated?—Yes. I did not use the term "unhealthy." I said that they were badly constructed. That is more particularly with regard to the older houses, that have not been built, say within the last 30 years. The modern houses which have sprung up within the last 15 or 20 years are of a much better stamp, but still a man may build a thatched house with rooms five feet high if he likes; there is no power to stop him.

11,869. But generally I understood you to mean that there was not a sufficient number of cubic feet of air for the inhabitants?—I did not put it in that way. There are a great number of the poorer class of cottagers who are not provided with healthy residences, but on the average I do not think there is anything very bad in that respect.

11,870. Those houses, I presume, belong to different individuals, and are let to tenants?—Yes.

11,871. Do you think that under any system of general inspection you could interfere with owners of property and compel them to make their houses better?—I think it would be a hardship to make a man pull down his house simply because it was not so healthy as it might be, but I think that a sanitary inspector with sufficient powers might do a great deal of good. For instance, he might direct a person to knock out a door here or a window there, or to cleanse and to whitewash, and so forth, and in that way great benefit might arise from proper inspection. But my great point is that you really want men who give their whole time to this duty, so that they can thoroughly look into it. If you have a local board, it is quite clear to my mind that you will not have the matter thoroughly looked into, and that you will not have an efficient sanitary system throughout the country.

11,872. (*Mr. Shaw.*) Supposing that for the reasons mentioned by the chairman we should consider it indispensable to adhere to the principle of local self-government, could you suggest any improvement upon the board of guardians as a local authority?—I think the board of guardians would perhaps be the best local authority. You cannot very well select individuals in any other way than is done, perhaps, by modern legislation, which gives a vestry power to appoint a committee and to delegate its powers to that committee; but you have no security that the best individuals are appointed, beyond trusting to the good sense of the vestry, and the good sense of the vestry is not always so good as it ought to be in these things.

11,873. Would you give the guardians power to appoint a special standing committee for sanitary purposes, or would you rather leave it in their hands?—I think I have already stated that practically it would come to this, that a small body of the guardians would have to carry it out, whether you call that body a committee, or whether they were merely the men into whose hands, from their local knowledge, it naturally fell; but I think that it would be better to have a committee, no doubt, than to have the whole body. For instance, in our district we have, I think, 43 or 45 elected guardians, and a number of *ex-officio* guardians—justices. Not very many of the *ex-officio* guardians attend generally, but the elected guardians attend very well on the whole. Some half a dozen of them scarcely miss a single meeting throughout the year, and attend very closely to all that goes on, and they are exceedingly useful in discharging all the ordinary duties of the board; but I do not think that the supervision of these sanitary matters would be a palatable thing to them, and I do not think they would wish to have it thrust upon their hands; and I have my doubts as to whether it is quite fair for the Government to shirk the responsibility, and to throw it upon unpaid people who happen to reside in particular districts. I think it is really fairer, although it may look more despotic, for the Government to manage it for them, and I look upon it as a duty of the imperial Government to deal with these things in the same way as they deal with education, and so on. It occurs to me that the system of national education is, to a certain extent, analogous. There you throw certain expenses upon the local rates, and certain expenses upon the imperial funds, and there you take power to supervise everything through your Government inspectors. Taking what is likely to come to pass, and taking what has already occurred, I think you will find that the same principle exists in sanitary matters as in education matters.

11,874. (*Mr. Powell*). What would be the duties of the district inspector whom you have described?—His duties would be simply that he would have to thoroughly inspect the whole of the district under his charge, that is to say, his whole time would have to be devoted to the duties of his office, and I take it that from day to day he would be going his rounds.

11,875. Would you propose that he should be actually going over the surface of the country, so that he would see whether that surface was defiled by nuisances of various kinds, as described in the different Acts of Parliament?—Just so.

11,876. And he would also ask, I presume, whether the Acts in different particulars, beyond those of mere nuisance, were efficiently carried out?—Just so, and he would have to report to his head officer, and through him to the central board, from time to time. Of course I should take it that he would do very much as the police do, that is to say, keep a sort of time-table or diary, showing that he really did some work for his money. That would be a very useful check, because if there was any deficiency in his weekly report or time-table his head inspector would call him to account I take it, at once, and say, "What have you been doing with yourself this last week?" and in that way, I think, you would have something like a practical guarantee for efficiency.

11,877. What should you think of an inspection which was carried out by means of examining reports, as distinguished from one carried out by means of actually going over the country?—You do both under my system. The sub-inspector goes over the country in detail, and the head inspector, whose duties are more sedentary, and who sits in his office and sees things rather more as an outsider, receives those reports, and I take it that in a short time the head inspector would get such an instinctive knowledge of how things were going on that he would be able to exercise a very useful check over his subordinate officers. When I speak of a head inspector I mean an inspector analogous to the poor law district inspector, whose duty it is to check the reports which he gets from time to time, weekly, monthly, or quarterly, as the case may be, from his district inspectors. The sub-inspector goes over the ground in detail, the sub-inspector sends his written reports, weekly, monthly, or quarterly, as the case may be (I should suggest weekly), to the head inspector, who may be called the district inspector. That head inspector, in such cases as were of sufficient importance to justify it, would communicate the substance of the reports, if not the reports themselves, to the central board, and I take it that it would be his duty from time to time to classify, analyze, and condense the substance of the reports that he received, and to transmit them to the central board in London, whose

C. J. Blagg, Esq.

11 April 1870.

duty it would be to consider all those cases, and who have power, I take it, to issue regulations, very much in the same way as the Poor Law Board in London have power to issue consolidated orders, and so forth, for the regulation of those matters. It is very important, in my view, not to encumber the statute book too much with legislation on these matters. If you give the working board some power to enable them to make orders or regulations, you get rid of a great encumbrance in the way of statutes.

11,878. I presume that your theory would be this, that supposing the head inspector were to find that in any given district nuisances abounded, and that the Act was not carried out, he would call the sub-inspector to account, and first reprimand him, and eventually dismiss him, in cases the nuisances continued?—I think the sub-inspector would take very good care that things did not come to that crisis, or if he did not he would of course have to take the consequences. But I do not exactly propose that the sub-inspector should himself have the power to carry out those works. According to my own mental outline of the scheme, the sub-inspector would report all matters of any importance to the head inspector, and would wait for orders in regard to the matter. Under the head inspector's order he would have power to deal with them at once. Supposing, for instance, that he was of opinion that in the town of Cheadle the sewage wanted alteration, he would have to report to the head inspector; the head inspector would probably think that of sufficient importance to lay before the board; the board would issue their order upon it, and if it was to the effect that the work was to be done, it would be an order to the overseers to get it done out of the rates, limiting the sum.

11,879. The overseers would be merely an executive authority?—The overseers would be merely an executive authority instead of a judicial authority, in the way in which I point out that it should be arranged.

11,880. (*Mr. Cave.*) It has been suggested that the poor law officers might be made inspectors both for districts and for unions, as being imperial officers, and as being paid out of imperial funds, and therefore a better class of men probably being secured, how would that meet your views?—I have already dealt with that question. I think that it would probably be something better than the present system, but not much better, because from what I practically see of these things, I think that when you deal with an existing officer who has an existing set of duties, and an existing routine to attend to, that routine and those duties being fixed in his mind as duties of considerable importance, any extra duties which it is attempted to impose upon him by fresh legislation become of subordinate and secondary importance to him, and he is not able to give the time and attention and mental power to those duties which are required in a matter of this extreme importance. That is the way in which I look at it. The poor law inspectors are supposed to be fully employed, I take it, now, they give their whole time to the poor law, and if you impose upon them extra duties, it stands to reason that you cannot expect them to give very much time, if any, to them.

11,881. But the poor law medical officers in a union do not generally give the whole of their time to the work, do they?—No, but I understood the question to refer to the inspectors.

11,882. My question had reference to both the districts and the unions?—With regard to the medical officers, no doubt they could do something in the way of reports, but they could do nothing in the shape of action, so that you would be landed in the same difficulty. It would not be at all consistent with their position or with their duties for them to take action in the suppression of nuisances. They would not take office on those terms.

11,883. They would of course report?—They would report to the board, and then we should be landed in very much the same position as we are in now. It would all end in nothing.

11,884. Except that being imperial officers they would be independent of the board, and if the board did not take action, they would then report to the central authority?—The Poor Law Board have a veto against the guardians, but the Poor Law Board never exercise their veto once in a thousand times, I suppose. I never knew an instance in which they exercised it.

11,885. You are, perhaps, not aware that the suggestion has been made to the Commission that the medical officers should be appointed and paid by the central authority?—I never heard that suggestion made until now. The suggestion that I understood the chairman to make was this, that the poor law district inspectors being already in possession of the district, and being already salaried by Government, might undertake those additional duties.

11,886. That is the case with the district inspectors. Then it was also suggested that the medical officers of the union should cease to be paid by the local authorities, and that they should become, like the poor law inspectors, imperial officers, so as to give them a more independent position; what would be your opinion as to that?—I do not think that you would find that that would advance the matter much. They would make their reports either to the Poor Law Board or to the board of guardians; and in either case I think you would find that it would not lead practically to anything being done, unless there was something of a very grave nature.

11,887. You think that it would be too circuitous?—I think it would, and moreover there would be the great objection that the medical officers would be reporting, in fact, upon the cases of their own patients. Most of those matters to which I have been referring are not matters of a public nature but matters of individual private nuisances. I think there is much more to complain of in our place in that respect than with regard to the general drainage or water supply, and you would have medical officers who were expected to report upon their patients and neighbours, and all that sort of thing, and practically they would not do it. You want a man in the position of a Government officer, like an exciseman, or a tax officer, or policeman, or a man of that sort, who does not care anything for anybody, and knows nobody, and only does his duty.

11,888. Is there not a feeling in the country with regard to those sanitary improvements that many of them are suggested merely for the sake of symmetry in cases where there is no real danger?—I think that is so in a great measure. Of course I have no special medical knowledge, but I think that in a great degree very much less unhealthiness arises from all those things that people would naturally expect. No doubt the state of things which I have described as existing in our own town would be most unhealthy if ours was a low flat district, or a densely populated district, or a district with a clayey soil, and liable to fog and damp, but our district lies upon a hill, with very good pure air blowing over it all the year round, and a very good rainfall, and the place is by no means crowded. In the whole parish we have 6,701 acres, and we have a total population of 4,803, so that we have not one individual to the acre.

11,889. (*Chairman.*) You have a very good unpaid medical officer in nature?—Yes.

11,890. (*Mr. Cave.*) Would not the population and the local authorities be more impressed with the necessity of doing something by a report from a doctor than by a report from an inspector who had no medical knowledge?—It is an essential feature of my scheme that the local authority would have no option at all in the matter, that subject to his right of appeal he would have to do what the Government said he must do.

11,891. You would give him an appeal, I think, to the quarter sessions?—In all cases I would give an appeal to the quarter sessions, because I think it would be open to objection to leave it to the justices in petty sessions to deal with any large questions, but in small questions I think the petty sessions would be quite an efficient buffer, as it were, between the Government inspector and the individual, so as to ensure a feeling of justice, and to prevent any imagination that the matter would be carried out in a tyrannical way; it is important, of course, to secure not only actual justice but a feeling of justice.

C. J. Blagg, Esq.

11 April 1870.

11,892. Would you give an appeal on the part of the central authority to the quarter sessions?—I think if there was an order of the board there would be a great theoretical objection to its going an appeal to the quarter sessions; I think it would be rather an undignified conflict of authorities if you had a board in London giving a order, and justices in Staffordshire in quarter sessions could upset it. It might be necessary to define some mode of appeal, either to the Secretary of State or to a judge. I have not thought that out at all, but that I think might be easily defined.

11,893. The appeal to quarter sessions would simply be from the petty sessions, I presume?—I think so. I think the best way of putting it would be that all those appeals should go first to the petty sessions, with a right of further appeal to the quarter sessions.

11,894. (*Mr. Clive.*) With respect to the idea of separate inspectors not being poor law inspectors, is it not possible that there might be a very considerable economy of labour in appointing the poor law inspectors to carry out these sanitary duties, supposing their numbers were increased and their district made rather smaller?—I do not think it would answers and principally for this reason, that you did not expect (I do not expect, at least) the head district inspector to do anything locally. All that he would have to do, I think, would be done sitting in his own office, and corresponding with his sub-inspectors, and therefore I do not think that the idea of utilizing the journeys of the poor law inspectors will assist us much.

11,895. But he might have a meeting on that occasion for that particular union, might he not?—He would only have one officer in each union. He might ask his subordinate to meet him, it is true; but according to the present poor law system they only inspect each union once a quarter. They come over in rather a hurried manner between trains, and go through the books at the union, and see the paupers, and ask them whether they have any complaints, and then they go off again. I do not think that you can manage sanitary matters locally in an effective manner by any such process as that. It does all very well for poor law purposes, because it is all in a small compass. The inspector has only to see the workhouse and the master, and the mistress, and the matron, and the nurse, and the patients, and the books, and the wards, and the thing is over, but dealing with the whole of the sanitary matters of a district is, as I need not point out, a very different thing indeed.

The witness withdrew.

Adjourned.

Thursday, 12th May 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF ROMNEY.	JOHN TOMLINSON HIBBERT, Esq., M.P.
The EARL OF DUCIE.	FRANCIS SHARP POWELL, Esq.
The Right Hon. Lord ROBERT MONTAGU, M.P.	BENJAMIN SHAW, Esq.
The Right Hon. STEPHEN CAVE, M.P.	HENRY WENTWORTH ACLAND, Esq., M.D., F.R.S.
Lieut.-Colonel EWART, C.B., R.E.	JOHN LAMBERT, Esq.

(98.) ALFRED POWER, Esq., examined.

A. Power, Esq.

12 May 1870.

11,896. (*Chairman.*) You are Chief Commissioner of Poor Laws in Ireland?—I am.

11,897. The Commission are particularly anxious to get from you any information as to the combined administration of the sanitary laws and the poor laws. Has that combined administration existed for some years in Ireland?—It commenced to a certain extent in the year 1844, before which time all the fever hospitals as well as the dispensaries and infirmaries of Ireland were conducted separately from the poor law, but in 1844 an Act was passed, the 6th and 7th of Victoria, chapter 92, which enabled boards of guardians to provide fever hospitals in connexion with workhouses. Very little progress was made in doing so at first. During the famine it was necessary to run up a great number of temporary hospitals in all parts of the country, the relief in which was administered by an unpaid commission called the board of health, consisting of the late Sir Henry Marsh, the late Sir Philip Crampton, and the present Sir Dominic Corrigan, and of that board of health my predecessor in my present office, Mr. Twistleton, was also a member.

11,898. Was that board of health a previous institution to the passing of the Act?—It was a temporary institution, organised entirely on account of the famine.

11,899. What years are you speaking of?—I am speaking of the famine years, 1846, 1847, 1848, and 1849.

11,900. Did the board of health cease to exist after that?—That board of health ceased to exist before, I believe, the passing of the Medical Charities Act in 1851. During that period a good many fever hospitals had been provided under the Act of 1844 by the boards of guardians in connexion with the workhouses, permanent buildings erected on the workhouse site.

11,901. You say that before the Act of 1844, fever hospitals, dispensaries, and infirmaries were conducted separately from the poor law, by whom were they conducted?—They were conducted by governors and subscribers. They were conducted as institutions not altogether private, but partly supported by private subscriptions, and partly by the county cess; they were all on that footing. The infirmaries still are supported partly by the county cess. The poor law has absorbed, I may say, both the fever hospitals and the dispensaries.

11,902. Since the Act of 1844 is that county cess support transferred to the poor rates?—It is transferred from the county cess to the poor rate, directly as regards the dispensaries, and indirectly as to fever hospitals; every workhouse was supplied with a fever hospital, and although there was no legislation so as to transfer the maintenance, yet the county authorities shut up the county hospitals when every union had its own fever hospital provided.

11,903. Is the rate for those purposes levied upon the union or upon the parishes?—It is levied on the

A. Power, Esq.

12 May 1870.

electoral divisions of the union. We do not know the parish at all as a poor law institution. That which corresponds to the parish in England is the electoral division, which is the area of assessment and the sole area of assessment.

11,904. Is the poor rate an electoral division rate or a union rate?—It is an electoral division rate entirely, it is always levied on the electoral division; but there are charges which are union charges, and which each electoral division bears in proportion to the net annual value of its property.

11,905. What is the average size of an Irish union, as compared with an English union?—It is very much larger, the average population of a union in Ireland is 35,574.

11,906. Does that average strike the mean between very large and very small, or are they at all of a similar size?—They are of very different sizes.

11,907. Can you give us the largest and the smallest?—Dublin is divided into two unions, and the largest union in Ireland is South Dublin union, having a population of 201,963; and the smallest is Killala, having a population of 11,829. The average area of an Irish union is 124,679 statute acres, the average net annual value is 80,696*l.*

11,908. Can you give us the average size of the electoral divisions?—I cannot state the average, but the total number of electoral divisions is 3,438, giving an average of 21 electoral divisions for each union.

11,909. What was the origin of electoral divisions?—It was intended when electoral divisions were first introduced to the notice of Parliament, that they should be merely divisions of the union for the purpose of electing the guardians and from thence they are named; but in the progress of the Bill through the House of Lords the electoral division was turned to another purpose, and it became the area of assessment. It was intended by the framers of the Bill that the union should have an equal poundage rate, and that there should be no division separately maintaining its poor, but in the passage of the Bill through the House of Lords an alteration was made by which the electoral division, like a parish in England, was charged separately for its own poor, and for the common expenses of the union according to its net annual value, and it remains so to this day. The Act was the 1st and 2nd of Victoria, chapter 56, passed in the year 1838.

11,910. Does the electoral division always consist of a certain number of townlands?—It consists of a certain number of townlands; that is the territorial unit, as it may be called; there are 60,000 townlands in Ireland, in round numbers.

11,911. Can you give us the average population and the acreage of electoral divisions?—The average population is 1,686, and the average acreage is 5,900 statute acres; and there is an average of nearly five electoral divisions in each dispensary district.

11,912. What were the provisions of the Medical Charities Act of 1851?—By the Medical Charities Act of 1851 the form of the Commission became altered. It consisted originally of one commissioner and two honorary commissioners, the chief and under secretary of the Lord Lieutenant; but on the introduction of the Medical Charities Act, the members became five; three paid members were appointed, and the chief and under secretary of the Lord Lieutenant were continued. One of those commissioners it was declared by the Act must be a medical practitioner of seven years' standing, both a physician and surgeon, and not in practice.

11,913. This Act organised the dispensary districts, did it not?—Yes, under this Act the dispensary districts were organised in the course of a few months after the passing of the Act.

11,914. Was their object the medical relief of the sick poor out of the workhouse?—It was.

11,915. What was the organisation?—The organisation was within each union; every dispensary district must consist entirely of electoral divisions, and therefore, of course, it must be contained entirely within the union. You could not confound the boundaries of unions in making dispensary districts, and as the average, there were five constituted in each union.

11,916. Are the unions conterminous in the aggregate with the counties always, or do they ever break the boundaries?—Unions are not conterminous with counties, they often break the boundaries.

11,917. But the aggregate of the dispensary district is always conterminous with unions?—Yes, always. The number of dispensary districts in the whole is 718, but the number of dispensaries or stations within the districts is 1,048. For example, in the two Dublin unions there is one dispensary district in each city electoral division governed by a committee, but within it there are six stations, and two officers at each station. That being done on a smaller scale in ether unions in Ireland will account for the much larger number of medical officers than of dispensary districts. With regard to the number 1,048, that is the correct number of dispensary stations, but there is not a separate medical officer at each; there are 796 medical officers, one medical officer often attending to two or three stations in one dispensary district of the union.

11,918. What is the number of inspectors of nuisances?—We have no power to direct the appointment of inspectors, but we have procured it to be done by circulars and by letters; and I can tell you the whole number of inspectors of nuisances in Ireland. The relieving officer is generally speaking the inspector of nuisances; he is an officer, not under the Medical Charities Act, but under the poor law; but as relieving officers 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 it would be very useful to make them inspectors of nuisances, and the whole number is at present 298 relieving officers and inspectors of nuisances throughout Ireland, and there are also 18 other inspectors of nuisances who are not relieving officers.

11,919. That is about on the average two inspectors of nuisances to each union?—It is; but some unions have none.

11,920. Was medical relief at the charge of the poor rates further extended in 1862?—It was in a very important degree, by an Act which we call Sir Robert Peel's Amendment Act. When he was Chief Secretary he carried an Act which liberalised the administration of the poor law in a very important degree. We could under the Act of 1844 receive poor persons not destitute, but as poor persons, into the fever hospitals, but by the Act of 1862 we were empowered to receive into hospitals and infirmaries of the workhouses, the general hospital of the workhouse, poor persons not being destitute, but merely on the ground of sickness.

11,921. (*Mr. Powell.*) Did that make them paupers?—They could claim to pay for that privilege and be separately registered, that was provided for. Many persons of a class you would not expect sometimes received relief.

11,922. (*Chairman.*) That it in fact threw open the workhouse infirmaries and fever hospitals to persons not destitute?—It did.

11,923. Will you proceed to state the further progress of the connexion of the sanitary laws with the poor laws in Ireland since 1862?—Since 1862 we have had the Sanitary Act of 1866; for those Acts which existed before, I mean the Removal of Nuisances Acts, were, I think, almost inoperative; the want of clearness as to the authority the jurisdiction and the responsibility was so great, that nothing was done under the Nuisances Removal Acts.

11,924. Then, in fact, the Sanitary Act of 1866 was the first of the general Sanitary Acts which was practically operative in Ireland?—The Prevention of Diseases Section of the Nuisances Removal Acts were operative during the time of epidemic disease in an important degree, because under an Order in Council the poor law commissioners, who were a *quasi* board of

health, had power to issue orders and to make regulations; and there was an organization already which required merely a little supplementing in order to meet the difficulty without anything new, and the people knew where to go to, so that we had not to set up a house to house visitation as was the case in London. And then everywhere, (as for instance, in the city of Dublin, where there was a great invasion of the epidemic at all the periods of cholera), there were dispensaries known to all the population, and we had merely to make this alteration, to increase the staff, and the payment to the regular staff, and to require them to attend any person who had a tendency to cholera, a looseness of the bowels in fact, without a ticket, and they were always paid extra for that duty. Then we had all over the country our fever hospitals by which we were able to isolate the cases when they could be conveyed there, and sometimes, in parts of the country which were distant, temporary hospitals were provided.

11,925. (*Mr. Powell.*) I believe that the old Nuisance Removal Acts of 1848 and 1849, which were repealed as regards England by the Act of 1855, as a question of absolute technical law continued in Ireland?—They did.

11,926. (*Chairman.*) The operation that you have just been describing was under the Prevention of Diseases Act which gave you power, on emergencies, to act under Orders of Councils?—Yes; it was part, I believe, of the Nuisance Removal Act in both countries; the prevention clauses were in force only at the time of epidemics.

11,927. Then the Sanitary Act of 1866, in fact, began a new state of things in Ireland?—Yes.

11,928. Placing every part of the country, exclusive of certain towns, under the jurisdiction of the boards of guardians for sanitary purposes?—It 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.

11,929. And their powers were for abating nuisances, for conducting drainage and sewerage, and the supply of water?—Yes, those are the three principal powers.

11,930. Taking the whole kingdom, I suppose that the sanitary jurisdiction of boards of guardians under this Act applied to two-thirds of the population?—Taking the whole of Ireland, it applied to about two-thirds of the population.

11,931. Leaving the other third, of urban and populous districts, under town councils or commissioners?—Yes.

11,932. This, then, is the whole connexion between the administration of the poor laws and of the sanitary laws in Ireland?—Yes, that is the whole scope and extent of the combination of the poor law and the health law.

11,933. Are the powers different in their application to the town authorities and to the country authorities?—No, I think they are much the same; I mean the powers that are enacted by the Sanitary Act; but there are portions of other Acts incorporated with the Sanitary Act, such as the Town Improvement Act.

11,934. (*Mr. Powell.*) I see there is one source of error; instead of local boards as there are in England, you have an authority constituted after somewhat the same fashion as commissioners under the Act of 1854; so that we should know when you use the term commissioners, you do not mean merely commissioners under the local Acts, but commissioners elected under the Act of 1854?—The local board in England, consisting of different bodies in different places, is represented by three classes of boards in Ireland, namely, town councils, town commissioners, and boards of guardians.

11,935. Elected town commissioners?—They are commissioners appointed in Ireland under the Towns Improvement Act of 1854.

A. Power, Esq.

12 May 1870.

11,936. (*Chairman.*) There are some commissioners appointed under local Acts and some under the general Act?—There are a few under local Acts in Ireland, besides those appointed under the general Act. To begin with the suburbs of Dublin, there are Rathmines, Kingstown, Pembroke township, and Clontarf is now added; Sligo also has a local Act. Dublin is managed under the town council of the corporation, and not under any local Act. Cork the same, Limerick the same, Londonderry the same, and Belfast too.

11,937. (*Mr. Lambert.*) There are local Acts in those places, but they are all under municipal jurisdiction?—Yes, the town council is no doubt the authority in all those cases, and there are, I think, upon the whole eleven town councils in Ireland, corresponding to your local boards; there are 72 boards of town commissioners under the Act of 1854, and about 17 under a former Act of 1829, which appointed commissioners for lighting, and paving, and cleansing towns, so that on the whole there are about 100 that are under those various authorities, and the remainder of the country is under the board of guardians.

11,938. (*Chairman.*) Then the Sanitary Act constituting boards of guardians the sanitary authorities over a large part of the kingdom, brought the sanitary authorities to that extent under the chief superintendence of the Poor Law Commissioners?—Yes, but the Act gave the Poor Law Commissioners no such power as they have under the poor law, or under the Medical Charities Act, for the purposes of organization or management.

11,939. But they were the final referees of the boards of guardians as sanitary authorities?—We really have no authority under those Acts, except that we define, as regards nuisances, the area of assessment in case there should be a difficulty. It is very seldom that we have issued any order under it, but we have no power to define the districts under which the sanitary inspectors should act; we have no power to prescribe the number, or the salaries, or the duties as we have under the poor law and the Medical Charities Act; but we have assisted in every possible way that we could by correspondence, and we have always held out to the guardians that we will give them all the assistance we can in any difficulty, and we have always taken advantage of their correspondence when we found any complaint made to them, to urge them to do their duty, appoint sanitary inspectors, remove the nuisances, introduce water, or amend the sewerage, whatever was necessary; and a great deal of business has arisen in that way, the extent of which I can very briefly describe.

11,940. Before entering into that detail, is there any other central department of the state in Dublin which has any authority over the sanitary authorities in the kingdom, but your Poor Law Commissioners?—The Lord Lieutenant has power similar to that exercised by the Home Secretary in England under the 49th section, and that is the only power that is given to the Lord Lieutenant under those Sanitary Acts.

11,941. That is to act in default of the local authorities?—Yes; but he has no inspectors to assist him, he has no correspondence with those authorities; in that department, I believe, they do not interfere with the town councils in their general business as we do with the boards of guardians, and they do not interfere with the town commissioners; but when a complaint comes, the Castle has to borrow an inspector from us to go and make a report to them, and a good many of those cases have occurred. Dr. Hill, who is here present, has been employed on various occasions to report for the information of the Lord Lieutenant under this power which he possesses like the Secretary of State, but he has never exercised the power except for inspection up to this time.

11,942. The 66th section of the Act of 1866 empowers the Lord Lieutenant in Council from time

A. Power, Esq.
12 May 1870.

to time to direct the Poor Law Commissioners to cause to be made such inquiries as the Lord Lieutenant in Council sees fit in relation to any matter concerning the public health in any place in Ireland, and the Poor Law Commissioners are to report the result to the Lord Lieutenant. Has much taken place under that section?—Something has taken place, I think about a dozen cases on the whole. Sometimes in connexion with new cemeteries, both in Dublin and in Belfast, it has occurred, and results have followed from those inquiries about cemeteries; but when a complaint comes from a place under a town council, or under town commissioners, that the sewerage is neglected, and that the town is in danger of fever, although we have inquired and reported to the Lord Lieutenant, I do not recollect any case in which the town commissioners or the town council, whichever it might be, have been prevailed upon really to act, or have been induced to act. They have not even been threatened, they have not gone to the extent of threatening them. There is one particular case which I could mention, which Dr. Hill examined, namely, Athlone, which would be a good example of the inactive character of that power. I am speaking now not of that clause which the Right Honourable Chairman read, but of the power, like that given to the Home Secretary of England, to take a matter in hand and require a thing to be done within a given time, and if it is not done to take it in hand and do it. That is under the 49th section of the Sanitary Act. That power is given to the Lord Lieutenant by a different section. The section I am referring to is the 68th, which says that "all power relating to the "execution of this Act in England and by this Act "vested in one of Her Majesty's principal Secretaries "of State shall, with regard to the execution of this "Act in Ireland in all cases not hereinbefore ex-"pressly provided for, be vested in the Lord Lieu-"tenant or other chief officer or officers of Ireland." That gives the power which is vested by the 49th section in the Secretary of State.

11,943. For instance, is not the Lord Lieutenant both empowered to insist on, and assist the completion of the operations of the sanitary authorities?—No, the Local Government Act existing in England, is not extended to Ireland. The powers which you now mention, I think, are possessed by the Secretary of State in England under the Local Government Act, but that Local Government Act does not at present extend to Ireland.

11,944. When the sanitary authorities in Ireland have to borrow money, for instance, for public works, can they do it without reference to any central authority?—They do it without reference to the Lord Lieutenant, certainly. They apply to the public works commissioners to borrow the money, and there is no authority superintending them in that respect as to the propriety of the expenditure.

11,945. Is there no appeal from their action in any locality to any central authority?—No, there is not. I can say that they are left entirely without any superintending power, except that which I have mentioned of a default, which can be ascertained, and an order made to do something to remedy it; but if not done within a given time the Lord Lieutenant can send an officer to do it, and charge the locality with the expense.

11,946. And in none of their operations is any sanction required from the central authority?—No.

11,947. If any sanitary authority has to carry out extensive sewerage works or water supply they have generally to proceed in some way through Parliament I suppose?—No; they have power given by the Sanitary Act to borrow, but it is not done with the sanction of any superintending authority. Even boards of guardians in Ireland, if they borrow as a sewer authority, can expend money as a sewer or nuisance authority or in supplying water. That is done sometimes in Ireland under this Act, but they do not require any sanction of the Poor Law Commissioners for those purposes.

11,948. And do the Poor Law Commissioners have the same superintendence over the town sanitary authorities as over the boards of guardians?—The Poor Law Commissioners have no authority whatever over town councils, or township commissioners, as they are called.

11,949. Except in default?—No, they have no authority whatever; an inspector sometimes goes down to the locality, but it is by the direction of the Lord Lieutenant, under the clause that has been cited.

11,950. Has the constitution of an office like our Local Government Act Office ever been proposed in Ireland?—I have never heard of its being proposed; I rather think the subject has been mentioned in Parliament; I think that Mr. Pim, the member for Dublin, asked a question upon the subject very recently.

11,951. Then, in fact, the combined administration of the sanitary laws with the poor laws in Ireland amounts to the fact that the Sanitary Act charges the board of guardians with sanitary duties, and so far brings its operations under the Poor Law Commissioners?—To a certain extent it does, in consequence, I should say, of our close intercourse with boards of guardians, which goes to this extent, that we see their minutes of proceedings every week, we know all that they do, and they know all that we do, or rather what is necessary for them to know. There is constant familiar intercourse, I may say, between the central body and the different boards of guardians, and we avail ourselves of it to induce sanitary improvements as far as we can, and I find that in the three years 1867, 1868, and 1869 (I had the index of the letter book examined), there have been altogether 1,319 letters written to various unions upon the subject of the removal of nuisances, drainage or sewage, water supply, appointment of nuisance inspector, and other matters, including correspondence in places not under boards of guardians. We often have such matters brought to us, because our medical officer has his duties to perform in those towns which are not under the jurisdiction of boards of guardians, and that brings us very often business connected with those towns, which are exempt from our jurisdiction. I may say that the town governing bodies are very much more inert than boards of guardians. 1,319 letters in three years does not seem perhaps a very great number for us to have written, but it is not to be taken as a measure of the business conducted by the boards. For instance, in the Waterford union, 13 letters were written in the course of three years, and I have obtained from the Waterford union this account of their operations during that period:—In the year 1868 there were 374 notices served on owners and occupiers of premises; 1869, 352; and in the part of the year 1870 that has gone, 34. There were 49 premises whitewashed and disinfected in 1868; the next year, 296; and the present year, 96. Nuisances abated in 1868, 201; 175 in the year 1869; and in the year 1870, 49; amounting to a good many operations, with which we had very little to do, for we wrote them during that period only about 13 letters. Therefore the measure of the utility of the Act, and the working of the Act, must be taken rather from figures of that kind which I have obtained from several unions, but perhaps that example will be sufficient.

11,952. Have you not exerted yourselves to spread a knowledge of the Sanitary Acts?—In every possible way. We had printed an edition of the Sanitary Act with all the Acts and parts of Acts relating to Ireland, which were alluded to in that Act, and we distributed 12,000 copies to boards of guardians, and to dispensary committees, with an excellent index prepared by our chief clerk, Mr. Banks; and I think although it appears on the face of it rather a confused mass, you get at every provision through that index with very great ease.

11,953. Did you, through that circular, induce the appointment of nuisance inspectors?—Yes. I have already stated that the number of nuisance inspectors which we induced the boards of guardians to appoint, without having any real power to order them to do so, was 298 relieving officers and 18 other persons. We have sometimes taken advantage of the Sanitary Act to increase the number of relieving officers in the union, and we have done that to a very considerable extent in consequence of the sanitary duties, so that we have helped the sanitary law by our power over the number of relieving officers. I cannot give the extent of the increase, but we had to fight one case in the Court of Queen's Bench by mandamus. The guardians resisted us, saying that they did not want any sanitary measures and they did not want any more relieving officers; but, however, 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 ground.

11,954. Although you have exercised this useful influence over the boards of guardians as sanitary authorities, have you no influence whatever over town sanitary authorities?—We have no authority whatever over towns governed by town councils or town commissioners.

11,955. And sanitary matters are more important connected with towns, than in perhaps all the county districts?—Yes, certainly they are.

11,956. In cases of the Diseases Prevention Act being put into operation by Orders of Council, do the boards of guardians act as the sanitary authority on the councils?—The boards of guardians act under the Diseases Prevention Act when an Order of Council is in force, and under the Diseases Prevention Act they are the sole authority in all places.

11,957. (*Mr. Powell.*) The Lord Lieutenant sets in motion that Act in Ireland, does he not?—Yes; the Lord Lieutenant sets the Act in motion by an Order in Council.

11,958. The Lord Lieutenant has the same power with respect to certain people, as the Privy Council has under an order?—Yes, in that respect he has.

11,959. (*Chairman.*) Is it then the fact that sanitary matters are not properly attended to in the towns in Ireland?—I believe that they are not much attended to as a general rule in the smaller towns, but there are many larger boroughs in which there is a great deal of action; for example, in the city of Dublin there is a very attentive and vigilant action under the sanitary law. 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, to whom the Metropolitan Police give their assistance; and a great deal of action takes place in Dublin. In Cork, I believe, there is a good deal done in the same way; but in the lower class of boroughs, such as Kilkenny, Clonmel and Cashel, and such boroughs, I believe that very little is done; and also in towns under town commissioners it is very seldom, so far as I can gather, that they do very much; but I am speaking only from what I hear, because we have no official information about them except what we gather from our inspectors, when they are directed by the Lord Lieutenant to make inquiries; but I think that Dr. Hill would be able to give better evidence than I can about it, for he has taken part in many of those inquiries. I may add this, that all inspectors, with whom I have had an opportunity of speaking, are very strongly of opinion that those minor towns ought to be brought under the jurisdiction of the Poor Law Commissioners, for the benefit of the inhabitants.

11,960. (*Mr. Hibbert.*) Is it not the case that, with regard to the incidence of taxation, it is different in the country districts to what it is in the towns, it being divided in the country districts between the landlord and the tenant, whereas in the towns it falls wholly upon the occupier; would not that be a reason why so little has been done in the towns?—Very possibly; they are certainly very much indisposed to incur expense in the towns, and you are quite right in saying that the occupiers in towns would bear the whole of those sanitary expenses, whereas when they fall upon the poor rates, the charge is divided between the owner and the occupier.

11,961. (*Chairman.*) Is what is chiefly wanted to make those Acts operative, more central inspection and power of control?—I think that they should all be brought under some superintending government, whether it be desirable to consolidate the whole and to place the whole under one authority, I do not feel sufficiently to have come2to any certain conclusion in my own mind, but if there were one sole authority it would be, I fancy, the Chief Secretary's office in Ireland. *A. Power, Esq.* 12 May 1870.

11,962. I thought you suggested just now that the Poor Law Commissioners might have power not only over boards of guardians as sanitary authorities, but over small towns?—I think if things are not altered in some other direction, that ought to take place, that the small towns ought to be put under the Poor Law Commissioners. I do not think it would be wise for them to undertake the whole of the large towns, nor perhaps is that necessary; but I believe that they could undertake the small boroughs and those that are under town commissioners.

11,963. That is to say they might undertake to superintend their sanitary functions as well as their poor law functions?—Yes; but in that case we ought to have much greater powers than we have at present, because, as I have been saying, the action of the boards of guardians under us has been influenced by us to some extent, but it has not been by any exercise of authority, and I think if a larger sphere of action were extended to the Poor Law Commissioners, they should have power to organise and to regulate.

11,964. That they should have both more legal power and a larger staff?—Yes, and a more extended jurisdiction. If we took the large towns, we should want some different kind of inspectors, I apprehend; we should want one or two engineering inspectors, for instance.

11,965. Would your inspectors be able to inspect the action of local boards in sanitary matters as well as poor law matters?—I contemplate if there is any extension of our jurisdiction, that it should be by transferring those functions, which are now exercised by town commissioners, to boards of guardians; then it would come entirely under us.

11,966. Then you would separate the powers of the commissioners relating to towns improvement from what you may call sanitary functions and put the sanitary functions into the hands of boards of guardians?—Yes.

11,967. Leaving the towns improvement powers in the hands of the commissioners?—Yes, certainly; of course we could not assume the power of lighting and paving, and those kind of purposes which are generally exercised by municipal bodies. Another mode would be to have a different department superintending those sanitary laws as regarded sewerage, the supply of water, and the abatement of nuisances; that might be conducted separately, I think, by a different branch; and the police, I think, ought to be introduced. The police would be a very efficient machinery in representing the existence of nuisances; we do not get any assistance from them at present through the country, although they are scattered all over the surface of it.

11,968. Do you think then that the Poor Law Commission might change its name, and undertake to superintend both the sanitary administration and the poor law administration as two sub-departments of a general commission?—I do not think it need change its name. We have, as I said, two-thirds of the population at present under us for sanitary purposes, and it would merely be taking an additional jurisdiction over the towns.

11,969. I am supposing the jurisdiction to be made much more powerful, and therefore more operative, and to extend over the small towns and the large body of local authorities, so that the title of Poor Law Commissioners would hardly describe their work. Do you think that they might be made a commission, under the Lord Lieutenant in Dublin, to superintend both the sanitary administration of the country and of the

A. Power, Esq.

12 May 1870.

poor law as two departments of their work?—It could be done either in that way or by having two separate departments, both under the Chief Secretary. The object is, I fancy, to have one central authority overlooking the whole, that is to say, the relief of the poor, the management of hospitals, the management of medical charities, and the sanitary department.

11,970. And sewage and water supply, and so on?—Yes, but I do not know why all that should be put under one head. I do not see my way to the necessity of it, but as that has been the subject of consideration here as to England, I may now say that if it were done in Ireland, it would certainly belong to the Chief Secretary's office, or rather the Lord Lieutenant, whose office corresponds to the Home Office in this country.

11,971. If two-thirds of the population of the kingdom, which you administer, are already brought together through the boards of guardians, the question is whether, if you brought all the rest of the country towns under the same administration, it could all be superintended in Dublin by one commission, not only for poor law, but for the sanitary administration of the whole country, both urban and rural?—Our hands are pretty full at present, but if that should be done there must be an increased staff of course; there must be more inspectors, and some of them of a different stamp; they must be engineering inspectors as well as medical, and others.

11,972. Is the dispensary medical officer also the registrar of births and deaths?—Yes, as a rule, he is. He is entitled to have it, and we very much object to his refusing to take it, for it has been found of very great use particularly with regard to vaccination. As registrar of births and deaths he has the means of knowing at once, without going out of his own door or his own office, whether a child has or has not been vaccinated in his district, and he makes a report of it to the board of guardians, in order that the parents may be prosecuted. That is part of his duty under our present regulations, and that has enabled us to work the vaccination law with great effect.

11,973. You would make it a matter of law, and not of choice, that the dispensary medical officer should be the registrar of births and deaths, and have the administration of the Vaccination Acts under him?—I would, certainly.

11,974. (*Earl of Ducie.*) You have suggested that the small towns should be placed under the Poor Law Commissioners for sanitary purposes, but at the same time I think you said that certain exceptions should be made, that some of their functions, such as improvement, and so on, should not come within the scope of the Poor Law Commissioners?—Those other functions that come to them, not from the Sanitary Act, but come to them through the Towns Improvement Act, would remain with them, no doubt.

11,975. Do you think it would be possible to carry on sanitary improvements when other town improvements were separated from them?—I acknowledge that difficulty, certainly. You cannot take in fact the sewerage of a town from the town commissioners; there is great difficulty in it.

11,976. Would there be any sentimental grievance, any feeling of being placed in an unworthy position, if those town councils were placed under the Poor Law Commission or under a re-constructed Health and Poor Law Commission?—No; it would be a question whether they would like the boards of guardians to assume those duties. The board of guardians meet every week in the same town; generally speaking it is the centre of the union. I do not think they would mind about giving up any of their functions to the board of guardians, the principal people in the town are themselves members of the board of guardians, and I do not think there would be much sentimental feeling upon the subject.

11,977. Have you found your relieving officers efficient inspectors of nuisances?—In very many instances they have been very efficient.

11,978. Are they enabled to act independently?—Yes, I think they are. We should have been at a great loss to induce boards of guardians to appoint and pay sanitary inspectors if it were not that they could for 5*l.* or 10*l.* addition to the salary, engage the services of those persons.

11,979. You stated that your relieving officers have not very much work in relation to out-door relief, and therefore they have ample time for sanitary inspection?—They have large districts, but not very large salaries. I should think about 25*l.* or 30*l.* is about the amount, and it is generally some man who has some other calling to follow who is the relieving officer in rural districts.

11,980. Can you give any idea of the average number of relieving officers to unions?—I think that they are about two or three to each union. We have 298 relieving officers that are made sanitary inspectors, and the whole number of unions is 163.

11,981. If those relieving officers have not much work in out-door relief, can you ensure their travelling over their district sufficiently to be cognizant of all that goes on?—They act under the dispensary arrangements. They have power to give dispensary tickets, that is one function that brings them in connexion with relief throughout the whole district.

11,982. Do they cover their districts well, and do they go over the ground frequently?—Yes, they do; they are appointed to attend in different parts of their districts once or twice a week as it may be, perhaps three different parts of the district twice a week. They are applied to to a great extent for dispensary tickets for medical relief, and they have an opportunity of circulating, and are obliged in fact to circulate through their districts. Still I do not wish to say that the performance of sanitary functions is at all satisfactory anywhere. It is not so, but it would be if we had the power to organise and to regulate.

11,983. Do the guardians themselves generally take an interest in sanitary improvements?—Many individuals in the boards of guardians are very active and very intelligent, and some of them have taken a strong interest in sanitary improvements, and a more enlightened view.

11,984. (*Mr. Hibbert.*) Where relieving officers act as inspectors of nuisances, are they paid an additional salary for the work, or is it included in the one salary?—From a return which I have before me, I find that they are paid an addition to the salary of 20*l.* in the Armagh union, where there is one officer, but the sums which I see down in the same column are generally 10*l.*, 5*l.*, some of them 15*l.*, some 20*l.*, and there is one as high as 30*l.*, that is the extreme salary, I think, that is paid, and that is in the suburbs of the North Dublin union, that part of the union which is not under the jurisdiction of the corporation of Dublin.

11,985. What is the plan adopted where an inspector of nuisances discovers a nuisance; does he report it to a committee of the guardians, or to the guardians themselves?—There are committees generally appointed; we insist every year that they shall appoint committees, which seems intended by the Act; but I think the board of guardians do the business chiefly, and he reports to the board of guardians, takes their directions, serves notice upon the owner or occupier as the case may be, and if the work is not done he summons the parties before the magistrates.

11,986. Do the guardians appoint more than one committee for sanitary purposes?—Yes, they are called upon by the Act to appoint two different bodies for sewerage and nuisance purposes and that is very inconvenient.

11,987. Do you think that one committee would be able to do the work?—I would rather have the board of guardians appoint a committee for any purpose whatever, whenever they wish to do so, and not to make them do it, and I would let them do the business as much as they can themselves.

11,988. You prefer that to having a permanent committee appointed annually?—Yes, I very much prefer it, because it acts in this way. If there is a regular committee appointed, it is so very easy for the board of guardians to refer business to the committee, and then the committee perhaps do not act and the thing is lost sight of.

A. Power, Esq.

12 May 1870

11,989. Is there a guardian elected for every electoral division?—Yes, and each elected guardian is also met by an *ex-officio* guardian, so that it doubles the force.

11,990. Do you know whether the committee appointed by the guardians have the power of expending money upon sanitary purposes without reporting it to the whole board, or getting their confirmation?—The committees have no financial powers at all. If the guardians choose to entrust them with ordering works to be done, and expenditure to be incurred, they can do so, I believe, under the Sanitary Act.

11,991. Supposing that a sewerage work is carried out in some particular electoral division, is the charge for it thrown upon that particular division, or is it thrown over the whole union?—The charge is thrown for sewerage upon the electoral division, by the Act. We suggested, through Dr. Hancock, that we should have, as we have in the nuisances part of the Act, power to determine the area of charge, because having it an electoral division charge, it impedes very much all work. For instance, you will have a flourishing little town, as a watering place, that wants water, or that wants sewerage, but the large electoral division round it is a wild country; they do not care, they have no interest whatever in the town, and yet if the town improves its sewerage, or gets a supply of water, the whole electoral division has to pay for it. There is a strong case in Dublin, where the Rathmines electoral division comprehends the town of Roundtown. In Roundtown they cannot get water, because Rathmines, which is a township, has a local Act of its own, and in fact has already supplied itself with water, and it would have to pay for Roundtown.

11,992. Would not that difficulty be overcome if they had power to form themselves into an urban district, and so separate themselves from the whole of the electoral division?—I think it would be better to stick to the existing organization, and let this difficulty be provided for by the power of fixing the charge upon a limited area, which we have already by the Burial Grounds Act. The Poor Law Commissioners have the power of determining the area upon which the charge shall be fixed for burial ground purposes.

11,993. Are the medical officers of the guardians of a union appointed to act as the officers of health for sanitary purposes in the union?—No, but they are the foundation of all sanitary work, because their reports to the boards of guardians, and their reports to us, set the law in motion. You see they have a strong interest to avoid the breaking out of fever; they are paid by salary, and it is a great trouble and distress to them personally whenever there is any outbreak, and that is the foundation of all that is good with us. We depend upon them; we have them under regulation to report to us, or to the board of guardians, and very often as registrars of births and deaths they put before the Registrar General, as you see in his reports, their remarks upon the subject, but they have not any title at all except that of medical officer of dispensary districts; they are not called health officers, but that function springs out of their position of usefulness.

11,994. In attending to the medical relief in their districts, I suppose their attention is often called to the want of sanitary regulations; do they bring any defect of that kind before the notice of the guardians?—Yes, it is their duty to do so, and they are under instructions to report also to the Poor Law Commissioners.

11,995. Do the poor law inspectors exercise any supervision over the sanitary arrangements of the guardians?—They assist them; they are present at their meetings, and they very often, I believe, have an opportunity of assisting and inculcating the enforcement of the Act, but the inspector under the central board has no real authority, no coercive authority.

11,996. Not even over the guardians?—No, not even over the guardians, on sanitary matters.

11,997. In the case of the medical officers of the unions, do they attend to the sick and do they also provide medicine, or is it found by the guardians?—Medicine, and all medical and surgical appliances, trusses, and instruments, and everything, are always found out of the poor rates, quite independently of the payment to the medical officer.

11,998. Can you give any statement of the amount spent upon medical relief in Ireland, in comparison with the amount spent in England; that is to say, the amount per head of the population; I believe it is very much larger in proportion than it is in England?—I believe it is. I have seen the comparison made. In comparison with the population on which it is expended, there is a greater proportion of expenditure on medical relief. In actual figures it is for the year 1869, 123,718*l.*, including every description of expenditure, vaccination, and so on.

11,999. (*Mr. Lambert.*) That does not include the salaries of the workhouse medical officers, does it?—No, it does not.

12,000. (*Mr. Hibbert.*) What does that amount include?—It includes medicines and medical appliances, rent of dispensary buildings, stationery, printing, advertising, salaries of the medical officers, apothecaries, fuel, porters, and incidental expenses. To that must be added 6,622*l.* under the Vaccination Act, making in the whole, 123,718*l.*

12,001. Do you think that the fact that there is a more generous distribution of medical relief in Ireland has the effect of keeping down the pauperism of the country?—I think the difference between the pauperism in the two countries is dependent upon different causes; it is in a great measure dependent upon the different system of relief, one being principally out-door relief, and the other being principally in-door relief.

12,002. You do not think that medical treatment has much influence upon it?—It has perhaps some influence, but it is not by any means due to that in any great degree.

12,003. (*Lt.-Col. Ewart.*) Do your elected guardians in Ireland all change at the same time?—Yes; there is generally an annual election on the 25th of March every year, or within a few days of the 25th of March.

12,004. Practically, do you think that the same men are very often re-elected for a considerable time?—To a very considerable extent they are.

12,005. Do you think it would be an advantage if they were elected for a longer period and only a certain number changed annually?—We have already made an advance to that; if nobody is nominated, the old guardian sits, but not if a new man is nominated, and I think that is quite sufficient. The *ex-officios* fluctuate very slightly indeed, they are permanent, and they form one half of the whole board.

12,006. The Poor Law Commissioners administer the Burial Acts in Ireland, do they not?—There is the same distribution of functions with regard to the Burial Acts as with regard to the Sanitary Acts, that is to say, the guardians are the burial boards where there are no town councils or town commissioners, but only in those cases, and the burial board is the town council of the borough, or the town commissioners of a town which is under local government.

12,007. What central authority superintends the administration of the Act?—We superintend the board of guardians in that to a certain extent, that is to say, they have to apply to us to fix the area of taxation for them, and that is all the authority we have over them.

12,008. Have you any special inspector for that business, or is it done by your ordinary inspector?—It very seldom occurs; it does sometimes bring the inspectors into action, but not very often. The board of guardians agree to fence certain burial grounds, and we are always very anxious to make the charge a union charge, but then they say no, it belongs to

A. Power, Esq.

12 May 1870.

certain electoral divisions and they must pay for it, which they generally do. At the same time there is an inquiry by an inspector to see what would be the proper area of taxation.

12,009. Would that inquiry be held by an ordinary district inspector?—Yes, by an ordinary poor law inspector.

12,010. Are your poor law inspectors told off to districts?—Yes, every one has a district.

12,011. Could you give us any account of how the cattle plague business was administered by the central government in Ireland?—I believe it was on the recommendation of the Poor Law Commissioners that the Government framed that Act. It was intended at first to leave each union to fight its own battle with the cattle plague, and to go to the extent of 6*d.* in the pound, before any assistance was rendered to them, but we recommended that, as the cattle plague was not then in the country, and as every union was equally interested in preventing its coming, a small rate all over the country of say ½*d.* or 1*d.* or 2*d.* in the pound, or whatever might be supposed to be wanted, should be levied and put into a general fund, and we could draw it, by way of charge on the electoral divisions, from the treasurer of the unions. That course was adopted, and in a short time from the passing of the Act, we were enabled to place in the hands of the Government by a ¼*d.* rate all over the country, 13,000*l.* That did not involve any making of rates, it was merely a charge on the electoral divisions, by the treasurer of the union, according to the order which we were empowered to issue. With that money at their disposal, the Government were able to meet the cattle plague wherever it fell. It did not fall on more than three or four places, they stamped it out directly, and when it was all over and all danger had ceased, we were enabled to restore about 6,000*l.* or 7,000*l.* to the unions, of the sum which had been levied from them, so that it was a very successful proceeding altogether, and very satisfactory, for it gave security at once throughout the country, confidence was restored, and there was no panic at all after they knew that the Government had its veterinary officers ready to act everywhere. Some people say that it did not come at all, but if it did come it was only in two or three places, and there slaughtering took place and the thing was crushed directly.

12,012. Did your office carry on the correspondence on the subject?—No, we had nothing to do but to raise the money; we raised the funds, and it was placed at the disposal of the chief secretary, placed to his account in the Bank of Ireland; the Castle administered it, and afterwards rendered an account, I believe, of the administration.

12,013. Were there any special inspectors for that purpose?—Yes, there were veterinary inspectors, who were directly under the Chief Secretary, not under any sub-department.

12,014. (*Dr. Acland.*) You mentioned that sometimes the dispensary medical officers report directly to you on sanitary matters, on what subjects are they expected to report?—We have every quarter a formal return from them of the number of particular contagious diseases only. I mean what we call preventible diseases, that is fever, scarlatina, smallpox, and so on, but not of the general disease.

12,015. I am anxious to hear what kind of sanitary duties you expect an ordinary medical man to discharge; on what kind of sanitary subjects do you expect him to be thoroughly conversant—not engineering, for instance?—No, we do not expect the medical officers of dispensary districts to do any more than discharge their duty in attending upon the people who are privileged to apply to them for medical relief, and to make known the existence of epidemic disease, and anything in the shape of fever, or any febrile complaint, if it exists.

12,016. Does your office arrange the areas over which their sanitary inspection is to take place?—No, we have no power at all to arrange the districts under the Sanitary Acts; our districts are dispensary districts for general medical purposes, and the districts of our own inspectors, of whom there are 11.

12,017. (*Mr. Lambert.*) With respect to out-door medical relief, has the receipt of out-door medical relief the same effect as it has in England; does it pauperise the recipient where he does not receive any other kind of relief?—I do not think it has that effect to any great extent; I used to apprehend that it would, but I think that the medical relief itself is very steady and fluctuates very little from year to year, and I cannot see that with the system which they have of administering relief in workhouses as the main thing, there is any danger of the medical relief pauperising the people. If it was connected with a very extensive system of out-door relief, I should expect it would have a good deal of effect in pauperising them. It would be a step to asking out-door relief, but we have so very little, comparatively, of out-door relief in Ireland, that the workhouse test, as it is usually called, has the same effect, notwithstanding the administration of medical relief, as it would have without it.

12,018. Medical tickets for out-door relief are distributed rather freely, are they not, in Ireland?—They are distributed freely. There are a certain number of persons in every union authorised to give them.

12,019. Not only the relieving officers, but other persons as well?—Every member of a dispensary committee, and every warden, has the power to give them.

12,020. What do you mean by warden?—I think it has almost disappeared. Originally there were no relieving officers in Ireland, and then there was a warden appointed by the board of guardians, sometimes in parishes and sometimes in townlands. It seemed necessary, in case there was sudden destitution, that there should be a person who could bring the case to the workhouse, and that was his whole function. Since we have had relieving officers, wardens have nearly disappeared.

12,021. Am I right in supposing that every member of a dispensary committee as well as the relieving officer has a right to give a medical ticket for out-door relief?—Certainly.

12,022. Upon what principle are they guided in disposing of those tickets to applicants?—They have to interpret the words "poor person" in the Act of Parliament, and as you may suppose one person interprets it differently from another. There is some abuse no doubt, and a provision is made in the Act to check that abuse, by giving the dispensary committee, as a body, authority to cancel the ticket, and that is done to some extent.

12,023. A very large number of persons who are not now of the pauper class are receiving those tickets, are they not?—Yes, a large number of persons.

12,024. Who do not receive relief of any other kind?—Precisely so.

12,025. Is the effect of the receipt of those tickets to disfranchise the recipient from any political privilege?—No, it does not disfranchise him.

12,026. You have stated that unions frequently were not conterminous with counties; can you state the principle upon which the unions were formed in the first place; why is it that they were not made conterminous with counties?—It would have been very inconvenient; just the same inconvenience as would have arisen in England in forming the unions, to make them conterminous with the counties, because a town which naturally ought to be the centre of the union, where you must in fact have it, would be on the border, and it would be impossible to regard counties without sacrificing a great deal of territorial convenience.

12,027. It was necessary to consider the position of the town and its convenience for the neighbourhood?—Yes.

12,028. Has any practical inconvenience arisen from not having unions conterminous with counties?—None whatever; I am not aware of any.

12,029. Have you any jurisdiction over county

A. Power, Esq.

12 May 1870.

infirmaries in Ireland?—No, we have nothing to do with county infirmaries at all.

12,030. Have you the power of visiting them?—Yes, we have the power of visiting them.

12,031. But not of taking any action with regard to their proceedings?—They have been visited in order to ascertain how they acted; there was a general inquiry at one time, I think it was after the Medical Charities Act, to see the operation, and how far the usefulness of the county infirmary extended itself; and it was found that nearly three-fourths of the whole country was not affected by the county infirmaries.

12,032. How are they supported?—They are supported partly by life subscribers or yearly subscribers, and partly by county cess; there is an allowance also from the Exchequer of 100*l.* a year for the infirmary surgeon.

12,033. Can you state to the Commission what class of persons resort to those county infirmaries; are they poor persons?—They are, I suppose, generally poor persons, but of the artizan class; generally a better class of persons than resort to our workhouse hospitals as a rule; but, however, we have constabulary in the hospitals, and we have domestic servants. I saw the other day, just before I left Dublin, that two Roman Catholic clergymen had availed themselves of a workhouse fever hospital within the last quarter, and they have spoken with great satisfaction of the way that they were treated.

12,034. Your fever hospitals are always separate buildings distinct from the workhouses, are they not?—They are on the workhouse site, but quite distinct. We had an increase in the number of unions, from 132 to 163, and a smaller class of houses was built for the new unions, and in some of those we have not a separate building, but a portion of the house is allotted to the purpose.

12,035. Is the number considerable, of persons not belonging to the pauper class, who pay for going to the workhouse hospital?—There are on the average about 200 always in the house, of patients under the 3rd section of the 25th and 26th Victoria, and of the constabulary, 16.

12,036. Is that in the whole of Ireland?—Yes, that is the daily number; it is 200 ordinary persons and 16 constabulary.

12,037. Is there a growing disposition on the part of people to avail themselves of those infirmaries and fever hospitals?—I think there is a growing disposition to avail themselves of fever hospitals. It is the very poorest class who are most reluctant to go there, but the class above the poorest, I think, are now relaxing their prejudices.

12,038. And those who in fact pay?—Those who pay, I think, are increasing every year.

12,039. Do you yourself consider that that is a beneficial change in the law?—I think it was utilizing the workhouse in a very important degree, because it enables you to isolate cases of contagion, whether of the better or the poorer class. We have 10,000 fever beds connected with the workhouses, and there are not above 1,200 of them daily engaged, therefore there is plenty of room.

12,040. With regard to your infirmary accommodation in workhouses for the ordinary class of sick, what is the extent of it?—I cannot say.

12,041. Generally speaking there is a large amount of spare infirmary accommodation, is there not?—There is a good deal on the whole, but since Sir Robert Peel's Act, since the poor law was liberalised, and you may say hospital relief was extended to poor persons, there has been a greater number of sick now in the workhouses than there was before, and it is an increasing proportion.

12,042. I believe that your vaccination arrangements in Ireland are under the control of the Poor Law Commissioners?—They are entirely.

12,043. Has vaccination always been compulsory since you have had that power?—No, the operation of the compulsory Act only began in 1864.

12,044. Was it found that prior to that time a large number of persons were not vaccinated?—There were always a large number of persons not vaccinated before that time, and I am afraid there are a good many persons not vaccinated since.

12,045. But has the effect of the compulsory Act been to induce a very large number of persons to be vaccinated?—Yes, certainly. The first year of its operation, a very large number of persons were vaccinated who did not come within the provisions of the Act; it was merely because the large notices and large placards all over the country were not read very accurately. Many adults, and persons who fancied they were compelled to be vaccinated, came in, whereas it was restricted only to children born after the 1st of January 1864. We had something like an addition of 130,000 or 140,000 that were not within the provisions of the Act.

12,046. Has there been a great diminution in the number of deaths from smallpox since the compulsory vaccination?—Yes, a very great diminution.

12,047. Can you state in general terms what the diminution has been?—I think that in each of the last two years the Registrar General has returned about 20 deaths, but there is a description of them in his report, and many of them are called varicella, that is to say, chickenpox, but however, when it is attended by death, as Dr. Burke told me, they are very particular to put down everything that comes within their reach. The annual number of deaths by smallpox before the compulsory Act exceeded 800.

12,048. Is there any indisposition on the part of the authorities in Ireland to convict persons under the Vaccination Act for neglect of vaccination?—There has been, and at our instigation the Lord Lieutenant has issued a circular once or twice to the magistrates to advise or instruct them not to make nominal penalties. They used to fine people 1*d.* on conviction very often indeed; they were very indulgent at first under that Act, but, however, they are more strict now, and a great deal of good has been done by a strict enforcement of the Act. I believe there is not much difficulty or defect in the working of the Act at present.

12,049. You told us that the guardians are the local authorities for sanitary purposes except in towns in Ireland; have you found that having that duty cast upon them has at all interfered with the discharge of their other duties?—No, indeed it has not.

12,050. How often do the boards of guardians meet in Ireland?—Once a week regularly.

12,051. Without exception?—They ought to meet once a week; if no guardians come to the board, and they sometimes make arrangements to meet only fortnightly, the clerk is there, and a meeting may be held if three persons come together, and no arrangement that they may make beforehand can prevent the meeting being held if three guardians come, but if they do not, the clerk has instructions to frame his minutes with the statistics as usual every week, and record that there was no attendance.

12,052. But the orders of the board are that they should meet every week?—Yes, that they should meet every week without fail.

12,053. Have the paupers any prejudice against the paying patients in the workhouses?—We never hear of any difficulty at all about the paying patients.

12,054. There is no feeling that it is an intrusion on their rights?—Not the least.

12,055. (*Mr. Powell.*) You have stated the case of persons going to infirmaries, above the pauper class, and in no sort belonging to that class, on payment?—Yes, to workhouse hospitals.

12,056. Probably there are some not, as they think, in any sort of way approach the pauper class, who do not pay; do they become paupers by entrance upon these infirmary hospitals?—Whenever they pay the whole or a portion of the maintenance,

A. Power, Esq.

12 May 1870.

which depends upon the board of guardians to determine, there is a separate register for them, but if they do not pay, they will of course go on to the pauper class.

12,057. Are they subject to any disqualification belonging to the pauper condition?—They would be in that case.

12,058. I believe that the inspectors under the Act of 10th and 11th Victoria, the Poor Law Act, and the inspectors under the 14th and 15th Victoria, the Medical Dispensary Act, are now a common staff?—Yes, they perform all the duties under every one of the Acts administered by the Poor Law Commissioners.

12,059. I observe that in the Sanitary Act, 1866, (§ 64) "the prevention of disease and enquiry into public health," shall be deemed one of the purposes for which the medical inspectors have been appointed. Do the inspectors, of which we have just spoken, in practice make inquiries over the surface of the country, with reference to the prevention of disease, and inquiry into public health?—The Prevention of Diseases Act is only in operation during an Order of Council, and they act then when it is in operation.

12,060. Do you construe those words in the Act of 1866, "prevention of disease," as applying only to action under that special Act for the prevention of diseases, which is only put in force during epidemics?—Yes,

12,061. Do the inspectors, actively over the whole surface of the country, institute inquiries into the public health?—Only under the direction of the Lord Lieutenant. When the Lord Lieutenant wishes a report from us upon any particular locality, a letter is written to us from the Castle, and we send him the inspector's report.

12,062. Those inspectors are not ordinarily in communication with you as reporting upon the condition of public health?—No, they are not ordinarily.

12,063. It is a power kept in reserve for us as occasion requires?—Yes, to be used as occasion requires.

12,064. I find in the Act of 1854, which is your Towns Improvement Act, that there is power given, on application made, to specify the boundaries of a district; are those boundaries so specified, the boundaries of the city, or town, or are they in many cases special boundaries adapted to the peculiar want of the district as being convenient for sanitary purposes?—I have only a very partial knowledge of the Towns Improvement Act. We know nothing officially of it or about the towns, but I believe that the inhabitants meet and determine the points to which the jurisdiction shall extend.

12,065. You stated, did you not, in answer to a former question, that there might be a district partly rural and partly urban, where the urban population found great difficulty in being drained or supplied with water, because the rural population objected to be charged for urban purposes?—Yes, that was the case of an electoral division.

12,066. On the face of this fourth clause of the Towns Improvement Act of 1854, it appears that the power of the urban population is restricted to the urban district, irrespective of the electoral division boundary?—Yes, they could not withdraw themselves from the electoral division for poor law purposes, but they could take advantage of the Towns Improvement Act.

12,067. You are not in a condition to say how far the boundaries under that Act differ from the boundaries for poor law purposes?—No, I know nothing of the boundaries under the Towns Improvement Act.

12,068. Can you inform the Commission whether the Lord Lieutenant has frequently acted under the 49th clause of the Act of 1866?—I am sure that he has not acted under it in any one instance.

12,069. You stated, and I believe there is a considerable body of testimony in the same sense, that the provisions were defective. What amendments in those provisions would you suggest?—I have heard it said that the law advisers of the Crown in Ireland would not wish to take action under that section, but I do not know what their reasons are.

12,070. You mentioned the number of letters which you wrote during a certain number of years; can you inform us what were the sources of information on which those letters were based?—They arose probably, most of them, out of complaints that were directly addressed to us by people complaining of nuisances, and they arose sometimes upon reports from the medical officers of dispensary districts—official reports—that is often the cause; and sometimes we would see upon the weekly proceedings of the board of guardians, some complaints addressed to them, which always brought a letter from us asking, "What are you going to do?" It was upon those materials chiefly, I think, that those few letters were written, for they are a very small number in comparison with our correspondence, only a drop in the ocean.

12,071. Are there many cases where you communicate with the locality, because you have reason to know from the ordinary sources of information that disease had become prevalent?—Yes, we communicate continually with boards of guardians upon this subject.

12,072. Are the cases of the removal of nuisances, and the like, of which you gave us a list some time ago, all the cases where those Acts have been put in force?—No, I was only giving the instance of a particular union, not over the whole of Ireland. I may say that the union which I gave was one in which they were particularly active, but there were a great many in which very little was done.

12,073. (*Lord R. Montagu.*) Have you found that there has been in Ireland any drawback from the sanitary administratton being united with the Poor Law Administration?—No, I think that the Sanitary Act has been better administered by the boards of guardians than it has by other authorities upon the whole, with the exception, perhaps, of one or two of the large towns, such as Dublin, and Cork, where I believe it has been very well managed.

12,074. In certain large towns, the sanitary administration is not connected with the poor law administration, but in other towns it is; compare those two and tell me, as a general rule, in which of those two classes sanitary matters are better administered?—Those towns which are not under our jurisdiction comprise almost the whole class of towns in Ireland; there are very few towns indeed that are under us. I mean that out of 100 of the larger towns, there is not one under our jurisdiction. I could not give you any comparison between such of the small towns as are under our jurisdiction and the others. I could not compare them, for I know nothing whatever of the larger towns.

12,075. As a fact, the sanitary administration and the poor law administration being combined, does not prevent persons from seeking medical relief?—No, it does not certainly.

12,076. (*Mr. Hibbert.*) With respect to the management of the roads in rural districts, do you know whether they are managed at all by the guardians, or by what other authority?—They are under the county authorities altogether, under the grand jury.

12,077. (*Dr. Acland.*) Under what Act is it that patients are admitted into the hospitals on payment?—The Act of 1862, Sir Robert Peel's Act. It is at the discretion of the board of guardians whether they should charge them the whole or a part of the maintenance, and they have the power to recover it from the patients themselves, or in the case of domestic servants, from their masters or mistresses.

12,078. Does the same apply to the lunatic asylums?—No, there is no corresponding provision, I think, with regard to them.

The witness withdrew.

(99.) WILLIAM STUART WALKER, Esq., examined.

W. S. Walker, Esq.

12 May 1870.

12,079. (*Chairman.*) You are chairman of the board of supervision in Edinburgh?—Yes.

12,080. We have had evidence from Mr. Gordon as to the placing the sanitary functions under that board of supervision, so that that board superintends both the sanitary and the poor law administration of Scotland. We wish to hear from you, having got from Mr. Gordon the state of the law, some information as to the operation of the law since it has come into full effect?—When the Act was passed, the board of supervision felt that it was a very great change, and one that we were conscious the country would not generally appreciate, and we therefore, our powers being very limited under the Act, thought it more expedient to proceed cautiously and experimentally, rather by giving assistance and advice, and where occasion required it remonstrance, than by attempting what we were sure we should not succeed in, viz. to induce every place all over the country at once to put the whole of the Act into operation. The board first of all issued a circular calling the attention of all local authorities to the Act, and they sent copies of the Act to each local authority. That Act was passed in August 1867, and that circular was issued in September 1867. It was merely an intimation that the Act had passed, and called attention to its general provisions. Then we subsequently issued a circular with reference to rules and regulations about lodging houses, which we conceive to be a matter of very great importance. Under the previous Act, the Act of 1856, a large number of places had adopted rules and regulations for common lodging houses which had been approved by the Secretary of State, and we were rather doubtful whether those would remain in force after the passing of the Public Health Act, and we sent a circular cautioning those local authorities that they had better transmit their rules for our confirmation *de novo*.

12,081. You have three different kinds of local authorities to deal with, namely, the town councils, the commissioners, and the parochial boards for country districts. I presume that your last answer has reference to the urban authorities?—Yes, or parochial boards in whose district there is some considerable village. Perhaps I may mention the number of local authorities that we have and how they are distributed. Altogether in Scotland there are 1,015 local authorities, and of those the parochial boards are the local authorities in 847 cases; then there are 26 town councils; police commissioners, 139; and trustees of towns and boroughs, who are police commissioners also, three. The rule of the statute is, that where are no town council or police commissioners in a parish, the parochial board is the local authority. Where there are police commissioners they supersede every other body within the limits of their jurisdiction. Where there is a town council and no police commissioners, then the town council is preferred to the parochial board within the limits of their jurisdiction, but in those parishes, unless the borough and the town and the parish are conterminous, which very rarely occurs, there is always a portion of the parish under the parochial board, and that has caused our having such a large number as upwards of 1,000 local authorities in Scotland, so many parishes being divided. Then I may mention, with reference to this subject, that there is a power under the statute for any one of those bodies to apply to the board of supervision to nominate one or other of them to be the local authority for the whole parish. We have had such applications and we have made a nomination, but in general the town authorities prefer to manage their own affairs within their jurisdiction, rather than hand them over to the parochial board. As a rule they do not make much use of this provision.

12,082. Those local authorities which you have mentioned cover the whole of the kingdom of Scotland, do they not?—Yes, they cover the whole of Scotland.

12,083. Is there not some exception in the Act as to towns which have more than 10,000 population?—There are some special provisions relating to them. For instance, the board of supervision have the sole power of dismissing sanitary inspectors in all places except those towns containing 10,000 inhabitants; but, in point of fact, those large towns 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 this Act contains, or they have adopted the General Police and Improvement Act, which also has very special and stringent regulations upon sanitary matters.

12,084. What is the date of the Police Act?—1862. The result is that besides the operations performed under the Public Health Act, there is a great deal of sanitary work done in the towns under their Police Acts. Over that work the board of supervision have no control, and they have no official knowledge of it.

12,085. Is it generally the fact that the board of supervision superintends both the Poor Law and the sanitary laws in the country districts, but not in the town districts?—No, their jurisdiction extends over all the local authorities, keeping in view that towns of 10,000 and upwards in population have certain special privileges.

12,086. The board of supervision then is generally the central department over both sanitary and poor law administration throughout the kingdom?—Yes, throughout Scotland the board of supervision now act in a manner as a board of health for Scotland. During an epidemic disease they cannot put the part of the Act relating to it in force until there has been an Order in Council applying to Scotland, but the Order in Council being issued, then the board of supervision have the whole control and charge.

12,087. When you talk of the sanitary administration being put under the chief superintendence of this board of supervision, does that include town improvements?—No, it includes drainage, water supply, the shutting up of houses unfit for human habitation, and matters of that kind, but not any building operations.

12,088. So that there would still be a very considerable part of the provisions of what are called generally the Sanitary Acts under the separate control of councils and commissioners as distinct from the board of supervision?—If you mean with reference to providing accommodation for the labouring classes, building streets, and so on, that would be entirely irrespective of the board of supervision.

12,089. How far has the board of supervision had to add to its staff in consequence of the Act of 1867?—Not very largely, in consequence of their resolution to endeavour to see, in the first place, what the voluntary action of the local authorities would be. They had some addition to their clerical staff at the time the Act was passed; upon that occasion they appointed two young men as clerks in the department, who had been brought up as civil engineers, with the view of utilizing them with reference to this Act, but they appointed no additional inspectors or visiting officers. We had three such officers under the poor law, and we thought it sufficient in the meantime to give them separate instructions with regard to the Public Health Act, because in the course of their duty they were continually travelling about in their districts, and visiting villages and towns, and they would almost necessarily see, or could very easily inquire into what was being done, and what was required to be done, and we directed them to report to us. Their instructions you will find in the 24th annual report of the Board of Supervision, appendix, page 11, where there is an "instructional letter to "the general superintendents of poor, and the visiting officer," dated the 31st of May 1869:—"Sir, "As the season of the year most suitable for active "sanitary operations is approaching, I am directed "by the board to explain to you generally the "nature of the duties which you are required to

W. S. Walker, Esq.

12 May 1870.

" discharge within your district in connection with " the provisions of the Public Health (Scotland) Act, " 1867. The board do not wish you at present to " make such regular and minute inspections of your " district, with reference to its sanitary condition, as " would seriously interfere with your ordinary duties " as general superintendent of poor. But when you " visit a parish in the course of your duties as a poor " law officer, you will take the opportunity of in- " quiring how far the enactments of the Public Health " Act are complied with, and whenever you find any " failure on the part of the local authority, you will " report the same to the board. You will keep in " view that some of the enactments of the statute " are merely permissive and enabling, while others " are obligatory and absolute. In the case of the " former, you will inquire as to the grounds upon " which the local authority have put the statutory " provisions into force, or (as the case may be) have " resolved upon leaving them inoperative, and you " will report as to whether the local authority appear " to you to have exercised a sound discretion or not. " It is of course in towns and villages that the active " operation of the statute is of the greatest im- " portance, and your observation will be chiefly di- " rected to those parishes which contain any such. " Through the courtesy of the Registrar General, the " board have received a valuable and interesting " table, with explanatory notes, drawn up by Dr. " Stark, superintendent of the statistical department " in the General Registry Office, showing the per- " centage of deaths to the population in all the " populous districts of Scotland, during the 10 years " 1856–1865, and I am directed to transmit a copy " for your information and guidance. But you " will understand that the board do not expect that " the whole of the Provisions of the Public Health " Act can be immediately and simultaneously put " in force in all places. Many local authorities have " already shown a commendable desire to improve " the sanitary condition of their districts by a prompt " and voluntary use of the machinery which the " Act provides; and it is upon the spontaneous action " of the local authorities, aided or stimulated as may " be required from time to time by information, " advice, or remonstrance, that the board are dis- " posed mainly to rely for a successful execution of " the Act, and a general improvement in the public " health. In addition to your ordinary inquiries and " reports, the board will, from time to time, call " upon you to institute special investigations for their " information, upon any matters requiring such a step, " and in these cases you will receive such further " instructions as may be requisite." The table which Dr. Stark sent us is an extremely interesting and valuable one. By-and-bye when we find it necessary to endeavour to force the local authorities to proceed, our attention will no doubt be directed to those towns in which during the last 10 years there has been an excessive mortality. But since this instructional letter was issued those three inspectors of ours, as they are called in England, have sent us in a very large number of reports upon parishes which they have visited; pointing out, for instance, that there is not a common lodging house register, or that the Act relating to common lodging houses is otherwise not in operation. It may be that he finds a town covered with nuisances of all descriptions, or defective privy accommodation, absence of drainage or bad drainage, or he is informed that the water supply is of very questionable quality; very often that appears obvious to himself; he finds that the whole of the water supply of the inhabitants is taken from wells close by heaps of manure, and of course in a position to have the water contaminated. When those reports come to the board we proceed to transmit a copy of them to the local authority for their observations; and in the great majority of cases, their attention having been thus pointedly called to the subject, they at once intimate that they mean to 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.

12,090. In fact you have not used your compulsory powers?—No, our compulsory powers are not very available. We cannot issue any positive order, we can merely take the local authority into court, and ask the court to compel them to do their duty.

12,091. You were, in fact, before the Act of 1867, the chief authority over the local authorities for the execution of the Nuisance Removal Act, were you not?—Yes, but that Act was extremely defective, we had still less power under that Act, we had no power to make any special inquiry at all, and we could not call for any information from the local authorities.

12,092. Now you have much greater power, have you not, to enforce the execution of the Nuisance Removal Act?—The Nuisance Removal Act is repealed, but the Public Health Act includes all the enactments of the Nuisance Removal Act, which it was thought advisable to retain.

12,093. What do you mean by the Public Health Act?—The Public Health Act of 1867, the Scotch Public Health Act, which embodied all the important clauses of the Nuisance Removal Act, and gave us greater power to enforce their duties upon local authorities.

12,094. As to the Sewage Utilization Act and the Sanitary Act, was it not the fact that, before the Act of 1867, those Acts were inapplicable in Scotland, owing to the difference between the English law and the Scotch law?—Yes, we found that they could not be worked at all.

12,095. In fact you have used your old staff of inspectors, without increasing them, to put this sanitary law in operation by advice?—Yes, mainly by advice and by directing the attention of the local authorities to defects. We receive a considerable number of complaints from individuals that the local authority does not remove some particular nuisance; but there is generally a good deal of personal interest in the matter, it is not done on public grounds. We always transmit the complaint officially to the local authority and call upon them to make an answer to it, and that stimulates them to action.

12,096. Has all this action taken place chiefly in urban districts or in country districts?—Chiefly within districts where the towns are not large, the smaller towns and villages.

12,097. Large towns manage their own affairs better, do they not?—They do as a rule. In Glasgow I believe they are very well managed. The medical officer of Glasgow, Dr. Gairdner, is a very superior man, and has a great deal of information upon this subject, and Dr. Littlejohn in Edinburgh is also a very good authority. In Glasgow, the other day, they appointed a sanitary inspector, a man who had been a poor law inspector, that is to say, relieving officer and sanitary inspector, in a smaller town, at a salary of 300*l.* a year, in order that Dr. Gairdner might have the means with a lay inspector under him to overtake the work.

12,098. Have you induced the local authorities to appoint more officers for the execution of their duties?—The Act gives us the power to require the appointment of a sanitary inspector, if we think it necessary. It gives the local authority, in the first place, the option either of appointing a salaried sanitary inspector, or of having the duties performed by a temporary appointment. In only one case yet, I think, have we found it necessary to require the appointment of a salaried sanitary inspector. 170 local authorities have voluntarily appointed sanitary inspectors with salaries.

12,099. Was there anything special in that case in which you had to exercise your authority?—The local authority was a police commission in a town of such a size and such a character that it was obvious that the law could not be executed at all without a sanitary inspector.

12,100. What was their objection to appointing one?—I suppose the expense.

12,101. What was the sort of salary in that case, for instance, which they were alarmed at?—Probably I should think about 50*l.* a year would be what they would have to give.

12,102. The sanitary inspectors, when once appointed by the local authorities, are not removable without the consent of your board, I think?—They are only removable by our board; a similar provision in the case of the medical officer was originally in the bill, but was objected to by some of the Scotch members, and was struck out.

12,103. Then the medical officer is really more dependent upon the local board than the inspector?—Much more so. I may observe that in Scotland the Board of Supervision have not the same power with reference to 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; and the Scotch members or their constituents did not wish to place the medical officers under the Public Health Act in a different position from that of the medical officers under the Poor Law Act. Only 81 local authorities have appointed medical officers; that is, medical officers appointed at a salary. When they require the services of a medical gentleman, they employ him specially for the case.

12,104. On the whole do you think that the Act of 1867 has worked well?—I think it has worked fairly well, as well as one ought to expect.

12,105. Can you state any points in which you think it requires amendment?—I apprehend that the Act will not be fully carried out in all places in consequence of so very much being left to the discretion of the local authorities, especially in those districts where the local authority is the town council or police commissioners; that body is entirely an elected body, elected by the municipal constituency, and we have observed indications already, that where there is a question of drainage or of water supply, they are apt to be alarmed at the unpopularity of the measure. The bulk of the population are not aware of the advantages, and they dread the expense, and in some cases within our knowledge, even although the local authority had resolved that the water supply or the drainage was defective, they did not venture to proceed without calling a public meeting of the inhabitants, in order to take their opinion as to whether they should proceed or not.

12,106. Do not you think that the more enlightened members of those commissions would be very glad of the assistance of a little more pressure from the central board?—I am sure they would; they appeal to us frequently, and those communications which we send down, although not possessing any legal power, very often give weight to their opinions, and enable them to put down the opposition which had been made to the scheme. They frequently court our assistance in that way. There is another defect in our act which was accidental, but it is a very unfortunate one. As the Bill was originally drawn, there was no limit to the power of assessment, and that, probably, was a little too much to ask, but it was very difficult to know what the proper limit was. Mr. Gordon, who was the then Lord Advocate, had no seat in Parliament, and in the passage of the Bill through the House of Commons the clause was altered, with the intention, I believe, of putting it upon the same footing as the General Police and Improvement Act of 1862, to which I have already referred, which makes the limit 2*s.* 6*d.* in the pound, and that would be a reasonable and proper amount under this Act, for the execution of the Public Health of Scotland Act. But the police assessment is levied in Scotland entirely upon occupants, and the assessment under this Act, which was to be after the form of the poor law assessment, is half upon the occupier and half upon the owner, and so it was thought that if the public health rate were made 1*s.* 3*d.* in the pound, that would give us 2*s.* 6*d.* upon rental, but unfortunately the clause is so worded that it is only 1*s.* 3*d.* altogether, and in some places this defect has actually stopped operations. The rateable value in the area is sometimes so small that the utmost limit of the assessment will not pay for the intended improvement. The limit of 1*s.* 3*d.* includes drainage, water supply, removal of nuisances, supervision of lodging houses, and everything else in the Act.

W. S Walker, Esq.

12 May 1870.

12,107. (*Mr. Powell.*) And payment of the interest of the debt?—Yes, including the interest upon borrowed money, and the gradual repayment of the capital sum borrowed..

12,108. (*Chairman.*) Your last answers had reference chiefly to urban districts, but I suppose the sole difference is that there are larger works necessary there, but there is the same *vis inertiæ* in parochial boards, only that the works which they have to execute are smaller?—No, not to the same extent; the parochial boards are more independent, they are only to a very small extent elective. In what we call burghal parishes, that is, where the whole of the parish is within the burgh, members of the parochial board are all elected, but in those instances the parochial board never is the local authority, because they are excluded by the parish being within the jurisdiction of the town council, but in landward parishes, or parishes which are partly landward and partly within burgh, every 20*l.* owner is a member of the parochial board, together with the minister of the established church and six elders, and a certain number, fixed by the board of supervision, of members elected by the ratepayers.

12,109. Is there any limit to the number of members?—No.

12,110. (*Mr. Lambert.*) Although they be owners under 20*l.*?—Yes, these are ratepayers who are not members of the parochial board.

12,111. (*Chairman.*) Are there any other defects in the Act which you think should be remedied?—Our experience of the Act has been so short, that I have no doubt there are many which we have not yet discovered, but we have found one difficulty with reference to the lodging house clauses, section 59, and the following sections. The 59th section requires the local authority everywhere, to " cause a register to be " kept, in which shall be entered the names and resi- " dences of the keepers of all common lodging houses." Then the Act goes on to make certain enactments with regard to those lodging houses; it gives power to the local authority to make rules and regulations for them, and a common lodging house is defined in the 3rd section of the Act to " signify a house, or part there- " of, where lodgers are housed at an amount not ex- " ceeding 4*d.* per night for each person, whether the " same be payable nightly or weekly, or at any period " not longer than a fortnight." Then the 59th section gives power to the local authority, with the approval of the Board of Supervision, to raise or diminish the sum payable per night, provided it is not in any case made to exceed 6*d.* a night. We have never lowered it, but we have raised it in some cases. In Scotland, we think one of the most important parts of the Act is the power of putting under proper regulation those lodging houses in which vagrants and tramps assemble and propagate disease. The local authority, then, desirous of doing its duty, keeps this register, investigates carefully the character of the people, and the nature of the house, fixes the number of lodgers that it shall receive, and the number for each room, and makes rules and regulations. But a breach of the rules takes place, or the person who occupies the house says, I am not required to be registered, I am not a common lodging house keeper. Then arises the question as to what is the price charged, which is the test in the Act; and the local authorities find it almost impossible to get proof of this from the class of people who frequent those houses; if they take a man into court for a penalty, they must prove that he is a common lodging house keeper, in the sense of the Act; that is, they must prove his charge per night, and this they find it almost impossible to do. It would therefore be a very great benefit, I think, if the onus of proof in such a case were thrown upon the common lodging house keeper. There is a further provision

W. S. Walker, Esq.

12 May 1870.

in this Act with reference to towns where they can make regulations for any lodging houses whatever, without regard to the price charged, but it does not apply to small towns.

12,112. Those are defects in various details of the Public Health (Scotland) Act, but what I want particularly to know is, are there any other defects in the action of the Board of Supervision, as the superintending authority, in the Sanitary Acts, which you would point out as failures in the working of the Sanitary and Poor Law Acts under one chief superintendence?—We have found no difficulties arising from the fact that we have both of these matters to take charge of, but we really have had no experience yet of the difficulties which we might encounter if we attempted to enforce this Act by legal steps.

12,113. Is there any jealousy apparent upon the part of the town authorities at being placed in sanitary matters under the Board of Supervision of the poor?—Unquestionably they look upon themselves as quite as efficient as we are, and they do not like any interference at all.

12,114. Do you think that if the board of supervision was made more clearly a general board for supervising all local government, and was deprived of its special poor law character, it would be able to extend its powers more acceptably?—No, I think not. I think nothing short of the Privy Council would quite satisfy them. They would yield to an authority of that kind, but to no Scotch central authority. The dislike to interference does not arise from the fact that the Board of Supervision are a poor law board. It is simply that they are a board, a sub-department, and the municipal authorities look upon themselves as entitled to supremacy in their own town or city.

12,115. Is there no feeling of dislike to matters of ordinary local government being placed under the same superintendence as the poor law?—No, none. I may mention that there is a clause with regard to the assistance which the constabulary and the police are to give, which is defective, but that is perhaps local. The 121st section enacts that, "the constabulary and police force in their respective jurisdictions shall aid the authorities and officers acting in execution of this Act or any directions or regulations issued as aforesaid," *i.e.* in cases of cholera. That enactment is extremely useful in its object, and very desirable, but we find it quite inoperative, because it does not put any special duty upon the constabulary. If they were required to report all breaches of the statute to the local authorities then some effective assistance would be given. The same enactment, I think, was in the Nuisance Removal Act of 1856, and was not altered; it was just imported into this Act.

12,116. Would you make the submission of the police to the authorities more specific than it is under that clause?—I think, if they are to be of any service at all, they should be required to report all the breaches of the statute that they may see in the course of their duty to the local authority. I have a copy of every circular which the board have issued, and a copy of the forms which they have issued under the different sections of the Act, to aid the local authorities.

12,117. (*Mr. Powell.*) Are those published in your annual reports?—They are, but not altogether, some are in one year's report and some in another. (*The witness delivered in the same.*)

12,118. (*Chairman.*) Are there any parts of your reports to which you wish to call our special attention?—In the 22nd annual report, at page 15, the board have stated the difficulties that they encountered under the old Acts and their causes. There is also a detail of some of the worst features of the last visitation of cholera in Scotland, in places where we found it utterly impossible to do any good, and which were the immediate cause of the present Act being passed. Then in the 23rd annual report, at page 18, and the following pages, there is an account of the operations under the Public Health Act, for the year 1867. Then in the last published report, the 24th, at page 17, there is a similar statement with reference to the operations of the Board of Supervision during the year 1868. Those two reports also contain statements of the sums expended by the local authorities during the year on sanitary matters, divided under the heads of drainage, water supply, nuisance removal, and so on; and I would again remark that this expenditure has arisen almost entirely from the voluntary action of the local authorities. Last year there was expended upwards of 19,000*l.* under the Act.

12,119. (*Mr. Shaw.*) Have you done anything about the clause, which I see in this Act, about providing mortuaries for the reception of dead bodies?—No, I do not think that much is required. In some places, I believe, they have made some arrangements, but there have been no reports to us; that matter does not require the action of the Board of Supervision.

12,120. You do not suppose that there is any practical difficulty therefore in getting dead bodies removed where they are a nuisance?—No, not generally speaking.

12,121. (*Mr. Powell.*) Have you found any difficulty under the 44th section, with respect to houses let in lodgings, or have you found that clause act well?—That is the clause to which I referred as being available in certain places, where the common lodging house clause, limiting the expression to houses where not more than 6*d.* per night is charged, is not deemed sufficient. That clause has only been put into operation in four places, Glasgow, Port Glasgow, South Leith, and St. Quivox in Ayrshire.

12,122. Should you think that the more extensive adoption of that clause would be desirable?—It appeared to us that it was one which might be liable to very great abuse, and that its benefit would depend upon the judgment with which it was used. It might be made a source of great annoyance to respectable people who take in lodgers; it embraces without exception every person who takes in lodgers; and as no local authority can adopt this clause without our approval, we have, in those four instances that I have mentioned, only given our approval for 12 months, and we have called upon the local authorities to report to us at the end of that period what the operation of it has been.

12,123. Your judgment would come to this, that that clause should not be allowed to be put into operation by any local authorities except under the superintendence and with the consent of the central authority?—I think so; I think there ought to be some control.

12,124. Do you think that the central authority ought to have the power of imposing upon the local authority the duty of carrying out this clause supposing that these local authorities were inactive?—I think that might be useful in some cases too. I think also that in this clause it is a mistake to have limited it to burghs or populous places, containing a population of not less than 10,000 inhabitants; very often where there are 5,000, 6,000, or 8,000 inhabitants, the grievance is greater than in large towns.

12,125. You would remove the restriction in point of number, but you would retain the discretion with the central authority?—Yes.

12,126. Do you think that the central authority ought to be able to impose the exact terms of the rules and regulations, or would you leave it to the local authority, on being set in motion by the central authority, to submit rules and regulations?—I think it is safer for the central authority that the local authority should frame rules and regulations. No rules and regulations, either under that clause or under the common lodging house clauses, take effect until they have been confirmed by the Board of Supervision. We should have been extremely glad to have issued a set of rules and regulations and made them imperative everywhere, but we really felt that without some further experience we should act very rashly in doing so. What we did was this, we called upon the local authorities to send in their rules and regulations, and we carefully examined them and struck out anything that was plainly objectionable, and then confirmed them after being altered, *ad interim* reserving the power of recalling our approval if we should find, by-and-bye, that we are in a condition to frame a uniform set of rules to be adopted everywhere.

W. S. Walker, Esq.

12 May 1870.

12,127. Have you had any experience as to the difficulty of getting the very lowest of our race out of cellar dwellings?—I have heard, but not officially, of instances arising from the difficulty of finding accommodation for them anywhere else. In Glasgow and Edinburgh, and some of the other towns of smaller size, those people live there because really there is no other place for them to go to. They can only afford the very lowest rented lodging, and if they were turned out in any large numbers it would be very difficult to say what would become of them. I think the difficulty arises chiefly from the want of better accommodation.

12,128. I did not understand you as expressing an opinion that when the Public Health Act (Scotland) is put into full operation over the whole surface of the country you would not find it necessary to increase your staff of inspectors?—Clearly not. We contemplate an increase of our clerical staff at present. We have obtained power from the Treasury to add to our clerical staff in the office. We have not yet filled the vacancies up, because we wait till the work increases, which we are not quite sure it will.

12,129. You are probably not yet in a condition to form any opinion as to the number of additional inspectors which the carrying out of the law would require?—No, I cannot state that.

12,130. I observe in the report of 1868, page 19, this sentence: "Having been asked by a local authority whether the offices of sanitary inspector and medical officer under the Act might be held by the same person, we intimated that in our opinion such an appointment was neither expedient nor competent." On what grounds do you consider it not expedient?—Because we think that the sanitary inspector ought to be some sort of check upon the medical officer, and the medical officer upon the sanitary inspector. We think that two independent officers are more likely to ensure efficiency.

12,131. You stated that the police should report any nuisance that they might see in the course of their duty. You would not increase the number of the police, I presume?—No. What I meant with regard to that was, that this clause relating to the police has a good intention, but it brings about no practical result. The clause in the Act copied from the old Act of 1856 requires the constabulary to aid in the execution of this Act; but it does not state how, and in point of fact they do little or nothing, as a rule.

12,132. Various opinions have been expressed as to the expediency of appointing the police as sanitary inspectors. What is your opinion upon that point?—In some districts in Scotland they had previously followed that course, and we have not found it necessary to interpose in any way. I believe that in some places they have proved most excellent sanitary inspectors.

12,133. Probably the circumstances of districts would render different systems desirable?—Probably. I think that no inflexible rule could be safely laid down.

12,134. Has your attention been directed to the Police Act of Scotland of 1862, and the proceedings taken under it?—In a general way it has, but I have no knowledge of the operations under it.

12,135. You are not in a condition to point out any defects in its working?—No, I am not.

12,136. (*Lord Robert Montagu.*) With respect to an answer which you gave a little while ago, am I to understand that you are opposed to local boards for sanitary purposes which are elected?—That depends upon the manner of election and the qualification, I should think, to some extent. The only experience that we have had of local boards all the members of which are elected, has been the commissioners of police and town councils, and in the smaller towns we do not often find them the most independent or the most intelligent promoters of sanitary improvements.

12,137. You state that the boards in the landward parishes are more efficient in carrying out sanitary matters than those in towns; do you think that it is because they are not elected, but appointed in consequence of the possession of certain qualifications?—I think that they are more capable of doing the work, and in many cases they do it better, but I should not wish the Commission to think that I attribute indifference to sanitary matters to the local authorities in all the towns of Scotland. In many of them the local body has been acting with vigour; but we know instances where the municipal election has turned upon the question of whether the candidate was in favour of water supply or not, and that took place in one town where they had evidence by analysis that the water that the population, which was a fishing population, was drinking was perfectly unwholesome; but those people themselves did not think so, and did not wish to be put to expense of an improved supply.

12,138. But as a general rule deducible from your great general experience, we may state it to be the case that appointed boards are better than elected boards?—Yes, I think so. I may mention that in such a case we have power under the section that I referred to a little while ago (where police commissioners are the local authority for part of a parish which is within a town) to make any one of the bodies the local authority for the whole parish, and we intimated to those gentlemen that if they would not do what was plainly necessary for the health of the community, we should take into consideration the propriety of transferring the jurisdiction under this Act to the parochial board, and the result was that they immediately commenced operations, and are now bringing water into the town.

12,139. That is to say, you threatened to transfer the jurisdiction to a new board which should not be elective?—Which should not be entirely elective.

12,140. In cases where, for other reasons, it is better to have a board either entirely or partly elective, do you think it would be a good plan to impose a high property qualification, or a qualification at least as high as that which you have mentioned, namely, 20*l.*?—Certainly, I think that at least would be desirable.

12,141. Even higher than 20*l.*, perhaps?—Yes, I should think higher. In our poor law elections in boroughs the qualification by the statute is 50*l.*

12,142. You think that that is quite low enough?—I think so; but it should not be an inflexible sum, because 50*l.* in one place represents a perfectly different class of individuals from 20*l.* in another.

12,143. Supposing that smaller boards partly elective were retained, do you think it would be any advantage to have an intermediate board between the board of supervision and those local boards, which intermediate board should consist of persons of a very high class indeed, and whose function it should be to act compulsorily upon the local boards?—I have never considered that matter, but I scarcely think it would work well.

12,144. (*Chairman.*) Do your inspectors acting for sanitary purposes execute those functions in the same circuit in which they go round for poor law purposes?—Yes.

12,145. They attend to both functions at the same time?—Yes, they attend to both; they have occasion to go to the villages almost always on poor law business, and we merely direct them to make what observations they can, and if they see anything wrong in sanitary matters to spend some time in making enquiry and to report to us.

12,146. How can they see anything wrong; must they not depend upon the local officers' reports, because they have no time personally to view the locality?—No, in general they have not; but our superintendent

W. S. Walker, Esq.
12 May 1870.

or visiting officer is necessarily brought in contact with the inspector of the board and with some members of the parochial board, and when he is there he asks, "Whence do you get your water from? let me "see where it is got from, take me and show me the "well, and so on," and he judges as a man of common sense whether it is likely to be good water or not. Then he says, "Have you ever had the water analysed?" and he makes inquiries in that way.

12,147. Do you think that the mere fact of the consolidation of the law in this one Act, to say nothing of the improved powers of it, has of itself made the law more attended to?—I have no doubt about that, and it has also been made much more intelligible to the people who have to execute it.

12,148. Everybody knows where to get at the new law?—Yes.

12,149. But while the law remained scattered in various statutes it was very little known, and therefore was less attended to?—Yes, it was very difficult to understand, probably one part of one statute had to be read along with part of another.

12,150. The 6th section of the Act of 1867 provides that where a district is in more than one county the Board of Supervision shall determine in which county the said authority shall be held to be situated for the purposes of the Act, how has that section worked?—There are very few cases in which that section can apply; but if a parish is partly in one county and partly in another, that is to say, if the county boundary runs through the middle of the parish, and they wish to enforce any part of this Act, or to sue for a penalty, it is convenient for them that they should be able to take the whole of the cases to the nearest local judge, and the statute gives them power to create a jurisdiction for that judge which he otherwise would not have, the limits of his jurisdiction being those of the county.

12,151. With regard to the 87th section, which provides that two or more local authorities may, with the sanction of the board, combine for the purposes of executing any work, have there been cases of such combination of local authorities?—No such cases have taken place yet.

12,152. Do you see any difficulty in carrying out that section in combination for works affecting more than one parish, and the assessment of both for the purpose?—No, I am not aware that there would be any practical difficulty there.

12,153. (*Dr. Acland.*) Do you get reports upon special subjects from experts, chemical, for instance, or engineering?—With regard to chemical analyses hitherto, when we have thought that a case required such investigation, we have called upon the local authority to procure it at their own expense.

12,154. Do you know how they get it, because in small places of course it is impossible?—They invariably send a specimen of the water sealed up either to Dr. Stevenson McAdam in Edinburgh or to Dr. Penny of Glasgow, who lately died, or to some other analytical chemist of eminence who has made it his profession.

12,155. Then the local authority pays?—Yes.

12,156. So that you do not require chemical or engineering experts all over the country?—No; some case might arise in which we might wish to have an analysis made under our own direction, and there we should simply take the same course; we should select a chemist and send the water to be analysed by him.

12,157. Therefore you do not expect that precise knowledge on the part of all your medical advisers?—No.

12,158. (*Chairman.*) Do you think that when your sanitary functions get more into play, you will want a special class of inspectors with engineering knowledge different from your poor law inspectors?—No, I think not as inspectors; I think it may be necessary for us to employ the new powers given us in the Act; the 11th section give us power to make special inquiries, and to appoint officers for the purpose, and we are authorised to employ a member of the bar, a properly qualified medical practitioner, an architect, a surveyor, or an engineer, or two or more of such persons, so that we should obtain the assistance of professional men in whom we had confidence, according as the case might be, from one and the other of those descriptions.

12,159. Can you tell us generally what is the size of a parochial board as compared with a board of guardians in England?—They are of every size.

12,160. Are they generally larger or smaller?—I am not quite competent to make a comparison with the boards of guardians. About 30 is generally the number in our rural parishes; but it runs from six or seven up to 40 or 50; then when you come to urban parishes, or the parishes in which there are villages or considerable towns, where there is a good deal of sub-division of property, the 20*l.* owner class makes the number of the members of the parochial board enormous. There is one parish comprising part of the parliamentary district of Edinburgh, but not within the parish of Edinburgh, in which the parochial board consists of upwards of 6,000 members. Of course in those cases they never attempt to work by the board, they appoint a committee of 30 or 40.

12,161. Which they have power to do by law?—Yes, they delegate the whole of their powers under the statute to their committees.

12,162. (*Dr. Acland.*) Are the public hospitals and dispensaries under your charge or supervision in any way?—No, there are no public dispensaries in Scotland; there is no medical relief except medical relief to paupers.

12,163. But in Edinburgh there is a dispensary, is there not?—That is a charity.

12,164. But your board has no relation to that?—None.

12,165. Have you not certain persons at your cost at the public hospitals, have you no arrangement of that sort in Edinburgh, for instance?—The parishes have; they send a great number of their sick for a specified payment, or they make a contribution which entitles them to the advantages of the hospital.

12,166. But in return for that your board does not exercise any supervision over the hospital in any sense?—No.

12,167. And they receive no report from it?—No.

12,168. (*Mr. Cave.*) Have you stated whether the medical officers under the Poor Law Board carry on private practice as well as practice amongst the poor?—All of them do except it may be the medical officers of poorhouses, and where there are resident medical officers in large poorhouses, I believe the parochial boards restrict them from private practice; but in all other cases the parochial board simply select out of the medical practitioners of the parish some one who will look after the sick poor as well as his own private practice.

12,169. Do you find complaints that the poor are neglected in consequence of the private practice?—No.

12,170. And would you say that you get a better class of men by allowing them to carry on their own private practice?—Yes, certainly. In many parishes in Scotland it would be a very expensive matter indeed if the parochial board were compelled to appoint a medical officer without private practice. There are certain parishes in the highlands where you could not employ a medical practitioner from a neighbouring parish, a parish say 30 or 40 miles long and 10 or 12 miles broad. That parish gives its medical officer probably 120*l.* or 130*l.* a year, and he comes there for that, and takes his chance of private practice as well. But if they had to induce a man to come without the benefit of private practice it would probably cost them 300*l.* or 400*l.* a year for the sake of some 50 or 60 paupers.

12,171. In larger places where the private practice is very much greater, I suppose sometimes it outgrows the other, and the parochial board perhaps consider it better to appoint someone else?—In such a case the medical man would probably resign.

12,172. You do not find any inconvenience from the system?—No, I have never heard any complaint.

12,173. But it is rather an advantage, is it not?—I think clearly it must be an advantage.

12,174. (*Dr. Acland.*) You receive returns of sickness, do you not?—We receive returns from our poorhouses.

12,175. Do they come to the central board?—When I say returns of sickness, we get the numbers of sick inmates during the year or half-year, with the number of those who have been cured, and the number of those who have died, but we do not get a specific statement of the diseases.

12,176. The reason of my question is this, that it has been proposed, as I daresay you know, that there should be in England registration of sickness as well as of death, and it has been thought that sickness returns could without difficulty be obtained from hospitals and from workhouses, and possibly also from clubs and dispensaries. I thought perhaps that you might have some opinion as to whether there would be any difficulty in obtaining sickness returns from your medical officers?—I do not think there would be any difficulty over a great part of Scotland, at all events. We receive a parliamentary grant in aid of medical relief which is distributed amongst those parishes that agree to our conditions, and a great number of parishes have now agreed and are under our regulations; one of the regulations is that they shall have a salaried medical officer, and that he shall either monthly or quarterly, as his parochial board may wish, make returns of the sick poor and their diseases, so that there must be in the greater number of the parishes a record at this moment of the number and nature of the cases of disease.

12,177. (*Chairman.*) Have you anything to state with regard to the operation of the Vaccination Act?—The board of supervision have charge of vaccination to a certain extent; the registration of vaccination is under the Registrar General, but the vaccinators are under the Board of Supervision. I do not know whether the Commission are aware of the terms of the Scotch Vaccination Act; they are somewhat peculiar. The machinery for vaccination in Scotland is put under the poor law authorities, and the expense is paid out of the poor rate. Every parochial board was required in 1863, when the Act was passed, to appoint a vaccinator, and every parent or guardian is required to have his child vaccinated within a limited period, under penalty, by the vaccinator appointed by the parochial board, or other qualified practitioner; and the parent or guardian has to pay the vaccinator the statutory fee, excepting in the case of paupers and of persons who are defaulters, *i.e.* persons who have not registered the vaccination of their children within the statutory period. Therefore our information about the number of vaccinations, or at least in a great measure, only refers to those two limited classes, paupers and defaulters; and in those reports to which I have referred you will find in the appendix some tables showing the results. But with regard to the Act I wish to mention to the Commission that it may be said to have proved an entire success. The statistics of vaccination for the whole population of the kingdom are not obtained through us, but through the Scotch Registrar General's report, and I think in the last three years the number per cent. of children whose births are registered (and our birth register in Scotland is a perfect record of the actual births), and who have either been vaccinated successfully or found insusceptible of vaccination, has varied from 96 to 98 per cent. of the whole new-born population, the balance being the children of those wandering people who leave the district, and whom you never can find. Say that 100 children are born and their births registered, the vaccination of each of those children should be registered within six months, or a certificate presented that the child is insusceptible of vaccination, or that the child is dead; and in the last three years about 96, 97, or 98 of those 100 children are accounted for either as being successfully vaccinated, or insusceptible of vaccination, or as having died before the period expired.

W. S. Walker, Esq.
12 May 1870.

12,178. (*Mr. Hibbert.*) Can you say anything about the deaths from small-pox?—No; but there has been very little small-pox in the last few years in Scotland. The conviction is that this Act has operated most beneficially.

12,179. (*Chairman.*) It shows a very perfect system, does it not?—Yes, I think that it has been a complete success.

12,180. (*Mr. Powell.*) Do you find that people resist vaccination for their children?—Rarely. Occasionally an instance of that kind is found.

12,181. (*Chairman.*) What is the difference between yours and the English system?—I believe that in England, in the case of a large proportion of the population who are not paupers, their vaccination is paid for by the parish.

12,182. What is the date of the Vaccination Act of Scotland?—The 26th and 27th of Victoria, chapter 108. With reference to persons resisting vaccination, we have a return in our 24th annual report of defaulters, and the result is, that in the half-year ended the 30th of June 1869, there were 4,600 defaulters reported. The process is this: if the vaccination of a child is not registered within the proper period, the registrar sends the name and address of the parent to the inspector of the poor. It is then his duty to give an order to the vaccinator to vaccinate at the expense of the parish. Of the 4,607 cases reported, 1,157 were vaccinated in terms of the 18th section, which is a compulsory section, and as to the remainder the parents had immediately gone and had their children vaccinated, and became exempt from the operation of this section, for there were only nine prosecutions of persons who actually resisted vaccination.

The witness withdrew.

(100.) John Hill, Esq., M.D., examined.

J. Hill, Esq. M.D.

12,183. (*Chairman.*) You are inspector of poor law medical officers in Dublin, are you not?—I am a medical poor law inspector in Ireland.

12,184. Our chief object at this moment is to find out how the connexion between the administration of the health laws and of the poor laws in Ireland has worked. That connexion has chiefly arisen, has it not, from the Act of 1844, which, for the first time, enabled boards of guardians to make sanitary provisions?—Up to the year 1844 boards of guardians had not made any provision for the medical relief of the external poor.

12,185. Was the medical relief of the poor before that undertaken by private subscribers, aided by the county cess?—Yes, there were dispensaries through the country, which were private dispensaries in a great degree, that is to say, they were partly supported by private subscriptions and aided by an equivalent sum from the county.

12,186. Since the year 1844 have the Poor Law authorities undertaken them?—Not exactly so. The Act of 1844 merely referred to the provision of fever hospital accommodation in the workhouses, but the Act of 1851, the Medical Charities Act, was the one that established dispensaries throughout the country. The title of the Act is, "An Act to provide for the "better distribution, support, and management of "Medical Charities in Ireland." Up to that date dispensaries had been in existence and had worked pretty well, but they were not under the Poor Law at all.

12,187. Are you the inspector of the medical department of the poor law authorities?—I am one of them.

12,188. How many are there?—There are four medical inspectors.

12,189. Did your connexion with the Poor Law begin from the Act of 1844?—No, I was appointed in the year 1851 under the Medical Charities Act as a medical inspector, and continued to act as a purely medical inspector until the year 1861, when I was appointed a poor law inspector as well, and that gave me the power of inspecting the workhouses, because the workhouses being under the Poor Law Acts, and the dispensaries under the Medical Charities Act, they required a separate and distinct class of inspectors up to that time.

12,190. Are they now generally united?—They are altogether so, in every case.

12,191. (*Mr. Powell.*) I believe that under the Act of 1868 those who were appointed inspectors under the 10th and 11th of Victoria became inspectors under the 14th and 15th of Victoria, and those appointed under the 14th and 15th of Victoria became in the same manner inspectors under the 10th and 11th of Victoria?—Exactly.

12,192. And both staffs were infused into one?—Yes.

12,193. (*Chairman.*) Do you make a regular circuit?—Yes.

12,194. Is your area one-fourth of Ireland?—No; formerly when I was a medical inspector I had one fourth of Ireland, the province of Leinster, but since I was made poor law inspector the districts have been re-arranged, and especially since the Act of 1868, when the ordinary poor law inspectors became medical inspectors, and the medical inspectors became poor law inspectors, Ireland has been divided pretty equally between 11 inspectors, but there are four of those 11 who are medical men, though we have at the same time poor law districts. My district consists at present of 12 unions; it is a pretty extensive district, comprising portions of the counties of Dublin, Meath, Westmeath, Kildare, King's County, Queen's County, Longford, Roscommon, and Cavan.

12,195. Do you make a circuit of that district every year?—Yes, and not only every year, but four times every year.

12,196. When you come to the board of guardians, have you to investigate the administration both of the poor law and of the medical charities?—Yes.

12,197. And you do both at the same time?—Yes.

12,198. How do you get your information that the medical laws are carried out?—Each union is divided into dispensary districts, and over each dispensary district there is a medical officer. When I go to inspect a union I first of all make an inspection of the workhouse, then I inspect each dispensary in the union, and I meet the medical officers of the dispensary districts at the dispensaries and examine the dispensaries to ascertain whether the supply of medicines is sufficient and of good quality, and whether the medical officers keep their books correctly; and I ask them questions regarding the sanitary condition of the district generally, by which means I come into possession of a great many facts connected with the sanitary state of the districts.

12,199. Do you make reports of the existence of nuisances?—Yes, if any special matter is brought before me by a medical officer, or if it comes to my knowledge in any way, I make a special report to the Poor Law Commissioners.

12,200. Do you communicate not only with the medical officers but with the inspectors of nuisances?—There are no inspectors of nuisances in the rural districts except the relieving officers.

12,201. Do they report to you the existence of nuisances?—No, they do not.

12,202. How can you see that that portion of the Sanitary Act is carried out?—The only way that we know of it is that the guardians appoint those sanitary inspectors; they are generally relieving officers, and the Poor Law Commissioners recommend the board of guardians to obtain periodical reports from each relieving officer, say every week or every fortnight, of the state of his district with regard to nuisances. If the relieving officer or the sanitary officer, whoever he may be, sends in his report, that report appears upon the minutes of the board of guardians, and is sent up every week to the Poor Law Commissioners, and we see it in that way.

12,203. You do not ascertain it on circuit, but in your office in Dublin?—Yes, and very often the Poor Law Commissioners call the attention of the board of guardians to the circumstances of such a report, and request to be informed what steps have been taken to remove the nuisance complained of.

12,204. Supposing there is a negligent relieving officer, have you any opportunity of knowing of the existence of a nuisance?—We are not likely to hear anything about it unless some private individual sends up a complaint, and 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.

12,205. Is the want of proper sewerage or the want of proper water supply brought under your notice?—In that way it is sometimes.

12,206. But it might not?—It might not.

12,207. Do not you want some further power to bring such facts to your notice?—That would depend upon the class of sanitary inspectors.

12,208. Have you any observations to make upon the appointment and the duties of medical officers?—If you wish I can explain to you how they are appointed. The dispensary medical officers are elected by the committees of management of each of the dispensary districts, subject to the approval of the Poor Law Commissioners, and the duties of each dispensary officer are to attend to the poor who may present tickets to him, either at the dispensary, or at the patient's home. There are 796 medical officers who attend to 1,048 dispensary stations throughout Ireland, and, in addition to those, in each dispensary district the committees of management have fixed on and provided vaccination stations, under the Vaccination Act of 1868, so that the medical officer not only attends at perhaps two or three dispensary stations in his district weekly, but at two periods of the year, that is in spring and in autumn, he attends for three weeks at a vaccination station for the purpose of vaccinating persons, and those vaccination stations are distributed about the dispensary districts so as to bring vaccination, as it were, to the door of every person; and in many dispensary districts there are also apothecaries attached to them to assist the medical officer in compounding the medicines—in fact, to compound the medicines—and in many districts there are midwives appointed. In addition to the dispensary medical officers, there is a medical officer attached to every workhouse in Ireland. That is pretty much the system in operation.

12,209. (*Mr. Powell.*) Maintained at the public expense?—Yes, that is, paid out of the poor rates. That is not exactly the case now, because half the expense of the salaries of the dispensary medical officers is paid out of the Consolidated Fund within the last two or three years, but it is all at the public expense, though not out of the poor rates. The total expenditure for dispensary medical relief and vaccination for the year 1869 was 123,718*l.*, which gave an average of about 172*l.* 6*s.* for each dispensary district, the average salary of each medical officer being 94*l.* 17*s.*

12,210. (*Chairman.*) Do you inspect equally town and rural districts?—Yes.

12,211. Are there any large towns in your district?—Not at present. For many years I was medical inspector of the city of Dublin; till the year before last in fact.

12,212. Was your position and authority as inspector the same in the city of Dublin as it would be in any rural district?—When I was inspector of the city of Dublin, I was only a medical inspector; I merely inspected the medical charities. There were other inspectors, who inspected the workhouses, and they were connected directly with the poor law. I merely

discharged my duties under the Medical Charities Act, the Vaccination Act, and the Sanitary Acts; but the functions under those Acts are all united since 1868.

12,213. I understand that the inspector of Dublin has the same duties and authority as an inspector has in country districts?—Precisely so.

12,214. With what body has he to deal in sanitary matters in Dublin; would it be with the board of guardians, or would it be with the town council?—Only with the board of guardians under the Diseases Prevention Act, because the nuisance and sewer authority in the city of Dublin is the corporation.

12,215. So that he has to deal with two bodies?—The Poor Law inspectors inspect dispensaries and workhouses in the city of Dublin, but they have not to deal with the Dublin corporation in sanitary matters; that body has its own sanitary officers, and is not under the control of the Poor Law Commissioners. But anything in the way of sanitary inspection in the extra-municipal parts of the Dublin unions I have up to the present time generally conducted.

12,216. Does not this union of inspectorship sometimes lead to the inspector having to report upon subjects which he does not professionally understand?—Under such circumstances the commissioners either send a medical inspector to discharge the duty, or they associate a medical inspector with the other inspector. Very recently there was a complaint made by one of the medical officers of a suburban township in the South Dublin Union of the occurrence of fever in an epidemic form in this district, which he attributed to bad sanitary arrangements. He reported it to the Poor Law Commissioners, and I was directed to visit the locality and to report upon it, which I did, and my report was then sent to the Castle; but I may add that there has been nothing done upon it as yet.

12,217. How was it that your report was not carried out?—I believe a communication was sent from the Chief Secretary's office to the secretary of the commisssioners of this township, the Pembroke township, and they promised to do a great deal, but on visiting the place within the last fortnight or three weeks I found it in very much the same condition as before, in consequence of bad sewerage.

12,218. Is there a difficulty in not being able to compel the execution of the work?—I think the law is quite sufficient if it were carried out, but the difficulty is in getting the law carried out.

12,219. Where does the fault lie?—The 49th section of the Sanitary Act, which has been spoken of, gives the Lord Lieutenant power, but it appears that it has never been put into active operation.

12,220. On the whole, should you say that the Acts of 1844, 1851, and 1862 connecting the sanitary administration with the poor law have worked well?—The Act of 1844 is a very remote one, and it had nothing to do with it, except enabling the poor law guardians to open fever hospitals in connection with their workhouses, and to admit persons who were not inmates of the workhouse; that is all that the Act of 1844 did. But the Act of 1851, which is called the Medical Charities Act, is the one which provides dispensaries.

12,221. The Act of 1862 throws open workhouse infirmaries to those who are not paupers?—Yes.

12,222. My question is whether those three Acts which have connected the sanitary administration with the poor law have worked well?—Very well, I think.

12,223. Should you say that in your district the sanitary condition was good, both in towns and country?—No, wherever there are small towns under the management of town commissioners I think the sanitary arrangements are very defective in many respects.

12,224. When you say that the Acts have worked well you mean so far as the Sanitary Acts have been carried out; have they been carried out as efficiently under the poor law administration as probably they would have been under any other?—Where the guardians are the local nuisance authority I think they have carried it out very fairly, but where the nuisance and the sewer authority are either a town council or town commissioners, the poor law authorities have no power over them and they do pretty nearly as they like.

12,225. (*Earl of Romney.*) That means doing very little, does it not?—Yes.

12,226. (*Chairman.*) What should you say was the reason why the board of guardians work better as sanitary authorities than the town authorities?—Because the town authorities are deterred by the expense, and there is nobody to compel them to do their duty except the Lord Lieutenant, while boards of guardians usually adopt the recommendations of the Poor Law Commissioners.

12,227. (*Dr. Acland.*) May I gather that the system of inspection in Ireland is complete?—It is pretty complete. There is provision made for all the medical charities and the union workhouses being inspected at fixed periods.

12,228. From every district—every hamlet for instance, or every village, if I understand your system rightly—there should be a report sent either to your medical dispensary officer or directly to yourself, from every spot in your district where there is anything wrong?—Yes, every dispensary medical officer in Ireland sends up a quarterly report to the Poor Law Commissioners, which quarterly report sets forth the number of persons that he has attended at the dispensary, at their own homes, the number of persons vaccinated, the number of dangerous lunatics that he has certified for, and the number of persons that he has attended at the Bridewell; the report also contains a small tabular statement of the number of cases of small-pox, fever, scarlatina, or any other epidemic disease that has occurred during the previous three months; that report is sent up every quarter to the Poor Law Commissioners' Office.

12,229. But in that enumeration you have not mentioned any special sanitary point which he thinks ought to be remedied?—No.

12,230. Is not that part of his duty?—It is not exactly part of his duty, but at the end of the return there is a blank space, left especially for any other observations which the medical officer may have to offer, and he very frequently makes sanitary observations at the end of his report.

12,231. Theoretically, if the system works thoroughly, we may suppose that at this moment in the Poor Law Commissioners' office there is a record of every spot in Ireland which is likely to be injurious to health?—I would not say that, because it depends upon the medical officer whether he makes that report or not.

12,232. With your system of sanitary inspectors, dispensary medical officers, and the chief inspectors, of whom you are one, you ought to be able to lay your hand upon any spot in Ireland at this moment which requires anything to be done to it in a sanitary point of view?—The medical officers of dispensaries would be, I think, very well suited to be sanitary inspectors in their districts; they have no regular appointment as such, but when they are going about through their districts attending their patients, very often when they see anything extremely bad they either report to the board of guardians or to the Poor Law Commissioners, but it is not precisely a part of their duty to do so.

12,233. Could you suggest any method by which reports on the sanitary condition of districts should be made more complete?—It would be desirable, I think, that quarterly, or even monthly, returns of the status of disease should be sent up to the central office, because we have at present the registration of deaths, and that registration shows the causes of the deaths, but we have at present no complete return of the causes of sickness given quarterly, or at shorter periods.

12,234. Would it be easy to obtain such a return of sickness?—As I mentioned, the quarterly report which the medical officers at present send to the

J. Hill, Esq. M.D.

12 May 1870.

Poor Law Commissioners, contains a return of the number of cases of certain diseases that have occurred, and I think that that return might be extended, so as to embrace a few more of the more important zymotic diseases which would be likely to occur. We have returns of scarlatina, fever, and small-pox, and there is a space left on the return, where the medical officer is requested to state the number of cases of any other disease that may have been epidemic during the quarter; and they very often say that they have had 20 or 30 cases of measles or 20 or 30 cases of whooping cough, or of any other disease that may have been prevalent.

12,235. With regard to the duty of chief inspectors, and the duty of the medical officers of dispensary districts, I should like to put this question to you. When you visit a district and meet the medical officer of the dispensary, do you expect him to report to you if there is anything in his district which requires remedy in his judgment?—One of the questions that I always ask him is, "What is the sanitary state of your district?"

12,236. Supposing there is a foul hamlet, which any time in the last hundred years ought to have been put in order, does he report that to you in writing, or does he make an oral report when you see him?—He probably tells me "I have had several "cases of fever in my district in such a place, and "I attribute it to the very foul state of some back "lanes," and so on; and if he does that I most likely report it to the commissioners.

12,237. Then do the commissioners report it to the Castle?—No. The commissioners would then inform the board of guardians (that is if it were in their jurisdiction) of what they had heard either from me or the medical officer or from whatever source they had got it, calling their attention to it, and requiring them to take measures to have the nuisance abated, and then the board of guardians would direct their sanitary officer, that is to say, their relieving officer, for he is generally the relieving officer, to visit the place and take measures to have it cleansed and whitewashed, or if it be a nuisance to serve a notice on the occupier or on the owner to have that nuisance abated within a certain time, and they direct their relieving officer to report that day fortnight, we will say, whether the nuisance has been removed.

12,238. What is the usual consequence of all that?—In the rural districts the consequence generally is that the nuisance is abated.

12,239. That gives us a picture of a country perfectly clean and prosperous?—It is not at all the case, I am sorry to say.

12,240. It must be clean, if all your directions were carried out; quite a garden?—Yes; but our directions are not always carried out. We have no means of obliging people to do it.

12,241. (*Mr. Powell.*) You put it in this way, that the difficulty arises because the power which ought to compel the owners declines to compel the owners, and because those who ought to be compelled decline to be compelled?—Yes.

12,242. (*Dr. Acland.*) You have had large experience in inspection, both as a medical officer and as a poor law inspector. What is your judgment of the size of a district which it would be reasonable to assign to a first-class inspector; you had at one time, I think, one of the provinces of Ireland?—I had 40 unions.

12,243. That was as a medical inspector?—Yes.

12,244. Merely inspecting the dispensaries?—Yes, merely inspecting the dispensaries. I have 12 unions now.

12,245. And now as poor law inspector you have to inspect the sanitary condition as well as the dispensaries?—Yes, I have to inspect the workhouses and the dispensaries.

12,246. Is that number of unions about what you would think a fair allowance?—I have, I believe, the smallest district in Ireland, because, being resident near head-quarters, I conduct or assist in inquiries in respect of sanitary matters which would be held by the other inspectors.

12,247. There are 11 inspectors altogether, are there not?—Yes, there are 11 inspectors, the number of unions being 163. Some of the inspectors have 15 or 16 unions.

12,248. Do you find that medical men generally are willing to join in preventive sanitary inquiries, or do they dislike the work?—I think that they take great interest in it; they have a direct interest in keeping their districts healthy.

12,249. You do not think that gentlemen engaged in the practice of their profession generally would be unwilling to give information on general sanitary matters?—I think they would not be at all unwilling, and in the course of their ordinary duties they would have ample opportunities of ascertaining the sanitary condition of their respective districts.

12,250. Do you think that it would tend to the improvement of the members of the medical profession who were situated in remote districts to keep them informed through your office of all that was going on in preventive science?—I think it would.

12,251. And that would be the natural result of the close communication which you would have with all of them?—Yes. We have, as I have mentioned, a quarterly communication from every medical officer, and in addition to that, the Poor Law Commissioners have by means of circulars called upon the medical officers all through the country to report directly to them the occurrence of any disease which is likely to be epidemic.

12,252. That is directly to your office?—Yes, directly and immediately, not through the guardians.

12,253. Do you transmit to them information and copies of your reports?—No.

12,254. Would it not be desirable that the central office should send them copies of scientific reports, or information which might be useful in the discharge of their public duties?—Sometimes, when anything of importance does occur, such information is reduced to the form of a circular, and is distributed all over the country to boards of guardians, committees of management, and to medical officers of districts.

12,255. Do all of them receive copies of your poor law reports?—No.

12,256. Do they receive copies of the Registrar General's returns?—I should think not. I am not quite sure about that.

12,257. Is it a reasonable thing that the Government medical officers, having responsible duties, should not receive regularly copies of Government papers of this kind?—Formerly every committee of management throughout the country received two copies of the poor law reports, and boards of guardians still receive a certain number of them, but some years ago there was an order that the distribution of them to dispensary committees should be discontinued, I believe, on account of the cost.

12,258. Was that an order from the Lord Lieutenant, or an order from the central Government?—I do not recollect now, but it was a Government order that the distribution of those large numbers of reports should cease.

12,259. (*Mr. Powell.*) When you spoke of medical officers acting as sanitary inspectors, did you mean that they should simply communicate to any proper authority any information which they might have received?—Yes, I think that is the best use that could be made of them as sanitary inspectors.

12,260. Then they are not at all bound to follow up each individual case of nuisance by summoning the parties before the magistrates, &c.?—No.

The witness withdrew.

Adjourned.

Thursday, 23rd June 1870.

PRESENT:

THE RIGHT HON. SIR CHARLES BOWYER ADDERLEY, M.P., K.C.M.G., IN THE CHAIR.

The EARL OF DUCIE.	SAMUEL WHITBREAD, Esq., M.P.
The Right Hon. Lord ROBERT MONTAGU, M.P.	EVAN MATTHEW RICHARDS, Esq., M.P.
The Right Hon. RUSSELL GURNEY, M.P., Q.C.	FRANCIS SHARP POWELL, Esq.
The Right Hon. STEPHEN CAVE, M.P.	BENJAMIN SHAW, Esq.
Lieut.-Colonel EWART, C.B., R.E.	FRANCIS THOMAS BIRCHAM, Esq.

(101.) JOHN LIDDLE, Esq., examined.

J. Liddle, Esq.

23 June 1870.

12,261. (*Chairman.*) You are medical officer of health for the Whitechapel district?—I am.

12,262. You were appointed by the Board of Works in the year 1856?—Yes.

12,263. What other offices have you held in the parish of Whitechapel?—I was appointed medical officer of the parish of Whitechapel in the year 1833. The Poor Law Board I think came into operation about three years afterwards, when I became medical officer of the union. I continued in that office till the year 1848, or the beginning of 1849, when I resigned the office.

12,264. Have you any suggestions to make to this Commission upon the subject of their inquiry?—One of the main points to which I wish to draw the attention of the Commission is the necessity for a new Building Act, containing clauses to prevent houses unfit for habitation from being built, by which means we could deal gradually with the evils which now exist. Those evils have been left to us as a legacy from our forefathers, but we want to prevent the extension of the evils.

12,265. The Act you propose would be an Act applying to towns?—I would apply it not only to towns, but to all places. I think it ought to be applied universally all over the country. Provision should be made to ensure that every house constructed for human habitation should be of a healthy character wherever situate.

12,266. You are aware of the power now given to the local authority to regulate buildings; what additional powers would you propose to give them?—I will state the evils which have arisen in my own district, and which have led me to pay some attention to the subject. I read a paper on the defects in the sanitary provisions of the Building Act before the association of the medical officers of health, which paper was published in the "Builder" and in the "Building News," December 28th, 1861. In this I pointed out how the provisions of the Building Act were evaded by builders; that they were crowding houses together contrary, as I conceived, to the provisions of the Building Act. I pointed out that by the cleverness of the builders, they did away with back yards in some houses, because they alleged that they could light and ventilate those rooms from the front, and hence four houses were built where only two houses should be built. Next I found that in the construction of certain houses in my district, the provision in the Building Act requiring 100 superficial feet at the back of each house was evaded, and only 100 superficial feet was given for two houses. I spoke to the district surveyor upon the subject, and he took the case before the magistrate; but when the case came before the magistrate the builder had made a hole through the party walls of those two houses, and he alleged that it was only one house, therefore the Building Act was defeated. The magistrate said he could do nothing in it, and then the builder built up the place again, and so the affair might have gone on *ad infinitum*. Another case in which the provisions of the Building Act were evaded was this: a man pulled down the front wall of several houses, he then built up that front wall again, and then he pulled down the back wall, and built up that; then he took off the roof and re-constructed the roof, and by doing that, the house not being a completely new house within the terms of the Building Act, he was enabled to construct the house in such a manner as to evade the provisions of the Building Act, which would have involved a considerable sum of money, and he added some buildings at the rear of those houses; thereby occupying a small vacant space which was intended for ventilation. These are the evils of which I speak.

12,267. Having stated some of the evasions of the law, will you state how you propose that the law should be made more stringent so as to prevent such evasions?—As an Act of Parliament, however stringently it may be drawn, may be evaded by persons whose interest it is to evade the provisions of the law, I would simply suggest, as I suggested to Mr. Bruce, whom I had the honour of seeing some little time ago upon the subject, that before the building of any new dwelling-house be commenced, or any old dwelling-house rebuilt, all the plans relating to the drainage and to the sanitary arrangements of such houses should be submitted for approval to the local board; and the surveyor to the board should be required to examine the nature of the ground on which such houses are about to be laid; the course and efficiency of the drains; the domestic offices, and all other sanitary arrangements, and to report, in writing, his opinion to the board, of the fitness or otherwise of such houses for habitation; and if the local board were satisfied that such houses were fit for habitation, then the local board should direct the surveyor to give a certificate to the owner to that effect; and if any newly-built house should be occupied before such a certificate wore obtained, then the person letting such house should be liable to a penalty.

12,268. Would you confine your suggestions of such approval on the part of the local board to dwelling-houses, or would you extend it to other buildings besides?—I would confine it to dwelling-houses. An old stable in a narrow court might be converted into a dwelling-house; but if a clause of this kind were introduced, it would supersede the necessity of making the Act of Parliament too stringent, and, as I said before, you cannot make it so stringent but that the provisions of it will be evaded where it is the interest of persons to evade it.

12,269. (*Mr. Russell Gurney.*) At whose expense do you propose that those examinations should be made?—There would be no expense connected with it. A builder is now obliged to submit his plans to the district surveyor; instead of that he would submit them to the local authority.

12,270. You would supersede the district surveyor?—Not necessarily. By the Local Management Act every builder is obliged to lay the plans of drainage of every house before the local board, but he is not obliged to lay before them the plans of the other sanitary arrangements, and I am not aware that the local board has any power at present to prevent the erection of improper houses.

12,271. (*Mr. Powell.*) What do you comprise in the term "sanitary arrangements"?—Domestic offices, proper water supply, watercloset or privy accommodation, the size of rooms, the ventilation of the rooms, and various other things connected with the health of the persons who may live in the houses.

J. Liddle, Esq.

23 June 1870.

12,272. (*Chairman.*) Have you any other suggestions to make connected with buildings?—That clause of mine would meet almost everything. I should say that no house should be allowed to be built unless provided with a suitable privy or watercloset within the curtilage of the house. I may say in passing that the present Building Act does not provide for anything of the kind. I hold that no house is fit for human habitation unless it is provided with a suitable privy or watercloset.

12,273. You think even the smallest house should have a privy?—Yes.

12,274. (*Mr. Russell Gurney.*) Within the curtilage?—Within the garden walls or the walls of the house; by "curtilage" I mean within the walls of the house or of the garden. Every room in every house should be at least eight feet high. Every house should be provided with a parapet wall so as to protect the public from the danger of a falling slate, tile, or mass of snow. That provision existed I believe in the former Building Act, but unfortunately it was omitted in the present Act. Then I would suggest that before any house be permitted to be occupied, the road and footways should be paved and the surface drainage properly provided for. All these are matters which have really come under my own observation. I am not speaking from hearsay or the evidence of others. At Bow the houses are built in a very disgraceful manner; the drainage is not attended to in the first instance. In course of time the drainage may be improved, but it was not in a proper state when the houses were built. I would suggest that before any house is built, plans of the drainage and of all the sanitary arrangements of such house should be submitted for approval to the local board. That during the progress of the building of any house, the surveyor to the local board should be required to inspect the foundation thereof, and if the surveyor should be of opinion that the materials which were being used for such foundation were not proper for the purpose, he should report the same to the board, who should have power to prevent the use of such improper materials. That the walls and foundation of every house should be so constructed as to prevent the rise of damp. The foundation should be laid on concrete. That 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. That houses should not on any account be allowed to be built back to back; there should be a thorough ventilation of every house. That the back yards of all houses let out in tenements, now in existence, should not be built upon, unless with the sanction of the local board, and that the space of 100 square feet at the rear should on no account be infringed on. That old buildings, such as warehouses, stables, &c. should not be converted into dwelling-houses, unless the plans for the proposed alterations have been submitted to the local board, and approved of. That the basement rooms of every house shall be built in conformity with the provisions laid down in the Building Act as to the occupation of such rooms as dwellings. Inhabited rooms should not be lighted by means of a sky-light. This plan of lighting appears to be sanctioned by the new Building Bill, that is to say, they are to be ventilated from the outside, that may mean a sky-light. There you have a case in which the Building Act may be evaded at once; it is meant, I suppose, "by a window," but there are no such words inserted. In order that every street should have an adequate supply of sun-light 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.

12,275. (*Chairman.*) Do you propose that those should be all matters of general legislation or that they should be dealt with by byelaws?—I thoroughly object to any byelaws.

12,276. So that in any consolidated Local Government Act you would have all those provisions introduced?—Yes, I would leave nothing to the local boards to determine for themselves, as uniformity would not be thereby secured. Another point to which I am going to refer to is this: the ventilation of sewers by rain-water pipes is, I think, highly objectionable, and I also think would be poisonous—if I may use so strong a word—because the emanations from the sewers as at present constructed would pervade the houses by means of such pipes. It would have been much cheaper and better if the whole of the sewers in London, and probably my observation may apply to large towns as well, if, when a new outfall was provided, the sewers had been reconstructed. At present many of them are almost on the level, and they become in fact simply cesspools, and emanations escape from them through the ventilating openings, but such openings are necessary in order to enable the men to go into the sewers with safety.

12,277. (*Mr. Shaw.*) As to the general question of the ventilation of sewers, have you any plan to recommend for their ventilation?—No, I have not.

12,278. As regards the power of entry into houses in order to ascertain whether nuisances exist, is it your opinion that the present powers of entry are sufficient?—We have not experienced any practical difficulty ourselves, but if persons chose to object to it, we should have to get an order from the magistrate, and a certain number of hours' notice must be given before we could enter; and, though the nuisance existed one day, that nuisance might be removed at the time of our visit, but it might recur two or three days after. What we want is, where we have reason to suspect the existence of a nuisance, that we should have the power of entry at any reasonable time.

12,279. What legislative provision would you suggest in order to give you such a power?—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 the state of things.

12,280. That is to say, if a party refused you entry, that you should go before a magistrate, and upon your showing that you had reasonable cause to demand that entry, the party should be liable to be fined for having refused you?—Yes; or, in the other case, if we got an order from the magistrate to enter, that order ought to extend for some considerable time, say for a fortnight, and that it should not only apply to the particular day on which the order was issued.

12,281. Do you believe that there are cases of such urgency that you require to be able to enter and inspect at once without the delay which is necessarily involved in going before a magistrate?—There are such cases. I may mention that in our district we have found dead bodies in an undertaker's house, occasioning a nuisance; also stopped privies and drains. Those would be cases of emergency, and I think we ought to have the power of entry at all times where we had reason to suspect the existence of any nuisance.

12,282. Would you desire to have the right not only to go in upon information previously received, but to inspect house after house in a street in order to see for yourselves whether there is or is not any nuisance?—Yes, we do that practically. Every house in our district has been systematically visited. When we first commenced operations in Whitechapel, every house, whether inhabited by rich or poor, was examined either by the inspector or by myself, and we keep up that system now in the poorer class of houses.

12,283. And you do not find that there is any objection on the part of the inhabitants of those houses to admit the inspectors?—Not the slightest.

12,284. (*Chairman.*) How frequently is that visitation made?—Not so often as I should like it to be done, because we have not a sufficient staff for the purpose. I apprehend that it is not made more than once in 12 months, because there are 5,000 houses in Whitechapel which require constant visitation, and if you ask me how many minutes it would take to examine a house, I find from a report I have made

J. Liddle, Esq.

23 June 1870.

that it would take a staff of four inspectors, whose time would be entirely occupied in that duty the whole day to make a visitation of each house about once in four months.

12,285. (*Mr. Shaw.*) You are now speaking of systematic inspection as distinct from an inspection made in consequence of special information received?—Yes.

12,286. When you had information respecting the bad condition of a house or neighbourhood, you would immediately direct your energies to that out of its turn?—Yes.

12,287. On the other hand, your systematic inspection does not depend on any previous information received?—No.

12,288. You think if the law only gave you authority to go in upon information received it would be defective?—Perfectly useless; you might as well abolish the local board altogether, so far as its sanitary jurisdiction was concerned.

12,289. You think it necessary that the local board should have the right to go in and fish for nuisances?—Quite so. We have a book kept for the public to enter complaints in, and we have not above 18 complaints on an average in the course of the year. Since January 1st the number of complaints entered in the public complaint book is only two.

12,290. Would you think it beneficial to have a clause providing that whether there is reasonable ground or not to suspect the existence of a nuisance, if the inspector was refused entry there should be some sort of penalty laid upon the party so refusing, or would you leave it as it is to mutual courtesy on both sides?—Although we have no difficulty whatever in getting admission to the houses (for every poor person in my district is exceedingly anxious to admit the sanitary officer), yet it would be most desirable that the power of entry should be given by Act of Parliament to a sanitary officer at all reasonable hours; otherwise, he would be unable to satisfactorily discharge his duties, but he should have power of entry at all hours where overcrowding is known to exist.

12,291. (*Mr. Powell.*) Your entry is by consent now?—Yes; though by the 20th section of the Sanitary Act every board is compelled to make a sanitary visitation of the whole of its district, but this section is imperfect, inasmuch as it gives the inspector no power of entry into houses either by day or by night.

12,292. (*Mr. Shaw.*) Which at present they cannot do if the parties choose to refuse admittance to their officer?—No.

12,293. You gave just now a number of cases in which you would have the board make an absolute order, that is to say, as to sanitary requirements, in the case of new houses; could all those cases be specified in a table?—They would be the whole of the sanitary arrangements of the house, the height of the rooms, the ventilation of the rooms, the water-closets, the dust-bins, the supply of water, the drainage, and other requirements, as set forth in my previous answer [Cf. Qu. 12,272, 12,273, and 12,274.]

12,294. Would that enumeration exhaust what you mean?—Yes.

12,295. Have you ever thought whether it would be advisable to give any appeal to the central authority against those orders of the local board?—I would give such an appeal, certainly. I should not like to act in that arbitrary manner, which my inclination might lead me to act in, without affording persons an opportunity of an appeal.

12,296. To whom should the appeal lie?—I think the appeal should be to a central board.

12,297. Would not the time of that central authority be immensely overburdened if every builder, upon whom such an order was made, had the power of appealing to the central authority against it?—I should think not.

12,298. You think in process of time certain well-understood rules would be laid down which would regulate the matter on both sides?—Yes, I think so; the rules I should lay down would be very simple, applying entirely to the health of the people.

12,299. There are other cases in which absolute orders are made; there are cases where noxious trades can only be set up with the consent of the local authority; would you give an appeal against either the granting or the refusing of such consent by the local authority?—I would not make an exception. If you allow an appeal in one case it would be unfair not to allow an appeal in another case.

12,300. Whenever the local authority has an absolute power to make an order you would have an appeal from that order to a central authority?—I think so. I think that would be the fairest plan, except in cases of nuisances injurious to health, Qu. 12,301.

12,301. And you would allow an appeal on both sides?—On all sides interested in cases of the setting up of noxious trades.

12,302. Can you tell us anything about the operation of the clause in the Sanitary Act respecting the registration of lodging-houses, by which the Secretary of State has the power, on the application of the local authority, to sanction byelaws?—We have in Whitechapel put that in operation. We have a number of houses registered under it, and it acts very beneficially. We have not power under any of the existing Sanitary Acts to compel a proper supply of water to houses, but by compelling the owners to register their houses, and they are bound to obey our byelaws.

12,303. It has been suggested that that clause might act in a very arbitrary manner in many places, because the Act merely speaks of a house let out in lodgings, which, of course, in many parishes comprehends a very large number of first-class houses, or at all events second-class houses. Have you found that difficulty arise in your district?—Yes, as regards small houses; but I think the Sewer Act of the City of London would meet that case, if incorporated in a general Nuisance Removal Act. That Act says, at clause 11, "Any house, not being a "licensed victualling house, let, or any part of which "is let at a daily or weekly rent not exceeding the "rate of 3*s.* 6*d.* per week, in which persons are "harboured or lodged for hire for a single night or "for less than a week at one time, or in which any "room let for hire is occupied by more than one "family at one time," may be registered by the local board. I think those are the words of the Sewer Act. The objection to the existing law is, that it says, "Any house let out to more than one "family." Now, there are many houses in our district of two or three rooms, which houses are let to one person, and consequently we cannot register such houses under the present Sanitary Act. That is an omission which should be remedied.

12,304. (*Mr. Powell.*) Those are private houses?—Yes.

12,305. Do you want to register private houses?—We wish to have the power to do so at the discretion of the local board. I do not think the power would be very likely to be abused.

12,306. (*Mr. Shaw.*) Have you considered the question of the retention of dead bodies in houses?—Yes; we have had a great many cases of that kind in Whitechapel, and the question of a mortuary has been discussed over and over again by the board. The board have come to a determination to have a mortuary, but there the matter ends.

12,307. At present the power of a magistrate to remove a dead body depends on the previous provision of a mortuary?—Yes.

12,308. Are you of opinian that the power of a magistrate to remove a dead body should be dependent on the previous provision of a mortuary, or that it should be independent of it?—It should be independent of it; but I think that much of the evil would be remedied if a law were passed prohibiting the retention of a dead body in a house for a longer

J. Liddle, Esq.
23 June, 1870.

period than four days, either among the rich or among the poor, except under very special circumstances,—a certificate being given by the medical officer of health that it would be safe for the dead body to be kept; and the reason of that will, I think, strike every person at once. In Scotland it is the custom to bury in three days; in Ireland it is the custom to bury in two days. When the custom of keeping a body a week or ten days before it was buried originated, there were not those communications between friends that there are now. We have now the electric telegraph, affording the means of communicating the fact of a death or a funeral, and we have railways by which friends can be speedily brought to the funeral, if they desire to attend; so that the reason for keeping bodies so long has passed away.

12,309. Would you give the central authority power to compel the local authority to provide a mortuary?—No; because so much difficulty is found in getting a site in some of our crowded districts in London, and the local boards have no compulsory powers of purchase for such a purpose.

12,310. So that that must be left optional as now?—I am afraid it must be in many places; but my suggestion would obviate to a great extent the necessity for mortuaries, although it would be most desirable, not only when a mortuary to which the bodies of those who have died from infectious disease might be conveyed, but it would be desirable to have a place "for the reception of dead bodies during time required for making *post mortem* examination," in accordance with the provision of the 28th section of the Sanitary Act, 1866.

12,311. With regard to water supply, which do you consider preferable for the lower class of houses, that the water should be laid on to the house or that it should be taken from a tap in the street?—In my opinion the best plan of supplying the poorer classes with water is the plan we have adopted in Whitechapel. We have no less than 90 water-waste preventers in our district, a number larger than I think exists in the whole of London besides. These water-waste preventers are connected with the main, and persons can draw off a pail of water at a time, night and day, without any necessity of keeping it in butts; and I may very safely say if any gentleman wanted a glass of water, he would get a better glass of water from those places than from anywhere else.

12,312. You think that a better plan than laying the water on to the poorer class of houses?—Yes; if you have the water laid on to the houses you have it in butts, and those butts get decayed; they are generally uncovered and without taps, and persons dip any vessel they have into the water and so contaminate it for those who come after them. These water-waste preventers are the best things that I know of for the purpose.

12,313. (*Mr. Powell.*) Supposing at some future time a constant supply to be given by the water companies, what would you say then?—I do not think it would answer for a great many of the poorer houses, because the pipes might get broken and the houses might get flooded with the water. Those water-waste preventers are the best things that I know of for supplying the poorer class of houses with water.

12,314. (*Mr. Shaw.*) Are there any recommendations you would wish to lay before us as to the law with regard to infectious diseases?—There are certain clauses in the Diseases Prevention Act, 18 & 19 Vict. cap. 116, which I should like to see inserted in the Nuisances Removal Act, especially that relating to the speedy burial of the dead, and other clauses which might with advantage be constantly in operation instead of being in operation merely for a time. If those provisions were inserted in our Nuisances Removal Act, I think the people would soon get accustomed to them, and it would obviate the necessity of making exceptional laws from time to time.

12,315. Do you think the machinery is desirable by which, when an infectious disease makes its appearance in a place, the Privy Council proclaims that place by notice in the Gazette, or do you think it calculated to increase alarm?—I think such a course is calculated to cause alarm; I would rather it were left to the loral boards, provided they were subject to a central authority.

12,316. Have you considered at all the question how far it is desirable to supplement the statute law by a power of making byelaws on many of these questions by the local authorities?—I think it objectionable that boards should make byelaws at all. I want to see a uniform practice as regards paving, lighting, cleansing, the keeping and publishing accounts, and in everything relating to the duties of the sanitary officers, over every large district, and I think it very objectionable that it should be left to the discretion of the majority of a board to determine upon byelaws. What is of importance should be embodied in the Act of Parliament.

12,317. (*Chairman.*) Do you think all the necessary provisions could be embodied in the Act of Parliament so that there should be no necessity for byelaws?—I think all matters except those of very trivial importance could be embodied in the Act.

12,318. (*Mr. Shaw.*) You would not give the local boards the power to make byelaws, but you would give them the power to make an order subject to appeal to the central authority?—That I think would meet the case.

12,319. As regards paving of yards of houses, which does not seem at first sight to be a sanitary matter, is that an important point to put under the jurisdiction of local boards?—Highly important, because we have the refuse of the houses thrown into the back yards, and where they are unpaved and undrained the water lies stagnant, and frequently emanations of an offensive and injurious character arise from that cause.

12,320. (*Chairman.*) Have you any other suggestions to make to the Commissioners upon the subject of their inquiry?—I wrote a paper which I laid before the Medical Officers Association, an epitome of which I have prepared and which I will send in to the Commissioners. *The same was handed in, and is as follows:*

Suggestions for the Amendment of the Nuisances Removal Acts.

A paper having been read by Mr. Liddle before the Association of the Medical Officers of Health "On certain "defects in the Nuisances Removal Acts, with a few Sug- "gestions for their Amendment," the question was referred to ameeting of the General Purposes Committee, when the following recommendations were unanimously agreed to:—

1st. That the statutes are too numerous, and the important provisions in each of them should be consolidated into one Act, to be called the Nuisances Removal Act for England, 1871. That this Act, so far as practicable, should also include the following provisions of the undermentioned Act:—

1. Police Act, 2 & 3 Vict. c. 47. s. 60 (furious driving); no person under 16 years of age should be allowed to drive a vehicle in large towns.
2. Act to facilitate the performance of the duties of Justices, 11 & 12 Vict. c. 43 s. 4 (aiding and abetting in commission of offences).
3. Public Health Act, 1848, 11 & 12 Vict. c. 63. ss. 51. 52. 59. 64. 76.
4. Metropolis Local Management Act, 18 & 19 Vict. c. 120. ss. 81. 82. 83. 85. 86. 205.
5. Metropolis Local Management Act amended, 25 & 26 Vict. c. 102. ss. 64. 66. 67. 91. 105.
6. Factory Acts.
7. Workshop Regulation Acts.
8. Bakehouse Act, 26 & 27 Vict. c. 40.
9. Public Health Act (Scotland), 30 & 31 Vict. c. 101. s. 43; burial of dead.

The clauses of the new Act to be set out in full length and not to contain references to other Acts.

2nd. That a minimum penalty, say the eighth of the maximum penalty, should be fixed by the new Act.

J. Liddle, Esq.
23 June 1870.

3rd. That when a nuisance in one district affects injuriously the inhabitants of another district, the local authority for the district so affected may take proceedings against the parties by whose act, default, permission, or sufferance the nuisance arises.

4th. That when articles of food unfit for the use of man have been brought into a district, the medical officer of health or inspector for that district may seize the same, although they may have been removed into another district.

5th. That a definition of overcrowding should be given in the Act.

6th. That the works ordered by a magistrate shall be done to the satisfaction of the medical officer of health.

7th. That to obtain uniformity of action, the word nuisance, in addition to the nuisances enumerated in section 8 of the Nuisances Removal Act, 1855, and in section 19 of the Sanitary Act, 1866, shall include:—

1. Any dead body retained in a room used as a living or sleeping room longer than four days, or any body in a state of decomposition, or the body of any person who shall have died from an infectious disease.
2. Carts, trucks, or barges used at any hour for the carrying of offensive matter, unless so covered as to prevent effluvium.
3. Foul or dirty urinals.
4. Pigs kept within 40 yards of a highway or of a dwelling-house.
5. Any public building not sufficiently ventilated.
6. Any dwelling-house not sufficiently supplied with water.
7. Any house so dilapidated in the roof, staircase, or floors as to be dangerous or injurious to health.
9. Any house not having a proper dust-bin.
10. Any house not having sufficient eaves gutters and stack pipes or trunks so as to keep the house dry.

That the words "or schools" shall be inserted in section 19, part 2, of the Sanitary Act, 1866, after the word factory, and the section otherwise altered to meet the addition.

11. Rooms used contrary to the provisions of 11 & 12 Vict. c. 63. s. 67.
13. Any premises whereon the smelting of the precious metals is carried on so as to be injurious to the health of the inhabitants of the neighbourhood. As such premises are exempted by the 45th section of the Nuisances Removal Act from interference by the local authority, this clause should be repealed. The Whitechapel district suffers in its health and comfort from a factory of this description.

To the above I would suggest that the following clause be added to the new Act for England. This is the 16th section of the 30 & 31 Vict. c. 101. The word nuisance shall include:—

1. Any house not being sufficiently ventilated, or without proper drainage, or without a suitable watercloset or privy accommodation, or any other matter or circumstance rendering any inhabited house, building, or premises, or part thereof, injurious to the health of the inmates.
2. Any work, manufactory, trade, or business so conducted as to be offensive or injurious to health.

For the recovery of penalties the 22nd clause of the 11 & 12 Vict. c. 43. should be inserted.

That in all cases of emergency, such as the stoppage or overflowing of a drain, the medical officer should have power to institute legal proceedings without delay, and not to wait for the meeting of the board to obtain its sanction.

Under the present regulations a nuisance of this kind may continue to exist for two or three weeks.

The slaughtering of cattle in private slaughter-houses in large towns should be prohibited. Under the existing system diseased animals are slaughtered, and the unwholesome meat is easily disposed of. If animals were only permitted to be slaughtered in public slaughter-houses, the animals, both before and after death, could be inspected by a proper officer.

All the cowhouses should be removed from large towns.

The sanitary arrangements of workshops, factories, and common lodging-houses should be under the control of the medical officer of health.

There should be a uniformity of action in all local boards in large towns, not only in paving, lighting, cleansing, &c., but in keeping and publishing accounts. Also the books of the inspectors of nuisances and the reports of the medical officers of health should be kept in a uniform manner.

Such in my opinion is the importance of preventive medicine that a Minister of State should be appointed, under whose direction and responsibility all questions relating to public health should be entrusted.

All the sewers in a district should be under the control of *one* board, and not, as at present, under the jurisdiction of two boards.

All the clauses in a Nuisance Removal Act should be of a compulsory character.

All the officers of local boards in large districts should be required to give the whole of their time to the discharge of their public duties.

It would be desirable to have a *paid* chairman to each local board in which the duties are very onerous.

If a clause to the following effect, which is taken from the Dublin Improvement Acts Amendment Act, 1864, section 24, were inserted in a new Nuisances Removal Act, it would be very useful:—"That from and after the commencement of that Act any and every house, or part of a "house, usually or occasionally let in separate floors, rooms, "or other tenements for human habitation for any shorter "period than four weeks, at rents not exceeding three "shillings per week, shall be deemed a public lodging-"house, irrespective of the valuation of such house, or part "of a house, for assessment to the relief of the destitute "poor; and the person in the beneficial receipts of the "rents of such house, or part of a house, should be deemed "to be the keeper of such lodging-house, and as such "keeper liable to the laws, rules, regulations, and penalties "in that behalf."

There should be a regular and systematic visitation of all the houses occupied by the poorer classes over the whole country, and reports of such inspection should be made to the local boards. The publication of such reports should be made compulsory.

12,321. (*Mr. Powell.*) I think you stated that you can only now enter by consent?—Only by consent.

12,322. And yet you find, though you can only enter by consent, that there is no objection to your entry?—There never has been.

12,323. Practically every facility which you want is afforded to you?—It is so far as the visitation of houses is concerned.

12,324. Do you think if you had an absolute and peremptory power of entry, it is possible that that entry which is now granted to you in a kindly spirit where asked for would be regarded as an intrusion into the house when it was under the sanction of the iron hand of the law?—I do not think it would in the slightest degree, but I see something in prospect, and what I fear is that, when these matters are carried out, even in the way in which we carry them out in Whitechapel, the poor people are so under the authority and dread of the landlords, that they would be told by the landlords, "Do not allow "anyone to come into your house, if you do you shall "go about your business." People now suppose that we have authority to enter.

12,325. From their point of view you have authority to enter?—Yes, but it would be far better that it should be made compulsory.

12,326. (*Mr. Russell Gurney.*) When you were asked just now whether you would inflict a penalty on persons who refused you entry or leave it to mutual courtesy on both sides, you said you would rather leave it as it is; how is that consistent with your last answer?—What I meant in my former answer was that I would rather leave it as it is if the present state of things continued, but I see something in prospect, as above stated, which may alter the present state of things.

12,327. (*Mr. Powell.*) As the result of your experience, do you think that the keeping of pigs is so great an evil that they ought to be particularly mentioned in an Act of Parliament?—They are so already.

12,328. Do you think they ought to be specified in future Acts of Parliament?—Yes, I think so.

12,329. Have you found any disinclination on the part of the magistrates to give orders for the removal of pigs?—I have taken several cases before the magistrates, and what I have asked for has been granted at all times by the magistrates.

12,330. (*Chairman.*) Do you think pigs should be treated separately from other animals as a nuisance, or

J. Liddle, Esq.
23 June 1870.

do not you think that other animals are an equal nuisance?—Yes, although the pig is as clean an animal as any other in its natural state.

12,331. Are not poultry sometimes just as great a nuisance as pigs?—Yes, and we have taken proceedings against persons causing a nuisance by keeping poultry.

12,332. You think that any provision against pigs as a nuisance might also comprise other animals?—Perhaps it might; only the surroundings of the pig are so bad, the stuff he eats is for the most part offensive.

12,333. (*Mr. Powell.*) There is a greater accumulation of foul matter about in the case of a pig than in the case of other animals?—Yes.

12,334. (*Mr. Shaw.*) As to the point of the power of entry, you say that there is power now for the magistrate to give you authority to enter whenever you can lay before him reasonable grounds to suspect the existence of a nuisance?—Yes.

12,335. And you say that that power is quite insufficient for sanitary purposes, that you want the power of entry at all times, in order to see for yourselves whether a nuisance is existing or not?—Yes, we want that power conferred by statute, although we go into the houses of the poor whenever we please; no one objects to our going in at all.

12,336. But if they did object, you say you ought to have the power of entry compulsorily?—Yes. At present, if we suspected a nuisance, and we were refused admission, we should be obliged to apply to the magistrate, who would grant us an order to enter on a particular day; but that power would not extend beyond the day which was specified by the magistrate, and the nuisance might be removed between our application to the magistrate and the time of our going to the house, and when we went to the house we should find nothing there; but the nuisance might recur in the course of a day or two, when the same process would be gone through, and with the same result.

12,337. I understand you to say, though you have no reason particularly to suspect the existence of a nuisance in a house, it is necessary that you should have power to go into a house and see whether a nuisance exists or not?—I think it desirable that that power should be given. Every local board should be required peremptorily by Act of Parliament to make a house-to-house visitation of the whole district. It should not be that they "may" do it, but the word "shall" should be introduced.

12,338. (*Lieut.-Col. Ewart.*) By what class of persons do you propose that these visits should be made?—By the sanitary officers.

12,339. The officer of health?—The medical officer of health, and those persons under his authority.

12,340. In the case of those under his authority, would not it be necessary that they should obtain the sanction either of the officer of health or of the local board for making those visits?—If we were to find they were making visits improperly, we should soon put a stop to it. In the case of my own district, I see the reports daily of the sanitary officers who act under my directions. I tell them where to go, and they make a report to me daily upon the result of their inspections. If they were to behave in any way improperly it would come under my notice immediately and be checked.

12,341. Your supervision is sufficient to check any vexatious visits?—I am quite persuaded it is so; if such a thing were to occur, it would not be repeated.

12,342. You think that generally that would be the case. Supposing there was a general law giving the power of entry for the officers of the local authority, armed with proper written authority, you think that would not be abused?—I am quite sure from my own experience that it would not.

12,343. (*Chairman.*) Are there any other points to which you wish to direct the attention of the Commissioners?—There are some points in connexion with the public health to which I would wish to refer; there is the subject of the registration of still-born children and of sickness, the subject of vaccination, the operation of the Artizans' and Labourers' Dwellings Act, the hardship of some of the sanitary laws upon certain leaseholders, and the delay which sometimes occurs in the removal of such nuisances as endanger the public health.

12,344. Will you state briefly what alteration of the law you would propose as regards the first points?—With regard to vaccination, I would propose that the officer appointed to vaccinate should be paid by salary and not by case, for these reasons:—I was vaccinator myself for many years when the law first came into operation in 1840. It was then desirable to bring as many children as you could under the operation of vaccination, and you had to search out cases; but that time has now gone by, the law is altered. There is to be one station now in every district to which children are to be brought to be vaccinated, and under such circumstances it would be very wrong in my opinion to continue the payment per case, because the vaccinator might if he were paid per case be induced (and you must legislate for persons who may not perform their duty quite properly), to vaccinate improper persons, and by so doing bring vaccination into disrepute; whereas, if he were paid by salary he would thoroughly examine every child brought to him, and there would not then be so many cases of eruptions as we now see, and which have prejudiced a large number of the poorer classes against the operation. I hope that payment per case will be abolished, and the payment of salary substituted for it.

12,345. (*Mr. Russell Gurney.*) Do you mean that in a great many cases the child is not in a fit state to be vaccinated?—The child has very often a syphilitic eruption which cannot be discovered unless considerable pains are taken by the vaccinator; whereas if he were paid by salary he would take care, because his reputation would be concerned, only to vaccinate in proper cases. Then as regards still-born children, I think all such cases should be registered. We had a number of bodies of children, supposed to be still-born, put into the belfry of Whitechapel Church some time ago, and upon which an inquest was held. I should cause every case of abortion to be certified by a medical man. He should certify that Mrs. So-and-so was confined of a still-born child, and that should be considered a sufficient order for the burial of such body. It would tend to prevent infanticide and criminal abortion, and it would tend to prevent the registration of births as still-born which are really not still-born. And I think if abortions were very common in any district it would show the existence of an amount of syphilis in that district, which perhaps might be remedied under some new law which may be passed by-and-bye for the prevention of syphilis in civil populations. Then as to the registration of cases of sickness, I may state that the deaths afford us no criterion, or a very inadequate criterion, of the state of the health of a district—a number of deaths may take place, and the sickness may be comparatively small; on the other hand, numerous cases of sickness may exist in a district, and the deaths may be comparatively few in number. Therefore it is of importance that those cases should be brought under our notice at as early a period as possible. They should be published weekly in the same way as the deaths are now published by the Registrar-General. Then there is another point, of probably more importance, which I should like to refer to. The Artizans' and Labourers' Dwellings Act has not been carried into effect in any district with any good practical result. The great fault of this Act is that the local board is the local authority instead of 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

J. Liddle, Esq.
23 June 1870.

to builders to erect houses for the working classes, a great improvement would be speedily effected in the public health, for it is principally owing to the unhealthy condition of the houses of the poor that so much illness exists. The hardship of the operation of the sanitary laws presses most severely on those leaseholders whose leases will expire in a few years, when such leaseholders are required to make extensive structural alterations in their property. When such is the case, there should be power given to the local board fairly to adjust the expense between the leaseholder and the ground landlord. Under the Nuisances Removal Act considerable delay sometimes takes place before a nuisance can be removed, in consequence of it being necessary to obtain the authority of the board before the sanitary officers can take proceedings to obtain an abatement of the nuisance. I would suggest that in all cases of emergency, such as a stopped privy or overflowing drain, that power should be given by statute to the medical officer of health to take legal proceedings without waiting for the authority of the board to compel the immediate removal of any nuisance which by its continuance might endanger the public health.

12,345*a*. (*Chairman.*) Have you anything further to add?—I should like, finally, to say a few words upon what ought to be the functions and authority of the medical officer of health. I should say that the medical officer of health should not be engaged in private practice, but that his undivided attention should be directed to all those matters connected with the prevention of disease. That he should be entirely free from all local influence. That the area of his district should be of much greater extent than now prevails. That the present number of medical officers of health should be reduced, and a uniform plan of action in all matters relating to the public health be adopted. That the medical officers of health should be made responsible for the sanitary condition of the district, and the local boards be free from all responsibility in the matter, provided that they shall have afforded the medical officer of health everything he may reasonably require for the proper discharge of his duties. That, upon the representation of the medical officer of health of the necessity of carrying out the several clauses in the Public Health Acts, which are only of a permissive nature, the local authority should be compelled to put them in force. That the medical officers of health should have power to engage at the public expense the services of an analytical chemist, and of a skilled anatomist and pathologist to assist him in the proper discharge of his duties. That the medical officer of health should have power to engage, at the expense of the local authority, the services of a sufficient staff of sanitary inspectors, who should report to him daily of the general and particular sanitary condition of the district, and who should keep a proper record of all inspections made and work done. That the medical officer of health should inquire into every death, the cause of which has not been certified by a registered medical practitioner. That, in every instance, the fact of death should be verified by a medical practitioner before a certificate of death is given. That, as it is almost impossible to combine in one individual that of a skilled anatomist and pathologist, of a practical and analytical chemist, and one possessing a thorough knowledge of practical medicine and surgery, it would be of more service to the public interest to look for and appoint to the office of medical officer of health, a gentleman of good education, and one possessing first-rate administrative talent, and giving him full power to obtain professional assistance in every department that he may think necessary.

The witness withdrew.

(1a†) TOM TAYLOR, Esq., further examined.

T. Taylor, Esq.

12,346. (*Mr. Powell.*) I wish to direct your attention to the latter part of the 44th section of the "Nuisances Removal Act, 1855," namely, "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." And in connexion with that to the 14th section of the Sanitary Act, 1866, in which it is enacted "That the expression Nuisances Removal Acts shall mean the Acts passed in the years following of the reign of Her present Majesty, that is to say, the one in the session of the eighteenth and nineteenth years, chapter 121, (that being the Act of 1855), and the other in the session of the 23rd and 24th years, chapter 77, as amended by this part of this Act; and this part of this Act shall be construed as one with the said Acts." And I wish to ask you whether in your view the inclusion in that 14th section of the Nuisances Removal Act, the 18th and 19th of Victoria, restricts the operation of Part II. of the Sanitary Act of 1866; and more particularly the point before us is its effect upon the 19th clause of the Act of 1866, giving an extended definition of nuisances?—I should think that the 19th section of the Act of 1866 is controlled by the 44th section of the Act of 1855.

12,347. (*Mr. Shaw.*) The 19th section of the Act of 1866 is so worded as merely to say that the word "nuisances" under the Nuisance Removal Acts shall include so and so?—Yes. It seems to me that the 19th section of the Sanitary Act cannot extend to mines or smelting processes, or any of the things excepted, in consequence of the operation of the 44th clause of the Nuisances Removal Act.

12,348. (*Chairman.*) Having had this point brought to your notice, and bearing in mind your long experience upon this subject, what would be the general terms you would suggest for a consolidated Act upon this point?—I do not know what the form of the consolidation Act would be. I presume you would include the 19th section of the Act of 1866 in the sanitary provisions; but I presume if you intended to preserve the exemption which the 44th clause of the Act of 1855 introduces, it would have to be a general exemption, and, therefore, it would come after all the Nuisance Act provisions. You would, I apprehend, put clause 19 in its proper place, and then you would say, provided that none of those provisions should extend to mines, smelting processes, &c.

12,349. (*Mr. Powell.*) The next point upon which we want your judgment is this: the Sewage Utilization Act of 1867 takes power to deal with land and so on, and then at the end of it says, [§ 5], "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." One's first impression in reading those words is, that any community which thinks fit to deal with land in this way has laid on it the duty of dealing with the whole of their sewage in this manner, and that they cannot deal with the sewage of one section of a town in this manner, but that they must take the whole of the sewage?—I presume that means that they shall take all the sewage that they have provided their lands and works for. If they had arranged to take, for instance, the sewage of a particular quarter of the town, and to dispose of it by irrigation, it would be their duty to dispose of all that sewage in that way; not that it is their duty to take the sewage of all the town, but that the sewage which they calculate upon taking in that way they shall be bound to dispose of in that way; that they shall not carry away

T. Taylor, Esq.

23 June 1870.

the sewage which they have contracted to take for the purpose of irrigation, and then discharge it by the way.

12,350. (*Lord Robert Montagu.*) As in the case of London, if they had made arrangements for taking sewage from the south side, you would not consider that under that section they would be bound equally to take it from the north side?—No; but that whatever they take they must dispose of on the land appropriated for the purpose. I do not remember in the drafting of this Act how this restriction came in; it looks like a restriction put in in the course of its passage through Parliament.

12,351. (*Mr. Powell.*) I find in the Wolverhampton Improvement Act this clause: "That it shall not "be lawful for any person to cause or suffer any "refuse from any manufactory or work that would be "destructive of or injurious to vegetation, or that "would otherwise interfere with the utilization of "the sewage of the borough, to flow or pass into any "sewer of the corporation." Do you think it would be a wise thing for Parliament to make that clause general?—I think it would be very risky. I speak with reference to a case which we have lately had before us at Nuneaton. Nuneaton it appears is a place where there is a good deal of skin dressing, and a company of skin dressers applied to the local board of Nuneaton, when they set up their works, to allow their drainage to go into the sewers of the local board under certain conditions, and the company were made to construct a sewer from their works to the sewer of the local board of health, which satisfied the local board. After working under that arrangement up to a certain time, proceedings were taken in the Court of Chancery against the local board for fouling the river, and the local board took it into their heads that the pollution was in consequence of the chemicals that the skin dressing company used. They accordingly passed a byelaw, (having the power to make byelaws for regulating manufactures of a certain class in their district), by which they prohibited the discharge of all lime or chemical matters (enumerating a number of chemical preparations) into their sewer; prohibiting the skin dressers from doing what they had obtained their permission to do, and what they had been doing under their permission. We had a strong representation, not only from that particular company, but from a number of companies at Nuneaton against this byelaw, and we directed an inquiry into the case, and our inspector made a report in which he said that, as far as he could see, there was not the least ground for the supposition that the prevention of the discharge of those chemicals into the sewer would relieve the board from the weight of the Chancery proceedings; that, in fact, they would do themselves no good as far as their object was concerned, and that they would destroy the main industry of the town; and he reported strongly against allowing the byelaw. The Secretary of State has refused to allow the byelaw. He said to the local board of Nuneaton, "It is your duty to provide "means for dealing with your sewage, and you ought "to take the results of this process as part of the "sewage of your town."

12,352. (*Lord Robert Montagu.*) If manufacturers discharged into the sewers matter injurious to agriculture, you could not expect farmers to utilize that sewage?—No.

12,353. If such refuse were allowed to go into the sewers, it would force the town to discharge the sewage into the river instead of putting it on the land?—There would be that difficulty.

12,354. Therefore, some law prohibiting the sending of matter into the sewers that would be deleterious to agriculture is requisite if you want to utilize the sewage?—Yes. At the same time it is requisite that the utmost caution should be exercised in framing such a restriction. You would very often find that the local board would be desirous of shutting out everything offensive from the sewers; instead of constructing proper works of sewerage they would want to make the least amount of sewerage do. The next regulation that they would make would be, that no excrement should pass into the sewers; in fact, the sewers would be in a great measure rendered useless for the purpose for which you want them.

12,355. (*Lieut.-Col. Ewart.*) Could not you guard it by saying, "anything noxious to agriculture"?—Yes, it is so guarded in the Wolverhampton Act, "destructive or injurious to vegetation."

12,356. (*Mr. Powell.*) The 193rd section of the Police and Improvement Act (Scotland), 1862, is as follows: "The owners or occupiers of distilleries, "manufactories, and other works shall be compelled, "where possible, to dig, make, and construct pools "or reservoirs within their own ground, or as near "their works as possible, for receiving and depositing "the refuse of such works, so far as offensive or "dangerous to the health of those living in the "vicinity thereof, or to use the best practicable "means for rendering the same inoffensive or in-"noxious before discharging it into any river, stream, "ditch, or sewer." Would you propose a provision that went so far as that?—A clause founded on that might meet the difficulty.

12,357. (*Lord Robert Montagu.*) Is not it the case that things that putrify are useful in promoting the growth of vegetables, and that it is only things which do not putrify which are injurious to vegetation?—I presume so; but that is a point of chemistry upon which I do not feel competent to give a trustworthy opinion.

12,358. If that were true, that would be a sufficient line of distinction?—Yes; you want chemical evidence upon that point.

12,359. (*Mr. Shaw.*) In the case of Nuneaton, the local board of health gave their consent, and then afterwards virtually revoked their consent by a byelaw?—Yes.

12,360. Have you ever had under your consideration, whether when a noxious trade is set up by consent of the local authority, acting under the powers of a statute, that consent can be revoked?—I do not see how they could revoke it very well, unless there were a breach of certain stipulated conditions.

12,361. (*Mr. Powell.*) If you look at the 9th section of the Sanitary Act (1866), the words are, "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." Do you consider that that applies simply to payment, or does it also apply to various restrictions and limitations?—I conceive that it refers to more than payment.

12,362. Taking "terms" to refer to payment, "conditions" would appear to you to be something besides?—Yes, as to modes of communication, for instance, the question of using or not using a particular joint or shoulder, so as to get an unimpeded flow; or it might mean such a condition as that occupiers should not send down a particular class of matters.

12,363. With respect to closing foul wells, do you think any provision is needed for that purpose?—Some power of that kind is very much wanted.

12,364. Would a clause of this sort be desirable, "When a supply of water from a well or pump is so foul as to be injurious to health, the local authority may by notice require the well or pump to be temporarily or permanently closed, and if the occupier fails to comply with such notice the justices may, on application of the local authority, order such work to be done?—Something of that kind is very much wanted.

12,365. Would it be possible to close a well for drinking purposes and allow it to remain open for any other purpose?—I do not see how it would be possible.

12,366. Would you allow an appeal to the local authority in cases where the justices decided against them?—I do not see why an appeal should be restricted to one side only.

12,367. (*Lord Robert Montagu.*) If the local authority has the power of appeal when a matter has been settled in favour of a private individual by the justices, do you think that would give rise to any oppressive action on the part of the local authority, and that they would try to worry some men out with law?—I do not think as a rule the local authority is very much inclined to go on with litigation. I think they are generally afraid of it, and unless they knew that they had a very strong case, I think they would be reluctant to appeal.

12,368. A local board, if they indulge in litigation, pay for it not out of their own pockets, but out of the pockets of the ratepayers, whereas a private individual pays for it out of his own pocket?—Nevertheless the local board live under such a sense of pressure upon the point of economy, that they generally, I must say, are not disposed to spend the rates profligately, or in excess. The great danger is, if they have a sharp and needy lawyer for their clerk, and he sees litigation in the wind, he will urge it, and if he is a clever fellow he will manage to bring it about.

12,369. You think the power of appeal on the part of the local authority would not lead to abuse?—I do not feel that it would. I do not feel that there would be any serious danger in it.

12,370. (*Mr. Richards.*) The lawyer is now paid by salary, I suppose?—Yes; but he is also paid certain extra expenses on law proceedings.

12,371. (*Lieut.-Col. Ewart.*) Clerks to local boards are generally solicitors, are they not?—Yes; if he is the only solicitor in the place there is not much danger of litigation; but if there are two, and either of them more anxious for business than scrupulous about the source of it, there is almost sure to be a fight.

12,372. (*Mr. Powell.*) As to the 34th section of the Act of 1858, viz. the building byelaw section, will you give us your views as to the manner in which that section might be expanded?—I think it would be very desirable if the Commission could devise any plan by which a form of byelaws might be scheduled in an Act, or by which byelaws might be passed in Provisional Orders, or by which a central authority like, say, the Secretary of State, might have power to frame a general form of byelaws which might lie on the table of the House, and if not objected to for a certain time might acquire the force of law if the local board approved of them.

12,373. (*Lord Robert Montagu.*) Are you alluding to a similar provision to that contained in the Education Bill, under which the school boards are to have the power to make byelaws and to lay them upon the table of the House for 40 days?—I was thinking not of byelaws framed by particular boards to be laid on the table of the House, but of a form of byelaws which the Secretary of State might frame, and which the local boards might adopt. The Secretary of State, it is to be presumed, would frame them with the assistance of the law officers of the Crown. Those byelaws would probably be found sufficient. If the boards went beyond those byelaws they would know that what they were doing would be open to question; but while they remained within those byelaws they would know that they were safe from legal question.

12,374. (*Mr. Whitbread.*) Do you imagine that the central office would be able to frame a set of byelaws applicable to the varied wants of all parts of the country?—For certain things they would.

12,375. If they could frame byelaws for certain things applicable to the whole country, why should you not put them in the Act at once?—They might be scheduled if thought desirable.

12,376. The difficulty is the jealousy which Parliament would naturally have to enabling the local board and the central authority between them in fact to pass laws having the full sanction and weight and authority of legislative enactment?—No doubt that is the difficulty, and that could be avoided by scheduling the byelaws. If you take the Consolidation Acts, they were framed for the purpose of being introduced in private Acts, and they were supposed to include all provisions of common application to the subject matter. I think you might do something of the same kind with byelaws, you might frame a set of provisions for matters like slaughter-houses, markets, hackney coaches, and so on, and even streets and buildings.

T. Taylor, Esq.

23 June 1870.

12,377. (*Mr. Richards.*) That would be a direct enactment?—You might put in a schedule provisions capable of general adoption.

12,378. (*Mr. Powell.*) The 34th section says the local board may make byelaws "with respect to the "following matters," and then it goes on with four sub-sections; do you think those four sub-sections ought to be amended on the one hand or expanded on the other, or are they sufficient?—I think they are not sufficient; there are some other matters which ought to be included. I would not like on the spur of the moment to say what further matters I think ought to be included, but I will submit a paper to the Commission on the subject. For instance, local boards have power to make public recreation grounds, but they have no power to make byelaws for their regulation. There are things of that sort that ought to be included. The local boards ought to have the same power to administer the Acts relating to museums and recreation grounds and public libraries as bodies of Commissioners now have.

12,379. In fact that they should become the executive?—That they should have the power to become the executive; some council have given the opinion that they have such power; I am afraid myself they have not. Another important point which I would wish the Commission to take a note of is, the desirability, if the Commission can see their way to it, of giving local boards the power of taking water compulsory beyond the district.

12,380. (*Lord Robert Montagu.*) Beyond the district, but not beyond the watershed?—You do not want it beyond the watershed.

12,381. Are you aware that in the case of the Cheltenham Waterworks Bill, 1865, the House of Commons decided that the town of Cheltenham should not be allowed to come to the sources of the Thames supply to take their water, because it was out of their own watershed?—I did not know that they so decided. The difficulty is that at present in the case of many small and poor local boards, they may have a beautiful spring a mile off which they cannot get the benefit of because it belongs to some cantankerous gentleman who will not enter into any arrangements with the board.

12,382. (*Chairman.*) What suggestion have you to make as to extending the powers of taking water?—At present it is held that the compulsory powers which are given to the board can only be exercised within the district, but there is a special exemption made as to taking lands for the outfall or distribution of sewage. I think that that ought to be extended to water.

12,383. (*Mr. Whitbread.*) Under the proposed scheme which the Commissioners have under their notice at the present moment, every place will be a district, and your proposal is that one district should be allowed to go and tap the water of another. Suppose two thirsty districts side by side, neither of them having sufficient water for its wants, would you allow one to go for its water into the district of the other?—I see no natural limitation of that right to a district. I do not see why a parish should be confined to its own boundry. It is not as if the boundaries of districts had been laid down with reference to the needs of the population as regards water.

12,384. You propose that one district should be enabled to go into another district and take its water

T. Taylor, Esq.

23 June 1870.

from that other district compulsorily?—Yes. You may restrict the power in any way; you may say upon the report of an inspector, or any other condition, but, under whatever restrictions you think proper to impose, I think that that power should be exercise-able, so that where a local board wanted water beyond its own district, it should not be compelled to come for a private bill.

12,385. (*Mr. Powell*). Your opinion is that that should be done, subject to the control of the central authority, and great care being taken that the parties are heard?—Yes, that the rights of parties are not interfered with.

12,386. Does your suggestion extend to the diversion of flowing water, or is it confined to the taking of wells?—I was rather thinking of the taking of springs.

12,387. (*Lieut.-Col. Ewart.*) Supposing you provided that the power should only be granted after a local inquiry had taken place, the authority of the adjoining district would then have an opportunity of being heard and making their objections?—In all cases if the local board were to be allowed to exercise the power compulsorily, they would have to do it by a Provisional Order.

12,388. (*Mr. Powell.*) As regards the taking of a spring as compared with the taking of a river, the two matters are wholly different; if you take a spring there is an end of the matter, assuming the spring is not the source of the stream, but if you take a river there are all sorts of questions of compensation—compensation reservoirs and compensation in water?—The cases which I was thinking of were cases of springs. In the cases of rivers you have a considerable length of them to deal with; you can take them at one point or at another. The cases I was thinking of were the cases of thirsty districts not having the advantage of a river or springs within them, but having springs within a small distance but beyond their own boundary, so that they have now no means of getting at them except by a Bill. The case I was particularly thinking of was a case where, practically, the local board were prevented from using the spring simply by the ill-nature of a particular proprietor, a man who would not listen to any proposition to take his water—the water all the time running to waste.

12,389. (*Lord Robert Montagu.*) Would you make the consent of the other local authority necessary before granting the power to the local board which required the water?—It might be required to be by the consent of the watershed authority, and if there were no watershed authority, then by the central authority—some restriction upon the power would be necessary; it would be for the Commission to indicate what the restriction should be.

12,390. (*Chairman.*) Your proposition is this,—you would allow all parties to be heard on the application to take the water, both the local authority proposing to take the water and the local authority of the outside district, and also the landowners; but I understand your proposition to be that the process should be facilitated,—that it should not necessarily be by Act of Parliament, but by Provisional Order?—Yes; that the same power as they have now of taking land for water supply within the district should, subject to any conditions and restrictions which the Commission may think necessary, be extended to land lying outside the district.

12,391. Will you refer to the 31st section of the Local Government Act, 1868, which provides that where watercourses, &c., lying near to, or forming boundary between, an authority and an adjoining local authority, is foul or offensive so as to injuriously affect the district of the former local authority, any justice for county or city in which adjoining local authority is situate may, on application of the former local authority, summon the adjoining local authority to show cause against an order for cleansing the watercourse, &c., and for executing permanent or other structural works; and then it provides that the justices may make an order with reference to execution of works, the persons to execute them, and the cost of the works, which shall be a charge on the rates of the adjoining parish or place. Have you any observations to make upon that?—The cost of removal of a nuisance under that clause is made a charge upon the poor rates. The Nuisance Removal Act is, it is true, administered out of the poor rates in the case of a parish, but in the case of a town it is not; the cost should be charged on the rates out of which the expenses of the Nuisance Removal Act are payable. One of the authorities initiates the proceeding, and if the other shows cause and succeeds, the one that has made the complaint is the one to blame, and the justice may make his order accordingly.

12,392. (*Mr. Powell.*) As to section 59 of the Public Health Act, 1848, providing that if inspector of nuisances think that any accumulation of manure, dung, soil, or filth, or any offensive or noxious matter whatever, ought to be removed, he may give notice to occupier to remove the same, and on default at end of 24 hours the matter referred to becomes property of the local board, and shall be sold by them, the proceeds to be carried to ordinary fund. Do you think, assuming we keep up the powers of the Nuisances Removal Act in the new code, it would be desirable also to keep alive that section 59. Supposing we keep up the present procedure for the removal of nuisances somewhat simplifying the details of that procedure, do you think we should keep alive such a direct power to the inspector, or would it be enough that he should proceed under the Nuisances Removal Act?—I think you want a more summary power; I think as regards accumulations of nuisances, dung and things of that sort, you ought not to require an inspector to go before the magistrate, because by the time he gets before the magistrate everything is sure to be removed. The very object is to compel speedy removal.

12,393. Might your opinion be expressed in this manner, that while under the Nuisances Removal Act you have wide definitions, the Act giving a remedy to meet those cases of a comparatively dilatory sort, there should be also a sharp and prompt remedy for certain specified cases that might come within those definitions, but which are nevertheless special in their character?—I should say 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 proceedings come to a hearing, so that the taking out of a summons only occasions loss of money and loss of time.

12,394. (*Lord Robert Montagu.*) That provision with respect to removal of accumulations of manure, and so forth, does not apply to any case where the accumulation is of value, does it, nor where it is the result of a manufacturing process?—There is no such restriction in the section.

12,395. Are you not aware that that is the result of certain decisions of the judges?—I was not aware of any such decision.

12,396. If you refer to "Glen's Public Health and "Local Government Laws," page 143, you will find that he states that it has been held by the judges that ashes being available for a commercial purpose do not come within the meaning of the Act, and that the intention of the Act was that only rubbish arising from houses should be removed?—Clearly that must have been decided on the principle of *ejusdem generis*, that the words "accumulation of manure, dung, soil, or "filth," marked out rubbish arising from domestic use and not manufacturing refuse.

12,397. The judges have held that that section of the Act only applies to domestic refuse?—That seems to be what they have held; at the same time one would like to read the case to see what the judgment really was—"manure" would clearly apply to a cowkeeper, for instance, and the refuse in his case would not be domestic refuse.

12,398. In framing a new statute, would you propose to extend the enumeration of those matters in the 59th section of the Act of 1848?—Unless you meant to introduce manufacturing refuse, I do not think you could get better words than those. I think in framing statutes the more you can avoid enumeration of particulars the better. I would make the language as wide as possible. I would not enumerate a series of particulars and then put a general word at the end of them, which word is always useless.

T. Taylor, Esq.

23 June 1870.

12,399. (*Chairman.*) The confusion of the law upon this subject has been occasioned by Acts of Parliament being passed upon specific occasions, and dealing with particular subjects from time to time. In consolidating the law we must try to arrive at the generic principle upon which the various matters have been brought under the operation of the several Acts. Amongst the definitions of nuisances we find the pig. Do you not think that he comes in under a general category, and that he might disappear nominally?—Yes, I think he has simply been brought in, because he is the most common nuisance; everybody has smelt him, and so he has been named particularly.

12,400. (*Mr. Powell.*) At present the local board can enter and remove on its own authority swine or a pig in a house or pigsty, so kept as to be injurious to health; would you take away that power?—The only reason why I should wish to retain that power is that it is a very common form of nuisance. A pig in a house is a thing that ought to be removed.

12,401. (*Mr. Shaw.*) Are you in favour of summary orders being made by boards as distinct from the process of complaining to magistrates?—In particular cases you want them.

12,402. (*Mr. Powell.*) Could you give a list of those cases?—It would not be possible to enumerate them.

12,403. (*Chairman.*) Upon what principle would you make an exceptional reference to the magistrates necessary?—In the case of a local board you have many more powers of summary action in these matters than in a case where you have only the machinery of the Nuisance Removal Act. The Nuisance Removal Act contemplates recourse to a justice. In the case of a local board recourse to a justice is the exception. Local boards exercise direct authority, as a general rule, under the Local Government Act. There is hardly a case, except the case of entry, where the local board are compelled to have recourse to a justice.

12,404. (*Mr. Shaw.*) Do you think it would be desirable to give an appeal to the central authority from the exercise of those summary powers by the local board?—I think not, because in fact the very essence of this summary action is, that the action should be prompt. An appeal is incompatible with prompt action.

12,405. Would you give an appeal in the case of setting up noxious trades?—In the case of setting up noxious trades the parties ought to have an appeal; that is a case in which delay would be perfectly reasonable.

12,406. Where the local authority makes its order, if you give a power of appeal to the central authority, the central authority and the local board may be supposed always to act harmoniously, and you get a consistent system; whereas under the Nuisances Removal Act the local authority is a mere complainant, and if there is an appeal it will go to the quarter sessions, and probably to the Queen's Bench, and the central authority never has any chance of enforcing its own views. What is your impression upon that point?—I think that is a very weighty suggestion, and one quite in accordance with experience.

12,407. You would not be prepared to restrict the action of the local authority to the machinery of the Nuisance Removal Acts?—No.

12,408. (*Mr. Richards.*) Assuming an application had been made to the board to establish what might be considered a noxious trade, and their consent had been given, would you give an appeal to anyone outside the board, to the central authority, against the permission so given?—That again raises the same question as to appeal; whether, if you have an appeal on one side, you should not also have it on the other. It is like the case of an appeal upon an audit; a man now appeals where the auditor has disallowed an item, but supposing the ratepayer objects to an item, and the auditor refuses to disallow it, the question is, whether there should not be an appeal to the person who has called for the disallowance.

12,409. (*Mr. Shaw.*) Would you give third parties the power to be heard before the local board in the case of its giving its consent to the establishment of noxious trades?—I imagine the local board might call for any evidence it liked in the matter.

12,410. Supposing it did not, would you give the right to anybody to come in and state his reasons against it?—I think you ought to provide some security of that kind; the matter should not be allowed to be concluded without giving an opportunity for the public interests to be represented.

12,411. (*Mr. Cave.*) The proceedings would be public, would they not?—No, the local board is not a court; their sittings are in private; no person can claim the right to be present.

12,412. (*Mr. Richards*). But it is the almost uniform practice to admit the public, is it not?—I should have thought not; they admit the reporters.

12,413. Would there not be this difficulty, if there were an appeal against the order of the local board in such a case, that the manufacturer having got the consent of the local board to establish his trade, would perhaps immediately go and lay out his money, and make all his arrangements, which might perhaps be all thrown away if on appeal the permission to establish his trade were refused?—It would be necessary to require that the appeal should be lodged within a limited time so as to prevent any investment of capital.

12,414. Take the case of a landowner who owns a very large part of the district, and where the majority of the population of that district think that the establishment of a particular trade would be conducive to its material interests, though the trade might be noxious. Take the case of the tinplate trade which has centralised itself in a few districts of the kingdom. An outside man might feel that the establishment of such an industry might be objectionable to him, and the inspector sent down by the central authority might, under the powers given to him, prevent what might be a most important industry being established, by recommending the central authority not to sanction it. Do you not think that the local authority ought to be the final judge of what would best conduce to the material interests of the district?—The question is, whether the material interest of the district is the only thing to be thought of. I do not think, as a rule, it would be right to assume that the central authority would be unmindful of the local interest in the matter, or that they would be unfair to the local interest; at the same time it would be very hard upon the outside man not to allow his interest to be considered when a new industry was about to be established; it is only a question of where it ought to be planted; if it were not planted there, it would be planted somewhere else.

12,415. (*Mr. Shaw.*) Generally speaking, if this system were extended of enabling the local authority to make orders subject to appeal to the central authority, would there be any fear of weighing down the central authority with work?—You would have to find it the means of doing its work; if you are to allow these appeals upon the establishment of noxious trades, the central authority would have to employ men qualified to report upon the subject. In the case of the establishment of a chemical manufacture, it would have to employ men familiar with manufactur-

T. Taylor, Esq.

23 June 1870.

ing chemistry. You could not expect ordinary inspectors to do that work.

12,416. (*Chairman.*) In the 32nd section of the Act of 1858 the local authorities are enabled to contract with any person for the proper cleansing and watering of streets, and so on. Can you recollect why that section 32 of the Act of 1858 was substituted for the 55th and 56th sections of the Act of 1848?—The 55th section of the Act of 1848 gave the power to make byelaws with respect to removal by the occupier or by the local board, but the 32nd section of the Act of 1858 gave power to contract for the removal.

12,417. (*Mr. Powell.*) With respect to the 34th section of the Act of 1858, upon which you have promised to submit a paper to the Commissioners, would you suggest any alteration in the exemption of buildings commenced after the constitution of the district from the operation of the byelaws?—Yes; that section provides, "that no such byelaw shall "affect any building erected before the date of the "constitution of the district." That is clearly wrong. The houses most unfit for human habitation are generally the oldest houses.

12,418. (*Mr. Cave.*) With respect to the power of entry which the officers of the local board can now exercise only on getting an order of the justices, would you suggest that they should have that power without its being necessary for them to go before the justices?—It seems to me to stand on a proper footing at present. The requisite power is given to the local authority and at the same time proper protection is afforded to the individual; and if the individual objects to the right of entry, the local officer does not get the right of entry without making out a good case.

12,419. Take the case of an epidemic prevailing in a district, would not there be a great loss of time if in cases where the inspector was refused admission he had to apply to the justices?—Yes. You might, I think, possibly provide some special machinery to meet a case of that kind; that under certain circumstances of public danger, or in the case of an epidemic, there should be a general power given to enter houses. You might even suspend the operation of your present law or empower the justices to issue a general order giving the officers of the local authority a general power of entry, to be exercised in all cases of emergency.

12,420. (*Chairman.*) You might make it part of the Diseases Prevention Act?—Yes.

12,421. (*Mr. Shaw.*) It has been stated that landlords who knew there was something wrong on their premises would tell their tenants that if they admitted the inspector they would give them notice to quit instantly. Would you be disposed to leave it to the absolute discretion of the justice to order entry in cases where it was refused, without its being necessary for the officer of the local board to show that there was reasonable ground for believing that a nuisance existed upon the premises?—Yes, I would give the justice the fullest discretion in giving his order. I would not require it to be shown that there was reasonable ground for believing that a nuisance existed, and I would let the magistrate give such order without any restriction in point of time. When notice is given to the occupier of the time when the visit will be made, of course the object for which you require the order is defeated. When entry is made into a house on a certain day in pursuance of an order of the magistrate, of course the officers do not see the ordinary state of things. In the case of processes carried on at night, I would give the power of entry during all the time that the work is carried on.

12,422. (*Lieut.-Col. Ewart.*) The power of entry may be required for two purposes; it may be required for the purpose of doing work in the house, and it may be required for the purpose of inspection. I presume when it was required for the purpose of doing work, you would think that the occupier should have reasonable notice?—Yes, I am speaking now merely of entry for the purpose of inspection.

12,423. (*Mr. Powell.*) Supposing the inspector were to go to a house and were refused admission, would you make that refusal punishable by fine?—No, I do not think I would; you might go too far in that direction; all you can do is to go before a magistrate and get an order.

12,424. Would not it be possible to go to this extent without being oppressive to the subject, that on the production of a paper from the medical officer, the inspector should be empowered to enter?—I do not myself see any objection to that.

12,425. Suppose the officer were armed with a special order ordering the man named in the order to go into the house named in the order?—It might be very proper then, perhaps, to empower the justice to punish a person who resisted that order, leaving it to the discretion of the justice.

12,426. (*Mr. Shaw.*) Would these words meet your view, "Whenever the 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 pur-"pose 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"?—Yes, I think some such words as those are what you want.

12,427. (*Mr. Powell.*) Referring to your answer to question 5, I assume that you have been officially connected with the General Board of Health and the Local Government Act Office without intermission, since the establishment of that board in 1850?—Yes.

12,428. Can you state the reasons which led to the abolition of that board in 1858; was the board inefficient or weak?—Certainly not inefficient or weak. It was extremely zealous, energetic, and active, sometimes showing a zeal beyond discretion, according to official standards of such things.

12,429. Had it become unpopular?—It had long suffered from internal disagreements between its *ex-officio* head and its working members, and had excited antagonism on the part of the engineering profession; and incurred some local unpopularity, but I do not think the last was very serious.

12,430. Was there a resistance on the part of the localities to what they deemed dictation?—In a few cases, but not to dictation, as regards works, so much as to having the Act forced on them.

12,431. Was there any jealousy from the engineering or legal professions?—Yes; on the part of the former in particular, owing to what were considered to be reflections on the profession in some reports issued by the board.

12,432. Did owners of low-class property fear interference and consequent expense?—In all probability this was at the bottom of most of the opposition to the introduction of the Public Health Act, when it was introduced against the will of the inhabitants, in places where the mortality exceeded 27 in 1,000. All who had interest in opposing improvement combined and availed themselves of any unpopularity of the general board in any direction.

12,433. What were the functions which it was thought desirable to continue and to transfer to the Home Office?—The only important functions under the Public Health Act relinquished in the Local Government Act, were those of compulsorily applying the Act, and of sanctioning the appointment and dismissal of officers of local boards. It was thought better to leave the Act to the adoption of localities, and to relinquish the central sanction to the selection and dismissal of officers.

12,434. Why was the Home Office selected?—As the office whose functions seemed in most natural connexion with the work to be done under the Act, from the moment the working of the Act was entrusted to some existing department.

12,435. What functions were transferred to the Privy Council, and on what grounds was the Privy Council made the executive for those purposes?—The medical functions of the general board was transferred to the Privy Council, and a medical officer was attached to the council, with a view to keeping the medical part of sanitary work and the legal, engineering, and financial part of the work distinct. The Privy Council was chosen, I believe, for the medical part of the work, partly because of the machinery of Orders in Council being used to bring into force the Diseases Prevention Acts, and partly because the Privy Council had already a certain connexion with hygiène, through its quarantine and vaccination officers, whose duties were transferred to the medical officer of the Privy Council.

T. Taylor, Esq.

23 June 1870.

12,436. Why were the duties of the board during the prevalence of epidemics, as fixed by the Diseases Prevention Act, transferred to the Privy Council?—For the reason mentioned; that the Diseases Prevention Acts were brought into force by Orders in Council, and it was thought that the officer on whose evidence and advice these orders would be moved for and granted, and who would have to prepare the papers and regulations issued during the prevalence of epidemics had better be attached to the office by which the orders were issued.

The witness withdrew.

Adjourned.