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**PUBLIC HEALTH
LEGISLATION**

AND

MODEL BYE-LAWS.

ELLIOTT.

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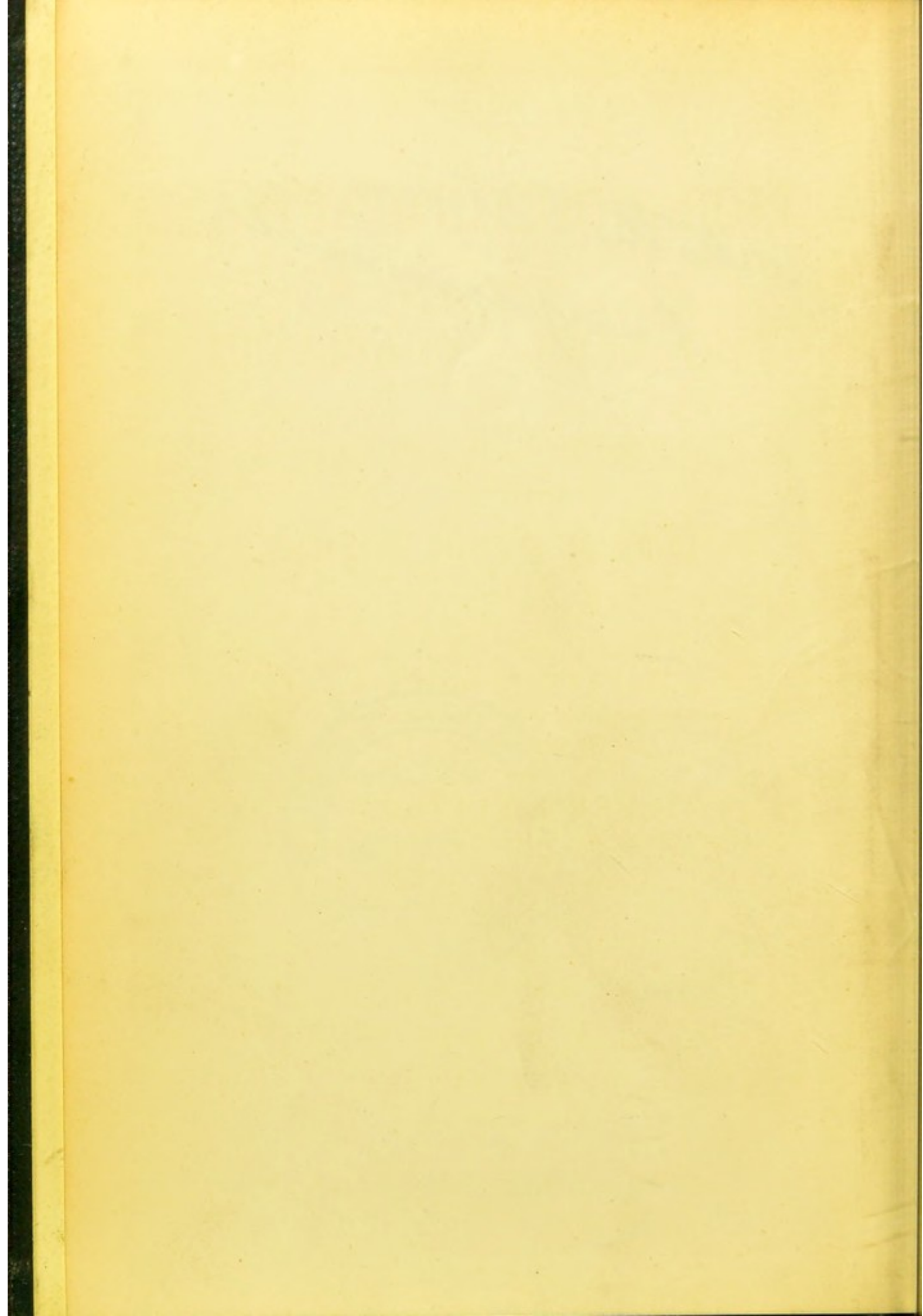
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THE
PUBLIC HEALTH ACTS

AND OTHER

SANITARY LAWS & REGULATIONS.

SPECIALLY PREPARED

FOR THE

Diploma of Public Health.

BY

MARTIN ELLIOTT,

OF THE MIDDLE TEMPLE AND WESTERN CIRCUIT,

BARRISTER-AT-LAW,

AND

GILBERT ELLIOTT,

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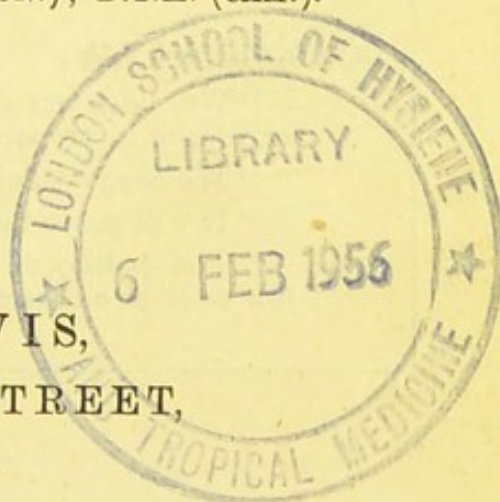
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 COMMON LAW.

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"The quality of the work is good, and the statements of law as clear as the necessary condensation admits."

—*Law Quarterly Review*.

To

DR. B. ANNINGSOON, M.O.H. Cam.,

LECTURER ON HYGIENE

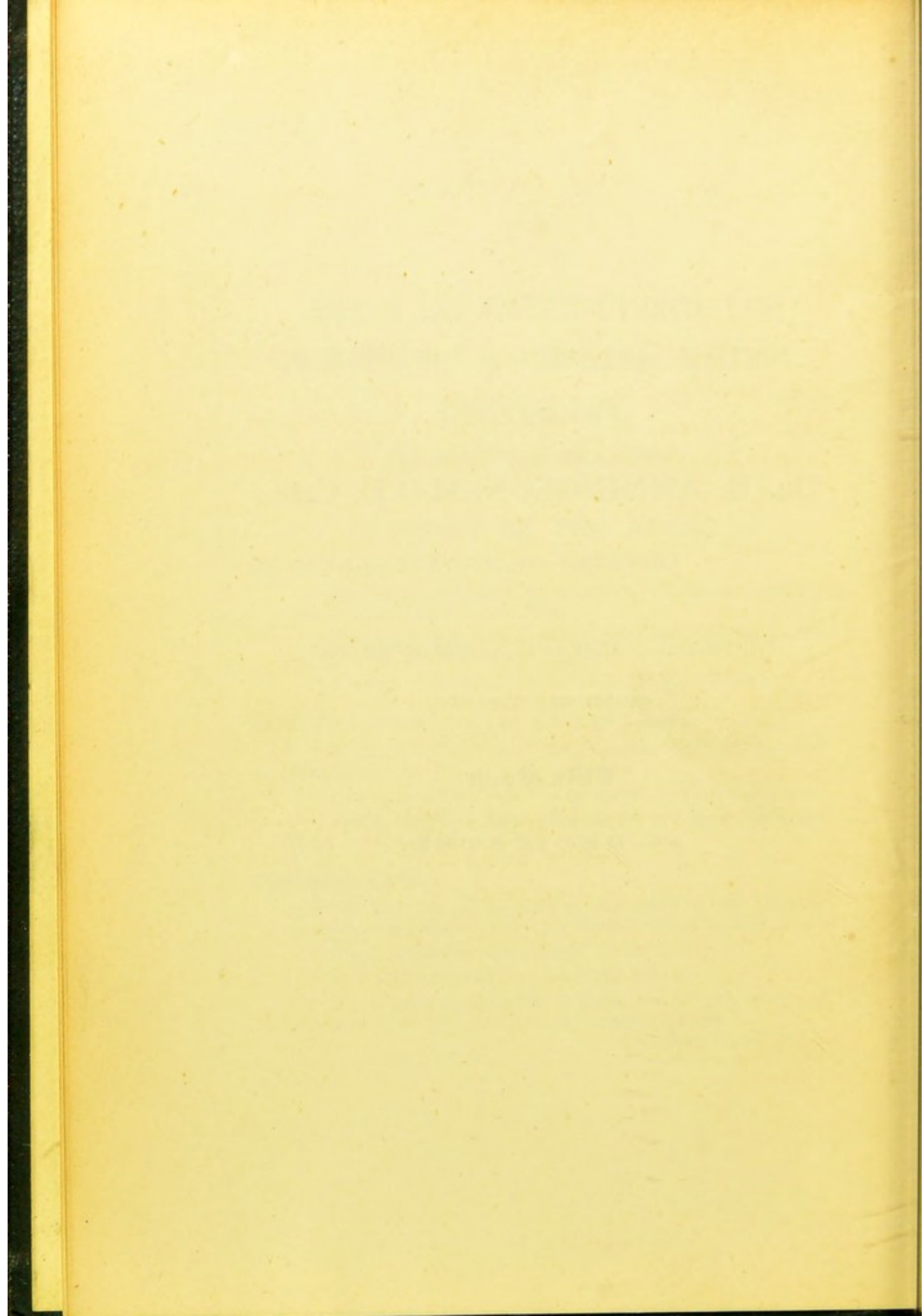
AND

PRACTICAL SANITARY ADMINISTRATION,

CAMBRIDGE UNIVERSITY,

This Book

IS DEDICATED.



PREFACE.

IN this Work, a need long felt has, it is hoped, been supplied, by condensing and summarizing Sanitary Law, and the principal bye-laws of the Local Government Board, into one small volume.

The law on each topic has been quoted verbatim from the statutes, the merest tautology being, in a few instances, avoided.

The book has been written at the suggestion of my brother GILBERT ELLIOTT, who is preparing similar volumes on all the subjects required for the Diploma of Public Health, and Tropical Medicine.

Frequent cross-references are given to facilitate the simultaneous perusal of such parts as should be studied together.

It is confidently believed that a competent knowledge of the contents of this Digest will prove sufficient to satisfy the Examiners in Sanitary Law.

M. E.

G. E.

WILLIAMS

In the first a good many books it is pointed
out, especially in the second and third volumes,
that the law of the United States is not the same as the
law of England.

The law of the United States is not the same as the
law of England, and the law of the United States is not the same as the
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THE HISTORY OF THE

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CHARLES THE FIRST

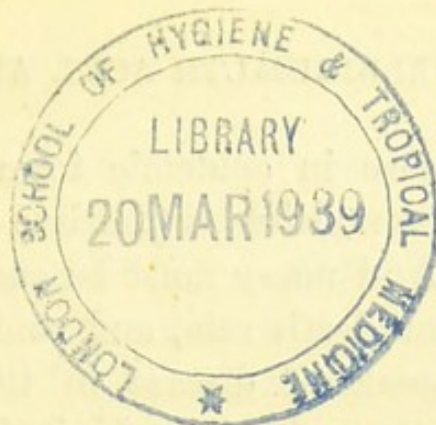
IN WHICH ARE CONTAINED
THE MOST IMPORTANT
EVENTS OF HIS REIGN
FROM HIS MARRIAGE
TO HIS DEATH
IN THE YEAR 1649
BY
JOHN BURNET
BISHOP OF SALISBURY
AND
OF THE CHURCH OF ENGLAND

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Church-yard, near St. Dunstons
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THE PUBLIC HEALTH ACTS

AND OTHER

SANITARY LAWS AND REGULATIONS.

CHAPTER I.

INTRODUCTORY.

FEW thoughtful persons have looked down on the panorama presented by any large city, with its myriads of human homes huddled together like matchboxes arranged in tiers, interlarded with squalid mews and factories belching forth pestiferous smoke and gases—or have frequented the crowded thoroughfares of any metropolis, with their ever-streaming population, composed of a heterogeneous collection of all conditions of men, from the most æsthetic to the worst specimen of the great unwashed, elbowing their ways along the over-crowded pavements—and not been confronted at some time, with the idea that some great machinery possessing wide and multifarious powers must be constantly at work to prevent

some hideous disease in epidemic form from appearing and devastating the multitudes that live and toil in such a congested area. And many must be surprised when contemplating the low death rate, and continued absence of any serious outbreak of disease in the many densely populated centres throughout the United Kingdom.

A vast machinery for the prevention of such catastrophe does exist, and is perpetually kept in motion by authorities acting under statutory enactments relating to public health, as well as rules, regulations, and orders of Government departments, in addition to bye-laws passed by the sanitary authorities, which have all the force of law, so long as they are reasonable, consistent, and do not supersede the law, and have been confirmed by the Local Government Board, in which, throughout England and Wales, the supervision of all matters pertaining to sanitation is centered.

Some acquaintance with the force—namely, the law—by which the sanitary authorities are enabled to set in motion, and keep in satisfactory working condition, this very important and complicated plant is required of the aspirant for the diploma of public health; and few will deny, that distasteful as the acquisition of such knowledge may prove, it is a *sine quâ non* for the efficient performance of a medical man holding any office, of which some of the duties are the enforcement and proper execution of the statutes and bye-laws relating to public health.

In the county of London the administration of sanitary matters is vested in the borough councils, consisting of the mayor, aldermen, and burgesses of the various metropolitan boroughs. And in counties throughout England

and Wales it is vested in county councils, and in boroughs in urban and rural sanitary authorities.

The duties imposed, and powers conferred, upon the urban and rural authorities are so similar that they may be regarded, for all practical purposes, to be the same. For though the scope of the urban is wider than that of the rural authorities, the Local Government Board can extend the powers and functions of the latter so as to make them in all respects co-extensive with those of the former.

Though the student will have to know some of the provisions of about thirty statutes, the principal Act that he will have to study is the Public Health Act of 1875 (38 & 39 Vict. c. 55). For this may truly be regarded as the parent Act, or fountain head, from which most legislation on the subject has flowed, and therein are crystallized the main features of the law with which he is required to be familiar.

It is a consolidating statute repealing all previous Acts bearing on the subject, and re-enacting them with various amendments. And this being so, the construction to be placed on any particular phrase in any particular section is in no way limited by the meaning of the identical phrase in another section, for, as was observed by Brett, J., in *R. v. Prince*, L. R. 2 C. C. R. 154, "they are but differences in form, and though they be all, or though several of them be, in one consolidating statute, they are not to be construed by contrast."

The Act of 1875 does not extend to Scotland or Ireland, nor (save as by this Act is expressly provided) to the metropolis.

The Local Government Act, 1888, created the administrative county, taking away from the justices of the peace many of their administrative duties, leaving them, however, their judicial functions. Each administrative county now possesses a county council exercising supervision over district and parish council, but in itself in subordination to the King in Council and the Local Government Board, the former wielding a general control over its action, the latter supervising the details of administration.

The rural district council, the urban district council, and the parish council, are the creation of the Local Government Act, 1894, framed with the express purpose of completing and extending the machinery set in motion by the principal Act.

The student must carefully notice the words "may" and "shall" in italics, because generally speaking the word "may" is an *enabling, permissive* phrase vesting a *discretionary power* in the local authority, whereas when the word "shall" is used it is *mandatory, compulsory, and peremptory*, and the local authority has no option but to obey in the strict terms of the statute.

There is nothing that experience has taught, or the brain of man can suggest, that the Legislature has overlooked in its perpetual endeavour to elevate the conditions of life, both for man and beast, to the highest standard.

Nor is Parliament content with keeping an ever vigilant eye on all the departments in the ordinary routine of our daily existence, but looking ahead, it takes precautionary steps to anticipate the dangers prevalent in our midst, by passing such Acts as the Infectious Diseases Notification Act of 1889, and the Infectious Diseases Prevention

Act of 1890, the good results of which it would be difficult to over-estimate. Thus by vigilance, caution, and foresight, despite the quickly changing and trying climate, despite the fog, smoke, and crowds of the large cities, longevity is not unknown even in London, and to-day it is doubtful if a person has not as good an expectation of attaining ripe old age in the United Kingdom as in any other part of the globe.

CHAPTER II.

THE PUBLIC HEALTH ACT, 1875.

THIS chapter is divided into five parts:—

Part 1.—Definitions of Terms.

Part 2.—Authorities for Execution of the Act.

Part 3.—Sanitary Matters.

- a. Sewerage and drainage.
- b. Disposal of sewage.
- c. Privies.
- d. Scavenging and cleansing.
- e. Water supply.
- f. Cellar dwellings and lodging-houses.
- g. Common lodging-houses.
- h. Nuisances.
- i. Offensive trades.
- j. Unsound meat.
- k. Infectious diseases.
- l. Hospitals.
- m. Prevention of epidemic diseases.
- n. Mortuaries.

Part 4.—Highways and Streets.

Part 5.—General Provisions.

Bye-laws.

Throughout these pages the following abbreviations will be used :—

The Act . . for The Public Health Act, 1875.

L. A. „ Local Authority.

S. A. „ Sanitary Authority.

U. A. „ Urban Authority.

R. A. „ Rural Authority.

L. G. B. . . „ Local Government Board.

M. O. H. . . „ Medical Officer of Health.

PART 1.

Definitions of Terms under “the Act.”

“Parish” means a place for which a separate poor rate is, or can be made, or for which a separate overseer is, or can be, appointed.

“Guardians” means any persons or body of persons by whom the relief of the poor is administered in any union.

“Local Authority” means urban sanitary authority and rural sanitary authority.

“Owner” means the person for the time being receiving the rack-rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent.

“Rack-rent” means rent which is not less than two-

thirds of the full net annual value of the property out of which the rent arises; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes and tithe commutation rent-charge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent.

“**Street**” includes any highway (not being a turnpike road), and any public bridge (not being a county bridge), and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

NOTE.—A cul-de-sac may be a street and public highway. (*Souch v. East London Rail. Co.*, L. R. 16 Eq. 105.) So can a highway, one end of which has been legally stopped. (*R. v. Burney*, 39 J. P. 599.) But a way ceases to be a public highway when access to it from either end is impossible, both ends being stopped *legally*. (*Bailey v. Jamieson*, 1 C. P. D. 329.)

“**House**” includes schools, also factories and other buildings in which (more than twenty) persons are employed (at one time).

NOTE.—A consecrated church of the Established Church of England is *not a house*, because by the common law it is for ever incapable of being used as a habitation for man. (*Wright v. Ingle*, 16 Q. B. D. 379.) But not so a dissenting chapel which *is a house*, as it is not dedicated for ever to divine use. The former is exempted, *e.g.*, from liability to contribute to the expense of paving a street, but not the latter. An erection made of wood, 30 ft. long and

13 ft. wide, put on wheels at the corner of a new street was held to be a new building in *Richardson v. Brown*, 49 J. P. 661. The word "building" has a wider significance than "house."

"Drain" means any drain of and used for the drainage of *one building only*, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied *by different persons* is conveyed.

"Sewer" includes sewers and drains of every description, except "drain" to which the word "drain" interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a local authority under this Act.

NOTE.—The general effect of this and the preceding definition is that a receptacle for the drainage of "*one house*" is "a drain," while that for *two or more* is "a sewer." A drain is repairable by the owner of the premises, whereas a sewer is repairable by the sanitary authorities. (*St. Leonard, Shoreditch (Vestry of) v. Phelan*, (1896) 1 Q. B. 533.) "Sewer" does not include a cesspool, reservoir, or deposit bed for the collection of sewage for the purpose of its disposal.

"Slaughter-House" includes the buildings and places commonly called slaughter-houses and knackers' yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale.

NOTE.—To slaughter cattle on private premises of the

occasionally

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town, unless "*for sale*" as human food, was held to be no offence in *Elias v. Nightingale*, 8 E. & B. 698.

"**Water Company**" means any persons or body of persons corporate or incorporate supplying, or who may hereafter supply, water for his or *their own profit*.

"**Waterworks**" includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things for supplying water, also the stock-in-trade of any water company.

NOTE.—Water which percolates in an *invisible* and *undefined* channel is not a "stream within the above definition." (*McNab v. Robertson*, (1897) A. C. 129.)

"**Borough**" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales" and any Act amending the same.

NOTE.—The Municipal Corporations Act of 1882 has repealed and re-enacted the above Acts, and the term "borough" is defined in sects. 6 and 7 of that Act.

"**Union**" means a union of parishes incorporated or united for the relief or maintenance of the poor under any public or local Act of Parliament, and includes any parish subject to the jurisdiction of a separate board of guardians.

"**Court of Quarter Sessions**" means the Court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which the matter requiring the cognizance of general or quarter sessions arises.

"Court of Summary Jurisdiction" means any justice or justices of the peace, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts, or any Acts therein referred to.

PART 2.

Authorities for Execution of "the Act."

England, except the metropolis, consists of districts called—

1. Urban sanitary districts.
2. Rural sanitary districts. —

The U. A. are :—

1. *For the borough.*

The mayor, aldermen and burgesses acting by the council.

2. *For the "Improvement Act" district.*

The improvement commissioners.

3. *For the Local Government district.*

The local board. Now the Urban District Councils.

NOTE.—A contributory place, referred to in the next part, means any parish, or part of a parish, situated in a rural district for which sewage, drainage or other public sanitary works have been *specially executed*, and for which a separate charge is, or may be, laid on the inhabitants of such areas for the expenses incurred by such works, *e.g.*, if one part of a parish be situate in an urban district, while another part be situate in a rural district, then such part as lies in the rural district constitutes a contributory place.

PART 3.

A. "Sewerage and Drainage."

All existing and future sewers within the district of a L. A., together with all buildings, works, materials and things belonging thereto, shall vest in and be under the control of such L. A., except—

1. Sewers made by a person for his own profit, or by a company for the profit of the shareholders.

2. Sewers made to drain, preserve or improve land under any local or private Act of Parliament, or for the purpose of irrigation.

3. Sewers under the authority of any commissioners of sewers appointed by the Crown.

Every L. A. *shall* keep in repair all sewers belonging to them, and *shall* cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act.

NOTE.—The obligation to repair sewers imposed upon the L. A. extends *to all sewers*, even to such cases as in which *the drain* of one house has been converted into a *sewer* by the unauthorized connection of it *with the drain of another house*. The only method of enforcing the L. A.'s to perform the duties imposed on them in this respect is by complaint to the L. G. B., and *not by mandamus*, which it was once thought would lie.

The powers for making sewers are very wide, for—

"Any L. A. may carry any sewer through, across or under any turnpike road, or any street, or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any

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street, and after giving reasonable notice *in writing* to the owner or occupier (if on the report of the surveyor *it appears necessary*) into, through, or under, any lands whatsoever, within their district."

All L. A.'s *must see* before they use any sewer, that the sewage is free from all excrementitious, or foul or noxious matter. The obligation to see that the sewage does not deteriorate the purity and quality of the water in the stream, water-course, canal, pond or lake into which it is conveyed is *on them*, and not on the individual who creates the sewage. (*Ainley v. Kirkheaton Local Board*, 60 L. J. Ch. 734.)

Every L. A. *shall cause* the sewers belonging to them to be constructed, covered, ventilated and kept, so as not to be a nuisance or *injurious to health*, and to be properly cleansed and emptied.

NOTE.—An action for damages will lie at the suit of a person whose property has been damaged by the failure of the L. A. to perform their duties in this respect. (*Smith v. King's Norton Urban District Council*, 60 J. P. 520.)

Owners and occupiers have an absolute right to drain into sewers of the L. A. provided they give the requisite notice, and comply with the mode of communication between their drains and the sewers of the authority.

NOTE.—Any person causing a drain to empty into a sewer in contravention of such provisions shall be liable to a penalty not exceeding *twenty pounds*. The authority may close such communication and recover in a summary manner expenses incurred in so doing.

Such covered drain or drains, of such size and materials, and at such a level, and with such fall, as on the report of

the surveyor may appear to the U. A. to be necessary, *must precede any newly-erected house, or any house rebuilt which has been pulled down to or below the ground floor.*

NOTE.—Any person acting in contravention of the above shall be liable to a penalty not exceeding *fifty pounds*. A “*new house*” is a house newly-erected, or rebuilt, which has been pulled down to or below the ground floor.

B. Disposal of Sewage.

Any L. A. *may*, for the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage—

1. Construct any works within their district.
2. Contract for the use or purchase or take on lease any land, buildings, engines, materials, or apparatus, either within or without their district.
3. Contract to supply for any period (*not exceeding twenty-five years*) any person with sewage. Provided that no nuisance be created in the exercise of any such powers.

C. Privies.—*Vide model bye-laws, pages 139, 140.*

It shall not be lawful *newly to erect any house, or to rebuild any house pulled down to or below the ground floor*, without a sufficient water closet, earth closet, or privy, and an ashpit furnished with proper doors and coverings. Any person who builds, or rebuilds, in contravention of this enactment shall be liable to a penalty not exceeding *twenty pounds*.

Every L. A. *shall* provide that all drains, water closets, earth closets, privies, ashpits and cesspools within their district be constructed and kept so as not to be *a nuisance or injurious* to health.

On the written application of any person to a L. A.,

stating that any such place as above numerated (1) is a nuisance, or (2) is injurious to health, an immediate examination must be held.

Cases

D. Scavenging and Cleansing.—*Vide model bye-laws, page 140.*

Every L. A. *may*, and when required by order of the L. G. B. *shall*, themselves undertake or contract for—

1. The removal of house refuse from premises.
2. The cleansing of closets, ashpits and cesspools for the whole or any part of their district. Where the L. A. do not undertake the above-mentioned work, they may make bye-laws imposing such duties on the occupier of any such premises, at such intervals as they think fit.

If the M. O. H. or two practitioners certify that any house or part thereof requires purifying, the L. A. *shall* give notice in writing to the owner or occupier.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding *ten shillings* for every day during which he continues to make default, and the L. A. *may* cause such house or part to be purified, and recover the expenses in a summary manner from the person in default.

Any person who in any urban district—

1. Keeps any swine or pigstye in any dwelling-house, or so as to be a nuisance to any person ; or
2. Suffers waste or stagnant water to remain within any dwelling-house for *twenty-four hours after written notice* to him from the U. A. to remove the same ; or
3. Allows the contents of any water closet, privy, or cesspool to overflow or soak therefrom, shall for every such

offence be liable to a penalty not exceeding *forty shillings*, and to a further penalty not exceeding *five shillings* for every day during which the offence is continued, and the U. A. *shall abate* every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from *the occupier* of the premises.

NOTE.—(a) Keeping swine in a city is a nuisance at common law; (b) proof that the keeping of swine is injurious to health is not necessary (*Banbury S. A. v. Page*, 8 Q. B. D. 97); (c) swine must not be kept in a dwelling-house at all; (d) disobedience to bye-law will procure a conviction, *no nuisance need be proved* (*Steers v. Manton*, 57 J. P. 584).

E. Water Supply.

Any U. A. *may* provide their district or any part thereof, and any rural district *may* provide their district or *any contributory place* therein, or any part of such contributory place, with a supply of water proper and sufficient for public and private purposes, and for these purposes, or any of them, *may*—

1. Construct and maintain waterworks, dig wells, and do any other necessary acts; and

2. Take on lease or hire any waterworks, and (with the sanction of the L. G. B.) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights, powers, and privileges of any water company; and

3. Contract with any person for a supply of water.

NOTE.—Though the language of this section is *only permissive and enabling*, the L. A. *must supply* water where it is required, and it can be procured, or they will be in

default and render themselves liable to proceedings being taken against them.

The L. A. *shall* give written notice to every water company within whose limits of supply they are desirous of supplying water of—

(a) The purposes for which, and

(b) The extent to which water is required by the L. A.

The L. A. are restricted from constructing waterworks within such limits, if and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required.

NOTE.—In order that a waterworks company may fall within the meaning of the words “*able and willing*,” they must have both the necessary *powers* and the necessary *supply* of water.

Before constructing any reservoir the L. A. *must give at least two calendar months’ notice* of their intended work, by advertisement in one or more of the local newspapers of the district. And if any person who would be affected by the intended work, serves notice in writing of his objection within the said two months, the work shall not be commenced without the sanction of the L. G. B.

NOTE.—In the event of the L. A. requiring a loan, the sanction of the L. G. B. must also be obtained.

Where a L. A. supply water, they have the same powers, and are subject to the same restrictions for carrying water mains, as they have, and are subject to, for carrying sewers.

NOTE.—The water may be brought from any distance into the district.

The L. A. *shall* provide and keep a supply of pure and

wholesome water, and the water in their pipes *may* be constantly laid at such pressure as will convey it to the top storey of the highest dwelling-house in the district.

Where the L. A. supply water they may charge in respect of such supply a water rate, to be assessed on the net annual value of the premises ascertained in the manner prescribed by this Act to general district rates.

All existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for *the gratuitous supply* of water, are vested in the L. A. of the district and are under their control.

Every U. A. *shall* cause fire-plugs and all necessary works, machinery and assistance, for securing an efficient supply of water in case of fire, to be provided and maintained. And they *shall* paint words or marks near to such fire-plugs to denote their situation.

Any person engaged in the manufacture of gas who—

1. Causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain or pipes communicating therewith, any washing or other substance produced in making or supplying gas; or—

2. Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond or place for water is fouled, shall forfeit for every such offence the sum of *two hundred pounds*, and after the expiration of *twenty-four hours' notice* from the L. A. or the person to whom the water belongs in that behalf, a further sum of *twenty pounds* for every day during which the offence is continued, or during the continuance of the act whereby the water is fouled.

NOTE.—Such penalty shall not be recoverable unless it be sued for *during the continuance of the offence*, or within *six months after it has ceased*. With the sanction of the Attorney-General, any L. A. may take proceedings to prevent the pollution of streams within their jurisdiction.

F. Cellar Dwellings and Lodging-houses.—*Vide model bye-laws, pages 153—155.*

The letting or separate occupation of any cellar (which includes any vault or underground room) is prohibited by the Act. A penalty not exceeding *twenty shillings* for every day during which such an offence is continued after notice in writing from the L. A. is recoverable from any person contravening this enactment.

Requisites of existing Cellar Dwellings for Occupation:—

1. Must be at least *seven feet high* in every part from floor to ceiling, and at least *three feet* of its height must be above the surface of the street or ground adjoining.

2. There must be an open area of at least *two feet six inches wide* in every part outside of and adjoining the cellar and extending along its entire frontage.

3. Must be effectually drained by a drain, the uppermost part of which is *one foot at least* below the level of the floor.

4. There must be appurtenant thereto the use of a closet, furnished with proper doors and coverings.

5. There must be a fireplace with a proper chimney and flue, and an external window of at least *nine superficial feet* in area clear of the sash frame.

NOTE.—Any cellar in which any person passes the night shall be deemed to be occupied as *a dwelling* within the meaning of the Act.

G. Common Lodging-houses.—*Vide model bye-laws, pages 126—132.*

Definition by Cockburn, L.C.J., and Lord Hatherley :—
“A common lodging-house appears to us to have reference to that class of lodging-house in which *persons of the poorer class* are received for *short periods*, and *though strangers to one another*, are allowed to inhabit *one common room*. It does not include hotels, inns, public-houses, or lodgings let to the upper and middle classes.”

Every L. A. *shall* keep—

- (a) A register with names and residences of the keepers of all common lodging-houses within their district.
- (b) The situation of every such house.
- (c) The number of lodgers authorized by the L. A. to be received.

NOTE.—The fact that *cubicles* afford separate sleeping accommodation at *charges higher than the ordinary rate* does not exempt such house from registration and inspection, *if the other rooms are used in common by the lodgers.* (*Logsdon v. Trotter*, (1900) 1 Q. B. 617.)

The registered keeper of every such house *shall*, if required in writing by the L. A., affix and keep undefaced and legible a notice with the words “*Registered common lodging-house*” in some conspicuous place on the outside of such house.

Every L. A. *shall* from time to time make bye-laws—

1. For fixing and varying the number of lodgers who may be received, and for the separation of the sexes.
2. For promoting cleanliness and ventilation.
3. For the giving of notices in case of infectious disease.

The L. A. *may* by notice in writing require the owner of a common lodging-house *to supply water* for the use of lodgers, and if notice be not complied with *may remove such house* from the register until it is complied with.

The keeper of every such house *shall* to the satisfaction of the L. A. *limewash* the walls and ceilings *in the first week of April and October in every year*, and shall if he fails to do so be liable to a penalty not exceeding *forty shillings*.

When a person in such house is ill *of fever, or any infectious disease*, the keeper *shall* give *immediate notice* to the M. O. H. and also to the poor law relieving officer of the union or parish.

NOTE.—The notice required may be verbal.

The keeper of such house *shall* at all times, when required by any officer of the L. A., give him free access to any part of such house, and refusal of access carries with it a penalty not exceeding *five pounds*.

Any keeper of a common lodging-house who—

1. Receives any lodger in such house without the same being registered; or
2. Fails to make a report of the persons resorting to such house; or
3. Fails to give notice when any person has been confined to his bed *by fever* or other infectious disease,

shall be liable to a penalty not exceeding *five pounds*, and in case of a continuing offence a further penalty not exceeding *forty shillings* for every day during which the offence continues.

H. Nuisances.—*Vide model bye-laws, pages 119—126.*

A nuisance may be—

1. A nuisance at common law.
2. A statutory nuisance.

Definition :—

“A public or common nuisance is an offence against the public, being either the doing of a thing to the annoyance of all the King’s subjects, or the neglecting to do a thing which the common good requires.”

Remedies for nuisances :—

1. For public nuisance :

- (a) Indictment (usual).
- (b) Presentment.
- (c) Information.
- (d) Injunction.

2. For private nuisance :

A civil action for damages. This will lie whenever—

- (a) An individual has sustained special damage from a public nuisance ;
- (b) The damage complained of is substantial and direct.

Statutory nuisances under Public Health Law.

1. Premises in such a state as to be a nuisance or *injurious* to health.

2. Any pool, ditch, gutter, water-course, privy, urinal, cesspool, drain or ashpit, so foul or in a state to be a nuisance or *injurious* to health.

3. Any animal so kept as to be a nuisance or *injurious* to health.

4. Any accumulation or deposit which is a nuisance or *injurious* to health.

5. *Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family.*

6. *Any factory, workshop or work place not kept clean, or not properly ventilated for the escape of impurities.*

7. *Any fireplace or furnace used in any manufacturing or trade process which does not, as far as practicable, consume the smoke.*

8. *Any chimney (except that of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance.*

All the above nuisances may be dealt with summarily.

NOTE.—When authority has been given to any proprietor to make a particular use of his land, *the legislature must be held to have intended that the use permitted does not prejudice the common law rights of others.* (*Canadian Pacific Rail. Co. v. Parke*, (1899) A. C. 535.)

Smoke though not injurious to health may be held to be a nuisance. The question for the Court always is: *Does the smoke complained of materially interfere with the ordinary comfort of those living near?*

Nor is it an obstacle for the granting of an injunction, for a defendant to plead that the nuisance complained of already existed, if it is proved that the smoke, effluvia or noise complained of, *though already existing*, has been *materially augmented by the addition of fresh nuisances ejusdem generis.* (*Crump v. Lambert*, L. R. 3 Eq. 409.)

The L. A. *must* from time to time *inspect* with a view of ascertaining and detecting nuisances, and if they neglect this duty they may be amenable to proceedings being taken against them.

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MM

Information of any nuisance may be given by—

- (a) Any person aggrieved thereby.
- (b) Any two inhabitant householders of district.
- (c) Any officer of such authority.
- (d) The relieving officer.
- (e) Any constable or officer of the police force of such district.

On receiving information, the L. A. *shall* serve notice requiring *abatement of the nuisance* within a time to be specified in the notice.

NOTE.—If nuisance arises from defective construction of any structural convenience, and there is no *occupier* of the premises, notice *shall* be served on the *owner*. And if nuisance does not arise by the act, default, or sufferance of the *owner* or *occupier*, the L. A. *may* themselves abate it without further order.

Where the nuisance proved to exist is such as to render a house or building unfit for human habitation the Court *may* prohibit the using thereof for that purpose, until in its judgment the house or building is rendered fit for that purpose.

Any person not obeying an order of the L. A. to abate a nuisance shall, if he fails to prove that he used all diligence to carry out such order, be liable to a penalty not exceeding *ten shillings* per day during his default, and any person knowingly and wilfully contravening the order shall be liable to a penalty not exceeding *twenty shillings* per day.

And the L. A. may enter the premises and abate the nuisance and recover in a summary manner all expenses incurred from the person on whom the order is made.

The L. A. or any of their officers shall be admitted into any premises to examine for the existence of nuisances *at any time between the hours of nine in the forenoon and six in the afternoon*, and in the case of a nuisance arising in respect of any business, then *at any hour when such business is in progress or is usually carried on*. And any person refusing to obey an order of a justice for admission of the L. A. shall be liable to a penalty not exceeding *five pounds*.

For the purpose of the provisions of the Act relating to nuisances, any ship or vessel lying in any river, harbour, or other water within the district of an L. A. shall be subject to the jurisdiction in the same manner *as if it were a house*. And the master or other officer in charge shall be deemed to be *the occupier*.

I. Offensive Trades.

Any person who, within the district of an U. A., establishes *without their consent in writing* any of the following trades :—

Blood-boiler.

Bone-boiler.

Fellmonger.

Soap-boiler.

Tallow-melter.

Tripe-boiler, or any other noxious or offensive trade, business or manufacture, shall be liable to a penalty not exceeding *fifty pounds* for so doing, and any person carrying on a business so established shall be liable to a penalty not exceeding *forty shillings* for every day that such offence is continued.

NOTE.—By establishment of such offensive business is

meant *not the mere erection of any building, but the actual beginning to work at such trade.*

Any U. A. may make bye-laws with respect to any offensive trades in order to prevent or diminish any noxious or injurious effects thereof.

NOTE.—It is imperative on every U. A. to complain to a justice on being informed of the existence of such a nuisance *by the M. O. H., or by any two legally qualified medical practitioners, or by any ten inhabitants of the district.*

J. Unsound Meat.

Any M. O. H. or inspector of nuisances *may at reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man.* And the *onus probandi* that such food was not for the use of man rests on the party charged. And if any M. O. H. or sanitary inspector is of opinion that such food is diseased, unsound, unwholesome, or unfit for the use of man, *he may seize and carry it away to have it dealt with by a justice.*

NOTE.—The word “*animal*” includes a live animal.

What is a “*reasonable time*” must depend on the circumstances of each case, for in some trades inspection demanded on Sunday has been held to be good. (*Small v. Bickley*, 32 L. T. (N. S.) 726.)

If a justice finds any food for man so seized unfit or unsound, *he shall condemn the same and order it to be destroyed or so disposed of as to prevent it being exposed for sale, or used for the food of man.* And the person found

guilty of this offence shall be liable to a penalty not exceeding *twenty pounds*, or at the discretion of the justice to imprisonment for not more than three months.

NOTE.—The condemnation need not be on the same day of seizure, but it is necessary that *reasonable diligence* be exercised to put the food alleged to be unfit for human consumption before the justice as soon as possible. And a person may have in his possession *unsound food not for sale*, but for the use of himself, his servants, or workpeople, and such possession will not justify a conviction under the above section of the Act. Any person hindering an officer in his inspection of meat is liable to a penalty not exceeding *five pounds*.

A search warrant may be granted by a justice on complaint made on oath by a M. O. H., or an inspector of nuisances, or other officer of any L. A., with power to seize and remove unsound food for the use of man. And a penalty not exceeding *twenty pounds* may be inflicted on any person obstructing any officer acting under such a warrant.

Cases

K. Infectious Diseases.

It is *imperative on every L. A.* to cause premises to be cleansed and disinfected. And any L. A. may direct the destruction of any bedding, clothing or other articles which may have been exposed to infection from any dangerous, infectious disorder, and *may give compensation for same*.

Any L. A. may provide a proper place for disinfection, and may cause articles to be disinfected *free of charge*. Any L. A. may make provision for the suitable convey-

ance to a hospital, or other place of destination, of persons suffering under any infectious disorder.

At the cost of the L. A., on a certificate signed by a legally qualified practitioner, an infected person may be removed to any suitable hospital *or place* within the district, who is without proper lodging, by order of any justice. And any person who wilfully obstructs or disobeys such order shall be liable to a penalty not exceeding *ten pounds*.

NOTE.—The “*place*” required is not now restricted to within the district; it may be without the district, *if within a convenient distance*. Compulsory removal is provided for by sect. 126.

Every owner or driver of a public conveyance *shall* immediately provide for the disinfection of such conveyance after it has, to his knowledge, conveyed any person suffering from a dangerous, infectious disorder, and liability for not so doing is a penalty not exceeding *five pounds*.

NOTE.—He need not convey any such person until he has been paid a sum sufficient to cover any loss incurred by him for disinfecting.

Any person who lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous, infectious disorder, without having such house, room, or part of a house, and all articles therein liable to retain infection, *disinfected to the satisfaction of a legally qualified practitioner, as testified by a certificate signed by him*, shall be liable to a penalty not exceeding *twenty pounds*.

NOTE.—The keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest

into such inn, though admitting persons to night shelters at a charge of one penny a head per night is *not* a letting of a part of the house. (*Colelough v. Edwards*, 57 J. P. 772.)

Any person letting for hire, or showing for the purpose of letting any house or part of a house, *who falsely denies that within six weeks previously there has been resident a person suffering from any dangerous, infectious disorder*, shall be liable, at the discretion of the Court, to:—

- (a) *A penalty not exceeding twenty pounds, or*
- (b) *To imprisonment, with or without hard labour, for a period not exceeding one month.*

L. Hospitals.

Any L. A. *may* provide hospitals or temporary places for the reception of the sick of their district, and for that purpose may:—

1. Themselves build such hospitals or places of reception.
2. Contract for the use of any hospital or part of a hospital or place of reception.
3. Agree with any person having the management of any hospital for the reception of the sick on payment of an annual, or other sum, as may be agreed on.
4. Two or more L. A.'s may combine in providing a common hospital.

NOTE.—The Act only *enables* the L. A.'s to provide such hospitals, *and does not require them to do so*; accordingly, if they so construct a hospital for infectious diseases as to create a nuisance the statute will be no defence to an action, nor will it hinder an injunction from issuing against them. Expenses incurred for maintaining a

patient (not being a pauper) are deemed to be a debt due from such patient to the L. A., and may be recovered from him at any time *within six months after his discharge from such hospital.*

M. Prevention of Epidemic Diseases.

Whenever any part of England appears to be threatened with, or is affected by any formidable epidemic, endemic, or infectious disease, the L. G. B. may make, and from time to time alter and revoke regulations for all or any of the following purposes :—

1. For the speedy interment of the dead ; and
2. For house-to-house visitation ; and
3. For the provision of medical aid and accommodation, for the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease.

The L. A. and their officers shall have power to enter on any premises or vessel for the purpose of executing or superintending the execution of any regulation so issued by the L. G. B., and no warrant or previous demand is necessary.

Any person who :—

1. Wilfully violates any regulation, or
2. Wilfully obstructs any person acting under the authority of any such regulation ;

shall be liable to a penalty not exceeding *five pounds.*

N. Mortuaries.

Any L. A. *may*, and if required by the L. G. B. *shall*, *provide and fit up* a proper place for the reception of dead bodies before interment ; and may make bye-laws with respect to the management and charges for the use of the

same ; they may also provide for the decent and economical interment at charges to be fixed by such bye-laws of any dead body which may be received into a mortuary.

PART 4.

Highways and Streets.—*Vide model bye-laws, pp. 141—153.*

All streets within any urban district, which are *repairable by the inhabitants at large*, and all materials thereof, and all buildings, implements and other things provided for the purpose thereof, *shall vest in and be under the control of the U. A.*

The U. A. *shall* cause all such streets to be levelled, paved, metalled, flagged, channelled, altered and repaired as occasion may require. Any U. A. may purchase premises for the widening, or otherwise improving any street, *or with the sanction of the L. G. B. for the purpose of making any new street.*

Every U. A. *may* make bye-laws with respect to :—

1. The level, width and construction of new streets, and the provisions for the sewerage thereof ;
2. The structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health ;
3. The sufficiency of the space about buildings to secure a free circulation of air ;
4. The drainage of buildings, all privies in connection

therewith, and to the closing of buildings or parts thereof unfit for human habitation, and to the prohibition of their use for such habitation.

NOTE.—“There are two ways in which a street may come into existence where there was no street before.”

1. A person may take a grass field and build *continuous lines of houses*, so as to form what is commonly known as a street, or

2. Where there is an existing highway, and people build houses along the sides of that highway so that, without any intention of laying out a new street, the street grows, so to say, of itself. Per Jessel, M. R., in *Robinson v. Barton Eccles Local Board*, 21 Ch. D. 632.

The provisions of the Towns Improvement Clauses Act, 1847, with respect to the following matters:—

1. Naming the streets, and numbering the houses, and
2. Improving the line of the streets and removing obstructions, and
3. Ruinous or dangerous buildings, and
4. Precautions during the construction and repair of the sewers, streets and houses,

shall, for the purpose of regulating such matters in urban districts, *be incorporated with this Act*.

Any U. A. may contract with any person for the supply of gas, or other means of lighting the streets, markets and public buildings in their district, and may provide such lamps and lamp-posts as they may think necessary for lighting the same.

Public Pleasure Grounds.

Any U. A. may provide places for public recreation, and may support or contribute to the support of any public walks or pleasure grounds provided by any person whomsoever.

Markets and Slaughter-houses.

Vide model bye-laws, pages 132—138.

Any U. A. may, if they think fit, provide slaughter-houses, and *they shall make bye-laws* with respect to the management and charges for the use of any slaughter-houses so provided.

The owner or occupier must have affixed to his premises a notice with the words, "*Licensed Slaughter-house*" or "*Registered Slaughter-house*," as the case may be.

PART 5.

General Provisions.

Bye-Laws.

All bye-laws made by any L. A. shall be under their *common seal*: and any bye-law may be altered or repealed by a subsequent bye-law: provided that *no such bye-law shall be of any effect if repugnant—*

1. To the laws of England.
2. To the provisions of the Act.

Bye-laws made by any L. A. *must* be submitted for confirmation to the L. G. B.; nor shall any such bye-laws be confirmed unless—

1. Notice of intention to apply for confirmation has been given in one or more of the local newspapers circulated within the district to which such bye-laws relate, *one month at least before the making of such application*; and

2. For *one month at least* before any such application, a copy of the proposed bye-laws has been kept at the office of the L. A. and has been open during office hours thereat to the inspection of the ratepayers of the district to which such bye-laws relate, *without fee or reward*.

CHAPTER III.

PUBLIC HEALTH ACTS CITED WITH "THE ACT" AS THE
PUBLIC HEALTH ACTS.

IN this chapter the provisions of nine statutes extending and amending the *principal Act* are given chronologically, with the exception of "the Act amending the principal Act," which is placed first.

These are as follow :—

1. The Public Health Acts Amendment Act, 1890.
2. The Public Health (Water) Act, 1878.
3. The Public Health (Interments) Act, 1879.
4. The Epidemic and Other Diseases Prevention Act, 1883.
5. The Public Health (Ships, &c.) Act, 1885.
6. The Contagious Diseases (Animals) Acts, 1886 and 1894.
7. The Infectious Disease (Notification) Act, 1889.
8. The Infectious Disease (Prevention) Act, 1890.
9. The Housing of the Working Classes Act, 1890.

PART 1.

The Public Health Acts Amendment Act, 1890.

This Act is divided thus :—

Part 1.—General.

Part 2.—Telegraph, &c. wires.

Part 3.—Sanitary and other provisions.

Part 4.—Music and dancing.

Part 5.—Stock.

Any U. A. may adopt all or any of such parts.

A R. A. may adopt Part 3 so far as it is declared by this Act to be applicable to such authority without prejudice to the provisions of this Act relating to the investing of R. A.'s with urban powers.

The adoption shall be by a resolution passed at a meeting of the L. A., a copy of which shall be sent—

- (a) Where any part is adopted to the L. G. B.
- (b) Where Part 2 is adopted to the Board of Trade.
- (c) Where Part 4 is adopted to a Secretary of State.

Part III.—SANITARY PROVISIONS.

It shall not be lawful for any person to throw, or suffer to be thrown or to pass into any sewer or any drain, any matter or substance by which the free flow of the sewage or surface or storm water may be interfered with, or by which any sewer or drain may be injured. And any person offending shall be liable to a penalty not exceeding *ten pounds*, and to a daily penalty not exceeding *twenty shillings*.

NOTE.—No chemical refuse, or waste steam, or water, or other liquid heated above 110° F. may be passed into any sewer.

Every building used as a workshop or manufactory *shall* be provided with sufficient and suitable accommodation in the way of sanitary convenience, having regard to the number of persons employed at such building, and also where persons of both sexes are employed, or intended to be employed, *or in attendance*, with proper separate accommodation for persons of each sex.

NOTE.—No R. A. can adopt this section unless powers for that purpose are vested in them.

Sect. 157 of "the Act" shall be extended so as to empower every U. A. to make bye-laws with respect to the following:—

1. The keeping all water-closets supplied with sufficient water for flushing.

2. The structure of floors, hearths, and staircases, and the height of rooms to be used for human habitation.

3. The paving of yards and open spaces in connection with dwelling-houses.

NOTE.—Rooms over privies or places *ejusdem generis* cannot be used as *dwelling or sleeping rooms*.

See?

The sections of "the Act" relating to unsound meat shall extend and apply to all articles intended for the food of man, sold or exposed for sale, or deposited in any place for the purpose of sale, or of any preparation for sale, within the district of any L. A.

NOTE.—The above section rectifies the defect of *sect. 116 of "the Act,"* which omitted such staple commodities of human diet as *eggs, butter and cheese*. *Any R. A. may adopt this section.*

Slaughter-houses.—*Vide model bye-laws, pages 132—138.*

Licences granted for the use and occupation of places as slaughter-houses shall be in force for such time or times only, *not being less than twelve months*, as the U. A. shall think fit. Upon change of occupation of any building registered or licensed for use as a slaughter-house, *notice of such change must be given in writing by such occupier to the inspector of nuisances.*

NOTE.—Such licences are granted *to the premises* and *not the persons occupying*, and therefore they enure for the benefit of all subsequent occupiers.

PART 2.

The Public Health (Water) Act, 1878.

It shall be the duty of every R. A. to see that every occupied dwelling-house has within *a reasonable distance* an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of such house.

NOTE.—An owner of a house who has been required by the R. A. to provide a supply of water for his house, and objects to such requirement, can appeal on any of the following grounds:—

1. That the supply is not required ; or
2. That the time limited by the notice for providing the supply is insufficient ; or
3. That it is impracticable to provide the supply *at a reasonable cost* (not exceeding twopence a week) ; or
4. That the L. A. ought to provide a supply of water for the district, or to render the existing supply of water wholesome ; or
5. That the whole or part of the expense of providing the supply, or rendering the existing supply wholesome, ought to be charged on the district or contributory place.

No owner can erect or rebuild any dwelling-house in any rural district unless he has obtained a certificate from

the S. A. *that within a reasonable distance of the house there is an available supply of wholesome water.*

NOTE.—Sect. 62 of the Act applied to all houses, but this section is aimed especially at preventing the occupation of new houses.

not quoted above!

PART 3.

The Public Health (Interments) Act, 1879 (*vide Burial Acts, pp. 93, 94*).

Every L. A. *may*, and if required by the L. G. B. *must*, provide and fit up a cemetery, as well as make bye-laws for its management and charges for its use.

It is incumbent on the S. A. to fit up and provide a cemetery when:—

1. There is not proper space in the burial ground in use, and no other suitable burial ground has been provided.

2. The proximity of the burial ground in use to any water supply renders its continuance for such use injurious to the public health.

3. The protection of the public health demands the discontinuance of interments in any particular crowded places or near such places.

NOTE.—All cemeteries must be enclosed by walls or iron railings *eight feet high at least*, nor can they be established *within 200 yards* of any dwelling-house *without the consent of the owner and occupier.*

PART 4.

The Epidemic and Other Diseases Prevention Act, 1883
(46 & 47 Vict. c. 59).

Whenever any part of England, or of Ireland, appears to be threatened with or affected by any formidable epidemic, endemic or infectious disease, and the L. G. B., England, under the provisions of "the Act," or the L. G. B., Ireland, under the provisions of the Public Health Act, Ireland, 1878, make regulations for all or any of the following purposes:—

1. For the speedy interment of the dead.
2. For house to house visitation.
3. For the provision of medical aid and hospital accommodation.
4. For the promotion of cleansing, ventilation and disinfection, and for guarding against the spread of disease.

For any and all of such purposes the S. A.'s *may borrow money*, and the Public Works Loan Commissioners in England, and the Board of Public Works in Ireland, may lend money to any S. A. as if such purposes were "*works*" for which loans may be granted under "the Act" and the Public Health Act, Ireland, 1878.

PART 5.

The Public Health (Ships, &c.) Act, 1885.

Section 110 of "the Act" shall have effect not only for the purpose of the provisions of that Act relating to nuisances, but also for the purpose of such of the provi-

sions of that Act relating to *infectious diseases and hospitals*, and *as amended*, will read thus: "for the purposes of the provisions of this Act relating to nuisances, and also for the purposes of such of the provisions of this Act relating to infectious diseases and hospitals as are contained in sects. 120, 121, &c., *any ship or vessel* lying in any river, harbour or other water *within the district* of a L. A. shall be subject to the jurisdiction of that authority in the same manner as if it were *a house* within such district, and any ship or vessel lying in any river, harbour or other water *not within the district* of a L. A. shall be deemed to be within the district of such L. A. as may be prescribed by the L. G. B., and where no L. A. has been prescribed, then of the L. A. whose district nearest adjoins the place where such ship or vessel is lying. The master or other officer in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel. This section shall not apply to *any ship or vessel under the command or charge of any officer bearing His Majesty's Commission, or to any ship or vessel belonging to any foreign government.*

PART 6.

The Contagious Diseases (Animals) Acts, 1886 and 1894.

This Act transfers to the L. G. B., and the U. A.'s and R. A.'s, the powers vested in and duties imposed on the Privy Council and the L. A.'s by the Contagious Diseases

(Animals) Act of 1878, with respect to *dairies, cowsheds, and milk-shops.*

The Contagious Diseases (Animals) Act of 1894, consolidates all the Acts on this subject from 1878—1893.

Interpretation of Terms by the Act of 1894.

1. Cattle means bulls, cows, oxen, heifers, and calves.
2. Animals means cattle, sheep, goats, and all other ruminating animals and swine.
3. Disease means cattle plague (*i.e.*, rinderpest), contagious pleuro-pneumonia, foot-and-mouth disease, sheep pox, sheep scab, or swine fever (*i.e.*, typhoid fever of swine, soldier purples, red disease, hog cholera, or swine plague).
4. Diseased means affected with disease.
5. Suspected means suspected of being diseased.
6. Carcase means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof.

Every person having in his possession or under his charge an animal affected with disease shall—

(a) As far as practicable keep that animal separated from others not so affected.

(b) With all practicable speed give notice of the fact to a constable of the police force for the area wherein such animal is.

(c) The constable shall forthwith give information to such person or authority as the Board of Agriculture by general order direct.

Cattle Plague.

Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cowshed, field or other place, he shall forthwith make and sign a declaration thereof.

The *Board of Agriculture* may at any time, if they think fit, by order—

(a) Declare any area wherein a place infected with cattle plague is situate, to be an infected area.

(b) Extend, contract, or otherwise alter the limits of an area infected.

(c) Declare an infected area or any part thereof to be free from cattle plague.

A. The *Board of Agriculture* shall cause to be slaughtered—

1. All animals affected with cattle plague.

2. All animals being or having been in the same shed, stable, herd or flock, or in contact with an affected animal.

B. The *Board of Agriculture* may cause to be slaughtered—

1. Any animals suspected of being affected, or being in an infected place.

2. Any animals being in such parts of an infected area as are not comprised in a place infected with cattle plague (but subject to such regulations as the Treasury think fit to make).

C. The *Board of Agriculture* shall pay compensation for animals so slaughtered, as follows:—

1. Where the animal was affected with plague, one half of its value immediately before it became so affected, but so that the compensation does not exceed twenty pounds.

2. In every other case the compensation shall be the

value of the animal immediately before it was slaughtered, but the compensation must not exceed forty pounds.

Where an inspector of a L. A. is of opinion that *pleuro-pneumonia* or *foot-and-mouth disease* exists, he shall also forthwith make and sign a declaration thereof. Also if it appears to him to have existed as regards—

1. *Pleuro-pneumonia* within the period of *fifty-six days*, and
2. *Foot-and-mouth disease* within the period of *ten days*.

NOTE.—The Board of Agriculture has the same powers of declaring areas infected, and the slaughter of animals affected with these diseases, as in the case of *cattle plague*.

For cattle *affected with pleuro-pneumonia*, slaughtered by order of the Board of Agriculture, they shall pay compensation as follows:—

(a) Where cattle *was so affected, three-fourths of the value immediately before it became so affected*; but in no case must compensation exceed *thirty pounds*.

(b) Where cattle *suspected to be so affected the full value of animal immediately before slaughter*, but in no case more than *forty pounds*.

Compensation by Board of Agriculture for the slaughter of animals by reason of foot-and-mouth disease:—

1. Where animal *was so affected, the value of animal immediately before it became so affected*.

2. In every other case *the value of the animal immediately before it was slaughtered*.

The principle for payment of compensation for *swine* slaughtered by order of the Board, in case of their being affected with *swine-fever*, is the same as that given above,

except that only *half the value of the animal before it became so affected is paid.*

The Board of Agriculture may make orders for prescribing the ports at which *foreign animals may be landed, and all foreign animals* in the absence of any order to the contrary *must be slaughtered at the port of landing.*

An inspector may at any time enter any land, or shed, or other building or place wherein he has reasonable grounds for supposing—

(a) That disease exists or has *within fifty-six days* existed ;
or

(b) That the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of ; or

(c) That there is to be found any pen, place, vehicle or thing, in respect whereof any person has on any occasion failed to comply with the provisions of this Act ; or

(d) That this Act, or an order of the Board of Agriculture, or a regulation of a L. A. has not been, or is not being, complied with.

NOTE.—The powers of an inspector in this respect are equal and analogous to those of a police constable of the district.

Legal Proceedings.

If any person is guilty of an offence against this Act, he shall be liable for every such offence—

1. To a fine not exceeding *twenty pounds* ; or
2. If the offence be committed with respect to *more than four animals*, to a fine not exceeding *five pounds for each animal*, or

3. Where offence is committed in relation to carcases, fodder, litter, dung or other thing (exclusive of animals), to a fine not exceeding *ten pounds in respect of every half ton in weight thereof after one half ton*, in addition to the first fine of not exceeding *twenty pounds*.

PART 7.

Infectious Disease (Notification) Act, 1889.

This Act shall apply to any urban, rural, or port sanitary district, and in this Act "infectious diseases" mean any of the following:—

1. Small-pox.
2. Cholera.
3. Diphtheria.
4. Membranous croup.
5. Erysipelas.
6. Scarlatina or scarlet fever.

And the fevers known by any of the following names:—

1. Typhus.
2. Typhoid.
3. Enteric.
4. Relapsing.
5. Continued.
6. Puerperal.

Where an inmate of any building is suffering from any of the above *infectious diseases*, then, unless such building

is a hospital in which persons so suffering are received, the following provisions shall have effect:—

(a) *The head of the family* to which such inmate belongs, and in his default the *nearest relatives* of the patient *present in the building or being in attendance on the patient*, and in default of such relatives *every person in charge of or in attendance on the patient*, and in default of any such person *the occupier of the building shall*, as soon as he becomes aware that the patient is suffering from an infectious disease to which this Act applies, send notice thereof to the M. O. H. of the district.

(b) *Every medical practitioner attending on or called in to visit the patient shall forthwith*, on becoming aware that the patient is suffering from an infectious disease, send to the M. O. H. of the district a certificate stating—

1. The name of the patient.
2. The situation of the building.
3. The infectious disease from which, in the opinion of such medical practitioner, the patient is suffering.

NOTE.—*Building* includes ships, vessels, boats, tents, vans, sheds and all structures used for *human habitation*.

The necessary certificates are furnished to any medical practitioner in the district, and for each certificate with respect to a private patient he is paid 2s. 6d., and for each patient in his public practice, 1s.

No one, except the head of the family, can be convicted for not giving notice if he can prove that he had good reason to think *that notice had been given*. The penalty for failure to give notice must not exceed *forty shillings*.

A payment made to any medical practitioner in pursuance of this Act *shall not disqualify* that practitioner for

serving as a member of the council of any county or borough, or as a member of a S. A., or as guardian of a union, or in any municipal or parochial office.

When a medical practitioner attending on a patient is himself the M. O. H. of the district, he shall be entitled to the fee to which he would be entitled if he were not such medical officer.

Additional Diseases

PART 8.

The Infectious Disease (Prevention) Act, 1890.

Definitions.

Dairy shall include any farm, farmhouse, cowshed, milk-store, milk-shop, or other place from which milk is supplied, or in which milk is kept for the purposes of sale.

Dairyman shall include any cowkeeper, purveyor of milk, or occupier of a dairy.

Any U. A. or R. A. may adopt the whole, or any one or more sections of this Act.

Any M. O. H. in possession of evidence that any person in the district is suffering from *infectious disease attributable to milk supplied from any dairy within or without the district shall*, if authorized by an order of a justice having jurisdiction in the place where the dairy is situate, *have power to inspect such dairy*, and if accompanied by a veterinary inspector or some other properly qualified veterinary surgeon, *to inspect the animals therein*. And if on such inspection the M. O. H. is of opinion that *the consumption of the milk supplied therefrom is the cause of infectious disease*, he

shall report to the L. A., accompanying his report with that furnished by the veterinary inspector or veterinary surgeon. And the L. A. shall give notice to the dairyman to appear before them within such time, *not less than twenty-four hours*, to show cause why an order should not be made against him requiring him *not to supply milk therefrom*. And on his failing to show cause, the L. A. may order him *not to supply any milk until such order has been withdrawn by the L. A.*

Sect. 120 of "*the Act*," so far as it applies to any U. A. or R. A. which has adopted this section, shall be repealed, and the following provisions shall be in force instead thereof:—

1. Where the M. O. H. or any other registered medical practitioner certifies that the cleansing and disinfecting of any house or part thereof *would tend to prevent or check infectious disease*, the clerk of the L. A. shall give notice in writing to the owner or occupier that the same shall be cleansed and disinfected by the L. A. at the cost of such owner or occupier *unless* he informs the L. A. within *twenty-four hours* of the receipt of the notice that he will himself cleanse and disinfect *to the satisfaction of the M. O. H. within a time fixed in the notice*.

2. If *within twenty-four hours* he fails so to inform the L. A., or if, having so informed the L. A., he fails to cleanse and disinfect within the time fixed in the notice, the house, or part thereof, and articles *shall be cleansed and disinfected* by the officers of the L. A. *under the superintendence of the M. O. H.* and the expenses incurred recovered from owner or occupier in a summary manner.

3. Provided that where the owner or occupier is unable

in the opinion of the L. A., or of their M. O. H., effectually to cleanse and disinfect as required, *the same may without any such notice being given, but with the consent of such owner or occupier*, be cleansed and disinfected by the officers of and at the cost of the L. A.

No person *without the sanction in writing* of the M. O. H., or of a registered medical practitioner, shall retain unburied, elsewhere than in a public mortuary, or in a room not used at the time as a dwelling-place, sleeping-place, or work-room for more than *forty-eight hours* the body of any person who has died of any infectious disease.

If any M. O. H. or any other registered medical practitioner certifies that in his opinion it is desirable to prevent the risk of communicating any infectious disease or spreading infection, in such cases the bodies of persons dying of infectious diseases in *a hospital or any place of temporary accommodation for the sick* must be removed *only for the purpose of burial*.

PART 9.

The Housing of the Working Classes Act, 1890.

This most important Act repeals and consolidates with amendments all other Acts bearing on the subject.

It is divided into three parts, thus:—

Part 1. Unhealthy areas.

Part 2. Unhealthy dwelling-houses.

Part 3. Working-class lodging-houses,
in addition to four other parts with which the medical student need not concern himself.

Part I.—UNHEALTHY AREAS.

Any L. A. *if satisfied by official representation* that the existing conditions of any area are *dangerous or injurious* to the health of the inhabitants, either of the buildings in the said area or of the neighbouring buildings, after passing a resolution to that effect *shall forthwith proceed to make a scheme for the improvement of such area.* And any number of such areas may be included in one improvement scheme.

Definition.

An official representation shall mean one made to the L. A. by the M. O. H. of that authority, and in London one made either by such officer, or by any medical officer of health in London.

The M. O. H. *shall* make such representation—

- (a) On his own initiative, when he sees cause to make the same ;
- (b) Or if two justices of the peace of such district ; or
- (c) If twelve persons liable to be rated to the local rate

complain to him of the unhealthiness of any area within the district.

Proceedings on Official Representation.

It shall be the duty of the M. O. H. in the last two instances to make an official representation stating the facts of the case, and whether in his opinion the said area or any part thereof is, or is not, an unhealthy area.

If M. O. H. makes default in inspecting the area, or if he reports that the area is not unhealthy, *the taxpayers have the right of appeal to the confirming authority.*

If the taxpayers give security to the satisfaction of that authority for costs, the confirming authority (the L. G. B. generally, but the Home Secretary in the metropolis) shall appoint a legally qualified medical practitioner *to inspect such area*, who shall state the facts to the confirming authority in his report as well as his opinion on the unhealthiness or otherwise of the area.

If medical practitioner so appointed reports that area is, in his opinion, unhealthy, *then L. A. shall proceed with an improvement scheme in the same manner as if an official representation had been made to them in the first instance.*

If L. A. make default, or objections be made to their proposed scheme, *then a local inquiry is directed*, an officer being sent by the confirming authority to inquire into the correctness of the official representation and into the sufficiency of the scheme suggested, and any local objections to be made to such scheme.

Before commencing such local inquiry, the officer appointed to conduct same *must give public notice by advertisement to the persons residing in the area of his intention to make such inquiry.*

Grounds of defect on which a demand for an Improvement Scheme may be based.

(a) Any houses, courts, or alleys unfit for human habitation ; or

(b) The narrowness, closeness, bad arrangement, bad condition of streets and houses, or groups of houses, want of light, air, ventilation, or proper conveniences, or any other sanitary defects.

NOTE.—The suggested improvement scheme of a L. A. shall be accompanied by *maps, particulars, and estimates.*

Part II.—UNHEALTHY DWELLING-HOUSES.

Dwelling-house means any inhabited building, and includes any yard, garden, outhouse and appurtenances belonging thereto or usually enjoyed therewith, and includes the site of the dwelling-house as so defined.

Closing order means an order prohibiting the use of premises for human habitation made under the enactments set out in this Act. *procedure?*

It shall be the duty of the M. O. H. to represent to the L. A. any dwelling-house which appears to him to be in a state so *dangerous* or *injurious to health* as to be unfit for human habitation.

If any four householders living in or near to any street complain in writing to the M. O. H. that any dwelling-house is unfit for human habitation, he shall *forthwith* inspect the same, and transmit to the L. A. *the said complaint together with his opinion thereon.*

Where an order for the demolition of a building has been made, the owner *shall within three months* after service of the order *proceed to take down and remove the building,* and on his making default *the L. A. shall proceed to do so,* and shall sell the materials, and after deducting the expenses incident to such work, pay over the balance of money (if any) to the owner.

NOTE.—Any person aggrieved by an order of the L. A. may appeal to a Court of quarter sessions, and no work shall be done under any order until after the appeal is determined or ceases to be presented.

Proceedings as to obstructive buildings.

If M. O. H. finds that any building, although not in

itself unfit for human habitation, is so situate, that by reason of its proximity to, or contact with, any other buildings, it causes one of the following effects:—

1. It stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation, or dangerous or injurious to health, or
2. It prevents proper measures from being carried into effect for remedying any nuisance injurious to health, or other evils complained of in respect of such other buildings ;

in any such case the M. O. H. shall represent to the L. A. particulars relating to such *obstructive building*, stating that in his opinion it is expedient that such building should be pulled down.

NOTE.—Any *four inhabitant householders* may make to the L. A. a representation as to *obstructive buildings to the like effect as that of the M. O. H. of the district*.

The L. A. on receiving any such representation shall cause—

(a) A report to be made to them respecting the circumstances of the building, and the cost of pulling down the building and acquiring the land, and if on consideration they decide to proceed shall cause—

(b) A copy of the representation and report to be given to the owner of the lands on which the *obstructive building* stands, with notice of the time and place appointed by the L. A. for the consideration thereof, when such owner shall be at liberty to attend and state his objections.

If L. A. order *demolition of obstructive building*, and no appeal is made against the order, or if made, either fails or

is abandoned, the L. A. shall be authorized to purchase the lands on which the obstructive building is erected.

But the owner of such lands *may within one month after notice to purchase declare that he desires to retain the site of such building*, and undertake either to pull down or permit the L. A. to do so, in which case owner shall retain the site, and receive compensation from the L. A. for the pulling down of the *obstructive building*.

Where owner retains the site, no house or other building or erection which will be *dangerous or injurious* to health shall be erected upon such site or any part thereof; and if any such be erected the L. A. may at any time order the owner to abate or alter the same, and in the event of non-compliance with such order may, at the expense of the owner thereof, abate or alter the same.

Part III.—WORKING CLASS LODGING-HOUSES.

The expression "*lodging-houses for the working classes*" shall include separate houses or cottages for the working classes, whether containing one or several tenements.

The expression *cottage* may include a garden of not more than half an acre, provided that the estimated annual value of such garden shall not exceed *three pounds*.

For the purposes of this Act any L. A. may—

1. Acquire land, *and sects. 175—178, both inclusive, of "the Act,"* relating to the purchase of lands, shall apply.
2. Contract for the purchase of lease of any lodging-houses for the working classes already or hereafter to be built and provided.
3. If not a R. A., with the consent of the L. G. B., and

if a R. A., with the consent of the county council of the county in which the land is situate, appropriate any lodging-houses so purchased or taken on lease, and any other land which may be for the time being vested in them, or at their disposal.

The L. A. *may*—

1. Erect lodging-houses for the working classes on any land acquired or appropriated by them.
2. Convert any existing buildings into such lodging-houses.
3. Alter, enlarge, repair, improve, fit up, furnish, supply the same with all requisite furniture, fittings and conveniences.

The general management, regulation and control of the lodging-houses established or acquired by a L. A. shall be vested in and exercised by the L. A., who may make such reasonable charges for their tenancy or occupation as they may determine by their regulations.

Any person who, or whose wife or husband, at any time while such person is a tenant or occupier of any such lodging-house, or any part thereof, receives any relief under the Acts relating to the relief of the poor, other than relief granted on account only of accident or temporary illness, shall thereupon be disqualified for continuing to be such a tenant or occupier.

CHAPTER IV.

THE ACTS COLLECTIVELY CITED AS "THE SALE OF FOOD AND DRUGS ACTS, 1875 TO 1899," AND "THE SALE OF HORSE-FLESH ACT, 1889."

AN essential element in most criminal prosecutions is what is known at law as *mens rea*, or guilty knowledge, and the *onus probandi* of the presence of *mens rea* generally lies on the prosecution, because if an accused person has committed the act with which he is charged *under a colour of right*, he must be discharged. (*R. v. Twose*, 14 Cox, 327.) But the Sale of Food and Drugs Acts form a remarkable exception to this general rule, as in all prosecutions for adulteration under these Acts, the defendant, assuming the analysis to be adverse, *is presumed to be guilty*.

The law on this subject of food supply is dealt with in the following five Acts:—

- Part 1. The Sale of Food and Drugs Act, 1875.
- Part 2. The Sale of Food and Drugs Amendment Act, 1879.
- Part 3. The Margarine Act, 1887.
- Part 4. The Sale of Food and Drugs Act, 1899.
- Part 5. The Sale of Horse-Flesh Act, 1889.

Definitions.

Food shall include every article used for food or drink by man other than drugs or water, and any article which

ordinarily enters into or is used in the composition or preparation of human food, and shall also include flavouring matters and condiments.

NOTE.—*Chewing gum* has been held *not* to be an article of food (*Shortt v. Smith* (1895), 11 L. T. R. 325), on the ground that it was *not intended to be swallowed*.

Drug shall include medicine for internal or external use.

NOTE.—*Beeswax*, though included as a drug in the "British Pharmacopoeia," was held *not to be a drug* in *Fowle v. Fowle* (1896), 75 L. T. 514. Certain articles, *e.g.*, carbolic and sulphuric acids, are sold in ordinary commerce, as well as by chemists, hence the difficulty. The trend of the decisions is, that only such articles as are sold for *medicinal use* will be held to fall within the above definition of *drug*.

Butter shall mean the substance usually known as butter, made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter.

Margarine shall mean all substances, whether compounds or otherwise, prepared *in imitation of butter*, and whether mixed with butter or not, and no such substance shall be lawfully sold, except under *the name of margarine*, and under the conditions set forth in the Margarine Act of 1887.

Exhausted tea shall mean and include any tea which has been deprived of its proper quality, strength or virtue by steeping, infusion, decoction or other means.

Margarine cheese means any substance, whether compound or otherwise, which is prepared *in imitation of cheese*, and which contains fat *not derived from milk*.

Cheese means the substance usually known as cheese, containing no *fat derived otherwise than from milk*.

Local Authority means any L. A. authorised to appoint an analyst for the purposes of the Sale of Food and Drugs Acts, and the expression *public analyst* means an analyst so appointed.

PART 1.

The Sale of Food and Drugs Act of 1875.

This is the principal Act on this subject.

Offences under this Act :—

No person shall mix, colour, stain, or powder, or order or permit any other person to do so, *any article of food* with any ingredient or material so as to render the article *injurious to health*, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained or powdered under a penalty in each case not exceeding *fifty pounds for the first offence*; every offence after the first conviction shall be a *misde-meanour*, for which the person shall be imprisoned for a period not exceeding *six months with hard labour*.

No person shall, *except for the purpose of compounding*, mix, colour, stain, or powder, or order or permit any other person so to do, *any drug* with any ingredient or material to affect injuriously *the quality or potency* of such drug, with intent that the same may be sold *in that state*, and no person shall sell any such drug so mixed, coloured, stained or powdered under the same penalty in each case respec-

tively as in the preceding section for a first and subsequent offence.

Provided that no person shall be liable to be convicted under either of the two last foregoing sections, if he shows to the satisfaction of the justice or Court that *he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered, and that he could not with reasonable diligence have obtained that knowledge.*

NOTE.—*The onus probandi of absence of mens rea is on the defendant.*

A master is liable for his servant, if by improper supervision the servant has the opportunity to adulterate either food or drug.

No person shall sell *to the prejudice of the purchaser* any article of food or any drug which is not of the *nature, substance and quality of the article demanded* by such purchaser, under penalty not exceeding *twenty pounds.*

Provided that an offence shall not be deemed to be committed in the following cases:—

1. Where an ingredient *not injurious to health* has been added because *the same is required* for the production or preparation thereof *as an article of commerce*, in a state fit for carriage or consumption, *and not fraudulently* to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof.
2. Where the drug or food is *a proprietary medicine*, or is the subject of a *patent in force*, and is supplied in the state required by the specification of the patent.
3. Where the food or drug is compounded as in this Act mentioned.
4. Where the food or drug is unavoidably mixed with

some extraneous matter in the process of collection or preparation.

NOTE.—A master is liable not only for the *unauthorised* but also for an *act directly in disobedience to his orders* done by a servant within the scope of his authority: *Brown v. Foot*, 66 L. T. 649, in which case a servant watered his can of milk.

A servant as well as his master may be convicted as the actual seller. No purchaser is prejudiced if—

A. At time of purchase he is informed that article is not of the *nature, substance, and quality* which he demands; but

B. Purchaser need not prove *actual damage* to establish the fact that an article has been sold *to his prejudice*.

It used to be held that the words nature, substance, and quality could not be disjoined, i.e., that it must be proved before a conviction would lie that the article sold differed in all three respects from that demanded.

The words *the article demanded* are always taken to mean the article known *under that name in commerce*.

No offence is committed under the above section if the article sold is altogether different from that which was demanded at the time of purchase. (Knight v. Bowers (1885), 14 Q. B. D. 845.)

No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser under a penalty not exceeding *twenty pounds*.

NOTE.—This section would include *prescriptions or recipes of any kind*.

Provided that no person shall be guilty of an offence if mixed ingredient *be not injurious to health, and not intended fraudulently to increase bulk, weight, or measure, or conceal inferior quality, if at time of delivery he shall supply a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.*

Abstraction before Sale.

No person shall, with the intent that the same may be sold *in its altered state without notice, abstract from an article of food any part of it, so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.*

NOTE.—The extent of *disclosure* to satisfy the above section is not always easy to determine, as the cases on the point appear to conflict; but it has been held by the High Court that *what is, or is not, a sufficient disclosure is a question of fact* for the Court hearing in the first instance the charge; and it would appear that if a magistrate takes evidence of how any particular abstraction can be made, and then *finds as a fact* as to whether *a sufficient disclosure has or has not been made*, such magistrate's decision will not be interfered with.

Appointment of Analyst.

Who may appoint:—

1. In the City of London, the *Commissioners of Sewers.*
2. In all other parts of the metropolis, *the metropolitan boroughs.*

3. *The County Councils* of every county.

4. *The Town Council of every borough* having a separate court of quarter sessions, or having a separate police establishment,

may, or when required by the L. G. B. shall, appoint persons possessing competent knowledge as analysts of food and drugs.

Procedure on Suspicion of Adulteration.

Any purchaser of an article of food or a drug in any place where there is an analyst appointed, on payment to such analyst of a sum not exceeding *ten shillings and sixpence*, or if there be no such analyst, to the analyst of another place *of such sum as may be agreed upon between such person and the analyst*, shall be entitled to have such article analysed by such analyst, and to receive from him *a certificate of the result of his analysis.*

Officials who may obtain Sample for analysis :—

1. Any M. O. H.
2. Any Inspector of Nuisances.
3. Any Inspector of Weights and Measures.
4. Any Inspector of a Market.
5. Any Police Constable,

at the cost of the L. A., may procure a sample of food or drugs, and submit the same to be analysed by the analyst, who *shall with all convenient speed analyse the same, and give a certificate specifying the result of his analysis.*

Purchase by Deputy.

The L. A. *may not appoint* any person not named above to obtain samples for analysis, but an officer so named

may purchase samples by a deputy. (*Horder v. Scott* (1880), 5 Q. B. D. 552.)

NOTE.—An analysis of a sample procured by an official purchaser is a condition precedent to any prosecution for adulteration, but such is not the case when the sample for analysis is purchased by a private person.

NOTE.—At the time summons is served it must be accompanied by the certificate of the analyst.

The person purchasing any article for analysis shall, after purchase is completed, forthwith notify seller or his agent his intention to have the same analysed, and shall offer to divide the article into three parts, to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall retain one of the said parts, for future comparison, and submit the third part to the analyst.

As to the person purchasing, it is now settled law that a person who has bought in the ordinary course for consumption can institute proceedings, and it is no defence that the seller or his agent were not notified at the time of purchase that the article was procured as a sample for analysis. (*Buckler v. Wilson*, (1896) 1 Q. B. 83.)

What notice of analysis must be given by an official purchaser?

There seems to have been good ground for stating that unless an official purchaser made use of certain exact words, e.g., "by the public analyst," at the time of procuring the sample, a seller could not be prosecuted with success. But the decision in *Whecker v. Webb* (1887), 51 J. P. 661, has

clearly settled the law on this point, in which case Cave, J., said: "No particular form of words is required, nor even any words at all. What is necessary is that the seller must know that the samples are to be taken for the purpose of analysis, so that he may see that the samples are to be fairly taken."

As to *forthwith*, it has been held that *two days* would certainly not satisfy the section, but that *a few minutes interim* between purchase and notification of intention to have article analysed would be within the meaning of *forthwith*. (*Somerset v. Miller* (1890), 54 J. P. 614.)

Where purchase of sample is by an officer of the L. G. B., such sample must be divided into *four parts*, not *three*, one of which must be sent to the Board.

If analyst does not reside *within two miles* of the residence of the person requiring the article to be analysed, such article may be forwarded through the Post Office as a registered parcel, and the charge for the postage shall be deemed one of the charges of this Act, or of the prosecution, as the case may be.

Refusal to Sell Officer Sample for Analysis.

If any such officer, inspector, or constable, shall apply to purchase any article of food or drug exposed for sale, or on sale by retail, on any premises or in any shop or stores, and shall *tender* the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding *ten pounds*.

NOTE.—*Tender* means that *actual money* must be offered;

if no money is produced, but only a proposal to buy is made, that will not constitute a legal tender.

Any officer is entitled to procure a sample for analysis from the *same receptacle* that *he has already tasted*, but that does not imply that he can demand a sale from any unbroken bulk or unopened parcel as may seem fit to him.

The production of the certificate of the analysis shall be *primâ facie* evidence of the facts therein stated, and shall be sufficient evidence, unless the defendant requires that the analyst shall be called as a witness, and the parts of the articles retained by the purchaser produced; and the defendant and his wife may be examined on his behalf, if he so desire.

NOTE.—If certificate is produced, and the analyst is not examined, and no evidence is produced to contradict the certificate, the defendant should be convicted.

Justices *may*, upon the request of either party, *cause* food or drug to be sent to the *Commissioners of Inland Revenue*, who shall direct the chemical officers at Somerset House to make the analysis and give a certificate.

NOTE.—Though such certificate by the *Government analysts* is of great weight, their evidence is *not conclusive*, and may be rebutted by evidence *è contra*.

When Defendant should be Discharged.

If he prove that he had purchased the article as the same in nature, substance, and quality as that demanded of him, and *with a written warranty* to that effect, that he had no reason to believe at the time of sale that article was otherwise, and that he sold it in the same state as when he purchased it.

NOTE.—He shall be liable to pay the costs incurred by prosecutor, unless he shall have given him *due notice* that he will rely on the above defence.

A Written Warranty.

An irrebuttable presumption arises as to a *warranty* that goods are of the quality described whenever goods have been sold *by description*.

But if contract for sale of goods *is completed*, and then *warranty is given*, such warranty is void, being deficient of any valuable consideration to support it. (*Roscorla v. Thomas* (1842), 3 Q. B. 234.)

Any person who shall *forge*, or shall *utter any certificate*, or *any writing purporting to contain a warranty*, shall be guilty of a *misdemeanour*, and be punishable *by imprisonment* for a term not exceeding *two years with hard labour*.

Every person who shall wilfully apply to an article a certificate or warranty given in relation to another article, shall be liable to a penalty not exceeding *twenty pounds*.

And every person wilfully giving a label falsely describing the article sold shall be liable to a penalty not exceeding *twenty pounds*.

PART 2.

The Sale of Food and Drugs Act Amendment Act, 1879.

This Act was specially passed to set at rest certain conflicting decisions in regard to the meaning and effect of *sect. 6 of the preceding Act of 1875*. Thus—

In any prosecution for selling to the prejudice of the

purchaser any article of food or any drug which is not of the *nature, substance and quality* of the article demanded by such purchaser, it shall be *no defence to allege* that the purchaser *having bought only for analysis was not prejudiced by such sale*. Neither shall it be a good defence to prove that the article in question, though *defective in nature, or in substance or in quality*, was not defective in all three respects.

NOTE.—The above disposes of the ruling that the three words *nature, substance, and quality* could not be disjoined.

Any M. O. H. or other officials before mentioned may procure, *at the place of delivery*, any sample of any milk *in course of delivery* to the purchaser or consignee *in pursuance of any contract* for the sale of such milk, and if he suspect same he shall submit the same to be analyzed, and penalties on conviction be enforced in like manner and in all respects *as if such officer had purchased the same from the seller or consignor*, under sect. 13 of the Act of 1875.

What is the Place of Delivery?

NOTE.—Milk while *in transitu* must not be sampled, nor *subsequently to delivery, but at the place of delivery* to the purchaser. But an arrangement between purchaser and seller by contract to pay carriage from one place to another does not limit the *place of delivery to the starting point* if the purchasers have appointed *an intermediate place as a station for delivery*. (*Filshie v. Ervington*, (1892) 2 Q. B. 200.)

An officer can take a sample from any milkman who is selling from door to door *as he is delivering* to a customer.

A seller or consignor of milk, if he refuse to allow any officer to take the quantity which he requires *for the*

purpose of analysis, shall be liable to a penalty not exceeding *ten pounds*.

NOTE.—Sunday mornings are the best for taking samples.

Reduction of Spirit.

In determining whether an offence has been committed by selling, *to the prejudice of the purchaser*, spirits not adulterated otherwise than by the admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than *twenty-five degrees under proof for brandy, whisky or rum*, or *thirty-five degrees under proof for gin*.

PART 3.

The Margarine Act, 1887.

Every person dealing in margarine, whether wholesale or retail, whether a manufacturer, importer, or as consignor or consignee, or as commission agent or otherwise, who is found guilty of an offence under this Act, shall be liable, on summary conviction for the first offence, to a fine not exceeding *twenty pounds*, for the second offence *fifty pounds*, and for the third or any subsequent offence *one hundred pounds*.

The Marking of Margarine.

Every package, whether open or closed, and containing margarine, shall be branded or durably marked "*Margarine*" *on the top, bottom and sides, in printed capital letters not less than three-quarters of an inch square*; and if such margarine be exposed for sale by retail, there shall be attached to each parcel thereof so exposed, and in such manner as to be

clearly visible to the purchaser, a label marked in printed capital letters, *not less than one and a half inches square*, "*Margarine*"; and every person selling margarine by retail, save in a package duly branded or durably marked as aforesaid, shall in every case deliver the same to the purchaser in a paper wrapper on which shall be printed, *in capital letters not less than a quarter of an inch square*, "*Margarine*."

What Amounts to an Exposure for Sale?

If the margarine is not exposed for sale on the *public and visible part* of the counter, but is hidden away on a *private part* of the counter behind a screen so that no customer could see it, *such margarine would not be exposed for sale.* (*Crane v. Lawrence* (1890), 25 Q. B. D. 152.)

But if the margarine is on the *public portion* of the counter, and *cannot be seen* by a customer *by reason only* of its being wrapped up in paper, then in such case such margarine *undoubtedly is exposed for sale.* (*Wheat v. Brown*, (1892) 1 Q. B. 418.)

There always is a *presumption of guilt* against a vendor in whose possession, for the purpose of sale, margarine is found, unless he can show—

1. That he purchased article in question as *butter*, and with a written warranty or invoice to that effect.
2. That he had no reason to believe at the time when he sold it that article was other than *butter*.
3. That he sold it in the same state as he purchased it.

On establishing such evidence he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, *unless he shall have given due notice to him that he will rely upon the above defence.*

All margarine imported into the United Kingdom of Great Britain and Ireland *shall*, whenever forwarded by any public conveyance, be duly consigned as margarine, and any officer of His Majesty's Customs or Inland Revenue, or any of the officials before mentioned, may take samples for analysis from any such package.

Registration.

Every manufactory of margarine within the United Kingdom of Great Britain and Ireland shall be registered by the owner or occupier thereof with the L. A. from time to time as the L. G. B. may direct, and everyone guilty of non-registration shall be guilty of an offence under this Act.

PART 4.

The Sale of Food and Drugs Act, 1899.

Precautions against the Insufficient Marking of Imported Food.

If there is imported into the United Kingdom any of the following articles:—

- (a) Margarine or margarine-cheese, except in packages conspicuously marked "*Margarine*" or "*Margarine-Cheese*" respectively; or,
- (b) Adulterated or impoverished butter (other than margarine), or adulterated or impoverished milk or cream, except in packages or cans conspicuously marked with a name or description indicating that the butter or milk or cream has been so treated; or,

- (c) Condensed, separated, or skimmed milk, except in tins or other receptacles which bear a label whereon the words "*Machine-Skimmed Milk*," or "*Skimmed Milk*," as the case may require, are printed in large and legible type; or,
- (d) Any adulterated or impoverished article of food to which, by Order in Council, this section shall be applied, unless the same be imported in packages or receptacles conspicuously marked with a name or description indicating that the article has been so treated,

the importer shall be liable, on summary conviction for the first offence, to a fine of 20*l.*; second offence, 50*l.*; any subsequent offence, 100*l.*

NOTE.—Prosecutions under this section shall be undertaken *by the Commissioners of Customs*, and *importer* means the person in possession of, or in anywise entitled to the custody or control of, the article.

Procedure.

1. The Commissioners of Customs shall, after consultation with the Board of Agriculture, take samples of consignments.
2. They shall divide such samples into not less than *three parts*, send one to the importer, one to the principal chemist of the Government Laboratories, and retain one part.
3. The certificate of the principal chemist of the result of his analysis shall be sufficient evidence of the facts therein stated, unless the defendant requires that he be called as a witness.
4. If Commissioners of Customs think that an offence

has been committed, they shall communicate to the Board of Agriculture the name of importer, and such other facts as they possess as to the destination of consignment.

NOTE.—Any article shall be deemed adulterated or impoverished if it has been mixed with any other substance, or if any part has been abstracted, so as in either case to affect injuriously its *quality, substance or nature*, provided that no food shall be deemed adulterated by reason only of the addition of a preservative or colouring matter of such a nature and in such quantity as not to render the article injurious to health.

Who can Prosecute under this Section?

No person or persons except the Commissioners of Customs, whereas, for offences against the Acts before recited, any L.A., or private person, might do so.

The Board of Agriculture may make regulations for determining what deficiency of normal constituents of genuine milk, cream, butter, or cheese, or what addition of extraneous matter or proportion of water in any sample thereof shall raise a presumption, until the contrary is proved, that such commodities are not genuine, or are injurious to health. And an analyst shall have regard to such regulations which shall be notified in the *London and Edinburgh Gazettes*.

NOTE.—Acting on the above power, the Board of Agriculture, by the *Sale of Milk Regulations, 1901*, decided that—

- (a) *Milk containing less than 3 per cent. of milk fat, or less than 8.5 per cent. of non-fatty solids, and skimmed or separated milk (other than condensed*

milk) containing less than 9 *per cent. of total milk solids, is to be presumed not to be genuine.*

Also by the *Sale of Butter Regulations, 1902*, the Board of Agriculture decided that—

- (b) *Butter containing more than 16 per cent. of water is to be presumed not to be genuine.*

Margarine or Margarine-cheese shall be branded or marked on the package itself, and not solely on a label, ticket, or other thing attached thereto.

The letters shall be capital block letters not less than half-an-inch long, and distinctly legible, and no other printed matter shall appear on the wrapper.

Manufacturers and Dealers in Margarine and Margarine-cheese.

1. Every occupier of a manufactory of margarine or margarine-cheese, and every wholesale dealer in such substances, shall keep a register showing the quantity and destination of each consignment of such substances sent out from his manufactory or place of business, and this register shall be open to the inspection of any officer of the Board of Agriculture.

2. Any officer of the Board of Agriculture shall have power to enter at all reasonable times any such manufactory and to inspect any process of manufacture, and to take samples for analysis.

3. If any such occupier or dealer—

(a) Fails to keep such a register, or

(b) Refuses to produce the register, when required to do so by an officer of the Board of Agriculture, or

(c) Fails to keep the register posted up to date, or

(d) Wilfully makes any entry in the register which is false in any particular, or

(e) Fraudulently omits to enter any particular which ought to be entered in the register,

he shall be liable on summary conviction for the first offence to a fine not exceeding *ten pounds*, and for any subsequent offence to a fine not exceeding *fifty pounds*.

Amount of Butter-fat allowed in Margarine.

It shall be unlawful to manufacture, sell, expose for sale, or import any margarine, the fat of which contains *more than 10 per cent. of butter-fat*, and any person who shall be guilty of an offence under the Margarine Act, 1887, may be convicted under this Act, and any defence under sect. 7 of that Act shall be a defence under this section.

NOTE.—*Butter and fresh milk mixed is not margarine, and may be sold as milk-blended butter.*

Every person who sells milk or cream in a public place must have conspicuously inscribed on the vehicle or receptacle his name and address, and in default shall be liable to a fine not exceeding *two pounds*.

If sample of milk, margarine, or margarine-cheese, is taken in course of delivery, the person taking the sample shall forward by registered parcel or otherwise a portion of the sample marked, and sealed or fastened up, to the consignor, if his name and address appear on the can or package containing article sampled.

Condensed, separated, or skimmed Milk.

Every tin or other receptacle containing condensed, separated, or skimmed milk, must bear a label clearly

visible to the purchaser on which the words "*machine-skimmed milk*" or "*skimmed milk*," as the case may require, are printed in large and legible type, and any person acting in contravention of this section shall be liable to a fine not exceeding *ten pounds*.

Further Penalties.

Where, under any provision of the Sale of Food and Drugs Acts, a person guilty of an offence is liable to a fine exceeding *fifty pounds*, and the offence, in the opinion of the Court, was committed by the *personal act, default, or culpable negligence* of the person accused, that person shall be liable to imprisonment, with or without hard labour, for a period not exceeding *three months*.

NOTE.—Where article of food or drug is exposed for sale in an unopened tin or packet duly labelled, no person shall be required to sell it except in the same condition in which it is exposed for sale.

Time-limit for proceeding for Offences under the Sale of Food and Drugs Acts.

Where any article has been purchased from any person *for test purposes*, any prosecution, notwithstanding anything contained in sect. 20 of the Sale of Food and Drugs Act, 1875, *shall not be instituted after the expiration of twenty-eight days from the time of the purchase*.

Regulation as to Summons.

In any prosecution under the Sale of Food and Drugs Acts, the summons shall state—

- (a) Particulars of the offence or offences alleged.
- (b) The name of prosecutor.
- (c) And such summons shall not be made returnable *in*

less time than 14 days from the day on which it is served, and there must be served therewith a copy of any analyst's certificate obtained on behalf of the prosecutor.

N.B.—As to Warranty and Invoice as defences, *vide* p. 156.

PART 5.

The Sale of Horse-flesh Act, 1889.

Horse-flesh shall include the flesh of asses and mules, and shall mean horse-flesh cooked or uncooked, alone or accompanied by or mixed with any other substance.

No person shall sell, offer, expose, or keep for sale any horse-flesh *for human food* elsewhere than in a shop, stall, or place, over or upon which there shall be at all times painted, posted, or placed, in legible characters of *not less than four inches in length*, and in a conspicuous place, and so as to be visible whether by night or by day, words indicating that horse-flesh is sold there.

No person shall supply horse-flesh for human food to any purchaser who has asked to be supplied with some meat other than horse-flesh, or with some compound article of food which is not ordinarily made of horse-flesh.

Penalty.

Any person offending against this Act shall be liable to a penalty not exceeding *twenty pounds*, to be recovered in a summary manner.

NOTE.—If horse-flesh is exposed apparently for sale in a public place, the *onus of proving that it was not intended for human food shall rest upon the person so exposing it.*

CHAPTER V.

A. THE DAIRIES, COWSHEDS AND MILK-SHOPS ORDER, 1885.

B. MODEL REGULATIONS OF THE L. G. B. AS TO DAIRIES, COWSHEDS AND MILK-SHOPS, 1889.

MILK is probably the most universal commodity of human food in the United Kingdom, because it finds its way daily, though often in an impoverished condition, into the homes of the richest and poorest alike, for the simple reason that there is no substitute for it. It has been explained that imitations have been found for butter and cheese in the shape of margarine and margarine-cheese respectively; but for milk, despite the great commercial inventiveness of to-day, there exists no *lawful* imitation. Hence it is that the above precautionary regulations have been passed to preserve its purity, by legislating not only for the sanitary and commodious abodes of its producers, the milch cows, but also for protecting it from infection or contamination from persons in close contact with the animals, or by the uncleanness of the receptacles into which it is placed after being drawn, either for storing or selling purposes.

A.—The Dairies, Cowsheds and Milk-shops Order, 1885.

This order extends to England and Wales and Scotland only.

Registration of Dairymen.

It shall not be lawful for any person to carry on the trade of cow-keeper, dairyman, or purveyor of milk *unless he is registered.*

Every L. A. shall keep *a register* of all such persons, and shall from time to time revise and correct the register.

The L. A. shall from time to time give public notice, by advertisement in a newspaper circulating in their district, or otherwise, of registration being required, and of the mode of registration.

NOTE.—A person who carries on the trade of cow-keeper or dairyman *for the purpose only of making and selling butter or cheese, or both*, and who does not carry on *the trade of purveyor of milk*, need not be registered. A person who sells milk of his own cows in small quantities to his workmen or neighbours, for their accommodation, shall not be deemed, for so doing, a purveyor of milk, and *need not be registered.*

Construction and Water Supply of New Dairies and Cowsheds.

No cow-keeper or dairyman *shall begin to occupy as a dairy or cowshed* any building unless he first makes provision, to the reasonable satisfaction of the L. A., for *the lighting, and the ventilation, including air space, the cleansing, drainage, and water supply*, of the same, while occupied as a dairy or cowshed.

No person can begin so to occupy any building without first giving *one month's notice in writing* of his intention so to do to the L. A.

Sanitary State of all Dairies and Cowsheds.

No person shall follow the trade of cow-keeper or dairyman unless the building in which he does so is amply provided with such things as are necessary and proper for—

- (a) The health and condition of the cattle therein; and
- (b) The cleanliness of milk vessels used therein for containing milk for sale; and
- (c) The protection of the milk therein against infection or contamination.

Contamination of Milk.

No person following the trade of cow-keeper, or dairyman, or purveyor of milk, or being the occupier of a milk-store or milk-shop shall—

- (a) Allow any person suffering from a dangerous infectious disorder, or having recently been in contact with a person so suffering, to milk cows, or to handle vessels used for containing milk for sale, or in any way to take part or assist in the conduct of the trade or business as regards the production, distribution or storage of milk; or
- (b) If himself so suffering, or having recently been in contact as aforesaid, milk cows, or handle vessels, or in any way take part in the conduct of his trade or business as regards the production, distribution or storage of milk,

until in each case all danger therefrom of the communication of infection to the milk or of its contamination has ceased.

- (c) Permit any water-closet, earth-closet, privy, cess-pool or urinal—
 - 1. To be within such building ;
 - 2. To communicate directly with, or ventilate into, any dairy or any room used as a milk-store or milk-shop.
- (d) Permit the building to be used as a sleeping apartment, or for any purpose incompatible with the proper preservation of the cleanliness of the store or shop, and any vessels and milk therein.
- (e) Keep any swine in any cowshed or other building used by him for keeping cows, or in any milk-store or other place used by him for keeping milk for sale.

Regulations of L. A.

A L. A. may from time to time make regulations for the following purposes, or any of them :—

- (a) For the inspection of cattle in dairies.
- (b) For prescribing and regulating the lighting, ventilation, cleansing, drainage and water supply of dairies and cowsheds in the occupation of persons following the trade of cow-keepers or dairymen.
- (c) For securing the cleanliness of milk-stores, milk-shops, and of milk vessels used for containing milk for sale by such persons.
- (d) For prescribing precautions to be taken by purveyors of milk and persons selling milk by retail against infection or contamination.

Existence of Disease among Cattle.

If at any time disease exists among the cattle in a dairy

or cowshed, or other building or place, the milk of a diseased cow therein—

- (a) Shall not be mixed with other milk; and
- (b) Shall not be sold or used for human food; and
- (c) Shall not be sold or used for food of swine or other animals unless and until it has been boiled.

NOTE.—By Order of 1899, No. 135, we read “the expressions in the said article *which refer to disease* shall include, in the case of a cow, *such disease of the udder* as shall be certified by a veterinary surgeon *to be tubercular*, and the Order” (meaning the Order above) “and the amending Order shall apply and be construed with the modifications necessary to give effect to *this article*.”

B. Model Regulations of the L. G. B. as to Dairies, Cowsheds and Milk-shops, 1899.

Interpretation.

The Council means the mayor, aldermen and burgesses of the borough acting by the council or urban (or rural) district council.

The District means the borough or urban (or rural) district as the case may be.

Cowshed includes any dairy in which milking-cows may be kept.

Cow-keeper means any person following the trade of a cow-keeper or dairyman who is, or is required to be, registered under the Dairies, Cowsheds and Milk-shops Order of 1885.

NOTE.—For one to be held a *cow-keeper* he must follow such trade, and the fact that a gentleman farmer twenty times in six weeks supplied a dairyman with about six

quarts of milk does not bring him within the definition of a cow-keeper. (*Southwell v. Lewis* (1881), 45 J. P. 206.)

For the Inspection of Cattle in Dairies.

Every occupier of a dairy wherein any cattle may be kept shall afford any M. O. H., inspector of nuisances, or officer, all reasonable assistance that may, for the purpose of inspection, be required by him.

For prescribing and regulating the Lighting, Ventilation, Cleansing, Drainage and Water Supply of Cowsheds and Dairies in the occupation of Persons following the Trade of Cow-keepers or Dairymen.

PART 1.

This part shall apply to cowsheds *the cows from which are habitually grazed on grass-land during the greater part of the year, and, when not so grazed, are habitually turned out during a portion of each day.*

Lighting.

Every cow-keeper shall provide—

1. That every cowshed shall be sufficiently lighted with windows, whether in the sides or roof thereof.

Ventilation.

2. That every cowshed be sufficiently ventilated with a sufficient number of openings into the external air to keep air in a wholesome condition.

Cleansing.

3. (a) That every part of the interior of every cowshed be thoroughly cleansed as often as may be necessary to keep it at all times reasonably clean and sweet.

(b) That the ceiling, or interior of the roof, and the walls of every cowshed *be properly limewashed twice at least in every year, once in May and once in October, and at such other times as may be necessary.*

NOTE.—If ceiling, roof, or walls be painted, varnished, or covered with material unsuitable for *limewashing*, this requirement shall not apply.

(c) That the floor of every cowshed be thoroughly swept, and all dung or other offensive matter be removed as often as may be necessary, and not less than *once in every day.*

Drainage.

4. (a) That the drainage of every cowshed be so arranged that all liquid matter which may fall, or be cast upon the floor, may be conveyed by a suitable open channel to a drain inlet situate in the open air, at a proper distance from any door or window of such cowshed, or to some other suitable place.

(b) That no inlet to any drain be within such cowshed.

Water Supply.

5. (a) That every cowshed have a supply of water suitable and sufficient for all such purposes as may be reasonably necessary.

(b) That any receptacle provided for water be emptied and thoroughly cleansed, to prevent the pollution of any water that may be stored therein, and if such receptacle is used only for storage of water, that it be properly covered and ventilated, and so placed as to be at all times readily accessible.

PART 2.

The regulations in Part 1, and also the following regulations, shall apply *to all cowsheds other than those in which such cows as are described in Part 1 are kept.*

A cow-keeper shall not cause or allow any cowshed to be occupied by a larger number of cows than will leave not less than *eight hundred feet* of air space for each cow.

Provided as follows :—

(a) In calculating the air space, no space shall be reckoned which is more than *sixteen feet* above the floor ; but if the roof or ceiling is inclined, then the mean height of the same above the floor may be taken as the height thereof.

(b) This regulation shall not apply to any cowshed constructed and used before the date of these regulations coming into effect, *until two years after that date.*

NOTE.—This regulation on air space in cowsheds only applies to cows kept *in towns and indoors*, and not to those kept *in the country* and allowed to graze *outdoors*.

PART 3.

In this part the expression “dairy” means a dairy in which cattle *are not kept.*

Lighting.

The same as in Part 1.

Ventilation.

The same as in Part 1.

Cleansing.

1. Every cow-keeper shall cause every part of the interior of every dairy in his occupation to be thoroughly cleansed from time to time as often as may be necessary to secure that such dairy shall be at all times reasonably clean and sweet.

2. He shall cause the floor of every such dairy to be thoroughly cleansed *with water* at least *once* every day.

Drainage.

1. Every cow-keeper shall cause the drainage of every dairy in his occupation to be so arranged that all liquid matter which may fall or be cast upon the floor may be conveyed by a suitable open channel to the outside of such dairy, and may there be received in a suitable gulley communicating with a proper and sufficient drain.

2. He shall not cause or suffer any inlet to any drain of such dairy to be within such dairy.

Water Supply.

1. Every cow-keeper shall cause every dairy in his occupation to be provided with an adequate supply of good and wholesome water for the cleansing of such dairy and of any vessels that may be used therein for containing milk, and for all other reasonable and necessary purposes in connection with the use thereof.

2. He shall cause every cistern or other receptacle in which any such water may be stored to be properly covered and ventilated, and so placed as to be at all times readily accessible.

3. He shall cause every cistern or receptacle to be emptied and thoroughly cleansed from time to time, as often as may be necessary to prevent the pollution of any water that may be stored therein.

Cleanliness of Milk-stores and Milk-shops.

Every occupier of a milk-store or milk-shop shall cause every part of the interior of such milk-store or milk-shop to be thoroughly cleansed, from time to time, as often as may be necessary to maintain such milk-store or milk-shop in a thorough state of cleanliness.

Cleanliness of Milk Vessels.

1. Every cow-keeper shall from time to time, as often as may be necessary, cause every milk vessel that may be used by him for containing milk for sale to be thoroughly cleansed *with steam or clean boiling water*, and shall otherwise take all proper precautions for the maintenance of such milk vessel in a constant state of cleanliness.

2. He shall, on every occasion when any such vessel shall have been used to contain milk, or shall have been returned to him after having been out of his possession, cause such vessel to be *forthwith* so cleansed.

For prescribing precautions to be taken by Purveyors of Milk and Persons selling Milk by Retail against infection or contamination.

1. Every purveyor of milk, or person selling milk by retail, shall take all reasonable and proper precautions, in and in connection with the storage and distribution of the milk, and otherwise, to prevent the exposure of the milk to any infection or contamination.

2. He shall not deposit or keep any milk intended for sale—

(a) In any room or place where it would be liable to become infected or contaminated by impure air, or by any offensive, noxious, or deleterious gas or substance, or by any noxious or injurious emanation, exhalation, or effluvium; or

(b) In any room used as a kitchen, or as a living room; or

(c) In any room or building, or part of a building communicating directly by door, window, or otherwise, with any room used as a sleeping-room, or in which there may be any person suffering from any infectious or contagious disease, or which may have been used by any person suffering from any such disease, and may not have been properly disinfected; or

(d) In any room or building or part of a building in which there may be any direct inlet to any drain.

3. He shall not keep milk for sale, or cause or suffer any such milk to be placed in any vessel, receptacle, or utensil, which is not thoroughly clean.

4. He shall cause every vessel, receptacle, or utensil, used by him for containing milk for sale, to be thoroughly cleansed *with steam or clean boiling water* after it shall have been used, and to be maintained in a constant state of cleanliness.

5. He shall not cause or suffer any cow belonging to him, or under his care or control, to be milked for the purpose of obtaining milk for sale—

(a) Unless at the time of milking the udder and teats of such cow are thoroughly clean; and

(b) Unless the hands of the person milking such cow also are thoroughly clean, and free from all infection and contamination.

Penalties.

Every person who shall offend against any of the foregoing regulations shall be liable for every such offence to a penalty of *five pounds*, and in the case of a continuing offence to a further penalty of *forty shillings* for each day after written notice of the offence from the council.

NOTE.—Any Court may, if they think fit, adjudge the payment as a penalty of any sum *less than the full amount of the penalty imposed by this regulation*.

When these regulations come into force, all regulations heretofore made shall, so far as the same are now in force in the district, be revoked.

CHAPTER VI.

MISCELLANEOUS ACTS AND REGULATIONS.

IN this concluding chapter on the law contained in the Statutes, the provisions bearing on the question of sanitation of the following Acts of Parliament and Regulations are given alphabetically:—

A.—Alkali Works Regulation Acts, 1881 and 1892.

B.—Burial Acts, 1852—1885.

C.—1. Canal Boats Act, 1877.

2. Canal Boats Regulations by L. G. B., 1878.

D.—Cleansing of Persons Act, 1897.

E.—1. Cremation Act, 1902.

2. Cremation Regulations, 1903.

F.—1. Customs Consolidation Act, 1876.

2. Customs and Inland Revenue Act, 1890.

G.—Factory and Workshops Act, 1901.

H.—Isolation Hospitals Act, 1893.

I.—Midwives Act, 1902.

J.—Prevention of Plague, Cholera and Yellow Fever Regulations, 1896 and 1902.

K.—Vaccination Act, 1898.

A.—Alkali Works Regulation Acts, 1881 and 1892.

The Act of 1881 consolidates the Alkali Acts, 1863 and 1874, and makes further provision for regulating works in which noxious or offensive gases are evolved.

Condensation of Muriatic and other Acid Gases in Alkali Works.

Every alkali work shall be carried on to secure the condensation to the satisfaction of the chief inspector derived from his own examination or from that of some other inspector of—

(a) The muriatic acid gas evolved to the extent of 95 per cent., and to such an extent that in each cubic foot of air, smoke or chimney gases, escaping from the works into the atmosphere, there is not contained more than *one-fifth part of a grain of muriatic acid*.

(b) The acid gases of sulphur and nitrogen evolved in the process of manufacturing sulphuric acid or sulphates to such an extent that the total acidity of such gases in each cubic foot of air, smoke or gases, escaping into the chimney or into the atmosphere, does not exceed what is equivalent to *four grains of sulphuric anhydride*.

NOTE.—An owner acting in contravention of this section shall be liable to a fine not exceeding in the case of the first offence *fifty pounds*, and in the case of every subsequent offence *one hundred pounds*.

Registration.

All alkali works and all sulphuric acid works must be registered, and a certificate of an inspector is a condition precedent to the registration of any such new works.

NOTE.—In calculating the proportion of acid to a cubic foot of air, smoke or gases, such air, smoke or gases shall be calculated at the temperature of *60 degrees F.* and at a *barometric pressure of 30 inches*.

Alkali waste shall not be deposited or discharged with-

out *the best practical means* being used for effectually preventing *any nuisance* arising therefrom.

Definition.

“Alkali Work” means every work for the manufacture of alkali, sulphate of soda, or sulphate of potash, in which muriatic acid gas is evolved, and the formation of any sulphate in the treatment of copper ores by common salt or other chlorides shall be deemed to be a manufacture of sulphate of soda.

SCHEDULE, 1881.

List of Works.

1. Sulphuric Acid Works.
2. Chemical Manure Works.
3. Gas Liquor Works.
4. Nitric Acid Works.
5. Sulphate of Ammonia Works and Muriate of Ammonia Works.
6. Chlorine Works, or works in which chlorine, bleaching powder or bleaching liquor is made.

The Amending Act of 1892.

Sect. 1. The works specified in the schedule hereto shall be added to those specified in the schedule to the Alkali Works Regulation Act, 1881.

SCHEDULE.

Part 2.

1. Venetian Red Works.
2. Lead Deposit Works.
3. Arsenic Works.

4. Nitrate and Chloride of Iron Works.

5. Muriatic Acid Works—*i.e.*, works, not being alkali works as defined in the Act of 1881, where muriatic acid is made.

6. Fibre Separation Works—*i.e.*, where muriatic acid gas is used for the separation of silk or woollen fibre from vegetable fibre.

7. Tar Works—*i.e.*, where tar is distilled or heated in any manufacturing process.

8. Zinc Works, or works in which zinc is extracted from the ore.

B.—Burial Acts, 1852—1885.

Object.

The main object of these Acts is to arrange for the disuse of overfilled churchyards and burial grounds, as well as to establish burial boards in urban and rural districts on whom the duty shall devolve both for the provision and management of new burial grounds.

Depth of Graves.

Home Office Rules and Directions.—For the effectual decomposition of buried bodies a depth of *four to six feet* is considered sufficient; but the depth frequently excavated is *eight to ten feet*, for the purpose of re-opening the grave after a lapse of time. When this course is adopted, the same grave may be used many times before it becomes so full of bones as to be unfit for further use.

The general principle of interment is that one, and only one, body should be in a grave at the same time; but an exception is made in the case of family graves, which may

be re-opened when a death in the same family occurs. But whenever any such subsequent interment is necessary before the fixed period for decomposition has expired, *a layer of earth a foot thick at least* shall be left undisturbed above the coffin last placed in such family grave.

Re-opening of Graves.

The period necessary for the complete decay of bodies must always vary according to the nature of the soil, the quality and thickness of the wood of the coffin, the depth of the grave, and the age of the body. The bodies of adults (except the large bones) decay in ordinary soil in a period of *ten or twelve years*, and those of children in about *half that time*.

The Home Office Regulations permit graves to be re-opened *fourteen years* after the burial of a person *above twelve*, and *eight years* after the burial of a child *below twelve years of age*.

NOTE.—The essential difference between a *vault* and a *grave* is that the former is *constructed* with a lining or wall of brickwork or stonework or otherwise, whereas the latter is only *excavated*.

C.—1. Canal Boats Act, 1877.

Definitions.

Canal includes any river, inland navigation, lake, or water being within the body of a county, whether it is or not within the ebb and flow of the tide.

Canal boat means any vessel, however propelled, which is used for the conveyance of goods along a canal, and

which is not a ship duly registered under the Merchant Shipping Act, 1854, and the Acts amending the same.

Owner includes a person who, though only the hirer of a canal boat, appoints the master or other persons working such boat.

A canal boat shall not be used *as a dwelling* unless it has been registered in accordance with this Act. It may be registered *as a dwelling* for such number of persons of the specified age and sex as may be allowed by this Act, and *only such persons*. And on contravention of this section, the *master*, and also the owner (if in fault), shall be liable to a fine not exceeding *twenty shillings* for each offence.

The L. G. B. *shall* make regulations, and may revoke and vary such regulations:—

1. For the registration of canal boats, including *certificates of registration*, and *fees* therefor.

2. For the lettering, marking, and numbering of such boats.

3. For fixing the number, age, and sex of the persons allowed to dwell in such boat, having regard to the *cubic space, ventilation, provision for the separation of sexes, general healthiness, and convenience of accommodation* of such boat.

4. For promoting cleanliness in, and providing for the habitable condition of, canal boats.

5. For preventing the spread of infectious disease by canal boats.

Upon registry, the registration authority shall give to the *owner two certificates* of registry identifying the owner of the boat, stating the place to which the boat belongs, the number, age, and sex of persons allowed to dwell in

the boat, and *the master shall have the care of one of such certificates.*

NOTE.—The lettering, marking, and numbering must be done *in a conspicuous manner*, and shall include the word “*registered*” and the name of the place *to which the boat is registered as belonging*—thus: “*No. 99, London. Registered.*”

Where S. A. is informed of presence of infectious disease on such boat it possesses all powers for preventing the said disorder from spreading as are conferred by “the Act,” and they may, if need be, detain the boat; but such boat shall not be detained a longer time than is necessary for cleansing and disinfecting the same.

NOTE.—Any person duly authorized may enter boat for the purpose of inspection, and if such person is obstructed in the performance of his duty, the person so obstructing shall be liable to a fine not exceeding *forty shillings*.

2. Canal Boats Regulations dated March 20th, 1878, made by the L. G. B.

The following conditions shall be complied with before a canal boat is registered; that is to say—

- (a) The boat shall contain a cabin or cabins, clean, in good repair, and so constructed as to be weather-proof, dry and clean.
- (b) The interior of any after-cabin intended to be used *as a dwelling* shall contain not less than 180 *cubic feet of free air space*, and of any fore-cabin, if intended to be so used, *eighty cubic feet of free air space*.
- (c) Every cabin shall be provided with sufficient means

for the removal of foul, and the admission of fresh, air, exclusive of the door or doors or any opening therein.

- (d) Every cabin, if to be used *as a dwelling*, shall be so constructed as to provide adequate and convenient sleeping accommodation.
- (e) If boat be a "*narrow*" boat, *i.e.*, one measuring less than 7 ft. 6 in. in the beam, cabin shall be constructed so that there shall be no locker or cupboard obstructing the free passage from the door to the bulkhead, and no shut-up cupboard above the cross-bed on more than one side of the cabin.
- (f) One cabin at the least shall be furnished with a suitable stove and chimney in a safe and convenient situation.
- (g) The boat shall be properly furnished with lockers, cupboards, and shelves of suitable construction and adequate capacity.
- (h) The boat, if intended to be ordinarily used for the conveyance of any foul or offensive cargo, shall contain between the space to be occupied by such cargo and the interior of any cabin intended to be used as a dwelling *two bulkheads* of substantial construction, which shall be separated by a space not less in any part than *four inches*, and open throughout to the external air, and furnished with a pump for the removal of any liquid from such space.
- (i) The boat shall be furnished with a suitable cask, vessel, or receptacle of sufficient capacity for the storage of not less than *three gallons* of water for drinking.

D.—Cleansing of Persons Act, 1897.

On and after the passing of this Act, any L. A. shall have power, when in their discretion they shall see fit, to permit any person who shall apply to the said authority, on the ground that he is infested with vermin, to have the use, *free of charge*, of the apparatus (if any) which the authority possess for cleansing the person and his clothing from vermin. The use of such apparatus shall not be considered to be parochial relief or charitable allowance to the person using the same, or to the parent of such person, and no such person or parent shall by reason thereof be deprived of any right or privilege, or be subject to any disqualification or disability.

L. A.'s may expend any reasonable sum on buildings, appliances, and attendants that may be required for the carrying out of this Act, and any expenses for these purposes may be defrayed out of any rate or fund applicable by the authority for general sanitary purposes, or for the relief of the poor.

E.—1. Cremation Act, 1902.

No crematorium shall be constructed nearer to any dwelling-house than *two hundred yards*, except with the consent of the owner *in writing*, lessee and occupier of such house, nor within *fifty yards* of any public highway, nor *in the consecrated part* of the burial ground of any authority.

NOTE.—The powers of any L. A. to provide and main-

tain cemeteries, or anything essential, ancillary, or incidental thereto, shall extend to and include crematoria.

The Secretary of State shall make regulations as to the maintenance and inspection of crematoria, and *prescribing in what cases and under what conditions the burning of any human remains may take place*, and directing the disposition or interment of the ashes, and prescribing the forms of the notices, certificates, and declarations to be made under the Statutory Declarations Act, 1835, and also regulations as to the *registration* of such burnings as have taken place.

Penalties.

Every person who shall contravene any such regulation shall be liable, on summary conviction, to a penalty not exceeding *fifty pounds*.

Every person who shall wilfully make any false declaration or representation, or sign or utter any false certificate, shall be liable to imprisonment, with or without hard labour, not exceeding *two years*.

Every person who, with *intent* to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or with such intent makes any declaration or gives any certificate under this Act, shall be liable on conviction on indictment to penal servitude for a term not exceeding *five years*.

NOTE.—Nothing in this Act shall interfere with the jurisdiction of any coroner under the Coroners Act, 1887, or any Act amending the same, and *nothing* in this Act shall authorize the burial authority, or any person, to create or permit a nuisance.

This Act shall not apply to Ireland.

2. Cremation Regulations by Secretary of State for the Home Department, 1903, under sect. 7 of the Cremation Act, 1902.

Conditions under which Cremations may take place :—

1. *No cremation except* in a crematorium of the opening of which notice has been given to the Secretary of State.

2. It shall not be lawful to cremate the remains of any person who is known to have left a written direction to the contrary.

3. It shall not be lawful to cremate human remains which have not been identified.

4. No cremation shall be allowed until the death of the deceased has been duly registered, except where an inquest has been held, and a certificate given by a coroner in Form E.

5. No cremation shall take place unless application therefor be made, and the particulars stated in the application be confirmed by statutory declaration in accordance with Form A.

NOTE.—The application must be signed and the statutory declaration made by an *executor* or by *the nearest surviving relative of the deceased*, or if made by any other person, must show a satisfactory reason why the application is not made by an executor or by the nearest surviving relative.

6. No cremation shall take place unless—

- (a) A certificate be given in Form B. by a registered medical practitioner who attended the deceased in his last illness, and who *can certify definitely* as to the cause of death, and a confirmatory

medical certificate in Form C. be given by another medical practitioner, who must be qualified as prescribed in Regulation 9 ; or

- (b) A *post mortem* has been made by a medical practitioner, expert in pathology, appointed by the cremation authority (or in case of emergency by the medical referee), and a certificate given by him in Form D. ; or
- (c) An inquest has been held and a certificate has been given by the coroner in Form E.

NOTE.—No cremation shall take place except on the written authority of the medical referee given in Form F., and if it appears to the medical referee that death was due to *poison, violence, to any illegal operation*, or if there is any suspicious circumstance whatsoever, he shall decline to allow the cremation unless *an inquest be held* and a certificate given by the coroner in Form E.

F.—1. Customs Consolidation Act, 1876.

Sect. 234. It shall be lawful for the L. G. B. to require that no person on board any ship coming into port in the United Kingdom from, or having touched at, any place out of the United Kingdom abroad where they have reason to apprehend that yellow fever or other highly infectious distemper prevails, shall quit such vessel before the state of health of the persons on board shall have been ascertained, on examination by the proper officer of the customs, at such place or places as may be appointed by the Commissioners of Customs, and before permission to land shall

have been given by such officer, *whether or not it shall on or after such examination be found expedient to order such vessel under the restraint of quarantine*, and any person so quitting any such vessel shall forfeit a sum not exceeding *one hundred pounds*; and if the master, pilot, or person in charge of such ship shall not, on arrival at such place, hoist and continue such signal as shall be directed by such order, until the proper officer shall have given permission to haul down the same, he shall forfeit a like penalty.

2. The Customs and Inland Revenue Act, 1890, s. 26, sub-s. 2.

The assessment to inhabited house duty of any house built or adapted and used for the sole purpose of providing separate dwellings for persons at rents not exceeding for each dwelling the rate of *seven shillings and sixpence per week*, and occupied only by persons paying such rents (where *the annual value of each dwelling shall not amount to twenty pounds*), shall be discharged by the commissioners provided that a certificate of the M. O. H. for the district in which the house is situate, or other medical practitioner specially appointed, shall be produced to them to the effect that the house is so constructed as to afford suitable accommodation for each of the families or persons inhabiting it, and that due provision is made for their sanitary requirements. The M. O. H. on request by the person who would be liable to pay the house duty, shall examine the house, and if due provision has been made as aforesaid, shall certify the same.

G.—Factory and Workshops Act, 1901.

This Act consolidates with amendments the Factory and Workshops Acts.

When one considers that England and Wales are essentially manufacturing countries, and that as a consequence some five or six millions of their population pass a considerable part of their lives in workshops and factories, frequently in large numbers in a very confined and limited space, which not infrequently is full of gases, dust, vapours and other impurities generated by the operations conducted on such premises, the absolute necessity for careful and strict legislation and public surveillance over all such premises must be evident to all.

Summary of the Act of 1901.

The Act provides, *inter alia* :—

1. For *the health and safety* of all those who work on such premises, by regulating the *air space* for each worker, and guarding against *accidents* which might cause death or bodily injury.

2. It arranges the hours of employment for children engaged in textile and non-textile factories and workshops, and those of women and young persons employed in print works and bleaching and dyeing works, as well as determining *the holidays* (including whole or half-holidays) which should be given.

3. It prohibits :—

(a) The employment of any person *on the same day* inside and outside of a factory or workshop.

(b) Any work *during meal times* (which must be simultaneous for all protected workers).

(c) Employment on Sunday.

4. It specially protects the following three classes of persons :—

(1) *A child* under 14 years of age.

(2) *A young person* over 14 but under 18 years of age.

(3) *A woman* over 18 years of age.

5. It provides for all kinds of work, whether home, night, or overtime.

6. It enforces the attendance at school of all children employed in any factory or workshop.

7. It contains special provisions against *dangerous and unhealthy industries*, and special modifications and extensions as regards tenement factories, bakehouses, laundries, docks, buildings and railways.

8. It insists in the case of *piece-work*, that particulars of *the rate of wages* applicable to the specific work, as well as *particulars of such work*, shall be published.

9. It concludes with the modes of *administration* of, and *legal proceedings* under, the Act.

Definitions.

The expressions "*domestic factory*" and "*domestic workshop*" mean a private house, room or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop, as the case may be, within the meaning of this Act, and in which neither *steam*, *water* nor other *mechanical power* is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there.

NOTE.—From the foregoing definition it will be seen that the decisive factor in determining whether any work-place falls within the definition of a *factory* or not rests upon the *presence or absence of mechanical power* of any kind being used for the purpose of manufacture, for if any such be used, no matter of what kind, then such work-place *ipso facto* becomes a *factory*. All workshops must be registered with the S. A. of the district, and all factories must be lime-washed at least *once in every fourteen months*, and a renewal of paint or varnish every *seven years*.

Health.

The following provisions shall apply to every factory *except a domestic factory* :—

- (a) It must be kept in a cleanly state.
- (b) It must be kept free from effluvia arising from any drain, closet, urinal or other nuisance.
- (c) It must not be so overcrowded, while work is being carried on, as to be dangerous or injurious to the health of the persons employed therein.
- (d) It must be ventilated so as to render harmless, so far as is practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

NOTE.—Adequate measures must be taken for securing and maintaining a *reasonable temperature* in each room in which any person is employed ; but the measures so taken must not interfere with the purity of the air of any room in which any person is employed. And *proper sanitary conveniences* must be provided in factories and workshops, and where persons of both sexes are, or are intended to be,

employed, or in attendance, there must be proper and *separate accommodation for persons of each sex.*

Safety.

All machinery used in a factory *must be securely fenced*, and all fencing must be constantly maintained in an efficient state *while the parts are in motion.*

Every steam boiler shall—

(a) Have attached to it a proper safety valve and a proper steam gauge to show the pressure of steam and the height of water in the boiler ;

(b) Be examined thoroughly by a competent person at least *once in every fourteen months.*

And every boiler, safety valve, steam gauge and water gauge must be maintained in proper condition.

Air Space.

250 cubic feet is the minimum space allowed for each worker, under ordinary circumstances, but 400 cubic feet must be allowed each person during overtime work.

Holidays.

In England there shall be allowed as whole holidays—

Christmas Day, Good Friday, and every Bank Holiday, unless, in lieu of any of those days, another *whole holiday* or *two half-holidays*, fixed by the occupier, be allowed.

Meal Times.

1. All women, young persons, and children employed in a factory shall have the times allowed for meals *at the same time of the day.*

2. A woman, young person, or child shall not, during meal times, be employed, or allowed to remain, in a room in which a manufacturing process is then being carried on.

Fitness for Employment.

1. An occupier of a factory or workshop shall not knowingly allow a woman or girl to be employed therein *within four weeks* after she has given birth to a child.

2. A child under the age of *twelve* years must not be employed in a factory or workshop unless *lawfully so employed at the commencement of this Act*.

3. Certificates of fitness for employment of young persons *under sixteen and children* must be given by the certifying surgeon of the district, which, when required, the occupier shall produce to any inspector *at the factory*.

Dangerous and Unhealthy Industries.

Every medical practitioner attending on, or called in to visit, a patient whom he believes to be suffering from *lead, phosphorus, arsenical or mercurial poisoning or anthrax* contracted in any factory or workshop, shall send to the Chief Inspector of Factories, *at the Home Office, London*, a notice stating the *name and full postal address of the patient*, and the *disease* from which, in his opinion, the patient is suffering, and for every such notice he shall be entitled to a fee of *2s. 6d.* His failure to give notice will render him liable to a fine not exceeding *forty shillings*.

Illustrations of Dangerous and Unhealthy Industries.

1. Silvering mirrors by the mercurial process.
2. The process of making white lead.
3. Melting or annealing glass.
4. Making or finishing bricks or tiles (not being ornamental tiles).
5. The making or finishing of salt.
6. Dry grinding in the metal trade.

7. The dipping of lucifer matches.

8. Glassworks in which materials are mixed, or where flint glass is made.

9. Lucifer match works (any part except that of cutting the wood).

10. Earthenware works—in any part known or used as dippers' house, dippers' drying-room, or china scouring-room.

11. Manufacture of explosives.

12. Chemical works.

Administration.

The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint inspectors. And notice of the appointment of every inspector shall be published in the *London Gazette*.

An inspector may appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may revoke any such appointment.

Legal Proceedings.

If a factory or workshop is not kept in conformity with this Act, the occupier shall be liable to a fine *not exceeding* 10*l.*, and in the case of a second or subsequent conviction within *two years* from the last conviction for the same offence, not less than *one pound* for each offence.

If any person is killed or suffers any bodily injury or injury to health in consequence of the occupier of a factory or workshop having neglected to observe any provision of this Act, the occupier shall be liable to a fine *not exceeding* 100*l.*, and the whole or any part of the fine may be applied

for the benefit of the injured person or his family or otherwise, as *the Secretary of State* determines.

H.—Isolation Hospitals Act, 1893.

Limits of Act.

This Act shall not extend to Scotland or Ireland, or to the administrative county of London, or to any county borough, or *without the consent of the council of the borough* to any borough containing, according to the last census, a population of *ten thousand* persons or upwards, or to any borough containing a less population without the like consent, *unless the L. G. B. by order direct that the Act shall apply to such borough.*

Procedure.

Application shall be made *by petition* stating the district for which isolation hospital is required, and the reasons adduced for its establishment, *to the County Council* by any *one or more of the authorities*, by this Act defined as *local authorities*, having jurisdiction in the county, or any part of the county. M. O. H. of the county reports on the necessity for such hospital or otherwise.

The County Council shall conduct *a local inquiry* into the necessity for the establishment of such hospital. And on conclusion of such inquiry shall *make an order*, either dismissing the petition, or constituting a hospital district, and directing an isolation hospital to be established. When a hospital district has been constituted, *a committee* shall be formed *by the County Council*. Such committee shall be a body corporate, *having a perpetual succession and*

a common seal. It shall be capable of acquiring land, by devise, gift, purchase or otherwise, *without licence in mortmain.* It may make all necessary rules and regulations for the conduct and management of the hospital, and the patients therein, and these shall include the providing with an ambulance, a connection with a system of telegraphs, training of nurses, and charges for patients.

NOTE.—A person shall not, by reason of his being admitted into and maintained in a hospital established in pursuance of this Act, suffer any disqualification or any loss of franchise or other right or privilege.

Definition.

A “*local authority*” means, as respects an urban sanitary district, the U. S. A.; as respects a rural sanitary district, the R. S. A.; and in the case of any contributory place being a parish, the vestry or other authority in which the powers of the vestry may be vested by any Act of Parliament; and in the case of any other contributory place situated within the district of a rural sanitary authority, such R. S. A.

I.—Midwives Act, 1902.

This Act shall not extend to Scotland or Ireland.

From and after the *1st day of April, 1905*, any woman who, not being certified under this Act, shall take or use the name or title of midwife, implying that she is a person specially qualified to practise midwifery, shall be liable on summary conviction to a fine not exceeding *five pounds*.

From and after the *1st day of April, 1910*, no woman

shall, habitually and *for gain*, attend women in child-birth otherwise than *under the direction of a qualified medical practitioner*, unless she is certified under this Act. And any woman contravening shall be liable to a fine not exceeding *ten pounds*; provided this section shall not apply to legally qualified medical practitioners, or to any one rendering assistance in a case of emergency.

Provision for existing Midwives.

Any woman who, within two years from the date of this Act coming into operation, claims to be certified, shall be so certified if she holds any of the recognized certificates from the recognized places, or such other certificate as may be approved by the *Central Midwives Board*, or produces evidence, satisfactory to the Board, that at the passing of this Act, she had been for at least *one year* in *bonâ fide* practice as a midwife, and that she bears a good character.

Constitution and Duties of the Central Midwives Board.

On the passing of this Act, the Lord President of the Council shall take steps to secure the formation of a *Central Midwives Board*, which shall consist of—

1. Four registered medical practitioners, one to be appointed by the Royal College of Physicians of London, one by the Royal College of Surgeons of England, one by the Society of Apothecaries, and one by the Incorporated Midwives' Institute; and

2. Two persons (one of whom shall be a woman) to be appointed for terms of *three years* by the Lord President of the Council; and

3. One person to be appointed for a term of *three years* by the Association of County Councils, one person to be

appointed for *three years* by the Queen Victoria's Jubilee Institute for Nurses, and one for a term of *three years* appointed by the Royal British Nurses' Association.

NOTE.—After two years from the commencement of this Act the members under sub-sect. (1) shall retire, but shall be eligible for re-appointment annually.

Duties of Central Midwives Board.

1. To frame rules.
2. To appoint examiners.
3. To decide when, and where, such examinations shall be held.
4. To publish annually a roll of midwives who have been duly certified under this Act.
5. To decide upon the removal from the roll of the name of any midwife for disobeying rules and regulations, or for other misconduct, and also to decide upon the restoration to the roll of the name of any midwife so removed.
6. To issue and cancel certificates.

Midwives' Roll.

There shall be a roll—

1. Of the names of midwives *existing at the time of this Act coming into operation*, and certified under this Act.
2. Of the names of all other midwives who have been certified under this Act.

Penalties.

Penalty for obtaining a certificate by false representation, which shall be a *misdemeanour*, is imprisonment, with or without hard labour, for any term not exceeding *twelve months*.

Penalty for wilful falsification of the roll, *also a misdemeanour*, and punishable as above.

Appeal.

Where any woman deems herself aggrieved by any determination of any Court of *summary jurisdiction* she may appeal therefrom *to the Court of quarter sessions*.

J.—Prevention of Plague, Cholera and Yellow Fever Regulations by L. G. B., 1896 and 1902.

Under sect. 130 of "*the Act*," as amended by the *Public Health Act*, 1896, the L. G. B. were empowered from time to time to make, alter, and revoke such regulations as may seem fit to them with a view to the treatment of persons affected with cholera or any other infectious disease, as well as to prevent the spread of such disorders, on the seas, rivers, and waters of the United Kingdom, and on the high seas *within three miles of the coasts*, as on land.

The regulations which they have made by virtue of the powers thus vested in them are divided into five parts.

PART I.

Definitions.

The term "*ship*" includes vessel or boat.

The term "*cholera*" includes choleraic diarrhoea.

The term "*infected*" means infected with cholera, yellow fever, or plague, provided that every ship shall be deemed infected in which there is or has been during the voyage, or during the stay of such ship in the port of

departure, or in a port in the course of such voyage, any case of cholera, yellow fever, or plague.

PART II.

On the arrival of any ship from foreign parts, *the officer of customs* shall visit such ship, and shall, if he find, or have reason to suspect, that such ship is infected—

1. Detain such ship.
2. See that ship is moored or anchored as he shall direct.
3. While such ship is so detained, see that no person, except an officer of customs, shall leave the same.
4. Forthwith give notice to the S. A. of the place and the cause of such detention.

Such detention shall cease as soon as the ship shall have been visited and examined by the M. O. H. ; or, if he find such ship infected, it shall remain moored or anchored until the requirements of this Order have been duly fulfilled.

Provided that if the examination be not commenced within *twelve hours* after ship shall have been moored or anchored, the ship shall, on the expiration of the said *twelve hours*, be released from detention.

PART III.

Procedure.

Every port sanitary authority, and every other S. A., shall make provision for the reception of patients and persons suffering from cholera, yellow fever and plague.

The S. A., on notice being given to them by an officer of customs, shall forthwith cause the ship to be visited and examined by their M. O. H.

If M. O. H. require master, he shall cause the ship to be brought to, and, if necessary, moored or anchored in some convenient place.

If M. O. H. be of opinion that the ship is infected, he shall *forthwith* give a *certificate in duplicate* to that effect, shall deliver one copy to the master, and retain the other copy, or transmit it to the S. A. He shall also give information as to the arrival of the ship, and such other particulars as the L. G. B. may require.

M. O. H., as soon as possible after any ship has been certified as infected, shall examine *every person on board*. And *all persons suffering* from cholera, yellow fever or plague, or *from any illness* which he suspects may prove to be any of these, he shall certify accordingly.

Every person suffering from any such disease shall, if his condition admit of it, be removed to some hospital or other appointed place; nor shall he be removed therefrom until the M. O. H. shall have certified that he is free from the said disease.

If person suffering cannot be removed, the ship shall remain subject to the control of the M. O. H.; nor can he be removed or leave the ship without the consent, *in writing*, of the M. O. H.

Any person only suspected may be detained for any period not exceeding *two days*, in order that it may be ascertained whether the illness is, or is not, cholera, yellow fever or plague.

No person shall be permitted to land from an infected ship unless he satisfy the M. O. H.—

1. *As to his name ;*
2. *Intended place of destination ;*
3. *Intended address at such place.*

If such person, *within forty-eight hours* after landing, shall arrive at any place of destination or address other than that which he has given, he shall *forthwith in writing* notify his address to the M. O. H. of the S. A., or to the L. A. of the district in which such place is situate.

The master shall cause all clothing, bedding, and other articles likely to retain infection, to be disinfected or destroyed, and he shall cause the ship, and every article therein, to be disinfected or destroyed, *according to the direction of the M. O. H.*

PART IV.

The master of every ship infected with cholera, yellow fever or plague, shall, when the ship is *within three miles* of the coast of any part of England and Wales, or is within the limits of a port, cause to be hoisted—

1. At the masthead, or where it can be best seen, during the whole of the time between sunrise and sunset, *a day signal*, consisting of *a large flag of yellow and black borne quarterly ;* or

2. At the peak or other conspicuous place, at a height of not less than *twenty feet* above the hull of the ship, during the whole of the time between sunset and sunrise, *a night signal*, consisting of *three lights*, which shall be arranged, at a distance of not less than *six feet* apart, in the form of an equilateral triangle, the light at the apex

of the triangle being *white*, and the lights at the ends of the base being *red* in colour.

PART V.

Nothing in this Order shall render liable to detention, disinfection, or destruction any article forming part of any mail (other than a parcel mail) conveyed under the authority of the Postmaster-General, or of the postal administration of any foreign government, or shall prejudicially affect the delivery in due course of any such mail to the Post Office, in accordance with the provisions of the Post Office Acts.

K.—The Vaccination Act, 1898.

This Act shall not extend to Scotland or Ireland. It shall come into operation on January 1st, 1899, and remain in force until January 1st, 1904.

This Act, the Acts of 1867, 1871 and 1874, may be cited collectively as the Vaccination Acts, 1867 to 1898.

The period within which the parent, or other person having the custody of a child, shall cause the child to be vaccinated shall be *six months from the birth of the child* instead of *three months* as provided by sect. 16 of the Vaccination Act, 1867.

The public vaccinator of the district shall, if the parent or person having the custody of child so requires, visit the home of the child for the purpose of vaccinating the child.

NOTE.—The Vaccination Act, 1867, requiring *the child to be taken to a public vaccinator* is thus repealed.

If child is not vaccinated within *four months* after its birth, the public vaccinator, after *at least twenty-four hours' notice* to the parent, shall visit the home of the child, and shall offer to vaccinate the child with glycerinated calf-lymph, or such other lymph as may be issued by the L. G. B.

Exemption from Penalties.

No parent or other person shall be liable to any penalty under sect. 29 or sect. 31 of the Vaccination Act of 1867, if within *four months* from the birth of the child he satisfies two justices, or a stipendiary or metropolitan police magistrate in petty sessions, that he *conscientiously believes* that vaccination would be prejudicial to the health of the child, and *within seven days thereafter* delivers to the vaccination officer a certificate by such justices or magistrate of such conscientious objection.

Provision against Repeated Penalties.

An order under sect. 31 of the Act of 1867 directing that a child be vaccinated shall not be made on any person who has previously been convicted of non-compliance with a similar order relating to the same child.

Treatment of Prisoners.

Persons committed to prison under this Act shall be treated in the same way as first-class misdemeanants.

CHAPTER VII.

MODEL BYE-LAWS.

For London the sanitary code is not as for other parts of England and Wales the "Public Health Act of 1875," but the "Public Health (London) Act of 1891."

The L. G. B. has issued bye-laws recommending them as models for all S. A.'s when preparing bye-laws for their districts.

Of these the following are the principal:—

Model Bye-laws on—

1. Nuisances.
2. Common lodging-houses.
3. Slaughter-houses.
4. Cleansing of—
 - (a) Footways and pavements.
 - (b) Earth closets, privies, &c.
 - (c) Removal of house refuse.
5. New streets and buildings.
6. Houses let in lodgings.

PART 1.

Nuisances.—*Vide "the Act," pages 22—25.*

The occupier of any premises *fronting, adjoining, or abutting* on any street shall, as soon as conveniently may

be after the cessation of any fall of snow, remove or cause to be removed from the footways and pavements adjoining such premises all snow fallen or accumulated on such footways and pavements in such a manner and with such precautions as will prevent any undue accumulation in any channel or carriage-way, or upon any paved crossing.

Every person who shall remove any snow from any premises shall deposit the same in such a manner and with such precautions as to prevent any undue accumulation thereof in any channel or carriage-way, or upon any paved crossing.

If in the process of such removal any snow be deposited upon any footway or pavement, he shall forthwith remove such snow from such footway or pavement.

Every person who, for the purpose of facilitating the removal of any snow from any footway or pavement, shall throw salt upon such snow, shall forthwith effectually remove from such footway or pavement the whole of the deposit resulting from the mixture of the salt with the snow.

NOTE.—This provision is necessary because when boots have been saturated with the mixture of snow and salt it is with the greatest difficulty that they can be dried.

The occupier of any premises who shall remove or cause to be removed any filth, dust, ashes or rubbish, produced upon his premises, shall not in the process of removal deposit such filth, dust, ashes or rubbish, or cause or allow such filth, dust, ashes or rubbish to be deposited upon any footway, pavement or carriage-way.

For the purpose of such removal, he shall in every case use or cause to be used a suitable vessel or receptacle, cart

or carriage, properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof.

If in the process of such removal any person shall slop or spill, or cause or allow to fall upon any footway, pavement or carriage-way, any such filth, dust, ashes or rubbish, he shall forthwith remove such filth, dust, ashes or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Provided always that the foregoing requirements shall not be deemed to prohibit the deposit upon any footway, pavement or carriage-way, at any time between the hours of and o'clock *in the forenoon* of any day, of a proper receptacle containing dust, ashes or rubbish to be removed by a scavenger employed by the Council.

NOTE.—The provision that such work shall be done *in the forenoon* instead of *at night* is a great improvement, for not only can the scavengers see and be seen to perform their duties thoroughly, but also the danger of persons being harmed is thus diminished, as it is well known that during sleep one's system is least capable of resisting any evil influences.

The occupier of any premises within the distance of *twenty yards* from any street or from any building or premises used wholly or partly for human habitation, or as a school, or as a place of public worship, or of public resort, or public assembly, or from any building in or on which any person may be employed in any manufacture, trade or business, shall not, without reasonable excuse,

empty or cleanse, or cause to be emptied or cleansed, any privy, cesspool, or other receptacle for filth belonging to his premises, or provided for use in or in connection with such premises, or remove or cause to be removed from such privy, cesspool, or receptacle, or from such premises, any part of the contents of such privy, cesspool, or receptacle, at any time except between the hours of *six o'clock and half-past eight o'clock in the forenoon* during the months of March, April, May, June, July, August, September and October, and except between the hours of *seven o'clock and half-past nine o'clock in the forenoon* during the months of November, December, January and February.

Every person who for the purpose of depositing any filth, dust, ashes or rubbish upon any lands or premises, or for the purpose of depositing the same in any receptacle provided by the Council for the temporary deposit and collection of the same, shall remove the same from any premises, or from any cart, carriage, or other conveyance across or along any footway, pavement, or carriage-way, shall use a suitable vessel properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof; and shall adopt such other precautions as may be necessary to prevent any of the same from being slopped or spilled, or from falling upon such footway, pavement, or carriage-way.

If any of the same be slopped or spilled or fall upon any footway, pavement, or carriage-way, he shall forthwith remove the same, and shall *immediately* thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Every person who shall convey any filth, dust, ashes, or

rubbish through or along any street shall use a cart, carriage, or other means of conveyance properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof.

If in the process of conveyance any of the same be slopped or spilled, or fall upon any carriage-way or elsewhere in such street, he shall forthwith remove the same, and shall immediately thereafter thoroughly sweep or cleanse such place.

The owner or consignee of any cargo or load of filth, which may have been conveyed by water or by land, to any place within the district to await removal therefrom, and may have been deposited to await such removal upon any premises whereon such filth may be lawfully deposited, but in such a situation and in such a manner that such filth may be exposed without adequate means of preventing the emission of stench therefrom at a distance of not more than (100) yards from any street or building used for human habitation, or school, or place of public worship, or of public resort, or public assembly, or from any building in or on which any person may be employed in trade or business, shall not without reasonable excuse cause or suffer such filth to remain after deposit and before the removal thereof for a longer period than twenty-four hours.

Every person who for the purpose of agriculture shall deposit upon any lands within the distance of 100 yards from any of the places aforementioned any filth which may not have been effectually deodorized, shall with *all reasonable dispatch* cause such filth to be ploughed or dug into the ground, or to be covered with a sufficient layer of

earth, ashes, or other suitable substance, or shall adopt such precautions as to prevent the emission of noxious or offensive effluvia from such filth.

No person shall unload or deposit, within 100 *yards* from any street or from any building used for purposes as aforesaid, any filth emitting a stench, and brought to the place of unloading or deposit for the purpose of being removed therefrom.

Every person who shall convey any filth emitting a stench through or along any street shall, previous to and during the whole time of such conveyance, cause such filth to be covered with lime or other suitable substance, or shall adopt such other precautions as respectively may be reasonably necessary to prevent the emission of noxious or offensive effluvia from such filth.

The occupier of any premises shall not keep any swine, or deposit any swine's dung within the distance of (100 feet generally, but sixty at the least) from any dwelling-house, or in such a situation, or in such a manner as to pollute any water supplied for use, or used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or any water used or likely to be used in any dairy.

The occupier of any premises shall not keep cattle, or deposit the dung of any cattle in such a situation, or in such a manner as to pollute any water supplied for use, or used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or any water used or likely to be used in any dairy.

Every occupier of a building or premises wherein or whereon any horse or other beast of draught or burden, or

any cattle or swine may be kept, shall provide in connection with such building or premises a suitable receptacle for dung, manure, soil, filth, or other offensive or noxious matter which may from time to time be produced in the keeping of any such animal in such building or upon such premises.

He shall cause such receptacle to be constructed so that the bottom or floor thereof shall not in any case be lower than the surface of the ground adjoining such receptacle.

He shall also cause such receptacle to be constructed in such a manner, and of such materials, and to be maintained at all times in such a condition as to prevent any escape of the contents thereof, or any soakage therefrom into the wall of any building.

He shall cause such receptacle to be furnished with a suitable cover, and when not required to be open, to be kept properly covered.

He shall likewise provide in connection with such building or premises a sufficient drain constructed in such a manner and of such materials and maintained at all times in such a condition as effectually to convey all urine or liquid filth or refuse therefrom into a sewer, cesspool or other proper receptacle.

He shall once at least in *every week* remove or cause to be removed from the receptacle all dung, manure, soil, filth or other offensive or noxious matter produced in or upon such building or premises and deposited in such receptacle.

Provided always that the foregoing bye-law shall not apply where the building in which any such animal may be kept shall not be *within 100 feet* of any dwelling-house

which is not in the same curtilage as such building or premises.

Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of (5*l.*), and in the case of a continuing offence to a further penalty of (40*s.*) for each day after written notice of the offence from the Council.

Provided, nevertheless, that the justices or Court before whom any complaint may be made, or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

PART 2.

Common Lodging-houses.—*Vide "the Act,"* pages 20, 21.

All common lodging-houses must be registered, and the number of lodgers to be admitted restricted by fixing the *maximum number* to be received.

A keeper shall not cause or suffer any person of the male sex above the age of *ten years* to use or occupy any room which may be used or occupied as a sleeping apartment by persons of the female sex. Nor any person of the female sex to use or occupy any room which may be used or occupied as a sleeping apartment by persons of the male sex above the age of *ten years*.

NOTE.—This provision in no way prohibits the use and occupation of the same room by a husband and wife. It simply provides for the separation of persons of different

sex at the early age of ten, which experience has taught is not too early. Air-space, 300 cubic feet per head allowed.

Every Keeper of a Common Lodging-house shall—

1. Cause every room used as a sleeping apartment by two or more married couples to be so fitted that every bed, when in use, shall be effectually screened from the view of any occupant of any other bed, *by a partition of wood or other solid material*, so as to allow adequate means of access to the bed, which must extend upwards throughout the whole length and breadth of such bed, and downwards to a distance of not more than *six inches* above the level of the floor.

2. Cause every yard, area, forecourt or other open space to be maintained at all times in good order, and to be thoroughly cleansed as often as is necessary to keep such open spaces in a wholesome condition.

3. Cause the floor of every room or passage and every stair to be thoroughly swept once at least every day before the hour of *ten* in the forenoon, and to be thoroughly washed once at least in every week.

4. Cause every window, every fixture or fitting of wood, stone or metal and every painted surface in such house to be thoroughly cleansed.

5. Cause all bedclothes and bedding and every bedstead in such house to be thoroughly cleansed as often as is requisite to keep them in a clean and healthy condition.

6. Cause to be provided a sufficient number of basins or other receptacles for water, of adequate capacity and suitably placed, and a sufficient supply of water and towels for use; the basins or receptacles must be kept clean and in

good order, and the supply of towels renewed as often as may be requisite.

7. Cause all solid or liquid filth or refuse to be removed once at least in every day before the hour of *ten* in the forenoon from every room in such house, and shall once a day at least cause every vessel, utensil or other receptacle for such filth or refuse to be thoroughly cleansed.

8. Cause the seat, floor and walls of every closet to be thoroughly cleansed as often as may be necessary to keep them clean and in a wholesome condition.

9. Cause every part of the structure of every water-closet to be maintained in good order, and every part of the apparatus of such water-closet and every drain with which it may communicate to be maintained at all times in good order and efficient action.

10.—(a) Cause every closet and every receptacle for filth used in connection therewith to be maintained at all times in good order and in a wholesome condition.

(b) Cause all apparatus for the frequent and effectual application of dry earth, or other deodorizing substance, to any filth deposited in any receptacle, to be maintained at all times in good order and efficient action.

(c) Cause a sufficient supply of dry earth or other deodorizing substance to be provided, and shall cause such dry earth or other deodorizing substance to be frequently and effectually applied to such filth.

11. Cause every ash-pit to be maintained at all times in good order and in a wholesome condition. He shall not cause or suffer any filth or wet refuse to be thrown into any ashpit constructed and adopted for use only as a receptacle for ashes, dust and dry refuse.

12. Cause all means of ventilation in connection with any room or passage, and in connection with any closet, to be maintained at all times in good order, and in efficient action.

13. Cause every window in every room in use as a sleeping apartment to be opened and kept fully open for *one hour* at least in the forenoon, and for *one hour* at least in the afternoon every day.

NOTE.—He is not required to obey this bye-law if the state of the weather is such as to render it necessary to keep the window closed, or when a bed in the room is occupied by a sick lodger.

14. Cause the bedclothes of every bed to be removed from a bed as soon as conveniently may be after such bed shall have been vacated by a lodger, and shall cause such bedclothes and the bed to be freely exposed to the air for *one hour* at least in the forenoon, or for *one hour* at least in the afternoon in every day.

15. Cause every room appointed for use as a sleeping apartment to be furnished with such number of beds and bedsteads, and with such a supply of bedclothes and necessary utensils as may be sufficient for the requirements of the number of lodgers received into such room.

16. Put up or affix the notice from the Council stating the description or number of the room to which the notice may apply, and continue such notice or placard in a suitable and conspicuous position in such room, and in such a manner that the words and figures may be clearly and distinctly visible and legible. He shall not at any time wilfully conceal, deface, alter or obliterate any letter or

figure therein, or wilfully or carelessly injure or destroy such notice or placard.

17. Put up or affix and continue such copy or copies of any bye-laws for the time being in force as he may have received from the Council in a suitable and conspicuous position in such house, or in such room, and in such a manner that the contents may be clearly and distinctly visible and legible. He shall not at any time wilfully conceal, deface, alter or obliterate any part of the contents of such copy or copies, or wilfully or carelessly injure or destroy such copy or copies.

A Keeper of a Common Lodging-house shall not—

1. At any time cause or suffer any room which may be appointed for use as a kitchen or scullery to be used or occupied as a sleeping apartment.

2. Cause or suffer any bed in any room used as a sleeping apartment by persons of the male sex above the age of *ten years* to be occupied at any one time by more than any one such person.

3. Cause or suffer any lodger to occupy any bed in such house at any time within the period of *eight hours* after such bed shall have been vacated by the last preceding occupant thereof.

Every keeper of a common lodging-house immediately after he shall have been informed, or shall have ascertained that any lodger in such house is ill of an infectious disease, shall adopt all such precautions as may be necessary to prevent the spread of such infectious disease.

Such keeper shall not at any time, while such lodger is suffering from such infectious disease, cause or allow any other person, except the wife or any other relative of such

lodger, or except a person voluntarily in attendance upon such lodger, to use or occupy the same room as such lodger.

Where Council shall order the removal of such lodger to a hospital, such keeper shall forthwith take all such steps as may be requisite on his part to secure the safe and prompt removal of such lodger, and shall in and about such removal adopt all such precautions as, in accordance with any instructions which he may receive from the M. O. H., may be most suitable for the circumstances of the case.

Where, in consequence of the illness of such lodger, there may be reasonable grounds for apprehending the spread of infection through the admission of lodgers to any room or rooms in such house, or through the admission to such room or rooms *of the maximum number* of lodgers authorized to be received therein; such keeper after being furnished with the necessary instructions from the M. O. H., and until the grounds for apprehending the spread of infection shall have been removed, shall cease to receive any lodger in such room or rooms, or shall receive therein such number of lodgers, *being less than the maximum number*, as the exigencies of the case may require.

Such keeper shall, immediately after the death, removal, or recovery of any lodger who may have been ill of any infectious disease, give written notice thereof to the M. O. H. and shall, as soon as conveniently may be, cause every part of the room which may have been occupied by such lodger to be thoroughly cleansed and disinfected, and shall also cause every article in such room which may be

liable to retain infection to be in a like manner cleansed and disinfected, unless the Council shall have ordered the same to be destroyed.

He shall comply with all instructions of the M. O. H. as to the proper cleansing and disinfection of the room and articles.

When the same shall have been thoroughly cleansed and disinfected in accordance with such instructions, he shall give written notice thereof to the M. O. H., and *until two days* from the giving of such notice shall have elapsed, and unless and until by such cleansing and disinfection the necessary precautions for preventing the spread of disease shall have been duly taken, such keeper shall not cause or suffer any other lodger to be received into the room which, in the cases hereinbefore specified, may have been exposed to infection.

Penalties.

A keeper contravening any of the foregoing bye-laws shall be liable to the same penalties as can be inflicted for nuisances given at the end of Part 1 hereof, and any Court or justices have also a similar discretionary power to reduce the fines imposed by this bye-law.

PART 3.

Slaughter-houses.

Every person who shall apply to the S. A. for a licence *for the erection of any premises to be used and occupied as a slaughter-house* shall furnish in the form hereunto appended

a true statement of the particulars therein required to be specified.

Every person to whom the S. A. may have resolved that a licence be granted *to erect premises for use and occupation as a slaughter-house* shall be entitled to receive from the S. A. a licence in the form hereunto appended, or to the like effect.

Every person who may have obtained from the S. A. a licence *to erect any premises* for use and occupation as a slaughter-house, or for a licence *for the use and occupation of any premises as a slaughter-house*, shall register such premises at the offices of the S. A.

He shall apply by notice in writing, addressed to the clerk to the S. A., to register such premises, and thereupon it shall be the duty of the clerk to the S. A., within a reasonable time after receipt of such notice, to enter in a book to be provided by the S. A. in the form appended the particulars therein required to be specified.

Every Occupier of a Slaughter-house shall—

1. At all reasonable times, afford free access to every part of the premises to the M. O. H., the inspector of nuisances, or the surveyor of the S. A., or to any committee specially appointed by the S. A. in that behalf, for the purpose of inspecting such premises.

2. Cause every animal brought to such slaughter-house for the purpose of being slaughtered, and confined in any *pound*, stall, pen, or *lair* upon the premises previously to being slaughtered, to be provided during such confinement with a sufficient quantity *of wholesome water*.

NOTE.—A *pound* is a place where animals immediately

before slaughter *may stand*, but a *lair* is one in which animals may be kept for several days before slaughter.

3. Before proceeding to slaughter any bull, ox, cow, heifer, or steer, cause the head of such animal to be securely fastened so as to enable such animal to be felled with as little pain or suffering as practicable, and shall in the process of slaughtering any animal use such instruments and appliances, and adopt such method of slaughtering, and otherwise take such precautions as may be requisite to secure the infliction of as little pain or suffering as practicable.

NOTE.—This is a provision to prevent *cruelty*, by arranging that the animals' heads should be so fixed that they might not be able to move them, and thus cause the blow intended to kill them from taking full effect.

4. Cause the means of ventilation provided in or in connection with such slaughter-house to be kept at all times in proper order and efficient action; and so that the ventilation shall be by direct communication with the external air.

5. Cause the drainage provided in or in connection with such slaughter-house to be kept at all times in proper order and efficient action.

6.—(a) Cause every part of the internal surface of the walls and every part of the floor or pavement to be kept at all times in good order and repair, so as to prevent the absorption therein of any blood or liquid refuse or filth which may be spilled or splashed thereon, or any offensive or noxious matter which may be deposited thereon or brought in contact therewith.

(b) Cause every part of the internal surface above the

door or pavement to be thoroughly washed with hot lime-wash at least *four times in every year*, that is to say, at least once during the periods between the first and tenth of *March*, the first and tenth of *June*, the first and tenth of *September*, and the first and tenth of *December* respectively.

(c) Cause every part of the floor or pavement, and every part of the internal surface of every wall on which any blood or liquid refuse or filth may have been spilled or splashed, or with which any offensive or noxious matter may have been brought in contact during the process of slaughtering or dressing, to be thoroughly washed and cleansed within *three hours* after the completion of such slaughtering or dressing.

7. Cause the hide or skin, fat and offal, of every animal slaughtered on the premises to be removed therefrom within *twenty-four hours* after the completion of slaughtering of such animal.

8. Cause the means of water supply provided in or in connection with such slaughter-house to be kept, at all times, in proper order and efficient action, and shall provide for use on the premises a sufficient supply of water for the purpose of thoroughly washing and cleansing the floor or pavement, every part of the internal surface of every wall, and every vessel or receptacle which may be used for the collection and removal of any blood, manure, garbage, filth or other refuse products of the slaughtering of any cattle or the dressing of any carcase on the premises.

9.—(a) Provide a sufficient number of vessels or receptacles, properly constructed of galvanized iron or other non-absorbent material, and furnished with closely-fitting

covers, for the purpose of receiving and conveying from such slaughter-house all blood, manure, garbage, filth or other refuse products of the slaughtering of any cattle or the dressing of any carcase on the premises.

(b) *Forthwith*, upon the completion of the slaughtering of any cattle, or the dressing of any carcase, cause such blood, manure, garbage, filth, or other refuse products to be collected and deposited in such vessels or receptacles, and shall cause all the contents of such vessels or receptacles to be removed from the premises at least once in every *twenty-four hours*.

(c) Cause every such vessel or receptacle to be thoroughly cleansed immediately after such vessel or receptacle shall have been used for such collection and removal, and shall cause every such vessel or receptacle when not in actual use to be kept thoroughly clean.

10. An occupier of a slaughter-house shall not at any time keep any dog, or cause or suffer any dog to be kept in such slaughter-house.

He shall not at any time keep, or cause or suffer to be kept in such slaughter-house, any animal of which the flesh may be used for the food of man, unless such animal be so kept in preparation for the slaughtering thereof upon the premises.

He shall not at any time keep any cattle, or cause or suffer any cattle to be kept in such slaughter-house for a longer period than may be necessary for the purpose of preparing such cattle, whether by fasting or otherwise, for the process of slaughtering.

If at any time he keep or suffer to be kept in such slaughter-house any cattle for the purpose of preparation,

whether by fasting or otherwise, for the process of slaughtering, he shall not cause or suffer such cattle to be confined elsewhere than in the pounds, stalls, pens, or lairs provided on the premises.

NOTE.—Dogs frequenting slaughter-houses live mainly, if not entirely, on such offal as they can pick up about such premises, and thus it commonly happens that their meals consist of *hydatid infected parts* of slaughtered animals. It is common knowledge that small tapeworms exist in the bowels of dogs, and are frequently passed off by them, and that the ova of such tapeworms are likely to develop into *hydatids* if introduced into the system of man, cattle, sheep and pigs. Hence the strict provision against the presence of dogs in slaughter-houses.

It is to prevent a similar danger of infection from parasites that pigs are strictly prohibited from being kept on the premises of slaughter-houses.

The small tapeworm above referred to is known as the *Toenia Echinococcus*.

The Royal Commission on Tuberculosis recommended that the L. G. B. should issue instructions that the following principles should be observed in the inspection of tuberculous carcasses of cattle :—

1. That the entire carcass and all the organs may be seized—

- (a) When there is a miliary tuberculosis of both lungs ;
- (b) When tuberculous lesions are present on the pleura and peritoneum ;
- (c) When tuberculous lesions are present in the

muscular system or in the lymphatic glands, embedded in or between the muscles;

- (d) When tuberculous lesions exist in any part of an emaciated carcase.

2. That the carcase, if otherwise healthy, shall not be condemned, but every part of it containing tuberculous lesions shall be seized—

- (a) When the lesions are confined to the lungs and the thoracic lymphatic glands;
- (b) When the lesions are confined to the liver;
- (c) When the lesions are confined to the pharyngeal lymphatic glands;
- (d) When the lesions are confined to any combination of the foregoing, but are collectively small in extent.

Penalties.

Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of *five pounds*, and in the case of a continuous nuisance to a penalty of *ten shillings* for every day during which such nuisance shall be continued after the conviction for the first offence.

NOTE.—Any justices or Court have a discretionary power to reduce the fine as imposed by this bye-law.

PART 4.

"A."

Cleansing of Footways and Pavements.

The occupier of any premises *fronting, adjoining, or abutting* on any street shall, once at least in *every day*, Sundays excepted, cleanse the footways and pavements adjoining such premises.

NOTE.—If the cleansing is not daily, *specific days should be mentioned* on which it must be done, as such a regulation is much preferable to one to the effect that it must be done *so many times a week*.

"B."

Cleansing of Earth-closets, Privies, &c.

The occupier of any premises shall—

1. Once at least in *every three months* cleanse every earth-closet belonging to such premises and furnished *with a fixed receptacle* for fæcal matter and with suitable means or apparatus for the frequent and effectual application of dry earth to such matter.

NOTE.—Though the period of three months may appear too long, experience has taught that when dry earth obtained from *clay or loamy soil* is regularly and frequently mixed with such organic matter, and not disturbed, all offensive and noxious effluvia totally disappear. The combination between sandy or chalky soil and organic matter is not effective.

2. Once at least in *every week* cleanse every earth-closet belonging to such premises and furnished with a *movable receptacle* for fæcal matter and with suitable means or

apparatus for the frequent and effectual application of dry earth to such matter.

3. Once at least in *every month* cleanse every privy belonging to such premises and furnished *with a fixed receptacle* for fæcal matter.

4. Once at least in *every week* cleanse every privy belonging to such premises and furnished *with a movable receptacle* for fæcal matter.

5. Once at least in *every week* cleanse every ashpit belonging to such premises and used only as a receptacle for ashes, dust and dry refuse.

6. Once at least in *every week* cleanse every ashpit belonging to such premises and used in connexion with a privy as a receptacle for fæcal matter, together with ashes, dust, and dry refuse.

7. Once at least in *every three months* cleanse every cesspool belonging to such premises.

"C."

Removal of House Refuse.

The occupier of any premises shall, once at least in *every week*, remove the house refuse from such premises.

NOTE.—The removal of house refuse should be concurrent with the cleansing of ashpits—*vide* No. 5.

Penalties.

Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of *five pounds*. Any justices or Court may, if they think fit, reduce the penalty as imposed by this bye-law.

PART 5.

New Streets and Buildings.

Interpretation of Terms.

Base, applied to a wall, means the under-side of the course immediately above the footings.

Topmost Storey means the uppermost storey in a building, whether constructed wholly or partly in the roof or not, and whether used or constructed or adapted for human habitation or not.

Party Wall means—(a) A wall forming part of a building and being used or constructed to be used in any part of the height or length of such wall for separation of adjoining buildings belonging to different owners, or occupied or constructed or adapted to be occupied by different persons ; or

(b) A wall forming part of a building and standing in any part of the length of such wall to a greater extent than the projection of the footings on one side on grounds of different owners.

(c) **External Wall** means an outer wall of a building not being a party wall, even though adjoining to a wall of another building.

Building of the Warehouse class means a warehouse, factory, manufactory, brewery, or distillery.

Domestic Building means a dwelling-house or an office building, or other out-building appurtenant to a dwelling-house, whether attached thereto or not, or a shop, or any other building not being a public building, or of the warehouse class.

Dwelling-house means a building used, or constructed or adapted to be used, wholly or principally for human habitation.

Width, applied to a new street, means the whole extent of space intended to be used, or laid out so as to admit of being used as a public way, exclusive of any steps or projections therein, and measured at right angles to the course or direction, or intended course or direction, of such street.

**A.—With respect to the Width and Construction of
New Streets.**

Every person who shall lay out a new street—

1. Which shall be intended for use as a carriage-road, shall so lay out such street that the width thereof shall be *thirty-six feet* at the least.

NOTE.—Such width shall answer the dual purpose of providing air space for ventilation, and preventing the overcrowding of houses on any given area.

2. Which shall be intended for use otherwise than as a carriage-road, and shall not exceed in length *one hundred feet*, shall so lay out such street that the width thereof shall be *twenty-four feet* at the least.

3. Which shall not be intended to form the principal approach or means of access to any building, but shall be intended for use solely as a separate means of access for the purpose of removal of filth, shall so lay out such street that the width thereof shall be *sixteen feet* at least, provided that if the new street shall not exceed in length *three hundred feet* the width thereof shall be *thirteen feet* at the least.

Every person who shall construct a new street—

1. Which shall exceed *one hundred feet* in length, shall construct such street for use as a carriage-road, and shall, as regards such street, comply with the requirements of every bye-law relating to a new street intended for use as a carriage-road.

2. For use as a carriage-road which shall be intended to form the principal approach or means of access to any building, shall comply with the following requirements:—

- (a) The width of carriage-way shall be *twenty-four feet* at the least.
- (b) The surface of the carriage-way must curve or fall from the centre or crown to the channels of the sides thereof; the height of the crown above the level of the side channels being calculated at the rate of not less than *three-eighths of an inch* and not more than *three-fourths of an inch* for every foot of the width of such carriage-way.
- (c) There must be a footway on each side of the street of a width not less than *one-sixth* of the entire width of the street.
- (d) Each footway shall slope or fall towards the kerb at the rate of *one-half of an inch* in every foot in width, if the footway be not paved, flagged, or asphalted; and at the rate of not less than *a quarter of an inch* and not more than *one-half of an inch* in every foot of width, if it is.
- (e) The height of the kerb of such footway above the channel (except in the case of crossings) shall not be less than *three inches* at the highest part of such channel, and not more than *seven inches* at the lowest part of such channel.

3. Shall provide at one end, at least, of such street, an entrance of a width equal to the width of such street, and open from the ground upwards.

B.—With respect to the Structure of Walls, Foundations, Roofs, and Chimneys, for securing Stability and the Prevention of Fires, and for Purposes of Health.

No person shall erect a new building upon any foundation which has been filled with impregnated matter, or upon which any such matter may have been deposited, unless and until such matter shall have been properly removed, by excavation or otherwise, from such site.

NOTE.—This is to prohibit the use of any soil which has been impregnated with any matter, whether vegetable or animal or fæcal, for filling up unevenness of the site before commencing building operations. The period of *three years* is considered sufficient to render innocuous refuse impregnated with vegetable and animal matter; but soil or cinders, if ever impregnated with fæcal matter, require *a very much longer period*, and it is always advisable to have them removed.

Every person who shall erect a new domestic building shall cause the whole ground surface or site of such building to be properly asphalted, or covered with a layer of good cement concrete, rammed solid, at least *six inches* thick.

NOTE.—Such provision is highly necessary to prevent the danger of disease from a damp subsoil from entering into the interior of any building; and even if the site be on particularly dry earth, there is always the risk of disease

being introduced by foul matter from a defective drain on adjacent premises.

Every Person who shall Erect a new Building shall—

1. Cause such building to be enclosed with walls constructed of good bricks, stone or other hard and incombustible materials, properly bonded and solidly put together—

(a) With good mortar, compounded of good lime and clean sharp sand or other suitable material; or

(b) With good cement; or

(c) With good cement mixed with clean sharp sand.

2. Cause every wall which may be built at an angle with another wall to be properly bonded therewith.

3. Cause the footings of every wall to rest on the solid ground, or upon a sufficient thickness of good concrete, or upon some solid and sufficient sub-structure, as a foundation.

4. Cause every wall to have a proper damp-course of sheet-lead, asphalt, or slates laid in cement, or of other durable material impervious to moisture, beneath the level of the lowest timbers, and at a height of not less than *six inches* above the surface of the ground adjoining such wall.

5. Cause every wall, when carried up above any roof, flat or gutter so as to form a parapet, to be properly coped or otherwise protected in order to prevent water from running down the sides of such parapet or soaking into any wall.

6. Cause every girder to be borne by a sufficient template of stone, iron, terracotta or vitrified stoneware of the full breadth of the girder.

7. Cause the jambs of every chimney to be at least *nine inches* wide on each side of the opening of such chimney.

8. Cause every chimney-shaft or smoke-flue to be carried up in brickwork or stonework all round at least *four and a-half inches thick* to a height of not less than *three feet* above the roof, flat or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat or gutter.

9. Cause the flat or roof, and every turret, dormer, lantern light, skylight or other erection placed on the roof to be externally covered with slates, tiles, metal or other incombustible materials.

10. Construct in every habitable room one window at the least opening directly into the external air, and he shall cause the total area of such window, or, if there be more than one, of the several windows, clear of the sash-frames, to be equal at the least to *one-tenth* of the floor area of such room.

Such person shall also construct every such window so that *one-half* at the least may be opened, and so that the opening may extend in every case to the top of the window.

11. Cause every habitable room which is without a fireplace, and a flue properly constructed and properly connected with such fireplace, to be provided with a special and adequate means of ventilation by a sufficient aperture or air-shaft which shall provide an unobstructed sectional area of *one hundred square inches* at the least.

12. Cause a suitable pipe or trunk, extending from the roof to the ground, to be fixed to the front or rear, or to one of the sides, and to be so connected with a gutter, shoot, or trough receiving water from the roof, as to carry off all such water without causing dampness in any part of any wall or foundation of such building.

13. Construct the lowest story to be *at a level above the sewer.*

14. Provide, within the curtilage, in every main drain or other drain directly communicating with any sewer into which such drain may lawfully empty, *a suitable trap* at a point as distant as may be practicable from the building, and as near as may be practicable to the point at which such drain may be connected with such sewer or other means of drainage.

15. Shall construct a covered drain or drains for conveying sewage only from such building, and shall cause such drain or drains to communicate with any sewage sewer of the Town Council within *one hundred feet* of the site of such building, or with a covered cesspool to be constructed in accordance with any bye-laws for the time being in force in or affecting the city.

He shall also construct a covered drain or drains for conveying surface water only from such building, and shall cause such to communicate with any surface-water sewer of the Town Council within *one hundred feet* of the site of such building, or with any other means of surface-water drainage with which such drains may lawfully communicate.

C.—With respect to Water-closets, Earth-closets, Privies, Ashpits and Cesspools in connection with Buildings.

Every person who shall construct a water- or earth-closet shall construct such closet in such a position that one of its sides at least shall be an external wall.

Every such closet shall have a window of not less dimensions than *two feet by one foot* exclusive of the frame and opening directly into the external air.

In addition to such window it shall be provided with adequate means of constant ventilation by at least one air-brick built in the external wall, or by an air-shaft, or by some other effectual method or appliance.

Every person who shall construct a water-closet shall—

- (a) Furnish a water supply to such closet for its cistern or flushing box distinct from that for domestic use.
- (b) Furnish it with a suitable apparatus for flushing pan, or basin, with water, for the prompt and effectual removal of all filth.
- (c) Furnish it with a pan or basin of non-absorbent material of proper shape and capacity.
- (d) Not construct or fix under such pan or basin any *container* or other similar fitting.
- (e) Not construct or fix in or in connection with the water-closet apparatus any trap of the kind known as a *D-trap*.

“Water-closets.”

Every person who shall construct in connection with a building a water-closet of the kind known as a *slop-water* closet shall—

1. Furnish it with a pan of non-absorbent material, of proper shape, capacity and construction.
2. Construct or fix under such pan a suitable trap.
3. Furnish it with a proper tipper or flushing tank of glazed stoneware, or other smooth and impervious material, of a capacity of not less than *three gallons*, and so constructed as when full to discharge the whole of its contents by automatic action into the pan.

4. So construct it that the surface water from the yard and roof, and from the roof of any other building within the same curtilage may be conveyed into such tipper or flushing tank.

NOTE.—A single tipper may serve for two *slop-water* closets immediately adjoining, and in connection with one and the same building, but in such case the tipper or flushing tank shall have a capacity of not less than *five gallons*.

“Earth-closets.”

Every person who shall construct an earth-closet shall furnish it with a receptacle of suitable construction and of adequate capacity for dry earth or other deodorizing substance, and he must fix such receptacle in such a manner and position as to admit of ready access to it for the purpose of depositing therein the necessary supply of dry earth or other deodorizing substance.

He shall fix in connection with receptacle suitable means or apparatus for frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance.

Every person who shall construct an earth-closet having a *fixed receptacle* shall—

1. Not construct such receptacle of a capacity greater than may be sufficient to contain such filth and dry earth as may be deposited therein during a period not exceeding *three months*, or in any case of a capacity exceeding *forty cubic feet*.

2. Construct receptacle of such material and in such a manner as to prevent any absorption by any part of it of any filth, or any escape, by leakage or otherwise, of any part of the contents of such receptacle.

3. Construct such receptacle so that the bottom or floor thereof shall be at least *three inches* above the level of the surface of the ground immediately adjoining; and so that the contents of such receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

Every person who shall construct an earth-closet with a removable receptacle for filth shall construct such closet so that the position and mode of fitting of such receptacle may admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth deposited therein, and may also admit of ready access to that part of the closet in which such receptacle may be placed or fitted, and of the convenient removal of such receptacle or of the contents thereof.

The contents of such receptacle must not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

“Privies.”

Every person who shall construct a privy shall—

1. Construct it at a distance of *six feet* at the least from a dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade or business.

2. Not construct it within the distance of (*forty*) *feet* from any well, spring or stream of water used, or likely to be used, by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise so as to render any such water liable to pollution.

3. Construct it in such a manner and in such a position as to allow removal therefrom without being carried through any dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade or business.

4. Provide it with a sufficient opening for ventilation, as near to the top as practicable, and communicating directly with the external air.

The floor must be flagged or paved with hard tiles or other non-absorbent material, and every part of it shall be at a height of not less than *six inches* above the level of the ground adjoining, and the floor shall have a fall or inclination towards the door of the privy of *half an inch* to the *foot*.

Every person who shall construct a privy for use in combination with a *fixed receptacle* shall—

1. Construct it so that the contents may not at any time be exposed to rainfall or drainage of waste water or liquid refuse from any adjoining premises.

2. Construct receptacle of materials to prevent any absorption by leakage or otherwise of any part of the contents of such receptacle.

3. Construct such receptacle so that the bottom or floor thereof shall be in every part at least *three inches* above the level of the surface of the ground adjoining such receptacle.

4. Not in any case construct such receptacle of a capacity exceeding *eight cubic feet*.

5. Construct the seat so that the whole or a sufficient part thereof may be readily removed or adjusted for the purpose of removing the contents thereof.

6. Not cause or suffer any part of the space under the seat, or any part of any receptacle for filth in or in connection with such privy, to communicate with any drain.

“ Ashpits.”

Every person who shall construct an ashpit shall—

1. Construct it at a distance of *six feet* at the least from a dwelling-house or public building.

2. Not construct it within the distance of (*thirty*) *feet* from any well, spring or stream of water used, or likely to be used, by man for drinking or domestic purposes, or for manufacturing drinks for the use of man.

3. Construct it in such a manner and in such a position as to afford ready means for the purpose of cleansing it, and of removing the contents thereof, without their being carried through any dwelling-house or public building.

4. Not cause or suffer any part of such ashpit to communicate with any drain.

“ Cesspools.”

Every person who shall construct a cesspool shall—

1. Construct it at a distance of (*fifty*) *feet* at the least from a dwelling-house or public building.

NOTE.—In no places thickly populated, or in which a proper system of sewers can readily be laid, should cesspools be used.

2. Not construct it within the distance of (*sixty*) *feet* from any well, spring or stream of water used, or likely to be used, by man for drinking or domestic purposes, or for manufacturing drinks for the use of man.

3. Construct it in such a manner and in such a position as to afford ready means for the purpose of cleansing it, and in such a manner and in such a position as to admit of the contents being removed from the premises without being carried through any dwelling-house or public building.

He shall not in any case construct it so that it shall have, by drain or otherwise, any outlet into or means of communication with any sewer.

4. Construct it of good brickwork in cement, properly rendered inside with cement and with a backing of at least *nine inches* of well puddled clay around and beneath such brickwork.

He shall cause it to be arched, or otherwise properly covered over, and to be provided with adequate means of ventilation.

PART 6.

Houses Let in Lodgings.

Definitions.

"Lodging-house" means a house, or part of a house which is let in lodgings, or occupied by members of *more than one family*.

"Lodger" means a person to whom any room or rooms in a lodging-house may have been let as a lodging or for his use or occupation, or who, not being a member of the family of such person, may occupy or use any such room or rooms by permission of the person to whom the same may be let.

"Keeper" means the occupier of a lodging-house, or the person for the time being liable to pay the rent thereof

to the owner, or (where the whole of such lodging-house is let to lodgers) the person receiving the rents payable by such lodgers either on his own account or as the agent of some other person.

“Inspector” means the person appointed by the Council and for the time being acting as the inspector of lodging-houses in the metropolitan borough.

Gist of such Bye-laws.

The object of such bye-laws, like all those preceding them, is to safeguard the healthy occupation of such houses as may be let in lodgings by regulating for the air space for each person residing therein, the providing of proper working apparatus for the drainage thereof, the cleansing of the premises, the limewashing of ceilings, walls, and water-closets, the providing of all requisite means for the ventilation of every room, passage and staircase, the thorough cleansing of any wash-house, cellar, yard and area, and the restricting from the keeping therein of any animal which renders, or is calculated to render, such lodging-houses, or any part thereof, unclean or unwholesome. Thus—

“The keeper of a lodging-house shall not knowingly suffer a greater number of persons to occupy any room therein, nor shall a lodger in a lodging-house suffer any room therein under his control to be occupied by a greater number of persons than will allow of air space for each person according to the following rules:—

“A. The minimum space for each adult in any room in a lodging-house which may be occupied as a bedroom only shall not be less than 300 *cubic feet*.

"B. The minimum space for each adult in any room in a lodging-house which may be occupied as a sitting-room and as a bedroom shall not be less than 400 *cubic feet*.

"C. For the purposes of the foregoing rules, two children under the age of *ten years* may be counted as *one adult*."

NOTE.—In every case where two or more lodgers are entitled to the *use in common* of any passage or staircase, the onus of keeping them in a clean and wholesome condition is on *the keeper*, but if the *exclusive use* of such places belongs to any lodger, then the responsibility of keeping them well ventilated and in a clean and wholesome condition is on *such lodger*.

Penalty for any offence *five pounds*, and a further penalty of *forty shillings* in the case of a continuing offence for every day after written notice of the offence from the Council.

NOTE.—Any justices or Court, if they think fit, may adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.

Provisions as to Use of Warranty or Invoice as Defence, and
Proceedings against the Warrantor.

A warranty or invoice shall not be available—

1. Unless defendant within seven days of summons send purchaser a copy thereof, with a written notice of his intention to rely thereon, specifying the name and address of warrantor, to whom he must also send notice of his intention to rely thereon for his defence.

2. Warrantor is entitled to appear and give evidence, and Court may adjourn to enable him to do so.

3. If given by person resident outside the United Kingdom, it is not available as a defence unless defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in the accuracy of the statement contained in warranty or invoice.

4. Where defendant is a servant of person purchasing the article under a warranty or invoice, he will be entitled to rely on the same defence as his master would have been, but he must further prove that he had no reason to believe that article was otherwise than that demanded by the prosecutor.

5. Every person giving false warranty in writing shall be liable for first offence, 20l.; second offence, 50l.; and for any subsequent offence, 100l.

NOTE.—An *invoice* not amounting to a legal warranty is only available under prosecutions under the Margarine Acts.

Corporation of London.

A.—Regulations to be Observed by Dealers in Ice Creams, 1902.

1. No such commodity manufactured, sold, or stored in insanitary premises, nor cellar, shed, room with inlet or opening to a drain, or used as a living or sleeping room.
2. Such premises at all times kept clean.
3. All materials sound and wholesome.
4. All utensils used, cleansed and scalded *with boiling water* before use.
5. Utensils should not be used for any other purpose.
6. When in the process of manufacture materials are boiled, *freezing must take place immediately afterwards*.
7. Materials, after manufacture, kept in clean vessels, covered, and placed in cool, well-ventilated rooms.
8. No ice cream should be kept more than *forty-eight hours* after manufacture; if remaining then unsold, it must be destroyed.
9. If infectious disease occur amongst persons in such employ, notice shall be *forthwith* given to the M. O. H., P. H. Department, Guildhall.

B.—Suggested Regulations for Hairdressers' Saloons.

1. Clean towels, &c. to be used for each customer, and a fresh piece of paper or clean linen placed on back of chair or head-rest.
2. No general powder-puffs to be used, and powder pulverisers or cotton wool substituted. No sponges to be used.

3. All hair-clippers, razors, scissors, combs, after use, to be placed in a disinfecting solution.

4. Shaving brushes, after use, to be placed in a disinfecting solution.

Mode of Fixing the Building Angle for Limiting the Height of Houses in London.

A *horizontal line* is supposed to be drawn at level of pavement at right angles to centre of front of building, and produced through building until it cuts back boundary of curtilage; then a *diagonal line*, in the same vertical plane as the horizontal line, forming with it *an angle of 63·5*, is drawn.

NOTE.—By the London Act, 1894, no part of a building except chimneys, gables, turrets, or decorations, must extend above this line.

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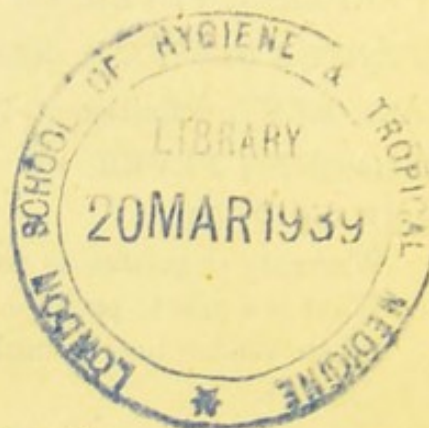
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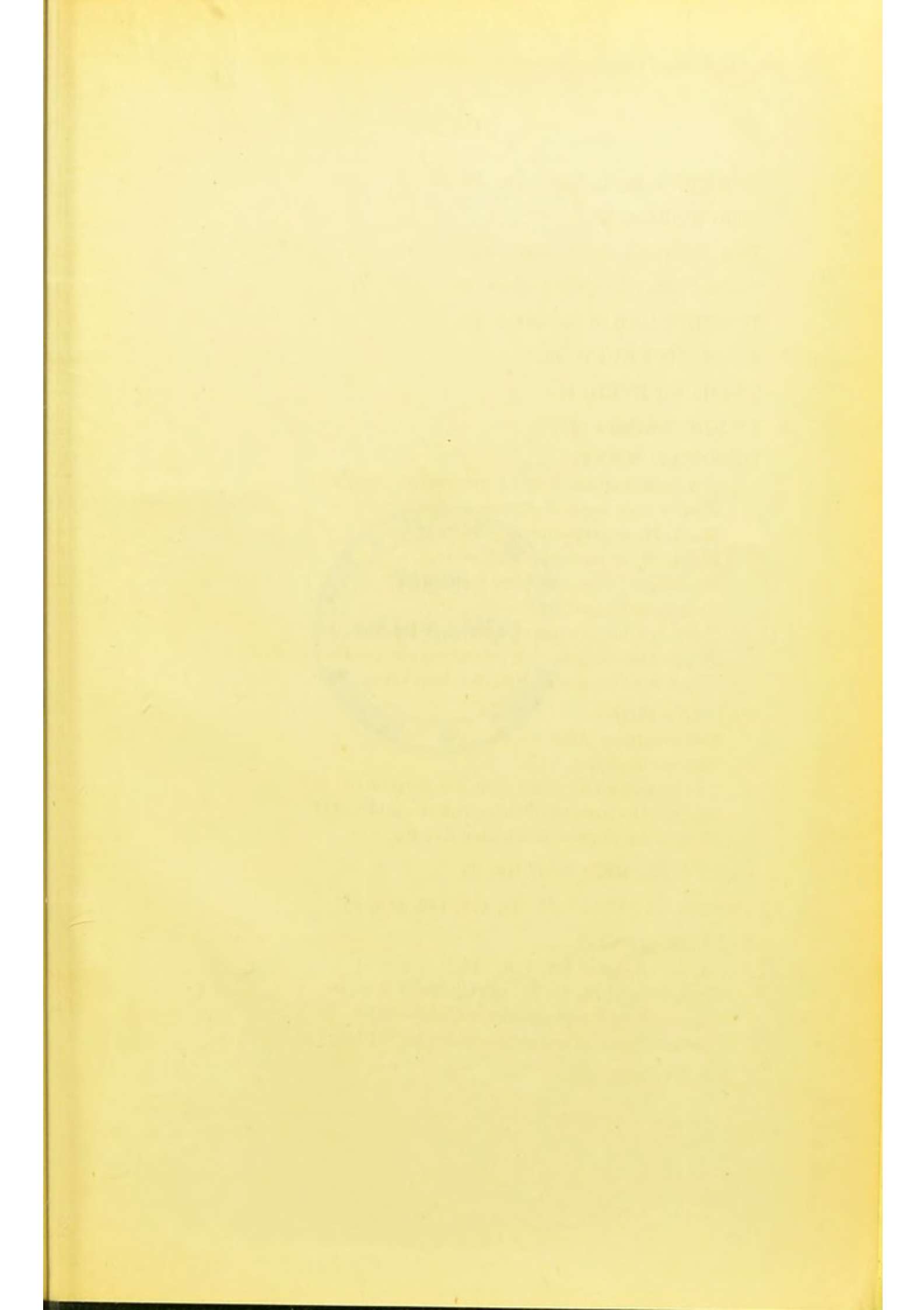
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