

Report by the Sanitary Committee of Commissioners of Police on the Public Health (Scotland) Bill.

Contributors

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Royal College of Physicians of Edinburgh

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REPORT

BY THE

SANITARY COMMITTEE OF COMMISSIONERS OF POLICE

ON THE

PUBLIC HEALTH (SCOTLAND) BILL.

THE LORD PROVOST,

THE BISHOP OF GLASGOW,

DAVID SMITH,

DR. WOOD,

DR. COCHRAN,

DR. RUSTON,

DR. RUSTON,

DR. RUSTON,

DR. WOOD, CLERK.

EXTRACT from MINUTES of a SPECIAL MEETING of the
GENERAL COMMISSIONERS of POLICE for the City of Edin-
burgh, held on the 1st day of May 1849.

The meeting having taken into consideration the "Public Health (Scotland) Bill," Dr WOOD laid on the table a Report from the Sanitary Committee on the subject, which had been previously circulated among the Commissioners.

After full consideration, David Smith, Esq., W.S., moved—

"That the Report now read be approved of, and that the thanks of the Board be given to the Sanitary Committee, and especially to their chairman Dr Wood, for the trouble taken in preparing the Report. And that a Special Committee be appointed to communicate with other public bodies, and with the Lord Advocate and Members for the City and County, and such other parties as they may think advisable, in order to press the views and suggestions contained in the Report; with power to transmit copies of the Report to any Members of Parliament, or other parties who may have influence, and to take such other measures as they may deem expedient for carrying out the views of the Commissioners, and generally to watch over the progress of the Bill;" which motion was seconded by Dr Renton, and unanimously agreed to.

The following gentlemen were then appointed Members of the Special Committee, for the above purposes, viz. :—

THE LORD PROVOST.
THE SHERIFF OF THE COUNTY.
BAILIE TULLIS.
GEORGE HILL, Esq.
DAVID SMITH, Esq.
DR WOOD.
DR COCHRANE.
DR RENTON.

DR WOOD, *Convener*. Three to be a quorum.

REPORT.

THE Sanitary Committee of the Commissioners of Police consider it their duty to take an early opportunity of drawing the attention of the Commissioners to this Bill, which has been introduced into Parliament by Sir George Grey, the Lord Advocate, and Mr Solicitor-General for Scotland. From the length of the Act, it might not be easy for each Commissioner to make himself master of its contents, and your Committee have therefore thought it advisable to include in their Report a brief digest of its leading provisions.

These may be distributed under the following heads :

1. Parties in whom the powers of carrying out the provisions of the Act are vested.
2. Officers created by the Act.
3. Powers conferred by the Act.
4. Means of providing for the expense of carrying out the provisions of the Act.

1. PARTIES IN WHOM THE POWERS FOR CARRYING OUT THE PURPOSES OF THE ACT ARE VESTED.

It is proposed that the General Board of Health in London for § 4. England and Wales shall be also the Board of Health for Scotland, and that the business in Scotland shall be done exclusively by and § 5.

through a resident Secretary, to be appointed by the Board, and removable at pleasure.

§ 6. The Superintending Inspectors, Clerks, and servants, under the English Board, to act under the Scottish statute, or additional ones appointed if necessary.

§ 8, 9. Upon the petition of not less than one-tenth of the inhabitants rated for the relief of the poor of any city, town, burgh, or parish, and amounting to thirty individuals, the statute authorises the General Board to make public inquiry, under the directions of the principal Sheriff of the county, by the examination of witnesses and otherwise, as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any local Acts of Parliament in force within such city, town, burgh, parish, or place, for paving, lighting, cleansing, watching, regulating, supplying with water, or having relation to the purposes of the proposed statute, and to the natural drainage, areas, and the existing municipal, parochial, and other local boundaries, and the boundaries which may be most advantageously adopted for the purposes of the

§ 10. Act. Fourteen days' public notice must be given of the time fixed for the investigation, in order that any party may be heard for his interest. A written Report to be made by the Sheriff and the Inspector to the General Board, who will order the same to be published and circulated for general information.

§ 11. If the General Board, after considering the Report, deem it expedient to extend the application of the Act to any place, upon the petition of the inhabitants, where there is no local Act of Parliament in force, they shall report the same to her Majesty; and it shall thereafter be in the power of her Majesty, with the advice of her Privy Council, to order that the Act, or any part of it, shall be put in force in any such place.

The General Board seems also to have power to extend the provisions of the statute to places other than those where the inhabitants may petition as aforesaid, or to places where there may be a local Act for paving, cleansing, watching, regulating, supplying with water, or improving such town or place, but this only provisionally, and subject to the approval and confirmation of Parliament. The expenses to be incurred in carrying out the purposes of the statute to become a charge on the general district rates levied in such district under the authority of the Act.

§ 13. In districts consisting of a royal burgh exclusively, or consisting exclusively of a part of a royal burgh, the Provost, Magistrates, and Council of such burgh, shall be the Local Board of Health for such district.

Where a district consists of two or more burghs, or consists exclusively of parts of two or more burghs, the Local Board is to be composed of the Provost or Chief Magistrates of the burghs whereof the whole or parts are included in the district, together with a certain number (the number to be fixed in each case by an order by the Queen in Council) of persons to be selected by each of the Councils, either out of their own number, or from persons qualified to be Councillors in the burghs.

Where a district comprises the whole or part of a burgh or burghs, and also parts not within the boundaries of any such burghs, the Local Board is to be composed of the Provosts or Chief Magistrates of the burghs of which parts are in the district, and a certain number selected from the Councils or from persons qualified to be Councillors in the burghs as above, with the addition of a certain number (also to be fixed by an order in Council) of persons qualified as under.

Parts of the district beyond the burgh must be represented by parties elected by the owners and rate-payers, but they must be resident within the district, or within seven miles thereof, and must be possessed of real or personal estate to an amount to be fixed by an order in Council, or be rated for the relief of the poor for such an amount as may be determined by an order in Council, but not exceeding £1000 of property, or rated for poor rates on a rental of £30. In the case of two or more parties being jointly possessed of property, or rated to a sufficient extent to qualify each, both may be elected, but the same property shall not *at the same time* qualify both owner and occupier. Parties having or being rated on a rental of £50 have one vote; £100 two votes; £150 three votes; £200 four votes; £250 five votes; and exceeding £250 six votes; and any person who is both owner and occupier is entitled to vote in both capacities.

Provision is made for production of the parochial books for the purposes of the election. The Local Boards of every non-corporated district to meet at least once a month, and oftener if necessary; one-third of the full number of members must be present; the Local Board to have full power to act by Committees of their number.

2. OFFICIALS CREATED BY THE ACT.

A Secretary for Scotland, and resident in Scotland, by and through whom all the business of the General Board arising under this Act shall be exclusively conducted.

The superintending Inspectors, and Clerks, and servants acting for the General Board under the Public Health Act 1848, and such additional persons as the General Board may from time to time appoint subject to the approval of the Treasury, are to be superintending Inspectors for the purposes of this Act, and shall assist in the superintendence and execution of the Act, when, where, and in such manner as the General Board shall direct, and shall be removable at their pleasure.

The salary to the resident Secretary, and the allowances and expenses to the superintending Inspectors, to be paid out of any monies that may from time to time be provided by Parliament for that purpose.

The officials to be appointed by the Local Board are—
Surveyor,
Inspector of nuisances,
Clerk, and

Treasurer, for the purposes of the Act, and they may appoint or employ collectors and other officers and servants necessary and proper for the efficient execution of the Act.

§ 36. The Local Board may from time to time, if they shall think fit, appoint a fit and proper person being a legally qualified medical practitioner, or a member of the medical profession, to be, and be called the Officer of Health; who shall be removable by the Local Board, with consent of the General Board, and shall perform such duties as the General Board shall direct. And the same person may be officer of health for two or more districts.

3. POWERS CONFERRED BY THE ACT.

The expenses of elections shall be provided for by Local Boards, and defrayed out of general district rates.

§ 11. In any city, town, burgh, &c. in which any local Act of Parliament for paving, lighting, watching, cleansing, regulating, supplying with water, or improving such city, &c. is in force; it shall be lawful for the General Board, after inquiry and report as required by the Act, if they should deem it expedient that the Act or any part thereof should be put in force within the boundaries of such local Act, to make a provisional order under their hands and seal of office accordingly; with such provisions, regulations, conditions and restrictions, with respect to the application and execution of the Act, and with respect to any such local Act; and the repeal, alteration, extension, or future execution of the same, as they may think necessary in all the circumstances of the case. But such provisional order shall have no force or effect except for the purpose of inquiry and report, without the previous authority of Parliament.

§ 32. When by any provisional order the Commissioners or Trustees, acting under any local Act of Parliament, are constituted the Local Board of Health under the Act, such Commissioners or Trustees shall within the district exercise the powers, authorities and duties, vested in Local Boards by the Act; and the clauses relating to the appointment, election, or selection of Local Boards of Health shall not apply to such district.

§ 34. The Local Board shall provide and maintain offices for transacting their business; and documents purporting to proceed from Local Board to be evidence in courts, when signed by five members.

§ 40. The Board may cause to be purchased, or procure a map, which shall be open to the rate-payers of the district, exhibiting a system of sewerage for effectually draining their districts for the purposes of the Act, the expense to be defrayed out of the General District Rates.

§ 41. All public sewers will vest in the Local Board, with power to purchase
 §§ 42-48. any right to sewerage in the district and take the superintendence of the whole, with power to shut up such as they may think fit.

§ 49. It is declared to be unlawful to erect any new house, or rebuild any house which may have been pulled down, to or below the street floor, or to occupy any such house unless a covered drain or drains be constructed to the satisfaction of the Board,—the penalty for neglect is £50.

§ 50. Power is also given to compel the owner or occupier of a house without any drain to construct and lay down a covered drain of such

materials and size as shall appear to the Board necessary ; also, that all houses must have water-closets ; and, upon a report from the surveyor as to any dwelling-house, the Board will have the power to cause the erection ; and if the work is done by the order of the Board, the expense may be charged on the property as private improvement rates, as after mentioned.

All parties commencing to build houses must give intimation to the Local Board of the intended level of the lowest floor and the situation and construction of the cess-pools, &c. § 52.

The Board to have the general superintendence of the cleansing of the streets, and to cause offensive drains and ditches to be covered.

A power is given to provide and maintain privies for the public accommodation in proper and convenient situations. § 56.

Penalties are inserted against keeping swine in improper situations or allowing waste water to remain in cellars, with power to remove all filth, and to purify, cleanse, and whitewash all houses on certificate of two medical practitioners. § 58.

Slaughter-houses must be registered, under severe penalties, and the Board have the power to provide slaughter-houses and make bye-laws with respect to them. § 59.
§ 60.

The inspector of nuisances to enter all places open for the sale of butcher's meat, &c. ; and if the meat is *designed* for food and appears unfit for food, he may seize the same. § 61.
§ 62.

Offensive trades newly established to be subject to the orders of the Board. § 63.

All common lodging-houses must be registered, and the Local Board shall have the power from time to time to fix the number of lodgers to be received into any such house, the house to be open to the inspection of the Board or those producing their written authority. § 65.

It shall not hereafter be lawful to let or occupy, as a dwelling, any vault, cellar, or underground room, built or rebuilt after the passing of this Act ; nor continue to let or occupy, as a dwelling, any *such, although presently let or occupied before the passing of the Act*, unless the same be in every part thereof at least seven feet in height, and at least three feet of the height be above the surface of the ground adjoining, and properly drained one foot at least below the level of the floor, and a water-closet and ash-pit properly covered under the provisions of the Act, with a fire-place and proper chimney or flue, and a window of at least nine superficial feet in area, except in the case of an inner or back cellar or room let or occupied along with a front cellar or room ; in which case the external window to be not less than four superficial feet in area, clear of sark frame, and under certain other regulations and provisions. § 66.

Before new streets are laid out, the Board must receive intimation, and will fix the width and the levels thereof. § 68.

They may provide places of public recreation. § 70.

They may provide for a sufficient supply of water, and erect water works, unless any water company within their limits agree upon terms, to be certified by the General Board as reasonable, to supply water. § 71.
§ 72.

§ 73. The Board to have the power to require houses to be supplied with water, the expenses to be charged as private improvement rates, three-fourths whereof payable by owners.

§ 74. The Board may supply water for public baths or wash-houses.

§ 77. And construct public cisterns for gratuitous use.

§ 78. Power is given to fit up rooms in which dead bodies may be received and decently and carefully kept, previous to interment. The Board to have power, under certain conditions, to put a stop to further interments in any burial grounds which may be considered dangerous to the health of the persons living in the neighbourhood.

4. MEANS OF PROVIDING FOR EXPENSES OF CARRYING OUT THE PROVISIONS OF THE ACT.

§ 82. When any expenses are incurred or to be incurred in making, enlarging, or improving sewerage or otherwise under the Act, for the benefit of any district or part of a district, the Local Board shall make and levy a special district rate upon such district or part thereof benefited by the works, sufficient to discharge the amount laid out in a certain period not exceeding thirty years.

§ 83. The Local Board may, in addition to any other rates, make and levy a general district rate for defraying such expenses as are charged upon that rate by the Act, and such other expenses of executing the purposes of the Act as are not provided for by any other rate.

Your Committee having carefully considered the foregoing Bill, are satisfied that its introduction into many districts of Scotland will be a great boon to the community. There is no question whatever that the sanitary state of many localities is in a most deplorable condition, and that, in consequence, an amount of physical suffering is endured, and life lost, which it would be difficult to estimate, and which entails upon the community at large an annual expenditure, which, under better arrangements, might be saved. Your Committee are therefore of opinion, that the Commissioners of Police, in common with every public body in Scotland, should do their utmost to strengthen the hands of the promoters of the Bill, and to secure its becoming law. At the same time, they are by no means prepared to concur in all the provisions of the proposed Act, and they beg, therefore, respectfully to submit to the Board some considerations which have suggested themselves on a perusal of its leading provisions.

Under the first head into which they have for convenience sub-divided the Bill, namely,—PARTIES IN WHOM THE POWERS FOR THE CARRYING OUT OF THE ACT ARE VESTED, they would remark 1st, that they consider it highly objectionable that the Board of Health in London for England and Wales should be also the General Board of Health for Scotland, more especially, as it is provided that the Superintending Inspectors, Clerks, and Servants under the English Board are to act under the Scottish statute. In their opinion it is exceedingly desirable that the utmost harmony should exist between the General and the various Local Boards. This, they think, is much more likely to be secured by having a General Board for Scotland, and having at that Board parties who are conversant with the laws of Scotland, and the habits and character of the Scottish population. Our recent experience of the attempt made by the English Board of Health to carry out the provisions of the “Nuisances Removal and Contagious Diseases Prevention Act,” in Edinburgh, by means of an English agency, convinces us of the truth of this. It is true that some of these objections may be modified by that clause in the Act which provides, “That the business in Scotland shall be done exclusively through a resident Secretary, to be appointed by the Board and removable at pleasure.” But this appears to your Committee just to mean that the whole controlling power shall be exercised by one individual, a nominee of the Board in London, possibly ignorant of Scotland altogether. Your Committee are of opinion that a Central Board for Scotland should regulate the Local Boards of Scotland, and they cannot doubt that this might be effected without much additional expense. But even if the expense should be considerable, the most rigid economist could not condemn its application to the efficient working of a measure of such vital national importance.

As regards the constitution of the Local Boards, however well adapted the provisions of the Act may be for Scotland at large, the peculiarities of Edinburgh require some modification to be made, in order that the Act may be efficiently worked in it. The Edinburgh Police Act (11th & 12th Victoriae, 1848) contains a series of clauses for the sanitary regulation of the

City. Many of these clauses are identical with, and others closely resemble, the leading provisions in the Public Health Bill. The Edinburgh Police Act gives power to appoint certain officials, having duties analogous to those which are to be entrusted to officers whom the Public Health Bill proposes to create, and it is, therefore, manifestly of consequence that, in the event of the latter becoming law, the two Acts should not clash in any respect whatever. But the Police Act constitutes the Commissioners of Police a Board for the purpose of carrying out these sanitary laws, and invests them with powers very similar to those which the Public Health Bill proposes to bestow on the Local Board of Health. It comes, therefore, to be a matter of serious consequence to ascertain how the Local Board of Health for Edinburgh is proposed to be constituted.

- § 13. The places in Scotland to which the Act may be applied may be classed under three heads,—1st, Corporate districts; 2d, Non-corporate districts; 3d, Mixed districts. In the 1st, the Provost, Magistrates, and Council, are to constitute the
- § 17. Local Board. In the 2d, the Local Board is to be composed of parties elected by the owners and ratepayers, under certain
- § 21. regulations. In the 3d, of the Provost or Chief Magistrates of the Borough, with selected members of the Council, and a certain number elected by the extra-burghal owners and ratepayers. It is evident that Edinburgh will rank under the last of these divisions, the Borough, as represented by the Town Council, not including more than half the population, and not a third of the boundary which ought to be under the control of the Public Health Act; and it would be therefore necessary to provide for the election of a new Board to carry out its provisions. In Edinburgh, then, we should either have two Boards with analogous functions, and two staffs of officials with identical duties to perform, and in consequence a double taxation to effect the same end, or lose the advantages conferred by the Bill altogether. Your Committee are of opinion, that the simplest, most effectual, and least expensive mode of securing for Edinburgh the advantages of the Act so far as applicable, and so far as not already enjoyed under the existing Edinburgh Police Act, would be to insert a clause, declaring

that the Commissioners of Police, acting under the Act 11th & 12th Victoriæ, 1848, shall be the Local Board of Health for the district comprehended within the limits therein described. The advantage of such an arrangement would be :

1st, The unnecessary multiplication of Public Boards would be prevented.

2d, The sanitary clauses of the Edinburgh Police Act could be worked out in conjunction with the provisions of the Public Health Bill.

3d, The officials at present engaged under the Commissioners of Police, in carrying out the sanitary provisions could, to a great extent, perform the same duties under the proposed Act, and thereby much additional expense would be saved.

4th, As part of the Police Assessment is at present applied under the authority of the Commissioners to Sanitary purposes, this would go to diminish the amount required to be raised under the Health of Towns Bill.

5th, What additional taxation, if any, should be necessary, might be easily levied along with the Police Assessment, and thus the expense of collection by a separate agency (at least ten per cent.) would be saved.

6th, The carrying out of the provisions of the new Act would, to a certain extent, be entrusted to parties who have already had some experience in the management of these matters.

7th, The district under the charge of the Edinburgh Police Commissioners, would be enabled to avail itself of the advantages of the measure immediately on the passing of the Bill, without the, in their case, unnecessary process of preliminary inquiries and reports, and the election of members to form a Local Board of Health ; and the expense of such inquiries, which, in a district where there are so many different interests and jurisdictions, must necessarily be very great, would be avoided.

The advantages of such arrangements as those suggested by your Committee would appear to have occurred to the framers of the Bill ; for in the preamble, attention is called to the expediency of having the sewerage, draining, and cleansing of large towns and populous places placed as far as possible under *one local management and control*. Now the management of

these matters is in Edinburgh placed under the Commissioners of Police; and concurring with the framers of the Public Health Act, that all the arrangements connected with them should be under the same control, there appears to your Committee to be no alternative but to constitute the Commissioners of Police the Local Board of Health for Edinburgh. An indirect power to do this is indeed conferred by the Bill, which

§ 9. authorises the General Board, after inquiry and report, to issue a provisional order for carrying out the Act, or any portion of

§ 8, 9. it. By this provisional order, the Commissioners or Trustees acting under the Local Act *may* be constituted the Local Board. Your Committee are, however, of opinion, that the Commissioners should not rest satisfied with this, but, irrespectively altogether of any provisional order of the General Board of Health, should endeavour to have themselves constituted by Act of Parliament the Local Board of Health for Edinburgh.

§ 32.

It is not unimportant, in connection with this subject, to draw attention to § 256 of the Edinburgh Police Act:—

“ And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said city of Edinburgh, or the boundaries described in this Act, from the provisions of any general Act relating to Police, Paving, Lighting, Cleansing, or Sanitary purposes in Scotland, which may be passed during the present or any future Session of Parliament.”

II. On the second general head, or that of OFFICIALS CREATED BY THE ACT, your Committee have little to remark. They are of opinion, that were a General Board appointed for Scotland, or were efficient Local Boards chosen, there would be little occasion for the expensive machinery of superintending Inspectors, Clerks, and Servants, whom it is proposed that the General Board should employ.

§ 6.

As regards the official called the “ Officer of Health,” your Committee are of opinion that the nature of his duties are too vaguely expressed in the Bill. They would suggest that they should be defined as in the Police Bill,—“ whose duty it shall be to ascertain the existence of diseases within the burgh, especially epidemics and contagious diseases, and to point out any nuisances or other local causes likely to cause and con-

§ 36.

tinue such diseases, or otherwise injure the health of the inhabitants, and to point out the best means for checking or preventing the spread of such diseases within the burgh, and also the best means for the ventilation of Churches, Chapels, Schools, registered Lodging-houses, and other public buildings within the same, and from time to time, as required by the Commissioners, to report to them upon the matters aforesaid, and to perform any other duties of a like nature which may be required of him ;"— and that, in addition, " he should be required to observe and register the prevalence and degree of mortality of disease in each portion of the district, as compared with others, or with other places, and in each season, as compared with others, and endeavour to ascertain the cause of any local or temporary increase of mortality ; and also to suggest from time to time any such regulations as he may think fitted for improving the Sanitary condition of his district." Your Committee are also of opinion, that he should be under the control of the Local not of the General Board, and that the directions of the latter should be communicated to him through the former.*

III. POWERS CONFERRED BY THE ACT.—With regard to the powers as to sewerage, your Committee are of opinion that the framers of the Bill have shewn their wisdom in laying down few specific directions, leaving it to the Local Boards to regulate these according to the nature of the locality. § 42-48

One evil, however, of great magnitude ought, in their opinion, to be met by a distinct restrictive clause ; they allude to the practice of surface-draining, or that by open gutters, so prevalent in courts, passages, and closes. The Local Boards should be compelled to establish sewerage in all such places, and to abandon entirely the practice of surface draining.

Your Committee are of opinion that all smaller attempts in the way of drainage, will prove of little consequence as far as the northern part of Edinburgh is concerned, until some means are taken for remedying the monster evil of the Water of Leith. This pestilential open drain runs parallel to several otherwise

* See on this, and some other subjects referred to, a valuable " Report by a Committee of the Royal College of Physicians, appointed to consider any bills that may be brought into Parliament for the Improvement of the Health of Towns : " approved of by the Royal College of Physicians in February 1848.

good streets, and receives the sewerage of a large portion of the New Town. A considerable portion of its water is drawn off to supply a mill race, so that in a dry season, there is never a sufficient flow of water to carry off the offensive matters conveyed into its bed. These, therefore, accumulate, and at times, often for several months, in summer, the appearance is more that of a collection of putrefying animal matter, than of a flowing stream.

Your Committee can scarcely hope, that in a General Bill for Scotland, regulations so stringent but of so local a character as §§ 174, 175 in the Police Consolidation Act would be inserted.

“ And be it enacted, That the Magistrates and Council shall employ some properly qualified person to examine the bed of the Water of Leith, so far as situated within *the limits of this Act*, and to report to them on the state thereof, and on any measures which may be deemed practicable for preventing the sewer and drain water discharged thereinto from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of the health and to the annoyance of the surrounding population; and in the event of such person being of opinion that the flow of the water might be accelerated if a narrow trough or channel were cut in the middle of such bed, into which the sewer water discharged as aforesaid might be conducted, and in which it might be made to flow, then, and in that case, it shall be lawful to the Magistrates and Council to cause such trough or channel to be excavated and formed, and the water to be conducted into the same, and made to flow therein as aforesaid; or in the event of such person recommending any other practicable measure for the abatement of the nuisance created as aforesaid, it shall be lawful to the Magistrates and Council to cause such other measure to be adopted and followed out, but in so far as in nowise to interfere with the rights of the owners and occupiers of the mills; and whatever expenses may be incurred in procuring such report, and in excavating or forming such trough or channel, or by the adoption of such other measure as aforesaid, or in maintaining such trough or channel, or in constructing or maintaining the lade or aqueduct aftermentioned, shall be defrayed from the drainage assessments to be raised from the district drained into the said Water of Leith.

“ And be it enacted, That in order to cleanse the bed of the said Water of Leith below Canonmills Bridge, the Magistrates and Council shall have power, during the whole of every Sunday, and also during any portion of any other day when the water is not in actual use for driving the machinery of Clark's mill, near Logie Green, or by the skimmers and others whose works are situated below Canonmills Bridge, to conduct the water in the mill-lead which supplies the Canonmills into the great drain running into the said Water of Leith under said bridge, or into the said Water of Leith, near that spot, by

any lade or aqueduct which may be by them constructed for such purpose: Provided always, that the water of the said mill-lead shall not be conducted into said great drain, or said Water of Leith, except at a place below the buildings of the Canonmills, and after the water in the said mill-lead has served and been used by all the said Canonmills, and that the operations for conducting said mill-lead water shall be executed in such manner as to occasion no damage or injury of any description to the Canonmills."

But as there are several towns in Scotland, as for example Aberdeen, similarly circumstanced to a certain extent, it is exceedingly desirable that some provision should be made to meet their case, and your Committee would therefore recommend the insertion of some such clause as the following,—

"Be it enacted, That when the contents of any sewer or any other constant flow of filth or refuse are discharged into any river or stream, in the bed or channel of which the quantity of water is so much diminished, either by drought during the summer, or by a part being taken off to supply any mill-race, course, or dam, or by any other natural or artificial cause, as to be insufficient to keep the said channel clean and clear, it shall be lawful for the Local Board to take such means as shall to them appear expedient for preventing the sewer and drain water discharged thereinto from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of the health and to the annoyance of the surrounding population: provided always, that such plan shall be submitted to and receive the sanction of the General Board."

And that this should be followed by § 175 of Police Consolidation Act as above quoted, for the words "Water of Leith and the said trough or channel if formed," substituting the said "River or stream."

With regard to § 66, which is intended to prevent cellars and underground rooms from being used for dwelling-houses; Edinburgh and other Scottish towns do not suffer so much from this practice, as many towns in England. But in Edinburgh and other of the older Scottish towns there is a great evil of an analogous kind, which in your Committee's opinion demands the utmost efforts of the Commissioners to abate.

It will be unfortunate if the favourable opportunity now presented is not embraced for obtaining the most ample powers

for its remedy. Your Committee are of opinion that there are many houses in Edinburgh neither "vaults, cellars, nor underground rooms," which either from having become ruinous, or from some other cause are manifestly unfit for human habitations, and they are of opinion that it would be an immense boon were powers conferred, by which such places could be condemned and shut up, and eventually removed, and more suitable dwellings erected in their room. This evil is undoubtedly in many respects met by the Edinburgh Police Act, but it is of little consequence to give power to sell such houses, unless means are taken to secure their demolition, and the erection of more suitable ones in their room.

Joint-stock Companies for the erection of houses for the working-classes have of late made much progress, and, in the opinion of your Committee were the unlimited liability of the shareholders removed they would extend still farther, more especially among the working-classes themselves.

If they had the opportunity of investing their savings in such societies, under a liability not extending beyond the amount which each person actually brought into the Scheme, the erection of suitable dwellings for themselves would soon become a favourite object, and the spread of such in our large towns would be carried on to a much greater extent than at present. Nor would the public be so likely to suffer from insolvencies and frauds, as where such schemes fall into the hands of speculators, carrying them on for their own profit.

Your Committee would suggest the insertion of similar clauses to those in the Edinburgh Police Act, (§ 203—§ 209), with the addition of some such enactment as the following :

"And whereas, it is desirable that encouragement should be given to Joint-stock Companies to purchase the houses and grounds when exposed for sale by the aforesaid provisions, for the purpose of erecting buildings of improved construction for the working-classes. Be it enacted, that on a favourable report by the Local Board, concurred in by the Sheriff, and sanctioned by the Lord Advocate, the General Board of Health shall have power to constitute such company or association, a joint-stock company under the "Companies clauses Consolidation Scotland Act," (8th and 9th Victoriae, 1845, c. 17), which shall in so far as consistent with this Act be in-

corporated therewith. And the partners and shareholders in any such company for such purpose, whether the same has been formed before or after the passing of this Act, shall be liable for the engagements and debts of the said company, to the extent of the shares they hold of the stock of the said company and no farther."

In the clauses which regulate the building of new streets and houses, and the alteration of those already existing, not only should the breadth of the street be regulated by a distinct clause in the Act, but also the height to which houses may be raised as proportioned to the interval between them, otherwise, there is no security against buildings being raised so high as to frustrate all attempts to enforce ventilation and cleanliness.* This in their opinion should be the subject of statutory enactment, and not left to the regulation of Local Boards. § 49-68.

At this part of the Bill your Committee would suggest some additions.

A clause to provide for the carrying off of water from the roofs of houses. This was well arranged in § 123 of the "Edinburgh Police Consolidation and Sanitary Improvement Bill."

"And be it enacted, That the owners of all heritable property in any street shall cause the water from the roofs of the same on all sides to be collected in roans, and conveyed in sufficient pipes, joining the nearest drain, or passing under the foot-pavements into the water channel, and shall keep the said roans and pipes constantly clean and in repair; and in case such owners fail to do so, the Inspector of Buildings shall cause such roans and pipes to be put up, and, when necessary, to be repaired and cleaned at the expense of such owners, which expense shall be allocated according to their rentals in the Police rent-roll, and recovered in the same way as is provided in the case of an owner ordering repairs as aforesaid: Provided always, that rain water only shall be discharged from such pipes into any street, gutter, or open water channel, and that where the Inspector shall deem the erection of such roans and pipes to be inexpedient, it shall be lawful to him to dispense with the same: and further, that in the event of any owner deeming such erection to be inexpedient, and of a difference arising between him and the Inspector on that point, the matter shall be heard *viva voce*, and determined by a Committee of the Magistrates and Council."

* See Report of College of Physicians 1848.

For "Committee of the Magistrates and Council," it would of course be necessary to insert here, "Local Board of Health."

It would also be well to insert a clause, providing that in all new buildings, to secure as much as possible safety in cases of fire, all stairs should be made of incombustible materials.

The clause *permitting* the erection of privies should include urinals, but it will be found inoperative, as the one in the Edinburgh Police Act is at present, unless the Local Board (subject perhaps to appeal to the General Board), are constituted the sole judges of the propriety of the situation.

All the inhabitants of a district may loudly complain of the want of some such convenience in their neighbourhood, and yet each striving to have it removed as far as possible from his own habitation, the attempt to erect it is prevented. Your Committee could point to an instance where the inhabitants of one of the best squares in the New Town preferred seeing urine lying constantly stagnant at the corner, to permitting a public urinal to be concealed in the pleasure-grounds opposite their houses.

In clause 51, which provides for the erection of privies in factories, &c., where persons of both sexes, and above twenty in number, are employed, *Day Schools* should be included.

§ 58. In addition to the regulations regarding the keeping of swine, your Committee would suggest that powers should be given to regulate cow-byres. It might be well were places used for this purpose licensed. The Inspector of nuisances should ascertain that they are not placed, as is too often the case, in ill ventilated closes and courts, and also that they are provided with proper means to carry off the urine, &c. Your Committee are satisfied that ill-regulated byres are as injurious as pig-styes, not only to the inhabitants of the neighbourhood but also to the animals kept in them. They believe that much of the epizootic disease which has lately prevailed among the cows in Edinburgh is to be traced to this cause, which, of course, also leads to the exposure for sale of a large quantity of diseased meat.

Your Committee would also suggest as an addition to this clause, that it should be provided that any accumulation of manure, dung, soil, or filth, or other offensive or noxious mat-

ter whatsoever, should be *entirely* prevented in any inhabited courts or closes, or within a certain distance of any habitation.*

As regards slaughter-houses, your Committee are of opinion, that, considering the importance of the subject, the provisions of the Bill are scarcely sufficiently strict.

The flesh of animals forming a large portion of the food of the inhabitants of towns, it is of the utmost consequence for the public health that the animals themselves should be healthy and properly slaughtered. This demands so vigilant a surveillance that they are satisfied that *all* establishments for the purpose should be placed under public control. The Bill gives powers to erect public slaughter-houses; but it should, in the opinion of your Committee, go farther, and *secure* their erection in sufficient numbers and at a proper distance from habitations, and ought to prohibit all other places from being used for the purpose.

It is of consequence to bring under the notice of the Commission the admirable regulations for this purpose contained in the Police Consolidation Bill, as modified by an arrangement between the Provost's Committee and the Fleshers of Edinburgh.

“ And be it enacted, That it shall and may be lawful to the Magistrates and Council, as soon as conveniently may be, after the *commencement of this Act*, from the proper funds of the city, to purchase *one or more* pieces of land, within the *limits of this Act*, and to erect thereon buildings for the killing and dressing of Cattle, and for that purpose to agree with any person for the purchase of such lands, as they shall judge proper to be appropriated to the purpose aforesaid, and to pay for the purchase of such lands such sum of money as shall be agreed upon between them and the owners, or other persons interested therein.

“ And be it enacted, That before proceeding to erect buildings for the killing and dressing of cattle on any piece of ground to be acquired as aforesaid, the Magistrates and Council shall cause to be exhibited for public inspection in the Town Clerk's office a plan of such piece of ground, and a plan, elevation, specification, and estimate of the probable expense of erecting the intended buildings for fourteen days after an advertisement inserted in one or more Edinburgh newspapers, intimating that such exhibition is to take place on the days to be therein mentioned, and if any person interested shall make any objections to the fitness of such piece of land, for the purpose fore-said, or to such plan, elevation, specification and estimate, or any of them, and shall state the same to the said Magistrates and Council,

* See Report of College of Physicians 1848.

and if such objections shall not thereupon be obviated or removed ; it shall be competent to the persons making such objections to present a memorial thereon to the person who for the time being, shall be resident architect at Edinburgh of the Commissioners of Her Majesty's woods, forests and land, revenues ; or failing such resident architect, to an architect to be named by the Dean of the Faculty of Advocates, who shall hear the parties in a summary way, and shall thereupon decide upon the matter of such objections, and arrange and settle the said plans, elevation, specification and estimate, and whose decision shall be final and conclusive.

“ And be it enacted, That it shall and may be lawful to the Magistrates and Council to exact such rents for the use of the booths in such Slaughter-houses as shall, one year with another, be equal to ten pounds per centum per annum on the entire capital sum or sums laid out in purchasing land, and erecting buildings as aforesaid, as the same shall be ascertained on the completion of the said buildings, and that the surplus of the revenue arising from said rents after paying interest on sums borrowed, and the cost of repair and management, shall be applied by the said Magistrates and Council from time to time, in paying off the sums borrowed, aye and until the capital sum or sums aforesaid shall have been repaid to the extent of one-half of such capital sum or sums, on which being done, the rents to be charged as aforesaid shall be reduced to such rates as shall one year with another be equal to five pounds per centum per annum on the entire capital sum or sums aforesaid, and shall so continue in all time thereafter : Provided always, that if more than one piece of land shall be purchased, and more than one set of buildings shall be erected for the purpose foresaid, the accounts shall be dealt with on the footing of the whole forming one establishment or concern.

“ And be it enacted, That an account shall be kept in the Books of the City Chamberlain separate from those of the other revenues of the City, in relation to the said Slaughter-house or Slaughter-houses, shewing the sums laid out in purchasing land and erecting buildings, and the other expences forming the capital sum as aforesaid,—the rents received from time to time, and the sums paid in name of interest, repairs and management ; and the application of any surplus accruing after paying such interest, repairs and management, and that so long as rents shall be exacted for the use of the booths in such Slaughter-houses, to the extent first before mentioned, the account before referred to shall be kept, laid open to inspection, and published in the same manner, at the same times and under the same penalties as the accounts of the revenue of the said City, are now by law required to be kept, laid open to inspection and published, and that of the abstract of the said account to be so published, one copy shall be yearly transmitted to the chairman of the Association of Fleshers in the said City.

“ And be it enacted, That the said Magistrates and Council shall give due notice, by public advertisement in the Newspapers, as soon as the buildings so to be erected, or one or so many of them as are necessary for the accommodation of the public, is or are in a fit state for use ; and in the event of any person, after the expiry of one calen-

dar month from such advertisement, slaughtering cattle *within the limits of this Act*, other than within any such building or buildings, or within a distance of *one mile* beyond such limits, persons so offending shall be liable to a penalty not exceeding *Five Pounds* for each offence: Provided always, that this prohibition shall not apply to the killing of cattle within any Slaughter-house within the Parliamentary and Municipal boundary of the town of Leith.

“And be it enacted, in order to prevent evasion of the use of such Slaughter-houses, That all persons who shall bring within *the limits of this Act*, for sale therein, the carcase or part of the carcase of any slaughtered cattle, shall, on their bringing such carcase or part of a carcase within the said limits be liable in payment of, and shall pay to the Magistrates and Council, or to their collector or tacksmen, any sum or sums not exceeding the dues in the schedule (D.) hereunto annexed, respectively set forth in respect of every carcase or part of a carcase so brought in; which sum or sums shall be exigible and collected along and in like manner with and by the same regulations as the commutation-duty and other duties now payable to the said Magistrates and Council, and be applied to reduce the sum borrowed or due for the erection of the said Slaughter-houses.

“And be it enacted, That it shall and may be lawful for the Magistrates and Council, from time to time to make such regulations as to them may seem proper, with regard to the possession and use of the several booths in such Slaughter-houses, and the terms of payment of the rents thereof, and for securing the said payment, and also for the preservation of cleanliness in, and the care and management of, the buildings and their pertinents, and regarding the conduct of all persons resorting thereto, and may appoint any penalty not exceeding *Forty Shillings* for any breach thereof.

“And be it enacted, That until the publication of the foresaid advertisement, the provisions of the Act passed in the twenty-second year of the reign of His Majesty King George the Third, before recited, so far as the same relate to the slaughtering of cattle, shall remain in full force and effect, and may be enforced in the Court of Police at the instance of the Superintendent of Police, or Procurator-fiscal of the said Court, and that after the publication of the foresaid advertisement, the said Act shall in so far as it is inconsistent herewith be repealed.

“And be it enacted, That it shall and may be lawful to the said Magistrates and Council to borrow for the purchase of lands, houses, and other premises, and for the erection and fitting up of such Slaughter-house or Slaughter houses, any sums not exceeding *twenty thousand pounds*, and to convey the rents to be levied for the use of such Slaughter-house or Slaughter-houses, and also, if necessary, the lands, houses, and other premises and erections themselves, to the lender in security of the same; and that the bonds for the money so to be borrowed, and any transfer thereof, may be in the forms contained in the schedules (B.) and (C.) hereunto annexed respectively.

“And be it enacted, That if within twelve months after the commencement of this Act any ten or more fleshers, carrying on business within the limits of this Act, and approved of by the Magistrates and

Council, shall, on behalf of themselves, and such other fleshers aforesaid, and others as may unite with them in the formation of a Joint-Stock Company having for its object to provide sufficient accommodation for the slaughtering of the whole cattle required for the consumption of the inhabitants, open to all fleshers aforesaid who may choose to resort to the same, execute a valid obligation, binding themselves to provide such accommodation within three years after the commencement of this Act, and in a place and according to a plan, elevation, and specification, to be approved of by the Magistrates and Council, then, and in that case, the provisions of this Act, in regard to the purchasing of land for Slaughter-houses and the erection of buildings and the other provisions foresaid consequent on such purchase and erection, shall, in so far as the Magistrates and Council are concerned, be inoperative, and such company shall in all these respects be substituted for the said Magistrates and Council, and have the same powers as are hereinbefore conferred on them: Provided always, that the powers hereinbefore granted to the Magistrates and Council to make regulations as aforesaid shall remain notwithstanding the event aforesaid, and shall apply to any building to be erected by such company, that such company shall not be entitled to exact higher rents than the Magistrates and Council are hereinbefore authorised to exact, and shall reduce such rents to the extent of one-half in the same circumstances as the Magistrates and Council are hereinbefore required to reduce such rents, and that the accounts of such company shall annually be audited by an auditor to be appointed by the Sheriff and paid by the said company: And provided further, that if notwithstanding such obligation as aforesaid, such company shall at any time cease to afford sufficient accommodation as aforesaid, then and in that event, the foresaid provisions of this Act in favour of the Magistrates and Council shall revive and be operative in the same manner as if such obligation had never been granted.

“And be it enacted, That in the event of any difference arising between the said company and the Magistrates and Council, with regard to the site of the Slaughter-house or Slaughter-houses to be erected by such company, or to the plan, elevation, and specification of the same, such difference shall be referred to the resident architect aforesaid, who shall hear the parties in a summary way, and whose decision in the matter of such difference shall be final and conclusive.

“And be it enacted, That in the event of any disputes arising in regard to the meaning or practical operation of the provisions of this Act with regard to such Slaughter-houses, such dispute shall be referred to the Sheriff, whose decision in the matter shall be final, and not subject to review.”

Of course, were the foregoing provisions adopted, the words Local Board of Health would require to be substituted for “Magistrates and Council,” wherever the latter occur.

It should also prohibit the killing of horses within the town, as was done by clause 137 of the Police Consolidation Bill.

“And be it enacted, That no horse shall be killed within *the limits of this Act*, excepting in places approved of by the said inspector, which approbation he may withdraw at pleasure; and any person offending herein shall be liable to a penalty not exceeding *forty shillings* for each offence.”

It would also be well were there provision made for establishing a depot for diseased cattle and other animals, where their remains could be turned to the best account for the owners without being sold for food or creating a nuisance.

That part of the Bill which relates to the seizure of unwholesome meat is manifestly defective; before getting a conviction, it is rendered necessary to prove that the meat found in the shop was actually *intended for the food of man*. It ought to be sufficient that it is found in a shop where meat is sold. The penalty is also, in your Committee's opinion, too low. § 61, 62.

Your Committee are of opinion, that the clauses regarding the erection, and more especially the *paving* of streets, are not sufficiently minute. The surface drainage of a town is secondary only to its sewerage in a sanitary point of view. The impossibility of cleaning an ill-paved street is manifest, and the putrid exhalations arising from the filth accumulated in the hollows and joints of the stones must be most injurious.

Your Committee are of opinion that it should be rendered imperative to lay the carriage-way with dressed stones, laid in regular courses and with close joints. Of no less importance is it to provide proper water-channels. This too should be regulated in the Act. Your Committee also anxiously recommend that it should be expressly provided that all foot-ways in inhabited courts and closes should be flagged and not causewayed, otherwise it will be found impossible to keep them clean. It is perhaps not easy to convince Englishmen of this, which is so essentially necessary in all Scotch towns. The utmost labour of the scavenger proves ineffectual in cleaning a causewayed close, and leaves a damp surface from which putrid exhalations are continually rising to the windows of the adjacent houses.

With regard to those clauses giving power to the Board to supply water for public baths or wash-houses, they are of course inoperative in Edinburgh. It might be well, however, to give power to erect public wash-houses and baths. § 73, 74.

§ 78. The clause regarding intra-mural interment is much required. In regard to the exceptional cases in which it is still to be sanctioned, your Committee are of opinion that it should be placed under stricter regulations.

No corpse should be allowed to be nearer the surface than four feet, and no grave to be disturbed for ten years.

There are some minor matters which, in the opinion of your Committee, it would have been well had the Bill embraced,—

Such, for example, as a clause to regulate the smoke of furnaces. They would suggest the introduction of § 146 from Police Consolidation Act :

“And be it enacted, That every fireplace or furnace constructed after *the commencement of this Act*, in order to be used within *the limits of this Act* in the working of engines by steam, or in any mill, factory, dyehouse, brewery, gaswork, or in any manufactory whatsoever (although a steam-engine be not used or employed therein), shall be so constructed as to consume the smoke arising from the combustibles used in such fireplace or furnace ; and every such fireplace or furnace existing within *the said limits* at *the commencement of this Act*, used for the purposes aforesaid, not so constructed as to consume the smoke arising from such fireplace or furnace, shall, within *six months* after *the commencement of this Act*, be so altered in its construction as to consume such smoke ; and if, after such period, any person use for any of the purposes aforesaid, any fireplace or furnace not so constructed as aforesaid, or if at any time any person use any such fireplace or furnace constructed after *the commencement of this Act*, and not so constructed as aforesaid, or so negligently use any such fireplace or furnace as not to consume the smoke arising from the combustibles used therein, every person so offending shall be liable to a penalty not exceeding *twenty shillings* for every day during any part of which such furnace or fireplace shall be so used and continued, after *one month's* notice in writing shall have been given to the owner or occupier of such furnace or fireplace by the Magistrates and Council to remedy or discontinue the use of the same : Provided always, that nothing herein contained shall apply to the fire-places or furnaces used by brewers for wort-coppers, so long as such brewers employ a properly qualified fireman to attend to such fire-place or furnaces ; and that in the event of difference as to the qualifications of the fireman in any brewery, the burden of proof that the fireman is properly qualified shall be on the brewer :”

with the addition of power to enforce in certain cases the carrying of chimneys to an additional height, if necessary, for the purpose of carrying off noxious or offensive effluvia, gases, or vapours.

Your Committee also desiderate the introduction of sections 134 and 173 of the Police Consolidation Bill.

“ And be it enacted, That the owners of all common stairs shall have the same provided with proper means of ventilation, and the owners of all premises occupied as dwelling-houses, let for shorter periods than *six* months, shall whitewash and properly cleanse such premises and every part and pertinent thereof at least *twice* in the year, in the months of *May* and *November*, to the satisfaction of the Inspector of cleansing and of nuisances; and any such owner failing to do so shall be liable to a penalty not exceeding *forty shillings*.

“ And be it enacted, That the occupier of any house or other place into the cesspool or soil-pipe of which any ashes or other matter calculated to choke the same shall be introduced or allowed to enter, shall be liable in a penalty not exceeding *forty shillings*, besides where damage has been caused by such offence being liable to repair the said damage.”

Your Committee regret, not so much for the sake of Edinburgh, as for other districts in Scotland, that there is no clause in the Scottish Bill corresponding to § 8 in the English Act, by which power is given to the General Board to direct an enquiry into the sanitary state of any locality in which the deaths registered shall for a period of seven years, have exceeded the proportion of twenty-three to the thousand. In the event of the result of the report appearing to warrant it, the act, or any part of it, can be put in force, even without a petition to that effect from the inhabitants, by order of Her Majesty in Council.

In the absence of any general system of registration of deaths in Scotland, such a provision would of course be in vain, and it is difficult to find a suitable substitute for it. But care should be taken that if the Bill for the registration of births, deaths, and marriages, now before Parliament becomes law, previously to the passing of this Bill, a clause to that effect should be inserted.

IV. MEANS OF PROVIDING FOR EXPENSES OF CARRYING OUT THE PROVISIONS OF THE ACT.—With regard to this head, the Committee have no remark to make. They trust that, if the Commissioners of Police are made the Local Board for Edinburgh, they will be able to carry out the Provisions of the Act at a comparatively trifling additional expense.

In conclusion, your Committee sincerely trust that the Police Commission will embrace every opportunity of promoting the

success of this valuable measure, and of endeavouring to secure those alterations and additions, the importance of which your Committee have learned to appreciate in their attempt to enforce the provisions of our own Act.

In name and by authority,

ALEXANDER WOOD, M. D.

*Chairman of the Sanitary Committee of
Commissioners of Police.*

POLICE CHAMBERS, EDINBURGH,
25th April 1849.