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MED. 6.

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English Sanitary Institutions,

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

BY

SIR JOHN SIMON, K.C.B.;

MEMBER OF THE GENERAL MEDICAL COUNCIL;
CONSULTING SURGEON AND PAST SENIOR SURGEON TO ST. THOMAS'S HOSPITAL;
FELLOW AND PAST PRESIDENT OF THE ROYAL COLLEGE OF SURGEONS OF ENGLAND;
FELLOW AND PAST VICE-PRESIDENT OF THE ROYAL SOCIETY;
PAST PRESIDENT (NOW HON. MEMBER) OF THE PATHOLOGICAL SOCIETY OF LONDON;
D.C.L., OXF.; LL.D., CAMBR. AND EDINB.; M.D. HON., DUBLIN; M.CHIR.D. HON., MUNICH;
ETC.; ETC.; ETC.;
FORMERLY THE MEDICAL OFFICER OF HER MAJESTY'S PRIVY COUNCIL.

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PREFACE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

J. S.

Christmas, 1889: *London.*

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ERRATA.

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

ENGLISH
SANITARY INSTITUTIONS.

Part First.—INTRODUCTION.

CHAPTER I.

EARLIEST TIMES.

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

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

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

CHAP. I. Earliest Times.

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

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

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

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

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

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

ruption, it would seem that aggregations of mankind in quantity and strength enough to leave social mark may have been but comparatively recent phenomena in the developmental progress of our race.

First evidences of co-operative effort.

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

Communal Agriculture.

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

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

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

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

Communal Food-Stores.

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

Water-supplies: as to quantity

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

As to quality.

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

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

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

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

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

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

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

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

§ Diod. Sic. xi. 25.

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

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

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

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

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

Early dealings with refuse-matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER II.

THE ROMAN INSTITUTIONS.

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

B.C. 500-300

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

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

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

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

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

From B.C. 100.

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

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

Rome under Augustus:

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

Sewers;

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

Pavement;

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

Aqueducts;

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

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

Thermæ;

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

Latrines and urinals

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

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

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

Removal of City refuse;

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

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

Streets, and their cleanliness;

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

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

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

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

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

Law as to Nuisances public and private.

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

(*a*) For such as were so recognised, there were express provisions of law, chiefly in prætorian edicts, and it was for special public officers to enforce the enactments. Such were certain laws, recorded to have been on the Decemvirile Tables: the law that no dead body should be buried in the city, and the law that every landowner building a house on his land must leave, towards the adjoining properties, an ambit of at least 2½ feet width of the land unbuilt upon. Such further was the law, already referred to, which strictly prohibited the casting of filth or rubbish into the common way: "*publice enim interest sine metu et periculo per itinera commeari*": and such again was the other

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

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

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

Regulation of Trade.

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

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

Medical Profession from third century, B.C.

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

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

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

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

Privileges allowed to Medical Practitioners.

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

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

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

Public Medical Officers.

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

* Suetonius, *Cæsar*, section 42.

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

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

Medical Service of the Poor.

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

Fall of Rome.

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

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

CHAPTER III.

POST-ROMAN ANARCHY AND THE RE-COMMENCEMENTS.

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

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

Post-Roman obstacles to civil progress; Warfare; Religious segrega-tion.

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

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

Spread of asceticism.

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

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

Mediæval revivals not much for ædile uses.

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

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

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

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

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

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

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

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Sacerdotal Empire.

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

Mediæval Medicine, and the conditions of Public Health:

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

Leprosy and Leper-Houses;

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

Pestilences and Quarantine;

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

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

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

Indigence and Famines and squalid life.

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

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

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

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

London in 13th-15th centuries.

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

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

† Hallam, in the note above-mentioned.

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

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

Abatement of Nuisances.

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

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

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

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

Lepers;

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

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

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

Super-vision of Trade;

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

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

Supervision of Brothels.

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

Reference to other town-governments.

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

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

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

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

CHAPTER IV.

MEDIÆVAL PHILANTHROPY.

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

Germs of philanthropy ubiquitous.

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

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

Early Christian institutions of beneficence.

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

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

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

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

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

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

Benedictine Monasteries in relation to the Poor.

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

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

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

Francis of Assisi, and his Order.

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

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

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

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

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

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

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

Such were the beginnings of the great missionary brotherhood

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

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

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

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

Degeneration of the Franciscan Order.

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

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

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

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

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

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

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

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

Extensive demoralisation imputed to the religious orders generally.

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

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

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

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

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

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

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

Mediæval mendicancy tending to be ruinous.

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

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

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

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

Criticism of ascetic vows as basis for philanthropic organisation.

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

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

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

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

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

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

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

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

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

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

Surviving gratitude to the mediæval Orders.

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

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

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

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

Part Second.—POST-MEDIÆVAL ENGLAND.

CHAPTER V.

TUDOR LEGISLATION.

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

The Medical Profession: Physicians;

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

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to the faculties, and the grievous hurt, damage, and destruction of many of the king's liege people, most especially of them that cannot discern the uncunning from the cunning;" and the Act goes on to provide: that no one shall practise medicine within the city of London, or within seven miles of it, unless he have been examined, approved, and admitted by the Bishop of London, or the Dean of St. Paul's for the time being, calling to him or them four doctors of physic, or for surgery other expert persons in that faculty, and for the first examination such as they shall think convenient, and afterwards always four of them that have been so approved: that, outside London and its precincts, the examinations and admissions in each diocese shall be by the Bishop of the diocese, or his vicar-general, with such expert persons as he may think convenient: that any one, practising in contravention of the Act, shall be subject to a penalty of £5 for each month in which he does so; but that the Act is not to prejudice Oxford or Cambridge.

Surgeons;

Later in the reign important steps were taken, to enable practitioners of medicine and surgery to turn to account for the good of their profession that Roman contrivance of collegiation which ordinary Trade-Guilds had successfully revived. Before those later steps are described, note is requisite that, nearly sixty years previously, Edward IV., in the first year of his reign, had granted a charter of incorporation to "the Freemen of the Mystery of the Barbers of the City of London, using the Mystery or Faculty of Surgery:" under which charter "two Principals of the Commonalty, of the most expert men in the Mystery of Surgery might with the assent of twelve, or eight persons at the least, of the same community, every year elect and make out of the community two Masters or Governors, being the most expert in the Mystery of Surgery, to oversee, rule and govern the Mystery and Commonalty aforesaid."

Royal College of Physicians;

Of the steps taken in a like direction in the reign of Henry VIII., the first has been officially described in the following terms: "Henry the Eighth, with a view to the improvement and more orderly exercise of the art of physic, and the repression of the irregular, unlearned, and incompetent practitioners of that faculty, in the tenth year of his reign founded the Royal College of Physicians of London. To the

establishment of this incorporation the king was moved by the example of similar institutions in Italy and elsewhere, by the solicitations of at least one of his own physicians, Thomas Linacre, and by the advice and recommendation of his chancellor, Cardinal Wolsey. By the terms of the Letters Patent constituting the College, dated 23rd September, 1518, John Chambre, Thomas Linacre, and Ferdinand de Victoria, the king's physicians, Nicholas Halsewell, John Francis, and Robert Yaxley, physicians, and all men of the same faculty, of and in London and within seven miles thereof, are incorporated as one body and perpetual Community or College. To this was added the power of annually electing a President . . and . . the liberty of holding lands whose annual value did not exceed twelve pounds. They were permitted to hold assemblies and to make statutes and ordinances for the government and correction of the College, and of all who exercised the same faculty in London and within seven miles thereof, with an interdiction from practice to any individual, unless previously licensed by the President and College. Four persons were to be chosen yearly (censors) to whom was consigned the correction and government of physic and its professors, together with the examination of all medicines and the power of punishing offenders by fine and imprisonment, or by other reasonable ways. And lastly the members of the College were granted an exemption from summons on all assizes, inquests, and juries in the city and its suburbs." *

and its privileges;

Five years afterwards, the charter was confirmed, and some additional powers granted to the College, by Act of Parliament 14th and 15th Henry VIII., c. 5. In this Act provision was made for the immediate appointment of eight so-called Elects: who were to annually appoint from among themselves the President of the College, and were to fill vacancies in their own number by admitting, as need might be, one or more of the most cunning and expert men of the same faculty in London: strict examination of each selected person being first made by them.

* *The Roll of the Royal College of Physicians of London:* by William Munk, M.D., Registrar of the College. London, 1878. The preamble of the Charter declares:—"*Apprime necessarium [duximus improborum hominum qui medicinam magis avaritiæ suæ causâ, quàm ullius bonæ conscientiæ fiduciâ, profitebuntur, unde rudi et credulæ plebi plurima incommoda oriantur, audaciam compescere.*"

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The Act also provided that (except graduates of Oxford and Cambridge) no person should thenceforth be suffered to practise physic in England, unless he had previously been examined by the President and three Elects of the College, and had received from them letters testimonial.

Seventeen years later in the reign, namely in 1540, further steps relating to the Medical Profession were taken by the passing of two Acts of Parliament, one concerning Physicians, and the other concerning Surgeons. The former (32nd year, c. 40) was chiefly important as providing that the incorporated Physicians should have supervision of the apothecaries' shops in the city of London, and as declaring that, "forasmuch as the science of physic doth comprehend include and contain the knowledge of surgery as a special member and part of the same," any of the incorporated physicians (being able chosen and admitted by the president and fellowship) may practise physic "in all and every his members and parts," notwithstanding any enactment made to the contrary: while, in special relation to Surgery, the other of the Acts (eod. c. 42) after reciting that there were then in the city of London two several and distinct companies of surgeons, occupying and exercising the faculty of surgery, one company [the corporation made by Edward the Fourth] called the Barbers of London, and the other company called the Surgeons of London, enacts that the two companies shall be made one, under the name of the Masters or Governors of the Mystery and Commonalty of the Barbers and Surgeons of London.* In accordance with the latter Act, the King in 1540 granted a charter to the new company; and many who are neither barbers nor surgeons may remember with interest this particular royal act, because of Holbein's masterpiece of painting which commemorates it.

Corporation of Barbers and Surgeons.

Subsequent passages;

In order to simplify future references to the early legal constitution of the Medical Profession, as bearing on the constitution which now is, it may be convenient to interpose here, though anticipatively, a mention of some subsequent passages in the history of the just-mentioned Corporations.

* In section 3 of the Act it was provided (for fear of infections of disease) that no one person should practise both barbery and surgery, except that barbers might draw teeth.

Separate Incorporation of Surgeons, eventually as Royal College;

The Corporation of Barbers and Surgeons received from Charles the First, in the first year of his reign, a charter confirming Henry the Eighth's, and further empowering the Corporation to appoint Examiners of Surgeons in London. In the eighteenth year of George the Second, an Act of Parliament dissolved (from 24th June, 1745) the old union between the Barbers and the Surgeons, and enacted that members of the united company who were freemen of it, and admitted and approved surgeons within the rules of the company, should thenceforth be a separate and distinct body corporate—"the master governors and commonalty of the art and science of surgeons in London."* In 1800 the Corporation of 1745 was dissolved; and a new charter (40th George III.) created in its stead the Royal College of Surgeons in London: which forty-three years later, under a further charter (Victoria 7th) received a new constitution, and became the Royal College of Surgeons of England, as now existing.

Apothecaries supervised by Physicians and Grocers, subsequently incorporated, and eventually made a licensing medical authority.

In the Royal College of Physicians of London, as now existing, we have, as needs hardly be stated, the corporation which Henry the Eighth founded, and which, till some thirty years ago, had retained without change the constitution originally given to it. In the first year of Mary's reign, however, a further Act of Parliament (session 2, c. 9) had added somewhat to the provisions of the thirty-second of Henry the Eighth: first, to strengthen the penal powers of the College, by providing that persons committed by it under the previous law should be kept in prison at their own cost until discharged by the College; and secondly, which is of more historical interest, to enact that, in the function of supervising apothecaries' shops, the College of Physicians should be joined by the Wardens of the Grocers' Company. The interest of the last-cited enactment lies in the fact, that the quasi-medical relation in which the Grocers' Company now came to be legally recognised, grew, with progress

* That breaking-up of Henry the Eighth's compound corporation seems to have come from incompatibilities which of course showed themselves as surgery began to develop; and a special cause for it seems to have been the resistance which the barbers opposed to the growing desire of the surgeons to acquire due knowledge of anatomy by dissections of the human body. Cheselden, the first surgeon and anatomist of his time, was a principal promoter of the separation of 1745.

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of time, into far larger relations which were fully medical: not indeed in the hands of the Grocers' Company, but in those of the Society of Apothecaries, which, under Charter of fifteenth James I., budded off from the Company of the Grocers;* for the Society of Apothecaries, after it had existed for some two centuries as an ordinary City-Guild, was transformed by Act of Parliament (1815) into a licensing medical corporation.

Thus, at the middle of the Tudor period, the Medical Profession had but imperfectly detached itself from other industries. Three main roots for it were discernible. Apothecary, surgeon, physician, each had a mark of his own: the first, his familiarity with the uses of worts and drugs; the second, his skill for bleeding, bandaging, bone-setting, and the like; the third, his book-learning, especially in the Greeks and Latins, and often his mastery of at least one occult science: but the apothecary was still a variety of grocer, the surgeon still a variety of barber, and the physician but just ceasing to be an ecclesiastic.†

Commissions of Sewers:

In a second line of sanitary concern, there was passed in 1532 the very important Act of Parliament (23rd Hen. VIII., c. 5) which provided for the institution of COMMISSIONS OF SEWERS in all parts of the kingdom.

Previous care against floods;

This of course was not the first action in England, evincing care for the maintenance of dry land; for (as before illustrated) such action is apt to be among the earliest of tokens that communities are acquiring civilisation; and probably there had been such in England from time immemorial. Sections xv. and xvi. of the Great Charter indicate that riparian towns and land-owners had from old been accustomed to maintain certain embankments of rivers,—for those sections make unlawful any distraint of

* The grant of that Charter has a painful side-interest attached to it in English history. It was one of the occasions in regard of which Lord Chancellor Bacon, on his arraignment, confessed that he had been guilty of receiving money from suitors.

† No doubt at least one of those combinations still lingers in parts of Europe. I remember to have observed in the south of Spain, forty years ago, that barbers' shops generally had a notice that the barber did midwifery and surgery as well as shaving; and far more recently, in Switzerland, I have had the honour of being shaved by one who had Professor Virchow's latest publications on the book-shelf beside his basin.

towns or freemen for other than *the customary* embankments; and section xxxix. of the Charter requires that all wears in the Thames and Medway, and everywhere except along the sea, shall be put down. The prohibition of wears was repeated in various later statutes;* among which the most important was one passed in the last year of Richard the Second: an Act which was repealed (together with all others of the same year) as soon as the next reign began, 1st Henry IV. c. 3, but was forthwith in substance re-enacted; eod. c. 12. This Act recited *inter alia* in its preamble, that "meadows, pastures and arable lands, joining to the . . . rivers, be greatly troubled, drowned, wasted and destroyed, by the outrageous enhansing and straitening of wears, mills, stanks and kiddles, of old time . . . whereof great damages and losses have oftentimes happened to the people of the realm, and daily shall happen if remedy thereof be not provided"; and it enacted (in anticipation of the statute of 1532) that in every county of England where need is, Commissioners shall be appointed "to survey and also keep the waters and great rivers there, and the defaults to correct and amend" . . . "to survey the wears, mills, stanks, stakes and kiddles, of old time made and levied" . . . "to correct pull down or amend . . . saving always reasonable substances of the same": &c. In the sixth and eighth years of Henry the Sixth, further steps towards the legislation of 1532 were taken by Acts which provided more particularly for the appointment and powers of Commissioners of Sewers.

Act of 1532.

The preamble of the Act of 1532, in accordance with the practice of those days, gave explanation of the circumstances under which the Act was deemed necessary, and did so with such fulness, that it, and the first provision of the Act, may well be quoted here, as follows:—"Our sovereign lord the King, like a most virtuous and gracious Prince, nothing earthly so highly weighing as the advancing of the common profit wealth and commodity of this his realm, considering the daily great damages and losses which have happened in many and divers parts of this his said realm, as well by reason of the outrageous flowing surges

* See Edward III. 25th, stat. 4, c. 4, and 45th, c. 2; Richard II. 21st, c. 19; Henry IV. 1st, c. 12, and 4th, c. 11; Edward IV. 12th, c. 7. Of the above statutes, the first-mentioned specially objects to wears that they hinder navigation, and the fifth that they do wrong to the fishery.

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and course of the sea in and upon fish-grounds and other low places, heretofore through politic wisdom won and made profitable for the great common wealth of this realm, as also by occasion of land-waters and other outrageous springs in and upon meadows pastures and other low grounds adjoining to rivers, floods and other water-courses, and over that through mills, mill-dams, weirs, fish-garths, kedels, gores, gootes, flood-gates, locks and other impediments in and upon the same rivers and other water-courses, to the inestimable damages of the commonwealth of this realm, which daily is likely more and more to increase unless speedy redress and remedy be in this behalf shortly provided, wherein albeit that divers and many provisions have been before this time made and ordained yet none of them are sufficient remedy for reformation of the premisses; hath therefore by deliberate advice and assent of his lords spiritual and temporal and also his loving commons in this present Parliament assembled, ordained established and enacted that Commissions of Sewers and other the premisses shall be directed in all parts within this realm from time to time where and when need shall require according to the manner, form, tenure and effect hereafter ensuing, to such substantial and indifferent persons as shall be named by the Lord Chancellor and Lord Treasurer of England, and the two Chief Justices for the time being, or by three of them, whereof the Lord Chancellor to be one." The prescribed form of Commission was a comprehensive authorisation and command to do or to cause to be done all which in the premisses might be needful within the appointed area of jurisdiction; and in addition to giving powers of inspection, construction, amendment and removal, as to the various things enumerated in the preamble, it gave powers to tax and distrain, to appoint and depute officers, to impress (but with payment) the labour of man and beast, to take (with payment) timber and other material, to enact statutes, ordinances and provisions, "after the laws and customs of Romney Marsh in the county of Kent," or at discretion otherwise, and to make orders and precepts.

New Poor-laws:

Thirdly to be mentioned, as a branch of Tudor legislation which most importantly concerned the physical welfare of the people, are the successive Acts of Parliament

which were passed in relation, on the one hand, to the IMPOTENT POOR, and, on the other hand, to MENDICANTS AND VAGRANTS.

previous provision for the poor, and against dishonest begging.

During the centuries of ecclesiastical supremacy in England, there had been no need to press by statute on the well-to-do classes that they should give relief to destitution. The stationary poor seem to have had some sort of legal claim on lords of manors; but, apart from this, in every parish of the country, the parson had (or was supposed to have) means in trust for them. This parochial trust seems to have been implied, or perhaps had been ecclesiastically regulated, from the earliest days of the Church; and the first mention of it in the statute-book is not to enact, but to recite it. Edward the Third's Statute of Provisors, referring to the Carlisle Statute of Edward the First (35th year) recites from it, that "the Holy Church of England was founded in the estate of prelacy within the realm of England by the said King [Edward the First] and his progenitors, and the earls barons and other nobles of his said realm and their ancestors, to inform them and the people of the law of God, and to make hospitalities, alms, and other works of charity, in the places where the churches were founded"; and that "certain possessions, as well in fees, lands, rents, as in advowsons, which do extend to a great value, were assigned by the said founders to the prelates and other people of the Holy Church of the said realm to sustain the same charge." * Afterwards, by § vi. of the Act of the fifteenth year of Richard the Second, law was made that every parish should have its trust-money for the above purposes secured to it: viz.—"In every licence from henceforth to be made in the Chancery of the appropriation of any parish church, it shall be expressly contained and comprised that the diocesan of the place, upon the appropriation of such churches, shall ordain, according to the value of such churches, a convenient sum of money to be paid and distributed yearly of the fruits and profits of the same churches, by those that shall have the said churches in proper use, and by their successors, to the poor

* With regard to that recital by Edward III., it may be noted that the language of Edward the First's statute mentions only monasteries and other special foundations, and does not appear to speak (as the recital does) of the Church of England in general.

parishioners of the said churches, in and of their living and sustenance, for ever; and also that the vicar be well and sufficiently endowed." In districts which had monasteries within them, these institutions would of course have been a further security to the stationary poor, that assistance, such as we should now term out-door relief, would be given to them according to their needs. The migrating poor (including all classes of vagrants) would probably have been to some extent recognised as entitled to receive parochial "hospitality" under the conditions to which reference has been made; but probably most of such poor would have resorted to the monasteries, if within reach, and would have been tolerably sure of receiving temporary assistance from them. With charitable institutions to the above effect existing, besides a very extensive presence of guilds in rural as well as urban districts, there not only were means enough for giving help to proper claimants, but often unfortunately also means enough to promote a lavish or indiscriminate giving of alms, and thus to promote habits of mendicancy and dependence among classes which were not properly necessitous. The begging of alms by non-necessitous persons, and especially by the able-bodied, or—as our old laws used to term them—"valiant and sturdy" beggars, whose own labour ought to be their support, has, no doubt, been in all countries, from the earliest times, a familiar social evil. For few men love labour for its own sake; and perhaps most men, in the absence of manna from Heaven, would rather be kept in comfort at other men's cost than have to drudge steadily for their own maintenance. The difficulty had been noticed by the English Legislature as far back as the year 1349; when a prohibition against giving alms to "valiant beggars" was inserted in the Act, 23rd Edward III., c. 7. Early in the Tudor period, namely in the 11th year of Henry VII., the Legislature, while fully recognising that the impotent poor had local claims to relief, found it necessary to restrict even them from migratory begging; and at the same time (11th, c. 2) provided, in regard of "vagabonds, idle, and suspected persons," that they "shall be set in the stocks three days and three nights, and have none other sustenance than bread and water, and then shall be put out of the town, and that whosoever shall give such idle persons

more shall forfeit twelve pence."* In 1531, further legislation in the same sense, but with a severer tone against unprivileged mendicants, whether impotent or able-bodied, and with penalty of whipping for certain disobediences, had to be provided by the 22nd of Henry the Eighth, c. 12. Almost immediately after the last-named statute, Acts of Parliament relating to the Protestant Reformation begin to occupy the statute-book; and the progress of that legislation soon made it necessary to re-consider as a whole the laws which related to poverty and mendicancy in England. The Acts of 1532–4 which freed the country from further allegiance to the See of Rome, and vested in the crown of England the headship of the English Church, were followed during the years 1536–9 by measures for the dissolution of all monasteries and friaries in England, and during 1545–7 by similar measures relating to chantries and other minor religious foundations. Step by step as those dissolutions were effected, the respective possessions of the dissolved bodies were transferred to the crown, and the functions which the bodies had discharged in relief of poverty had to be discharged by such new agencies, and on such new system, as the State might see fit to appoint.

Extinction of the monastic charities.

In the re-consideration which consequently began, and which (as the subject was taken up again and again) may be said to have continued till the end of the Tudor period, three main principles were recognised from first to last; though not always with the same degree of insistence on each of them; nor of course still less in those relative proportions, or with those collateral considerations, which attach to them in modern times. It was recognised—*first*, that persons of adequate means must henceforth accept as an obligation the responsibility of providing sustenance for the impotent poor of their respective parishes: *secondly*, that to poor persons, not impotent, relief must only be given in exchange for work, and that pretences of destitution, and above all, the voluntary parasitism of idleness, must be treated as criminal: *thirdly*, that certain roots of poverty must be dealt with preventively by educating and employing the children of the poor.

Principles of the new laws:

* The language quoted is that of Danby Pickering's edition of the Statutes at large.

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Against "sturdy beggars" and "rogues."

In the earlier enactments of the period (beginning with those of the 27th of Henry the Eighth) the chief insistence is on the second of those principles: the legislators taking as their axiom, that any able man who would shirk his duty of self-support is a traitor against the community to which he belongs; and for some fifty or sixty years they evidently felt no sort of hesitation in adapting their penalties to that view of his crime. The sturdy beggar's third offence against the law was capital: he was to "suffer execution of death, as a felon and an enemy to the commonwealth:" and his earlier offences would have been proportionately dealt with. Under Henry, for a first begging he would have been whipped, and for a second would have had "the upper part of the gristle of his right ear cut off." For three years under Edward the Sixth, legislation still more ferocious against first and second offences was in force:* but with its repeal (4th Edw., cap. 16) re-enactment was made of the Henrican law of 1531; which again in 1572 was strengthened by the 14th Elizabeth, c. 5. This Act, not mitigated till 1593, and not repealed till 1597, provided as follows: "A vagabond above the age of fourteen years"—and apparently "vagabond" included "any able-bodied common laborer who loitered and refused to work for such reasonable wage as was commonly given"—"shall

* From the fierce penal provisions of the Act, 1st Edward VI., c. 3, the following may be cited:—"If any person bring to two justices of peace any runagate servant, or any other which liveth idly and loiteringly, by the space of three days, the said justices shall cause the said idle and loitering servant or vagabond to be marked with an hot iron on the breast with the mark of V, and adjudge him to be slave to the same person that brought or presented him, to have to him, his executors or assigns, for two years after; who shall take the said slave and give him bread, water, or small drink, and refuse-meat, and cause him to work by beating, chaining, or otherwise, in such work and labor as he shall put him unto, be it never so vile: and if such slave absent himself from his said master, within the said term of two years, by the space of fourteen days, then he shall be adjudged by two justices of peace to be marked on the forehead, or the ball of the cheek, with an hot iron, with the mark of an S, and further shall be adjudged to be a slave to his said master for ever: and if the said slave shall run away the second time, he shall be adjudged a felon." . . . "It shall be lawful to every person to whom any shall be adjudged a slave, to put a ring of iron about his neck arm or leg." . . . "A justice of the peace and constable may bind a beggar's man-child apprentice to the age of fourteen years, and a woman-child up to the age of twenty years, to any that will require them; and if the said child run away, then his master may retain and use him for the term aforesaid as his slave."

be adjudged to be grievously whipped, and burned through the gristle of the right ear with a hot iron of the compass of an inch, unless some credible person will take him into service for a year; and if, being of the age of eighteen years, he after do fall into a roguish life, he shall suffer death as a felon unless some credible person will take him into service for two years; and if he fall a third time into a roguish life, he shall be adjudged a felon." The modified Elizabethan law against vagabonds (39th, c. iv.) enacted that houses of correction for them should be provided: an enactment which her successor developed in 1609; with provision that in these houses (whereof one or more should be in each county of England and Wales) vagabonds must be compelled to work, and might be punished by "fetters or gives" and by "moderate whipping," and "shall have such and so much allowance as they shall deserve by their own labour and work."

For relief of the "true poor."

While recognition, and at times a far too passionate recognition, was thus being given to one of the requirements of a new poor-law, action in respect of the other requirements lagged at first somewhat irresolutely behind. The framers of the statute of 1536 seem to have assumed, as matter of course, that a poor or professedly poor man, in his place of settlement, would, somehow or other, be cared for according to his deserts; that the Legislature had only to give to local authorities such general direction as would make them the trustees and administrators of charity to the poor; and that local liberality and kindness would immediately supply the necessary funds for all proper functions of relief. In this spirit, the Act of 1536, referring to such impotent poor as had heretofore subsisted by way of voluntary and charitable alms in any of the shires, cities, towns, hundreds, hamlets, or parishes, of the kingdom, simply directed the respective local "governors" to find such poor persons, and to keep them with such convenient alms as they in their discretion should think meet, so that none might be compelled to go openly in begging; and with regard to children living in idleness, and caught begging, the Act authorised their being put to service to husbandry or other crafts or labours. Neither under Edward, nor under Mary, was there any attempt to go beyond the spirit of that legislation of 1536. Under the

CHAP. V. Tudor Legislation.

three Acts of Edward's reign (first, c. 3; fourth, c. 16; fifth, c. 2) the directions to local "governors" were somewhat amplified: convenient habitations, with other relief, were to be provided for the impotent poor: official collectors of alms were to be appointed: even a little ecclesiastical pressure was to be invoked, in regard of competent persons whose alms were not forthcoming: but in substance the law remained as it was, a mere invitation to charity: the appeal for the impotent poor was to "the devotion of the good people of that city, town, or village where they were born or have dwelt three years:" "the poor of every parish shall be relieved with that which every parishioner of his charitable devotion will give." Under Mary, the only suggestion seems to have been whether perhaps non-contributors might be comminated in church: but at an early stage of Elizabeth's reign, the matter was undertaken in a wiser spirit; and before the close of that splendid era, successive acts of legislation, worthy of the time, had given to the country a Poor Law which was complete in all essential respects, and was destined to remain valid for centuries.

Elizabethan Acts.

Of those Elizabethan Acts, the earliest (fifth year, c. 3) was, in principle, the whole thing. It provided that contribution towards the relief of the impotent poor should henceforth be legally leviable on every competent person; that no such person should have option of refusal; that "if any parishioner shall obstinately refuse to pay reasonably towards the relief of the said poor, or shall discourage others, then the justices of peace at the quarter-sessions may tax him to a reasonable weekly sum; which if he refuse to pay, they may commit him to prison." The second of the Acts (14th, c. 5) provided for a more systematic rating of competent persons. "Assessments shall be made of the parishioners of every parish for the relief of the poor of the same parish." Incidentally it enacted: "Every bishop shall visit and reform hospitals within his diocese." The third of the Acts (39th, c. 3) provided for the appointment, duties and liabilities, of overseers of the poor. The fourth and last of the Acts, the famous c. 2 of Elizabeth's 43rd year, is the Great Charter of this branch of English law. It provides again as to the appointment of overseers. It provides that the overseers, with consent of certain local justices of peace, shall set to work

children whose parents cannot maintain them, and persons, married or unmarried, who have no means of maintenance nor any ordinary trade of life by which to get living; and shall raise weekly or otherwise by taxation of every inhabitant a convenient stock of all necessary wares and stuffs to set the poor on work; and shall raise from the parish, according to its ability, sums of money towards the necessary relief of the impotent poor of all sorts, and for putting out children as apprentices. It provides that, in case of need as regards any poor parish, some or all other of the parishes of the same hundred, or in case of greater need some or all of the other hundreds in the county may be rated in aid. It provides for the apprenticing of children; males up to the age of twenty-four; females up to the age of twenty-one or to marriage. It provides for building upon waste or common land (with consent of lord or lords of manor) convenient houses of dwelling for the impotent poor. It contains of course many detailed provisions as to the machinery and procedures for giving effect to its general intentions; and it further contains a wide safe-guarding provision, that the responsibility for relieving any impotent poor person shall primarily rest on the parents, grandparents and children of such person, if they be of competent ability, and that this responsibility shall be enforced by the justices.

Thus at last was provided all which the State could offer to the Poor in substitution for the mediæval charities which had been swept away. And side by side with those new provisions for relief, were the penal provisions which I previously described, guarding against the various impostors who would consume what was meant for the impotent: and of like intent with this part of the law, there were the provisions of the 18th Eliz., c. 3, as to children born out of wedlock. These defensive provisions of the law were not less essential than the charitable: for the relief which charity could promise was but of limited amount: and so far as any "rogue" could succeed in his attempts to live by charity, his success would indeed be (as the last-cited statute expresses) a "defrauding of the impotent and aged *true* poor." Undoubtedly the defensive provisions in their earlier stages were truculent, and even in their final mitigated

form were very severe. Their more or less draconic character was a quality which they shared with all other English penal law of the times; and which indeed, till more than two centuries afterwards, continued to mark our whole penal code. In the earlier Tudor legislation as to "vagabonds," there no doubt may have been a spice of the old feudal ferocity of lord against troublesome serf; but in the later Elizabethan mind, the theory, we may believe, would rather have been that of domestic discipline: a pious parental wish, not so to spare the rod as to spoil the child. As to the earlier times, too, it must not be forgotten that they were times of extremely grave crisis in regard of the poor; that, during the years next after the suppression of the religious houses, the country was a swarm of claimants for alms; and that just consideration for the impotent poor could not abide with leniency to "vagabonds." In partial apology even for the first statute of Edward's reign, it seems certain that vagabondage was then in such strength as to be a real social danger, and that panic may have dictated the legislation. Whether the final Elizabethan law against "rogues" was unduly severe in its provisions, is a question on which judgments differ. Common humanity deprecates of course all superfluous severity of law; but laws really meant to be obeyed must be made a terror to evil-doers; and society fighting for its very life (as it does when vagabondage is in mass) cannot afford to take only sugar-plums for its weapons. On the other hand, it cannot but be felt that extremely severe laws against vagabondage are a reproach to the states of society which require them: that the existence of the vagabond (except as a mere sporadic rascal) testifies to some past or present badness of law. In proportion to the length of time for which a country has had equal laws for all sorts and conditions of its people,—in proportion to the length of time for which every kind of labour has been free to follow its own course in its own way,—in proportion to the length of time for which the children of the people have had education,—in such proportions will idleness hold less and less vantage ground for preference in the minds of the poor of the land, and police-rules for the branding and slaying of vagabonds will have become but a shameful memory of the past.

Here ends the legislation of the Tudor period, as regards matters of general sanitary concern; but it may be noted that, before the end of the civilising reign of Elizabeth, local Improvement-Works on a more or less considerable scale had been started in various towns of England, either as municipal undertakings or as gifts of private munificence. Though the present record cannot enter enough on town-histories to certify in what towns such works were first undertaken, there may be mentioned, as an instance of what is meant, the famous Plymouth *Water-Leet:* which Admiral Sir Francis Drake, at that time member for the town, devised and constructed, to convey by gravitation suitable supplies of water from Dartmoor (about twenty-four miles distant) into the town. The Act of Parliament sanctioning that important work was of the year 1585, 27th Elizabeth, c. 20: some thirty years before the time when the water-supply of the city of London was to be improved by the famous *New River* of Sir Hugh Myddelton.*

Works of Town Improvement

* Before the end of the reign, was also a smaller incident which deserves notice. In 1596, Sir John Harington, who in earlier life had been a favourite page of the Queen's, and was Her Majesty's godson, published, under the punning title of *Metamorphosis of A-jax*, his account of an original contrivance by which he had relieved his house at Kelston, Bath, from the stench of its previous "jakes:" namely, a water-adaptation, which, though not with all the accomplishments of a modern water-closet, was effectual enough for its purpose, and may probably have been afterwards copied in other great houses. Few puns bear the test of time; and perhaps Harington's title may already require to be explained by a word of reminder, that, down to the end of the eighteenth century, the word "jakes," or sometimes "heaks," was a name of the ordinary privy.

CHAPTER VI.

LONDON UNDER ELIZABETH AND THE STUARTS.

After an interval of a hundred and sixty years from the close of the City of London *Memorials*, quoted above in chapter iii., the government of London is illustrated anew for a period of eighty-six years, 1579–1664, by the collection known as the *City Remembrancia*, the records of the Remembrancer's office. Of this collection, which consists of various correspondence had by the Corporation during the eighty-six years, chiefly with Ministers of the Crown, on matters (large and small) of municipal concern, the Corporation has lately published an admirable *Analytical Index;* and from that *Index* will be gathered into the present chapter such chief illustrations as it affords of the sanitary government of London during the reigns of Elizabeth and the three first Stuarts.

Streets and Sewers.

The publication is not of a nature to have room in it for details, such as abound in the *Memorials*, with regard to police-administration in particular cases; but it is easy to see that the old urban difficulty, as to getting rid of filth and refuse, still continued; and there is more definite reference than before both to sewers (essentially as courses for rain-water*) and also to pavement. Commissioners of sewers are now mentioned; and in 1582 and again in 1591, there is correspondence with the Lords of the Council on the cleansing and conservation of the Fleet Ditch. In February, 1620, the Lords of the Council complained to the Lord Mayor and Court of Aldermen of the impassable state of the streets of the city: where, "though the frost had continued nearly three weeks, no steps had been taken for the removal of the ice and snow:" they required immediate order to be given for remedy of the inconvenience, and threatened that, upon any further neglect, they would address themselves to

* In the earlier collection in one case (1373) there is mention of a right of water-easement by means of "an arched passage" beneath a certain tenement in Bishopsgate.—*Memorials*, p. 374.

the Aldermen of the several wards where such abuses and inconvenience should be found, and would call them individually to strict account. In 1628 the King, having noticed that the ways in and about the City and Liberties were very noisome and troublesome for passing, in consequence of breaches of the pavements and excessive quantities of filth lying in the streets, the Lords of the Council inform the Lord Mayor of this, and, at the King's express command, require the Lord Mayor to take effectual steps for the complete repair of the pavements* and the removal of all filth—"the fruits of which His Majesty expects to see on his return from Portsmouth;" and two months afterwards, they write again, reminding the Lord Mayor of the near approach of the King's return, and requiring him to certify what has been done in the matter. Six years later, according to the *Index*, there is a "letter from the King to the Lord Mayor, recommending a proposition of one Daniel Nis, for the beautifying and better accommodation (p. 483) of the streets of the city by raising them to a convenient height, evenness, and decency, leaving ample passage for coaches, carts, and horses, and reserving a competent part to be made even and easy in a far more elegant and commodious manner for the convenience of foot-passengers, besides a handsome accommodation of water for the continual cleansing of the streets by lead pipes." In the same year (1634) the Lords of the Council, referring to the great annoyance occasioned by the Moor-Ditch, order "the Commissioners of Sewers of the City and Inigo Jones, Esq., Surveyor of His Majesty's Works, upon view and enquiry to agree upon some remedy and certify the same to the Board:" which being done, the reporters recommend the construction of a vaulted sewer, 4 feet in breadth at bottom, and 6 feet at least in height, from the Moor-Ditch to the Minories and so to the Thames, and that upon completion of the sewer, the Moor-Ditch should be filled up with earth, and kept without buildings thereon: and the Lords of the Council, authorising this to be done, further require the Lord Mayor and Aldermen to have special regard to the last clause of the recommendation.

* Two previous entries in the *Index* give to be understood that in London (as previously in Rome) individual house-holders were held responsible for the pavement in front of their respective holdings.

CHAP. VI. London 1580-1714.

Forbidden buildings and crowdings.

In the later records, the evils of over-building and over-inmating (mixed often with those of vagrancy and pauperism) come into prominence as among the sanitary difficulties of London; and for about fifty years (1582–1632) frequent references are made to those evils, and to the measures which were meant to prevent them.* The City Authorities seem first to have complained of "the increase of new buildings which have been erected for the harbouring of poor and roguish persons" whereby the City had been greatly burthened with provision; and in 1580 the Queen issued a proclamation commanding all that there should not be any new building in the City or within three miles of its gates; but the Lords of the Council in 1583 found that in despite of this proclamation buildings had greatly increased, "to the danger of pestilence and riot"; and they now call on the Lord Mayor and Aldermen, who, they say, had been empowered by the proclamation to prevent this, to take immediate steps to bring the offenders before the Star-Chamber, and to take into custody and commit to close prison workmen who should refuse to obey the proclamation. Attention is at the same time drawn to the overcrowding which results from the dividing of single houses; and an Act of Parliament passed in 1593 (35 Eliz. c. 6) recites that "great mischiefs daily grow and increase by reason of pestering the houses with divers families, harbouring of inmates, and converting great houses into several tenements, and the erecting of new buildings in London and Westminster." Under James I., fresh proclamation seems to have been made, and prosecutions were repeatedly instituted or threatened; but in 1619 the "Commissioners of Buildings" inform the Lord Mayor that they find it very difficult to discover and prevent offences unless they be assisted by the Constables in their several precincts, and they beg the Lord Mayor, as principal magistrate and himself a Commissioner, to give suitable directions to the Constables. Again under Charles I. (in the years 1632–6) complaint in the matter is renewed:—"that the multitude of newly erected tenements in Westminster, the Strand, Covent Garden, Holborn, St. Giles, Wapping, Ratcliff, Limehouse, Southwark, and other parts . . . . was a great cause of beggars and other loose persons swarming about the City; that by these

* See in *Remembrancia* under heads "Buildings," "Poor" and "Vagrants."

multitudes of new erections the prices of victuals were greatly enhanced, and the greater part of their soil was conveyed with the sewers in and about the City, and so fell into the Thames, to the great annoyance of the inhabitants and of the river; that, if any pestilence or mortality should happen, the City was so compassed in and straightened with these new buildings that it might prove very dangerous to the inhabitants":—and the former process of proclamation, threats and prosecutions, seems to have been repeated. Finally, as soon as Charles II. is on the throne, proclamation is again made to restrain "the exorbitant growth of new buildings in and about the City, and for regulating the manner of all new buildings," and in 1661, the Clerk of the Council writes to the Lord Mayor, directing him to give effect to this proclamation.

Lord Mayor as social disciplinarian.

The relation in which during these years the civic authority was standing to the conditions of lower social life in London may be illustrated by the contents of a letter, written in 1614 to the Lord Chamberlain by the Lord Mayor, detailing steps which he had taken during the then past eight months of his mayoralty to amend what he had found out of order in the City:—"Firstly, he had freed the streets of a swarm of loose and idle vagrants, providing for the relief of such as were not able to get their living, and keeping them at work in Bridewell, 'not punishing any for begging, but setting them on work, which was worse than death to them.' Secondly, he had informed himself, by means of spies, of many lewd houses, and had gone himself disguised to divers of them, and finding these nurseries of villany, had punished them according to their deserts, some by carting and whipping, and many by banishment. Thirdly, finding the gaol pestered with prisoners, and their bane to take root and beginning at ale-houses, and much mischief to be there plotted, with great waste of corn in brewing heady strong beer; 'many consuming all their time and means sucking that sweet poison,' he had taken an exact survey of all victualling houses and ale-houses, which were above a thousand, and above 300 barrels of strong beer in some houses, the whole quantity of beer in victualling houses amounting to above 40,000 barrels; he had thought it high time to abridge their number and limit them by bonds as to the quantity of beer they should use, and as to what

orders they should observe, whereby the price of corn and malt had greatly fallen. Fourthly, the Bakers and Brewers had been drawn within bounds, so that, if the course continued, men might have what they paid for, viz., weight and measure. He had also endeavoured to keep the Sabbath-day holy, for which he had been much maligned. Fifthly, if what he had done were well taken, he would proceed further, viz., to deal with thieving brokers or broggers, who were the receivers of all stolen goods. And lastly, the divided houses would require before summer to be discharged of all superfluities for avoiding infection, &c."

Maintenance of supplies of Food and Fuel.

Among the chief sanitary functions of the Corporation in the days to which the *Remembrancia* relate was one which has now become obsolete. Commercial enterprise, in those days, was under conditions widely other than now are: above all, it had not yet come into ways of easy relation with popular demand, nor had men learnt what powers of self-development and self-rule it could show if merely allowed freedom in that relation: and supply and marketing were affairs of State. In London the Lord Mayor and Aldermen, directed by the Lords of the Council, and sometimes specially moved by a royal message,* saw to the maintenance of stores of food and fuel for the City, and regulated conditions of sale for all chief necessaries of life. The working of that system—chiefly relating to corn-supplies and the assizes of bread and beer, but extending also to flesh and fish and poultry, to meat and drink in ordinaries and hostelries, to butter and all small "acates," to candles and all sorts of fuel—is admirably illustrated in the *Remembrancia;* and the illustrations are often instructive as well as curious. The annual bread-consumption of the City at that time was estimated at about 60,000 quarters of wheat, towards which the Corporation, sharply looked after by the Lords of the Council, had to keep up a large store in

Municipal granaries, and the assize of bread;

* For instance, in 1586, the Queen, àpropos of signing the Lord Mayor's venison-warrants, "expressed her satisfaction at his government of the City, specially in the provision of grain and meal." Again, in 1630, the Lord Mayor is reminded how the King, when conferring knighthood on him, gave him a "special charge for moderating the prices of victuals, then grown dear by the sinister practices of butchers, and also for care to be had about the prices of fuel and grain."

its own granaries, and to see that an additional store, perhaps up to 20,000 quarters or more, was in the hands of the City Companies. These stores seem to have been brought into the market for sale at certain times, "to keep down the prices for the benefit of the poor." The Companies might have to get their supplies from foreign parts, and could be put under pressure to do so if necessary; in 1632, for instance, divers wardens of Companies were committed to Newgate for not having made their due provision of corn; but the Corporation, in regard of its own store, was allowed particular facilities for obtaining corn. Besides such general restraints as there were on the exportation of grain from England, the counties nearest to London had, for the sake of London, particular restraints imposed on their home-transportations. County purveyors of grain were required to assemble together, and consider what quantity the county could spare from time to time for the victualling of the City of London; and ships laden with wheat would be stayed in the Thames and other ports, sometimes to be much fought for with the Warden of the Cinque Ports, in order that the City might be better supplied. Different seasons had of course their different requirements. In the winter of 1581–2, in presence of scarcity and high prices, the Lord Mayor writes repeatedly to the Lord Treasurer to have "his usual care for the City," and to stay the exportation of grain; in the following July he writes to him "as to the store of wheat remaining at the Bridge House, beseeching that on account of the prospect of a plentiful harvest, it might be transported and sold secretly to the advantage of the Companies." In 1594–5, which was a bad season, the Lord High Admiral is more than once found sending up the river to the Lord Mayor corn-ships which seem to have been intercepted in act of illegal exportation: the Lord Mayor also begging him, that, if any should be found "in the narrow seas," they may be sent to him; and likewise begging the Lord Treasurer that the City may have the benefit of some "lately taken on the coast of Spain by the Earl of Cumberland." While means were thus being taken to provide supplies, various artful enhancers of price in wholesale and retail trade—"forestallers" and "engrossers" and "regrators" and "kydders" and "badgers"—(tribes of men who since then have

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got to be no longer named in the vocabulary of crime, and are perhaps now in the aristocracy of commerce)—had to be guarded against as "making unlawful gains to the oppressing of the poor," and had from time to time to be pilloried or imprisoned; and various mis-applications of corn, as for starch-making or overmuch beer-making, were, at least in hard times, put under restraint.

The assize of bread regulated the weight of the penny-loaf in proportion to the price of wheat: with such fluctuations as then were, the penny-loaf might at one time have less than half the weight it had at another—might at one time be weighing twenty-four ounces or more, at another only eleven ounces or less: and the Company of Bakers would meanwhile be complaining again and again, that, in consequence of their inability to keep the terms imposed on them, they (1619–20) were "daily punished, amerced and imprisoned, and their bread taken from them and given away, to their great reproach, hindrance, and undoing."

Control of brewery, and of sale

Side by side with that bread-control, went a similar control of beer. Brewers, in that point of view, and vintners, victuallers and taverners, in that and other points, were under constant supervision in their business. In 1613, the Lord Mayor reports how he, "for the avoiding of abuses in tippling-houses to the maintenance of drunkenness and vice . . . . . and on account of the excessive quantities of barley daily converted into malt for the brewing of sweet and strong beer, had, with the advice of his brethren, limited the brewers to the brewing of two sorts of beer only, the one at 4s. and the other at 8s. the barrel;" he boasts that by reducing the number of ale-houses, and limiting their number of barrels from perhaps 200 or 300 in stock to only 20, he had, in a fortnight reduced corn and malt 5s. or 6s. a quarter, and above 2,000 quarters weekly had been saved: but he finds brewers continue to consume excessive quantities of corn and malt in the brewing of stronger beer than was allowed by law, alleging it to be made for use at sea, though they conveyed it at night to the tippling-houses; and he requests the Council to restrain the transportation of any beer exceeding the assize of 8s. and 4s. the barrel. In 1614 the Lords of the Council address the Lord Mayor and Aldermen: "reciting that there were divers

good and wholesome laws enacted for restraining the excesses of victuallers and brewers, and against the brewing and selling of beer and ale of unreasonable strength and price, the execution of which had been so much neglected that the greatest part of the tillage of the kingdom, usually employed for wheat and other bread-corn, had been converted to the sowing of barley, which would produce dearth and scarcity unless some remedy were speedily taken: the Council intended to provide for prevention of this great abuse, and for the better execution of the before-mentioned laws throughout the Kingdom: to begin therefore with London, the principal city of the realm, where these abuses were most practised, they required every Alderman in his Ward to call before him the innholders, victuallers, alehouse-keepers, cooks, and all those who brewed and sold again in bye-places, and to examine the quantity and prices of such ale and beer as they had received into their houses and cellars since Christmas 1613, to ascertain the names of their brewers, and to report the particulars in writing to the Council." In 1620, the Council were "informed that the City had within these few years become so pestered with taverns that latterly the better sort of houses were taken up by vintners at unreasonable rents, and converted into taverns to the maintenance of riot and disorder, and the great inconvenience and disquiet of the neighbours. They understood that by ancient Acts and Laws, made for the good government of the City, the number of taverns had been limited to forty, and their places assigned; but it was said there were now upwards of four hundred. As the vintners, above all other trades, were permitted to keep eight or ten apprentices apiece, they would in time increase to such a number as to be insufferable in a well-governed city. The Council therefore desired that some speedy remedy might be applied by Act of Common Council for the restraint of this enormous liberty of setting up taverns.

Oysters.

Nor did the care of the Council stop at this point. In 1634, information on oath had come before them that the prices of oysters within eighteen or twenty years had so much increased, that Whitstable oysters, instead of being sold at 4d. per bushel, were now sold at 2s.; that the best and largest oysters were transported, and none but the refuse left for His Majesty's sub-

CHAP. VI. London 1580-1714.

jects, and that at a very dear rate. The Council therefore order that, this being a *droit d'Amiral*, the Lords and Commissioners of the Admiralty should be required to take it into their care, and, if they deemed fit, direct the Judge of the Admiralty and the Farmers of the Customs to attend them, and, after hearing their opinions, to advise some fit course to prevent the abuse complained of. No doubt that order was obeyed; and later in the year we find the Lords of the Council requesting the Lords and Commissioners of the Admiralty to give order to Sir Henry Marten, Knight, Judge of the Admiralty, and to the Marshal and all other officers of the Admiralty, not to suffer oysters to be transported by strangers or in strangers' vessels, but to cause all such vessels to be arrested, and the owners, their farmers and agents, committed to prison until they gave bond, with surety, not to offend in like manner in future.

Measures against flesh-eating on fish-days.

During the years to which the *Remembrancia* relate, parts of the food-trade of the City were subject to special interference under laws of Edward VI. and Elizabeth which restrained the eating of flesh during Lent and on certain "fish-days" at other times. On Edward's accession Parliament had re-considered the question of fast-days, and had enacted fasts in the light of a new doctrine: in which light, as Mr. Froude* explains, though the old church-distinctions between days and meats no longer existed, yet, as due and godly abstinence from flesh was a means to virtue, and, as by eating of fish, flesh was saved to the country, and as the fishing-trade was the nursery of English seamen, so Fridays and Saturdays, the Eves of Saints' days, Ember days, and Lent, were ordered to be observed in the previously usual manner, under penalties for each offence of a fine of ten shillings and ten days' imprisonment. Early in Elizabeth's reign, an "Act touching certain politick constitutions made for the maintenance of the Navy," required Wednesdays to be fish-days in addition to days previously such; the declared intention of this being "not any superstition to be maintained in the choice of meat," but "the benefit and commodity of this realm to grow as well in the maintenance of the Navy . . . as in the increase of Fishermen and Mariners, and repairing of

* *History of England*, vol. v. p. 143.

port-towns and navigation . . . as in the sparing and increase of flesh-victual;" and the Act, jealously as to this declaration, provides that anyone misrepresenting the intention shall be punished as a spreader of false news. Annual indulgences in regard of flesh-eating could be got at pleasure on paying into the poor-box of the parish certain fines; which (according to the rank of the indulged person) ranged from 6s. 8d. to four times that amount; and for cases of sickness temporary licenses were given by the bishop, parson, vicar, or curate.

The *Remembrancia* up to the year 1634 contain, as might be expected, constant illustrations of the difficulty of regulating men's diet by Act of Parliament. Butchers in general had to be restrained from killing in Lent, and the question of exceptions under this rule was matter of ever-recurring controversy. In the earlier years the Lord Mayor was allowed the privilege of selecting from among the City butchers five, "two for either shambles, and one for the borough of Southwark," who should be authorised to kill during Lent, under bond "not to utter flesh to any but such as were for sickness or otherwise lawfully allowed to eat meat:" but, while this was an invidious privilege—bringing the Lord Mayor into disfavor with the mass of persons, butchers and their patrons, whose wishes he could not satisfy, and even leading to his being "reviled and threatened by certain officers of the Court and others of high place for not being able to comply with their requests," it also was frequently contested by the Lords of the Council. Though Lord Burghley had from the first "thought it quite unnecessary, infirm persons being allowed poultry," the system had continued in vogue, and in 1611, the licentiates were eight in number; but in 1612, there was reaction; and a new Order in Council then issued for the keeping of Lent prohibited "absolutely the killing of flesh by any butcher or other person in the City or any other part of the Kingdom during this Lent." The Lord Mayor remonstrated: referring to the scarcity and dearness of fish, butter, cheese, and bacon, and to the prevalence of ague and other infirmities; but in vain: the Lords of the Council telling him that "for the comfort of the infirm and sickly, he might freely license as many poulterers within the City and Liberties as he deemed meet and convenient." In each of the following two Lents, a

single butcher was licensed, chiefly, it seems, for the service of foreign ambassadors; and then, in 1615, stronger remonstrances came from the City: the Lord Mayor gives the Lords of the Council to understand that the irregularities under the indiscriminate rule are far greater than they were under the system of partial exception: he also writes to the Archbishop of Canterbury, "to whom he conceived the matter most especially appertained," telling how he "had been much importuned by divers physicians, who stated there was an absolute necessity for the safety of men's lives that some mutton and veal should be killed, to make broth for the diet of the sick during the present Lent:" whereupon "my Lord of Canterbury very honorably procured the Lords to assent for the licensing of one butcher"—who, "during the present Lent" was "to kill mutton and veal only, and to sell the same to such as had license according to law:" further, in 1619 and 1620, the number of Lent butchers was extended to three, and in 1625 again (as in 1611) to eight. That law such as the above, whether in any particular year tighter or looser, must always have been highly vexatious to the mass of the people, cannot well be doubted. Besides the constant municipal visitation of the premises of butchers and taverners, and the occasional intrusion of "messengers" with search-warrants from the Council, there was the daily minute spying into personal habits—"Friday-night suppers" and the like; and there was the vexatious overhauling of baskets at the City gates by functionaries who confiscated (and half for themselves) whatever unprivileged flesh they could catch entering. The interest which these officials probably felt in enforcing the law was certainly felt by another limited class: for, whenever the law against flesh-eating was severely administered, purveyors of other food were able to run up their prices. Especially this was the case with the Fishmongers: who, if the administration of the law became mild, were always ready to complain that injury was being done to their business, and that in consequence "the navigation and trade of mariners would be discouraged and fall into decay;" and of whom it seems to have been in general expected in those days, that, since their profits rose (and indeed often became such as to require check) in proportion as the law was strictly administered, they should be ready to act as searchers

and informers against persons who disobeyed the law. But, whatever may have been those interested efforts for the law, disobedience to the law continued. Last appeals and last threats in the matter—last, at least, as regards the records which are here under quotation, were made in 1630, in a letter which the Lords of the Council, speaking in the King's name, and referring to a recent proclamation of his, addressed in the November of that year to the Lord Mayor, and which is of the nature of a summary of the case:—His Majesty's proclamation had contained no new thing, but pointed directly to laws and statutes formerly made and still in force for the keeping of fast-days and restraining the eating of flesh in Lent and on fish-days: it seemed very strange to the King and the Council that a proclamation grounded on so many good laws, &c., and in a time of such scarcity, should be contemned in every tavern, ordinary, &c., in the City and suburbs, and the King was resolved to have it reformed: within the City (as an example to other places) it was his Majesty's command that the Aldermen and their Deputies, &c., strictly examine as to offenders since the proclamation, and should inflict due punishment on delinquents, and should in future enforce the law by which offenders were to be imprisoned, and kept without flesh during imprisonment. His Majesty commanded the Lord Mayor to appoint fit persons, to be nominated by the Fishmongers' Company, to make search and present offenders, and to see them punished, certifying every fourteen days to the Council. The officers of the ecclesiastical Courts had been commanded by the King to take order, according to their jurisdiction, that offenders were punished according to the Act 5th and 6th Edw. VI., c. 3. That the reforming of one abuse might not give advantage to the practising of another, the Court of Aldermen should take such course with the Fishmongers' Company that the prices of fresh or salt fish were not enhanced, and that the markets were well served. The King's desire to see a reformation of these abuses by a fair way might thus be perceived; but if he found no speedy effect, he would think of a sharper course to bring such wilful contemners of the laws and of his commands to better conformity." Political events which need not here be dwelt upon left Charles but little further opportunity to follow out that line of thought. The tyranny in

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which those silly dietetic commands were a part was fast becoming intolerable to those who suffered under it; side-glances were beginning to be cast towards that "two-handed engine" which was to be the bitter medicine of redress; and for some sixty years from the date of the last-quoted ordinance, the national questions which were in debate were not questions between fish and flesh and fowl.

Repeated visitations of Plague, and the proceedings thereon consequent.

On several occasions during the years to which the *Remembrancia* relate there was prevalence of Plague in London; and whenever this was or threatened to be the case, the City authorities corresponded about it with the Lords of the Council, and were directed by them what to do in the circumstances.

1580-4.

One severe invasion by plague was that of the years 1580–3. In 1580, the disease is raging at Lisbon; and the Lord Mayor, on his application to Lord Treasurer Burghley, is authorised by him to take measures in concurrence with the officers of the port to prevent in regard of arrivals from Lisbon the lodging of merchants or mariners in the City or suburbs, or the discharge of goods from ships until they have had some time for airing, and in the meantime to provide proper necessaries on board ships detained. The Lord Mayor also requests the aid of the Council "for the redress of such things as were found dangerous in spreading the infection, and otherwise drawing God's wrath and plague upon the City, such as the erecting and frequenting of infamous houses out of the liberties and jurisdiction of the City, the drawing of the people from the service of God and honest exercises to unchaste plays, and the increase of the number of the people." Evils which he particularly proposes to restrain by regulations are:—the crowding of inmates in places pretending to be exempt from City jurisdiction, and the pestering of such places with strangers and foreigners artificers, and the presence of strangers in and about London of no Church,—the increase of buildings, notably in the exempt and some other places, and the building of small tenements, or the turning of great houses into small habitations, by foreigners,—the haunting of plays out of the liberties,—the killing of cattle within or near the City. In 1584 "for the stay of infection in the City . . . it had been thought good to restrain the burials in St. Paul's

Churchyard which had been so many, and by reason of former burials so shallow, that scarcely any graves could be made without corpses being laid open. Some parishes had turned their churchyards into small tenements, and had buried in St. Paul's Churchyard. It had been determined to restrain from burial there all parishes having churchyards of their own. . . . The City desired the Council to issue directions to the authorities of the Cathedral accordingly: the order not being intended to prevent any person of honour or worship being buried there, but only the pestering of the Churchyard with whole parishes." Then the Oxford Corporation writes to the Lord Mayor, with reference to the approaching Frideswide Fair, to which it was customary for Londoners to repair with their wares and merchandise, and from which now the Lord Mayor is begged to restrain all citizens in whose houses and families there was infection, or who had not obtained his certificate. With reference to assizes about to be held at Hertford, the Queen through the Lords of the Council expressly commanded the same sort of care to be taken by the Lord Mayor. In 1583, the infection having much increased, the Council pressed upon the City Her Majesty's commands "that they should see that all infected houses were shut up, and provision made to feed and maintain the sick persons therein, and for preventing their going abroad; that all infected houses were marked, the streets thoroughly cleansed, and a sufficient number of discreet persons appointed to see the same done. They desired to express Her Majesty's surprise that no house or hospital had been built without the City, in some remote place, to which the infected people might be removed, although other cities of less antiquity, fame, wealth, and reputation, had provided themselves with such places, whereby the lives of the inhabitants had been in all times of infection chiefly preserved." The City authorities, soon after this communication, inform Sir Francis Walsingham that they have published orders which they intend to execute with diligence; but that, in respect of certain inconveniences—assemblies of people at plays, bear-baiting, fencers, and profane spectacles at the Theatre and Curtain and other like places, to which great multitudes of the worst sort of people resorted, restraints in the City were useless, unless like orders were carried out in the places adjoining; and

the Lord Mayor therefore moves the Council to take steps in regard of that difficulty.

1606-7. In connexion with a smaller outbreak which occurred in 1606–7, we find the Lord Mayor informing the Lords of the Council that the following additional order had been passed:— "that every infected house should be warded and kept with two sufficient watchmen, suffering no persons to go more out of the said house, nor no searcher to go abroad without a red rod in their hand." And a marshall and two assistants had been appointed to keep the beggars out of the city.

1625. In 1625, when there seems to have been a great outbreak, the Lords of the Council "could not hear that any good course had been taken for preventing it by carrying infected persons to the pest-house, or setting watch upon them, or burning the stuff of the deceased;" and they require the strictest course to be taken in these matters. Somewhat later, His Majesty was absent, and the Council were forced to disperse themselves, but they direct the Mayor and Aldermen to be very careful not to abandon the government of the city committed to their charge, and to continue and increase all usual means, &c. It appears that, during the epidemic of 1625, the Lords of the Council issued orders in restraint of the traffic of carriers and higglers with London; and the Lord Mayor presses on the consideration of their Lordships that if, in consequence of these orders, the City should be restrained of victuals, it was to be feared it would not be in the power of himself, or the few magistrates who remained, to restrain the violence hunger might enforce."

1629-31. In 1629–31, Plague was again in ascendency. In October 1629 precautions were to be taken against arrivals from Holland and France; but at least six months before this, the disease was already spreading in London, and the Lords of the Council advising about it. They had issued a book of instructions. At first they had shut up the sick in their houses, but, on further deliberation, had thought it better the houses should be voided and shut up, and the inmates sent to the pest-houses. Referring to the poor Irish and other vagabond persons, pestering all parts of the City, they advised steps to be taken to free the City and liberties from such persons: also to see the streets kept sweet and clean, and the ditches in the suburbs within the liberties

thoroughly cleansed, and they command the Commissioners of Sewers and the Scavengers respectively to perform their duty. Also, being informed that inmates and ale-houses were in excessive number, they required the law to be enforced against these excesses. They require that infected houses should have guards set at the door, and a red cross or "Lord have mercy upon us" set on the door, that passers-by might have notice. They direct the City Authorities and the Justices of Middlesex and Surrey to prohibit and suppress all meetings and stage-plays, bear-baitings, tumbling, rope-dancing &c. in houses, and meetings for prize-fencing, cock-fighting and bull-baiting and those in close bowling-alleys, and all other meetings whatsoever for pastime, and all assemblies of the inhabitants of several counties at the common halls of London pretended for continuance of acquaintance, and all extraordinary assemblies of people at taverns or elsewhere. And His Majesty was pleased that the College of Physicians should meet and confer upon some fit course for preventing the infection. At the same time, there being much increase of sickness at Greenwich "all fitting means" are to be used "to stop and cut off all intercourse and passage of people between that town and the City;" and question arises of restricting elsewhere, as from London to Exeter, and from Cambridge to London, the passage of things and persons. Mixed with proceedings as to infected houses and persons, are proceedings as to the eating of flesh on fish-days:— in the latter (as well as the former) respect the City Authorities "had commenced their search, and committed offenders to prison, and had appointed some fishmongers to search, who, for their own interest, would give them best notice." In a statement dated December, on proceedings which had been taken in the City under an order made some weeks previously by the Council, the Lord Mayor reports, among other things, these: "that antient women, reported to be both honest and skilful had been appointed for visited houses, who appeared by certificate to have carefully discharged their duties; that infected houses had been shut up, the usual marks set upon them, and strict watches appointed so that none went abroad; that persons who had died of the infection were buried late at night; that people who would have followed them had been sent away by threatening and

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otherwise, and that very few or none went with the bodies but those appointed for the purpose. Some persons had been punished for removing the inscriptions set on infected houses, and others had been bound over to the sessions to be proceeded against according to justice." Eating flesh on fish-days and the eves was being so well restrained by the punishment of some offenders, that few delinquents were found.

1636.

In 1636, when there was again much plague, the Lords of the Council ordered "the levying of rates in Middlesex and Surrey for the erection of pest-houses and other places of abode for infected persons; also directing the Justices of the Peace for Middlesex to join with the Lord Mayor and Aldermen in making additional orders, to be printed, for preventing the increase of the infection, and authorising them to make such further orders thereon as they should see fit; also directing the Churchwardens, Overseers and Constables of every parish to provide themselves with books for their directions, and requiring the Physicians of the City to renew the former book touching medicines against infection, and to add to and alter the same, and to cause it to be forthwith printed." With reference to the marking and guarding of infected houses, they complain that the prescribed marks—the red cross and the inscription "Lord have mercy upon us," were placed so high and in such obscure places as to be hardly discernible; and that the houses were so negligently looked to that few or none had watchmen at their doors, and persons had been seen sitting at the doors. The crosses and inscriptions must be put in the most conspicuous places, the houses strictly watched, and none permitted to go out or in or sit at the doors. Such as wilfully did so should be shut up with the rest of the infected persons. Officers who had failed in their duties should be committed to Newgate. The Attorney General is to draw up a proclamation for the King to sign for putting off Bartholomew Fair on account of the plague.

1663-4. Development of Quarantine.

Last come a few entries relating to the terrible visitation of 1663–5, and specially instructive as regards the steps which were now to be taken in the way of developing Quarantine. In October 1663, "the King had taken notice that the plague had broken out in some neighbouring countries, and desired to be

informed what course had been taken and means used in like cases heretofore to prevent the conveying and spread of the infection in the City;" and the Lord Mayor, informed to this effect by a letter from the Lords of the Council, replies that "he had found many directions and means used to obviate the spreading of the infection at home, but no remembrance of what course had been taken to prevent its importation from foreign parts. The plague of 1625 was brought from Holland. The Court of Aldermen advised that, after the custom of other countries, vessels coming from infected parts should not be permitted to come nearer than Gravesend, or such like distance where repositories, after the manner of lazarettos, should be appointed, into which the ships might discharge their cargoes to be aired for forty days." As Amsterdam and Hamburg were known to be already under visitation by the pestilence, the matter no doubt seemed pressing; and so, next day, this letter received its answer:—"the King acknowledged and approved the Lord Mayor's proposal, but recommended that the lazarettos should not be nearer than Tilbury Hope, and that all ships, English or foreign, coming from infected ports, should be liable to be stopped and unloaded if necessary. The Mayor and Aldermen should consult with the Farmers of the Customs upon the subject." This consultation having been held, the following plan was recommended: "that the lazaretto should be at Moll Haven in a creek which would receive a hundred vessels; that one or more of His Majesty's ships might be placed conveniently below the haven to examine every vessel, whether from infected places or not, and to see that if infected they came to the haven; that a guard of twenty persons or more should be appointed to prevent any communication being held with the persons on shore. On the arrival of any infected vessel a list should be made of all persons on board, and, if any should die, the body should be searched before casting it overboard. At the end of forty days, if the surgeons reported the vessel free from contagion—(all the apparel, goods, household stuff, bedding, &c. having been aired in the meantime on shore) it should be allowed to make free commerce. In conclusion they recommended, as a cheap and easy course, that one of the King's ships should be anchored low down the river and stop every vessel: if they found

by their papers that they came from any of the infected ports, they should be sent back to sea. His Majesty should also issue a manifesto to his allies, informing them that no ships or vessels would be allowed to enter the Port of London unless they brought with them a certificate from the port authorities whence they came."

Orders, more or less to the effect of the above recommendations, were now issued by the Council, and a first English Quarantine was thus established. It was not enforced during the winter, as the pestilence was for that season lulled; but about Midsummer it was again brought into requisition. On June 27, 1664 (and this is the last communication which appears in the *Remembrancia* on the present subject) the Lords of the Council inform the Lord Mayor that "the plague had broken out in the States of the United Provinces," and they direct "steps to be taken to prevent the infection from being brought into this country, either by passengers or merchandise, and all ships to be placed in quarantine, according to former orders, until the Farmers of the Customs gave their certificate."

1665-6. The Great Plague.

Those endeavours to exclude by Quarantine the contagion of the Plague were as ineffectual as if their intention had been to bar out the east wind or the new moon; and, in the sanitary records of the Metropolis, the year 1665 has its special mark as emphatically the year of the Great Plague. Before the middle of the year, the disease was known to be spreading in London: where, as the season advanced, it became more and more prevalent, till, in August and September, when the epidemic was at its height, the deaths by it, within the London Bills of Mortality, averaged in each week not fewer than six or seven thousand, and may perhaps once or twice have been as many as ten thousand within the week. What may have been the total fatality of the London Epidemic cannot be exactly known; but the estimate which Macaulay adopts is, that it swept away, in six months, more than a hundred thousand human beings.

1666. The Great Fire.

The subsidence of that terrible epidemic continued during the winter and spring of 1665–6, till the weekly deaths were fewer than fifty; but, as summer advanced, the infection again began to spread; and the London world was fearing what worse renewal

of the pestilence might yet come, when suddenly the most drastic of sanitary reformers appeared on the scene, and what had remained of the Great Plague yielded at once to the Great Disinfector. A fire—"such as had not been known in Europe since the conflagration of Rome under Nero, laid in ruins the whole City, from the Tower to the Temple, and from the river to the purlieus of Smithfield": within which area of destruction, measuring 436 acres, and including 400 streets, were consumed, in addition to the public buildings, 13,200 dwelling-houses.* How true a blessing, or at least how great an opportunity, came to the Metropolis in that guise of awful disaster, can be well judged in the light of modern science. The parts of the metropolis which had perished were distinctively its ancient parts. That many-gabled convivial old city must have been a stronghold of stinks and unwholesomeness. No wonder that pestilence lingered in it. From time immemorial, successive generations of inhabitants, densely gathered there, had more and more befouled the ground. In great measure it had been as some besieged camp, where the surface incorporates every excrement and refuse, and where the dead have their burial-pits among the living. It had no wide streets for wind to blow through. In general it had only alleys rather than streets: narrow irregular passages, wherein houses of opposite sides often nearly met above the darkened and fœtid gangway. The houses themselves, mostly constructed of wood and plaster, had hereditary accumulations of ordure in vaults beneath or beside them. Unsunned, unventilated dwellings, they, from when they were built, had been saturating themselves with steams of uncleanliness, and their walls and furniture must have stored an infinity of ancestral frowsiness and infection. That destruction by fire had come to so ill-constructed and ill-conditioned a city, was the best of opportunities for reform. The nests of pestilence had gone to naught; and even out of the soil, congested to its depths with filth, the filth had been burnt away as in a furnace.†

* Macaulay's few words which I borrow, together with the figures quoted from the inscription of the *Monument*, tell the sanitary gist of the story, beyond which my text needs not enter on particulars; but details, pictured with extraordinary vividness, are to be found, as I need hardly note, in the diaries of Pepys and Evelyn.

† Pepys, under date of March 16, 1667, notes: "within these eight days I

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The new London

The opportunity which the circumstances afforded for the construction of a fitter city was to some considerable extent turned to account; but, in view of what improvement must cost, improvement was extensively stinted; and especially the public grudged the large expenditure which alone could have bought uncrowdedness of building. Wren, after his survey of the ruins, had designed a scheme of re-construction which would have made the new city a fitting nucleus for the metropolis of later times: would have made it of harmonious plan, with wide convenient thoroughfares, with proper standing-room for its chief buildings, with spacious public quays along the river, and even with reasonable interspaces of mere pleasure-ground; but the largeness of his proposal was beyond his contemporaries. To such purse-keepers as saw little beyond the moment, and cared only to escape immediate outlay, the proposal of course seemed extravagant; and at that particular time—(just when the worthless dirty reign of Charles the Second was bringing on his subjects some of their worst humiliations)—even larger-minded citizens might excusably not have had much heart to spare for local questions of commodiousness and adornment. But, though the matter was not to be dealt with as liberally as Wren had proposed, provision was made that, in several very important respects, the new city should be better than the old; and the statutes which provided to that effect, and for the future paving, cleansing and sewering, of the City, are documents of much mark in the history of London.* Among the improvement-intentions of the Act of 1667, the most important were these:—that streets, specially needing enlargement, should be enlarged; that, in all the new houses, the outsides and party-walls should be of brick or stone; and that in the height of stories, the strength of scantlings, and other such matters, all the new houses should be constructed in

did see smoke remaining, coming out of some cellars from the late great fire, now above six months since." He had previously on several occasions referred to the long-continuance of the fire.

* See especially the first Rebuilding Act—19th Ch. II. cap. 3, which received the royal assent Febr. 8, 1667; also, three years later, the additional Act, 22nd, cap. 11; and, next year, the Act, 23rd, cap. 17, "for better paving and cleansing the streets and sewers in and about the City of London." Before the first of these, there had been an emergency Act (19th, c. 2) to provide a Court for the prompt determination of legal differences which might arise.

conformity with standards fixed for them (in classes) according to the dignity of the streets in which they were to be built. The streets to be enlarged were certain named main streets, and also such streets as had less than fourteen feet of width. For the ground which would be required for such enlargements, due compensation was to be paid to those whom the improvement would displace; and, to ensure that all new constructions should be done according to rule, special surveyors were to be appointed. The Act was to be worked by the Lord Mayor Aldermen and Common Council of the City; who, for certain of the purposes, might commission "persons" to act for them; and, for the improvement-expenses which had to be met, the Act assigned to the Corporation the proceeds of a special tax (then first imposed) to be levied on all coal brought into the port of London. Of the subsequent Acts, needs only be observed that the Act of 1670 named some more streets for enlargement, in addition to those which the original Act had named; and that the Act of 1671 which gave the Corporation some new ædile duties, extended to those duties, and confirmed as permanent, the sanction given by the original Act to the Corporation's working by Commission.* The business of the re-construction proceeded in due course: and the end was reached surprisingly soon. Bishop Burnet no doubt expressed the general exultation of his contemporaries, when he recounted, how—"to the amazement of all Europe, London was in four years rebuilt, with so much beauty and magnificence, that we, who saw it in both states, before and after the fire, cannot reflect on it without wondering where the wealth could be found, to bear so vast a loss as was made by the fire, and so prodigious an expense as was laid out in re-building it."

Of the re-constructed city not much remains to be said in the present chapter: nor, as regards the mere construction, will the succeeding chapters have much to say: for, such as the City was left by its re-builders under Charles the Second, such, in the main, it continued till sixty years ago, and such, in considerable parts, it still continues. There, of course, even from

* My reason for particularly noting this provision is, that I understand it to represent an early stage of the legislation under which at the present time the Sanitary Authority of the City of London is a body of Commissioners appointed by the Common Council to be Commissioners of Sewers for the City.

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the first, were changes made in particular spots, as particular new erections or other demands from time to time required: such as, above all, the openings necessary for the Blackfriars Bridge of 1760–8, for the Southwark Bridge of fifty years later, and at last, on a still larger scale, for the "new" London Bridge of 1825–31; but those changes, taken together, had not been of nearly such effect on the general plan of the City as have been the many large changes of later years; and old men of the present time, who knew London in the days before railroads, can re-picture to themselves a city which, at least in its central parts, was the City which had disappointed Wren.

Subsequent facts as to the Public Health.

As regards the Health of the Population, it is commonly said that London, with its new City, entered on a new era; and undoubtedly the events which have been described did give to London a great fresh start in its sanitary interests: but the gains were not all of a sort to transmit themselves unconditionally to future times, and it must be remembered that, among the worst evils which the fire had burnt away, were some which would by degrees re-accumulate. It would be most interesting, were it possible, fully and exactly to compare London during some decennia before the fire with London during some decennia after the fire, in respect of the quantities of death occasioned in each decennium by each chief sort of disease, say, per 1,000 of living population; but there exist no nearly sufficient means for any such statistical comparison; and from materials which exist, it is impossible to compare the two periods except in very general terms. It may be taken for certain, that London after the fire never experienced such mortality as it had experienced at particular plague-times before the fire,—never, for instance, made any approach to such mortality as it had suffered in 1665; but it seems equally certain that, at least during considerable stretches of time in the eighteenth century, the death-rate of London (more than double that which prevails at our present time) was quite as heavy as it had been in the less afflicted part of the former period: that, for instance during the term 1728–57, which began some sixty years after the re-building of London, and again during the term 1771–80, London diseases were as fatal as they had been in the septennium 1629–

35.* One great fact however which remains, and which must not be underrated, for it probably expresses the main difference between the respective worsts of the two periods, is: that, after the date of the Great Fire, Levantine Plague was no longer to be counted among our London diseases. The Fire had probably exerted a critical influence in relation to the then existing remains of the great epidemic of 1665–6; and we may assume that, for many years, the re-built City would have been far less apt than the old City to develop any new contagions of Plague which had come into it: but yet we must not attribute too much to the Fire. That our English metropolis became free from plague was not a solitary fact of such emancipation; and it is impossible to believe that the exemption we have now enjoyed for two hundred and twenty years is a privilege due to the Fire of 1666. Not for London alone, but equally for the rest of England,—and not for England exclusively, but also for Europe at large,—the decennium 1660–70 seems to have been a turning-time in the invasional affinities of the plague. From causes not understood, but which certainly were of wider range than any destruction of particular cities, the visitations which Western Europe suffered in that decennium proved in many cases to be parting visitations: in the course of twenty years from 1661, the till then familiar disease had disappeared from Italy, England, Western Germany, Switzerland, the Netherlands, and Spain: and though, in the first quarter of the eighteenth century, two great spreadings of infection took place elsewhere, one in Eastern Europe, and the other in Provence, the disease did not on either occasion extend to those previously emancipated parts of Europe, nor has it ever since appeared in any of them.

Queen Anne's London.

Here, for the present, the narrative may cease to speak in detail of the Metropolis. It has no intention of attempting to follow minutely the course of metropolitan sanitary fortunes, and such further references to them as must be made will be in connexion with the story of much later times. Meanwhile, as regards London at the close of the Stuart reigns, very few words

* The figures on which I base my statements are those given by the late Dr. Farr, in a paper which he contributed to McCulloch's *Descriptive and Statistical Account of the British Empire:* see that work, 4th Edition, vol. ii. p. 613.

CHAP. VI. London 1580-1714.

will suffice to summarise the chief fact which the narrative is concerned to carry on. Whatever sanitary gains may have accrued from the destruction and rebuilding of the City, London, at the beginning of the eighteenth century, was but an ill-conditioned place of residence. Provided hitherto with hardly the rudiments of such sewerage and water-supply as are needful for the health of cities,—with no systematic organisation for removal of refuse,—with pavement grossly insufficient,—with such neglect of scavenging, and such accumulations of uncleanliness, as made fun for native satirists, while they scandalised foreign visitors,—London under Queen Anne, the London of Gay's *Trivia* and Swift's *City Shower*, was not entitled to expect immunity from the diseases which associate themselves with filth. And such as we leave it in those last Stuart days, we shall find it again, without any essential sanitary change, after more than a century of Hanoverian rule.

Part Third.—NEW MOMENTA.

CHAPTER VII.

THE RISE AND EARLY PROGRESS OF BRITISH PREVENTIVE MEDICINE.

Down to the end of our Stuart times, what little had been done for the Sanitary Interests of the Community had rested on scarcely any better medical knowledge than was common to doctor and laity. Such arts of healing as had prevailed during the Middle Ages had been exercised from the widely-different standpoints of the ecclesiastic, the barber, and the grocer.* The truth which we by degrees have learnt, that Medicine in its main significance is but an applied Physiology, could not in those earlier times be imagined; and it was only by slow succeeding steps, extending over centuries, that Medical Science, in our meaning of the term, could come into self-conscious existence. But, during the Tudor and Stuart reigns, changes, which we from our after-times can recognise to have been the beginnings of Modern Medicine, had been tending to define themselves as in embryo. The so-called revival of learning in Europe, with the various literary and artistic enthusiasms which at first seemed to be its only fruit, had been followed by a strange eventful quickening of man's deeper interrogative faculties; and this new intellectual spirit, destined to be of far-reaching revolutionary effect in affairs of Church and State, had sounded also a first reveil to the sincere scientific study of Nature. From the fifteenth century onwards, as that most ennobling of studies grew, fresh and fresher lights gathered rapidly to a dawn of the happiest day of human knowledge. In the sixteenth century, in countries other than our own, Copernik, soon to be followed by Galileo, had started the

* See above in chapter v. In the present nearly last decennium of the nineteenth century, certain antient rights of conquest of these three orders of practitioners are, alas, still held to justify the sixty-odd varieties of title under which men may be found practising medicine within the United Kingdom.

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new science of the stars; the alchemists had begun their innovative experiments on the dead matters of the crust of the earth; Vesalius had achieved his daring dissections of the human body; and schools of study were on all sides arising, wherein Ptolemy and Galen were no longer to be masters without appeal. It was however more especially in the seventeenth century, that the Art of Medicine began to quicken with new ambitions to know, and with new conceptions of how to learn. In the earlier half of the century, signalised by the publication of the *Novum Organon*, and by the discovery of the Circulation of the Blood,* noble eloquence and nobler example had taught lessons, which never again could be lost from men's minds, as to the spirit and method of all scientific research—that system of modest and patient *Interrogation* through which alone any knowledge of Nature will grow. Anatomy, fairly entitled to be so called, soon became able to shew triumphant progress; and during the last third of the century, our great physician, Thomas Sydenham, applying the same spirit of exact observation to the symptoms and treatment of disease, gave to Practical Medicine the new birth from which, for the two past centuries, it has had its continuous development. "Continuous," indeed: for, as we look back to that age from our own, we see, working ever diligently onward as the genius of progress through the two hundred years, the one always rewarded and always increasing spirit of exactitude. There have been the bedside observations of successive great practitioners—from those who like Mead and Fothergill and Huxham, were Sydenham's next English successors, to now when we look back on the memory of Laennec and Louis and Trousseau, of Traube and Skoda and Wunderlich and Graefe, of Addison and Bright and Robert Williams, of Brodie and Latham and Prout: assisted, all of them, more and more greatly, by those studies of the dead diseased body which the great Morgagni began,—studies first by ones and twos of epoch-making men, such as (in their respective countries) Baillie, Cruveilhier, Rokitansky, Virchow; and then by men associated in hundreds as in our London Pathological Society. Anyone who compares the nomenclature of a modern

* Lord Bacon's *Novum Organon* was published in 1620; and William Harvey's *Exercitatio de Motu Sanguinis* in 1628.

hospital-report with the old Bills of Mortality, will see how more and more exactly the physician has become able to identify each unit of disease which he has to treat: while, side by side with that infinitely developed power of diagnosis, the power of physiologically interpreting each morbidity or aggregate of morbidities, and of applying to each its antidote, has been coming into existence, as the Medicine of the Future, under guidance of the great physiological experimentalists, from John Hunter onward.

The Fathers of Modern Preventive Medicine.

Even from the dawn of these better times, even from the close of the seventeenth century, members of the Medical Profession began to be of more account than before with regard to the preventability of disease. It began to be definitely expected of them that, as treaters of disease, they, better than the laity, should know in exact terms the conditions under which disease arises and is spread, and by what (if any) means it can be prevented. During the 18th century, and so much of the 19th as preceded the accession of Queen Victoria, British practitioners took the lead of the world in their endeavours to fulfil that expectation. They did so with such success that we, their followers in the Profession, cannot too gratefully record our own obligations to them, nor can too gladly feel that Modern Preventive Medicine has in great part sprung from what our compatriots then began to do and to teach.

Earliest on the roll of the Fathers of our Modern Preventive Medicine are the names of RICHARD MEAD, and JOHN PRINGLE, and JAMES LIND: to be followed at no long interval by those of GEORGE BAKER, GILBERT BLANE, EDWARD JENNER, and TURNER THACKRAH.

MEAD.

In 1720, Dr. RICHARD MEAD, who for eleven earlier years in the century had been Physician to St. Thomas's Hospital, and who now was by far the foremost of English physicians, published his so-entitled *Short Discourse concerning Pestilential Contagion, and the Methods to be used to prevent it.* Within a year the work had passed unchanged through seven editions; and it afterwards, still in Mead's life-time, went (with additions) through two more. The deservedly high authority of Mead's

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name would alone have ensured circulation and influence to anything which he might have seen fit to write; and in 1720 the dissemination of what he had to say was greatly promoted by the circumstance that his then subject-matter was one of urgent public anxiety. Levantine Plague, unforgotten from its last and most terrible visitation of fifty years before, was now once more threatening the country: the contagion had again recently been introduced into Marseilles, and was spreading furiously in the South of France: and Dr. Mead's *Discourse* answered an appeal, which the Secretary of State had made to him, that he would advise what precautions could be taken here for the public safety.

The precautions which Mead named first—(for he believed plague to be an eminently contagious disease)—were: that there must be strict quarantine against the infected foreign countries; and that, if the infection "through a miscarriage in the public care" should penetrate those outward defences, and shew itself present in any part of England, the part thus infected must be debarred by quarantine-restrictions from communicating freely with the rest of the country. Thus far his advice was in substance only such as had on previous occasions of danger been given by others, and been more or less followed by the authorities; but, in contemplating the possibility of a re-infection of England, he proceeded to give advice more distinctively his own with regard to the management of the infected places themselves; and from this advice of his there dates in England so greatly an improved understanding (as compared with fifty years before) of the spirit in which dangers of pestilence ought to be dealt with, that it may be well to give here in abstract, and generally in Mead's own words, the principal of the passages in question. He begins by shewing how equally cruel and futile had been the rule, enforced on former occasions, that every house which had any sick in it must be made a prison-house for all its inmates, sick and healthy together, and "this to continue at least a month after all the family was dead or recovered." . . . "Nothing could justify such cruelty but the plea that it is for the good of the whole community, and prevents the spreading of infection." This however it does not. Such "shutting up of houses is only keeping so many seminaries of contagion, sooner or later to be dis-

persed abroad: for the waiting a month or longer from the death of the last patient will avail no more than keeping a bale of infected goods unpacked: the poison will fly out whenever the Pandora's box is opened." And in another point of view, how mischievous must the system be. "There is no evil in which the great rule of resisting the beginning more properly takes place than in the present case. . . . As the plague always breaks out in some particular place, it is certain, that the directions of the civil magistrate ought to be such, as to make it as much for the interest of infected families to discover their misfortune, as it is, when a house is on fire, to call the assistance of the neighbourhood: whereas, on the contrary, the methods taken by the public, on such occasions have always had the appearance of a severe discipline, and even punishment, rather than of a compassionate care; which must naturally make the infected conceal the disease as long as was possible . . . . Other measures are certainly to be taken;" and these he proceeds to suggest, as follows.—In the first place, for Central Authority, there ought to be established a Council of Health, entrusted with all requisite powers: "some of the principal officers of state, both ecclesiastical and civil, some of the chief magistrates of the city, two or three physicians, &c." They should "see all their orders executed with impartial justice, and that no unnecessary hardships under any pretence whatever be put upon any by the officers they employ." For local purposes,—"instead of ignorant old women," . . . "understanding and diligent men" should be the "searchers." They, wherever the distemper breaks out, should without delay "order all the families, in which the sickness is, to be removed: the sick to different places from the sound; but the houses for both should be three or four miles out of town: and the sound people should be stript of all their cloaths, and washed and shaved, before they go into their new lodgings. These removals ought to be made in the night, when the streets are clear of people: which will prevent all danger of spreading the infection. And besides, all profitable care should be taken to provide such means of conveyance for the sick, that they may receive no injury. As this management is necessary with respect to the poor and meaner part of the people: so the rich, who have conveniences, may, instead of being carried to

lazarettoes, be obliged to go to their country-houses; provided that care be always taken to keep the sound separated from the infected. And at the same time, all the inhabitants who are yet well should be permitted, nay, encouraged, to leave the town, which, the thinner it is, will be the more healthy. No manner of compassion and care should be wanted to the diseased; to whom, when lodged in clean and airy habitations, there would, with due cautions, be no great danger in giving attendance. All expenses should be paid by the public, and no charges ought to be thought great, which are counterbalanced by the saving a nation from the greatest of calamities. Nor does it seem at all unreasonable, that a reward should be given to the person that makes the first discovery of infection in any place; since it is undeniable, that the making known the evil to those who are provided with proper methods against it, is the first and main step towards the overcoming it." As the above advice is "founded upon this principle, that the best method for stopping infection, is to separate the healthy from the diseased; so, in small towns and villages where it is practicable, if the sound remove themselves into barracks, or the like airy habitations, it may probably be even more useful, than to remove the sick. This method has been found beneficial in France after all others have failed. But the success of this proves the method of removing the sick, where the other cannot be practised, to be the most proper of any. When the sick families are gone, all the goods of the houses in which they were, should be buried deep underground or burnt." In his earlier editions he prefers burning, but not in the later: "because, especially in a close place, some infectious particles may possibly be dispersed by the smoke through the neighbourhood." "The houses themselves may be demolished or pulled down, if that can conveniently be done; that is, if they are remote enough from others: otherwise it may suffice to have them thoroughly cleansed, and then plastered up. And, after this, all possible care ought still to be taken to remove whatever causes are found to breed and promote contagion. In order to this, the overseers of the poor (who might be assisted herein by other officers) should visit the dwellings of all the meaner sort of the inhabitants; and where they find them stifled up too close and nasty, should lessen their number by sending

some into better lodgings, and should take care, by all manner of provision and encouragement, to make them more cleanly and sweet. No good work carries its own reward with it so much as this kind of charity: and therefore, be the expense what it will, it must never be thought unreasonable. For nothing approaches so near to the first original of the plague, as air pent up, loaded with damps, and corrupted with the filthiness that proceeds from animal bodies. Our common prisons afford us an instance of something like this, where very few escape what they call the gaol fever, which is always attended with a degree of malignity in proportion to the closeness and stench of the place: and it would certainly very well become the wisdom of the government, as well with regard to the health of the town, as in compassion to the prisoners, to take care, that all houses of confinement should be kept as airy and clean, as is consistent with the use for which they are designed." "At the same time that care is taken of houses, the proper officers should be strictly charged to see that the streets be washed and kept clean from filth, carrion, and all manner of nuisances; which should be carried away in the night time: nor should the laystalls be suffered to be too near the city. Beggars and idle persons should be taken up, and such miserable objects as are neither fit for the common hospitals or workhouses, should be provided for in an hospital for incurables." "As for houses, the first care ought to be to keep them clean: for as nastiness is a great source of infection, so cleanliness is the greatest preservative; which shows us the true reason, why the poor are most obnoxious to contagious diseases." From certain fumigations which have been recommended as means of disinfecting houses, he would not expect advantage: "but the smoke of sulphur perhaps, as it abounds with an acid spirit which is found by experience to be very penetrating, and to have a great power to repress fermentations, may promise some service this way." . . . "The next thing after the purifying of houses, is to consider by what means particular persons may best defend themselves against contagion: for the certain doing of which, it would be necessary to put the humours of the body into such a state, as not to be alterable by the matter of infection: . . . . . but, since none of these methods promise any certain protection: as leaving the place infected is the surest preservative, so the next

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to it is to avoid, as much as may be, the near approach to the sick, or to such as have but lately recovered. For the greater security herein it will be advisable to avoid all crowds of people. Nay, it should be the care of the magistrates to prohibit all unnecessary assemblies; and likewise to oblige all who get over the disease to confine themselves for some time, before they appear abroad. The advice to keep at a distance from the sick, is also to be understood of the dead bodies; which should be buried at as great a distance from dwelling-houses, as may be; put deep in the earth; and covered with the exactest care; . . . . they should likewise be carried out in the night, while they are yet fresh and free from putrefaction." In his eighth edition, Mead prints an official letter showing that, before the first publication of the *Discourse*, a system of separation and isolation such as he proposed had been used with advantage in the King's Hanoverian possessions.

It may be mentioned in passing that, as soon as possible after the publication of Mead's *Discourse*, an Act of Parliament (7th Geo. I., cap. 3) was passed to give effect to his recommendations; but that a year later those provisions of the Act which gave "power to remove to a lazaret or pest-house any person whatsoever infected with the plague, or healthy persons out of an infected family from their habitations though distant from any other dwelling," and "power for drawing lines or trenches" around infected districts, with a view to the keeping of strict quarantine over their communications, were repealed by 8th Geo. I., cap. 8. Mead, referring to this repeal in the eighth edition of his *Discourse*, speaks of it as having been occasioned by faction, which aimed only at spiting the Ministry of the day, and he quotes "a learned prelate now dead" (*query* Atterbury) as having confessed so much to him: but though no doubt there may have been even in those days a certain pleasure in the vermicularities of faction, it must be admitted that the repealed provisions were such as could not easily have been enforced.* Mead, in recommending Quarantine, was in agreement with his

* See in Hansard's *Parliamentary History* of 1721, Nov. 17 to Dec. 13, the various proceedings which led to the ministerial abandonment of Mead's clauses. See also, the discussion of Quarantine in the Eighth Annual Report of the Medical Officer of the Privy Council.

medical contemporaries and predecessors in all parts of the world; and if his and their successors in the present generation would in the same circumstances not recommend it, probably this would depend not so much on any difference of medical principle as on the truer measure now taken of what in any such case would be administratively possible.

PRINGLE.

Dr. (afterwards baronet) JOHN PRINGLE'S work on the *Diseases of the Army* was founded on his official medical experiences, chiefly as physician-general to the British forces, and physician to the military hospitals, during the campaigns of 1742–3, in and about Flanders, and in Great Britain. In the first of the three parts into which his book is divided, he describes as matter of fact, and in order of time, the various attacks of illness which the troops suffered, and the conditions of place and season under which each illness prevailed: in the second part, grouping those facts, he shows in a broad way the connexion of particular sorts of cause with particular sorts of disease, and proceeds to point out, in regard of the causes, "the means of removing some and rendering others less dangerous": in the third part, he speaks more fully of the individual diseases, and discusses in detail the causes and prevention (as well as the symptoms and treatment) of each of those which had been of most consequence. Pringle's work is one of the classics of Medicine.* With his plain peremptory insistence on common health-necessaries for the soldier,—with his frequent inculpation of "putrid air" as the condition under which dysentery and the "autumnal" fevers (probably both paludal and entero-zymotic) prevailed in the camps, and "jail-fever" in the hospitals,—with his excellent directions against damp and filth in camps, and for the "right management of the air" in hospitals,—he began hygienic reform for the British Army, and gave at the

* Pringle's work was first published in 1752, and was in a fourth edition in 1764. Two years before the first edition of the entire work, the substance of one of its sections had been separately published in the form of a *Letter to Dr. Mead on the Nature and Cure of Hospital and Jayl Fevers*. The occasion of the *Letter* was that, in the spring sessions of 1750 at the Old Bailey, there had been a disastrous infection of the Court by jail-fever, killing judges, counsel and others, "to the amount of above forty, without making allowance for those of a lower rank whose death may not have been heard of." See Pringle as above.

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same time most valuable hints to the civil population how likewise their typhus and their enteric infections might be prevented.

LIND.

Services, strictly analogous to the above, and not less memorable than they, were rendered to the British Navy, and to the universal interests of Preventive Medicine, by the works which Dr. JAMES LIND, for many years Physician to Haslar Hospital, wrote *On the means of preserving the Health of Seamen*: viz. by his general *Essay* having that title, and by the special papers in which he more elaborately wrote of *Scurvy* and of *Infection*.* His declared object was to provide "a plan of directions for preserving the British seamen from such distempers as prove much more fatal to their corps than all the other calamities incident to them at sea": for (said he) "the number of seamen in time of war, who die by shipwreck, capture, famine, fire, or sword, are but inconsiderable in respect of such as are destroyed by the ship-diseases, and by the usual maladies of intemperate climates."† His teaching for the purpose which he had in view was at once accepted by his Profession as of the highest authority; and, over and above the good which it effected in making the routine of ship-life wholesomer in common sanitary respects than it had been, signal success attended it in two particular directions which may be named: *i.e.*, in regard of scurvy, and in regard of typhus. The fact that scurvy, which used to cripple fleet after fleet, and to waste thousands on thousands of the bravest of lives, has, since the days of Anson's expedition,

* Lind's *Treatise on Scurvy* was first published in 1753, and reached its third edition in 1772. His *Essay on the most effectual means of preserving the Health of Seamen in the Royal Navy* was first published in 1757, had a second edition in 1762, and a third in 1774. In 1761 he published *Two Papers on Fevers and Infection*, in 1763 a *Postscript* to them, and in 1773 a separate paper, *The Jail Distemper, and the proper methods of preventing and stopping its infection*. In 1774, a new edition of all the last-named papers was combined in one volume with the third edition of his general Essay on the Health of Seamen. I do not find evidence of Lind's having ever served in the Navy. He graduated as M.D. in the University of Edinburgh in 1748, was elected Fellow of the Edinburgh College of Physicians in 1750, and seems to have remained resident in Edinburgh till 1758, when he was appointed Physician to the Royal Hospital at Haslar. He retained that office for many years, eventually assisted in it by his son; and I do not know that he had retired from it before his death, which took place at Gosport in 1794.

† Advertisement to third edition of Essay.

become an almost forgotten disease, is due emphatically to Lind: and to him therefore, even thus far, we owe such saving of human life as probably to no other one man except the discoverer of vaccination. Then, as regards typhus, the value of his preventive teaching has been scarcely less conspicuous: for the circumstances of his official position gave him singular facilities out of which to corroborate Pringle's belief of the identity of "hospital-fever" with "jail-fever" and "ship-fever," and to illustrate the laws of that many-named infection: and the system of rules which he laid down for limiting its ravages in ships and populous establishments is one to which our after-times have made little or no material addition, and to which we no doubt are in great part indebted for our comparative freedom from epidemics of typhus.

Contrivances for Ventilation: Hales;

As connected with the mention of Mead and Pringle and Lind, it has to be noted, that, before their time, knowledge of the Mechanics of Air and Water had advanced to a stage in which the invention of mechanical appliances for various sanitary objects might be expected gradually to give aid to medicine; and that, during the years in which those writers were proclaiming the virtues of pure air, certain meritorious contrivances, which they could and did strongly recommend, for the ventilation of enclosed spaces, were also being made known to the public. Thus, in 1741, the already eminent physicist, Stephen Hales, read before the Royal Society an account (which he afterwards published in a separate volume) of an instrument invented by him for changing the close air of given spaces: a sort of double bellows, which, when worked by hand, would, by each of its halves alternately exhaust and supply air from and into the space which had to be ventilated.* And in 1742 Dr.

* See by Stephen Hales, D.D., F.R.S., *A Description of Ventilators*: "whereby great quantities of Fresh Air may with ease be conveyed into Mines, Gaols, Hospitals, Workhouses and Ships, in exchange for their Noxious Air. An account also of their great usefulness in many other respects:" &c. &c. &c. &c. London, 1743. See also, in continuation of the above, *A Treatise on Ventilators: Part Second*: "wherein an Account is given of the Happy Effects of the several Trials that have been made of them in different ways and for different purposes: which has occasioned their being received with general approbation and applause on account of their utility for the great benefit of mankind: as also of what farther hints and improvements in several other useful ways have occurred since the publication of the former Treatise: London, 1758."

CHAP. VII. Early British Preventive Medicine. Sutton.

Mead brought before the Royal Society a different contrivance by Mr. Samuel Sutton, which was meant at the moment only for ships, but could with modification be adapted to any houses or parts of them, or to the wards of prisons or hospitals, &c.: being, said Dr. Mead, "no more than this,—that, whereas, in every ship of any bulk, there is already provided a copper or boiling-place proportionable to the size of the vessel, it is proposed to clear the bad air by means of the fire already used under the said coppers or boiling-places for the necessary uses of the ship."* The two contrivances came into extensive use during the middle vicennium of last century: Dr. Hales's "*lungs*," mentioned with praise by Pringle and Lind, seem to have been often advantageously used in ships, prisons and hospitals;† and Mr. Sutton, who in 1745 obtained a patent for his invention, was, after a long interval, ordered by the Lords of the Admiralty to adapt his "*fire-pipes*" to His Majesty's Navy.‡ Readers of the present day who may find it hard to imagine the "putrid" quality of the atmospheres which in those days the inmates of prisons and ships and barracks and hospitals had to breathe, can well assist their imagination by referring to the pages of Hales and other contemporary reformers.

Thus already the better teaching which had become current as to the causes of disease was beginning to be followed by better practice; which in its turn, through the results to be obtained from it, would become the most influential of all teachings; and in that point of view, the proceedings of the Royal Society, at its anniversary meeting of 1776, may be referred to for an illustration which is monumental.

* See in second volume of Dr. Mead's Works, Edinburgh edition, 1765.

† See Dr. Hales's above-mentioned "second part." London, 1758.

‡ Record of the concession to Mr. Sutton is made in the *Annual Register* for 1764, incidentally to the biographical notice then given of Dr. Hales who had died in 1761. The writer of the notice, after stating that Sutton obtained the order "after ten years' solicitation supported by influence of Dr. Mead," proceeds, in terms of which I am not sure whether they are used in sycophancy or in sarcasm,—"His contrivance to preserve his fellow-creatures from pestilential diseases was rewarded by a permission to put it in practice: an instance of attention to the public, and liberality to merit, which must reflect everlasting honor upon the great names who at that time presided over the affairs of this Kingdom."

From early in the century the Royal Society had had in its award (under bequest of Sir Godfrey Copley) an annual medal, by which to express year by year its grateful recognition of the best works submitted to it in matters of experimental science; and in 1776 that Copley Medal was awarded to Captain Cook, in honour of his paper, communicated to the Society earlier in the year, on *The Method taken for preserving the Health of the Crew of His Majesty's Ship, the* RESOLUTION, *during her late Voyage round the World.* Sir John Pringle was then the President of the Society, himself already patriarchal in Preventive Medicine, and he necessarily spoke of Cook's achievement in language of the deepest sympathy. The intention of this "honorary premium," he said, "is to crown that paper of the year which should contain the most useful and most successful experimental inquiry. Now, what inquiry can be so useful as that which hath for its object the saving of the lives of men? and when shall we find one more successful than that before us? Here are no vain boastings of the empiric, nor ingenious and delusive theories of the dogmatist, but a concise, an artless, and an incontested relation of the means by which under the Divine Favour Captain Cook with a company of 118 men performed a voyage of three years and eighteen days, throughout all the climates from 52° North to 71° South, with the loss of only one man by a disease." He contrasted Cook's economy of life with illustrations, which he quoted, of the wastefulness of previous experience: hideous illustrations, among which, last and not least, was the recent "victorious but mournful" expedition of Anson: and then he gave his audience full particulars of the "Method" of Cook's splendid success. The medal, with Cook's "unperishing name engraven upon it," he handed not to Cook himself (for Cook had already sailed on his last voyage) but to Cook's representative: who, he says, will be "happy to know that this respectable body never more cordially nor more meritoriously bestowed that faithful symbol of their esteem and affection: for, if Rome decreed the *civic crown* to him who saved the life of a single citizen, what wreaths are due to that man who, having himself saved many, perpetuates now in your Transactions the means by which Britain may henceforth preserve numbers of her intrepid sons, her mariners, who,

Captain Cook's application of hygienic rules.

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braving every danger, have so liberally contributed to the fame, to the opulence, and to the maritime empire of their country." *

With regard to Cook's "Method," and the ever-memorable success which it obtained, all who would study the case must of course bear well in mind that *Method* and *Man* were co-efficient. The success was due to the enforcement of well-known hygienic rules by a thoroughly skilled and thoroughly humane disciplinarian commander. The chief hygienic points were the following: proper provision of food, which was made to include rob of lemons and oranges, sourkrout, sugar, portable soup or broth, and malt for making sweetwort; avoidance of too long watches; avoidance of unnecessary exposure to weather; insistence on dry shifts when wet; insistence on keeping persons and hammocks clean; insistence on keeping ship clean and dry; ventilation by wind-sail and by frequent use of portable fire at bottom of well; great care for fresh water to be renewed at every opportunity; and for fresh provisions, animal and vegetable, whenever possible.

BLANE.

A few years later than this, Dr. (afterwards baronet) GILBERT BLANE began to render very influential service to the progress of Preventive Medicine. During the last three or four years of the American war, he served with much distinction as Physician to Lord Rodney's Fleet in the West Indies; and, early in this service, being shocked with the quantity of disease which he found prevailing and believed to be in great part preventable, he took two practical steps in the matter. First, in 1780, by a printed tract addressed to the flag-officers and captains of the fleet, and which he says "was extremely well received," he endeavoured to enlighten them as to means which might be used for maintaining the health and vigour of the men, and for preventing invasions of disease, and for benefiting the sick; and as to the degree in which the application of such means "depended on the good judgment and exertion of officers, who alone could establish and enforce the regulations respecting ventilation,

* See *Philosophical Transactions*, 1776, or Dr. Kippis's separate publication of Pringle's *Six Presidential Addresses*

cleanliness, and discipline." And secondly, in 1781, when he accompanied Lord Rodney in a short visit to England, he addressed to the Board of Admiralty an admirably frank and judicious statement of reforms which he thought necessary for the health of the navy. The end of the war in 1783 allowed Blane to settle in London, where he was almost immediately appointed physician to St. Thomas's Hospital; and 1785 he published the results of his special experience and reading in a considerable systematic treatise, entitled, *Observations on the Diseases of Seamen*.* This work, though perhaps not scientifically a very material addition to the teachings of Lind and Cook, was at least a very opportune corroboration of them; and soon afterwards Blane, in being appointed Commissioner for Sick and Wounded Seamen, and Chief Officer of the Navy Medical Board under the Admiralty, had facilities, which he zealously turned to invaluable account, on the one hand for increasing his knowledge, and on the other hand for bringing into application the sanitary reforms which he had advocated. Partly as the practical initiator of those naval sanitary reforms, and partly in respect of subsequent writings, hereafter to be named, Blane appears to deserve mention with Mead and Pringle and Lind, as one of the most effective of the early promoters of Modern Preventive Medicine.

In 1796, the year after his appointment to the Medical Board, the famous reform was made which gave *Lemon-juice* to the British Navy. How long before that time the world had been aware of the special anti-scorbutic value of the citric fruits is not positively known; but it is at least certain that, nearly two hundred years before, there was some such knowledge in existence: for, in 1601, as Purchas most graphically shows,† the virtue of lemon-juice against scurvy was illustrated in the first voyage made for the East India Company under Elizabeth's Charter of 1600: and in 1617, this value of *Lemon-juice* was especially insisted on by John Woodall, at that time Surgeon-

* Subsequent editions of this work appeared in 1790, 1799, and 1803. As an Appendix to its second part, which is on the Causes of Disease in Fleets, and the means of Prevention, he gives the Memorial which he addressed to the Admiralty in 1781, and a further Memorial submitted in 1782.

† See his *Pilgrimes*, London, 1625, vol. i. p. 147.

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General to the East India Company, and afterwards surgeon to St. Bartholomew's Hospital.*

BAKER.

Of the beginnings of modern Preventive Medicine in the publications of the eighteenth century, highly important sections are represented by the names of the four writers already mentioned; but two workers have yet to be named, each of whom had a special section to himself. Of these, one was Dr. (afterwards baronet) GEORGE BAKER: who in 1767 read before the London College of Physicians, and then published in a pamphlet of sixty pages, his *Essay concerning the Cause of the Endemial Colic of Devonshire.* The disease which was in question, the associated colic and palsy of Devonshire, was one of serious danger to those who suffered it; and it was so frequent in the county that, for instance, the Exeter Hospital alone during the years 1762–7 had among its in-patients an annual average of nearly sixty cases of it. In particular years it would be in extreme prevalence. Thus in the winter of 1724–5, Dr. Huxham (who practised at Plymouth) found it "so vastly common that there was scarce a family amongst the lower rank of people that had it not, and he often saw five or six lying ill of it in the same house." † The gist of Baker's *Essay* was a demonstration that the disease of which he wrote was simply an effect of lead-poisoning: that the cider-drinking population was being extensively poisoned by lead which entered them with their cider in consequence of reckless applications of the metal in apparatus of cider-making and cider-storage: and he concludes his few pages with a hope that this "discovery of a poison which has for many years exerted its virulent effects on the inhabitants of Devonshire, incorporated with their daily liquor, unobserved and unsuspected, may be esteemed by those who have power, and have opportunities to remove the source of so much mischief, to be an object worthy of their most serious attention." Measured by world-wide standards, it was not a very large field of human suffering, into which this man came as emancipator: but his work was of the rare quality which commands prompt and complete success: he had studied his case

* See his *Surgeon's Mate*, 1617; and his *Various Treatises*, 1639.

† As quoted by Dr. Guy in his interesting *Lectures on Public Health*, p. 137.

thoroughly well, his proofs were consummately good, and under the influence of his discovery a grievous endemic affliction rapidly became extinct where it had been habitual.

JENNER.

The other remaining name, the name with which the century closes, is the name of EDWARD JENNER. It was in the year 1798 (the year in which the nations of the Continent were learning from republican France its newly-invented art of military conscription) that an English village-doctor, publishing his *Inquiry into the Causes and Effects of the Variolæ Vaccinæ*, counterpoised from beforehand, so far as such counterpoise could be, the cruelties of mutual slaughter which men were then preparing for each other on a scale not before known to the world. The present mention of Jenner's discovery of vaccination is meant only as a passing memorandum of the date at which so great a redemption from disease first became available to mankind;* but in connexion with that reference, it may here conveniently be noticed that the earliest endeavour of the eighteenth century for any purpose of Preventive Medicine had been, like this last, an endeavour in relation to smallpox: consisting in the introduction and extensive practice of smallpox-inoculation as a process by which individuals might hope to secure themselves against severe attacks of the disease.† Smallpox-inoculation initiated, in the first vicennium of the eighteenth century, an entirely new line of medical thought as to the mitigabilities of disease; and particularly, as to the one disease with which it

* I think it unnecessary to enlarge my present text by entering on details as to the history of Jenner's discovery, or as to the triumphs of vaccination; but I shall hereafter refer to occasions on which I have had to be official reporter or parliamentary witness with regard to those matters. While these pages are in the press, a recently-appointed Royal Commission is receiving evidence on the subject of vaccination; and I venture to predict that the new evidence (so far as it may regard the merits of the discovery) will establish more firmly than ever that Jenner's services to mankind, in respect of the saving of life, have been such that no other man in the history of the world has ever been within measurable distance of him.

† On one of the occasions referred to in the last footnote, I told at length the story of the temporary acceptance and the eventual abandonment of smallpox-inoculation; and the reasons which excuse me from repeating here the history of vaccination will excuse me also from repeating that of smallpox-inoculation. It will be found in the first chapter of my *Papers relating to the History and Practice of Vaccination*, 1857.

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dealt, it prepared the popular as well as the medical mind to accept with comparative readiness the invention which, at the end of the century, came so beneficently to supersede it.

"Alms for oblivion."*

It is a favorite reflexion among philosophers, that, if departed great benefactors of our race could now and then look down on the harvest-fields where mankind age after age is gladdened by the fruits of their labor, they would in general find themselves less remembered than perhaps their terrestrial ambitions had desired. Doubtless this is so; but let the noble compensation be noted, that often the thoroughness of a reformer's victory is that which most makes silence of the reformer's fame. For, how can men be adequately thankful for redemptions, when they have no present easy standard, no contrast between yesterday and to-day, by which to measure the greatness of them? And to some readers that reflexion may well occur at this present point, as they say their *benedicite* for our workers of the eighteenth century. Of the present generation who in summer holidays enjoy their draught of cider in Devonshire, not many know that Baker unpoisoned it for them. Of those who go down to the sea in ships, not many have reading and imagination enough to contrast the sea-life which now is with the sea-life which was suffered in Anson's days, and to be grateful for Lind and Blane who made the difference. And, in some such cases, ignorance best tells its tale by swaggering against the truce which protects it. At the anti-vaccination meetings of which we now occasionally read, where some pragmatical quack pretends to be making mincemeat of Jenner, how small would become the voice of the orator, and how abruptly would the meeting dissolve itself, if but for a moment the leash were away with which Jenner's genius holds back the pestilence, and smallpox could start into form before the meeting as our grandfathers saw it but a century ago.

Blane's later publications.

From the end of the eighteenth century to the time in the nineteenth when the reign of Her present Majesty began, there were not any such momentous initiations in Preventive Medicine as those for which the eighteenth century had deserved grateful recollection; but the years nevertheless had their own kind of

* Ulysses in *Troilus and Cressida*, Act III., Sc. 3.

value. Especially they made a period of educational activity. The new discoveries were getting to be known and applied; the new ways of looking at disease, as something which might often be easily prevented, were getting to be extensively familiar; and, as time went on, competent witnesses were again and again coming forward, to tell how they had experimented with the new knowledge, and had won victories by it. Of the men who in those years were educating the Medical Profession to appreciate the great new career of usefulness which had been opened to it, the foremost was Sir GILBERT BLANE, whose name has already been mentioned, and whose life, happily prolonged till 1834, was to the end distinguished by zeal for the public service. In papers which he from time to time, during the years 1812–19, addressed to the Royal Med. Chi. Society, and in others, with which the above were reprinted in 1822, and with further additions in 1833, under the title of *Select Dissertations on Several Subjects of Medical Science*, Blane may almost be said to have founded a new branch of professional teaching; and most important indeed it was for our coming times that, on the threshold of them, there was yet living from the former age an intermediary, experienced and enlightened as he was, to hand on to us, as incentive to further progress, his records of the progress which had been already made. Such especially were his papers on the Comparative Health of the British Navy from the year 1779 to the year 1829, on the Comparative Health and Population of England at different periods, and on the Comparative Prevalence and Mortality of different Diseases in London, and his Statement of Facts tending to establish an estimate of the true value, and present state of Vaccination. Admirable also for the time when they were written were his papers on Yellow Fever, on Intermittent Fevers, and on Infection.

THACKRAH.

Beyond what was done during those years to diffuse and apply the thoughts which the preceding century had originated, one very important new line of thought in Preventive Medicine was opened for England in 1831, by Mr. C. TURNER THACKRAH, a surgeon of Leeds: who in that year published a work (next year republished with large additions) on *The Effects of Arts,*

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Trades and Professions, and of civic states and habits of living, on Health and Longevity: with suggestions for the removal of many of the agents which produce disease and shorten the duration of life. In the medical literature of Europe, Thackrah's work was not the first to invite attention to the subject of industrial diseases: for in Italy, a hundred and fifty years before, Ramazzini had written comprehensively on the subject according to the lights of his time;* and quite recently in France—(besides that in 1822 M. Patissier had published a general work† founded on that of Ramazzini)—many sections of the subject had been separately treated by writers who more or less had made new study of them.‡ Though those foreign works could hardly be of any direct bearing on the conduct of English industries, their existence may have suggested to Thackrah, how desirable it had become for our country that the health and sanitary circumstances of its various branches of industry should be investigated in the spirit of modern Preventive Medicine by some skilled inquirer. This special service Thackrah set himself to render: not under any official obligation or inducement, nor with any subvention from government, but as his own free gift to a public cause; and in his inquiry, which extended to about 250 branches of English industry, and included all the chief employments of the population, he dwelt on the details of each industry so far as he found them to be of significance to health. Not less meritorious than the assiduity and the care for truth with which he collected his facts, were the unprejudiced good sense and moderation with which he weighed them; and the service thus rendered by Thackrah deserves grateful recognition.§ By his eminently trustworthy

* *De Morbis Artificum diatriba:* Modena, 1670 and 1700; and Padua, 1713. The work was translated into several European languages; among which, into English in 1725.

† *Traité des Maladies des Artisans, et de celles qui résultent des diverses Professions*, d'après Ramazzini, par Ph. Patissier, Paris, 1822.

‡ As particularly in the *Annales d'Hygiène Publique et de Méd. Légale*, and in the two cyclopædic medical dictionaries which were being published in Paris during those years.

§ Mr. Ikin, of Leeds, speaking of his fellow-townsman Thackrah in the *Provincial Medical and Surgical Journal*, 1851, says:—"Leeds suffered a great loss in his premature death." . . . . "He was an early and successful promoter of public hygiene, then in its infancy. I must also in bare justice couple his

book, he, more than fifty years ago, made it a matter of common knowledge, and of State responsibility, that, with certain of our chief industries, special influences, often of an evidently removable kind, are apt to be associated, which, if permitted to remain, give painful disease and premature disablement or death to the employed persons.

name with the earliest founders of provincial medical schools, and commend him as a most zealous promoter and teacher of anatomical science: indeed the profession and public of Leeds owe him much, for it was he who first gave a public course of anatomical lectures in this place, and his exertions ultimately gave origin to the more effective organisation of the Leeds Medical School."

CHAPTER VIII.

THE GROWTH OF HUMANITY IN BRITISH POLITICS.

At the point which the medical narrative has now reached, retrospective note has to be made of some accumulating non-medical influences which will be factors in the further history. While medical observers had been advancing (as before stated) in the science of the prevention of disease, the national common-sense, which in time was to absorb and apply the better medical knowledge, had not been standing still. Within the period of a century and a half, from the accession of William the Third to the death of William the Fourth, the country had made extraordinary progress in the art of seeing old questions in new lights; and in no respect had that progress been more remarkable than in respect of the force which common humanitarian sentiments had gained in the minds of the younger generations. Especially the later half of the period was characterised by the vehement growth of such sentiments; and the change has been of so much interest to the main subject-matter of this narrative that it seems to claim more than a passing reference.

Special influences making for the New Humanity of the 18th century.*

The New Humanity of the eighteenth century represented two separate and dissimilar (though often co-operating) influences: one dating from the second quarter of the century, and one dating from the fourth: the former expressly religious, and in great part identified with the "evangelical revivals" for which that period was remarkable; the latter, essentially an outcome of stimulated political reflexion.

England in 1738.

The date at which the earlier of those influences began to

* The phrase "New Humanity" is one which I owe (with much else) to my reading of the late Mr. John Richard Green's *History of the English People*. The "larger sympathy of man with man which especially marks the eighteenth century as a turning-point in the history of the human race" is a text on which Mr. Green dwells with evident delight in Books viii. and ix. of his learned and eloquent work; and for my present chapter I can wish nothing better than that it may reflect the spirit of Mr. Green's deeply appreciative references to this part of the national progress.

make itself felt is conveniently remembered as the year 1738, half a century from the dethronement of James the Second, and a century before the coronation of our present Queen. At that date, when George the Second had been eleven years King, and Sir Robert Walpole seventeen years Prime Minister, England at large was in circumstances of unwonted ease. The Hanoverian succession had been made secure; and the Prime Minister with his merits and successes (to say nothing of the bribery which was then a ministerial resource) was showing himself more than a match for the "patriots" who wanted his place. The late times had been extraordinarily without war; commerce was making very large gains: agriculture, partly through real increase of skill, and partly from accidental conditions, was in high prosperity; manufactures, hitherto in great part domestic, and but partially separated from agriculture, were jogging on comfortably under their old low-pressure system; and even the rural labourers were having a comparatively good time.* At the highest levels of society, the contentment was particularly serene; for the public service in all its branches offered ample opportunities for the satisfaction of privileged family-interests, and dignitaries of all sorts were deeply convinced that they were in the best of all possible worlds. The ample official testimony which would have been borne to the admirableness of the existing order of things could have been confirmed by so many opulent and most respectable citizens that apparently the last word on the subject would have been said. Yet in truth that was not the whole story. England, no doubt, was in a rude sort of comfort, but was more plethoric and less awake than might have been wholesomer. The country had had some very hard-working centuries: its process of getting a free constitution for itself had involved long dire conflicts: and now, with the Georgian calm, when armour had at last been put off, and easy times had begun, it was

* See chapter xvii. of Professor Thorold Rogers's *Six Centuries of Work and Wages*. See also the late Mr. Arnold Toynbee's *Lectures*, p. 53. In the last I read (as a quotation from Fox Bourne's *Romance of Trade*) that the year with which my text starts was critical even in records of industry: namely, that the fly-shuttle, "the first of the great inventions which revolutioned the woollen industry . . . enabling a weaver to do his work in half the time, and making it possible for one man instead of two to weave the widest cloth," was invented in 1738 by Kay, a native of Bury, Lancashire.

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enjoying in its Saxon way a sort of holiday-rest from troubles and serious reflexions. With little going forth of thought into space or time, but with much, and indeed often far too much, of eating and drinking, England (so to speak) was taking its ease in its inn. The predominant middle-class type of the time, bluff and brawny, the eighteenth century *John Bull* of friends and foes, was a being in whom three-fourths of the nature were hitherto unawakened; and, of the fourth which had been awakened, a very marked proportion was egotistic and coarse. The social principles which had been most impressed on him were principles of a combative sort: that his house was his castle; that he had a right to do as he liked with his own; that he could thrash any number of foreigners; and so on. Field sports by day, and boisterous conviviality by night, were large items in his *Whole Duty of Man*. Not to be a milk-sop was so essential, that his going to bed every night drunk or half-drunk was of no particular disgust to the ladies of his family; and Hogarth and Fielding and Smollett are witnesses enough, how much beastliness of that sort, and how much grossness and vice of other kinds, pervaded the common life of the time. At the higher levels of society, which preeminently were abodes of self-satisfaction, the common faults of the time were not at their least, and vices distinctively their own were added. Their atmosphere was surcharged with corruption. Politics meant place-hunting; and for place, whether in Church or State, any amount of dirt would be eaten. The Queen, who had done much to keep her husband straight in his exercise of power, was now (since last November) no more; and his widowed Majesty, mindful of the famous last promise he had given her, was importing from Hanover, to be British fountain of honour for the rest of his reign, and shortly to be created Countess of Yarmouth, the woman who three years before had bargained him her adultery for his ducats.* The strong and sagacious Prime Minister, a typically jovial Englishman of the time, had accepted as the necessity of his position, that he could only govern by means of bribes; and he is reported to have said of the House of Commons of his time, that every man of them had his price. The dignitaries of the Church were not above the average of the corrupt coarse world around them; bishops and other high clergy

* See Lord Hervey's Memoirs: vol. i. pp. 499-502; and vol. ii. p. 514.

were among the chief flatterers of the court; and the parish parson was commonly more given to hunt and drink with the squire than to be of guiding moral influence with the people. So, on the whole, in spite of what optimists might have said, the England of 1738 had in it room for improvement, and was far from having reached such perfection that its appointed guides and rulers were quite entitled to be so soundly sleeping the sleep of the just.

The Methodists and other religious revivers.

In that year, the general social atmosphere being as described, the first of the two great influences of the eighteenth century began to operate. Then namely it was, that John and Charles Wesley and George Whitefield (having one by one returned home from a missionary enterprise which had taken them for a year or two to Georgia) began to exercise in this country the powerfully proselytising influence with which their names are identified: the influence by which they and their followers rapidly converted into a popular enthusiasm the distinctive religious spirit which the Wesleys, with a few others, had professed at Oxford ten years before, and for which they had then been known by the nickname of *Methodists*. The Methodist revival which began in 1738 soon led to many other religious revivals, more or less akin to itself, and before the end of the century had exerted a great awakening and reforming influence on the previously inactive official Church. The widely-diffused new enthusiasm—which for the present purpose needs not be distinguished into its component forces, but may as regards them all be termed evangelical, was in some respects comparable to that which five centuries before had created the Friarhoods of the Papal Church; but it was distinctively, even extremely, Protestant in its character, and may indeed in the main be regarded as a recandescence of the old puritan piety of Stuart and Tudor times. Between the elder and the younger puritanism however there was this marked difference of relation,—that, whereas the elder had had almost no exterior life except in ways of civil conflict, and had itself generally been more or less under proscription, "in darkness and with dangers compassed round," the new puritanism had the better fortune of being allowed peaceful scope for its enthusiasms, and of being therefore more obviously

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confronted, *in foro conscientiæ*, with those altruistic responsibilities which its profession of Christianity implied. So the Protestant congregations, now that at last their time of peace had come, shewed themselves zealous in works of benevolence. Their primary aim was to make religious converts ; but, little by little, the circumstances widened the aim. Above all, the home-missions which were so active could not but bring back to the congregations a practical and sympathetic knowledge of the hard struggles, and the often cruel sufferings, which the poorer masses of mankind have to endure. Poverty began to be considered, as perhaps never before, by the prosperous parts of society : poverty, not merely as subject to physical privations : but poverty, as complicated with the caducity and helplessness of ignorance ; poverty, as aggravated by the so frequent hindrances and oppressions of disease; poverty, as susceptible of deepest heartache when the pomps and luxuries of civilisation seem to deride it. By degrees, the dynamics of pauperisation, the study of the various factors which are degradatory in social life, were seen to be more urgent religious problems than some which had exercised schoolmen and mystics ; and vagrancy and vice and crime, when the conditions of their multitudinous production had grown to be better understood, were felt to be piteous appeals to the strong of the world, brothers' blood crying from the earth. So, from the middle of the century onward, the evangelical revival carried among its chief consequences, that man learnt to feel new solicitudes for man ; and under the new influence, new associations were extensively organised for dealing with the various sorts of social evil. Side by side with the ordinary efforts of doctrinal missionary enterprise, activity (such as had been comparatively suspended in England during our two centuries of ecclesiastic and civil unsettlement) was devoted to establishing new hospitals and dispensaries for the sick, and new refuges for various classes of destitute and afflicted persons ; important special societies were founded for the purpose of reclaiming and reforming the vicious and criminal; and not least, various local efforts began to be made to provide elementary education for the children of the poor. *

* Robert Raikes of Gloucester began his Sunday Schools in 1781, and the Lancaster-and-Bell Schools began before the end of the century.

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Concerned here only with the philanthropical results of the movement, and with them only for the hundred years from when they began, we need not discuss the general effect which the movement produced on the habits and moral tone of the country; nor new bearings which the movement has within the last half-century assumed; nor the worthy emulation with which, chiefly within that time, labours, analogous to those of the 'evangelical' school, have been instituted in other schools of the Church: but, waiving mention of the later times, and emphasising in the earlier only the characteristic which most concerns this narrative, we have, as the essential fact, that, throughout the centennium 1738–1838, the tide of religious philanthropy was ever on the rise, ever gaining more and more social influence. Preachers, often not in accord on matters of doctrine and discipline, and often spending themselves overmuch on minor points of sectarian difference, were yet unanimous in dwelling on the sentiment of human brotherhood, and in claiming practical effect from that sentiment. In proportion as there resulted practical endeavours to give help to classes which needed it, miscellaneous thousands from the surrounding world came to co-operate in the good work; thousands, who often were in no particular sympathy with the doctrinal specialties of the new school, or might even be such as the school would deem pagans, but who, caring less for doctrinal differences than for practical outcome, were glad to join in enterprises of kindness to their fellow-men; and, as years moved on, co-operations of that sort, in favour of practical humanity, came to be powerful in the councils of the nation.

New political influences.

In the political, as in the religious humanitarianism of the eighteenth century, there was a rekindling of old embers. The immortal reasonings of Milton and Locke, and that voice of popular statecraft which had made itself heard in the Grand Remonstrance of 1642 and the Revolution of 1688–9, had been of effect beyond these islands; and during the latter half of the eighteenth century, re-verberation of those great English utterances, coming back emphatically from other shores, gave to the English memory of them a new fruitfulness. Especially the two great revolts of the last quarter of the century—first, in 1776, the Declaration of Independence of the British North American

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Colonies, and secondly, in 1789–90, the momentous beginnings of the French Revolution, were of immense educational influence in this country; and the date of the former of those events may be used to define the time from which the particular new lines of political thought began to be noticeable in this country.

The year 1776, the year of the American Declaration of Independence, will probably never be remembered in this country without a touch of pain—the kind of pain with which any reasonable old man would remember to have been wrong-headed and ill-tempered with the brother of his youth; but, except in that sense, the year may well be remembered without regret. To have been worsted in the civil conflict which began in that year was the proper punishment of the ill-advised obstinacy which would have it so: the well-deserved success of the revolt, though temporarily mortifying to England, was a world-wide consecration of English principles of liberty: and while, to the United States, it was the beginning of boundless national expansion, to England it was almost equally initiative as a lesson in practical politics. Even were it only in that and some other allied senses, England would have to regard the year 1776 as one of demarcation between her old political times and her new; but in fact there are other associations which strengthen the significance of the date. From 1776, namely, dates the beginning of the influence of two British writers, who have conduced, perhaps more than any two of any country or of any time, to the interests of peaceful political progress: for, in 1776, modern political economy began with the publication of Adam Smith's *Wealth of Nations;* and in 1776, a so-called *Fragment on Government,* published at first without the author's name, opened the series of monumental works by which Jeremy Bentham pioneered for his countrymen in the whole philosophy of constitutional and administrative reform.

Greatly increased popular discussion of principles of government.

The impulses which in 1776 and 1789 were given to the political education of this country by the great revolutionary movements of those years, and which after the later date became immensely powerful, arose of course from the discussion of the events: not in virtue of the mere emotions of sympathy or antipathy which were felt for or against one side or the other by persons more or less prejudiced in opinion: but in virtue of the

facts and arguments with which those emotions were defended, and of the unprecedented degree in which the abstract principles of good government, the reciprocal rights and duties of governors and governed, the conditions of political stability, and indeed the whole theory and practice of social organisation, were brought into daily popular discussion, and were examined from the most different standpoints. This, too, was not an affair of mere speculative talk, as revolving some text of the *Utopia* or the *New Atlantis* in tranquil academic atmospheres; but the arguments, passionately set forth by way of comment on passing events, were debated in popular assemblies and popular tracts as of urgent practical interest; and those discussions of the "rights of man," however much of drawn battle they may have shown as between parties resolved to differ, and however small may have been at first their influence on the statutes of the realm, gave to vast numbers of persons an introduction to the rudiments of political thought, and greatly contributed to predestine for British politics the new spirit of the century which was next to come. For, out of the popular formulations of opinion to which they led, there soon came these two important consequences: first, that complaints, sometimes very loud complaints, began to be heard, of particular grievances which parts of the population were suffering; and secondly, that strong signs of sympathy with the aggrieved classes began to be shown by persons who themselves were not sufferers.

Altruism in politics.

In the latter respect, the sober outcome of the discussions accorded very largely with that which the evangelical movement had been yielding; the one, like the other, was having a marked altruistic operation: and whether this New Humanity expressed particular theological beliefs, or explained itself on grounds of political utility, equally it helped men to better notions of legislation and government than they had yet had. The elementary principles on which society has to rest and advance, the implied contract of mutual helpfulness, the supreme sanctity of equal justice, the essential coherence of social duties with social rights,—these, and the like, were found as enforceable from the religious as from the political point of view, and could not but gain through being enforced from both. No wonder that, under the joint influence, England advanced

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immensely in its understanding of social questions, and that unaggrieved persons of humane mind were largely impelled to range themselves on the side of aggrieved classes, and to support their demand for legislative reforms.

Demands for new legislation.

Among the many grievances which at that time affected large numbers of persons, those which concerned the distribution of political power for the respective purposes of national and local government, were by general consent placed in the first rank of importance: changes being demanded, which should give to the House of Commons, and to the Municipal Corporations, an electoral basis far wider, and a character far more equally representative of the population at large, than they had hitherto had; and should dissociate the question of a man's right to take part in the government of the country from the question of his ecclesiastical relations. Another main demand of the time, particularly among the better informed classes, was in respect of Law Reform: there being serious grievance in the survival of statutes which had been enacted in comparatively barbarous periods: such as the Labor and Apprenticeship Acts, which, having begun in Plantagenet and been re-inforced in Tudor times, were still standing as a stupid obstruction to freedom of industry; or such again as the laws relating to criminals and persons suspected of crime, and especially those savage parts of the law which regulated the punishment of offenders: while another serious grievance consisted in the mal-administration of common civil justice, and in the terrible delays and difficulties which at the time made justice in certain cases unattainable except to wealthy persons.* To remove grievances such as those was almost as plainly an act of humanity in politics, as the giving of charitable

* A sketch of the various grievances as they existed at the beginning of the century is retrospectively given by Sydney Smith in the collected edition of his works—he having been among the leading "reformers" of the time:—"The Catholics were not emancipated—the Corporation and Test Acts were unrepealed—the Game Laws were horribly oppressive—Steel Traps and Spring Guns were set all over the country—Prisoners tried for their Lives could have no Counsel—Lord Eldon and the Court of Chancery pressed heavily upon mankind—Libel was punished by the most cruel and vindictive imprisonments—the principles of Political Economy were little understood—the Law of Debt and of Conspiracy were upon the worst possible footing—the enormous wickedness of the Slave Trade was tolerated—a thousand evils were in existence, which the talents of good and able men have since lessened and removed."

succour to the impotent poor is an act of common human kindliness; and its significance in that respect is only expressed in another form, when it is described as an act of political utility.

New spirit reflected in the common literature of the time.

The humanitarian spirit, which sprang with so much freshness from its above-described two great sources in the eighteenth century, and was destined to be of ruling effect in the nineteenth, was represented on an immense scale in the literature of the period in which it arose.* It is not only to be traced in the religious and political writings which more or less professedly deal with it, but is pervasive of the common literature. Especially the poets of the time represented and greatly extended the influence. Of the old pastoral poetry, the yawn-provoking shepherds and shepherdesses slumbered off into mantel-piece figures of Chelsea china: its frivolous inanities gave place to sincere expressions of feeling: and when Goldsmith and Cowper and Crabbe and Burns began to write as they felt of human life, tens of thousands who had never troubled themselves to read argumentative works of divinity or politics were awakened to new sympathies with their fellow-men.

First efforts and successes in Parliament.

The earlier struggles of the New Humanity in English public life, and the first successes which they achieved, have their great place in English History, and happily are matter which may now be regarded as away from party contentions. In relation to most of the cases, during the time when the struggles were in progress, no doubt party spirit was often high, and parties were bitterly against each other; but in time the contests were fought out to ends which silenced controversy; and, with regard to all the main questions, the results which were then arrived at have probably for the last half-century been approved by all parties, with no material difference of opinion, as matter for national satisfaction and pride. In that view of the case, it may be convenient to illustrate the argument

* Of this I cannot pretend to treat with any proper fulness; and instead of attempting a superficial treatment of so interesting a subject, I gladly refer to the volumes in which Mr. Leslie Stephen gives his admirable account of all the best thought of the eighteenth century.

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of this present chapter, by describing more fully some particular passages of the movement.

Prison Reform: John Howard.

It was near the middle of the eighth decennium of the century, when the new sentiment struck its memorable first note in the House of Commons. Contemporaneously with the great sanitary experiment which Captain Cook had been conducting in far distant parts of the world, and for the triumphant issue of which he (as before told) was about to be honored by the Copley Medal of the Royal Society, a certain Bedfordshire squire had been making his never-to-be-forgotten studies of the horrors of Prison Life in England; and if the Royal Society's recognition of Cook's achievement was a moment of almost romantic interest in the scientific relations of Preventive Medicine, not less brilliant an *instantia lampadis* in the moral relations of the subject was the coming of JOHN HOWARD before the House of Commons on the 4th of March, 1774, to testify what he had then lately seen in the famous *Winter's Journey* with which his long series of labours began, and to receive the thanks of the House for a kind of devotion not hitherto familiar to politicians. In the *Annual Register* of 1774, the incident is briefly described:—"The House of Commons went into a Committee of Inquiry into abuses committed in gaols by detaining persons for their fees, Sir Thomas Clavering, Chairman. Dr. Fothergill and Surgeon Potts [Mr. Percivall Pott] were called in, and asked their opinions on the gaol distemper. . . . Mr. Howard, Sheriff of Bedford, was called, and gave the House an account that he had seen thirty-eight out of forty-two gaols in the Lent circuit, besides others as Bristol, Ely, Litchfield, &c. That those he had not seen, in a few days he should set out to visit. . . . He was asked his reasons for visiting the gaols, and answered that he had seen and heard the distress of gaols, and had an earnest desire to relieve it in his own district as well as others. He was then asked if it was done at his own expense, he answered undoubtedly. . . . . The thanks of the House were deservedly and unanimously returned to this benevolent Gentleman; who at a great expense, and the continual risque of his life, has thus nobly shewn himself the friend of mankind in general, and of the unfortunate in particular."

The particular motive which had started Howard on that

memorable *Journey* of visitation to the prisons of England was to see if he could furnish the Bedfordshire Justices with any precedent for paying the gaoler of the county-prison a fixed salary. Fully to appreciate the meaning of Howard's search, a knowledge of the prison system of 1773 is necessary; and as the same information serves also to illustrate the hitherto imperfect humanity of those pre-sanitary times, I proceed to quote the substance of the description which Dr. Guy gives in his admirable *Lecture* on Howard's Journey.* The prisons, says Dr. Guy, were private property, let out at heavy rentals by gentlemen, noblemen, church dignitaries, and ecclesiastical corporations, to some of the worst of mankind. They were often so dilapidated and insecure that, for that reason if for no other, men and even women were manacled and fastened to the walls or floor. The gaolers at their best could scarcely afford to be tender-hearted. Among the prisons which Howard visited, there was not one where the gaoler was paid by salary. In lieu of salary he was allowed to charge certain fees; and every prisoner, whatever the way in which he became a prisoner, had to pay these fees before he could be permitted to leave the prison. He might be some poor debtor (for more than half the prisoners were debtors) and might perhaps have been incarcerated by a designing or vindictive creditor; he might be a man awaiting trial, and innocent of the crime with which he was charged; he might have been tried and acquitted, or the Grand Jury might not have found a true bill against him; he might be some petty offender committed for a small theft; or some pressed man innocent of everything but not having a stomach to fight; or some man of violence—highwayman, burglar, or murderer; or some defrauder, a forger or receiver of stolen goods; or

* *John Howard's Winter's Journey*, by Wm. A. Guy, M.D.; London, 1882. Dr. Guy, Professor of Medical Jurisprudence in King's College, London, and a physician of high intelligence and culture, was for more than forty years always distinguished by the warm public-spirited interest he took in questions of social economy, as well as by the ability with which he discussed such questions; and particularly he is to be remembered as one of the ablest and most respected of the men who won early hearing in this country for the lessons of preventive medicine. I know no better book for popular reading in introduction to sanitary politics than the twelve *Public Health Lectures* which Dr. Guy delivered at King's College, and subsequently published: Renshaw, 1870–4. Dr. Guy died in October, 1885.

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perhaps he might be some raving madman: but whatever he was, he must pay the gaoler's fees, or remain in prison. No pay, no release; and innocent men by the thousand were thus kept locked up in the prisons of England, many for years, or for life; many to die there of gaol-fever, smallpox, or other such disease; some to pass into madness or fatuity. Besides the gaoler's authorised fees, there was also an entrance fee,—technically known as garnish, footing or chummage: levied impartially on all alike, though the debtor had more to pay than the felon: a fine of some shillings (perhaps as much as eight or nine) to be expended on drink for the entertainment of the other prisoners and the benefit of the gaoler; which fine both parties were equally eager to levy—the prisoners, because it had previously been levied on themselves, and the gaoler because he either brewed the beer, or at least made a profit by selling it at the tap: and so the local law was "pay or strip"; *i.e.*, if the new comer had no money to give, his clothes were robbed from him to pay the fine.

Readers who are acquainted in detail with Howard's publications, or who in any way know what was the hellishness of ordinary English prisons at the time when Howard was visiting them, can interlineate with a context of their own the vote of thanks which the House of Commons accorded to Howard in respect of his Winter's Journey.* Not needlessly to expatiate on what was horrid and shameful in those scenes, it may here be enough to recall as to part of the "continual risque of life" which Howard faced, that the atmosphere of the prisons which he entered was distinctively the atmosphere of typhus,—that the prisons were the central seminaries and forcing-houses from which the typhus-contagion of those days was ever overflowing into fleets and barracks and hospitals, and was a constant terror to courts of justice and to the common population. It was through storms of danger such as this that Howard, as with charmed life, had calmly done what his soul gave him to do. And the exemplary career which he had thus begun was pursued by him with unwavering constancy till his death.

* As regards part of the case, I may refer to passages from Howard which I introduced long ago into one of my Reports to illustrate the history of Fever in England. See *Papers Relating to the Sanitary State of the People of England*, 1858; or in the Sanitary Institute's recent reprint, vol. i. pp. 450-1.

Dr. Aikin, in concluding his extremely interesting, and but too compressed, *View of the Character and Public Services of the late John Howard*, gives the following summary of what he did during the last seventeen years of his life:—"1773: High Sheriff of Bedfordshire; visited many county and town gaols; —1774: completed his survey of English gaols . . .; 1775: travelled to Scotland, Ireland, France, Holland, Flanders and Germany;—1776: repeated his visit to the above countries, and to Switzerland; during these two years re-visited all the English gaols; 1777: printed his *State of Prisons;*—1778: travelled through Holland, Flanders, Germany, Italy, Switzerland, and part of France;—1779: re-visited all the Counties of England and Wales and travelled into Scotland and Ireland; acted as Superior of the Penitentiary Houses;—1780: printed his first Appendix; [also, in 8vo, a second edition of *Prisons;*]—1781: travelled into Denmark, Sweden, Russia, Poland, Germany, and Holland;—1782: again surveyed all the English prisons and went into Scotland and Ireland;—1783: visited Portugal, Spain, France, Flanders and Holland: also Scotland and Ireland, and viewed several English prisons;—1784: printed the second Appendix, and a new edition of the whole works;—1785–1787: from the close of the first of these years, to the beginning of the last, on his tour through Holland, France, Italy, Malta, Turkey, and Germany; afterwards, went to Scotland and Ireland;—1788: revisited Ireland, and during this and the former year travelled over all England;—1789: printed his work on Lazarettos, &c.; travelled through Holland, Germany, Prussia and Livonia to Russia and Lesser Tartary;—1790: January 20 [aged 63] died at Cherson."

Extremely noteworthy is the fact, which Dr. Guy takes pleasure in pointing out, that, before Howard began to work for mankind at large, his humanity had done its work at home; that, on his paternal estate at Cardington, "he first showed himself as a preserver of health and reformer of morals;" that here, having enlarged the estate by purchase of an adjoining farm, he "did his first work of sanitary reform, and did it, like all he undertook, thoroughly;" that "he pulled down and rebuilt every one of his own cottages, and such others as he could purchase, and erected new ones, thus gradually transforming the

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whole village from damp squalor to bright wholesome cheerfulness, from sickliness to healthiness, from barbarous neglect to civilised judicious interference and supervision." *

As regards the outcome of Howard's labors, the following may be noted. As an immediate effect of his evidence before the House of Commons in 1774, two Acts of Parliament were forthwith passed: the one, to provide that gaolers should no longer be paid by fees, the other to provide for the sanitary amelioration of prisons. Since that time, under influence direct or indirect of Howard's printed works, and in conformity with his teaching, prisons and prison-administration have been so radically improved, and such elaborate precautions have been taken to guard prisoners from sanitary and other injustice, that no vestige of cruelty remains, and that the sanitary advantages of the imprisoned criminal are such as unfortunately cannot yet always be secured for outsiders who toil honestly for their bread. To Howard's influence may also be referred that more compassionate feeling on the part of society towards its various offending members, which, for instance, led the late Mrs. Fry to make herself for years the religious visitor of the female convicts in Newgate, and which since Howard's time has repeatedly led to re-consideration of the criminal code of the country, and has greatly mitigated its harshness. †

* At p. 24 of his Lecture, Dr. Guy gives an interesting account of the village as it now is. The cottages, he says, must always be the great point of attraction at Cardington. Now, after the lapse of more than a century, they seem as sound and strong as when they were first built; and having made a healthy wholesome and decent life a possibility for three generations, there is no reason why they should not continue to be a blessing to many more yet to come.

† Dr. Guy, whose writings about Howard are made especially interesting by their true congeniality with the spirit of Howard's life and labors, rightly draws attention to yet another of Howard's deserts:—"This Howard, who saw with his own eyes, and heard with his ears, and thought for himself, as only men of genius do, may be said to have invented both systematic *inspection* and periodical *reporting*, so largely practised in our days; and as happily he was a man of independent means, and could afford to give his services to the public, he appointed himself the first unpaid Inspector of Prisons, and at his own cost, published and distributed his own Reports."—*Winter's Journey*, p. 27. It may be added that Section VII. of Howard's second publication—the book on Lazarettos, &c., treats of the thirty-eight Charter Schools of Ireland; and that its observations on the particular cases are so comprehensive and exact, and its general reflexions so wise, as to suggest that Howard, if his life had been prolonged, might have been as great a reformer of Schools as he was of Prisons.

Greatest perhaps of all the outcome of Howard's work, has been the extremely impressive effect of his example. It seems to have been commonly felt by Howard's contemporaries that his seventeen years of self-imposed labour constituted one of the noblest careers which the world had hitherto known. Taking as his simple rule of duty, that his life was to be spent for the good of others, and accepting without hesitation for his field of industry that particular wild waste of misery and wrong which his temporary official contact with prison-administration had revealed to him as in urgent need of redress, he made prison-reform the object of his life, and devoted himself to that object with such sublime unselfish constancy as is among the truest measures of moral greatness. Already, here and there in history, self-devotion like his had been shown by other men,—by men, alas too few, whose memories are still the heroic leaven of our race in their power of moving others to good: but, in the successive ages and varying circumstances of the world, it is not one single type of self-devotion which can always and everywhere be the most helpful to man; and, till Howard's time, the virtue which he so transcendently displayed had little shown itself in civil life except among founders and apostles of particular ecclesiastical orders, and as instrumental in propagating theological beliefs. In the mere matter of benevolence, Howard as much took the eighteenth century by surprise as Francis of Assisi did the thirteenth; and Dante and Giotto, had they been here, might have celebrated his espousals with Pestilence as they did his predecessor's with Poverty. But, separated from each other by five centuries of time, with the immense social changes therein involved, and separated even more distantly by differences of nationality and temperament, those two great helpers of mankind had perhaps little else in common than that they both with all their hearts desired to do good to their fellow-men. Howard gathered no crowds around him, nor does any sworn order of followers bear his name. Yet truly, in addition to what he was in personal heroism of benevolence, he also by example was the founder of a new school of action: a school widely different from the Franciscan. His career was one continuous teaching that, in regard of complicated social evils, if good intentions are to be solidly effective for good, wisdom and patient intellectual study

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must be means to the end. And, great as was the career, it perhaps had no greater result than this: that it taught in a supreme degree the value of methodical or scientific, as distinguished from merely impulsive, philanthropy.

India and Edmund Burke.

During the decennium in which Howard ended his work, the public mind was being awakened on another great question of humanity: the question of the Government of India.

In 1781, in consequence of extremely untoward communications received from India,—first as to certain scandalous administrative disputes in the Bengal presidency, and secondly as to the invasion of the Carnatic by Hyder Ali,—Parliament had appointed two committees of inquiry: one on the motion of General Richard Smith, to report on the administration of justice in Bengal, and generally on the government of that presidency; the other, on the motion of the Prime Minister, to report on the causes of the Carnatic war, and on the condition of the British possessions in those parts; which latter reference was afterwards enlarged to include also the subject of the Mahratta war. Those two committees—the former having General Smith as its chairman, and Mr. Burke as its most laborious member, and the latter having Lord Advocate Dundas as its chairman and chief worker, produced reports of extraordinary importance. Of the particulars which the reports brought to light with respect to recent British conduct in India, the general bearing may be summed up in the statement: that India was being worked as a gold-mine by the agents of a London joint-stock company, and with no more sense of justice or compassion towards the human beings whom the commercial adventure affected than any later Californian or Australian gold-digger would entertain towards the dead rock under his pick-axe. The emissaries of the East India Company were subject to the one over-ruling condition, that they must work to pecuniary profits: that, irrespectively of what gains they might be putting into their own pockets, they must find means for paying dividends to the proprietary body which employed them, and for extending its possessions in the East. In that commercial spirit, an almost absolute government was being exercised in India: wars were being waged and suspended, treaties of alliance made and unmade, transfers of territory and

revenue negotiated, privileges given and taken away; and, so far as might at any moment seem conducive to the financial aim, rulers and populations were crushed or defrauded, hereditary rights were confiscated, vast extortions were practised, pledged faith was broken, provinces were invaded and desolated, and unoffending human life in vast quantity was given over to outrage and extinction.

Facts of that sort, brought abundantly before Parliament during the years 1781–3, in the many successive reports of the two committees, were the ground on which Mr. Fox, in the autumn of 1783, proposed his memorable East India Bill, and on which afterwards the House of Commons decreed its momentous impeachment of Warren Hastings. Mr. Fox's Bill, substantially an endeavour against leaving high imperial responsibilities to be dealt with as incidents of commercial adventure, anticipated by three-fourths of a century the spirit of the India Act of 1858; but, as the Bill gave rise to one of the fiercest conflicts in the history of political parties, and soon had a sort of St. Bartholomew's day of its own,* there is need to observe that the scandals of misgovernment which led to its introduction were facts which had been equally recognised by both parties in the House; that, though, in November 1783, Mr. Dundas was sitting beside Mr. Pitt on the opposite bench to that of the promoters of the Bill, the promoters were able to appeal to him and his Committee as chief witnesses to the scandals alleged; and that Mr. Pitt,†

* Fusilade from a royal balcony could hardly have had more political effect against the promoters of the Bill, nor apparently could have taken them more by surprise, than the royal instruction, promulgated by Lord Temple, that they were to be regarded as "Enemies of the King;" and the crisis which the Bill provoked came to be of great and far-reaching effect in the relations of English political parties. It befell, namely, that, on December 17, 1783, under influence of the celebrated royal card, the Lords refused a second reading to Mr. Fox's Bill, which had recently passed the House of Commons; that his Majesty then dismissed the Ministers, and called Mr. Pitt to the Premiership; that, three months later, at general election, the constituencies sided overwhelmingly with the new ministry; and that, for many a long year afterwards, "Fox's Martyrs," as they were called, had but little weight in the government of the country.

† Even since the accession of the present Ministers, Mr. Dundas had introduced an India Bill of his own. See *Parliamentary History*, April 14, 1783. A year earlier, on behalf of the Committee, he had led the House of Commons to commence penal proceedings against the late Governor of the Madras Presidency, as guilty of high crimes and misdemeanours; and to declare it the duty of the

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whose subsequent accession to power was to be through the King's defeat of the then Bill, had not hitherto (though for nearly three years a member of the House) ever spoken on Indian affairs. In 1784, after the general election which had more than reversed the relative strength of parties in the House of Commons, Mr. Pitt, carrying a bill of his own for the better government of India, established the compromise which continued till 1858; namely, that the East India Company, in respect of military and political affairs, should be subject to the direction of a *Board of Control*, forming part of the general ministry of this Kingdom. During the years 1786–7, Mr. Hastings having in the meantime retired from his Governorship of India, and returned to England, formal accusations against him were brought before the House of Commons; and the House, after debating the accusations in series, generally with much heat, and often at considerable length, eventually resolved, in respect of certain of them, that Mr. Hastings should be impeached before the House of Lords by managers whom the Commons would appoint for the purpose. In those actual resolutions for impeachment, the leaders of both parties concurred; indeed, except with Mr. Pitt's concurrence, the promoters of the impeachment could not have scored any noteworthy approximation to a vote for their object; and it is therefore clear that the legal proceedings, which ensued on the resolutions of the House of Commons, are not to be regarded as of party action.*

For the intention with which the above references are made, it is not necessary to compare the respective merits of the India-

East India Company to recall the Governor of Bombay and the Governor General of Bengal, on the ground that these functionaries had in "sundry instances acted in a manner repugnant to the honor and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company." *Parliamentary History*, April and May, 1782.

* The concurrence to which the text refers must not be understood as of deeper reach than it had really had. Underneath the ceremonious accord, were the inextinguishable memories of the India Bill cyclone of 1783-4. Ostensibly, the impeachment was the act of both parties; but one of the two, the one which was immensely superior in strength, had accepted it only as of hateful necessity. In dominant parliamentary opinion, the promoters of the impeachment were but the *rari nantes* of a wrecked party, discomfited "enemies of the King;" and the fact that King and Court were still scowling at them could not but be of effect on the issue of the impeachment so far as this might have to depend on party-voting.

bills of 1783–4, nor the different opinions which have been expressed, from various points of view, on the subject of the great impeachment of 1788. The proceedings are not here brought under notice for their own sake in detail, nor even with regard to their immediate issues, but only in so far as they constituted the occasion for a new and searching exercise of national thought in matter of common right and wrong. Their interest to us is, not that they raised questions of legal kind as between England and the grand privateering company to which it had given its letters of marque, but that they raised questions as between England and mankind: for, in connexion with them, the moral responsibilities of empire in relation to subject races came to be considered in this country more critically than perhaps ever in any country before.

It was of signal advantage to the progress of political humanity, that, during the whole important period of those proceedings, the best powers of EDMUND BURKE, powers perhaps never surpassed in the British Parliament, were used on behalf of India, in protest against the tyrannies which had been inflicted, and in appeals for the just government which was due. To many of Burke's contemporaries, it was paradox or worse, that he should be as capable of anger for "trampled Hindustan" as if it had been the case of his own Bristol or Malton constituents: but his earnest devotion to the cause remains nevertheless a fact in English history; and the broadly humane spirit, in which Burke so passionately and so persistently pleaded for justice to the dependent races, made its mark in the civilisation of the world.

In order to illustrate how new a tone he brought into these discussions of Indian affairs, no further going back on parliamentary records is necessary, than to those of 1772–3; when the affairs of the East India Company had last been receiving a large share of attention in Parliament, and the conduct of Lord Clive had been impugned, and when finally Lord North's Regulating Act was passed. The questions which at that time had above all absorbed attention and drawn forth rhetoric, were in substance questions as ot the partition of spoil: questions, as to how much of it was due to the State, and how much to the proprietors of East India Stock, how much of it the great captain might retain, how much the civil and military retainers might loot, and the

like.* Those discussions had been of cruelly little interest to the despoiled: they apparently were not of higher moral significance than such as Gil Blas might have heard quarrelled over in his robbers' cave: and truly it is like emerging from some such den into the honest holy light of day, to turn from the earlier to the later series of discussions, and to see how Burke, from 1781 onward, illumined the whole field of debate. †

From the very beginning of these proceedings, he stands forward as the initiator of a policy: "Reform your principle, since it is founded in vice, and productive of calamity. Establish a generous principle in its room, of fair and full and public justice. Show them that you are determined to become the protectors, not the oppressors of the country, that you wish to hold your authority on the solid rock of their happiness. Consider that there are 30 millions of souls involved in this affair" . . . "teach the people that live under you, that it is their interest to be your subjects." That was how he already spoke in 1781; see *Parliamentary History*, April 30th; and the same tone

* It would not be strictly true to say that, in the debates of 1772–3, no reference whatsoever was made to the state of the Indian populations: for Colonel Burgoyne and Sir W. Meredith, in moving for the select committee on Indian affairs, had mentioned the distresses of fifteen millions of people, and Colonel Burgoyne had expressed shame "that the native of Hindustan, an immemorial slave, should first have learnt from British rulers how intolerable the life of a slave might be made": but those references were scarcely more than parenthetical in relation to the real matters of conflict.

† Even as regards Burke himself, there is, at least apparently, a marked contrast between the Burke who in 1772 argued against General Burgoyne's committee, and in 1773 against Lord North's Regulating Bill, and the Burke who in 1783 argued for (and possibly may have planned) the India Bill then before Parliament. In the year 1772–3, when he habitually spoke on the side of the East India Company, he no doubt was acting in concert with the heads of the Rockingham-whig party, who in the House of Lords opposed, and finally protested against, the passing of Lord North's Bill. Whether the Rockingham resistance to Lord North's Indian policy was rooted in any deeper conviction than that the "duty of an opposition is to oppose," needs not here be guessed; but it is certain that Burke, when he took prominent part in that resistance, argued from an infinitely lower level than he afterwards attained. The independent and fruitful growth of his mind dated manifestly from 1781, when he became a member of General Smith's Select Committee. On a subsequent occasion, he incidentally mentioned that he had entered on that committee with a strong bias in favour of Hastings, and was sometimes upbraided for it by others; but that 'the huge volumes of evidence which came under his inspection effected a complete revolution in all his ideas.' *History of Parliament*, July 30, 1784.

resounds in all his subsequent utterances. Very memorably it is to be heard throughout his great speech of Dec. 1, 1783, for going into Committee on the India Bill;* as especially in the parts where he discusses the "chartered rights" of the East India Company. He tells his hearers that no charter of power and monopoly, tending to suspend any "natural rights" of mankind at large, can be valid except as a conditional grant: that every such grant is, in the strictest sense, a *trust:* that it is of the very essence of a trust to be rendered accountable, and even totally to cease when it substantially varies from the purposes for which it alone could have a lawful existence: and, for testing whether the East India Company had substantially broken its trust, he states, as his standard, this fundamental principle;—"that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be, some way or other, exercised ultimately for their benefit." The principles which Burke so advanced had, from old time, been familiar to political philosophers in their studies; and thoughts of like meaning may perhaps have been uttered before in Parliament on occasions when they would be little heeded; but now, when Burke, assuming those principles to be universal, invoked them as his criterion of the duty owing from Britain to India, a notable moment had come in British politics, an eventful moment for many millions of the human race.†

* In this speech of Burke's, and in his subsequent speech on the subject of the Nabob of Arcot's debts, the chief acts of British administration in India, from the time of Warren Hastings's succession to power, were elaborately examined; the many huge wrongs of oppression and perfidy which had been practised for gain were exposed and stigmatised; and above all, the cruel sufferings which had been brought on masses of population by the Rohilcund and Carnatic wars were represented in such terms of pathos, and with such burning indignation against the authors of the misery, that, even as mere eloquence, the speeches are of classical interest.

† Later in the same debate, Fox uttered his vehement assertion of the same principles: "What is the end of all government? certainly the happiness of the governed. Others may hold their opinions, but this is mine, and I proclaim it. What are we to think of a government whose good fortune is supposed to spring from the calamities of its subjects, whose aggrandisement grows out of the miseries of mankind? This is the kind of government exercised by the East India Company on the natives of Indostan, and the subversion of that infamou government is the main object of the Bill in question."

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When Burke, in the last year of his life, was rendering account of all he had done or tried to do in the public service, he named his endeavours for India as the labours on which he valued himself the most;* and it would probably have seemed to him that the climax of those long persistent endeavours was reached, and, in a certain sense, their best success achieved, when the House of Commons had been led by him to decree the impeachment of Warren Hastings, and when he stood as chief spokesman for the House on that great historical occasion. On February 13, 1788, the late holder of almost vice-regal office was on trial before the supreme judicial court of Great Britain in respect of abuses charged against him; not that he had taken British life or property, or had broken law as commonly applied within the four seas of our home-dominion; but that, half way across the globe of the earth, he had been an oppressor of other people than our own. To us, who from a hundred years afterwards, look back to the conditions under which that State-trial was held, it must appear the merest matter of course that the legal procedure failed. The merely technical difficulties in its way seem to have been little short of insuperable; difficulties equally great lay in the political relations of the case; and so far as the verdict would be decided by party-voting, of course the managers of the impeachment could never have had the shadow of a chance.† It can hardly be imagined that, even in 1788, the warmest approvers of the impeachment expected to attain a formal success; and the verdict of acquittal, which Hastings, after more than seven years obtained, was such as might have been predicted from the first.‡ On the other

* Letter to a noble Lord, 1796.

† See previous footnote, page 146.

‡ In contrast to the highly spectacular opening of the great trial in 1788, was the almost unnoticed falling of the curtain on the 23rd of April, 1795. Of some four hundred existing peers, twenty-nine took part in the final votes, and they voted, at least five to one, for the articles of acquittal. This exoneration, as regards its substance, may be compared with the vote which the House of Commons, twenty-two years before, had passed on the subject of the charges against Lord Clive. On that occasion, in order to practically exonerate Clive, the voters, while recording that he had acted illegally, declared that he had at the same time rendered great and meritorious services to his country; but in 1795, the Peers in judgment could not by any such vote evade the simple *Yes* or *No* of the criminal charge, and, as between those enforced alternatives, the *Yes* was politically impossible. Hastings, whatever wrongs he had done, had on the whole

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hand, from the standpoint of these later times, it is easy enough to see that, not the verdict, not the question whether the proceedings should bear penal fruit, but the fact of the impeachment in itself, was the matter which concerned the world, and that the moral significance of the impeachment was immense. It was proclamation to the world that the impeaching authority, the Commons of Great Britain, regarded as highly criminal, and as reflecting dishonour on this country, the sorts of action which the articles of impeachment described; it was virtual pledge that the impeaching authority would thenceforth guard the people of India against any repetition of such wrongs; and to the administrators of the India Act of 1784, it was emphatic warning as to the standards of right and wrong by which the House of Commons would judge all future government of India. So far as the councils of a nation may be expected to show continuity of moral purpose, the impeachment of Hastings promised future submission to the principles which Burke had held aloft in 1781, as those on which India should be governed; and Indian records of the last hundred years contain evidence enough, that Britain, throughout this new era, has faithfully endeavoured to act in the spirit of that implied promise.

Negro-slavery: the Quakers and Wilberforce.

At about the same time with the increased discussions of Indian affairs, a third great question of humanity began to attract public attention in England: the question which is identified above all with the names of GRANVILLE SHARP and THOMAS CLARKSON and WILLIAM WILBERFORCE: the question, whether the British nation should continue to be a slave-trading and slave-owning power. *

greatly enlarged and strengthened the British dominion in India; and the State which meant to accept his acquisitions could hardly condemn him in respect of them.

* Particulars as to the rise and progress of the slavery-discussion in England are above all to be found in Clarkson's *History of the Abolition of the Slave Trade*, and in the *Life* of Wilberforce, by his Sons. Also in the late Sir James Stephen's *Essays in Ecclesiastical Biography*, the two articles *William Wilberforce* and *The Clapham Sect* contain much information with regard to the chief early abolitionists: specially interesting from the fact that the writer's father, Mr. James Stephen, was connected by marriage with Mr. Wilberforce, and was himself an eminent member of the abolitionist group. My text is entirely founded on those authorities.

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The three philanthropists, just-named, were not the first Englishmen to regard with horror and shame that their country was still tolerant of that old savageness. If none else in the land, at least the Society of Friends, with their steadfast simple morals, and their dignified patience under tyrannies which pressed on themselves, had never refrained from protesting against that great wrong to the brotherhood of mankind: William Penn in 1688 had denounced it as cruel and unchristian; his successors in the Society had uniformly taken the same tone; and in 1760, the Society, going beyond its previous "severe censures," resolved that thenceforth it would disown as members all who in any way participated in the slave-trade. But the Quakers were not a proselytising sect, nor were in any way powerful in the State, and their resolutions against slavery had been of no more effect in England than their harmless peculiarities of costume.

In 1769, Granville Sharp published, in first edition, his *Representation of the Injustice and Dangerous Tendency of Tolerating Slavery in England*, with remarks on the opinions given in 1729 by the then Attorney- and Solicitor-General: and in 1772, using with extraordinary vigour an opportunity which had arisen for giving effect in a particular case to the principles advocated in his pamphlet, he succeeded in eliciting from the judges of England the memorable (unanimous) appeal-decision, for which his name is so gratefully remembered: that the slave who had reached English soil was no longer any man's chattel.

In 1784, the fact of the participation of England in the slave-trade seems to have been brought into increased notice, as a question of public conscience, by a book published at that time by the Rev. James Ramsay. Originally surgeon of a man-of-war, under Sir Charles Middleton, who afterwards was created Baron Barham, Mr. Ramsay, leaving the navy, and entering the profession of the Church, had for nineteen years been resident at St. Kitt's: after which, having returned to England, and become Vicar of Teston in Kent, he now, by the publication above mentioned made known his West Indian observations of the sufferings of the slaves.* Mr. Ramsay's book is authorita-

* *Essay on the Treatment and Conversion of the African Slaves in the British Sugar Colonies:* as quoted in Clarkson's *History*. According to Clarkson, Mr.

tively said to have "commenced that public controversy which was closed only by the abolition of the trade;" and not least among its effects may certainly be counted its important influence on the minds of those who are next to be mentioned.

In 1785, St. John's College, Cambridge, had, for the subject-matter of its annual prize-competition in Latin essay-writing, the question,—*Anne liceat invitos in servitutem dare;* and the prize (like that of the year before on a different question) was won by Thomas Clarkson, then an undergraduate in course of study for the Church. The answer which Clarkson gave to the proposed question—an answer which is said to have been received with much applause when read in the Senate House in 1786, was an elaborate vehement negative; and the researches which Clarkson had made for the purpose of the essay had so filled his mind with a sense of the moral relations of the question, that now, with academical honors, he forthwith set aside his previous plan of life: determining not to take ecclesiastical service, but to accept as his best 'holy orders' that his life should thenceforward be given to work against slavery. Clarkson's essay, which he immediately published in English translation, brought him at once into fellowship with Granville Sharp and a few others (mostly Quakers) who had the same cause at heart; and in 1787 this little group of persons constituted themselves, with Granville Sharp as their Chairman, and Clarkson as their Secretary, an Association for the Abolition of Negro Slavery.

One of the first steps of the associated 'abolitionists' was to come into concert with Mr. Wilberforce; and he, from now onward, became their political leader.* Before the end of 1787,

Ramsay published also in 1784 an *Inquiry into the Effects of the Abolition of the Slave Trade*, and during the five next years (chiefly in answer to attacks made on him) various other writings. In the *Life of Wilberforce* it is said that "through the years 1784 and 1785 Mr. Ramsay fought alone in this holy cause, nor did he quit the strife until he sank under its virulence in the summer of 1789."

* He was now twenty-eight years old, and had been seven years in Parliament. When only a school-boy of fourteen, he had written to his county newspaper in protest against "the odious traffic in human flesh": from 1780, when his parliamentary life began, he had been strongly interested for the West Indian slaves; and this interest was increased in 1783 by communication with Mr. Ramsay, whom Sir C. and Lady Middleton made known to him: before 1786, his interest in the question had led him, he says, "to Africa and the abolition": throughout

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he had noted in his journal that the suppression of the slave-trade, and the reformation of manners were the two great objects to which he felt himself religiously bound; and now it was, that, after certain talk with Mr. Pitt 'at the root of an old tree at Holwood'—a talk so eventful that the sylvan scene where it was held has become historical,* he resolved to give notice on a fit occasion in the House of Commons of his intention to bring forward the subject of the slave-trade. On the 9th of May, 1788, not Wilberforce in person (for he was then in dangerous illness) but Mr. Pitt, who according to a promise previously given acted for him in the matter, carried a resolution that the House would consider the slave-trade early in the following session: and, for the meantime, in view of certain shameful facts which had been brought forward by Sir W. Dolben as to a slave-ship then in the Thames, a short Act was passed, which it was hoped might somewhat mitigate the cruelties of the traffic. In 1789 (May 12th) Mr. Wilberforce brought forward, in twelve resolutions, the case for the abolition of the Slave-Trade: the three foremost members of the House, Pitt and Fox and Burke, supported him to their utmost: but "on May 21, after a debate of unusual warmth, the planters succeeded in deferring the decision of the House until counsel had been heard and evidence tendered at the bar."

Now began to be better perceived than before, that a very arduous struggle had been undertaken: a struggle, no doubt, for right as against wrong; but, at the same time, a struggle for the unseen as against the seen,—a struggle for justice to strangers and aliens as against familiar citizens of our own who were amassing wealth by the iniquity,—a struggle for the human rights of creatures whom many were half-declaring to be not human. On the defending side, was an extremely influential mercantile class, with very large pecuniary interests at stake: on the assailing side, chiefly "a few obscure quakers" with other like "fanatics": but now the "fanatics" saw that,

1786, he was busily pursuing his inquiries among the African Merchants, who at that time were not unwilling to inform him,—"the trade not having yet become the subject of alarming discussion": and in 1787, he began to argue the matter with his political friends.

* Some twenty or more years ago, the fifth Earl Stanhope placed at the spot a stone seat with an explanatory inscription.

in order to make their struggle successful, they must appeal to the humanity of the nation at large, and this appeal they proceeded to press with every possible vigor. Most disastrously for all hopes of rapid success, most unhappily for the thousands of human lives which in each single year that passed were being added to the spoils of the infernal traffic, the dilatory tactics by which the slave-traders had successfully opposed Mr. Wilberforce in the House of Commons in the month of May, were soon afterwards rendered immensely more powerful by the outbreak of the French Revolution, and through the political anxieties which, in sequel of that outbreak, began, and for many years continued, to fall heavily on this country. For nineteen years the tactics of the slave-traders, favored by political circumstances, were able to delay the extinction of the trade. In proportion as excesses were committed in the name of the French Revolution, and were held up to British odium, endeavours were made to bring within range of that odium the principles of men who would abolish negro-slavery; and in the days when the governing classes regarded Thomas Paine's *Rights of Man* much as a red-rag might be regarded on the hills of Bashan, silly members of Parliament were led to believe that, in order "not to encourage Paine's disciples," they must continue to sanction by their votes the kidnapping and sale of negroes. "This impression, we are told, biassed most strongly the mind of the king, and created henceforth an insuperable obstacle to the exercise of any ministerial influence in behalf of Abolition."* It is painful to remember that even William Pitt, with all his high qualities, and with hatred of the slave-trade perhaps as great as that which his friend Wilberforce had, could yet not dominate those stupid fears of others; and that in this, as in too many other aims of earlier ambition, his genius was frustrated of glories it should have gained. The short-lived Grenville Administration, inspired by the warmer generosity of Fox, faced without fear the difficulties at which Pitt had quailed. On June 10th, 1806, Mr. Fox carried by a majority of 114 to 15 in the House of Commons (and it was the last motion on which he ever spoke there) a resolution condemning the slave-trade, and pledging the House to proceed with all practicable expedition

* *Life*, p. 103.

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to abolish it: and soon afterwards, on Lord Grenville's motion, the Lords concurred in that resolution.* In 1807, in pursuance of those votes, an Abolition Bill was introduced and carried. Though to the last the royal family remained irreconcilable, and though two of the princes, "speaking, as it was understood, the sentiments of all the reigning family," declared openly against the Bill, and canvassed against it, Lord Grenville induced the Lords to pass the Bill by a large majority. In the Commons—where now unhappily Fox's voice could no longer be raised in its favour, for his life had ended in the autumn, Lord Howick (afterwards the Earl Grey of the Reform Act of 1832) introduced the Bill, and carried its second reading by a majority of 283 to 16. The Bill in its further progress was not opposed: and on the 25th of March (in spite of the change of ministry which was then occurring) it received the royal assent. †

Twenty years had elapsed since the abolitionists began their associated labours; twenty years during which those labours had never remitted; and now, at the passing of the Act, those who had won that victory felt the Act to be their supreme reward. But, in truth, the mere legislative measure was but a fragment of the success they had achieved. With their long persistent agitation of the question, with debates on it again and again in both Houses of Parliament, with propagandism in all parts of the country, with innumerable local organisations created into sympathy with them, they had conduced, in extraordinary measure, to the higher political education of their country. Clarkson, in concluding his *History of the Abolition*, rightly claims for them the praise of what they had done in that respect. Insistence on common humanity in politics was the wedge which for twenty years they had been pressing home. Some recognition of this expressed itself in the House of Commons at the memorable second reading of the Bill: when the Grenville Solicitor-General Sir Samuel Romilly (of whose own humane labors in a different field something will hereafter have to be said) made, in the course of his speech for the Bill, an appro-

* Clarkson's History gives a convenient compendium of the debates, and contains some touching particulars of Fox's last acts and thoughts in relation to the movement.

† *Life*, chapter xvi.

priate personal reference to Wilberforce: * "whereupon the whole House, surprised into a forgetfulness of its ordinary habits, burst forth into acclamations of applause." † Of the success with which the abolitionists had pleaded their cause, and had gained the conscience of the country to their side, more enduring illustrations were subsequently given by the progress of events.

First, from the time when England renounced the slave-trade, the successive governments of the country exerted their influence with the governments of other civilised countries to obtain general adhesion to the same policy, and those endeavours have had wide effect. Thus in 1814, the restored Bourbon government of France was induced to agree with the British Government (under a separate article of the Treaty of Paris) that at the approaching Congress of Vienna, they would unite their efforts to induce all the powers of Christendom to proclaim the universal and absolute abolition of the trade: in 1815, during the hundred days of Buonaparte's regained ascendency, proclamation was made of the total and immediate abolition of all French slave-trade, and, on the return of Louis XVIII., that abolition was confirmed: while at Vienna the members of the Congress declared "in the face of Europe" that their respective governments were animated with a sincere desire to concur in the most prompt and effectual action to a like effect. And since that time, in result of exertions made by this country, or in avowed sympathy with it, nearly all the civilised powers of the world have passed laws prohibiting the traffic, or have entered into treaties which declare intention to do so.

And secondly, in 1833, the triumph of the "few obscure quakers" was consummated by one of the greatest facts in history. Till then, though trading in slaves had for twenty-seven years been suppressed in all British dominions, the holding of slaves had not been prohibited, and slaves were still

* "He entreated the young members of Parliament to let this day's event be a lesson to them, how much the rewards of virtue exceeded those of ambition; and then contrasted the feelings of the Emperor of the French, in all his greatness, with those of that honoured man, who would this day, returning to his private roof, and receiving the congratulations of his friends, lay his head upon his pillow, and remember that the slave trade was no more."

† *Life*, p. 279.

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held in the British colonies. To the everlasting honour of that generation, and of the men who had heightened its standards of right and wrong, the British people of 1833 would no longer bear that shame on its conscience: it taxed itself twenty millions of pounds to buy for those others the freedom which had been its own heritage, and the Legislature of the United Kingdom, voting the required ransom money, decreed the Emancipation of the Colonial Slaves.

Obstructive alarms.

The success of the Grenville administration, in passing in 1807 after a struggle of twenty years the Act which abolished British slave-trading, had been the happy accident of a particular political interlude. With that splendid exception, the thirty years which succeeded the outbreak of the French Revolution were years of almost no legislative progress in this country; and during most of the time any proposal to amend a bad law was likely to be met with contumely. The French revolutionary excesses, though in great part caused or aggravated by the interference of external powers, had induced in England a terror of reform equal to the Parisian terror of the guillotine: and the English terror, which affected very powerfully a vast number of the minds of that generation, especially of the governing and opulent classes, and which perhaps never afterwards quite died out of the minds it had once possessed, got an illogical increase of strength, during the Napoleonic wars and the years next after them, in proportion as our own malcontents, suffering from the hard conditions of the times, complained that all reasonable domestic reforms were withheld from them. During that period, many men who had previously professed liberal opinions (perhaps not always with deliberation and disinterestedness) made recantation, and often more than recantation, of their liberalism; even those who had been sincerest in their liberality, could not all keep cool heads, and retain their old convictions unchanged; and among men who stood firm amid the stampede of former comrades, few could dream it a fitting time to bring forward any project of reform.

Criminal Law: Romilly and Mackintosh.

Yet, even in that unpromising time, new ground was broken in one highly important field of humane intention. Endeavours,

namely, were then made, to bring the Criminal Law of the country under fresh legislative consideration : endeavours especially as to those parts of the law which regulated the punishment of offences, and which at that time were indiscriminately extreme in their threats ; often shamefully cruel so far as the threats were fulfilled, and often ridiculously futile so far as they were not. One of the greatest of English judges had two centuries before observed, and the present common-sense of mankind accepts the observation as just, that "too severe laws are never duly executed" : yet here, at the beginning of the nineteenth century, nearly three hundred crimes, differing immensely from each other in their degrees of moral and social importance, were all equally punishable with death. In the endeavours which were made to obtain reasonable amendments in the statutory scale of punishment for crime (as also in other important endeavours for law-reform) the leader of the forlorn hope was Sir SAMUEL ROMILLY, and his endeavours were almost invariably defeated. He certainly did in 1808 succeed in procuring from the Legislature, that pickpockets should no longer be sentenced to death ; but in 1810, when he tried to move a little farther in the same direction, he could not induce Parliament to withdraw the extreme penalty from persons who did shop-lifting to the amount of five shillings ; and further attainment of the reforms he advocated was not to be during his lifetime. Deplorable for many interests was the abrupt ending of his life in 1818 ; and rarely as it can be that the death of a man in his sixty-second year awakens the kind of feeling with which the premature extinction of high youthful promise is regarded, something of that kind of feeling—something of the emotion with which the shaded figure of the young Marcellus was seen by him who told its story, is hardly not to be felt by those who read of the life and death of Romilly. *Ostendunt terris hunc tantum fata.* The peculiar homage with which his contemporaries regarded him, and the impressions as to him which may be gathered from his own very interesting journals, combine to suggest a personality of the highest worth : *

* See for instance, in the *Memoirs of Sir James Mackintosh* (vol. i. p. 34) how Mackintosh, writing of Romilly as early as 1810, refers to his moral character as standing "higher than that of any other conspicuous Englishman now alive." Or see, in the third volume of Lord Brougham's collected *Speeches*,

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a man of deeply-conscientious tender nature, of truest integrity, of high intellectual gifts, of indefatigable industry for the aims of duty, of generous ambition to do good to mankind: and it is sad to think of the sudden broken-hearted end of a life, which just before was so full of vigor and benevolence, so strenuous in the hard struggles of the time. In spite of the influence which his character and abilities gave him, and in spite of the strength of the cause he was pleading, he, during the last ten years of his life, had been unable to procure any single mitigation of the penal code: and on July 4th, 1818, on his election for Westminster, when making what proved to be his last, as it was also his first, address to that new constituency, he truly stated—"I have indeed endeavoured to be useful to the public, but my endeavours have seldom been successful." After his death, however, the cause for which he had been contending was not allowed to fall into oblivion. In 1819, it was taken up afresh by Sir James Mackintosh, who with better fortune and perhaps better strategy than had previously been used (but with Government still strongly opposing) succeeded in inducing the House of Commons to refer to a Select Committee the whole subject of the extreme punishments; and the report of this Committee was in favour of abolishing capital punishment for all except a small proportion of the offences which had previously been subject to it. Early in 1820, Mackintosh introduced six Bills to give effect to the recommendations of the Committee; and, in spite of the continued opposition of Government, got three of the six passed—1st of Geo. IV., capp. 115, 116, 117: among them a repeal of the previous capital punishment for small shop-liftings. In 1821, he made a second attempt with one of the lost bills of

where several pages are given to the praise of Romilly, how Brougham (1838) says of him:—"Few persons have ever attained celebrity of name and exalted station in any country, or in any age, with such unsullied purity of character as this equally excellent and eminent person. . . . No one could know Romilly, and doubt that, as he only valued his own success and his own powers in the belief that they might conduce to the good of mankind, so each augmentation of his authority, each step of his progress, must have been attended with some triumph in the cause of humanity and justice. . . It was the confession of all who were admitted to his private society, that they forgot the lawyer, the orator, and the patriot, and had never been aware, while gazing on him with admiration, how much more he really deserved that tribute than he seemed to do when seen from afar."

the previous year—a bill to mitigate the law as to forgery, but was again defeated. In 1822, in spite of the law officers of the crown, he procured from the House an engagement that the remaining matter should be considered in the next session; but in 1823, when, in view of that engagement, he submitted resolutions for the proposed amendments of the law, Mr. Peel (who had recently become home-secretary) defeated him by moving the previous question. Peel however now saw fit to adopt certain of the resolutions as basis for action by Government; and by three bills of his, which of course were carried—4th Geo. IV. cc. 46, 53 and 54, "about a hundred" different offences were relieved from the penalty of death.*

Rush of final successes.

It might have soothed the shade of Romilly to know that this tardy concession to his pleadings for humanity and commonsense was inaugural of other great changes. It was the beginning of a thaw in that omnipotent "cold obstruction" which, for the past third part of a century, had immobilised so many different efforts for reform. The single first ship, though with its early commander dead, had made way through the breaking ice; and now, one by one, with less and less delay, others of the frost-bound squadron were to grind through. Thus, in 1824 was passed (but it had to be re-enacted with amendments in 1826) an Act repealing the long series of statutes, from the reign of Edward III. downwards, under which rates of wages and hours of labor had been subject to regulation by magistrates, and under which it had been unlawful for workmen to take combined action, however peaceful, on questions they might have with their employers as to work or wage. In 1828, came the Repeal of the Corporation and Test Acts. In 1829, the Catholic Relief Act followed. In 1832, was passed the Parliamentary Reform Act. In 1833, was passed (as before mentioned) the Colonial Slavery Abolition Act. In 1834—to remedy certain extreme abuses which had been admitted into the working of the Elizabethan law for the relief of the poor, and by which the aims of that humane institution, and even the solvency of the country, were urgently endangered, the Poor Law Amendment

* For the number of the exemptions, I quote Mr. Walpole's *History of England*, vol. ii. p. 74.

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Act was passed. In 1835, this series of reform was completed by the passing of the Municipal Corporations Act.

Summary.

As, in the last chapter, there was traced, down to the end of the reign of William the Fourth, the growth of the technical knowledge with which this narrative is concerned, so, in the present chapter, it has been endeavoured to trace down to the same date the growth of that larger mind by which the technical knowledge claims to be appreciated: a growth, which, during the period spoken of, was such as had never before been known.

At the present date, when the line of that particular progress has been prolonged half a century further, and has so become even more plainly defined, every one can see that, before this nineteenth century began, a powerful new momentum had come to operate in politics; and that the Parliaments of George IV. and William IV., legislating at length in obedience to that impulse, practically affirmed new social theories, and took irrevocable first steps towards a far-reaching political future. Underlying the legislative acts, and giving them an unity of their own, was a spirit so changed from that of the old times as virtually to be the adoption of new standards of weight and measure in politics. An increased consideration for the units of mankind, a developed apprehension of the meaning of social justice, a widened consciousness of the range of social duty, were prominent characteristics of the new time. Society had become readier than before to hear individual voices which told of pain or asked for redress of wrong; abler than before to admit that justice does not weight her balances in relation to the ranks, or creeds, or colours, or nationalities of men; apter than before to perceive that the just balances which serve between man and man may, in principle, serve between nation and nation. Reasonable politicians had begun to recognise other tests of political success than those which had satisfied earlier times. The so-called "masses" of mankind had come to be of interest in other points of view than those of the recruiting-serjeant and the tax-gatherer. Philosophers were seeming to say, that the "mass" which has in it most human worth and welfare is that which best justifies the system of government which is over it. Our own "mass" was growing responsive to that suggestion. The

component units were rapidly learning to aspire. And statesmen could not but acknowledge that the greatest happiness of the greatest number is at least a good security for social quiet. As a force of construction in the world, the new spirit was in direct contrast to that which after Roman times had created the feudal institutions; it was the first strongly organised influence which had arisen since the decline of feudalism: and in spite of lapsed centuries, it found survivals enough of feudal thought, and remnants enough of feudal construction, to shew how essentially opposed to them it was, and how true a crisis was reached in English history when at last it could give legislative effect to its own principles. The democratising parts of the new legislation were those on which the flagbearers and trumpeters of rival political parties would chiefly have spent their praise or dispraise: but those parts taken by themselves (highly significant parts though no doubt they were) did not fully represent the essential spirit of the time: nor can that spirit be characterised in full by any narrower praise-word than the word Humane.

In the development of that spirit, and of the religious and political currents from which it rose, logical influences had been of less wide effect than the very extensive influences of feeling; and any movement so largely emotional would naturally show some sallies of unwisdom. Thoughts which can sustain the steady lifelong work of strongly constituted minds will intoxicate others into excess; and always, too, on occasions when the popular mind is really moved, vain foolish persons are apt to press themselves disproportionately to the front with officiousness and tiresome fuss. It may be admitted, and needs not be wondered at, that, from circumstances such as those, the good cause which we have followed in its progress had occasional moments of disadvantage; moments of exaggeration, of one-sidedness, of clamour, of vanity: moments which vexed the common-sense of sober men, and required and received correction.* It would now be idle to

* Thus there were demagogue and libertine "friends of humanity" whom it was well for Canning and Frere to ridicule in the witty skits of the *Anti-Jacobin*; and there were sectarian conceits and pretensions, which needed the kindly chastisement of Sydney Smith's wisdom and humour. Even in much later times, certain types of well-meaning silliness have been usefully reminded by Dickens and Thackeray, that Mrs. Jellaby's own home would be the better for some of the exertions she devotes to the settlement of Borrioboola-Gha; that the

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insist on those occasional extravagances and errors, the mere accidents of an advancing development. In the currents of moral progress, just as in many a physical riverflow, the early rapids have features of their own. Just as the young river spends some of its headlong force in tumult and echo, in waves which recoil where they strike, and in foam which is but for the sunshine to sport with, so the great quickening-times of human history have speech and action which run to waste. At certain moments, beheld from certain standpoints, the marginal extravagance seems the whole life of the scene, but with an interval it becomes as if it had never been. As the rainbowed spray of the Schaffhausen cataract, the breakers and eddies of Lauffenburg and Rheinfelden, are of no record on the broad calm river which sweeps past Niederwald and Drachenfels to sea, thus it is with their analogues in human history. Regarded by successive generations from longer and longer distance, they become less and less significant in the field of thought; while, conversely, the massive current of the great time, the "one increasing purpose" which has been its true life, comes more and more grandly into view.

That, of the hundred years to which the present chapter has related, the pervading character, the one current of "increasing purpose," was the constantly advancing influence of common humanity in politics, is what the chapter has endeavoured to make manifest; and the fact of that advance has had to be here specially dwelt upon, because, without it, the popular mind might, for ever so long, have omitted to appreciate and utilise the new teachings which Medical Science had become able to supply. The influence exercised by the New Humanity in promoting the rise of modern State-Medicine in England, is, of its many great influences, the only one on which the present narrative is entitled to insist; but, passing for the moment beyond that limit, the writer permits himself a word of more general homage to the progress of the hundred years. He believes that the period in its entirety deserves to be counted among the greatest in English history. In the cultivation

obstreperous blast of Mrs. Pardiggle's visit to the poor is of less comfort to them than the winter's wind; and that Lady Southdown's tracts and physic are unsuited to the case of Mrs. Rawdon Crawley.

which it gave to a sense of moral responsibility in national affairs,—in the splendid instances which it showed of the applicability of common ethical argument to politics,—in the appeals which it made to the consciences of rulers and nations against courses of selfish wrong,—in the feeling which it propagated, that nations, like persons, if they would not be ashamed of themselves, must obey, at home and abroad, the common rules of equal justice,—not least in the mutual understanding which it promoted between the social instincts and the political philosophy of mankind,—it represented such strides of civil culture as no former age of our country had seen: strides of a far truer civilisation than any which widened empire, or enhanced luxuries of life, can pretend to show. By its transcendent merits in those respects, a new political world was opened to the view; and for inheritors who were worthy of it, there began the era which the Author of the *Areopagitica* had foretold as to come from Freedom: that era which he, master-patriot and master-poet, failing in physical sight, but "with inward eyes illuminated," had discerned across the dark mean times then next to come: the brighter and better distance, when the England he loved and taught should be "as an eagle muing her mighty youth."

CHAPTER IX.

FIRST EXPERIENCES OF ASIATIC CHOLERA IN EUROPE.

THE last two chapters have been intended to trace, down to times immediately preceding the present reign, first, how, from early in last century, there had been an accumulating rise of new scientific knowledge as to the causes and preventabilities of different sorts of disease; and, secondly, how, during the same period, the country, under various new teachings, had immensely advanced in the principles and practice of politics, and had virtually begun a new national life with widely altered conceptions of political good and evil. The social value of the new knowledge which medical men had gathered as to the preventability of certain sorts of disease would surely not long fail to be appreciated in the higher civilisation which had dawned; but, within the reign of William the Fourth, hardly a commencement of such appreciation was to be traced. The new knowledge had been chiefly developed in those varieties of enterprise in which definite quantities of human life happen to be of immediate instrumental value; as especially in great military and naval undertakings, wherein such quantities are indispensable means to proposed ends. In such directions, the necessity of economising the human tools had always so clearly been a requisite for success, that great generals, even in ancient times, had exercised some sanitary shrewdness in saving their legions from the irregular foe; and it was from our own army and navy of the new times, that practical lessons in the scientific prevention of disease had chiefly come. But, in the common civil world, question had hardly yet arisen, whether economies in the expenditure of human life could be made.

State of Public Health Government under William IV.

Thus, in 1830, when William the Fourth began his reign, and equally in 1837 when the reign ended, the new knowledge was virtually unrecognised by the Legislature. The Statute-Book contained no general law of sanitary intention, except (so far as this

deserves to be counted an exception) the Act providing for Quarantine: under which well-intentioned but futile Act, the Lords of the Council were supposed to be always on the look-out for transmarine dangers of pestilence, and could make pretence of resisting such dangers. Against smallpox, Parliament used annually to vote £2,000 to support a National Vaccine Board which had a few vaccinating-stations in London, and furnished the public with vaccine lymph. Outside those two matters, the Central Government had nothing to say in regard to the Public Health, and Local Authorities had but the most indefinite relation to it. Various important towns had their special Improvement-Acts for certain purposes: but among the purposes, Health had hardly yet begun to stand on its own merits. The Commissions of Sewers which from long ago had been empowered to defend their respective districts against flood from sea or river, were institutions which, no doubt, so far as they kept their districts dry, conduced to the healthiness of England. But those Commissions had never been intended to deal with problems of filth-removal: problems, which, as we now know, and especially where towns are in question, complicate to the utmost the problem of mere land-drainage. Almost nowhere had any competent engineering skill been brought to bear on the sewerage of towns; and town-sewers, retaining large proportions of whatever solid filth passed into them, and often letting more liquid sewage escape into surrounding soil and house-basements than they transmitted to their proper outfall, were among the worst of nuisances to the neighbourhoods which they pretended to relieve. No doubt there existed in each town more or less of pavement, more or less of sewering, more or less of public water-supply: but in each of those respects the standard of quantity and quality did not pretend to be a sanitary standard. The local question would commonly have been, what is the least amount of local improvement which will suffice to avert intolerable degrees of common physical inconvenience; and probably very few of our towns, in their answering of that question, recognised nearly as high a standard of requirement as had been recognised, two thousand years before, in Rome. As to the refuse of private premises, the house-holder stored his filth as he liked, or got rid of it as he could. From early in the century, water-closets (such as they were) had begun to be used in the

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better houses; but almost all houses had cess-pools—commonly cess-pools which both leaked and stank; and, in towns, a cess-pool of that sort would generally be in the basement of the house. Nuisances injurious to health abounded everywhere; and against such nuisances, however flagrant, there was no sort of summary jurisdiction. No general law existed as to the practice of the medical profession, or as to the sale of drugs or poisons; and except for the purposes of excise, there was no available law against adulterations of food.

Asiatic Cholera in Europe and in the United Kingdom.

This was the state of things when the reign of William the Fourth began, and equally was the state when his reign ended. But the reign, though it produced no sanitary reform of its own, was, in two senses, an important preparatory period in relation to the years which next followed: first, because of its unprecedented activity in other lines of reform which have been mentioned; and secondly, because the seven years of the reign corresponded pretty exactly with the period of the earliest prevalence of ASIATIC CHOLERA IN EUROPE.

It needs not be said that the first prevalence of Cholera in Europe gave occasion to immense alarm. During two years, dating from the autumn of 1831, outbreaks of the disease, some of them very severe, were occurring in various parts of the United Kingdom, and the popular fears which they excited were such as had not been in the country since the days of the Great Plague.

The story of that invasion is but very imperfectly known. We know that our first-invaded town was Sunderland, attacked in the autumn of 1831; that soon afterwards the disease was spreading in Scotland; that in February it reached London, and in a little while extended to Ireland; that during great part of 1832 it was widely diffused in the United Kingdom; and that our last-known (few) cases were in the summer of 1833. How many deaths it caused, can not be accurately told; for in those days there was not yet any general registry of deaths in the United Kingdom; but from such returns—"voluntary, partial, and evidently defective," as were obtained, it seems that certain named places in Great Britain, with fewer than five and a quarter millions of aggregate population, suffered 31,376 deaths, and

that in Ireland the deaths were 21,171.* Of the measures by which the disease was resisted in the various attacked localities, no general record exists; but the successive *London Gazettes* of the time record the chief proceedings of the Central Government in the matter, and enable this part of the story to be read with tolerable completeness.

Action taken by the British Government.

Early in 1831, when the danger of the approaching infection began to strike the public mind, the British Government sent two Medical Commissioners, Doctors William Russell and David Barry, to St. Petersburg, to study the disease; and later in the year, the report, made by these commissioners on their return, was published for general information. In June (by which time the disease had attacked Riga and Dantzig) the superintendent-general of Quarantine, Sir William Pym, moved the Privy Council for more decided measures against the introduction of the disease into the United Kingdom: whereupon a special Order in Council was forthwith passed, to make Cholera subject to precautionary rules under the Quarantine Act, such as had from long before been applicable against Levantine Plague; and the Privy Council, as Sir W. Pym had suggested, entered into consultation with the Royal College of Physicians on the subject of precautions. Soon afterwards (June 20) a Royal Proclamation notified to the public the state of the case, and announced the establishment of a consultative Board of Health. This Board, in conformity with a precedent which had been set "on the occasion of the Gibraltar sickness in 1805," was made to consist of the President and four other fellows of the College of Physicians, the Superintendent-General of Quarantine, the Director-General of the Army Medical Department, the Medical Commissioner of the Victualling Office, and two non-medical civil servants—namely, the Comptroller of the the Navy and the Deputy-Chairman of the Board of Customs, together with a paid medical secretary: three members, with at least two of them medical, to be a quorum: and the Board took for its President Sir Henry Halford, who was then President of the College of Physicians. Four months later (Oct. 20) the

* See Dr. Farr's statements on the matter, at page xlv. of his *Report on the Cholera Mortality in England*, 1848-9.

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Lords of the Council had before them certain *Rules and Regulations* proposed by the Board "for the purpose of preventing the introduction and spreading of the disease," and these, "with a view that all persons may be acquainted therewith and conform themselves thereto," their Lordships caused to be gazetted and circulated. Medically, the *Rules and Regulations* did not represent any advance on what might have been advised in 1720 by Dr. Mead. The disease was declared to be of special affinity for the poor, ill-fed, unhealthy parts of the population, especially those who are of drunken irregular life, and for districts which are unclean, ill-ventilated and crowded; and the Board trusted that the mitigation of those evils would be promoted by the most active endeavours of persons of influence. For what remained, rigorous quarantine was the supreme hope: and, as Government could only control the regular channels of trade or passage, all persons of influence resident on the coast (and particularly of retired villages along the sea-shore) were to impress on the local populations the dangers of illicit intercourse with smugglers and other such evaders of quarantine. Should the disease effect a landing in the kingdom, local Boards of Health should be established everywhere, consisting of the magistrates, two or more medical practitioners, the clergy of the parish, and three or more principal inhabitants, and in large towns each Board should have district committees of two or three members, including one medical. Separation of sick and healthy was to be the chief care. Hospitals were to be provided, and into them so far as families would consent, the sick were to be removed. Houses containing or having recently contained cases of the disease, were to have conspicuous marks, "*Sick*" or "*Caution*," affixed to them; and their inhabitants were not to be at liberty to move out, or communicate with other persons, until by the authority of the local Board the mark had been removed. Articles of food and other necessaries should be placed in front of the houses to be taken in when the bringer had retired. The houses and their furniture were to be thoroughly cleansed and purified, and left open to fresh air for at least a week. Extreme cleanliness and free ventilation were recommended as of the utmost importance not only for sick houses, but for houses in general. The dead should be buried in some

detached ground near the cholera hospital. Convalescents from the disease, and those who have had any communication with them, should be kept under observation for a period not less than twenty days. All intercourse with any infected town, and the neighbouring country, must be prevented by the best means within the power of the Magistrates: who in extreme cases would have to make regulations for the supply of provisions: and if the disease should show itself in this country in "the terrific way" in which it had appeared in various parts of Europe, it might "become necessary to draw troops, or a strong body of police, around infected places, so as utterly to exclude the inhabitants from all intercourse with the country."

Central and Local Boards for action against Cholera.

Thus far, on October 20th the Board of Health; and on November 2nd the King in Council ordered a Form of Prayer against the Disease. The Board which framed the *Rules and Regulations* had perhaps not been meant to continue: at any rate, it ceased soon after having submitted its proposals: and the *Gazette* of Nov. 14 announced the appointment of a new Central Board of Health: having for its Chairman the Hon. Edward R. Stewart, Deputy-Chairman of the Board of Customs, and, as its other members, the Superintendent-general of Quarantine, the two Medical Commissioners who had just returned from St. Petersburg, and two military officers; with Mr. William Maclean, as Secretary.

Central Advice and Orders.

This Board seems to have worked with creditable activity, and with as much science as was then to be had. In a first circular, issued on November 14, as to the precautionary measures, public and personal, which it recommended to be taken, it distinctly renounced the policy of the previous Board as to coercive restrictions of intercourse with infected or suspected persons or places: declaring that measures of coercion, when tried upon the Continent, had "invariably been productive of evil"; and professing itself confident, "that good sense and good feeling will not only point out, but morally establish, as far as may be practicable, the necessity of avoiding such communication as may endanger the lives of thousands." Alleging, moreover, that "under proper observances of cleanliness and ventilation" cholera "seldom spreads in families, and rarely passes to those about the sick, under such favourable circumstances, unless they happen to be

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particularly predisposed," the Board limited to particular classes of cases, disadvantageously circumstanced, the advice which the former Board had given as to the separation of members of affected families, and the insulation of affected houses. It advised that the subordinate Boards of Health, which in each large town were to be constituted under a principal local Board for precautionary purposes, should be charged with the following duties: "(1) to appoint Inspectors: each inspector to visit daily, and to inquire carefully after the health, and comforts of the inmates of, say, 100 houses, more or less, according to circumstances;—(2) to receive and examine the Reports of these Inspectors, which should be made up to a given hour on each day;—(3) to endeavour to remedy, by every means which individual and public charitable exertion can supply, such deficiency as may be found to exist in their respective districts in the following primary elements of public health: viz., the food of the poor, clothing, bedding, ventilation, space, cleanliness, outlets for domestic filth, habits of temperance, prevention of panic;—and (4) to report to their principal Boards respectively on the above heads, as well as on the actual State of Health of their districts." The circular also contained some sensible advice as to medical and dietetic precautions. In a next circular (Dec. 13) the Board issued "*Sanitary Instructions for Communities, supposed to be Actually Attacked by Spasmodic Cholera*," with "*Observations on the Nature and Treatment of the Disease*, drawn up by Doctors Russell and Barry." And in a third circular (Jan. 16) it sought to promote more detailed studies of the hitherto unfamiliar disease, by suggesting a variety of pathological points to be observed by medical practitioners who might have opportunity. Soon afterwards (Jan. 25, 1832) the Board addressed a special Circular to the authorities of the metropolis: saying that "in defiance of winter" cholera had continued to spread in the north of the Kingdom, where it was then threatening Edinburgh, and that, as warmer weather would favour its propagation, the Board deemed it essential that each parish and district of London and its suburbs should without delay prepare itself, in respect of hospital-accommodation and hospital-service, for the possibility of a sudden epidemic outbreak. About this time also (moved by medical consideration which will be

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mentioned later on) the Board began to recommend for general circulation in infected districts a particular form of warning handbill: see *Cholera Gazette* of Jan. 28th: to the effect that in attacked districts, persons who would escape cholera must give immediate serious attention to any looseness of bowels which might affect them. Before the middle of February, Cholera had begun to show itself in the eastern riverside parts of London; whereupon the Central Board, appointing Medical Superintendents to act for the Metropolitan Districts, addressed to these officers (Feb. 14) a letter of Instructions as to their duties, and as to the sense in which they should advise the local boards and others: particularly as to the establishment of temporary hospitals and dispensaries, and suitable means for conveyance of the sick, and as to the inmates of prisons and workhouses, and as to the burial of the dead. Each superintendent was to reside within his district, and be a member of its local Board; was to collect from medical practitioners daily returns of all cases of cholera under treatment; and was to report daily to the Central Board all important occurrences. A somewhat later general circular (March 20) prescribed the forms of return in which medical practitioners should report their cholera cases and cholera deaths to Local Boards, and those in which Local Boards should report to the Central Board. On the 19th of August (when probably the disease may have been at its maximum in England) the previous sanitary circulars were re-issued in a consolidated form with some alterations and additions; and a fortnight later (in what seems to have been a last circular) the Board, "being anxious to obtain from authentic practical sources short outlines of the different plans of treatment in cholera which may have been considered most successful," begged of the medical members of Local Boards, and of other medical practitioners who might have had extensive practice in the disease, that they would forward information as to any particular success they had had in their respective modes of treating the different stages of cholera.

Temporary Acts of Parliament: Action by Local Boards.

The advice which the Central Board gave in its circulars was of no binding effect on the public; nor had the Board any authority to do more than advise; but, in relation to some of the purposes which had been indicated in the Board's first

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Circular, Government, on the strength of certain "unforeseen emergency" provisions in the Quarantine Act, followed the issue of that circular by issuing (Nov. 21) two Orders of Council expressed in terms of command: the one, requiring that, in all such places as the Privy Council might from time to time by subsequent orders name, Local Boards of Health, with constitution and duties to be regulated by the respective orders, should be established, and that in each such place every medical practitioner should send to the Local Board a daily report of all cholera-cases attended by him: and the other requiring that, in all places having Boards of Health, the Justices of the Peace should, on certain shewings, call upon the poor-law parochial authorities to abate or remove existing Public Nuisances injurious or likely to be injurious to health. Question having soon been raised whether these orders were of any more legal force than the admonitory circulars which had preceded them, and such doubts having accumulated, Government, as soon as Parliament met, obtained the passing of three temporary Acts (2nd Will. IV., cc. ix.–xi.) to establish beyond doubt competent regulative powers for the required purposes in each division of the United Kingdom; and under these Acts, various orders *de novo* were issued:—one (Feb. 29) requiring medical practitioners to make daily returns of all cases recoveries and deaths, in their respective practices; another (March 6) prescribing local-option conditions under which it should be lawful for the Boards of affected districts to provide, chargeably on the poor-rates, temporary hospitals for the sick, and houses of observation for those whom it might be proper to remove from dangers of infection; also a third (July 20) which on like conditions gave local powers for nuisances-removal and the expenses thereof. That the sanitary advice which the Central Board of Health had previously given was greatly strengthened in moral influence when express law came to speak on the same side, may be assumed; but whether the law was in other respects of much effect, whether it coerced many people to do more than they were independently willing to do, may be doubted. For a main difficulty of the position was that, in the years 1831–3, the local communities of the United Kingdom were in general not yet educated or organised or officered up to the level of the emergency which had to be met; and not

even Acts of Parliament can extemporise the intelligence and vigor and public spirit which compensate for defects of law. No doubt there were districts in which all possible exertion was made: notably this seems to have been the case in the City of London, and in the town of Birmingham: but it may be believed that, in most cases, the local apparatus would hardly have been got into working order till the tide for which it was needed had begun to ebb; and that all the best local results were substantially due to unforced individual exertions.

Lessons of the Epidemic.

For the purpose of this narrative, the interest of the cholera-period of 1831–3 lies chiefly in the circumstance, that, during the alarm, many intelligent persons throughout the United Kingdom had occasion to become more critically cognisant than they had ever before been of the sanitary conditions under which the mass of the people was living; but no exact knowledge was gained as to the bearing of any particular condition on the spread of the disease; and the doctors did not get beyond a fluffy sort of generalisation (as expressed in the *Annual Register*) that the disease was peculiarly attracted by "needy and squalid" states of life. Medically, however, there was this real gain: that observers of the disease became conversant with its natural course in individual cases, and especially that careful observers began to learn how commonly the attack begins as a gradually-accelerating diarrhœa. Dr. McCann, of Newcastle, who had known the disease in India, and took the lead in drawing attention to that feature of it, insisted strongly on the importance of the fact, with a view to the earliest possible treatment of cases of the disease: and he urged that, for dealing properly with incipient cases, there ought to be special dispensaries in infected districts. The handbill which the Central Board of Health recommended for circulation in infected districts, to warn people that "looseness of bowels is the beginning of cholera," and the recommendation of the Board, that a principal step to be taken in endangered districts is "the establishment of Cholera Dispensary Stations at which the poorer classes may receive medicine and medical advice gratuitously at all hours," accorded exactly with Dr. McCann's teaching, and apparently were due to it. In August, 1832, on occasion of the very severe

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epidemic of Cholera, which there was at Bilston, near Wolverhampton, Dr. McCann was sent down by the Government to promote the adoption of the system he advised; and the local medical opinion of the time was, that by his treatment he stopped the epidemic.*

Popular retrospect.

Here ends the little there is to tell of our first British experiences of Cholera. The *Annual Register* for 1832, referring to the invasion as past, commented somewhat sharply on the tardiness with which Parliament had acted in relation to it, but seemed of opinion that, on the whole, too much fuss had been made about the invasion:—saying that "everywhere it was much less fatal than pre-conceived notions had anticipated"; that "the alarm was infinitely greater than the danger"; and that "when the disease gradually disappeared in the course of the autumn, almost everyone was surprised that so much apprehension had been entertained." The writer of 1833 had in view the skirts of a departing epidemic which had not been particularly severe; but if he, with the courage of a safe position, thought perhaps too lightly of the evil which cholera can work in these islands, materials for truer judgment have since that time been afforded us by other and more severe experiences of the disease.

Further effects from the period 1830-7.

Before passing from the reign of William the Fourth, which, as before mentioned, gave rise to no law of direct sanitary intention, it may be noted that two of the statutes of the reign had important, though unpremeditated, sanitary results. Thus, the important *Poor Law Amendment Act of England* of 1834 deserves particular mention in this place; not because of anything of sanitary intention in the Act contained; but because accidentally—through the good luck that Mr. Edwin Chadwick was made the Secretary of the new Poor Law Board, the Act gave occasion, a few years later, to a beginning of public sanitary enquiry in Great Britain. It also deserves notice that in the last year of

* See Nos. 1 and 2 of the Minutes of Evidence appended to the *Second Report of the Metropolitan Sanitary Commission*, 1848. In much later times Dr. Denis MacLoughlin (then resident in London) claimed to have independently adopted and acted upon the same doctrine in Paris in 1831.

the reign, the *Act for registering Births, Deaths, and Marriages* became law: an Act, under which it first became possible to construct statistics of life and death in this country: and under which (as will hereafter be more particularly noticed) the vast instructiveness of such statistics began soon afterwards to be illustrated.

Part Fourth.—THE REIGN OF QUEEN VICTORIA.

CHAPTER X.

THE HISTORY OF THE PUBLIC HEALTH LEGISLATION OF 1848.

With regard to the subject-matter of these pages, the commencement of the reign of Queen Victoria was emphatically the beginning of a new era for England. At the present time, when care for the Public Health has become a familiar branch of local government, employing day by day many thousands of permanent officers, and having tens of millions of money already sunk in the mechanical appliances which it finds needful, the recollection that, when the reign began, little more than fifty years ago, there existed hardly a glimmer of intelligent public interest in this question, shows indeed an astonishing contrast. The old common-place, that without Health is no Wealth, has been spreading in the national mind, as with the force of a new discovery; and the spreading of the old truth with so new a life has been in response to the progress which had been advancing from a century before in the resources of scientific medicine. Disease, always enough understood to be an evil had gradually come to be seen as an evil which could often be prevented; and from the time when the community began to know that, with good government, it could, at its option, escape many terrible calamities of disease, Health necessarily began to take rank as an object of practical politics.

Sir Edwin Chadwick.

The modern demand for Sanitary Reform—the demand that the better knowledge which had been gained as to the preventability of certain diseases should be represented in corresponding laws and activities for the protection of the public health, may be said to have begun in this country in 1838; and the successes which it had gained within the space of ten years from it

beginning were of so very important a character, that the story of that decennium claims to be told in detail. Superficially much of it will be a record of the doings of Government Departments, and Parliamentary Committees, and Royal Commissions; but even on the surface, and still more in the deeper strata when they are known, the story of the ten years is above all an account of the zealous labours of one eminent public servant, the present Sir EDWIN CHADWICK.*

Considerably before the time in question, Mr. Chadwick, as he then was, had made himself known to political experts as a man of very high mark. As far back as 1828, in an actuarial controversy on expectations of life, he had shown that he already understood in principle the dependence of much abridgement of human life on conditions of unwholesomeness which are removable; and subsequently, from time to time, he had published opinions of his own, which came into influence, on various questions of social economy, such as pauperism and mendicity, preventive police, relief of newspapers from taxation, and others. In the genealogy of our subject-matter, it is a very note-worthy fact, that the earliest of Mr. Chadwick's writings had brought him into intimate relation with Jeremy Bentham; and that, during the last year of the old man's life, Mr. Chadwick had become resident with him in his house, and was habitually in familiar talk with him on questions of legislation and government. In 1832, Mr. Chadwick had been appointed one of the Assistant-Commissioners of inquiry into the working of the Poor-Laws, and in 1833 a Royal Commissioner to examine the treatment of children in factories. The report which he had made in the former capacity was judged to be of such value, and was so clearly to be of special influence in determining the form of the new law, that in 1833 Mr. Chadwick had been promoted from his Assistant-Commissionership, to be one of the Commissioners of the Inquiry; and in 1834, when the Report of that Inquiry-Commission led to the passing of the Poor-Law Amendment Act, and to the creation of a central administrative Commission for the purposes of the Act, Mr. Chadwick had been

* Mr. Chadwick was born Jan. 24, 1800. In the ninetieth year of his age, and at a distance of more than fifty years from the commencement of his endeavours for sanitary reform, he has recently been decorated K.C.B.

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made the Secretary of the new Commission. It was in this capacity that, four years later, he first became officially cognisant of the anarchy which (as above described) was then prevailing, instead of Public Health Law, in England; and that, under influence of the knowledge, he initiated the very eventful proceedings, now to be mentioned, which were taken by the Poor Law Commission during 1838 and the next following years, in relation to the health-interests of the labouring population of Great Britain.

Poor Law Commissioners draw attention to preventable disease as cause of pauperism.

In the spring of 1838, in a letter to the then Home Secretary, Lord John Russell, the Poor Law Commissioners pointed out that the Act required partial amendment, inasmuch as it did not completely provide for all expenses which might have to be officially incurred in the interests of the poor; and in explaining their views as to "the charges which increasing experience proves it necessary to submit for the sanction of the Legislature for allowance," they give first place to charges which they say are found necessary for the PREVENTION of certain burthens upon the rates, and, on one part of this class, they express themselves as follows:—"The most prominent and pressing of the first class of charges for which some provision appears to be required, are for the means of averting the charges on the poor-rates which are caused by nuisances by which contagion is generated and persons are reduced to destitution. In general, all epidemics and all infectious diseases are attended with charges, immediate and ultimate, on the poor-rates. Labourers are suddenly thrown by infectious disease into a state of destitution, for which immediate relief must be given. In the case of death, the widow and the children are thrown as paupers on the parish. The amount of burthens thus produced is frequently so great as to render it good economy on the part of the administrators of the poor-laws to incur the charges for preventing the evils where they are ascribable to physical causes, which there are no other means of removing. The more frequent course has been, where the causes of disease are nuisances, for the parish officers to indict the parties for nuisance, and to defray the expenses from the poor-rates. During the last two years the public has suffered severely from epidemics. At the present

time fever prevails to an unusually alarming extent in the metropolis, and the pressure of the claims for relief in the rural Unions, on the ground of destitution caused by sickness, have recently been extremely severe; but in the course of the investigations into the causes of destitution and the condition of the pauperized classes, carried on under the operation of the new law, and especially in the course of the investigations of the claims for relief arising from the prevalent sickness, extensive and constantly-acting physical causes of sickness and destitution have been disclosed and rendered fearfully manifest. With reference to the claims for relief on the ground of sickness, in the metropolis, we have directed special enquiries to be made of the medical officers of the new Unions. We have also directed local examinations to be made in parts of the metropolis where fever was stated to be most prevalent, by Dr. Arnott, by Dr. Southwood Smith (the chief physician of the London Fever Hospital) and by Dr. Kay, our assistant Commissioner." . . . "We have eagerly availed ourselves of the opportunity of making the present Report, to submit to your Lordship the urgent necessity of applying to the Legislature for immediate measures for the removal of these constantly-acting causes of destitution and death. All delay must be attended with extensive misery, and we would urge the consideration of the fact, that in a large proportion of cases the labouring classes, though aware of the surrounding causes of evil, have few or no means of avoiding them, and little or no choice of their dwellings.—The Board of Guardians have now the services of an efficient body of officers, including experienced medical officers, to guide them in the application of sanatory measures more efficiently than was practicable by the overseers of single parishes under the old system. Until more complete measures could be obtained, and even as a temporary measure, we should recommend that the guardians should be empowered to exercise the like powers that have heretofore been exercised, and incur the like charges that have heretofore been irregularly incurred by parish officers; that they should be empowered to indict parties responsible for such nuisances as those described, and to make arrangements with the owners of property, or take other measures, according to circumstances, for the removal of the causes of

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disease in cases where there is no ostensible party who can be required to perform that duty. So extreme has been the social disorder, and so abject is the poverty of some of the places which are now the seats of disease, that great numbers of the dwellings have been entirely abandoned by the lease-holders."

In supplement to their letter, the Commissioners submitted to the Secretary of State the two reports which had been made to them by their medical inspectors; viz., first, a joint-report by Dr. Neil Arnott and Dr. James Phillips Kay, *On the prevalence of certain physical causes of fever in the Metropolis which might be prevented by proper sanitary measures;* and secondly a report by Dr. Southwood Smith, *On some of the physical causes of sickness and mortality to which the poor are particularly exposed, and which are capable of removal by sanitary regulations, exemplified in the present condition of the Bethnal Green and Whitechapel Districts, as ascertained on a personal inspection.*

The reports were founded in part on inspections made by the reporters themselves, and in part on information derived from the new Poor Law Medical Officers,—the former method being more followed in Dr. Smith's report, and the latter more in the report of Drs. Arnott and Kay. The reports did not pretend to reveal anything medically new; but, in regard of the readers for whom they were more especially meant, they told a tale equally new and important. They showed, namely, for the information of Parliament, that, under parliamentary sufferance, masses of population in this chief city of the world were in physical circumstances which made healthy life impossible to them,—that, in quarters inhabited by hundreds of thousands of the labouring classes, and irrespectively of what could be blamed as faulty in the personal habits of the sufferers, the general fact as to lodgment was: crowding more or less dense, in courts and alleys and narrow streets almost insusceptible of ventilation, in dwellings which themselves were often not fit to be inhabited by human beings; while, all around the dwellings, the utter absence of drainage, the utter omission of scavenging and nuisance-prevention, and the utter insufficiency of water-supply, conduced to such accumulations of animal and vegetable refuse, and to such pondings of ordurous liquids, as made one universal atmosphere of filth and stink. In the last page of Dr. Smith's

supplementary statement, made in 1839, the state of the case, as it appeared to him and his colleagues with particular reference to the question of Fever, was given in the following terms :— "While systematic efforts, on a large scale have been made to widen the streets, to remove obstructions to the circulation of free currents of air, to extend and perfect the drainage and sewerage, and to prevent the accumulation of putrefying vegetable and animal substances in the places in which the wealthier classes reside, nothing whatever has been done to improve the condition of the districts inhabited by the poor. These neglected places are out of view, and are not thought of; their condition is known only to the parish officers and the medical men whose duties oblige them to visit the inhabitants to relieve their necessities and to attend their sick; and even these services are not to be performed without danger. Such is the filthy, close and crowded state of the houses, and the poisonous condition of the localities in which the greater part of the houses are situated from the total want of drainage, and the masses of putrefying matters of all sorts which are allowed to remain and accumulate indefinitely, that during the last year, in several of the parishes, both relieving officers and medical men lost their lives in consequence of the brief stay in these places which they were obliged to make in the performance of their duties. Yet in these pestilential places the industrious poor are obliged to take up their abode; they have no choice; they must live in what houses they can get nearest the places where they find employment. By no prudence or forethought on their part can they avoid the dreadful evils of this class to which they are thus exposed. No returns can show the amount of suffering which they have had to endure from causes of this kind during the last year; but the present returns indicate some of the final results of that suffering; they show that out of 77,000 persons (in- and out-door paupers), 14,000 have been attacked with fever, one-fifth part of the whole, and that out of the 14,000 attacked nearly 1,300 have died. The public, meantime, have suffered to a far greater extent than they are aware of, from this appalling amount of wretchedness, sickness and mortality. Independently of the large amount of money which they have had to pay in the support of the sick, and of the families of the sick, pauperized

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in consequence of the heads of those families having become unable to pursue their occupations, they have suffered still more seriously from the spread of fever to their own habitations and families." . . . "There can be no security against the constant recurrence of this calamity, but the adoption of measures adequate to diminish very materially, if not entirely to prevent, the generation of the febrile poison in every district. This might be done to a large extent, by an amendment of the Building Act; by carrying into the districts of the poor improvements similar to those already completed, or now in progress, in the places inhabited by the wealthier classes; by removing as far as practicable the obstacles to a free circulation of air in the closest and most densely-populated neighbourhoods; by the construction of underground sewers, with effectual surface-drainage into them, and by the immediate removal of refuse animal and vegetable matters by an efficient body of scavengers. The expenditure necessary to the adoption and maintenance of these measures of prevention, would ultimately amount to less than the cost of the disease now constantly engendered. The most pestilential of these places, when once put into a wholesome condition, could be maintained in that state at a comparatively small expense; whereas as long as they are allowed to remain in their present condition, the results must continue the same; it follows, that the prevention of the evil, rather than the mitigation of the consequences of it, is not only the most beneficent but the most economical course."

The Poor Law Commissioners' letter, with the medical reports which accompanied it, was published as an Appendix (A) to the *Fourth Report* of the Commission; and the addition afterwards made by Dr. Smith, *On the Prevalence of Fever in twenty Metropolitan Unions and Parishes during the year ended the 20th March*, 1838, was published as an Appendix (C 2) to the *Fifth Report*.

Those publications are memorable in the Public Health Annals of England: not only because of the tone now first taken by a central department of State with regard to local prevention of disease, but also because of the other new precedent which had been created. The duty assigned to three members of

the Medical Profession, to report in a medical sense on the conditions under which the London laboring poor were then living, was an entirely new sort of Government action; and no doubt Mr. Chadwick deserves the credit of that precedent. As a first step in the modern utilisation of Medicine by the State, it is of signal interest in our present record; and that being the case, the opportunity invites a passing tribute of respect to the three pioneer reporters who acted in the matter.

Dr. Neil Arnott.

Dr. Neil Arnott (born 1788—died 1874) was fifty years of age at the time of his above mentioned report. For the last twenty-seven years he had been exercising his profession in London; where (though never with any professorial appointment) he had risen into considerable practice, and had recently been appointed one of the Queen's physicians extraordinary, as well as a member of the first Senate of the University of London. Before entering on London practice, he had been for four years a ship-surgeon in the service of the East India Company; and in that office, to which he had been appointed at an extraordinarily early age, he, besides gaining much valuable experience, medical and miscellaneous, had specially distinguished himself by his attention to sanitary questions, and by various successful contrivances for the benefit of health at sea. In 1838 he was well-known, not only as a competent and enlightened physician, but additionally as an accomplished physicist and mechanician. In his later years the general public would chiefly have known him as the admirably lucid author of *Arnott's Elements of Physics*, and as the deviser of the various useful contrivances—stove, ventilator, water-bed, &c., which bore his name, and which he had given patent-free to the public. He was among the truest philanthropists of his day: genuinely interested in popular progress, both physical and educational, and doing it good service in both respects. His qualities of mind are well represented in two publications of his later years;—one of 1855, *On the Smokeless Fireplace, Chimney-valves, and other means, old and new, of obtaining healthful Warmth and Ventilation;* and one of 1861, entitled *A Survey of Human Progress;* and particulars of his life, fuller than need here be given, can be found in an obituary notice of him in vol. xxv. of the *Proceedings of the Royal Society*.

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Dr. J. P. Kay.

Dr. James Phillips Kay (afterwards Sir J. P. Kay-Shuttleworth; born 1804—died 1877) had earned some early credit in his profession as the author of a physiological paper on the *Process of Asphyxia*; and at Manchester, where he was for some years practising as physician, he had distinguished himself as a writer (second edition in 1832) on the *Moral and Physical Conditions of the Working Classes* in the town. Before the time when he reported with Dr. Arnott on the Fevers of London, he had entered the service of the Crown as an Assistant Poor Law Commissioner; and at a later time he became more distinguished in the public service as Secretary to the Committee of Council on Education.

Dr. Southwood Smith.

Dr. Thomas Southwood Smith (born 1788—died 1861) had, at the time of his above-mentioned reports, been for fourteen years Physician to the London Fever Hospital: a fact, which entitled him to speak with particular authority of the fevers of the metropolis: and, apart from his technical qualifications, he was much respected as a man of thought and benevolence. Before entering on the medical profession, he apparently had been for some years a non-conformist minister in Somersetshire, —see Dr. Munk's *Roll of the College of Physicians*, vol. iii., p. 235; and, as in that affinity, he had in 1814 (two years before he graduated M.D. in the University of Edinburgh) published, under title of *The Divine Government*, a theological treatise which seems to have been highly esteemed. He had, in 1832, by an essay first published in the April number of the *Westminster Review*, and afterwards issued as a pamphlet on *The Use of the Dead to the Living*, been among the promoters of the Anatomy Act, which, from that time to the present has regulated the supply of subjects for dissection in our medical schools. He had, in the years 1833-4, acted as a Commissioner (with Mr. Thomas Tooke and Mr. Chadwick) to collect information in the manufacturing districts on the employment of children in factories. He had in 1835, with the useful design of drawing popular attention to the elementary principles of preventive medicine as then understood, published the first edition of his *Philosophy of Health:* a work which had immediately become influential, and which thirty years afterwards was in its eleventh edition. From 1838 onward he became more and more

identified with the cause of sanitary reform, and he has to be gratefully remembered as one of the worthiest and most zealous of its early promoters. During the years 1839-54 he was always Mr. Chadwick's chief medical associate: for the greater part of the last six of those years (as will hereafter appear) his association with Mr. Chadwick was official; and all which is distinctively medical in the Reports of the General Board of Health, from 1848 to 54, may no doubt be regarded as Dr. Smith's teaching. It is noteworthy that Dr. Smith (like Mr. Chadwick) had been in intimate relations with Jeremy Bentham during his later years. When Bentham, in the memorable bequest by which he hoped to correct the then popular prejudice against dissection, directed that his own dead body should be publicly dissected and lectured over in a place of medical teaching, he appointed Dr. Smith his legatee for the purpose; and Dr. Smith accordingly, on the 9th of June, 1832, delivered an address over Bentham's dissected body in Messrs. Grainger's Anatomical Theatre, Webb Street, Southwark: an address, which has been for the most part reproduced by Sir John Bowring in the last volume of his edition of Bentham's works.

Instruction for general sanitary inquiry.

In 1839, when the medical reports made to the Poor Law Commissioners had come before Parliament, and while they were receiving a certain amount of public notice, attention was drawn to them in the House of Lords by the then Bishop of London, Dr. Blomfield; and on his motion (Aug. 19) an Address was voted, praying that the Poor Law Commissioners might be instructed to cause information of like nature to be collected with regard to the causes of disease prevailing among the labouring population in other parts of England and Wales.* The instructions for which the motion was made were immediately given to the Poor Law Commissioners, with, soon

* Bishop Blomfield, one of the ablest and most influential of the public men of the time, and one who spoke with particular weight in questions of social reform, had (as a member of the Poor Law Inquiry Commission) been intimately associated with Mr. Chadwick in promoting the Poor Law Amendment Act, and afterwards, retaining always the highest opinion of Mr. Chadwick, kept up habitual communication with him on questions of the present sort. I understand that his motion, mentioned in the text, was made at Mr. Chadwick's suggestion.

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afterwards, an additional instruction that the inquiry should be extended to Scotland; and the Commissioners, thus instructed, forthwith began the proposed inquiry. With regard to England and Wales, they directed their several Assistant-Commissioners, each for his district, to report to them on such parts of the subject as were within his observation, and in certain cases to invite special reports from eminent medical practitioners of chief places; and they also addressed letters to the several Boards of Guardians and their respective medical officers throughout the country, requesting information in answer to certain queries. With regard to Scotland, they in like manner appealed for information to the Provosts of Burghs and, through them, to officers of Medical Charities and to other medical practitioners. It was not till three years later that the results of this very extensive inquiry were published; and, before they are further spoken of, it will be well to notice other effects which in the meantime were accruing from the original momentum of 1838–9.

Select Com. of House of Commons, 1840.

In 1840, Feb. 4, there took place in the House of Commons a very diffuse, but not uninteresting, debate on the then social circumstances of the people: the occasion being, that Mr. Slaney had moved for a Select Committee "to inquire into the causes of discontent among great bodies of the working classes in populous districts, with a view to apply such remedies as the wisdom of Parliament can devise, or remove as far as possible any reasonable grounds of complaint, in order thereby to strengthen the attachment of the people to the institutions of the country." Mr. Slaney stated, as his view, that the people had the following three grounds for discontent:—first (and in regard of this grievance he seems to have entirely rested his case on the above-described reports of 1838–9)—"the want of legislative provision for the preservation of their health, and the comfort of their houses"; secondly, "the want of provision against the fluctuations which constantly occurred in the commerce of the country"; and thirdly, "the want of religious instruction and education." Mr. Smith O'Brien, who seconded the motion, went into questions of the franchise, the currency, the corn-laws, emigration, &c.; and in the debate many references were of course made to the "chartism" of the time.

Objections were very naturally raised to the wide scope of the resolution,—that inquiry was proposed into fifteen different objects,—that it would be an inquiry into almost every object of existing legislation, &c. As to the alleged discontent, Mr. Charles Villiers keenly suggested that perhaps not so much the "ignorance" as the "intelligence" of the people was a cause of it; and Mr. Joseph Hume "must say" that the noble Lord, who had excited vain expectations of parliamentary reform, was himself one of the causes. Finally, the noble Lord himself (John Russell) objected to the political tendency of the motion: "as to the civil condition of the working classes he had no objection to an inquiry, but he thought it not wise to institute inquiries into their political condition." So Mr. Slaney withdrew his motion, saying that he would bring it forward in a different shape; and accordingly soon afterwards (March 12) referring to only the first of his former three subject-matters, he moved for a Select Committee, "to inquire into the circumstances affecting the health of the inhabitants of large towns, with a view to improved sanitary arrangements for their benefit." This motion was agreed to, and five days afterwards the Committee was appointed.* It sat for three months, taking evidence, and then (June 17) made its report. Its most important positive recommendations were to the following effect:—(1) that there ought to be a general Buildings Act; (2) that there ought to be a general Sewerage Act; (3) that in every town of a certain population there ought to be a standing Board of Health, partly medical, which should observe the health of the town, should move the local commissioners of sewers or other authority in relation to nuisances, should suggest remedies, and should from time to time report to the Secretary of State or other central authority; and (4) that in every large town there ought to be an Inspector to enforce regulations for sanitary purposes. The report suggested that, in order to escape the costliness of private Acts of Parliament, a plan (like that of cap. 82 of 9th Geo. IV. relating to Ireland) might be adopted:

* See *Times* of March 13th and 18th, 1840. Those two votes of the House of Commons are I believe the earliest made by the House in the present subject-matter; and, in view of that historical interest which they have, I find it note worthy that neither of them is mentioned in the columns of Hansard, though the debate of Feb. 4 had been reported there.

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the enactment, namely, of general sanitary provisions which should admit of being applied to particular places by an optional local vote. The Report also adverted to the following as objects which, in the interests of the public health, needed consideration: burial-grounds, water-supply, public open spaces, lodging-houses, baths, and local powers for clearing and improving sites.

Public Vaccination established 1840.

The year 1840, too, deserves particular notice with regard to that special section of Health-Law which intends the prevention of smallpox: for in 1840, the Act 3rd and 4th Vict. c. 29, which was passed at the motion of the Poor Law Commissioners, began the present system of gratuitous public vaccination. It provided, namely, that thenceforth vaccination at the public cost should be obtainable of local authorities in every parish of England and Wales; and in the following year, a supplementary Act, as to the expenses of the service, enacted, that the gratuitous vaccination (though furnished by Poor Law Guardians and Overseers) should not, for any public purpose, be deemed a disqualifying parochial relief.

House of Commons Select Com. on Burial in Towns, 1842.

Early in 1842, some months before the completion of the large general inquiry which had been ordered, a special branch of sanitary reform had been taken up by Mr. Mackinnon in the House of Commons. He namely, March 8, moved for a Select Committee "to consider the expediency of framing some legislative enactments (due respect being paid to the rights of the clergy) to remedy the evils arising from the interment of bodies within the precincts of large towns or of places densely populated." This motion having been carried, the Committee which was in consequence appointed, sat for three months, to receive evidence of the alleged evils, and then (June 14) reported. It recommended that Government should propose legislation against the practice, but at first only with regard to places of more than 50,000 inhabitants: the legislation to prohibit after a certain date with some exceptions all burial within the limits of the places, and to give the authorities in the places power and obligation to make exterior cemeteries.

1842. Reports on the general inquiry.

In the summer of 1842, the results of the general inquiry which the vote of the House of Lords of August 19th, 1839, had occasioned were ready for publication, and having been communi-

cated to the Home-Secretary by the Poor Law Commissioners (date July 9th) were at once by Her Majesty's Command laid before Parliament. They were in three volumes: two being of local reports, respectively for England and Scotland, while the other, which was founded in main part on them, treated generally of the sanitary condition of the labouring population of Great Britain, and of the means deemed suitable for improving it. The English Local Reports from the Assistant Commissioners and others (in addition to the detailed answers which had been received from Boards of Guardians in quantity too great for publication) were twenty-four in number. The Scotch Local Reports, including two particularly instructive papers on the State of the Law in Scotland, and including also a remarkable paper by Professor Alison on the Generation of Fever, with Observations on it by Dr. Neil Arnott, were eighteen. The synoptical volume, the *General Report on the Sanitary Condition of the Labouring Population of Great Britain*, was the work of Mr. Chadwick, and was issued by the Commissioners as distinctively his: they, it was understood, not wishing to stand committed to the conclusions of their Secretary in a field so unfamiliar to themselves. Mr. Chadwick's report (372 pages of text with 85 of appendix) has nine sections, headed as follows:—i. General condition of the residences of the labouring classes where disease is found to be most prevalent. ii. Public arrangements external to the residences, by which the Sanitary Condition of the Labouring Population is affected. iii. Circumstances, chiefly in the internal economy and bad ventilation of places of work, workmen's lodging-houses, dwellings, and the domestic habits, affecting the health of the labouring classes. iv. Comparative chances of life in different classes of the Community. v. Pecuniary burdens created by the neglect of sanitary measures. vi. Evidence of the effects of preventive measures in raising the standard of health and the chances of life. vii. Recognised principles of legislation and state of the existing law for the protection of the public health. viii. Common lodging-houses the means of propagating disease and vice. ix. Recapitulation of Conclusions. In the last of these sections, the chief conclusions which the evidence appeared to Mr. Chadwick to establish are stated by him in the following terms:

Mr. Chadwick's General Report.

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"*First, as to the extent and operation of the evils which are the subject of the inquiry:*—

"That the various forms of epidemic, endemic, and other disease caused, or aggravated, or propagated chiefly amongst the labouring classes by atmospheric impurities produced by decomposing animal and vegetable substances, by damp and filth, and close and overcrowded dwellings prevail amongst the population in every part of the Kingdom, whether dwelling in separate houses, in rural villages, in small towns, in the larger towns —as they have been found to prevail in the lowest districts of the Metropolis:

"That such disease, wherever its attacks are frequent, is always found in connexion with the physical circumstances above specified, and that where those circumstances are removed by drainage, proper cleansing, better ventilation, and other means of diminishing atmospheric impurity, the frequency and intensity of such disease is abated; and where the removal of the noxious agencies appears to be complete, such disease almost entirely disappears:

"That high prosperity in respect to employment and wages, and various and abundant food, have afforded to the labouring classes no exemptions from attacks of epidemic disease, which have been as frequent and as fatal in periods of commercial and manufacturing prosperity as in any others:

"That the formation of all habits of cleanliness is obstructed by defective supplies of water:

"That the annual loss of life from filth and bad ventilation is greater than the loss from death or wounds in any wars in which the country has been engaged in modern times:

"That of the 43,000 cases of widowhood, and 112,000 cases of destitute orphanage relieved from the poor's rates in England and Wales alone, it appears that the greatest proportion of deaths of the heads of families occurred from the above specified and other removable causes; that their ages were under 45 years; that is to say, 13 years below the natural probabilities of life as shown by the experience of the whole population of Sweden:

"That the public loss from the premature deaths of the heads of families is greater than can be represented by any enumeration of the pecuniary burdens consequent upon their sickness and death:

"That, measuring the loss of working ability amongst large classes by the instances of gain, even from incomplete arrangements for the removal of noxious influences from places of work or from abodes, this loss cannot be less than eight or ten years:

"That the ravages of epidemics and other diseases do not diminish but tend to increase the pressure of population:

"That in the districts where the mortality is the greatest the births are not only sufficient to replace the numbers removed by death, but to add to the population:

"That the younger population, bred up under noxious physical agencies, is inferior in physical organization and general health to a population preserved from the presence of such agencies:

"That the population so exposed is less susceptible of moral influences, and the effects of education are more transient than with a healthy population:

"That these adverse circumstances tend to produce an adult population short-lived, improvident, reckless, and intemperate, and with habitual avidity for sensual gratifications:

"That these habits lead to the abandonment of all the conveniences and decencies of life, and especially lead to the overcrowding of their homes, which is destructive to the morality as well as the health of large classes of both sexes:

"That defective town-cleansing fosters habits of the most abject degradation and tends to the demoralisation of large numbers of human beings, who subsist by means of what they find amidst the noxious filth accumulated in neglected streets and bye-places:

"That the expenses of local public works are in general unequally and unfairly assessed, oppressively and uneconomically collected, by separate collections, wastefully expended in separate and inefficient operations by unskilled and practically irresponsible officers:

"That the existing law for the protection of the public health and the constitutional machinery for reclaiming its execution, such as the Courts Leet, have fallen into desuetude, and are in the state indicated by the prevalence of the evils they were intended to prevent:

"*Secondly, as to the means by which the present sanitary condition of the labouring classes may be improved:*—

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"That the primary and most important measures, and at the same time the most practicable, and within the recognised province of public administration, are drainage, the removal of all refuse of habitations, streets, and roads, and the improvement of the supplies of water :

"That the chief obstacles to the immediate removal of decomposing refuse of towns and habitations have been the expense and annoyance of the hand-labour and cartage requisite for the purpose :

"That this expense may be reduced by one-twentieth or to one-thirtieth, or rendered inconsiderable, by the use of water and self-acting means of removal by improved and cheaper sewers and drains : *

"That refuse when thus held in suspension in water may be most cheaply and innoxiously conveyed to any distance out of towns, and also in the best form for productive use, and that the loss and injury by the pollution of natural streams may be avoided :

"That for all these purposes, as well as for domestic use, better supplies of water are absolutely necessary.

"That for successful and economical drainage the adoption of geological areas as the basis of operations is requisite :

"That appropriate scientific arrangements for public drainage would afford important facilities for private land-drainage, which is important for the health as well as sustenance of the labouring classes :

"That the expense of public drainage, of supplies of water laid on in houses, and of means of improved cleansing would be a pecuniary gain, by diminishing the existing charges attendant on sickness and premature mortality :

"That, for the protection of the labouring classes and of the ratepayers against inefficiency and waste in all new structural arrangements for the protection of the public health, and to ensure public confidence that the expenditure will be beneficial, securities should be taken that all new local public works are devised and conducted by responsible officers qualified by the possession of the science and skill of civil engineers :

"That the oppressiveness and injustice of levies for the whole

* See below, page 210.

immediate outlay on such works upon persons who have only short interests in the benefits may be avoided by care in spreading the expense over periods coincident with the benefits:

"That by appropriate arrangements, 10 or 15 per cent. on the ordinary outlay for drainage might be saved, which on an estimate of the expense of the necessary structural alterations of one-third only of the existing tenements would be a saving of one million and a half sterling, besides the reduction of the future expenses of management:

"That for the prevention of the disease occasioned by defective ventilation, and other causes of impurity in places of work and other places where large numbers are assembled, and for the general promotion of the means necessary to prevent disease, that it would be good economy to appoint a district medical officer independent of private practice, and with the securities of special qualifications and responsibilities to initiate sanitary measures and reclaim the execution of the law:

"That by the combinations of all these arrangements, it is probable that the full ensurable period of life indicated by the Swedish table; that is, an increase of 13 years at least, may be extended to the whole of the labouring classes:

"That the attainment of these and the other collateral advantages of reducing existing charges and expenditure are within the power of the legislature, and are dependent mainly on the securities taken for the application of practical science, skill, and economy in the direction of local public works:

"And that the removal of noxious physical circumstances, and the promotion of civic, household, and personal cleanliness, are necessary to the improvement of the moral condition of the population; for that sound morality and refinement in manners and health are not long found co-existent with filthy habits amongst any class of the community."

Mr. Chadwick further suggests "that the principles of amendment deduced from the inquiry will be found as applicable to Scotland as to England. . . . The advantages of uniformity in legislation, and in the executive machinery, and of doing the same things in the same way (choosing the best), and calling the same officers, proceedings, and things by the same names, will only be appreciated by those who have observed the

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extensive public loss occasioned by the legislation for towns which makes them independent of beneficent, as of what perhaps might have been deemed formerly aggressive legislation."

The subject of Burial in Towns had had no special place in the general inquiry, and had not been treated by Mr. Chadwick in his general report; but now, in view of the recent report of Mr. Mackinnon's Select Committee, the Home-Secretary (Sir James Graham) requested Mr. Chadwick to give particular attention to the subject; and the result was, that, in 1843, Mr. Chadwick supplemented his general report by a special *Report on the Practice of Interments in Towns*. In this supplementary report, he not only gave ample confirmation to the Select Committee's advice for the discontinuance of interment in towns, but also dealt in detail with various other social relations of death. He particularly shewed how often in the families of the poor each death which occurs is made additionally painful through the expensiveness of funerals, and through the inability of the poor to provide for the early removal of dead bodies from the room (often the single living-and-sleeping rooms) occupied by survivors; and, again, he shewed how often among the poor a very dangerous inducement to secret murder was being afforded by burial-clubs as then conducted. In the latter connexion, and especially with a view to the verification of alleged causes of death, he emphasised and developed the suggestion which he had made in the General Report, for the appointment of independent Officers of Health; and, in that and other senses, in result of the special inquiry, he advocated very extensive changes in our national system of dealing with the dead.

Meanwhile the public had begun to recognise the exceptional and really momentous importance of the three-volume Report of 1842. Especially the volume which was Mr. Chadwick's work passed rapidly into common circulation: rumour ran that nearly 10,000 copies of it were distributed by sale or gift: and for many years it continued to be held in high esteem, both at home and abroad, as a model of initiative industry and intelligence in the promotion of a great social interest.

Royal Commission, 1843-5.

The political fruits of the inquiry had now by degrees to come. Sir James Graham as Home-Secretary, and Sir Robert

Peel as Prime Minister, were eminently not the men to underrate the importance of such representations as had been laid before them on competent authority with regard to the want of proper Health-Laws for the Kingdom; but neither could they regard as a light thing that the proposal virtually before them was to call into existence an indefinitely extensile new branch of government; and no doubt it was in this view of the gravity and difficulty of the question, and of the necessity for testing to the utmost the case which had to be submitted to Parliament, that the Ministers who had Mr. Chadwick's reports before them determined not immediately to propose legislation for the Public Health, but first to obtain the judgment of a carefully chosen Royal Commission on the chief requirements of the case. Accordingly, by patent of May 9th, 1843, Her Majesty appointed the following persons to be Commissioners: Duke of Buccleuch, chairman, Lord Lincoln, Mr. Slaney, Major Graham, Sir Henry de la Beche, Mr. Lyon Playfair,* Mr. David Boswell Reid, Professor Richard Owen*, Captain Denison, Dr. James Ranald Martin, Mr. James Smith, Mr. Robert Stephenson, and Mr. William Cubitt, with Mr. Henry Hobhouse to be secretary: for the purpose of "inquiring into the present state of large towns and populous districts in England and Wales with reference to the Causes of Disease among the Inhabitants, and into the best means of promoting and securing the Public Health under the operation of the Laws and Regulations now in force, and the usages at present prevailing with regard to the drainage of lands, the erection, drainage and ventilation of buildings, and the supply of water in such towns and districts, whether for the purposes of health, or for the better protection of property from fire; and how far the public health, and the condition of the poorer classes of the people of this realm, and the salubrity and safety of their dwellings, may be promoted by the amendment of such Laws, Regulations and Usages."

The inquiry thus ordered was at once begun, and in due time the results were laid before Parliament in two reports: the first, dated June 27, 1844; and the second dated February 3, 1845. The Commissioners, when they entered on their business, seem

* Of the Royal Commissioners of 1843–5, only two are still living; Mr. Lyon Playfair, now Rt. Hon., K.C.B.; and Professor Richard Owen, now K.C.B.

almost at once to have perceived that it could only end in confirming the substance of Mr. Chadwick's representations, and perhaps with his assistance somewhat developing them; and so, from an early period, Mr. Chadwick was treated by the Commission, not as a witness in contentious matter, but as a colleague working confidentially with them towards their judgment.*

Necessarily the inquiry was followed on the lines which Mr. Chadwick had already traced. The Commission had first to verify the reality of the alleged evils; and, when it had seen proofs enough of the general want of better law and administration for local purposes affecting health, it next had to investigate in various points of view, financial, engineering, and administrative, whether it could propose an effective remedial system which would not be of immoderate cost. With regard to the evils, the Commission invited contribution of some further local reports (such as had previously been furnished to the Poor Law Commissioners) and it also examined a few medical witnesses: but its more distinctive action was that it took for its own particular study fifty chief English towns, having a high rate of mortality, and containing among them a population of more than three millions of persons: and that each of these fifty towns, besides being inquired about by letter, was inspected and reported on by some one of the Commissioners. At the same time, since considerations of expense had often been urged as reasons against sanitary improvement, the Commission gave special attention to the pecuniary difficulties of the case: not only to those which (regarding actual amounts of cost) raised question as to the reducibility of the charges, but likewise to those which (regarding the incidence of the cost) raised questions whether improvements could be made in the methods of local taxation for such purposes: and the Commission, in this part of its inquiry, endeavoured to compare the costs which under an improved system would be necessary for the prevention of disease

* Sir E. Chadwick has told me that, in planning and conducting the inquiry, he was the habitual assistant of the Chairman and Secretary, that he "precognised" all the witnesses for examination, that he accompanied several of the Commissioners in their tours of inspection, and that, when the Commission reported, their First Report, and the Recommendations of their Second, were of his drafting.

with the costs which the existing system, and its unprevented diseases, were occasioning.

In matters of a medical kind, the Commission did not establish anything materially new; but, by its own very extensive local visitations, as well as by renewed testimony from Dr. Arnott and Dr. Southwood Smith, and by important statements from other medical witnesses—Dr. Guy, Mr. Toynbee, Dr. Aldis, Dr. Rigby and Mr. N. B. Ward, it powerfully confirmed the already existing case. In the various other directions of the inquiry, valuable information was supplied by skilled witnesses, who spoke with authority on questions of municipal administration and finance, on the engineering principles of town-improvement, on the economics of refuse-removal, on the mechanics of drainage and water-supply, on the obstacles to house-improvement, and so forth; and who, in several cases, testified from large experience, both as to the power of local unskilfulness and non-organisation, to augment the cost and hinder the advantage of sanitary undertakings, and likewise as to the savings of cost and the augmentations of convenience which proper local organisation with skilful service would ensure.

In the two Reports of the Commission, with their abundant Appendices of evidence, full exposure was made of the various flagrant insufficiencies which were found in "the laws and regulations then in force, and the usages then prevailing, with regard to the drainage of land, the erection, drainage and ventilation of buildings, and the supply of water"; and in the Second Report the Commission, having completed its statement of evils, unanimously proposed its scheme of remedial measures. It emphatically gave as its opinion: "that new legislative measures, applicable to all towns and populous districts, are required for the introduction and maintenance not only of an efficient and economical system of house-drainage and sewerage, paving and cleansing, in all towns and populous districts, but also for providing ample supplies of water for public and private purposes, and for the adoption of other means for promoting and securing the health and comfort of the inhabitants." In proceeding to consider the principles on which the legislation should be based, it proposed, as of first necessity, "that the Crown should have

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power to inspect and supervise the execution of all general measures for the sanatory regulations of large towns and populous districts, that the local authorities intrusted with the execution of such measures should be armed with additional powers, and that the districts placed under their jurisdiction should in many cases be enlarged, and made co-extensive with the natural areas for drainage." It "recommended that the necessary arrangement for drainage, paving, cleansing, and an ample supply of water (the most important matters conducive to health) should be placed under one administrative body." It also urged "the necessity of some general sanatory regulations relative to buildings and the width of streets, and that low lodging-houses should be placed under public inspection and control." For the purpose of giving effect to these general principles, the Commission made thirty particular recommendations, relating in detail to the various powers and duties, financial and other, proposed for the local authorities; with provision as to all the more important matters (including the appointment of skilled officers) that the local action must have the approval of the Crown; and with provision that, in cases of local insufficiency of action, the Crown should have power to enforce on the local authority due execution of the law. In short, then, the Commission had entirely confirmed Mr. Chadwick's account of existing evils, and had approved in substance the remedial scheme suggested by him.

Immediate Legislative proposals.

The Report of the Commission being such as described, there followed, as matter of course, that the Government took steps to give effect to it. In the Queen's Speech, which opened the parliamentary session of 1845, the Report had been announced as immediately to be laid before Parliament, and particular hope had been expressed "that the information and suggestions given in it would enable Parliament to devise the means of promoting the health and comfort of the poorer classes of [Her Majesty's] subjects." Before the end of the session, accordingly, a very comprehensive Government Bill, such as the Royal Commission had recommended, "for the improvement of the sewerage and drainage of towns and populous districts, and for making provision for an ample supply of water, and for otherwise promoting the health and convenience of the

inhabitants," was introduced by the Earl of Lincoln * in the House of Commons (Bill No. 574 of the Session) with intention that it should be considered by the public during the approaching recess, and be re-introduced early in the next session of Parliament. Lord Lincoln's intention of proceeding with the Bill in the session of 1846 was defeated (under circumstances which are part of common history) by the famous resignation of the great minister under whom he served: a defeat, not without compensation to those who were caring for the health of the people, since hardly any greater sanitary gift could have come to the poorer millions of the nation than that steady cheapening of their daily bread which the Corn Importation Act of this session secured to them. In 1846, too, though no progress could be made with the complicated task which Lord Lincoln's Health of Towns Bill had set in view, two simpler sanitary problems were tentatively dealt with, at the instance of the Government, by the passing of a temporary Act, 9th and 10th Vict., c. 96, as to the Removal of Nuisances and the Prevention of Epidemic diseases. In the same session, moreover, was passed the very notable Act which first enabled local authorities to establish public baths and washhouses.† In the session of 1847 the intention of a Health of Towns Bill on the lines suggested by the Royal Commission, was taken up by the Russell Ministry; and on March 30th Viscount Morpeth (afterwards seventh Earl of Carlisle) who had succeeded to Lord Lincoln's office as First Commissioner of Woods and Forests, introduced such a Bill in the House of Commons.

Local Improvements and Model-Clauses Consolidation Acts.

Before further reference to this Bill, which represented the views of the then Government as to what should be made law for

* Lord Lincoln, afterwards Duke of Newcastle, and, under that title, the Colonial Secretary of Lord Aberdeen's 1852–5 Administration, was in 1845–6 the First Commissioner of Woods and Forests under Sir Robert Peel.

† This admirable Act, specially in the interests of the labouring classes, was mainly due to the exertions of an Association for Promoting Cleanliness amongst the Poor, which had been founded two years previously, and which, first, by an instructive trial of Free Baths and Washhouses in the neighbourhood of the London Docks, and afterwards by carrying on a Model Establishment of (paying) Baths and Washhouses in Goulston Square, Whitechapel, led the public to see how greatly such establishments were needed, and how readily they could be made self-supporting. See the article "Baths and Washhouses, Public," in the *Arts and Sciences* Division of Knight's *English Cyclopædia*.

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the country at large, it has to be noted that, apart from any action by Government, other endeavours towards sanitary reform were already being made in England. Stimulus to that effect may probably have dated in some degree from the first cholera-period of 1831–2; but no doubt the chief momentum came from Mr. Chadwick's publication of 1842, and from the subsequent Report of the Health of Towns Commission. The exhibition, which had been made of the deplorable want of common sanitary provisions in the towns and other populous districts reported on, had roused various towns to see that they ought to exert themselves to remove the reproach: and, under influence of this opinion, such towns had proceeded to obtain Acts of Parliament giving them independent powers (larger or smaller) for improvement purposes. Meanwhile, however, and particularly in connection with the new and difficult subject-matter of legislation for railways, the attention of Parliament had been drawn (chiefly by Mr. Joseph Hume) to the vast public inconvenience which would gradually arise, if different private Acts of Parliament for substantially like purposes were not made to consist of substantially like provisions expressed in substantially like terms; and in order to guard against that inconvenience in railway legislation, Acts of Parliament had been passed containing schemes of Model Clauses suitable for optional incorporation in private bills. Such were the three Acts passed in 1845, known as the *Companies Clauses Consolidation* Act, the *Lands Clauses Consolidation* Act, and the *Railway Clauses Consolidation* Act. In 1847, when evidence had arisen of the rapidly increasing desire of towns to obtain adequate powers of self-government for sanitary purposes, and while effect had yet to be given in that direction to the recommendations of the Health of Towns Commission, Parliament, on the motion of Government, followed the analogy of 1845 by passing a series of Clauses Consolidation Acts applicable at option to the various sanitary and other purposes of town-government. Such was the Act 10th and 11th Vic. c. 34, commonly called the *Towns Improvement Clauses* Act, 1847, which set forth in 216 sections the provisions usually contained in Acts for paving, draining, cleansing, lighting and improving towns. Such again were the *Markets and Fairs Clauses* Act, 1847, of 59 sections; the *Gas Works Clauses* Act,

1847, of 49 sections; the *Commissioners Clauses* Act, 1847, of 112 sections; the *Water Works Clauses* Act, 1847, of 94 sections; the *Cemeteries Clauses* Act, 1847, of 68 sections; and the *Towns Police Clauses* Act, 1847, of 79 sections. A provision in each of those public Acts was, that the private Act of any town or populous district might declare the public Act to be incorporated with it: which having been declared, all the clauses, save so far as expressly varied or excluded by the private Act, became (so far as applicable) applied to the particular object of the private Act: the intention of the public Acts, as stated in their respective preambles, being, "as well for avoiding the necessity of repeating such provisions in each of the several [private] Acts relating to such towns or districts, as for ensuring greater uniformity in the provisions themselves." Those various Consolidation Acts of 1847, having in general been planned in the spirit of the recommendations of the Health of Towns Commission, came into extensive use in subsequent private-bill legislation for sanitary purposes; and if not always adoptable in mass by the framers of local bills always at least suggested to them the provisions which were most needful.*

Parliamentary Proceedings of 1847-8.

Lord Morpeth's Health of Towns Bill of 1847 had as one of its features, that it proposed to make a very large use of those Clauses Consolidation Acts; but, excellent though the contrivance had been for the purposes of private bills, it perhaps was not in the then circumstances equally suited to the dignity or convenience of general legislation; and strong objection was taken to Lord Morpeth's Bill on the ground that it would have incorporated without immediate parliamentary criticism 790 clauses from other statutes. Besides this objection raised to the form of the Bill, objections were raised to its substance: partly because it was thought to be of too centralising a policy; partly because it included (and subsequently because it did not include) the Metropolis; partly because it alarmed some pecuniary

* Among the model clauses thus suggested for adoption in towns, was one, which had been clause 175 of Lord Lincoln's Bill, and to which the text will hereafter more particularly refer: a clause providing for the appointment of Medical Officers of Health in town districts, as recommended by Mr. Chadwick in 1842, and by the Royal Commission in 1845.

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interests *; partly and perhaps chiefly, because in its mere novelty it was an offence to those prejudices and vague timidities which at first resist all new legislation: and though Lord Morpeth made considerable concessions to his opponents, and succeeded in getting the House into Committee on his Bill, progress was so retarded by those various forces of friction, that on July 8th the order for further consideration of the Bill had (on motion by the Prime Minister) to be discharged. In the following Session, however, Lord Morpeth made a second, and more successful, attempt. His new Bill, introduced Feb. 10, 1848, was not less opposed than the preceding one: but Lord Morpeth was deservedly a favourite on both sides of the House of Commons; and also, though he was quite in earnest as to the main purposes of the Bill, he was ready, on all secondary questions, to meet his opponents with conciliation: so, after long discussion in Committee during the month of May, the Bill, reported with amendments, reached the House of Lords before the end of June. In the House of Lords (where it was referred to a Select Committee) it received some changes, not all of which were found acceptable by the House of Commons: but agreement between the Houses was eventually obtained, and on the last day of August the Bill received royal assent as "The Public Health Act, 1848." In this same session, too, the general principles which had been provisionally accepted in 1846, with regard to facilities to be everywhere given for the summary abatement of nuisances affecting health, and with regard to regulative powers to be exercised by the central authority on occasions when there should be any exceptional threatening of epidemic disease, were re-affirmed by Parliament, and were embodied as permanent law (with amended provisions as to machinery) in the Nuisances Removal and Diseases Prevention Act of 1848. Of the two sanitary statutes of 1848, the Nuisances Removal and Diseases Prevention Act applied to the Metropolis equally with other parts of the country, but the Public Health Act applied only to places outside the Metropolis.

* Even at the introduction of the Bill, Sir William Clay, who probably was spokesman for the London Water-Companies, sounded a very significant note of warning as to "all the various interests" which might have objections to express.

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Any one who would minutely investigate the spirit of those enactments of 1848, and especially if caring to read between the lines where the recommendations of the Report of 1845 are not exactly followed, will find it convenient to refer to the columns of Hansard for the debates which preceded the legislation.* In all the chief contentions, many speakers expressed in strong language their dislike of what they called "centralisation"; and though the word, as used in the debates, seems to have been but an indefinite term of reproach—(for nothing in the record shows that the speakers distinguished in principle the centralisations which give appeal against local anarchies and extortions from those which merely tend to a system of central meddlesomeness)—the fact remains, that, throughout the discussions of the Public Health Bill, "centralisation" was always denounced as the danger which had to be feared from it; and the fact is here particularly noted because later events will connect themselves with it. In other respects, the debates of 1847–8 do not throw any particular light on our main subject-matters; and the narrative, therefore, instead of lengthening itself by endeavours to give a fuller account of them, may turn to the more grateful office of describing the legislative results.

Effect of the legislation of 1848.

The broad effect of the new legislation may be summed up in the following particulars:—

1. For certain local-improvement and disease-prevention purposes, deemed to require control or regulation by the Central Government, there was established, as a new executive department, a General Board of Health:

2. Against all chief health-nuisances as then recognised, there was established throughout the country a system of summary jurisdiction, to be exercised by the respective Local Justices, on complaint by respective Local Authorities specially authorised for the purpose:

3. With regard to the larger powers required financially and otherwise in populous places for purposes of local improvement and local sanitary regulation—such powers as had previously

* See especially, in 1847, House of Commons, March 30, June 15 and July 6 and 8; and in 1848, House of Commons May 5–June 15, and both Houses, June 30–Aug. 16.

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been granted only under special Acts of Parliament, modes of procedure were provided, under which, on the one hand, any extra-metropolitan populous place desiring to have the powers could, with the sanction of the Central Authority, easily and at little cost, possess itself of them; and under which, on the other hand, the Central Authority could take action to confer the powers upon any extra-metropolitan populous place, whether desirous or not, if its ordinary annual death-rate exceeded 23 per 1,000:

4. For periods of exceptional danger from formidable epidemic disease, the Privy Council was authorised to bring by its Order into temporary operation certain special provisions of the Nuisances-Removal and Diseases-Prevention Act; under which provisions, while the Order remained in force, the General Board was to have certain powers of imperative direction, and the Local Authorities, subject to such direction, were to have special powers of local action.

5. The General Board under the Act was to consist ordinarily of three members: one *ex-officio*, Her Majesty's First Commissioner of Works; and two—one paid, the other unpaid, appointed by Her Majesty. For particular times, when a Diseases Prevention Order of the Privy Council might be in force, the Act allowed an additional paid member, who was to be medical.

6. The Act was to continue in operation for five years, and to the end of the then next session of Parliament.

Metropolitan Sanitary Commission.

It has already been noted that the Public Health Act 1848 did not extend to the Metropolis. In 1847, when Lord Morpeth first brought the matter before the House of Commons, he meant that the Metropolis should be dealt with in the general Act; but this intention had soon to be abandoned; and, at the end of the session of 1847, with a view to future separate legislation for the Metropolis, a Royal Commission of enquiry was appointed. This Metropolitan Sanitary Commission had for its members Lord Robert Grosvenor, afterwards Baron Ebury, Mr. Chadwick, Dr. Southwood Smith, Professor Owen and Mr. Richard Lambert Jones; who, according to the terms of the Commission, were to inquire "whether any and what special means may be requisite for the improvement of the health of the Metropolis, with reference more particularly to the better

House, Street, and Land Drainage, Street Cleansing, and Paving; the collection and removal of Soil and Refuse, and the better supply of Water, for domestic use, for flushing Sewers and Drains, and cleansing Streets; and also to the best means of using existing Works, and of erecting new Works requisite, and of maintaining them in good action; and also to the most equitable provisions for regulating the Charges, or assessing, collecting, and paying the Monies requisite for such purposes, more especially in the Districts chiefly inhabited by the poorer classes of the population." The Commission made three reports, dated respectively 19 Nov. 1847, 19 Feb. 1848, 13 July 1848. In those reports, a considerable share of discussion was given to questions, more or less medical, which had not been referred to the Commission: as with regard to the causes and the mode of invasion of cholera, the steps which ought to be taken where cholera is prevailing, &c.: while, within the Commission's appointed province of enquiry, the non-existence of sanitary government in the Metropolis was well exposed. Especially it was shown that the responsibility for sewerage and other like objects in the Metropolis was divided among many Commissions of Sewers having no relation to each other; and the reporters pressed as their main recommendation, that the several Sewers-Commissions of the Metropolis should at once be consolidated into a single Commission, with additional statutory powers. In consequence of that recommendation, a separate measure relating to the Metropolis, and providing for the appointment and powers of Metropolitan Commissioners of Sewers, was carried through Parliament in the latter part of the session of 1848, and became law (11th and 12th Vic. c. 112) on the same day with the Nuisances-Removal and Diseases-Prevention Act of that year. The City of London (except for particular purposes) was not within the intention of that Metropolitan Act; but the City Sewers Act, a separate Act with most important provisions for the sanitary interests of the City, had been before Parliament at the same time with the metropolitan Act, and it received the royal assent immediately afterwards.*

* 11th and 12th Victoria, Local Acts declared Public, c. 163. The Act was to continue in force for two years from Jan. 1, 1848, and to the end of the next session of Parliament; but in 1851 a new Act (14th and 15th Vic. c. 91) made it, with some valuable amendments, permanent.

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Criticism of the Public Health Act, 1848.

That the sanitary legislation of 1848 was calculated to be signally important in the civil history of the United Kingdom, and that the men who promoted it deserve to be remembered by their country with an abiding gratitude, are the reasons for which the reader has been invited to observe somewhat in detail the ten years' work which preceded the legislation, and particularly to observe the leading part which was taken by Mr. Chadwick through the whole of that laborious time. Knowledge which came with comparative rapidity in the years next subsequent to the legislation did no doubt soon show that, in various important respects, the new laws would require amendment; perhaps even that, for the next half-century, many of their provisions must be deemed experimental: but this inconvenience has been as nothing, in comparison with the vast gain which was made: and of various particulars in which the legislation was afterwards found to need amendment, only those need here be noted, wherein the Public Health Act gave serious disadvantages of constitution to the new central authority which it created.

One disadvantage was, that the ordinary principle of our Government-departments—the principle that, in each department, all proceedings are to be controlled by a Minister who shall be responsible for them to Parliament, was not fulfilled in the case of the General Board of Health; and the anomalousness of its constitution in that respect contributed largely to disasters which afterwards befell the Board.

Secondly, the Board might have fared better without the authority which the Act gave it, to bring at its discretion the Act into operation in populous places having a high death-rate: for the application of the Act in that seemingly coercive, not to say penal, way, tended to bring on the Board whatever odium attaches to coercive central interference with local government; while nevertheless the interference was of no avail as against reluctant local authorities; because the law (whether applied by the central board or adopted by the ratepayers) was a merely empowering law, and no place on which the powers might be compulsorily conferred, would thereby be made any likelier than before to use the powers.

Thirdly, the Board started at much disadvantage through

not being authorised by the Act to make any permanent appointment of skilled inspectors for its various local inquiries; and an immediate consequence of the defect was, that the Board came into uncomfortable relations with the general body of the profession of Civil Engineers. For, unable to engage "whole-time" officers, and able only to pay job by job for such engineering assistance as it must largely require, it could not but leave its engineer-inspectors at liberty to be participators in private practice; so that, when any one of them, in his capacity of government-officer, had recommended works of drainage or water-supply for a town, and had proposed plans and made estimates for such works, which under the Act would generally have to be approved by his central Board, he might next, in his private-practice capacity, be offering himself to the Local Authority as a candidate for the execution of the works—a candidate who, for obvious reasons, would have conditions greatly in his favour; and the priority thus secured for a few privileged competitors, in relation to what was expected to prove (as in the event it has proved) a vast department of engineering practice, necessarily tended to excite a sense of injustice in the general body of the same profession.

Fourthly, there was something of paradox in the fact that a government-department, bearing the title of General Board of Health, had not a medical man among its ordinary members or officers; but evidently the Legislature of 1848 knew its own mind in this matter. A re-invasion of the country by Asiatic Cholera was at the time clearly impending, and no one denied that, for occasions when the foreign disease might be here, the Board which had to deal with it would need to be medically advised; but the prevalent impression was, that, except in relation to Cholera, the Board could have little or no medical business to consider; and the legislators of 1848 deemed it enough that, for purposes of medical inspection and advice (just as for engineering purposes) the Board should be at liberty to engage temporary service as it might, from time to time, find requisite. It will, however, hereafter be seen that, two years later, a new Act of Parliament empowered the Board to have a paid medical member as part of its ordinary constitution.

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In regard of the health-interests of the British people, the legislation of 1848 closed with triumph a first ten years' struggle, and inaugurated a new æra. In that point of view, the steps which led to the legislation, and which in this chapter have been followed from beginning to end, are the essential history of the decennium; and what little more remains to tell of the period may be confined to a few supplementary references.

Further history of the period, 1838-48.

Improvements in the apparatus of drainage.

One fact for special notice is, that, during the years which prepared the new health-laws, criticism in the light of modern knowledge began to be applied to the mechanical appliances in use for the sanitary service of towns, and that, in consequence of this reconsideration, various constructional improvements began to be made. At all the stages of the movement for better sanitary government, attention had been drawn by Mr. Chadwick to the mechanical problems of local sanitary administration, and to the general need which existed for better-organised systems of refuse-removal: especially for better-constructed sewers and drains, and better methods of water-supply than were hitherto almost everywhere satisfying the public mind. Denouncing all stagnation of filth, not only in the public ways, or in domestic cesspools, but equally in those ill-fashioned inoperative sewers and house-drains which were but cesspools under another name, —and setting up, as the fit standard of sewerage and drainage, that the sewers and drains should be self-cleansing and inoffensive, —Mr. Chadwick propounded as cardinal doctrines, that all town-refuse must be removed in currents of water, and that drainage-works and works of water-supply (requiring to be mutually adjusted as parts of a single system) ought never to be under different jurisdictions. While arguing to the above effect, and pressing for a more general employment of competent engineering skill in the service of local authorities, Mr. Chadwick contributed importantly to make way for particular technical improvements. Thus, in his report of 1842, and on various subsequent occasions, he brought under public notice the greatly improved brick sewers (improved both as to form and otherwise) which had been introduced by Mr. John Roe in the service of the Holborn and Finsbury Commissioners of Sewers. Also it was specially at

Mr. Chadwick's instigation, that, from early in 1842 onward, trials of earthenware pipes for purposes of refuse-drainage were made; and that the successful results of those trials were made widely known to the world through the reports of the two Royal Commissions.*

General Register Office.

Another fact to notice is, that during the years which have been under review, a highly important influence in favour of sanitary progress began to be exerted by the records and publications of the General Register office. The head of that office had at first been Mr. T. H. Lister; but he in 1842 had been succeeded by Major George Graham, who remained Registrar-General till 1879, and whose administration was of eminent merit.† Presumably with good natural gifts (for he was brother to one of the ablest political administrators of the time) and not inaptly trained for civil office-management by having had some years of experience in military method and discipline, Major Graham soon earned, and always afterwards maintained, the credit, that his large central office, with its thousands of local contributories, and with its strict need of universal exactitude and punctuality, was a pattern of well-working organisation, and that he, the master of the machinery, took pride in making it serve the public. In 1839, in order that the Registrar-General might be enabled to turn to scientific use the vast quantities of detailed information flowing into his hands, and especially the facts medically certified to him as to the causes of registered deaths, Mr. William Farr had been appointed Compiler of Abstracts in the office; and Mr. Farr (whose appointment seems to have been due to Mr. Chadwick's early recognition of his merits) had a happy combination of qualities for the position to which he was named. Of liveliest intelligence, and with a mind which revelled in generalisation, well-instructed in theoretical medicine according to the earlier lights of the present century, and a master of the methods by which arithmetic is made argumentative, he had also considerable literary resources and powers;

Major Graham

Mr. Wm. Farr.

* As regards Mr. Chadwick's relation to the trials, see, in *First Report of Metropolitan Sanitary Commissioners*, p. 370, the evidence given by Mr. John Roe.

† Major Graham died May 20, 1888.

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was a wide reader, for use and pleasure, in the books of many languages; was a practised writer, having for several years been active in journalistic and other authorship; and wrote with admirable directness and simplicity. Eminently he was the man to bring into statistical relief, and to make intelligible and instructive to the common mind, whatever broad lessons were latent in the life-and-death ledgers of that great counting-house: eminently, too, not a man to forget the practical human interest of such mathematics. In 1841, the Registrar-General, publishing his first Annual Report, had appended to it a Letter, addressed to him by Mr. Farr, on the death-statistics of the first half-year of civil registration, and on various general questions in the statistical study of life and death: and that Letter, with others by Mr. Farr which were appended to the next-following annual reports, began for this country what in effect was a new branch of medical literature. Before the close of the period to which this present chapter relates, seven or eight of those annual reports (besides intermediate quarterly returns which gave provisional information) had been published; and since 1840 there had also been published special Weekly Returns relating to the Metropolis. Of the later times of these famous serials, it is quite unnecessary for this narrative to say much; and in the present place, only the earlier volumes are referred to. Even thus far, however, the General Register Office was rendering immense service to sanitary science, by enabling it to use exact numerical standards in place of the former vague adjectives; and Mr. Farr, in his early letters, had already indicated important *primâ facie* generalisations as to places and ages and causes of death in England and Wales.*

Voluntary Associations

In conclusion it deserves notice, that, during the later of the years to which this chapter has related, and while the interests of the public health were frequently under discussion in Parliament, the growth of unofficial knowledge and sympathy in relation to the movement was shown by the rise of various voluntary associations, intended to promote sanitary reform. There was a so-named *Health of Towns Association*, which particularly aimed at

* Mr. Farr continued in office till 1879. He had meanwhile received many well-merited public distinctions, British and foreign, and on his retirement he was decorated C.B. He died April 14, 1883.

diffusing and popularising the sort of knowledge which had been brought before Parliament. And there were those signally educational Associations which taught by example: the so-named *Association for promoting Cleanliness among the Poor*, which (as before noted) founded in the East-end of London a Model Establishment of Baths and Wash-houses, and afterwards procured the passing of the Baths and Wash-houses Act; and two Associations which under slightly different names established Model Lodgings at low rent, viz.,—founded in 1841, the *Metropolitan Association for improving the Dwellings of the Industrious Classes;* and, founded in 1844, the *Society for the Improvement of the condition of the Labouring Classes*. As it will not be possible in later stages of this narrative to say much of the outcome of those three model-furnishing institutions, this opportunity may be taken to observe that all of them were of beneficent effect. The association which gave example of public baths and wash-houses, and procured legislation to render them locally practicable, continued to work its model-establishment till a few years ago, when it had borne fruit in most parts of the United Kingdom. The two associations which took in hand the provision of model house-accommodation for the poorer classes have continued their admirable action to the present time, and have given rise to many private and corporate enterprises of a like nature. In the *Charities Register and Digest* of 1884, under the heading "Commercial Companies and other Agencies which are employed in the Metropolis in improving the dwellings of the weekly wage-earning classes," about thirty such agencies (large and small) are named: some on a very large scale, as the "Artizans, Labourers, and General Dwellings Company," with 6,000 houses, and the "Peabody Donation Fund" with more than 4,000 tenements: and London represents only a portion of the good which has been done in the kingdom at large.

CHAPTER XI.

THE GENERAL BOARD OF HEALTH 1848–58.

The General Board of Health, instituted by the legislation of 1848, lasted for nearly six years with no other change than these: first, that the *ex-officio* seat at the Board was occupied in succession by the four successive First Commissioners of Works of those years; and secondly, that, within two years of the start, permanent place at the Board was provided for a medical member. Sanction for that continuing medical appointment was given in the Metropolitan Interments Act 1850; and though there was a certain formal fitness in this, in as much as the General Board of Health was appointed to administer the Interments Act, the combination seems to have struck the world as strange, and the parliamentary draftsman was given to understand he had made a joke not unworthy of Molière.*

Persons composing the Board.

The *ex-officio* seat at the Board was occupied first by Lord Morpeth, who had carried the Public Health Bill through the House of Commons; then by Lord Seymour, afterwards twelfth Duke of Somerset; next by Lord John Manners; and finally by Sir William Molesworth. The unpaid place was held by Lord Ashley, who in June 1851 became Earl (seventh) of Shaftesbury; the other non-medical member was Mr. Chadwick; the medical member, when appointed, was Dr. Southwood Smith. Of the *ex-officio* members all which needs here be said is that Lord Morpeth took active interest in the objects of the Board, and was apparently in full accord with his colleagues; whereas Lord Seymour soon came to differ very strongly from the policy of his

* Dr. Rumsey, referring to the subject some years later in the preface of his *Essays on State Medicine*, speaks of it in the following terms:—"Who would have thought that in the last decade of advancing civilisation, and in a nation boasting of its intellectual and material resources, of its administrative energy and efficiency, the whimsical experiment should have been actually tried of appointing three non-medical authorities—two Lords and a Barrister, to preserve the health of the living; and then after a year or so of doubtful success, calling in a Physician to bury the dead."

colleagues, and eventually led an attack on it in the House of Commons.

Responsibilities imposed on the Board.

The responsibilities imposed by statute on the new Board were chiefly two: first, under the Public Health Act, to be the sanctioning authority for various purposes which local ratepayers or boards might desire to effect under provisions of the Act; and secondly, under the Nuisances-Removal and Disease-Prevention Act, to be the regulating authority in respect of special requirements which would have to be met at times when formidable epidemic disease might be present or impending. Further, a special section of the Nuisances-Removal and Diseases-Prevention Act directed the Board to make inquiry into the state of Burial-grounds, and to frame if necessary a scheme to be submitted to Parliament for improving the burial arrangements of towns. And, beside those particular duties expressly imposed by statute, there seems to have been implied in the Board's title, and in the circumstances of its origin, an indefinite sort of duty to investigate and advise with regard to future questions of sanitary legislation and procedure. For full information as to the Board's discharge of the above responsibilities, reference has to be made to the parliamentary debates of the time, and to a considerable series of parliamentary and other publications: including, of course, in the first place, the Board's own published Reports: and of the latter, one in particular may be cited, which describes compendiously the business transacted by the Board from the time of its institution down to the end of 1853, and sets forth in appendices the distinctive doctrines of the Board on many chief matters of sanitary administration.*

Proceedings of the Board, as reported in 1854: of ordinary administration;

With regard to the execution of the Public Health Act, the just-mentioned report states that, down to the end of 1853, the Board had been memorialised from 284 places for application of the Act, and had applied the Act in 182 places having in all more than two millions of inhabitants; that in 126 of the places, surveys with a view to required improvement-works had been undertaken; that in 70 of them, plans, founded on the

* *Report of the General Board of Health on the administration of the Public Health Act, and the Nuisances-Removal and Diseases-Prevention Act, from* 1848 *to* 1854: presented to both Houses of Parliament by command of Her Majesty: 1854.

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surveys, had been prepared; that in 31, the plans for combined works of water-supply and drainage had been approved by the Board; and that mortgages to the amount of £407,000 had been sanctioned: further, that during the same time, the Board had framed bye-laws to regulate the conduct of business by local boards, and the duties of the local officers, and to regulate the cleansing of streets and towns, and to regulate slaughter-houses and lodging-houses; as also a series of instructional minutes, meant to assist the local boards and other bodies in the exercise of their sanitary powers. Of the Board's Instructional Minutes, some had been meant to explain and supplement the proposed bye-laws, others to interpret the statutes which were in question, and others to inculcate special doctrines as to house-drainage and the drainage of towns, lands and roads, and as to the agricultural application of town refuse. All the above proceedings, technically considered, were endeavours to bring into acceptance and operation those general principles of urban sanitary reform, especially those precepts as to district-cleanliness, and as to the structural works needful for it, which had been advocated in Mr. Chadwick's Report of 1842, and in the Royal Commission Reports of 1844–8. Mr. Chadwick's doctrine, that all sorts of town-refuse are best removed by the scour of running water in properly-made sewers, was pressed with uncompromising zeal; and the Board, while pressing that general doctrine, laboured also to spread knowledge of improvements which had been devised in respect of the construction of sewers and drains, and it insisted especially on the value of glazed earthenware pipes for those uses. Here, too, it may be noted, that, in furtherance of an important sanitary object which had been proposed in the Reports of 1842–5, but had not been covered by the legislation of 1848, the Board (through Lord Shaftesbury) procured the passing of those two very useful Acts of Parliament, 1851 and 1853, which first provided for the registration and superintendence of Common Lodging Houses.

Of administration regarding Cholera.

Beside the proceedings under the Public Health Act, proceedings of an exceptional kind had had to be taken by the Board in 1848–9 and 1853–4 under the special provisions of the Nuisances-Removal and Diseases-Prevention Act. In 1848, namely, at the moment when the Board entered on office, the

British Islands were anxiously anticipating a second invasion by Asiatic Cholera. The terrible tide of that disease, which, for more than two years past, had been advancing by various routes from India, had, during the last few months, been in progress from eastern to western Europe; and, before the Board had completed its first month of existence, there were signs of choleraic infection in this country. Such being the case, an Order of Council, dated Sept. 28th, brought into effect for Great Britain the extraordinary provisions of the Nuisances-Removal and Diseases-Prevention Act; and later orders continued those provisions in force, till the new cholera-period, which lasted more than fifteen months, and involved in England alone the death of more than 54,000 persons by cholera, had come to an end. Thus, for nearly a year and a half from the passing of the sanitary Acts of 1848, the General Board of Health, as central authority for the diseases-prevention purposes, was under the strain of having to deal continuously with circumstances causing acute and wide-spread public anxiety; and subsequently, within four years of the crisis of that visitation, the necessity for having in force the special disease-prevention parts of the law was renewed by the cholera-visitation of 1853–4. The proceedings of the Board in relation to those two great cholera-emergencies consisted, partly, in the issue of directions and regulations for the abatement and removal of nuisances in all places, and for special medical action in places where the disease existed; partly, in circulating minutes of information and advice on measures to be adopted against the disease, by way of precaution or otherwise; partly, in sending to infected districts medical inspectors who were to assist the local authorities in organising arrangements of relief for the suffering and endangered parts of the population. Particulars as to all which the Board did in those and other respects, during the cholera-period 1848–9, are to be found in the successive numbers of an occasional Official Circular which was issued by the Board during that period, and in the final Report which the Board submitted in 1850, with appended reports by the Board's two chief medical inspectors—Dr. John Sutherland and Mr. Richard D. Grainger, on the epidemic which had then terminated.*

* *Report of the General Board of Health on the Epidemic Cholera of* 1848–9: presented to both Houses of Parliament by command of Her Majesty.

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The proceedings in regard of the cholera of 1853–4 were only in part taken under authority of the original Board, and are described in a separate series of parliamentary publications (1855–6) hereafter to be mentioned.* Of the proceedings of both periods, it may briefly be said that they were in general accord with the proceedings of 1832. In addressing medical advice and directions to places where cholera existed, the Board insisted above everything on what Dr. McCann had in 1832 called the "premonitory" stage of Cholera; and the main purpose of the medical inspectors whom the Board employed was to explain the importance of bringing under treatment all cases of the disease while still in that early state of development, and to assist local authorities in organising such systematic "house-to-house visitations" as would discover the incipient cases.

Reports on Quarantine.

In necessary connection with other questions as to the preventability of Cholera, and afterwards in relation to the preventability of Yellow Fever, the Board entered upon an extensive criticism of the principles and practice of Quarantine. In two Reports, respectively of 1849 and 1852, the Board sought to disparage the contagionistic medical opinions which were represented in systems of quarantine, and to substitute for them a doctrine that epidemic diseases have their "primary and essential condition" in an "epidemic atmosphere" which [irrespectively of traffic] "may exist over thousands of square miles, and yet affect only particular [unwholesomely kept] localities." Contending, on the strength of that hypothesis, that quarantine could not give any but a false security for the purpose it pretended to accomplish, and adducing illustrations of the futility and oppressiveness of quarantine as commonly administered, the Board proposed, as practical conclusion, that this country should entirely set aside its existing quarantine establishments, and should rely exclusively on the protection it could derive from a system of local sanitary improvements.†

Reports on Burial.

An important section of the Board's work arose out of a direction given in the Act 12th and 13th Vic. c. 3, that the Board should inquire and advise in respect of the Burial-arrangements

* See below, page 238.

† *Report of the General Board of Health on Quarantine*, 1849; ditto on *Quarantine against Yellow Fever*, 1852.

of towns. In pursuance of this direction, the Board in 1850 laid before Parliament a *Report on a General Scheme for Extra-mural Sepulture,* with detailed recommendations as to the Metropolis, and in 1851, in a further report, proposed enactments for dealing with the dead of country towns.* In these Reports the Board, after describing the evils which had been found in the existing system, recommended that, except in certain reserved cases, no further interment in the Metropolis, or within other urban precincts, should be permitted; and that, instead of the urban burial-grounds, now to be disused, extra-mural cemeteries sufficient for local requirements should universally be provided. For the management of the future burial-system of the kingdom, the Board proposed that the universal Burial Authority (directly or indirectly) should be the central Government: that, for the Metropolis, all burial business should be done by a branch of the central Government—presumably the Board itself; and that, for Country Towns, it should be done by local bodies acting under regulation by the Board. Under the proposed system, the Authority was to have power to contract for the performance of funerals, to provide mortuary reception-houses, and (as with special reference to mortuary purposes) to appoint medical officers of health. It was proposed that all undertakers' and other charges for funeral purposes—for grave, for coffin, for conveyance of body and mourners, for ritual, for service of all sorts, and, where requisite, for temporary reception of dead bodies, should be regulated by the Authority according to a series of scales or classes, and that the whole of such charges, according to the class, should be received by the Authority in one sum. For the Metropolis it was particularly recommended that, under the new system, the chief cemetery should be in some river-side situation (and Erith seems to have been intended) with a view to the largest possible use of steam-boat conveyance.

Report on Metropolitan Water-supply.

A further undertaking of the Board was to investigate the Water-service of the Metropolis, and to propose a comprehensive

* *Reports of the General Board of Health*, entitled as above, 1850 and 1851. Appended to the Report of 1850 (together with some Minutes of Evidence) are two reports by Dr. Sutherland: one, on burials in the Metropolis; and the other on the practice of interments in Germany and France.

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scheme for amending it. In 1850, reporting *in extenso* on that matter, the Board condemned in severe terms the system which it had investigated. It alleged that the existing supplies were of inferior quality: that they all were so hard as to be ineligible for domestic use, that they generally contained an excess of organic matter, that certain of them were polluted by the sewerage of the Metropolis, and that the water of four principal companies was delivered without previous filtration. With regard to the method (intermittent) on which the supplies were distributed, the Board alleged against it, as sanitary and economical objections, that it tended to waste with mischievous effect more than half the water it supplied; that it failed to give adequate provision, either for extinguishing fires, or for the surface-cleansing of houses and public ways; that it obliged consumers to provide for themselves means more or less costly of storing water; and that the water which had to be privately stored was exposed to sanitary and other deterioration. With regard to the administration of the water-service, the Board denounced the dependence of the Metropolis on a number of trading companies: not merely blaming the costliness and inharmoniousness of the so many managements; but further, and above all, objecting to the principle of a separate commercial control, and insisting that the metropolitan water-supply ought not to be regarded as administratively separable from the drainage of the Metropolis. For reform of the censured system, the Board recommended new sources of supply, new method of distribution, and new principles of administration. It proposed that the existing sources of supply should be abandoned, and a supply of soft water be furnished in their stead: affirming that such water could be obtained in sufficient quantity from the Surrey sands, where a tract of upwards of 150 square miles might be taken as gathering-ground for the supply; and representing that, with the use of this water, the saving in soap in the washing expenditure of the Metropolis would be probably equivalent to the whole of the money at that time expended in water-supply, that about one-third of the tea consumed in the Metropolis would also be saved, that other culinary operations would be much facilitated, and that incrustations and deposits in boilers and boiler-pipes would be prevented. It proposed

that the new water should be furnished to the Metropolis on the method of constant supply under high pressure: to be delivered on that method pure and filtered into each house, while at the same time (on the plan of combined works) the waste water should be removed by a proper system of drainage: and with regard to the cost of those new arrangements, the Board reported that, according to the best estimates obtained, the average rate of cost for the two services would be from 30 to 50 per cent. less than the existing charges for defective water-supply alone. In regard of administration, the Board proposed to supersede the existing water-companies, purchasing their respective plants, and to consolidate under one management the Water-supply and the Drainage of the Metropolis. For the constitution of the managing authority, the Board deprecated the notion of "attempting to fix responsibility on a multitude of fluctuating parochial bodies," and thought the duty had better be assigned to some branch of the central Government: a few competent and responsible officers who would be under control of Parliament, and would give their whole time and attention to the subject. The Board apparently intended that the responsibility should be not only for the larger works of metropolitan sewerage and water-supply, but should extend to the construction and maintenance of all apparatus of drainage and water-service in individual houses:* and the Report seems to imply that the Board, while intending that unique centralisation of communal and domestic jurisdictions, contemplated accepting for itself the responsibilities of the central management.

Survey of the Board's general policy and special proposals and doctrines:

In the Board's various above-described publications there was an abundant raising of questions which concerned bodies of technical experts, especially the experts of civil-engineering and of medicine; and in which, as will hereafter appear, the Board met much professional dissent; but apart from those technical topics, there were administrative proposals and tendencies which greatly concerned the lay public.

Bias for centralisation;

One foremost fact in the Board's administrative policy was the tendency to centralise authority for local purposes; and that

* See in the Board's Report on the supply of Water to the Metropolis, pp. 319–320, conclusions 38–41, and various other passages.

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tendency may doubtless in part have had a personal origin. Mr. Chadwick had probably derived from Bentham a strong theoretical disposition to rely less directly on natural forces in society, and more directly on organised controls, central and sub-central, than would accord with the present political opinions of this country: his own administrative experience had lain in working the Poor Law Amendment Act of 1834, which, for reasons in great part special to the case, was a law of extreme centralisation: his abundant familiarity with cases of gross mismanagement and jobbery by local authorities may have disinclined him to believe in the possibility of awakening an opposite spirit in local government; and not least, both to him and his colleagues, the methods of central dictation may have seemed a short and ready road to the reforms which they all desired to accomplish. It would however be erroneous to suppose that, at the time when this policy first came under discussion, the public was as prepared as it now is to measure the advantages and disadvantages of papal forms of civil government, or was as jealous as it now is for the prior rights of local judgment in matters which are primarily of local concern. At the present time there prevails a pretty general consent of opinion, that matters of individual interest are in general better cared for by individuals (separate or in combination or through elected representatives) than they can be cared for by officers of a central government,—that the essential condition for effective local-government is the force of local intelligence and will,—and that to despair of local energy for local purposes would be to despair of the purposes themselves. But, from forty to five-and-thirty years ago, definite convictions of that sort were not general. In those earlier experimental days, neither legislators nor administrators had yet sounded the depths of the difficult problem of finding in local-government politics the happy mean between the *too much* and the *too little* of central interference; and when, in those days, gross illustrations of local misrule came under public criticism, utterances in favour of "enlightened despotisms," and dreamy suggestions "how much better they manage such things in France," used very often to be mingled with the complaint. If at the present time proposals were put forth, such as those which the Board of Health made in its reports of 1850 on metropolitan water-

supply and metropolitan burials, that the duty of burying the dead of the metropolis, and the duty of providing drainage and water-supply for the metropolis, should, in all their respective details, be done or directed by officers of Her Majesty's Civil Service, the proposals would seem to have come from the moon; but so little was that the view of the public when the proposals were originally made, that, in 1850, Parliament readily passed a Bill to give to the Board of Health in relation to metropolitan burials all the executive powers which had been proposed: and the failure of that Act (which had to be repealed in 1852) was a first grave lesson given to our legislators that local government could not be done by royal commission.

Projects for intervention in Commerce;

Secondly, a very notable characteristic in the Board's publications was the spirit in which they discussed the financial aspects of sanitary reform; not merely insisting on the immense financial waste which deaths and incapacitations from removable causes occasioned, but also advocating that the sanitary system of the future should be on a new economical basis. Thus, in the detailed economics of preventive measures, as in regard of the water-service and funeral-services of the metropolis, and in regard of private sanitary improvement-works, the Board favoured a particular principle of administrative interference with freedom of commerce: viz., that, with a view to the improvement or cheapening of certain trade-services to the public, it should be made a function of government (central or local as the case might be) to intervene between buyers and sellers, by converting each local trade-service into a conditional monopoly, which would be conceded by auction or tender to one person, or one body of persons, for each suitable district: so that, in each case, there should be competition *for* the field of service, instead of competition *within* the field of service, and that the service instead of being *unregulated* should be *under conditions*. This principle had from long before been warmly advocated by Mr. Chadwick, who also some years later (1859) elaborately argued it before the Statistical Society in a paper *On the Economical Results of different principles of Legislation and Administration in Europe with regard to commercial competitions*. It is not a principle which in modern times has had much practical application in England; but in an unsystematic way we seem to

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have admitted principles not radically different from it in some very few of our social arrangements; as, for instance, with regard to certain conditions of railway-traffic, and with regard to hackney-carriages within urban areas, and with regard to the employment of public vaccinators. How far it may be on the whole desirable for this country, that, at particular points in its domestic commerce, the State should interfere as controller of conditions, between the classes which (in the particular case) produce and sell and the classes which (in the particular case) consume and buy, is a question on which perhaps the best judges may not even yet have said their last word; and no attempt will here be made to discuss the right or wrong of the bias shown by the Board for the application of the principle in certain branches of sanitary expenditure. Only it has to be observed, that the ground was of necessity controversial, and that the controversy, as against the proposed policy of the Board, was likely to be widely-diffused and acrimonious; for, just in proportion as the suggested control in any branch of commerce would be of advantage to the buying-interests in the community, evidently the selling-interests would not be unresisting assenters to it; and the question of the suggested control, as between buyers and sellers in the sanitary market, could not but be regarded as of concern to the sellers and middle-men of other markets.

Teachings as to district cleanliness;

Critics who endeavour to estimate the permanent value of the various services which the Board rendered during the years 1848–54, will probably be of opinion that the most important of all was the propagandism which it exercised in a general sense against district-uncleanliness. The effect which had been produced by Mr. Chadwick's memorable report of 1842, and by the subsequent Royal Commission reports, would almost certainly after a few years have been in great part lost, had it not been re-inforced by the subsequent influence of the Board: whereas, thanks mainly to the Board's persistence, the original impression was sufficiently continued and sufficiently diffused, to determine real progressive growth in a hitherto neglected branch of national culture, and to cause that, from those days to these, the nation has continued to have some sort of conscience against Filth. It was much objected to the Board, that their advocacy

of water-removal for all sorts of refuse, and for all sorts of places, particularly their recommendation of water-closets to the exclusion of all other systems of dealing with excrement, was far too unconditional and dogmatic; that not nearly enough consideration had been given, either to the difficulties of finding suitable outfall for large volumes of sewage, or to the difficulties of ensuring safe connections of house-drains with sewers, and safe construction for domestic sinks and water-closets; that the new system would be greatly more costly, and would at least for a time include far larger possibilities of hygienic failure, than the Board had led the public to suppose. It must be admitted that those charges were, at least to a great extent, well founded; and they were at the time much emphasised by serious outbreaks of disease which had occurred in certain places sewered and water-supplied under the Public Health Act. But the inculpations were only part of the case; and there remained beyond question a large balance of advantage to the interests of the public health. Against urban uncleanliness in general, and especially against the familiar retentions of filth in cess-pools and sewers of deposit, a new influence had come into powerful operation: the system of refuse-removal by water might, in time and with care, come to be adequately guarded against mis-applications and failures: already, when applied with discretion and skill, it was shewing itself an immense improvement on the system which preceded it: and the adaptation of glazed earthenware pipes to serve as domestic and urban drains was the most valuable sanitary contrivance which had been introduced since Roman times.

Medical teachings;

In senses more distinctively pathological or medical, the Board does not appear to have had any notable success. In relation to the scientific study of contagious diseases, it indeed happened to live its life just on the confines between times of stand-still and times of discovery; and the doctrines which it promulgated on the subject of epidemic infection have long since been made obsolete by the advances of exact knowledge. Even, however, at the time when those doctrines were put forth, they were open to the serious reproach of scientific one-sidedness: for the Board, in its perfectly proper zeal against filth, immensely underrated, not to say ignored, the independent importance of the

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morbid contagia; so that readers of the Board's publications were never sufficiently put on their guard against those dangers to the public health which are involved in the contagiousness of certain diseases. The epidemiological theories which figured largely in the Board's argument for abolishing quarantine found but little acceptance among the medical profession of the time; and the statements which the Board made as to the practical working of quarantine, though of course admitted to deserve serious consideration so far as they went, were regarded as not doing equal justice to both sides of a difficult practical question. In respect of cholera, the Board acted according to the best information of the time, when it made Dr. McCann's doctrine the basis of its administrative policy; and even apart from that doctrine, the Board would have been entirely right in urging as it did, that systematic house-to-house visitation should be made in infected districts: for presumably no medical treatment will ever cure Asiatic Cholera, unless it be a treatment begun in the early stages of the disease. But, whether, in the epidemics of 1848–54, the house-to-house visitations which the Board caused to be made, with the accompanying extensive administration of common constipative drugs, were of any avail in saving the lives of infected persons, much more were of such vast avail as the Board then imputed to them, does not seem to be unquestionable.

Burial proposals;

In regard of the burial-practices of the country, the distinctive proposals of the Board cannot be said to have been successful: for, as before stated, the acceptance which they obtained from Parliament in 1850 (13th and 14th Vic. c. 52) had to be withdrawn two years afterwards; when a new Act (15th and 16th Vic. c. 85) repealing the former one, and annulling the special jurisdiction of the Board of Health, provided afresh for the closure of the metropolitan burial-grounds, and gave power to the metropolitan local authorities to establish extra-mural burial-places for their dead. In the interval between the two Acts, it had appeared that the very extensive powers, given to the Board by the Act of 1850, could not be effectively worked, unless the Board were also invested with monopoly-rights in relation to the London burials: and, as Government was not prepared to ask parliament for this consummating act of centralisation, it adopted

the alternative which the Act of 1852 expresses.* To the interests of the public health, however, there remained this substantial gain, which may in part be counted to the credit of the Board: that, by the Act of 1852, which in the following year was extended to England at large, and has since then been extended to Scotland and Ireland, an end was given to the abominable practice of burying the dead amid the habitations of the living.

Proposals as to London Water-supply.

In regard of the water-supply and drainage of the Metropolis, the Government of the day, through Home Secretary Sir George Grey, distinctly declined to accept the vast proposals which the Board had made. In a Bill which Sir G. Grey introduced in 1851 (April 29) and asked to refer to a select committee to be appointed by the Committee of Selection, he only went so far as to propose that the existing water-companies should be consolidated into a single self-governing body, bound to give constant supply of water, and bound to obey such directions as the Secretary of State might impose as to deriving water from new sources.† The second reading of the Bill having been carried after considerable opposition, the Bill was referred as proposed; and the Committee which had Sir James Graham for its chairman, reported at the end of the Session the Minutes of Evidence which it had taken. The proposals which the Board of Health had submitted were evidently out of the question; but a Bill, differing utterly from them in scope and spirit, and purporting to represent a sort of compromise between the public and the water-companies, was carried in the earlier session of 1852: initiated in February under one ministry, and carried in June under another. Compromise if it was, the Act seemed to do but little for the public; and in view of that result (the extreme unsatisfactoriness of which has continued to the present date) it may be regretted that the Board had raised before Parliament

* See, in Hansard, the speech of Sir George Grey when asking leave to introduce the Bill of 1852.

† In relation to the question of new sources, Sir George Grey mentioned that he was at the time awaiting a report from Messrs. Graham, Miller and Hoffmann, to whom he had referred on the subject; and he said that, in his view, government ought to be enabled to enforce on the water-supplying bodies or body the obligation of obtaining whatever water might ultimately be judged most suitable.

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the question of reorganising the metropolitan water-supplies at a time when no local authority existed, or was intended, to which that important sanitary trust could be assigned.

Organised angry opposition to the Board.

The introduction of any important social reform involves almost of necessity the cost of more or less contention with individuals or classes, whose interests, pecuniary or sentimental, are identified with the impugned order of things; and in the present case, even irrespectively of special controversies which were raised on matters which have been mentioned, the movement concerned so very large a range of material interests, and was so sure to collide invidiously with sentiments of local self-satisfaction, that the reformers could not have expected to go far without encountering clamor and resistance. Such clamor and resistance began to gather against the Board of Health almost in its earliest days; and the opposition soon acquired sufficient strength to convert itself into an organisation of attack, by which at last the Board was put on its defence. Apart from discussions which were raised as to the value of some of the Board's most distinctive doctrines in matters of medicine and of engineering, and as to outbreaks of disease which there had been in places recently reformed under the auspices of the Board, vehement accusation was made that the general policy of the Board, in relation to the proper freedom of local government, and of professional and commercial enterprise, was of an intolerably aggressive kind. The accusers urged that the Board was seeking to exercise a far more dictatorial influence over local authorities, and to procure for authorities, central and local, a far larger influence in the sphere of individual interests, than Parliament could consider desirable. They urged that the Board was far too impetuous and peremptory in matters of local and personal concern; heedless whether such reforms as were in question might be impeded by the difficulties and complications of particular cases, or by the social habits of the country. Especially, as to technical questions, they declared that the Board had insufficient technical knowledge; that it had not considered such questions in a sufficient variety of points of view, nor with sufficient open-mindedness towards all witnesses; that the doctrines which it put forth had not been nearly enough checked

from the point of view of experts who disputed them; that evidence not favourable to the doctrines had been far too easily assumed to be the dishonest presentment of some "sinister interest," while statements of the other sort had been treated as of exclusive importance: briefly, that the Board failed to distinguish between opinions and knowledge, and was imperatively pressing large rules of practice, and seeking from parliament new powers of coercion, in cases where lessons of experience were still wanting. The attack on technical grounds came particularly from the side of the civil engineers, and in connection with that part of the case much reference was made to the invidious position which the engineering inspectors of the Board had been enabled to hold in relation to the general body of their profession. Most of the force of the attack was aimed personally at Mr. Chadwick: charging against him, with much vituperation and many expletives, that all the mischief was his; that he was a doctrinist and centraliser; that his statistics and estimates were moon-shine; that he was an advocate who could see but one side of a case; and that his only controversial strength was in imputing base motives to those who differed from him.

Defeat of Government in 1854 on Bill to continue the Board.

Among the "interests" which had declared themselves against the policy of the Board, as injurious or dangerous to them, were some which in any such quarrel could not fail to have most powerful support in the House of Commons; and before long the hostile combination found, in the circumstances of the Board, the best of opportunities for turning such support to account. For (as before noted) the Act of 1848 had become law under express provision that it should continue in operation only "for five years and to the end of the then next session of Parliament"; and, as it therefore had either to be renewed or to expire in the summer of 1854, the animosity which was raging against the Board, and particularly against Mr. Chadwick as its chief working member, had that critical opportunity for making itself felt. The opponents of the Board insisted that the Act should not be renewed except with a radical reconstitution of the central authority, and (in effect) with Mr. Chadwick's removal from office. The bringing forward of the annual estimates for the Board gave various occasions (July 6th, 10th, 14th) for skirmishes preliminary to decisive battle; and on July 31st, at a

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morning sitting, the final debate was taken. The proposal by Government to renew the Act, subject only to a control to be exercised over the Board by the Secretary of State, was brought forward by Lord Palmerston; who, in doing so, sought to mitigate certain prejudices which he believed to be against his proposal. The Board, he said, had had "to manage arrangements which conflicted with the fair and legitimate interests of many very intelligent and very active men"; they had interfered with the lucrative business of obtaining local Acts, with the profits of water-companies, actual and projected, and with the previous opinions and the employment of local engineers; and "all things considered" it was "not to be wondered at that great prejudice should be created against them, in many respects, without good and proper justification." Opposition to the government-proposal was moved by Lord Seymour in a strong and very bitter speech: others followed in the same tone, siding with the offended "interests"; and the Prime Minister (Lord J. Russell) closed the debate. In doing so, he referred particularly to the personal attacks which had been made on Mr. Chadwick; and here, though he dwelt with earnestness on his sense of Mr. Chadwick's eminent merits and services, he seemed not able to withhold from the House, that, in his opinion, Mr. Chadwick had been an injudicious administrator:—"Like many other men, ardent reformers, he very often, in his zeal for amendment, as he conceived it, overlooked or disregarded the objection and repugnance with which his views and propositions were received by others. . . . . With respect to this Health of Towns Act, no doubt in many instances Mr. Chadwick's acts [like his proposals formerly at the Poor Law Board] had given offence; for obviously many towns would rather be let alone. . . . . There were likewise many persons who were pecuniarily interested that the plans of the Board should not be adopted, and it was very probable that Mr. Chadwick had not observed towards these classes of persons the most conciliatory tone possible." The ministerial speakers stated in the course of the debate that the members of the Board had placed their resignations in the hands of the Government, and they also let it plainly appear that Government was ready to acquiesce in Mr. Chadwick's retirement; but the feud was too hot for any terms of surrender, and,

on the division which soon ensued, the Bill proposing to continue the Board was defeated by a majority of 74 to 65.

The Board re-constituted on changed plan.

On the following day Sir William Molesworth, then First Commissioner of the Board of Works, introduced a new Bill which soon became law, giving effect to the views of the majority. The Public Health Act 1848, amended in certain particulars, was to be continued on the footing of annual renewability. The old General Board of Health was terminated: the new Board (henceforth to be a Board only in name) was to consist of certain chief Ministers of State, with a paid President, eligible to sit in the House of Commons, and who, according to a well-understood official practice, would himself alone be the acting Board. The Act did not provide for the appointment of any medical functionary; but the engineer inspectors of the new Board were henceforth to be salaried officers, forbidden to engage in private practice.

Mr. Chadwick's relation to the crisis, and, previously, to the public service.

At the present date, when thirty-five years have passed since the event referred to, it does not seem worth while to discuss more minutely the particulars of the quarrel in which the original Board of Health was brought so abruptly to an end; * but of Mr. Chadwick, on this termination of his official career, something further may be said. In the common judgment of that time, it was he who had upset the coach. As the credit of having originated the Board of Health had been due to him, so to him was ascribed, with every depreciative term, the policy which had brought it to an end; and Mr. Chadwick bore in those days the distinction which has been many a great reformer's crown of laurel, that he was among the best-abused men of his time. With his rare abilities as an initiative investigator in matters of social pathology, and with his absolute rectitude of intention towards the public

* Hansard's report of the debates which took place in the House of Commons on the occasions which I have mentioned, and on some subsequent occasions when the policy of the Public Health Act came into question, as particularly on January 23, 1855, is the best authority to which I can refer for the sort of feeling which had become current against the Board; and the view which the Board took of its own proceedings and policy may be best read in the summary Report which I have already mentioned, as having been made by the Board early in 1854, on its 5½ years' administration of the Public Health Act and the Nuisances-Removal and Diseases-Prevention Acts.

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in every line of conduct which he followed, he was an administrator whom the Government of the day could not uphold against hostile interests, even in the political field which he had himself opened; and Lord John Russell's regretful admissions in regard of him must be accepted as suggesting the explanation of that fact. In the earlier stages of Mr. Chadwick's career, when the essence of his work was to force public attention to the broad facts and consequences of a great public neglect, it mattered comparatively little whether, among his eminent qualifications, he possessed the quality of judicial patience; but in his subsequent position of authority, demands for the exercise of that virtue were great and constant; and Mr. Chadwick seems not to have been gifted with the quality in degree sufficient for administrative success. The faults which were imputed to him in his official relations—a tendency to build overmuch on foundations of small experience, a liability to one-sidedness on questions of science and administration, a failure to listen duly to dissentient voices, a deceptive trust in central dictation as the short and ready road to success, and a too despotic tone in affairs of local and personal interest,—all these, so far as they were Mr. Chadwick's faults, may be generalised as faults of over-eagerness: faults, no doubt, which his opponents could not have found conciliatory, and which also in other respects would have tended to defeat his main object; but which, so far as they were his, fall into moral unimportance as compared with his sincere and disinterested zeal for the public service, and may be counted as of one root with that zeal. He perhaps did not sufficiently recognise that the case was one in which deliberate national consents had to be obtained, and in which therefore no real, no permanent, success could be won, except in proportion as the people and their representative bodies should have made way in a necessarily gradual process of education. He could not advisedly have thought it possible to snatch his verdict, and to revolutionise national habits by surprise; but he probably hoped to achieve in a few years the results which not ten times his few years could see achieved; and where others on all sides were hanging back, his ardour seemed ready to undertake the work of all. This apparently was the substance of whatever administrative unwisdom Mr. Chadwick showed, the explanation of

whatever was crude in his expositions, or overbearing in his policy; and Mr. Chadwick, in regard of that too impatient pressing onward, has at least an apologetic appeal against the angry condemnation he underwent. Granted that he erred by impatience: but patience under sufferings of one's own, and patience towards the sufferings of others, are not equal measures of magnanimity. Mr. Chadwick, beyond any man of his time, knew what large fresh additions of human misery were accruing day by day under the then almost universal prevalence of sanitary neglect; and the indignation which he was entitled to feel at the spectacle of so much needless human suffering is a not ignoble excuse for such signs of over-eagerness as he may have shown.

Another word, too, is emphatically due. Whatever may have been Mr. Chadwick's administrative unsuccess, and however severely the unsuccess may be ascribed to errors of judgment on his part, nothing therein lessens by a tittle the value of what he had previously achieved. To those previous services of Mr. Chadwick's—to the ten years' arduous labour which he had given to the cause before the General Board of Health was called into being, we of this nation unquestionably owe that our statesmen of those times were first awakened to the duty of caring for the Public Health, and that the first of our modern legislative endeavours were made to bring Health under the protection of Law. The writer of these pages, as one who has personal recollection of the times, is glad to record how vividly he remembers Mr. Chadwick's unique relation to the beginnings of British Sanitary Reform; how permanently important in his opinion has been the momentum which the cause of State-Medicine received in those years from the vigour and substantial conclusiveness of Mr. Chadwick's advocacy; and with what unfailing respect he always thinks of Mr. Chadwick as first leader in so great a cause.

Lord Shaftesbury.

With the ending of the old Board of Health, there passed out of office, together with Mr. Chadwick and Dr. Smith, also their true fellow-worker, Lord Shaftesbury; * and in relation to him, on his thus ceasing to take part in the administration of the public health laws, the writer would also wish to say a few words. That Lord Shaftesbury, during the six years'

* Died Oct. 1, 1885.

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existence of the General Board of Health, held place in it as its unpaid member, and devoted himself to the work of the Board with real assiduity and effect, counts as but one of many labours undertaken by him for the health-interests of the people, and as but a very small part of the genuinely philanthropic career in which he earned gratitude and honour from his contemporaries. Gifts of fortune and social circumstances allowed Lord Shaftesbury to cast his lot as he would; and had he elected, either for the easy pleasures of prosperous society, or for the flashy ambitions of mere party-politics, no doubt he might in either career have distanced most men of his time: but his conscience led him to nobler aims, and he took, as his calling in life, that he would work for the weak among his fellow-men. From early manhood to the very advanced age at which he died, he, following that course, was an unfailing representative of the truest spirit of humanity: doing his best in all directions—among the poor, the untaught, the degraded, the demented, the oppressed, to give help and hope to the classes which he found unable to help themselves. In relation to the interests of such classes, he, in his parliamentary capacity, was the principal promoter of all that was best in the legislation of his time, and, out of Parliament, he worked with equal energy and influence in aid of the many voluntary associations which were serving as supplementary to law: so that, in the one way or the other, Factories, Lunatic Asylums, Common Lodging-houses, Dwellings for the Labouring Classes, Ragged Schools, Ragged Dormitories, Reformatories, and probably other institutions of concern to large numbers of persons, were very largely benefited by his labours. In devoting himself to his career of practical beneficence, he, like William Wilberforce before him, always avowed the strongest convictions of religious duty; and while ever most ardent in works of secular humanity, he also, like Wilberforce, was equally distinguished in the eyes of his countrymen as one of their religious leaders—specially as the foremost layman of those branches of the Christian Church which are farthest from affinity with Rome. To dwell on that side of Lord Shaftesbury's career would be foreign to the purpose of these pages; and here can only be noted—Happy the land where professed religion bears fruit in such life as his.

In the issue of the conflict of 1854, the "interests" which had clamoured against the Board of Health had every reason to be satisfied; but the world around them was an "interest" which had raised no voice. The nation which was so much in need of proper sanitary government, the millions of population still under the free ravages of preventable disease, had not yet the self-consciousness of an "interest," and perhaps would not, for long to come, awake to any high degree of such consciousness. To impartial informed spectators of the conflict—the comparatively few who appreciated the national want of proper sanitary government, the demolition of the Board of 1848 was matter of regret and anxiety. Though perhaps not many of such spectators deemed the Board infallible, either as to its technical teachings, or as to its administrative tact, there was among them a strong belief in the excellence of the Board's intentions; and to such spectators, therefore, the catastrophe which they witnessed gave somewhat of the feeling with which landsmen, looking from their cliff into the sea-storm, see the failure and foundering of a life-boat. An earnest powerful endeavour had miscarried; and in the thought how genuine a spirit of rescue had gone to wreck, there was little humour to criticise adversely the craft of the hand which had held the helm. In our sanitary case, too, the immediate failure was only part of what had to be regretted. For the invectives which had been meant to destroy the Board had been too angry in their aim not to do much collateral damage; and they continued to operate for several succeeding years on a considerable scale, in maintaining suspicion and prejudice against sanitary proposals and those who made them.

The moment of wreck.

The constitution provided in 1854 for the General Board of Health continued under successive annual renewals till 1858; but the renewal-bill of 1857, in order to save the cost of a separate presidency, provided that the Vice-President of the Education Committee of the Privy Council might also be President of the General Board of Health. The presidency during the four years was held in succession by Sir Benjamin Hall, afterwards Baron Llanover; by Hon. William Cowper (later Cowper-Temple), afterwards Baron Mount-Temple; by Mr.

The newly-constituted Board, 1854-8.

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William Monsell, afterwards Baron Emly; then again by Mr. W. Cowper, *ex-officio;* and last by Mr. Charles Adderley, afterwards Baron Norton. Under these successive presidents, the former staff of the Board was for the most part retained in action; and among the officers thus continued (including such former occasional-inspectors as now became permanent officers) were some whose names afterwards came to be well known by the public: particularly the Secretary of the Board Mr. Tom Taylor, and three engineering inspectors, Mr. Henry Austin, Mr. Ranger, and Mr. Robert Rawlinson.*

Sir Benj. Hall as President.

During the whole of the four years' period, the continuance of the Board was precarious; and the prospects of further progress in sanitary reform were always extremely uncertain. The last three of the years were so essentially a mere period of suspense, that of them there is almost nothing to say; but the first year of the new-constituted Board, under the presidency of Sir Benjamin Hall, had passages of considerable interest. The personal antecedents of the new president were a sort of pledge that the centralising administrative policy of the old Board would no longer be followed; for he, as member for Marylebone, had, with most or all of the other metropolitan members, been habitually opposed to that policy. His tenure of office, in which he had the intelligent and genial assistance of Mr. Tom Taylor, tended importantly to bring into vogue the better conceptions, which had then begun to declare themselves, and which from then till now have been of growing influence in this country, as to the proper limits of central authority in relation to affairs of local government.†

Cholera Epidemic of 1854.

The new Board entered on its functions on August 12, 1854: at which time the severe cholera-prevalence of 1854 was growing

* The one survivor of the above-named officers, now Sir Robert Rawlinson, became in 1871 an officer of the Local Government Board, hereafter to be mentioned, and retained that position till the beginning of 1888, when he retired with the decoration of K.C.B.

† The new spirit in which such questions began from the above date to be regarded may be well observed in a short but striking paper which Mr. Taylor read in 1857 at the first meeting (Birmingham) of the Social Science Association, and which is printed in the first volume of that Association's Transactions: *On Central and Local Action in relation to Town-Improvement.* The former system had been strongly and learnedly argued against, on grounds of constitutional law, by Mr. Toulmin Smith, in various writings published some years previously.

towards its maximum in the metropolis; the deaths from the disease during the previous six weeks having been, successively, 1, 5, 26, 133, 399, 644. Orders of Council bringing into operation the emergency provisions of the Nuisances-Removal and Diseases-Prevention Act had been in force since the autumn of 1853; and rules and regulations prescribing measures to be taken against the disease had been issued and re-issued by the late Board. Sir Benjamin Hall had not to vary in any material respect the tenor of the previous rules and regulations; but, being advised that the law gave him no power to enforce them, he studiously minimised the show of command, and, while directing vigorous and well-planned endeavours to bring to light the sufferings of infected districts, and the needs which they had for local action, he aimed at making clear to the local authorities that he would not divide responsibility with them in regard of those needs, and that, if they failed to do their duties, as explained to them by the Board, he could only leave them to the verdicts of coroners' inquests, and eventually to answer for themselves to Parliament. The communications of the Board with local authorities were had through a number of medical inspectors: two of whom, Dr. Sutherland and Dr. Milroy, were particularly attached to the central office as superintendents, while the others (about ten in number) were doing local duty. A noteworthy fact, in Sir Benjamin Hall's relation to the epidemic period, was, that he had in existence for about a year a Council of members of the Medical Profession, and, from time to time referred to this Council for advice, in respect of the preventive measures he was taking, and in respect of scientific investigations appropriate to the occasion.* For the purposes of this

* The thirteen members of Sir Benjamin Hall's Medical Council were the following: † John Ayrton Paris, M.D., F.R.S., President of the Royal College of Physicians; Sir James Clark, Bart., M.D., F.R.S., Physician to the Queen and Prince Albert; † James Alderson, M.D., F.R.S., Physician to St. Mary's Hospital; * Neil Arnott, M.D., F.R.S.; † Benjamin Guy Babington, M.D., F.R.S., Physician to Guy's Hospital; † Alexander Tweedie, M.D., F.R.S., Physician to the Fever Hospital; * William Baly, M.D., F.R.S., Physician to the Millbank Penitentiary; William Lawrence, F.R.S., Surgeon to St. Bartholomew's Hospital; * John Simon, F.R.S., Surgeon to St. Thomas's Hospital, Officer of Health in the City of London; * Richard Owen, F.R.S., Professor in the Royal College of Surgeons; † Nathaniel B. Ward, Master of the Society of Apothecaries; John Bacot, Inspector of Anatomy; and * William Farr, of the

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narrative, it is not requisite to describe in detail the work which was done, under Sir Benjamin Hall and his Medical Council, by the inspectors and scientific investigators whom he appointed, nor to follow to its end the history of the epidemic in which they acted; but any reader who may wish further information on those matters may refer to the Board's reports which in 1855 were by Her Majesty's command laid before Parliament.*

Legislation of 1855.

From the time of Sir Benjamin Hall's accession to office, whatever time he could spare from the special demands of the cholera epidemic, was given to a consideration of the many defects which had been shown to exist in the sanitary laws as they then stood; and the latter half of his year of office was distinguished by his endeavours to amend those defects. In 1855, as soon as Parliament met, he introduced the following Bills: first, a Bill for extensive amendments in the Public Health Act of 1848: next, two Bills, to replace in an amended form the Nuisances-Removal and Diseases-Prevention Acts of 1848 and 1849; and thirdly, a Bill, of first class importance, to provide for the local management of the Metropolis. Of these Bills, the last-named, conducted by him successfully through the House of Commons, became law towards the end of the Session, as the Act, 18th and 19th Vic. c. 120; under which the Metropolitan Board of Works (now, through the legislation of 1888, superseded by the London County Council) was constituted and empowered for the general ædile purposes of London; while, for the sanitary and other ædile purposes of the individual parishes and districts, vestries and district-boards were constituted the

General Register Office. The marks * and †, respectively affixed to certain names in the foregoing list indicate the members of two special committees which did most of the work of the Council: viz., those marked * formed a committee for scientific inquiries, and those marked † formed a committee on the results of different methods of treatment. The investigators appointed by the Board to conduct, respectively, chemical, microscopical, and meteorological, enquiries, in relation to the epidemic, were Dr. R. D. Thompson, Dr. Hassall and Mr. Glaisher.

* *Letter of the President of the General Board of Health to Viscount Palmerston*, accompanying a Report from Dr. Sutherland on Epidemic Cholera in the Metropolis in 1854;—*Report of the Medical Council to Sir B. Hall*, in relation to the Cholera Epidemic of 1854;—*Report of the Committee for Scientific Inquiries* in relation to the Cholera Epidemic of 1854, and Appendix to that Report;—*Reports* (two) *of the Treatment Committee* on the Results of different Methods of treatment pursued in Epidemic Cholera.

authorities, and were severally required to appoint special sanitary officers. Also Sir B. Hall's two Bills, providing amendment for the Nuisances-Removal and Diseases-Prevention Acts, became law, as the 18th and 19th Vic. cc. 116 and 121. The Bill, by which he proposed to amend the Public Health Act 1848, and in which he would, *inter alia*, have considerably relaxed some of the centralising provisions of that Act, he was finally obliged to abandon: not being able to find sufficient opportunities for bringing it before the House: but, towards the end of the session, when he found he must withdraw that Bill, and propose in its stead a mere provisional continuance of the Board of Health, he introduced into his continuance-bill a clause which particularly concerns this narrative. Though he of course could not assume that the Board would remain in its then form for more than the year which his proposed continuance would cover, he apparently took for granted, that, whatever might befall the form of the Board, the main functions which the Board had been exercising under his presidency would in the future certainly have to be exercised in some departmental form or other; and therefore, on July 9th, when he proposed the temporary continuance of the Board, he proposed also that the Board should have power to appoint from time to time, as it might see fit, a Medical Council, and to appoint and salary a Medical Officer. The Bill thus proposed by him became law, as c. 115 of the 18th and 19th Vict., and gave origin to the office which the writer of this narrative had afterwards the honor to hold.

In 1858, the Board, which till then had been prolonged by successive temporary Acts, finally ceased under legislation which the then President, Mr. Adderley, promoted. Its more medical duties were assigned by the Public Health Act, 1858, to the Privy Council, to which department also the Medical Officer of the Board was at the same time transferred: while by the Local Government Act of 1858 (amending the Public Health Act 1848) the other duties of the Board, so far as they remained, were assigned to the Home Secretary. Of the general proceedings of the Board during its last three years of continuance, there is nothing noteworthy to tell; but mention will hereafter have to be made of some of the medical work which was done under it during those years.

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Cholera-studies of 1848-58.

In concluding this chapter, reference may again for a moment be made to the subject of the two great cholera-visitations which have been mentioned in the chapter as important incidents of the decennium under review. First, it is to be noted that, thanks to the existence of the General Register Office, the distribution of the disease (or at least of the deaths occasioned by it) during those two visitations was made matter of elaborate statistical study by Mr. Farr: who on each occasion reported to the Registrar General, for publication, the statistical facts and his own comments on them. The Report on the visitation of 1848–9 (a separate volume published in 1852) is a classic in medical statistics: admirable for the skill with which the then recent ravages of the disease in England were quantitatively analysed in relation to the variety of districts and classes, as well as for the stores of collateral information which were used to illustrate the argument, and for the literary power with which the story of the disease, so far as then known, was told. Mr. Farr, having written that report, did not think it necessary to write with equal fulness on the visitation of 1853–4; but the leading statistical facts of the later visitation were set forth and discussed by him, in a letter which he addressed to the Registrar-General and which was published in 1856, with the Registrar-General's seventeenth annual report. Secondly is to be noted, in relation to those two cholera-periods of the decennium, and as of permanent interest in the records of cholera-pathology, that, while London was suffering its epidemic of 1849, Dr. John Snow first put forth his theory as to the propagation of cholera by means of the intestinal discharges of the sick; and that during the cholera-period of 1853–4, he collected the important facts which he published at the beginning of 1855 as evidence of the justness of his theory.*

Army Sanitary Reform, consequent on Crimean experiences.

This chapter, before it closes, must briefly notice that, during the later of the years which it has reviewed, and originating from the time and influence of the first-constituted Board of Health, were movements which eventually conduced to important

* *On the Mode of Communication of Cholera*: by John Snow, M.D.—second edition, much enlarged, 1855. The edition of 1848 had been a paper in the *London Medical Gazette*, soon afterwards separately published as a pamphlet.

measures of reform in the Sanitary Administration of the Army. The appalling quantity of disease among the British troops, during the first winter of the Crimean war,—when "the number of men who were disabled by preventable disease amounted to more than one-third of the whole strength of the army which went out of England,"* led to the Government's sending out, in the spring of 1855, a Sanitary Commission, recommended by the then Board of Health, and consisting of Dr. John Sutherland, Dr. Hector Gavin, and Mr. (now Sir) Robert Rawlinson. The experience of the comparative healthfulness which obtained in the camp so soon as the measures recommended by the Commission had been adopted stands on record as among the great lessons of sanitary science.† Equally dreadful with the early camp-experiences, and in some respects even more dreadful than they, were those of the Scutari hospitals for our Crimean sick and wounded; and there again the change of experience was no less instructive, when, under the action of the Commission, and with the beneficent ministrations of Miss Nightingale and her staff of nurses, the previous monstrous insalubrities had been removed.‡ The horrors of the earlier period can never be

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Crimean Sanitary Commission;

Miss Nightingale.

* See *Army Sanitation*, a course of lectures delivered at the School of Military Engineering at Chatham, by Sir Douglas Galton, K.C.B., R.E.; page 5. As the present chapter is the only one in which references to Sir D. Galton are made, and the text mentions him only in military connexions, I avail myself of this opportunity to note that, during the last thirty years, he has constantly taken helpful part in the promotion of civil sanitary progress, and has repeatedly, from his engineering knowledge, contributed to the education of the public.

† "During the winter of 1855–6, all the previous causes of disease had been removed. The men were well clothed, fed, and sheltered, their huts were properly drained and ventilated, and nuisances had been removed. Compare the mortality from September 1854 to April 1855 with that from September 1855 to April 1856, and no more instructive lesson on army hygiene could be given. The men were the same; the conditions only had been altered. The requirements of Nature had been disobeyed in every particular during the first winter. . . During the second winter, Nature had been more perfectly obeyed, and the stigma of her displeasure has almost ceased to appear."—Sir Douglas Galton, *Op. cit.*, p. 5; and the appended diagram (Plate I. Fig. 1) in which he shows the monthly death-rate of the troops during the two years in question.

‡ "Of the soldiers who were landed from the Crimea to be taken to those hospitals, two men were lost out of every five treated in the hospitals of the Bosphorus during the month of February, 1855, and one man out of every two at Koulali. Improvements were begun in March, 1855, but it was not till the end of June they were completed. The effect of the completion of the sanitary

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forgotten by those who were in a position to be rightly aware of them. The details of evidence which the two surviving Commissioners * and Miss Nightingale brought back with them to England, were ample proof that the old official system had not nearly enough taken into account the sanitary requirements of the soldier, and that, for the health of the army, whether in war or peace, a systematic better application of competent knowledge was wanted. Among those whom that evidence most impressed

Mr. Sydney Herbert;

was Mr. Sydney Herbert (afterwards Baron Herbert of Lea) who during the first part of the Crimean experience had been in office as Secretary at War; and he henceforth, till his deeply-regretted early death in 1861, continued to devote to the cause of Army Sanitary Reform all the best energies of his gifted and generous mind. Intimately associated with him in his endeavours, and, as regards this sphere of beneficence, never to be named but with gratitude, was Miss Nightingale: who, while serving devotedly as nurse and as teacher of nurses for the sufferers of the Crimean time, had observed with keen discernment the underlying causes of disaster, and was now recognised as of eminent qualification to be herself among the chief

Royal Commission on Army Regulations;

suggesters of reform. In 1857, the then existing *Regulations affecting the Sanitary Condition of the Army* were referred to a Royal Commission, having Mr. Herbert for its chairman, and Surgeon-General Dr. Thomas Graham Balfour for its Secretary; the latter of whom, both as an officer of much technical experience and sagacity, and also as an accomplished statistician, was very eminently qualified to assist the Commission in its inquiries and judgment. The impressive Report of that Commission, made in 1859, began a new era in the war-office's medical organisation; and meanwhile, under like influences, successive committees or commissions of war-office appointment were thoroughly studying the conditions of reform for Military Barracks and Hospitals. An important commission thus appointed, consisting chiefly of army officials, but having as

works is most striking. The mortality fell in June, 1855, to less than a sixth part of what it was when the hospitals were occupied in October, 1854, and to a nineteenth part of what it was in February, 1855."—*Op. cit.*, pp. 5, 6.

* The Commission, at a somewhat early stage of its service, had lost one of its members by death: Dr. Gavin, namely, who, by an unfortunate accident, had given himself a pistol-wound which proved fatal.

extraneous members Dr. Sutherland and Captain (now Sir) Douglas Galton, R.E., presented in 1861 a very valuable report;* from which, and from the concurrent publication of Miss Nightingale's *Notes on Hospitals*, practical reforms on a large scale soon began to result. Further, in pursuance of a highly important recommendation of the Royal Commission, that there should be established under war-office direction an Army Medical School, in which young medical officers entering the army might receive particular training in the "specialties of military medicine, surgery, hygiene and sanitary science," there shortly came to be established at Netley the now well-known Military Hospital and School, from which, during the last quarter of a century, hundreds of specially-trained officers have been supplied to the military service, and incidentally much excellent teaching has been given forth to the world at large.

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Netley Medical School.

The establishment of that school proved peculiarly conducive to the interests of sanitary teaching, through the eminent professional and personal merits of the first holder of the Chair of Hygiene, the late Dr. Edmund Alexander Parkes,† and

Dr. Parkes.

* *General Report of the Commissioners appointed for Improving the Sanitary Condition of Barracks and Hospitals*, 1861. Subsequently the services of the Commission were extended to India; and the Commission was then enlarged by addition of Indian official members, and of Mr. (now Sir) Robert Rawlinson. Apparently it is by continuance from that Commission that the present *Army Sanitary Committee* exists, with constitution announced as follows: President, Major-Gen. Rt. Hon. Sir Redvers H. Buller, K.C.B., V.C.; Members: Dep.-Surg. Gen. J. A. Marston, C.B., M.D.; Col. Henry Yule, C.B. (India); Surg.-Gen. Sir Joseph Fayrer, K.C.S.I., M.D. (India); J. Sutherland, M.D.; Sir Douglas Galton, K.C.B.; Sir Robert Rawlinson, K.C.B., C.E.

† Died March 15th, 1876. Dr. Parkes's first particular relation with those who were reforming the military medical institutions was, that, in the middle of the Crimean period, the war-office commissioned him to be superintendent of the British auxiliary hospital then to be opened at Ronkioi. His work at that hospital might alone have sufficed to certify him for the Chair at Netley; but in fact, long before that superintendentship, he had gained high-class reputation in ordinary professional work of various sorts, investigative and practical. While Professor at Netley, he did duty in other spheres of public service, as notably in the General Medical Council, and in the Senate of the University of London; and it seemed that wherever he worked, his public spirit, and the kindliness and bright sincerity of his nature, won the confidence and affection of his fellow-workers. His life, abounding in industry and usefulness, and always of good cheer for whatever duty had to be done, was an arduous gallant struggle against heavy disadvantages of ill-health; and his early death gave rise to public and private expressions of such personal sorrow as is felt only for the best of men when they pass away.

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through the fortunate accident that he, for the convenience of his class, in relation to the then state of sanitary literature, found himself moved to prepare a special text-book of the branch of science he professed. Dr. Parkes's *Manual of Practical Hygiene*, published by him in 1864, the earliest systematic work of its kind in the English language, at once took rank as of model excellence for its purpose; and at the present time (having in meanwhile had other editions) it remains the leading English classic in that branch of medical education.

CHAPTER XII.

THE INITIATION OF MEDICAL OFFICERSHIPS, LOCAL AND CENTRAL.

i. THE LOCAL APPOINTMENTS, AND THEIR EARLY WORKING.

THE present chapter must begin by reverting to years which were prior to those told of in the last chapter. The fact has to be remembered (see above, pp. 201—3) that, about the time when projects of general sanitary legislation first began to shape themselves, various local authorities took separate and independent action to obtain by means of local-bill legislation enlarged powers for their respective sanitary purposes; that such authorities were able to take as their cue the recommendations made in the Report (1845) of the Health of Towns Commission, with the consequent clauses of Lord Lincoln's Bill, and at a later date the model clauses of the Towns Improvement Clauses Act, 1847; and that among the powers which had been recommended as necessary for the authorities of large towns to possess, was the power to appoint Medical Officers of Health.

1847. Liverpool appoints Dr. W. H. Duncan its Officer of Health.

In 1846 the Town Council of Liverpool procured the passing, first, of an Act (9th and 10th Vic. c. 35) relating to water-supply; secondly of an Act (c. 120) for street-improvements and public buildings; and, thirdly, a very important and comprehensive Act (c. 127) to provide for the improvement of the sewerage and drainage of the borough, and for making further regulations for sanitary regulation of the said borough. The last-named Act, which was to come into operation on the first day of 1847, provided, in its sect. 122, that the Town Council, with the approval of the Secretary of State, might appoint and salary a Medical Officer of Health; and accordingly in 1847, when the Act had come into working, the Town Council made use of that new power, by appointing, in the person of Dr. William Henry Duncan, the earliest of the medical profession to hold any such office in this country. Dr. Duncan, a native of Liverpool, had long been known there as a leader of local opinion and action in the movement for sanitary reform. As far back as 1840,

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appearing as witness before the House of Commons select Committee on the Health of Towns, he had given evidence as to the deplorable sanitary circumstances of the poorer population of Liverpool; and, later in the same year, he had answered the inquiry of the Poor Law Commissioners by a Report (No. 19 in their subsequently published series of *Local Reports*) on the sanitary state of the labouring classes in the town. At that time he had already for ten years been one of the physicians to the Liverpool Dispensaries; and his evidence and report show at every turn that he was most intimately acquainted with the sanitary conditions of which he spoke, and had long given intelligent and humane consideration to means of improving them. In 1843 he had impressed public opinion in Liverpool by a paper read before the Literary and Philosophical Society of the city, substantially to the effect of the report he had made to the Poor Law Commissioners, on the causes of the high general death-rate at Liverpool—a death-rate which at that time averaged annually about 36 per 1000 living; and it seems certain that this paper of his was a principal influence in determining the subsequent activity of the Liverpool Corporation. Appointed health-officer for Liverpool in 1847, Dr. Duncan remained in office till 1863, when ill-health and approaching death obliged him to retire. Of his sixteen years' official work, there unfortunately do not exist any published circumstantial records; but, that his labours were in the highest degree meritorious, is still a tradition in Liverpool, and was at the time so reputed elsewhere. While, as the first-appointed English Officer of Health, he of course had an essentially novel task, he also, in regard of his place of duty, had more than common administrative difficulties to cope with; and it is believed that he attained every success which under those conditions was possible. With the ungrudging confidence and support of a very public-spirited local authority, he established methods of work, and initiated courses of improvement, which have continued to the present day; and under which the average general death-rate of Liverpool has been reduced by probably at least a fourth-part of that which prevailed forty years ago. To his influence especially has been due the abolition (probably now complete) of what in earlier days had been among the worst oppro-

bria of Liverpool: the pestiferous *cul de sac* courts, which some 80 or 90,000 persons of the working classes then had as their dwelling-places, and the 8,000 cellars which some 30 or 40,000 persons were inhabiting.

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In 1848 the Corporation of the City of London, which from long before had been exercising old-fashioned improvement-powers with good effect, and was probably in that respect far ahead of the other London authorities, resolved, like the Liverpool Corporation, to ask Parliament for powers adequate to the new conceptions of sanitary improvement: the passing of the valuable City Sewers Act, which has been mentioned at a former page, was the result of that application: and shortly after the passing of this Act, which gave power for the appointment of a Medical Officer of Health, the writer of the present narrative had the honour of being elected to the post.

1848. City of London makes like appointment.

Circumstances of place and time combined to bring the City appointment into more prominence than its first holder expected, or particularly desired, for it. As to place, the appointment's being metropolitan tended to give it a lift in the general public view; while, even in the metropolis itself, the "City" office was made conspicuous by the circumstance that hitherto none of the other sections of London were similarly officered. Likewise, as to time, the newly-discovered aptitude of Asiatic Cholera to recur epidemically in this country had just then prepared the public mind to observe with more than ordinary interest whatever was being said or done with any sort of official authority in respect of precautions against the new danger, or generally of precautions for the public health. Those having been the circumstances, the appointment attracted more notice than it would otherwise have obtained; and as I continued to hold it for seven years—namely, from Oct., 1848, to Oct., 1855, it may be proper for me to furnish in this place some account of the method on which I worked it.

Conceptions then had of local sanitary business.

The chief thought on which the office had been constituted was, that the City Commissioners of Sewers, the Committee through which the Corporation did its sanitary business, needed to be medically advised as to its function of abating the local conditions of unwholesomeness. *Local* conditions, I say: for *personal*

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conditions, such as those which may be incidental to particular branches of industry, or those which attach to the contagiousness of certain current diseases, were hitherto not distinctly within the view of the law. The Commissioners of Sewers were *par excellence* an authority of the sort which twenty years later came to be called "Nuisance-Authorities." What may briefly be called "nuisances-removal," and this above all in the limited sense in which "nuisances" mean "matters which stink," was the duty principally contemplated. The functions of technically advising the Commission on their improvement-works, and of directing all mechanical services concerning the cleanliness of the City, attached to the office of Engineer and Surveyor: an office which in those years was held with distinction, as it still is, by Mr. (now Colonel) William Haywood, C.E. The Commission was not in any formal way cognisant of sickness or death in the city. The care of the sick poor, whether at ordinary times or at times when diseases-prevention Orders of Council might be in force, was entirely under other authorities; and the registration of births and deaths was also under another authority. With those as the circumstances of the case, the newly-appointed Medical Officer of Health had the following as his statutory duties:—

"To inspect and report periodically upon the sanatory condition of the city, to ascertain the existence of diseases, more especially epidemics increasing the rates of mortality, and to point out the existence of any nuisance or other local causes which are likely to originate and maintain such diseases and injuriously affect the health of the inhabitants of the city, and to take cognizance of the fact of the existence of any contagious or epidemic disease, and to point out the most efficacious mode of checking or preventing the spread of such diseases, and also to point out the most efficient modes for the ventilation of churches, chapels, schools, lodging-houses, and other public edifices within the city, and to perform any other duties of a like nature which may be required of him."

Routine followed in the City office:

With regard to the main matters of duty, an essential basis for the officer's action was that he should learn at short intervals the behaviour of Causes of Death within the City; that he should watch the fluctuations of serious disease, as varying in different spots and at different times. In order to obtain the

most indispensable part of such a basis, the first step I had to take, when I had entered on office, was to throw myself on the compassion of the Registrar-General; for without special help from him, I should have had to wait indefinitely to know of any death which might happen within the City boundary; and I gratefully remember, at a distance of forty years, how easy my course in that direction was made by Major Graham's friendly assistance. Punctually on every Monday morning, he used to receive from the nine City Registrars their returns of the deaths which they had registered during the previous week (down to Saturday midnight) in their respective districts; and punctually every Monday afternoon, as soon as the General Registration Office could spare those papers, they were placed at my disposal in a way which enabled me to complete my use of them during the evening; so that on the Tuesday mornings, when the weekly courts of the City Commission were held, I was ready with all needful particulars as to the deaths which had befallen the City population during the previous week, and with my scheme of such local inquiries as were to be made in consequence. Adequate sickness-returns were not obtainable. Even at our present time it is but very imperfectly recognised in sanitary administration, that an authority, set to diminish the diseases of a community, must begin by possessing itself of exact knowledge as to the local distribution of the diseases; and forty years ago practical effect could not be given to any such principle. At that time, even as to cases of disease treated under the poor-law and under medical charities, no adequate records existed for consultation by local sanitary officers; and it could not reasonably be expected that such records would be brought into existence, till local authorities should see their way to provide remuneration for the officers on whom the trouble of preparing the records would fall. Repeated endeavours which I made to surmount that difficulty were unsuccessful; but here again I find it pleasant to remember that, in an important part of the desideratum, I received friendly help beyond what the letter of the law would have given me; and that, before I had been long in office, the eleven Poor-Law Medical Officers of the City voluntarily took upon themselves the trouble of each sending me a weekly return (often with

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Weekly proceedings;

additional notes) to acquaint me of any new cases of fever which had arisen in their respective districts.

Partly on the basis of the above-mentioned weekly returns of death and sickness in the several districts of the City, and partly on the basis of experience which soon accumulated as to the sanitary habits of different localities, I established and by degrees developed a routine of weekly inspections; through which, with the assistance of Nuisance-Inspectors acting for the purpose, I ascertained the state of all suspected habitations, with regard to overcrowding of inmates, and to the sanitary details of ventilation, cleanliness, drainage, water-supply, dust-removal, paving of yards and cellars, freedom from exterior nuisances, and the like: and also the state of premises on which offensive businesses were carried on: which knowledge being got, my next weekly report to the Commission contained an application for formal orders, demanding the abatement of all such abatable unwholesome conditions as had been discovered; and the routine of succeeding weeks included a systematic following up of those several cases till each of the orders for improvement had been obeyed. The weekly inspections were at first chiefly relative to the particular premises where certain sorts of death or disease had recently occurred; but, as the system developed, it became, in addition, a methodical sanitary superintendence of all poorer parts of the City, including within its ordinary scope about seven thousand houses,* and extending, on occasion, to as many as nine thousand.† For the purpose of that superintendence, I gave to each district inspector a certain rota of visitation; and in proportion to the standing inferiority of local conditions, and to the degree in which cleansed and amended localities tended to resume their previous faults, the localities would be revisited at quarterly or monthly or fortnightly or weekly intervals, as the case might be, lest recent improvement-works should have become inefficient, or the old filth have become dominant again. In considerable parts of the routine, I of course acted in concert with my engineering colleague, Mr. Haywood. So far as I made recommendations for particular structural and scavenging im-

* See Reports for the years 1852–3 and 1854–5.

† See Report on the Cholera Epidemic of 1854, as it prevailed in the City of London.

provements,—as, above all, for the abolition of cesspools, and the creation of proper house-drains and water-supply, or for amendments of surface-cleansing in the poorer parts of the City,—it was only through his co-operation that the intentions I advocated could be brought into practical effect; and what was sanitarily better in the City of 1855 than in the City of 1848 must have been at least as much due to him as to me. The advance in that interval of time was great; and though the reforms which were made had not any claim to originality of conception, being in fact only such as had been preached in Mr. Chadwick's Reports of 1842–8, they no doubt were exceptional in their time as facts of practical progress on a considerable scale. So far as I know, the like were not to be seen elsewhere in the metropolis, nor, except at Liverpool, elsewhere in the Kingdom. The sanitary circumstances of tens of thousands of the poorer population were sensibly improved, by the introduction of new drainage and water-supply, by the enforcement of periodical house-cleansing, by far stricter practice of scavenging, and by general mitigation of nuisances. Not least, the abomination of cesspools had come to an end. At a time when cesspools were still almost universal in the metropolis, and while, in the mansions of the west-end, they were regarded as equally sacred with the wine-cellars, they had been abolished, for rich and poor, throughout all the square mile of the City.

In addition to the reports which were of weekly routine, it was a matter of course that, at the close of each calendary quarter, and at the close of each official year, I made reports of a summarising kind as to the deaths of the period; and in planning those reports, and the statistical tables which accompanied them, I particularly aimed at such generalisations as could be popularly understood and popularly applied, with regard to the causes of death, and to the proportion in which diseases more or less preventable were killing within the City, and in its respective districts. In the quarterly reports I confined myself to the arithmetical facts; but the annual reports (made after Michaelmas in each year) gave convenient periodical opportunity for general remarks on the health and sanitary circumstances of the City; and accordingly in most of the years, when I submitted my annual statistics, I used the opportunity to take a more or

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less general survey of the existing sanitary situation. In those reports no detailed reference had to be made to matters which were within scope of the weekly routine; but, on the other hand, difficulties of a more baffling kind, and especially the evils which lay more or less outside the legal reach of the Commission, were brought collectively into view, as hints for further legislation. On several of the occasions, I had of course to speak of Asiatic Cholera, according to such lights as I then had: namely, in the annual reports of 1849 and 1850, to state the facts and lessons of the 1848–9 visitation; in the annual report of 1853, to warn with regard to the then impending danger of a new storm; and at the end of 1854, when that storm had passed, to tell (in a supplement to the annual report) what had been our experience of its severity. In the first and second reports (those of 1849 and 1850) I particularly passed under review the chief unwholesome influences which affected the City of those days, and which, I need hardly say, were then operating to the same, or in general to a far higher degree in other parts of the metropolis: the filthy sewage-pollution of the Thames and its banks, the unsatisfactory supply of water for domestic uses, the scandal of continued burial in over-crowded church-yards and church-vaults, the nuisance of intramural slaughter-houses and other trade-establishments evolving offensive effluvia, and the manifold grievance of London smoke. After the lapse of forty years, and happily in times grown more respondent to such appeals, I rejoice to remember that, even in those early days, I did my best to make clear to the Commission, what sufferings and degradation were incurred by masses of the labouring population, through the conditions under which they were so generally housed in the courts and alleys they inhabited: not only how unwholesome were those conditions, but how shamefully inconsistent with reasonable standards of civilisation; and how vain it must be to expect good social fruits from human life running its course under such conditions. In 1851, when the City Sewers Act of 1848 was renewed and made permanent, several amendments, founded on representations which I had submitted in the reports of 1849 and 1850, were made in it; among them, a first precedent for the registration and regulation of the tenement-houses of the poor. In the annual report of 1851, while explaining the improved

means which had become available in the City for the prevention of disease, I drew attention to the fact that London, with exception of the City, was deplorably without sanitary law. In the annual report of 1853, written in full expectation (which the result justified) that in the following summer Cholera would again be epidemic in London, the neglected state of the metropolis at large was again adverted to; and on behalf of the City (as *proximus* to a probable *Ucalegon*) remonstrance was again raised against London being any longer left without comprehensive sanitary legislation.*

1854. Survey of the public needs as to sanitary government.

It of course is not for me to judge whether that series of reports was of good effect; but I may state, as matter of fact, that they had an extraordinary circulation through the medium of the daily press, and were received by the public with every possible indulgence and favour. Clearly it was a want of the time, that the questions which they endeavoured to treat should be brought under serious public discussion; and so far as the reports contributed to raise such discussion, this result may be pleaded in set-off against the many imperfections which they had. In the spring of 1854, an unofficial reprint was made of those of the reports which had been published down to that date; and I availed myself of the opportunity to express, in a preface to the volume, some thoughts on sanitary affairs in a fuller sense of the term than had yet become usual. Not confining myself to the case of the City, nor even to that of the Metropolis at large, but speaking of the country in general, and pleading especially for the poorer masses of the population, I endeavoured to show how genuine and urgent a need there was, that the State should concern itself systematically and comprehensively with all chief interests of the public health. I submitted, as the state of the case, that, except against wilful violence, the law was practically caring very little for the lives of the people; and I gave illustrations of the harms and dangers to life which were arising in various directions through the want of reasonable

* I need not particularise the minor special reports which from time to time were needed; but I may note that the passing of the Metropolitan Burials Act of 1852 required me to make a special report, stating grounds for the application of the Act to the City, and some months later, to make a second such report, proposing a general scheme for the City's extra-mural interments.

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law. Evils which I mentioned and illustrated as due, not to administrative shortcomings, but to the absence or insufficiency of law, and in regard of which I suggested legislation, wer particularly—the uncontrolled letting of houses unfit for human occupation; the unregulated industries of sorts endangering the health of persons employed in them; the unregulated nuisance-making businesses; the unchecked adulterations of food; the unchecked falsification of drugs; the unregulated promiscuous sale of poisons; and the absence of legal distinction between qualified and unqualified medical practitioners. In referring to some of the existing evils, I of course found myself face to face with immensely difficult social questions, which I could not pretend to discuss; questions as to wages and poverty and pauperism; in relation to which I could only observe, as of medical common-sense, that, if given wages will not purchase such food and such lodgment as are necessary for health, the rate-payers who sooner or later have to doctor and perhaps bury the labourer, when starvation-disease or filth-disease has laid him low, are in effect paying the too late arrears of wage which might have hindered the suffering and sorrow. In that connexion, I submitted that, while the law leaves wages to find their own level in the struggles of an unrestricted competition, it surely ought to contain strong safeguards for the poor, against those deteriorations of food which enable the retailer to disguise starvation to his customers by apparent cheapenings of bulk, and against those conditions of lodgment which are inconsistent with decency and health. Adverting also to the specially injurious influences which attach to certain large sections of wage-earning industry, I pleaded that every collective industry, involving such conditions of sanitary risk to the employed persons, ought to be liable to inspection and regulation in respect of those conditions. In relation to the many evils of which I spoke as requiring comprehensive and scientific legislation, and generally in relation to sanitary government, I urged that the supervision of the public health, in the full sense indicated, ought to be the consolidated and sole charge of some one Minister; who sitting in Parliament, and being in statutory relations with local authorities possessing all the required sanitary powers, should be open to challenge in respect of every public matter concerning health, and should be

responsible, not only for the enforcement of existing laws, such as they were or might become, but likewise for their progress from time to time as the growth of knowledge would make desirable. Finally a hope was expressed, that the General Board of Health, when re-constituted as it then shortly would have to be, might be conformed to the above conception.

It was an almost necessary consequence of the working of the city office, that the officer should be regarded at Whitehall as a person available for use in the general public service; and from the autumn of 1853 (when the third cholera-period had begun) I found that I was in fact so regarded. Thus, at the close of 1853, when the Government had decided that enquiry under Royal Commission ought to be made into the circumstances of the tremendous outburst of cholera at Newcastle and Gateshead which began the re-visitation of 1853–4, I had the honour of being appointed one of the three commissioners of that inquiry; and in the summer of 1854, when the first Board of Health had been ended, and Sir Benjamin Hall was forming a Medical Council to advise him in relation to the epidemic, he did me the honour of appointing me a member of his Council. Out of that position, and particularly through my being a member of the Scientific-Inquiries Committee of the Council, I was brought into a good deal of personal intercourse with Sir B. Hall and his chief officers; and I observe in Hansard that, in January 1855, when he was introducing his new measures in the House of Commons, he named me as one who had assisted him, and referred to the experiment of my city office as having been instructive for such proposals as he was about to make. The fact has already been mentioned, that, towards the end of the session of 1855, Sir B. Hall, having to abandon the large Public Health Bill which he had had before the house, introduced in its stead a bill for the temporary continuance of the Board of Health, with power to the Board to appoint a medical officer: which bill soon became law. While the bill was still in course of passing, a small political shock and subsidence partially altered the constitution of the ministry to which Sir B. Hall belonged; *

* Incidentally to the public discussion of negotiations which Lord John Russell had been conducting at Vienna with a view to terms of pacification with

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and he had to vacate his presidency of the Board of Health in order to become First Commissioner of the Board of Works. At the moment of leaving his old office (in which Mr. William Cowper succeeded him) Sir B. Hall was pleased to inform me that, had he remained President till the passing of his continuance-bill, he would have offered me the appointment which the bill was to create. That intention of his, though probably he mentioned it to his successor, was of course in no degree binding on the latter; but Mr. Cowper, shortly after the time when he had settled into his new position, did me the honour of sending for me, and offering me the appointment. *

First holder of the City appointment translated to the central office.

In accepting Mr. Cowper's flattering invitation, I carried with me a grateful recollection of the years during which I had been a local Officer of Health. It was not merely that the City Commissioners had always treated me with favor and confidence, notwithstanding all I had had to preach to them of needs for amendment within the area of their jurisdiction; but especially I felt, and this even more strongly as time went on, that seven years' familiarity with the spirit and working of local representative government had taught me lessons I could not otherwise have learnt, as to factors which in this country are essential to social progress. My tenure of an essentially experimental office received by implication the best praise I could have desired for it, when the legislation of 1855 required that fixed medical appointments, on the plan of that early trial, should be created for all the districts of the metropolis; and when I saw with what alacrity those appointments were sought by highly-qualified, and in some cases already distinguished, members of my profession,

Russia, one of those *amantium iræ* which used periodically to re-knit the affections of Lord John and his political adherents had led, on July 16, to Lord John's retirement from the Palmerston government; whereupon the colonial secretaryship which he vacated was filled by translation of Sir William Molesworth from the Board of Works; and, in order to fill the latter vacancy, Sir B. Hall was removed from the Board of Health.

* I put on record those minor facts as to the appointment in order to correct a fiction, which I have more than once seen in print, that I was appointed to office by Sir Benjamin Hall in consequence of my having gained favour with him as his private medical attendant. I had had no acquaintance with Sir Benjamin Hall except as mentioned in the text.

as contrasted with the indifference which men of that quality had in general shewn towards the experimental appointment of 1848.*

ii. THE CENTRAL APPOINTMENT, AND ITS EARLY WORKING.

THE Central Medical Officership, created in 1855, was held by me for nearly twenty-one years, but with differences from time to time in its departmental relations. That is to say; *first*, during the three years 1855–8, the office was attached to the General Board of Health, as modified by the successive Continuance Acts; *secondly*, during the thirteen years, 1858–71, it was under the Lords of Her Majesty's Privy Council; *thirdly*, for the remaining nearly five years, 1871–6, it was in great part detached from the Privy Council, and was to that extent under direction of the Local Government Board which an Act of 1871 had established. Since 1876 (when my tenure of office ended) the Central Medical Officer has been officer of the Local Government Board exclusively.

First central appointment began with undefined purpose and doubtful stability.

At the time when the General Board of Health received authorisation to provide itself with a Medical Officer, none but the vaguest notions had been formed as to the work which the officer ought to do. Of course he was to advise the Government for its various medical purposes; but, at that time, Government had no statutory functions of a medical kind, except as to special occasions when cholera or some other such danger might require the Diseases-Prevention Act to be in force; and under the circumstances probably very few persons, among those who approved of the creation of the office, had taken any larger view of

* Among those who were successful candidates of the election of 1855 may be named particularly—Dr. Edward Ballard, Dr. Andrew Barclay, Dr. Robert Barnes, Dr. Bristowe, Dr. George Buchanan, Dr. Robert Druitt, Dr. Conway Evans, Dr. Gibbon, Dr. Hilliard, Dr. Odling, Dr. Pavy, Mr. Pittard, Dr. Burdon Sanderson, Dr. Thomas Stevenson, and Dr. Dundas Thomson. I permit myself the gratification of adding, that, in 1856, when the newly-appointed Metropolitan Medical Officers of Health had agreed to combine for purposes of study and consultation in regard of their official subject-matter, they invited me to join them in the capacity of first President of their Association.

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the matter, than that the serious recurring dangers of cholera required the appointment of a special central officer in relation to them. Those, may I be permitted to say, were not the notions with which I entered on office; for, counting it certain that the activity of Government in matters of a medical kind would soon have to extend very far beyond the provisions of the Diseases-Prevention Act, I hoped that, with such extensions, my office would come to have much wider public usefulness than the original law had provided for it; and I assumed that, from the first, it would be my duty to suggest such extensions or amendments of law as the interests of the public health might seem to require. In the immediate circumstances, however, there clearly was no room for endeavours except of the humblest kind. The Board existed only provisionally. Pending steps to be taken in Parliament, it had no settled structure or vocation of its own; the Legislature next year might see fit to dissolve it, or at least change it in form or function; and meanwhile nothing of prospective policy could be framed by it, nor even could any official appointment or engagement by it be deemed stable. That the Board should have to remain in that plight for a year, was not a pleasant prospect to start with; but the actual future proved worse; for the inability of the Board to obtain a parliamentary settlement of its affairs continued thrice as long as had been expected; and even at the end of the third year, when the Local Government Act, 1858, and the Public Health Act, 1858, provided in new ways for the duties previously done by the General Board of Health, the latter Act, which provided for the medical part of the duties, was (as will hereafter be explained) not yet of a sort to end suspense. Meanwhile some of the parliamentary forces which had been enlisted against the original Board of Health kept up a grudge against the evacuated citadel and its caretakers; so that, in each year, when the estimates of the establishment were before the House of Commons, the old escutcheon of the Board was still a target; and we, who by no particular fault of our own were under that sign, used to receive shots which had been in store for others. Apart from those casual hits, the position in itself soon became humiliating. To "stand and wait" in the antechambers of legislation was not to "serve" in the sense of Milton's great verse; nor was it, I may

truly say, such able-bodied service as my non-medical colleagues and I were desiring to render.*

Of that position, however, we had to make the best we could. A limited amount of routine business, often involving questions more or less medical, was carried on; from time to time, for particular purposes, instructional minutes were issued—as, notably, one to indicate the duties of officers of health under the Public Health Act, and the qualifications which would be needful for the duties; † sometimes too there were new alarms of cholera, requiring more or less special vigilance and preparation; and always, more or less, there were projects of legislation in hand. To dwell at large on that business, done during the years 1855–8, would not now be of interest; but as there were within the time some occasions which required formal report on matters of permanent medical interest, those occasions may be specially mentioned.

1856. Report on the London relation of cholera to water-supply.

In the year 1856, report had to be made on an extremely interesting question which had for some time been before the Board at the instigation of the Scientific Inquiries Committee of Sir Benjamin Hall's Cholera Council: see above, page 237: the question, namely, whether the distribution of cholera in the southern districts of London during the epidemics of 1848–9 and 1853–4 had been influenced by certain differences of water-supply. Circumstances, presently to be explained, had made the southern districts a peculiarly suitable field in which to study the water-supply relations of cholera; and, before the time when the attention of the Board of Health was specially drawn to them, right measure of the value of the opportunity had been taken by Dr. Snow; who, in view of it, and studying with equal zeal and sagacity the earlier weeks of the South London Cholera-prevalence of 1854, had already elicited most important facts as to the water-supply relations of the first 1,514

* The two colleagues of that time, to whom I particularly refer, were Mr. Tom Taylor, the Secretary, and Mr. John Campbell of Islay, the Assistant-Secretary of the Board: both of them now no more.

† Issued by the Board, December 20th, 1855: Instructional Minute, relative to the Duties and Qualifications of Officers of Health, in Districts under the Public Health Act, 1848.

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deaths of that epidemic.* The case for inquiry was as follows:—that the southern districts, having in 1854 an estimated aggregate population of more than 500,000 persons, had suffered in the two epidemic periods more than 12,000 deaths from cholera, besides more than 3,000 from other diarrhœal diseases; that the water-supply of those districts (except where got from wells and casual sources) had been derived from two commercial companies,† the Lambeth Company and the Southwark-and-Vauxhall Company, and that, over most of the field, the two totals of supplied persons were as two intermingled similar populations, living, except as to water-supply, under similar exterior conditions; that during the period 1848–9, both companies had drawn their water from parts of the Thames which were grossly polluted with sewage, the Lambeth's place of intake being somewhat the worse of the two; that, during the period 1853–4, the Southwark-and-Vauxhall Company had still drawn from the same source, amid pollutions even greater than before, but the Lambeth Company, on the contrary, had drawn from a higher and comparatively clean part of the river; that thus in the two periods taken together (and leaving aside the cases of exceptional water-supply) four different qualities of pipe-water had been supplied; three foul, in different degrees of foulness, and one which, at least relatively, was clean. The aim of the inquiry was to display for comparison the different degrees of mortality which had accompanied those differences of water-supply. In order to that object, the Board had first to identify the popula-

* See the second edition (1855) of his work on the *Mode of Communication of Cholera:* also *Medical Times and Gazette*, Oct. 7, 1854: also *Journal of Public Health*, October, 1856. That the much larger inquiry which the Board afterwards conducted—(including the whole epidemic of 1853–4, the whole epidemic of 1848–9, and, in both epidemics, not only the deaths by cholera, but likewise the deaths by other diarrhœal diseases)—had been suggested by Dr. Snow's original enterprise, may, I think, be assumed; for, though I have neither record nor positive recollection how the Scientific Inquiries Committee came to recommend the larger inquiry, I can hardly doubt but the suggestion must have come to us from Dr. Farr, who had been intimately acquainted with the course of Dr. Snow's inquiry, and after its termination had himself for a short time continued from the General Register Office an inquiry of the same intention.

† The houses in the companies' books in 1854 had an estimated population of 435,000, or about six-sevenths of the whole local population.

tions which received the respective waters,* and then to assign rightly to each population the deaths which it had suffered, from cholera and from other diarrhœal diseases, in the respective epidemic periods.† For many months officers of the Board were engaged in collecting and tabulating the required information; and in the spring of 1856, when the results were ready for opinion, it became my duty to report on them.‡ The report told that the populations respectively supplied by the four waters had suffered unequally from the diseases to which the inquiry had related. Particularly it told that the four respective *Death-rates by Cholera*, per 10,000 living, had been as follows:— for the population which in 1848–9 received *foul water* from the Southwark-and-Vauxhall Company, 118; for the population which in 1848–9 received the *somewhat fouler water* of the Lambeth Company, 125; for the population which in 1853–4 received from the Southwark-and-Vauxhall Company the water which was *foulest of all*, 130; for the population which in 1853–4 received the *amended supply* of the Lambeth Company, 37.§ Considering the very large scale of the inquiry, and the authenticity of the amassed facts, no reasonable person could doubt the extremely important significance of that uncomplicated final arithmetic.‖ Within the broad verdict which it

* The companies furnished exact lists of the houses to which they supplied water in 1854; and it was found that these lists, immediately applicable to the period 1853–4, could, with certain qualifications, be applied also to the period 1848–9.

† The lists of deaths were of course derived from the General Register Office; from which office were also derived the various estimates of population.

‡ See *Report*, addressed to the President of the General Board of Health, by the Medical Officer of the Board, *On the Last Two Cholera Epidemics of London, as affected by the Consumption of Impure Water*, May 13, 1856.

§ By other diarrhœal diseases (certain of which are in no immediate relation to local sanitary circumstances) the respective death-rates, in the same order as above, had been 27, 29, 33, 21.

‖ Dr. Snow believed, and I think rightly so, that the evidence in favour of the Lambeth amended supply of 1853–4 would have appeared far more striking than it did, if the figures (instead of being given in mass for the whole epidemic period) had been given for the different weeks in succession. In the earlier weeks of the epidemic of 1854, he found the mortality falling *almost exclusively* on the houses which were supplied by the Southwark-and-Vauxhall Company: and this certainly suggests question, whether the cases which afterwards became more numerous in houses supplied with other water might not often have been referable, directly or indirectly, to infection from the Southwark-and-Vauxhall water.

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expressed, there no doubt remained subtler questions which the figures could not pretend to answer; questions (such as those with which the eminent name of Prof. von Pettenkofer is identified) relating more particularly to the intimate natural history of the cholera-contagium; but, for immediate practical use, the broad verdict in itself was abundantly enough,—that, with the different qualities of water-supply, different proportions of cholera-death had uniformly followed. It was a verdict which greatly strengthened and extended the influence of Dr. Snow's publications, and joined with them to convince medical opinion in this country as to the peculiar dangerousness of sewage-tainted water-supplies in cases where cholera-infection may be at hand. Subsequent English experience (as particularly the experience of 1866) has but given greater emphasis to that conclusion: the substance of which, though now more than thirty years old, may probably still be counted the most important truth yet acquired by medical science for the prevention of epidemics of cholera.

1857. Proceedings and Papers relating to Vaccination.

In the year 1857, comprehensive report had to be made on the subject of Vaccination. In 1853 (on the basis of a Bill which Lord Lyttelton in consultation with the Epidemiological Society of London had introduced) Parliament had enacted the law which first made vaccination compulsory;* and in 1855 the then President of the Board of Health, Sir Benjamin Hall, had been memorialised by the President and Council of the Epidemiological Society on certain failures which they found in the working of the new Act, and as to which they prayed for amendatory legislation. In the session of 1856, a bill with that object was introduced in the House of Commons by Mr. Cowper, who meanwhile had succeeded Sir Benjamin Hall; but time for proceeding with it was not then to be found; and, as its introduction had evoked some expressions of hostility to the practice of vaccination, Mr. Cowper, when withdrawing it, agreed with the opponents that in the next session he would move for a Select Committee to receive evidence on the matter of their objections.†

* The Act, 16 and 17 Vic., c. 100, *to extend and make compulsory the practice of Vaccination.*

† Hansard, July 10, 1856.

In that state of the case, it of course was my duty to prepare myself as thoroughly as I could, in respect of the infinity of questions which might be asked, on one side or the other, as to the proofs of the value of vaccination; and it appeared fitting that, at such opportunities as might connect themselves with that duty, I should reduce into convenient form for the intended committee, and for others, the vast quantities of evidence which were known to be available. Fortunately the then circumstances of the Board allowed me to undertake the task on a far larger scale than would have been possible under different circumstances; and the result was a quarto volume, of some 280 pages, laid before Parliament in 1857.* In that volume, founded partly on information which was already existing in a diffused state in the literature of this and other countries, and in other part founded on new information which was sought for the purpose from the Governments of other European countries, from our own public departments and great schools, and on a large scale from distinguished medical professors and practitioners of this country and of France and Germany, I endeavoured to represent what was then the experience of the civilised world as to the use of vaccination, and as to the validity of reproaches which had been raised against it. In introduction to a mass of documents which made two-thirds of the volume, I prefixed a report of my own, in which, referring to them and to other sources of information, I furnished answer, as far as I could, to each of the five following questions:—(*a*) "What kind of an evil was small-pox before vaccination arose to resist it?"—(*b*) "What facts and arguments led to the first sanction of vaccination, and to what sort of inquiry were they subjected?"—(*c*) "What further knowledge, at the end of half a century's experience, has been gathered on the protective powers of vaccination?"—(*d*) "What evils have been shown to attend its practice, and to counterbalance its alleged advantages?"—(*e*) "How far are there realised, in this country, those benefits which can reasonably be expected from the general use of vaccination?" The volume was in due course laid before Parliament; but the Select Committee which had been intended, and for which specially the volume had been planned, was not

* General Board of Health: *Papers relating to the History and Practice of Vaccination*:—May, 1857.

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appointed in 1857; and fourteen years elapsed before that sort of use was found for the volume. In 1871, when at last (as will hereafter appear) a Select Committee, appointed on the motion of Mr. W. E. Forster, and with him as its chairman, had invited the opponents of vaccination to state their case, the volume of 1857 formed part of the counter-evidence; and some of its sections were reprinted in the Report which the Committee of 1871 made to the House of Commons in favour of maintaining and strengthening the Act of 1853.*

1858. Reports on Sanitary State of the People of England.

In 1858, occasion arose for a report of larger scope, and more initiative aim, with regard to sanitary government, than any which had been made since 1842; and as this Report of 1858 attained its purpose, and came to be of intimate relation to much subsequent work, the circumstances of its inception deserve notice here. Primarily, observation arose, that England did not possess the knowledge of facts which it required for its sanitary government. It was uninformed as to the respective degrees in which its different districts suffered death from different diseases. The Registrar-General in his sixteenth annual report (published in 1856) had furnished the public with the so-called *general* death-rates of the districts of England and Wales during the decennium 1841-50; but the composition of those respective death-rates, as to the *various causes* by which more or less death had been produced in the different districts, was hitherto not told by the Registrar-General; and, with that insufficiently detailed knowledge of facts, exact sanitary criticism was impossible. While districts were only to be judged and compared in respect of their total unfavourableness to life, while the unfavourableness could only be spoken of in lump, sanitary practice must be as

* In looking back, from this distance of nearly thirty-three years, to the Report which prefaces the volume, I of course find passages which I would wish amended. Especially I observe that, here and there, entering needlessly on questions of speculative pathology, I slid into more *à priori* reasoning than I should in later years have deemed suitable to the matter; and in respect of some such passages, I could now amend my argument by later knowledge. In more essential respects the Report is mainly a compilation of facts; in which sense I trust it may still prove useful; and I rejoice to have had the opportunity which that duty of 1857 afforded me, to collect and record so much conclusive evidence regarding Jenner's incomparable benefaction to mankind.

rude in treatment as it was in diagnosis, and could hardly rise above the quack's method of using one physic for all maladies. While such was the public case, it had happened that, in the direction where hitherto the General Register Office was not giving light, laborious endeavours to supply the deficiency were being made by a very able private investigator. Two years before this time, arrangements had been made at St. Thomas's Hospital that a short course of lectures on Public Health should form part of the systematic annual teaching of the medical school, and that for this course—the first of its kind in this country—the lecturer should be Dr. Edward Headlam Greenhow.* When Dr. Greenhow began to face the business of his lectureship, and, as one of his first steps, would have entered upon a consideration of the removable causes of disease operating in this country, he found that, by reason of the above-described insufficiency in the death-statistics of the country, he was as little able to advance as the proverbial brickmaker without straw; and in that state of the case (though for brickmaking which was purely honorary) Dr. Greenhow determined, with admirable pluck and public spirit,

Dr. Greenhow.

* I am glad to note that those arrangements at St. Thomas's Hospital were in adoption of proposals which I, as member of the School, had made there. Dr. Greenhow, who at that time was of perhaps twenty years' standing in the Profession, had till the end of 1853 been practising with high character at Tynemouth, and since then had been settled in London, where he was acquiring equal esteem. In addition to the technical qualifications which he had in common with other highly-educated practitioners of the time, he had the accomplishment (which at the time was very rare) of having read widely and thoughtfully in the literature of Hygiene and Preventive Medicine, so far as then existing, and of having had some experience in local sanitary administration. Just before his migration from Tynemouth to London, Cholera had been prevailing frightfully on the banks of the Tyne, visiting Newcastle and Gateshead with a virulence never before known, but letting Tynemouth escape almost without harm; and the Royal Commissioners who had to inquire into the circumstances of that distribution of disease, ascertained that the exempted town of Tynemouth had had precautionary measures vigorously and judiciously applied by a Local Board, under Dr. Greenhow's chairmanship. Dr. Greenhow's Lectures at St. Thomas's Hospital as described in the text were given annually during the six years 1856-61: after which he retired from St. Thomas's Hospital, to become Physician to the Middlesex Hospital. Of his subsequent labours in other branches of professional knowledge, I need not here speak, except to note that in 1867 he was a principal founder of the Clinical Society of London, and in the years 1879-81 was its President. In the years 1880–81, he was Censor of the Royal College of Physicians. Dr. Greenhow died Nov. 22, 1888, aged nearly 74 years.

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that he would himself supply the deficiency. Able to extract little information from the published reports of the Registrar-General, but permitted by the Registrar-General to use freely the immense masses of unpublished data which were within the office, Dr. Greenhow, with a year's very hard work, brought into existence the mortuary statistics which he needed. Respectively, with regard to the entirety of *England and Wales*, with regard to each of the 11 registration-*divisions* of the county, with regard to each of 23 registration-*counties*, and with regard to each of 105 registration-*districts*, he had ascertained *how many* persons of *each sex* had died, during the *seven years* 1848–54, by each of a large number of *diseases* or *groups of diseases*; * ascertaining in addition, with regard to each of 20 of the districts, *at what ages* certain of the more important diseases had proved fatal; and then, in order that the several outcomes might be in a form for comparison with each other, as proportionately to live population, he had reduced them all to the one arithmetical standard of a *death-rate* per 100,000 living. The death-rates, nearly 9,000 in number, were set forth in 143 tables: each table having at its head a brief explanatory notice (founded on the census and poor-law returns) as to the number, density, and distribution of the population of the respective area, and, in case of districts, also as to the occupations and the pauperism of the population. In intimate colleagueship with Dr. Greenhow, I was well aware of his undertaking and its progress; and in proportion as I became acquainted with the results he had obtained, and the comments he had to make on them, I could not but be impressed with their extraordinary instructiveness, and with desire to see them made available for public use. Taking then in the latter respect a view which I felt confident Dr. Greenhow would share, I did not hesitate to beg of him that he would make the public a gift of his work, by communicating it to the Board of Health in a form for parliamentary publication; and he having most liberally acceded to that request, his account of the results of the inquiry, together with an introductory report in which I endeavoured to explain and enforce their great practical signifi-

* For England and Wales, and for the registration-divisions and registration-counties, Dr. Greenhow's heads of disease-specification were 23; for the registration-districts, they were 27.

cance, was laid before Parliament in 1858.* The gist of that blue-book, in relation to purposes of law-making and government, may be summarised as follows:—first, Dr. Greenhow's part of the volume shewed in statistical detail that the most fatal diseases of this country were proving fatal in widely different respective proportions to population in different districts of the country, and that those wide differences of mortality accompanied certain broad district-differences in the residential and industrial circumstances of the respective populations: secondly, in the other part of the volume, I set forth, as far as I could, the positive knowledge then current in the medical profession with regard to the power of particular controllable causes to produce those diseases which Dr. Greenhow had shewn to be so unequally fatal in the districts. On the basis thus suggested, that, where certain diseases were prevailing in one district more than in another, presumably the cause of the excess was a cause which with skilled painstaking could be removed, I submitted, as practical consequence, that the new statistical knowledge seemed clearly to indicate the scope of a new social claim: the claim, namely, for impartial skilled inquiry and full publication of facts, in all cases of the sorts referred to: the claim, that, in each case where a preventable or partly preventable disease should prevail to excess in any particular district, the ætiological facts of the case ought to be ascertained by medical investigation, and be made clear to the people locally interested; and that the facts of all such cases ought to be made matter of national report for the information of the general public and the government and the legislature. At the time when the blue-book containing these representations appeared, the suspense which had lasted for four years as to the continuance of the Board of Health was about to end in the dissolution of the Board; and the blue-book came opportunely, to show the necessity of constituting, in part-succession to the Board, some official machinery by which the central government might methodically make inquiries of a

* General Board of Health: *Papers relating to the Sanitary State of the People of England;* being the results of an inquiry into the different proportions of death produced by certain diseases in different districts in England; communicated to the General Board of Health by Edward Headlam Greenhow, M.D., with an Introductory Report, by the Medical Officer of the Board, on the Preventability of certain kinds of Premature Death:—June, 1858.

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medical kind in relation to locally-current redundancies of disease. That its argument to that effect was accepted by Parliament, may be inferred from the legislation which almost at once followed, as will below be more particularly described. Here needs only be noted that the long series of inquiries which were afterwards directed by the Lords of the Council, under authority given by the Act of 1858, realised (so far as they went) the scheme which the Report of 1858 had recommended to the Board of Health; and that the Report of 1858 may therefore be read as the reasoned programme of work which occupied many succeeding years.

Legislation for the Medical Profession.

The year 1858 deserves a white mark among the years of sanitary progress, because in it was passed the Act of Parliament, 21st and 22nd Vict. c. 90, which first gave a statutory constitution to the Medical Profession of the United Kingdom; and I am glad to remember that the existence of a central office for the consideration of public medical questions contributed materially to promote that enactment. The previous state of the case had been ridiculous. The legal titles of medical practitioners were as various as the names of snuffs or sauces. Twenty-one disconnected corporate authorities within the United Kingdom were issuing their heterogeneous credentials of qualification (more or less) for responsibilities in Medicine. The authorities were mainly of mediæval root; some in trade-guild sort, some in sorts ecclesiastical. From an authority of the former sort, a man might hold a license to practise medical or surgical business within particular boundaries; or from an authority of the other sort (perhaps deriving primarily from the pope) he might be certified to the world at large as an orthodox teacher of medicine, who, if competent to teach, was inferentially also competent to practise: but the licenses and degrees did not secure anything like a professional preserve to those who held them; for though in some cases poachers were threatened, there was in effect almost no restriction on practice, and any one who chose might entitle himself *surgeon* or *doctor*. The authoritative titles, moreover, were themselves of no settled value; for the State had hitherto not troubled itself as to the terms on which they should be granted, and the qualifications

exacted from candidates varied greatly among the title-granting bodies. Of some of the bodies it used to be said that their examiners were of extremely easy virtue; and as the granting of titles was often an important source of income, evidently it was not improbable that the reproach might sometimes be deserved. Against that disorderly state of things, public-spirited members of the profession had long, but vainly, protested: urging that the various medical titles ought to be brought to have real significance; ought, all of them, to guarantee the possession of professional skill and knowledge according to some one common standard of minimum-qualification, and ought, under that condition, to carry equal privilege in all parts of the Kingdom.* Legislation for purposes such as these could scarcely have been opposed on any reasonable ground; but whenever it had been attempted, the intricacies of parts of the matter, and the antagonisms and jealousies of so many conflicting jurisdictions and interests, had shown a chaos which statesmen in general could only regard with despair. In a long succession of Home-Secretaries, probably Sir James Graham was the only one who had really applied himself to understand the case; but even he, after having taken much trouble with it, and having on two occasions (1844 and 1845) introduced bills for Medical Reform, had found the hubbub of contentious voices too strong for him;

* Before the year 1830, questions of Medical Reform, as above-suggested, had begun to be perceptibly agitated in the Profession, and from about 1830 they came by degrees to attract more and more professional interest. As early as 1831, the then eminent surgeon and professor, the late Joseph Henry Green, who thirty years afterwards was President of the General Medical Council, had published a thoughtful pamphlet on some of the relations of the subject; and in 1833, at the second meeting of the Provincial Medical and Surgical Association, Dr. Edward Barlow of Bath introduced some remarks on "Medical Reform" into the anniversary address which he had to deliver. In 1834 a Select Committee of the House of Commons was appointed "to inquire into the laws, regulations, and usages regarding the education and practice of the various parts of the Medical Profession in the United Kingdom;" and it reported to the House a large volume of evidence relating to England. The questions now came to be more and more discussed in the medical journals; and, from 1837, the Provincial Medical Association had a standing Committee to watch over the interests of the profession. In concert with those movements in the Profession, Mr. Warburton, Mr. Wakley and Mr. Hawes, in 1840 and again in 1841, brought a Medical Reform Bill before the House of Commons; but their Bill was without success; and no further important step was taken in the matter till Sir James Graham's intervention noted in the text.

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and, from his time, no minister had touched the question. The Provincial Medical and Surgical Association (afterwards made the British Medical Association) had, by a committee of which Dr. Sir Charles Hastings of Worcester was chairman, addressed Lord Palmerston in 1853, and Sir George Grey in 1855, in hope of inducing the government to promote a reform bill which the Association had prepared; but neither of those Ministers would consent to undertake the task; and the case of the Medical Profession was not to be heard in Parliament, except so far as some private member could be induced to bring it forward. Late in the session of 1855 it was taken up, on that footing, by Mr. Headlam, member for Newcastle; who then introduced a bill representing the views of the Medical Association; and this bill (somewhat modified in consequence of private discussions during the recess) was re-introduced by Mr. Headlam at the opening of the Session of 1856. Two years before this it had happened, that, adverting in print to the unorganised state of the Medical Profession, and commenting on the apparent impotence or apathy of parliament in regard of our case, I had expressed a belief, that, whenever the Government of the country should have grown to include a properly authorised Minister of Health, such Minister (having of course medical advice at his command) would soon understand enough of the case to be powerful for right legislation in regard of it; * and now, in the years 1856–8,

* *Reports* (reprinted) *relating to the Sanitary Condition of the City of London;* Preface, pp. xxix–xxx.:—"The difficulties which have baffled successive Home-Secretaries might soon find their solution in the less divided attention which he [a Minister of Health] could bring to their study. Amid conflicting opinions and an apparent scramble for power, he would soon distinguish where might be the strife of jealousy and covetousness, where a truthful zeal for the honour and efficiency of Medicine. I think he could not be long in curing our more scandalous anomalies. Probably—unless human bowels require other doctoring in London than in Manchester—he would manage that a doctor there should be a doctor also here; that no license for the partial practice of medicine should be recognised—no license admitting a man to do in Edinburgh what it would be a misdemeanour for him to do in Greenwich. And obviously, in order to this—since a professional diploma is the only criterion by which the public can measure the competence of those who seek their patronage—he would see that, as far as may be, the various licensing bodies exact from their candidates equal and sufficient qualifications; that the diploma entitling a man to call himself Surgeon or Physician, Accoucheur or Apothecary, mean the same thing—imply the same education, whether it be got in Scotland, Ireland, or England; and that any falsification of such diploma, or any unauthorised assumption of the title which implies its possession, be promptly punishable at law."

something to that effect began to be seen. In 1856, the proposals for medical reform were brought into the province of practical politics by the course which the President of the Board of Health took with Mr. Headlam's Bill: carrying, namely, that it be referred to a Select Committee of the House. That Committee (which had Mr. Cowper for its chairman) did not prove to be of much use in respect of its recommendations to the House for changes in Mr. Headlam's Bill; since the recommendations were in great part not such as Government could adopt; but it was very useful in respect of the insight which its individual members obtained, on the one hand as to the broad public interests which Parliament had (as far as possible) to secure by legislation, and on the other hand, as to the many mere license-mongering *peculia* which were being fought about. In the session of 1857, two bills were before the House: one, introduced by Mr. Headlam, which again represented (but with some modification since last year) the proposals of the Medical Association; the other, introduced by Lord Elcho, and embodying the views which had found favour with a majority of the Select Committee of 1856; and for the former of those two bills, Mr. Headlam, late in the session carried a second reading by a majority of 225 to 78; but further progress could not be made with the bill; and it appeared utterly improbable that any medical-reform bill would make way through the House unless introduced as a government-measure. The President of the Board of Health soon determined that he would be ready to deal with the matter on that footing in the next session of Parliament. So, during the recess 1857–8, decision was made as to the plan of legislation which Government would recommend for adoption; and while the Bill to give effect to that plan was being drafted for the Board, it was my duty to prepare an office-memorandum which explained the then existing defects of the law as to medical titles and medical practice, and stated with such argument as seemed requisite the principles which had been taken by Government as basis for the Bill it was about to propose.* In consequence of a political accident in the first

* This memorandum did not at the time pass into general circulation; but in later years events more than once led me to make public reference to it. In 1870, it was printed (No. 10 A) in the Appendix to the Twelfth Report of the

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month of the new session,* Mr. Cowper, at the moment when he would have introduced his *Medical Practitioners* Bill, found himself no longer in a position to do so officially; but having by that time become familiar with the subject, and interested in it, and knowing of course that the advantages which during the past months had been gained towards a parliamentary settlement of the question could not off-hand be made available to his official successor, he, with public spirit, refrained from severing his personal relation to the draft-bill; and after an interval (during which he may probably have received assurances of good will from the new ministers) he proceeded, in private-member capacity, to introduce the bill to the House as having been prepared under his Presidency. With regard to the Bill thus introduced, Mr. Walpole, as Home-Secretary in the new government, was practically master of the situation. He (I venture to think unfortunately) declined to support an original intention of the Bill, that the General Medical Council, subject to the approval of the Crown, and consequently under responsibility to Parliament, should be entrusted with full regulating powers as to the future conditions of medical qualification; but otherwise, in the main, he supported the Bill, and, when it was modified as he required, he gave Mr. Cowper all possible assistance to pass it; so that eventually it became law, as *The Medical Act* of 1858. The new Act instituted for the first time a legal definition of the British Medical Profession; it directed the establishment and maintenance of a *Medical Register*, by which the public and its courts of justice should be able to distinguish the "qualified" practitioners of medicine from pretenders not lawfully qualified; it gave to each registered qualification an equal currency in all parts of the British Empire; it created a superintending Council for the purposes of the Act; it empowered the Council to strike from the Register the names of persons who should be convicted of crime, or whose professional conduct it should judge infamous; it authorised the Council to impeach before the Privy Council

Medical Officer of the Privy Council, and in 1879 was reprinted in the Appendix to the Special Report from the Select Committee (Mr. Forster's) on the Medical Act Amendment Bills of that year.

* Reference is made to the change of Ministry which followed Lord Palmerston's defeat in the matter of his *Conspiracy to Murder* Bill.

any Licensing Body which should grant its diploma on insufficient conditions of study or examination; and, in respect of its giving that ultimate authority for impeachment together with certain powers of inquiry and visitation, it enabled the Medical Council to exercise gradual influence, though no direct coercion, for the raising of the standards of medical qualification, and for the improvement of medical study. In the latter respects, representing objects for which the original bill would have invested the Council with directive authority, the Act could scarcely pretend to be more than tentative in its subject-matter; but such as it was, it constituted, on the whole, a very important beginning of reform in a previously chaotic state of things; and it seems certain that this beginning would not have been made in 1858, unless the President of the Board of Health had been there to promote it.*

The Public Health Act 1858.

Finally, as before noted, there came in 1858 the new legislation which ended the General Board of Health, and devolved on other departments the duties which for ten years had been in the Board's charge; devolved, namely, the medical duties (with some important additions) on the Lords of the Council, while devolving the other (but somewhat reduced) duties on the Home-Secretary. In the first-named class of duties, which alone need here be dwelt upon, the new responsibilities which the Public Health Act of 1858 created were in relation to two great needs, which had been exhibited in my above-mentioned Reports of 1857 and 1858. With regard to one such

* Mr. Cowper after this date did not have any further official concern with business of Public Health; but he held other office during the seven years of restored whig administration, 1859–66; first, for a short while as Vice-President of the Board of Trade, and subsequently as First Commissioner of Works. He died on October 16, 1888, having meanwhile (1880) been raised to the peerage as Baron Mount-Temple. Though from 1858 he had nothing officially to do with sanitary affairs, his interest in them continued to the end of his life; and during the thirty years he was always among the chief philanthropic endeavorers for the sanitary and general civilisation of our poorer classes. In all such endeavors he worked in intimate fellowship with his brother-in-law and valued friend, Lord Shaftesbury; and the part he took, though publicly by far the less prominent of the two, and often but little in the public eye, was, as fully and as admirably as Lord Shaftesbury's, and with some characteristic graces of its own, a life of generous feeling and action for the interests of the classes which need help.

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need, the Act made the Privy Council responsible for the quality of public vaccination in England, and for the maintenance of the national supply of vaccine lymph. With regard to the other need, the all-pervading want of common sanitary supervision, the Act authorised the Privy Council to cause to be made from time to time such inquiries as they might see fit in relation to any matters concerning the Public Health in any place or places; it required that the Medical Officer of the Privy Council should from time to time report to the Privy Council in relation to any matters concerning the Public Health, or such matters as might be referred to him for the purpose, and should annually, in or before the month of March, report all proceedings taken under the Act in the last preceding calendar year; and it directed that all reports of the Medical Officer should, as made, be presented to Parliament.

The Public Health Act, 1858, which opened a very important new period in the sanitary relations of the British Government, had not passed the House of Commons without opposition; and those who opposed its passing had been able to score a temporary success. Popular education in sanitary matters was not hitherto sufficiently advanced to have been a force in favour of what was proposed. The Bill was of Ministerial promotion, but Ministers did not pretend that it represented any strong conviction of theirs; and in the House of Commons, in the summer of 1858, the state of parties was eminently not that in which Ministers are expected to stand to their proposals. In relation to the real case for the Act, if that case had been made intelligible to a listening House, controversy could hardly have been raised; but (as often happens with matters which are not of party-concern) the real case had neither means nor opportunity to make itself heard in the House; and the arguments hastily ejaculated in favour of the Bill seem to have been about as inadequate as the arguments used against it.* It accordingly

* Referring to Hansard, I observe that, on the one occasion when the Bill came under a sort of discussion, the hard-pressed Minister who had to defend the appointment of a central medical officer found the climax of his case in "the pestilential state of the river which flowed close by, and which really might soon be a terror to this House"; and that, with every kindness of intention, he spread his shield over a supposed right of the medical officer to be engaged in the private practice of his profession, though the officer, when he received appoint-

came to pass, that, late in the session, when the Bill was in Committee, and its ministerial promoters found themselves opposed by Mr. Duncombe, they, as a compromise to pacify him, conceded a stipulation that the Act should last only for a year.* Seldom can compromise have shewn itself in a more grotesque form than when the essentially far-reaching provisions of the Public Health Act of 1858 became law, with a rider that they should cease to operate on the first day of the next year's August.

The Perpetuating Act of 1859.

Under the circumstances last mentioned it was evident that in 1859 the "to be or not to be" of the Central Medical Officership must in form be an open question for the Government and Parliament of the day; but that Government should consider it an open question except in a merely formal sense, or that in Parliament there should be any serious vote against the continuance which Government was supposed to intend, was, so far as I know, quite unexpected. By degrees, how-

ment three years before, had expressly agreed not to have the right, and could never for a moment have deemed any such right to be compatible with the nature of his office.

* Reference is made to the late Mr. Thomas Slingsby Duncombe, who for many years enjoyed the full confidence of Finsbury, but who, except in that sense, was hardly to be counted among the serious politicians of his time. More than thirty years previously—(àpropos of a speech which he interposed in the ministerial-explanations debate of February, 1828, and which has its amusing private history told in the *Charles Greville Memoirs*)—Mr. Greville, besides commenting otherwise unfavourably on his life and character, had described him as "of limited capacity, exceedingly ignorant, and without any stock but his impudence to trade on, only speaking to serve an electioneering purpose, and crammed by another man with every thought and every word he uttered." While Mr. Duncombe was of course not a man to be taken too seriously in the House, and while indeed his just-named contemporary regarded him as "the greatest political comedy going," he was often an especial torment to the occupants of the Treasury bench: whose weak cases he would assail, when it suited him, with the warmest indignation of independent membership. At the later times to which my text refers, he was of broken health, and only able to attend the House during the earlier of its hours of business; but he could still attack with vivacity and assurance, had a quick perception of easy openings for attack—especially of such as Finsbury would like him to perceive, and was listened to as a speaker who amused. Throughout the years 1856–9, he would always if possible come to the front to oppose anything *medical* which Government happened to have in hand; and on such occasions he perhaps carried a certain additional prestige as the most notable invalid in the House.

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ever, during the second half of Mr. Duncombe's year, the question of the continuance of the office came to be one of extreme uncertainty, and more than once was almost settled in the negative. In the spring of 1859, when the matter had begun to call for consideration under Lord Derby's government, the first resolution communicated to me was that Government did not intend to propose more than a temporary continuance of the office; and soon afterwards I was told, as the result of further consideration, that they would not propose any continuance whatsoever, but would let the appointment lapse with the ending of the Act of 1858. Within a week of the time when this demolishing resolution was made known to me, I was informed that it had been abandoned, and that at the proper time a Bill would be introduced to continue (and as I understood perpetuate) the office. I at that time had reason to believe, and at this distance of thirty years I may gratefully express my belief, that the sudden change of resolution was due to a conversation which in the interval my political Chief had had with the late Prince Consort; whose highly-informed statesman's mind, always bent on objects of public good, had long been interested in the cause of sanitary progress; and whose opinion, expressed on such a point as this in question, was likely to be received as conclusive. Lord Derby's government, however, was not destined to give effect to the amended decision; for, at this juncture occurred the 1859 change of administration which restored Lord Palmerston's Premiership, and brought Earl Granville to be Lord President of the Council, with Mr. Lowe (afterwards Viscount Sherbrooke) as Education Vice-President. By the new ministers a bill to give permanence to the provisions of 1858 was at once introduced in the House of Commons, and was rapidly carried through all its earlier stages; but Mr. Duncombe and others (chiefly representatives of the old enmity to the Board of Health) then determined to resist its third reading; and, notice to that effect having been given, there followed a few hours of ministerial hesitation, whether the temporising compromise of the previous year should be repeated. Mr. Lowe, who had charge of the bill, saw very plainly that the functions which the Act of 1858 assigned to the Privy Council and its Medical Officer could have little prospect of being made

serviceable to the public, if they continued only on condition of an annual struggle for existence; and on that view the Government determined to proceed. On July 19th, when Mr. Lowe moved the third reading of the bill, his battle proved to be harder than had been foreseen; for the comparatively few members who had resisted the bill of the previous year were now unexpectedly reinforced from the camp of those who had proposed it; and in spite of Mr. Lowe's pointed reminder, that "hon. gentlemen opposite now joined in the opposition to the act of their own government," the curious alliance from that side of the House gave the old opponents of the bill a very near approach to victory. Mr. Lowe however defeated the combined forces by the narrow majority of 101 to 95 votes;* and the perpetuating Bill, which soon afterwards passed the House of Lords, became law as 22nd and 23rd Vict., cap. 3. From this time onward the Central Medical Officership was in a position gradually to shew whether it deserved to hold permanent rank in the civil service of the country.

The office was under obligation to Mr. Lowe for the promptitude and vigor of his fight for it, and the obligation was afterwards greatly increased: for the interest he had shown in the office at starting continued during the five years of his Education Vice-Presidency, and was renewed in after years when he was Chancellor of the Exchequer; and at both periods he powerfully promoted the working of the department as against the unavoidable difficulties of its official novelty. Apart too from those sorts of obligation, I (as first holder of the office) had much personal reason to feel indebted to Mr. Lowe for the sort of apprenticeship which my years of service under him afforded me. In those relations with him I found, not only a minister who with rare mental activity was always sincerely considering how best he could serve the public; but also a politician, who had truly studied the roots of political practice, and could apply to questions of legislation and government a knowledge of social

* The result seems to have turned pretty much on accident; for, just after the division, a member who had taken part in it (a former president of the late Board) told me that, when the division-bell rang, he, being at the time outside, had carried in with him to the Government-lobby six members who would otherwise have been absent, and whose votes made the majority for the Bill.

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economics and of history. He being such as he was, I could not but find education in my constant opportunities of discussing with him the political bearings of the work to be done under our Act; and it was my first great encouragement in office, to see how immediately he recognised the importance of the work, and what pains he was always ready to take with its problems.

CHAPTER XIII.

THE MEDICAL DEPARTMENT UNDER THE PRIVY COUNCIL.

It having been my duty, from the time when I became Medical Officer of the Privy Council, to prepare for Parliament annual reports on the branch of the public service in which I was concerned, the fourteen such reports, made during the years 1859–72, and successively laid before Parliament, are a record of the work of the Medical Department during the years to which the present chapter of narrative relates; and the narrative therefore needs only so far epitomise that record as to shew what was the general spirit, and especially what were the chief practical aims of the work.

Nature of the Privy Council's Jurisdiction.

Except in two particular relations, the Lords of the Council under the Act of 1858 were not a regulating or controlling authority. The exceptions were—first, that they were charged with permanent regulative responsibility in regard of the public vaccination of England and Wales, and of the national supplies of vaccine lymph; and, secondly, that, during occasions when the Diseases-Prevention Act might be in force against any formidable epidemic, endemic, or contagious disease, they had authority to issue orders and regulations pertinent to the occasion; but, except in those two relations, and in relation to the Act for Quarantine and the Medical Act, their Lordships, through their Medical Department, had only to fulfil functions of *Inquiry and Report*. Apart from inquiries to be made into the execution of such orders and regulations as they might have in force with regard to Vaccination or to the purposes of the exceptional Diseases Prevention Act, my Lords were to inquire into "any matters concerning the public health in any place or places;" and this duty would in part be determined by occasions as they might from time to time arise—chiefly the casualties and alarms of particular localities in respect of the ordinary epidemic diseases of the country, and would in other part be fulfilled

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on system, with continuous regard to a general scheme of progress.

The Council's Medical Machinery

For the inspective and other technical work of the Department, there of course was need of technical assistance; and, as to the persons whose skilled co-operation for such purposes should be sought or accepted, my Lords always did me the honor of inviting my recommendations. Obviously I had every motive to justify the trust which was so reposed in me; and the praise which during the series of years I had the happiness of finding accorded to the work of my co-adjutors, as reported in the annual blue-books of the Department, assured me that my endeavours to enlist first-rate service under their Lordships' commission were successful. During the earlier years of the Department, a chief departmental demand was for highly-specialised knowledge in particular sections of subject-matter; and this could hardly be met except by isolated consultation-reports from specialists already of authority in the section, or from inquirers distinctively commissioned in relation to it. Partly for that reason, and partly because of the general tentativeness of the case, the earlier engagements of technical assistance were all temporary; but, as years went on, permanent inspectorships, first (1865) for the vaccination-duties of the Department, and afterwards (1869) for the general sanitary business, became necessary; and by degrees several who had been temporary assistants of the department were enrolled as permanent officers, or for permanent partial duty. The Ministers who promoted the legislation of 1858 had deliberately refrained from proposing to maintain for sanitary purposes any such formally constituted Medical Council as Sir Benjamin Hall had had in 1854–5; but, with the assistance which has been described, a way was found in which the public service could have the advantages of medical consultation; for the highly-qualified persons who in different degrees and capacities gave skilled assistance to the Department in matters of special technic, or in report on local sanitary circumstances, were practically Councillors, with any one or more of whom the Officer responsible for advising the Government could always (as it were) go into Committee of Advice for the various special objects to which their assistance related; and my successive reports are evidence how very highly I appreciated the value

of those consultative facilities, and how deeply indebted to them I was in all my endeavours for the public service.

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In taking account of the work which was done by the Medical Department of the Privy Council, it is necessary to consider separately the part which related to Vaccination; and, for the present purpose, it will be convenient to let that part stand first in order of description.—With regard to Vaccination, the functions which the Act of 1858 required the Privy Council to fulfil were supplementary in an essential sense to certain which the Poor Law Board was fulfilling. Since 1840, when the first vaccination-act for England was passed, the Poor Law Board (with no medical functionary in its service) had had control over the contracts which local authorities were to make with medical practitioners for the performance of public vaccination; but that secretarial control affected only the forms of the system to which it applied, and it did not at all concern itself with arrangements for the maintenance of lymph-supply. No wonder, then, that, throughout the English system of public vaccination, there were flagrant evidences of unskilfulness: evidences, specially discreditable in the case of the country which had taught vaccination to the world, and all the more serious in their details in as much as our legislature in 1853 had made vaccination compulsory. To that very unsatisfactory state of the case, I had been obliged to refer in 1857 when reporting generally on the subject of vaccination, and the provisions which the Act of 1858 contained as to vaccination were meant to begin a better system: not indeed removing from the Poor Law Board the formal control over vaccination contracts, but providing, as in aid of the Board, that, for all the medical requirements of the case, the medically-advised Lords of the Council should regulate and supervise the service. The dual government was not likely to be a rapid agency of reform; but, awkward as it was, it offered better possibilities than had before existed; and in 1859 the proceedings of the Lords of the Council in respect of their share of the divided responsibility began. First, as security, direct and indirect, against individual acts of *mala praxis* in the performance of public vaccination, they defined in technical *Instructions*, what should in future be understood as a proper fulfilment of the

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contractor's undertaking to "vaccinate;" they required (strange as it may seem that no such requisition had yet been made) that persons to be in future appointed public vaccinators should be persons who had learnt to vaccinate; and, in order to make this possible, they opened, in proximity to the various medical schools of the country, educational vaccinating-stations where medical students could receive the instruction, or be examined as to their competence. Secondly, with a view to the better maintenance of local supplies of vaccine-lymph, they laid down the rules which ought to be observed in the appointment of times and places for public vaccination. Thirdly, with a view to the maintenance of the general supply of lymph, they arranged that the National Vaccine Establishment (which of late years had been tending to failure) should have, as its future sources of lymph, a sufficient number of carefully selected stations out of those which the Act of 1840 had created. The departmental Report on 1859 (presented March, 1860) gives exact account and explanation of those early regulative proceedings;* as to the fundamental principles of which I had profited by much special consultation with Mr. Ceely,† Mr. Marson,‡ and Dr. Seaton.§ The

* Second Annual Report of the Medical Officer of the Privy Council; 1860.

† Mr. Robert Ceely of Aylesbury, for half a century the leading surgeon of his county, and always one of the most respected members of the profession, had, from early life, in spite of the demands of active professional practice, ever been among our truest cultivators of medical science. Especially in comparative pathology, he was a man of cyclopædic reading, and wide and exact observation; his rural surroundings having been used by him as a great school in which to study the diseases of farm-stock and other domestic animals. By the profession at large he was recognised as the one of us who had most perfectly studied the natural history of vaccination, and as our common master in all relating to it. I gratefully acknowledge that I owed to him all the best teaching I got in that and in much allied matter. He died, eighty-three years old, in Nov., 1880.

‡ Mr. James Marson, who died in November, 1877, had for the last forty-two years of his life been Resident Surgeon to the London Smallpox Hospital. He was of unique experience as to the relations between smallpox and vaccination. On that subject he had in 1852 contributed to our London *Medico-Chirurgical Transactions*, a paper which at once became classical, giving the extremely important results of his extensive and minute original study down to that date; and some twenty or more years afterwards he put the Medical Department of the Local Government Board into possession of the records of all his later experience. As an expert in the practical knowledge of vaccination, he probably was unsurpassed in the world.

§ Dr. Edward Cator Seaton, who at this time was beginning to assist the

first departmental proceeding was to enter upon a minute survey of public vaccination in the (about) 3,500 districts of England and Wales: a survey in which Dr. Seaton, Dr. Stevens, Dr. Buchanan and Dr. Sanderson, acting as inspectors,* amassed for the department during the five years 1860–4 the complete system of information on which further reforms had to be based, and the full particulars of which are set forth in the five annual reports, third to seventh inclusive. In 1866, on the strength of that mass of information, Mr. H. A. Bruce (who meanwhile had succeeded Mr. Lowe as Education Vice-President) brought before the House of Commons, and carried through Select Committee of the House, a Bill to amend the vaccination-law in various respects: which Bill the 1866 change of government prevented from then passing: but in the following year, it was re-introduced with little or no change by Mr. Bruce's successor, Lord Robert Montagu, and became law as the amending and consolidating Act, 30th and 31st Victoria, c. 84. This important sanitary statute re-enacted in amended form the fundamental provisions of the Acts of 1840-1841 and 1853,—providing, however by new conditions and control for the much needed improvements in the local service of public vaccination, and appointing special

department as occasional inspector, and who afterwards became more and more importantly associated with it, had from long before, been of high account as a critic of the Vaccination Acts and their administration. He had been Honorary Secretary and I believe the chief mover of the Epidemiological Society, at the times when the Society promoted the compulsory Act of 1853, and afterwards urged Sir B. Hall for administrative reforms in the Vaccination-service. From the time when Dr. Seaton was appointed Inspector, his devotion to the details of that branch of our work was an invaluable assistance to the department, and most useful service to the public. Dr. Seaton became in 1876 Medical Officer of the Local Government Board, and retained that office till shortly before his death, which befell January 21, 1880.

* At the time of my present writing (1889) Dr. Stevens, Dr. Buchanan, and Dr. Sanderson, are still actively serving the public; the last-named as Waynflete Professor of Physiology at Oxford, the other two as officials who reflect honour on the Local Government Board; and it will be for some later pen than mine to praise them adequately when they shall have passed from the scene. Here needs only be noted that, at the time when they respectively began work under the Privy Council, Dr. Stevens had shown qualities of a very high order in the post of resident-physician to St. Luke's Hospital for the Insane, and that Dr. Buchanan and Dr. Sanderson were highly distinguished Metropolitan Officers of Health. Dr. Buchanan had also for some years (beginning soon after his entry on practice) been Physician to two of the most instructive of special hospitals, the London Fever Hospital, and the Hospital for Children.

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machinery and method to promote the compulsory intentions of 1853; it also brought within particular provisions of law the performance of re-vaccination at the public expense; and, not least, it authorised the Privy Council to apply a parliamentary grant, on the principle of "payment for results," to the object of providing for meritorious public vaccinators a better remuneration than they had yet had.* The new Act came into operation on the first day of 1868; shortly afterwards important new regulations, necessary for various of its purposes, were issued by the Lords of the Council;† and thenceforth, for a long while, the Medical Department was very largely occupied with the reforms which had to be introduced. Considerably before this time, the superintendence of public vaccination had been found to require a continuous employment of inspectors, and had led to the earliest permanent inspectorships in the Medical Department: Dr. Seaton and Dr. Stevens having entered on permanent office in April 1865; Dr. Hunter in the summer of 1866, immediately after the report of the Select Committee;‡ and Dr. Brodribb a few months later: § besides which appointments there was (from long previously) the special inspectorship of the National Vaccine Establishment. From the time when the new Act began to operate, our duty of supervising its operation required that our circuits of inspecting for that purpose should be arranged as departmental routine. Irrespectively of special claims which might have to be met where local arrangements were being changed, or matters of complaint needed inquiry, and apart also

* The contrivance was founded on the hint of Mr. Lowe's Educational Code; and the clause proposing it for the Vaccination Bill had been brought before the Select Committee of 1866 by Mr. Lowe.

† Eleventh Annual Report, pp. 7 and 36.

‡ Dr. Henry Julian Hunter had entered the profession in 1844, and after having practised in it very actively in Sheffield for seventeen years, had in 1861 retired from private practice; since when he had on several occasions rendered valuable assistance to the Privy Council Medical Department in works of general inspection, some of which will hereafter be mentioned. From the appointment on which Dr. Hunter entered in 1866, he, greatly to my regret, had to retire in 1870. The new vaccination-inspectorships, as at first arranged, were offices of great labour; and Dr. Hunter, who never spared himself in any duty he undertook, found, after four years of office, that he could no longer sustain the exertion.

§ Dr. Brodribb's efficient tenure of office was unfortunately only for a year. Being in London in January 1868, and visiting the London Fever Hospital, he there caught typhus, and rapidly died of it.

from certain more particular inspections annually required for the stations which supplied lymph, and for the stations which were schools of vaccination, our scheme provided that, once in every two years, the vaccination-arrangements of each local authority throughout the country, and the work of each individual public vaccinator, should be inspected and criticised in the sense of the new law, and of the regulations which had been made for the award of the parliamentary grant to meritorious public vaccinators; and that if, on inspection, defects or irregularities were found in the local working of the Act, the local authority should receive from the Department such notification as the case might require. On the subsequent story of this large branch of work, it is not necessary here to dwell; but some further reference to it will be due when the proceedings of the year 1871 come to be mentioned.

Series of proceedings for general sanitary purposes.

Strangers who looked superficially at the early reports of the Medical Department may perhaps sometimes have thought we were bestowing disproportionate care on the one specialty of Vaccination. The reasons, for which we at starting were required to give it our first particular attention, were not far to seek: the power of vaccination to prevent smallpox was already so familiarly known to the general public, that the knowledge seemed peculiarly to claim administrative recognition; in that one specialty preventive medicine had ripened to a point at which the legislature had become able to expressly apply it; and the state of the law as to compulsoriness of vaccination had made it urgent, as a point of honour between government and people, that public vaccination in all parts of the country should be as good as the best knowledge and the utmost painstaking could render it. But while those considerations influenced the *order* of action, and while under the circumstances an immense quantity of detail regarding vaccination was inevitably brought to the front in our earlier reports, the prevention of smallpox was never in principle deemed of more concern to the Department than the prevention of any other preventable disease; and vaccination, in that point of view, was but a fraction of our statutory business. Except so far as particular duties had been created for us under the vaccination-

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law, the public-health relations of the country were to be treated in all their parts with equal justice; and the first function which the department had to fulfil towards them was the function of EXACT STUDY, as foreshadowed in the report of 1858. With regard to sanitary action in general, no duties of command had been assigned to the Lords of the Council; and in truth anything which their Lordships in those early days could have done by way of command would have been as nothing in comparison with the good they could do by increasing applicable knowledge. Their Medical Department had to develop a scientific basis for the progress of sanitary law and administration. We had to invoke, for our own speeial province of duty, the spirit which for many previous years had been tending to more and more activity in other departments of medicine, as indeed generally throughout the biological and physical sciences: we had to aim at stamping on public hygiene a character of greater exactitude than it had hitherto had.* Confident that, if the

* In the report of 1858, I had mentioned various instances in which the advancing exactitude of clinical and experimental pathology was giving help and example to hygienic study, and in which the latter was moving into modern methods. For present purposes of comparison, I may note a few dates which I think significant. During the years 1849–52, Dr., now Sir William, Jenner, who at that time was a hard-working junior at University College, had established his memorable discrimination between the chief continued fevers of this country; and in 1858 his work was very usefully supplemented by Dr. Murchison's endeavour to trace the different fevers to different ætiological relations. During the years 1854–6, the Bavarian Government had published its highly instructive reports on Cholera, as observed in Bavaria in 1854–5; including the classical one in which Prof. von Pettenkofer went far ahead of all previous writers in endeavours to define the conditions which determine the diffusion of cholera; and including also the not less momentous one in which Professor Thiersch gave a first corroboration by experiment to the theory of choleraic infection which our countryman Dr. Snow had been pressing since 1849. In 1859–60, Dr. Snow's similar views as to the ætiology of enteric fever were ardently pressed by Dr. William Budd of Bristol: who, in support of them, published various cases in which persons suffering under enteric fever, and migrating from place to place, had undoubtedly infected the places to which they moved. In relation to a different group of hygienic questions, the year 1858 was signalised by the publication of Professor Ricord's epoch-making work on the contagium of syphilis. In the more intimate study of contagion in general, and of the various particular contagia, a new æra began in 1865: when M. Villemin published his proofs of the inoculability of tubercle, and when Dr. Beale and Dr. Sanderson were set by the Royal Cattle-Plague Commission of that year to inquire into the nature of the cattle-plague virus. In 1870 Dr. Ballard contributed most

knowledge were got, its utilisation would speedily follow, we had to endeavour that all considerable phenomena of disease-prevalence in the country should be seen and measured and understood with precision,—should be seen as exact quantities, be measured without fallacious admixture, be understood in respect of their causes and modes of origin; that true facts, and true interpretation of facts, with regard to the diseases of the country, and the causes producing them, should be supplied on a sufficiently large scale for political appreciation and use. Undertaking in that spirit to investigate as thoroughly as we could the general sanitary requirements of the country, we proceeded in part methodically, on lines which had suggested themselves to us as necessary main-ways of a general plan; while, in other part, we accepted the guidance of such merely accidental opportunities as were given us from time to time by the occurrences of particular seasons, and by the complaints and questions of classes and persons who told us of their sanitary hurts or alarms. The work advanced year by year during the period to which the present section of my narrative refers; and long before the close of the period, the successive steps, recorded in the annual reports, had not only made essential progress in the matter of our scientific task, but had led, and were still leading, to such important extensions of sanitary law as gave a hundredfold reward for the labour.

For the first eight or nine years, the inquiries, almost universally, were such as might be tabulated under two heads,—sometimes were of direct reference to observed *Excesses of Disease*, epidemic or endemic, in particular districts, or among particular classes of the population, and sometimes were inquiries into the distribution of the common *Necessaries of Health* among the population, and into the effect of deficiencies which were found existing; but, between those two sorts of inquiry, the distinction was rather formal than real; for, though they respectively started from different standpoints, they tended to one and the same main purpose with each other, and, as it were,

importantly to open a new line of epidemiological accuracy, by shewing that a considerable outbreak of enteric fever at Islington had been consequent on the distribution of a particular (presumably contaminated and infected) supply of milk.

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dovetailed in their results to make the coherent sanitary chart which we required.

Epidemic outbreaks, 1858-71.

In relation to our study of epidemic outbreaks, the period 1858–71 had some exceptional facts. At the moment when we entered on duty, *Diphtheria* had recently begun to be a source of much alarm to the public, and of extreme interest to the medical profession, as a disease which (though it had been experienced here in former times) was well-nigh unknown to the existing generation of British medical practitioners; and one of our first duties on the passing of the Act of 1858, was to institute a comprehensive inquiry into recent new experiences of the disease in seventeen of the counties of England, at some seventy different centres where it had been prevalent.* In 1862–3, the very grievous distress which prevailed throughout the cotton-working districts of England, with partial outbreaks of typhus in some of them, made it, for some months, terribly doubtful whether *Famine-Diseases* might not become widely epidemic among the suffering populations; and, that being the case, we had to keep anxious watch over the districts, and to advise as occasion required, both with regard to the diseases prevailing in them, and with regard to the degrees of privation which were threatening disease.† Again, the year 1865 was of extraordinary epidemiological interest.‡ Early in that year, rumours which were heard, of strange diseases spreading epidemically in the North of Europe, made it necessary that the Privy Council, as quarantine-authority for the United Kingdom, should be advised on the facts of the case, and, as a first step, that inspectors should

* For the programme and results of this large inquiry, see First and Second Annual Reports, and especially, in the latter, the papers in which Dr. Greenhow and Dr. Sanderson give the valuable results of their numerous local studies. See also (as founded on this inquiry) the separate work which Dr. Greenhow soon afterwards published on the subject of Diphtheria.

† See Fifth Annual Report, and particularly the three inspectorial papers in in its Appendix V.: two by Dr. Buchanan on the Health of the Operatives as affected by the prevailing Distress; and one by Dr. Edward Smith, on the nourishment of the distressed populations, and on the ways of best utilising such money-allowances as were to be made for food. The last named paper (the substance of which was afterwards published by Dr. Smith in a separate form) gave, in reply to questions which I had proposed, an original and highly elaborate study of the minute Economics of Diet.

‡ See note * above.

be sent from the Medical Department to collect information in the accused Russian and German territories; whereupon, among other grounds for anxiety, the very disquieting fact became known, that *Cerebro-spinal Meningitis*—a febrile nervous affection of an extremely painful and dangerous kind, which we in England had hitherto hardly heard named, and which on the continent had been but recently identified, was manifesting itself in epidemics in north-east Germany, chiefly about the Lower Vistula, and that, only within the Circle of Dantzig, at least a thousand persons had died of it in the last three or four months.* Again, a little later in the same year, a fourth great invasion of Europe by *Asiatic Cholera* began: under which, partially in 1865, and more extensively in 1866, when our Diseases Prevention Act had to be put in force, England suffered various outbreaks of the disease: and these outbreaks, some of which proved deeply and dreadfully instructive, were of course attentively observed by the Medical Department. † In September of the same year we had the unprecedented experience of fifteen or sixteen deaths by *Yellow Fever* among the residents of an English port-town, Swansea, to which the infection had come by ship from Cuba. ‡ Among the many memorabilities of the period, one, which certainly was not last in consequence to the progress of English Epidemiology, was the fact that in 1865, after a century's interval, the *Cattle-Plague* of the Russian Steppes was imported anew, as a long-forgotten disease, into this country; where, affecting very large pecuniary interests, and therefore at once getting to be popularly scrutinised in regard of preventability, it, and the administrative precautions which were taken against it, soon led the public to reflect, more widely and more practically than before, on the spreading of other epidemics by contagion. Apart from exceptional occurrences such as the

* See Eighth Annual Report, and its appendices Nos. 9–12, with reports by Dr. Whitley on the Fevers prevailing in St. Petersburg, and Report by Dr. Sanderson on the epidemics of Cerebro-spinal Meningitis prevailing about the Lower Vistula.

† See Eighth and Ninth Annual Reports, with their Appendices, and especially the contributions of Dr. Parkes and Mr. J. Netten Radcliffe. See also in the appendices to the Ninth Report, the various clinical, experimental and chemical, studies of the disease by Dr. Sutton and Dr. Thudichum.

‡ See Ninth Report, with Dr. Buchanan's appended account of the Swansea Yellow Fever.

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above mentioned of 1858–9, 1862–3 and 1865–6, we of course had before us, throughout the whole thirteen years, the more ordinary epidemics of the country; and every year we investigated in such number as we could, and with increasing exactitude as our knowledge increased, various local outbreaks of those diseases: generally enteric fever, typhus, or scarlatina: and occasionally others which are less frequent. *

Nuisances causing alarm.

Practically akin to the inquiries which were rendered necessary by actual outbreaks of disease, were those which occasionally had to be made on grounds of local alarm, where outbreaks of disease were expected; as because of some particular introduction of contagion, or because of some widely-operating common nuisance in relation to air or water; and various of these inquiries were almost as important as the others in respect of the lessons we learnt from them. †

1859-65. Systematic Investigations, throughout England, as to the habitual diseases and the circumstances.

Beside the inquiries which related to epidemic outbreaks and alarms, there were inquiries, at least equally important, and admitting of more methodical arrangement, with regard to the habitual predominance of certain diseases or groups of diseases in particular districts. They began in 1859, as soon as the Privy Council had received its new authorisation for such duties; and within three years, during which I had most valuable assistance

* See for special mention of Relapsing Fever, the Twelfth Annual Report; for a local epidemic of Jaundice, the Sixth; for a local diffusion of Puerperal Fever, the Eighth. I do not think it necessary to enumerate here the long series of enquiries which were made as to epidemics, large and small, during the years to which the text relates; but it may be noted that the officiators in these occasional inquiries during the first eight years of the department (when as yet there were no permanent inspectors for such duty) were, in order of years, Drs. Greenhow and Seaton; Drs. Ord and Sanderson; Dr. Whitley; Dr. Bristowe; Drs. Stevens and Buchanan and Mr. Ceely; Dr. Hunter; Drs. Milroy and Parkes and Mr. Radcliffe. Several of these gentlemen also, as the text mentions, took part in other of our early inquiries; and some of them, I am glad to say, were, in later time, able to become permanent officers of the department.

† For illustration, see, in Second Annual Report, when there was much London alarm at the very stinking state of the Thames, Dr. Ord's inquiry as to the effects of that nuisance. See also, in First Annual Report, inquiry by Dr. Seaton as to Paper Mills accused of diffusing smallpox, and in Eighth Annual Report a more general one by Dr. Bristowe on the influence of the Rag-Trade in spreading infections of disease. See also various inquiries as to the influence of Sewage-Farms.

from Dr. Greenhow, the following three very important sections of work were done. First, in 1859, inquiry was instituted with regard to the habitually high fatality of *Diarrhœa* among the eight large populations (in aggregate considerably over a million inhabitants) of Manchester, Birmingham, Leeds, Wolverhampton, Dudley, Merthyr Tydfil, Nottingham and Coventry. Secondly, in 1860 and 1861, there was inquiry, on a still larger scale, into the excessive fatality of *Pulmonary Diseases* (tubercular and bronchitic) among some thirty large populations having special industries: the populations, namely, of Stoke upon Trent and Wolstanton; of Bromsgrove, Alcester and Sheffield; of Penzance and Redruth; of Reath; of Pateley Bridge; of Macclesfield and Leek; of Leeds, Bradford, Stroud and Melksham; of Leicester and Hinckley; of Preston; of Towcester and Newport-Pagnel; of Berkhampstead; of Yeovil; of Saffron-Walden; of Birmingham and Aston; of Wolverhampton; of Merthyr-Tydfil and Abergavenny; of Coventry; of Blackburn; and of Nottingham; and this inquiry was in great part an examination of the sanitary circumstances of bread-winning labour in many largest branches of popular industry,—in coal-mining, iron-mining, lead-mining, copper-mining, and tin-mining; in the smelting of metals, and the making of metallic instruments, large and small; in the various divisions and subdivisions of factory-work in relation to cotton, silk, flax and wool; in the chiefly domestic industries of lace-making, glove-making, hose-making and straw-plaiting; in much miscellaneous working of pebbles, shells, ivory, horn, wood, gutta-percha &c., and in watch-making. Thirdly in 1861 (àpropos of local visitations which Dr. Greenhow had to make for the purposes of the last-mentioned inquiry) reference was had to the specially high *Mortality of Infants* in many of the districts which were in question; and separate inquiry was made into the circumstances occasioning excessive infantine mortality in Coventry, Nottingham, Blackburn, Birmingham, Wolverhampton and Abergavenny. Two years later, with Dr. Hunter's assistance, I was able to supplement that third inquiry by one having reference to a particular class of agricultural districts (chiefly East-Midland) in which there had been as much blight of infant life as among the previously visited manufacturing and mining populations. Also in 1863, the study

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of the *Lung-diseasing Influences* in large branches of national industry was continued, with assistance of Dr. Ord and Dr. Edward Smith, by inquiry into the sanitary circumstances of three very large London industries: that of needle-women, that of tailors, and that of printers. Further, in 1863, with Dr. Whitley's assistance, information was collected in the principal marsh-districts of England, with regard to the quantity and severity of *Ague* still suffered in them.

While the various above described inquiries, starting from known excesses of disease, epidemic or habitual, were in progress, so likewise were inquiries of the class which I named as having started from an opposite stand-point. Adverting to standards which in great part were those of common social experience, as to the *Elementary Requisites for popular Healthiness*, we hoped by degrees to examine and display how far those conditions were being fulfilled for the masses of the population: as particularly in respect of *food-supply*, of *house-accommodation* and the *physical surroundings*, and of *industrial circumstances:* how far were precautions taken against certain notorious dangers in common life, as for instance, against local nuisances, and against the contagions of disease from man and beast; how far were the dangers guarded against which attach to certain branches of industry; how far was the supply of medical and pharmaceutical service under such securities as the public required, against false pretences of qualification in either service; how far was hospital-treatment provided for the graver necessities of the sick poor; how far was the sale of drugs guarded against adulteration; how far were safeguards provided against chances of accidental and criminal poisoning; &c., &c.

During the four years 1862-5 we were much occupied with studies of that sort, and were able to make extensive special inquiries relating to several of them. First, in 1862-4, as regarded the *Food-interests* of the country:—in a series of inquiries which extended throughout England and Wales, and gathered important side-lights from Scotland and Ireland, the Dietaries of the Lowest-fed Classes of the population were systematically examined by Dr. Edward Smith; who so analysed and methodised all requisite information regarding them, that, in regard of their nutritive values, they could readily be

compared with each other, and with physiological standards of sufficiency: Dr. Barnes assisting us in a particular section of the subject-matter by a report of his large experience as to the dietetic origin of Scurvy in the Mercantile Marine: while, by other inquiries on a large scale, in which I had the assistance of Mr. John Gamgee and Dr. Thudichum, the subject of Cattle-Diseases, in relation to the quantity and quality of our market-supplies of Meat and Milk, and in relation to the influence of Contagion (including that from foreign countries) in spreading the diseases, was carefully studied. In 1862-3, with assistance of Dr. Guy, Dr. Bristowe and Dr. Whitley, establishments for conducting certain *Dangerous Industries*—those in which the workpeople have to do with arsenic, phosphorus, lead and mercury, were examined in respect of the precautions taken in them (or which ought to be taken) for minimising peril to the persons employed. In 1863, with the joint assistance of Dr. Bristowe and Mr. Timothy Holmes, a comprehensive examination was made of the *Hospitals of the United Kingdom*, with regard to the quantity and quality of the accommodation afforded by each of them for the treatment of disease, and to their respective successes in treatment. In the same year, in relation to the question of safeguards against *Accidental and Criminal Poisoning*, Dr. Alfred Taylor assisted us with a report of his large experience as to dangers arising to the public health in the conditions under which drugs and poisons were at that time retailed. Finally, in the two years 1864-5, with assistance of Dr. Hunter, the series of inquiries was crowned by a wide and elaborate study of the *Dwellings of the poorer labouring classes in Town and Country*, with regard to the quality of the accommodation afforded, and to the influence of the Nuisances Removal Acts on the salubrity of the dwellings and their surroundings: a study, which, in regard of the agricultural and other rural labourers, was pursued in each of the forty counties of England, and involved an examination of 5375 inhabited houses; while, in regard of the town-populations, it dealt with the vast case of the metropolis, and, besides including for important purposes of comparison some examination of places in Scotland, extended, in extra-metropolitan England, to fifty chief provincial centres of population.

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1864. Specialised national Statistics of Fatal Diseases.

Reports which purport to deal with the Distribution of Disease, and the conditions which regulate it, have, at every turn, to express themselves in precise statistical language; and often their arithmetic must be specialised with a certain degree of minuteness. In our case, we had to distinguish particular *causes* and particular *ages* of death, in *each place* and *class* to which our studies related. The importance of *Specialised Mortuary Statistics* had been sufficiently shown in our Report of 1858;* and while, in our early Privy Council inquiries, we were again and again feeling ourselves in want of such statistics on a comprehensive national scale, we could not but also see that, for the general information of the country in sanitary matters, a statistical compendium, giving specialised death-rates for all the registration-districts of England, would be a publication of extraordinary value. In 1860, there was a favourable opportunity for moving in that matter; in as much as a new census of the population was approaching, when amended data would exist for the calculation of exact death-rates; and accordingly in that year, I sought and obtained authority to bring the subject under consideration of the Registrar-General. Expressing to him my belief as to the value of the help which I begged for the furtherance of sanitary investigation, I proposed to him that, in connexion with the approaching census, he should cause to be prepared, from the last ten years' mortuary returns made to his office, an account (tabulated to plan) of the *Average Annual Proportions of Deaths*, from all causes, and from specified causes, and with certain specifications of age and sex, in England generally, and in each Registration-Division and Registration-District of England, as well as in certain standard areas, during the decennial period 1851-60. Major Graham, always desirous to make his office as useful as possible to the public, gave a ready ear to my application; and the very important result of his acquiescence (necessarily of slow production because its parts could only advance in proportion as the corresponding parts of the new census were finished) was laid before Parliament, on Mr. Lowe's motion, at the beginning of the session of 1864.† The

* See above, page 267.

† *Sessional Paper*, No. 12, and its *Continuation*, No. 12, I. See also, ten years later, Major Graham's second decennial Return of the same sort. Soon after the

publication of this extremely important Return furnished means, universally accessible, and such as had never before existed, for ascertaining the amount of mortal injury which each district of England was suffering from each chief sort of morbific influence; and it came most opportunely, with its well-marshalled array of facts, to strengthen the appeal which I was preparing to submit for amendments and large extensions of the sanitary law.*

1864-6. Appeals for better sanitary law: as to Nuisances endangering health; as to Contagions of Diseases as to Industrial Diseases; as to Deaths of Infants; as to Practice of Pharmacy.

That appeal was of the simplest sort. Year after year we had been showing by successive masses of evidence, sometimes as to one part of the case, sometimes as to another, that, notwithstanding such laws as existed, the nation was being greatly wronged and harmed through the insufficiency of its safeguards for health; and especially this had been shown in three main branches of the subject-matter.—First, as to the existence and the employment of means for summarily abating *Nuisances dangerous to Health*, we had shown, not only that the Nuisances Removal Act left uncovered various large parts of the ground wherein the public needed powers of summary procedure against evils more or less urgent, but further, that, within the narrow ground in which the Nuisances Act purported to be applicable, it was on an immense scale unapplied; sometimes because of its own incidental ambiguities and insufficiencies of provision, but far more largely because of shameful administrative neglect or collusion; that while some of the worst sanitary evils (such as over-crowding and foul water-supply) were certainly not well within reach of the Nuisances Act, evils which were so—the evils at which the Act was most distinctively aimed, and with which it could quite effectually deal, had also remained without remedy: that filth-nuisances on a monstrous scale were to be

first date, the General Register Office began its issue of decennial volumes in which the distinct death-rates are elaborately specialised. See, for the decennia 1851–60 and 1861-70, Dr. Farr's valuable supplements to the 25th and 35th Annual Reports of the Registrar-General, and, for the decennium 1871-80, Dr. William Ogle's not less valuable supplement to the 45th. This last (see its pp. iii-iv and lxvi) includes the method of "Lowe's Return," and fulfils the objects at which it aimed.

* For illustrations of the immense argumentative value of the facts which the Return supplied, I may refer to the many uses I made of them in my Sixth Annual Report: as particularly at pp. 8, 24, 30, 31, and 33-4.

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seen in all directions continuing under the eyes and noses of authorities appointed to remove them, and that filth-diseases in cruel and scandalous amount were being inflicted on helpless myriads of population.* In intimate and most important connexion with that part of our case, we had also shown that vast numbers of the poorer population, in both town and country, were atrociously ill-lodged; that wholesome house-accommodation was not to be had by them in quantity nearly equal to the need; that, apart from question of neighbouring filth-nuisances, the dwellings themselves were in general but the chance-product of an unscrupulous and unregulated downward competition for cheapness, yet often exacting high rent for wretched accommodation; that even agricultural labourers (under influence of an evil working of poor-law) had very largely been forced into degrees of overcrowding which were unwholesome and obscene; that the so-called tenement-houses of the poorer classes, left as they had been without regulation or control, and often receiving as many families as they contained rooms, were hot-beds of nuisance and disease; and that the parts of towns which such population inhabited, and in which they paid relatively high rents, contained often in considerable proportion dwellings so hopelessly ill-conditioned that they ought not to be of legal tender for occupation.—Secondly, with regard to *Contagions of Disease*, we had shown a huge legislative vacuum. The old General Board of Health, righteously zealous against filth, but not equally attentive to other causes of disease, had obtained no adequate legislation against the various personal acts and negligences by which different dangerous infectious diseases are helped to spread in the community. Our inquiries had shown that recklessness in such respects was almost universal; bearing fruit (as the statistical record told) in the very large proportion which deaths from infectious diseases were contributing to the total death-rate of the country: but that meanwhile the local authorities had not a shred of power to control the mischievous conduct,—no power to insist on the isolation of infected persons, and the disinfection of infected things,—not even any command of the appliances needful for such purposes. We had made it

* See especially Seventh and Eighth Annual Reports.

clear, that, in relation to the morbid contagia, a new branch of health-law, co-extensive with the branch against filth-nuisances, was urgently needed: not only with regard to such infectious diseases as were commonly current in the country—smallpox, typhus, scarlatina, enteric fever, &c., but likewise, and not less imperatively, with regard to occasional very deadly foreign infections—Asiatic cholera, for instance; which, for reasons fully explained, we could no longer imagine ourselves able to exclude by means of quarantine; and which, we must expect, would from time to time be introduced here, and would then tend to be spread in the country by the same sorts of conduct as were spreading the habitual infections.*—Thirdly, we had shown that death and disease in very large quantities were accruing from removable causes which attached to certain branches, and in general most extensive branches, of national industry; so that certain large *Industrial Populations* had (so to speak) their endemic diseases, almost as marsh-populations have ague: that in several of them, the workers were suffering tubercular phthisis in terrible amount, through the overcrowdedness and unventilatedness of the spaces allotted to work; that in several others the workers were suffering not less terribly from non-tubercular (irritative) disease of the lung, because of the absence of reasonable care to remove from the industrial atmosphere the dust or other irritating matter which the industry tended to diffuse in it; that, among smaller industries, those which busied themselves with mineral poisons, and which if not conducted with precautions would of course tend to poison the workers, were under no legal rule as to precautions, and were in some cases evidently so conducted as to endanger life; and that in our sea-faring industry, merchant-sailors making the longer voyages were still to be found suffering severely from scurvy, in consequence of their employers having neglected the dietary regulations of the Merchant Seamen's Act. In addition to showing on a very large scale those sanitary wrongs of certain sorts of industry, we had also shown as an industrial influence of very wide operation, that, in proportion as adult women were taking part in factory labour or in agriculture, the

* See the discussions of Quarantine, and of our domestic contagion-laws in relation to it, in Eighth Annual Report, and its Appendix No. 9.

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mortality of their *Infants* rapidly increased; that, in various registration-districts, which had such employment in them, the district death-rate of infants under one year of age had been from 2¼ to nearly three times as high as in our standard districts; and that, in some of the districts, more than a few of the infants were dying of ill-treatment which was almost murderous.—Such atrocities as had been shewn under the several above-given heads were evidently in the highest degree needing the consideration of Parliament; and only less urgent than they were some other claims which we had brought into view: as, for instance, with regard to the ordinary retail business of *Chemists* and *Druggists*, the fact that the public had no sort of safeguard against the employment of grossly unskilled persons as vendors of drugs and poisons, nor against the unlimited facility with which persons of criminal intention could obtain deadly poisons for their purpose.

1866. The Sanitary Act.

The appeal was not in vain. Our exposure of so much gross insufficiency in the laws which purported to protect the public health was speedily followed by legislation of the highest practical importance; so that in regard of the spirit and intention of the law (though not yet in regard of administrative machinery) most of the insufficiencies were within a few years repaired and made good, and the law in its principles was rendered comparatively complete.

The chief of those measures, the great Sanitary Act of 1866, which represented such a stride of advance as virtually to begin a new era, was promoted by the Lords of the Council. Mr. H. A. Bruce (now Lord Aberdare) who at that time, as Education Vice-President, was earnestly identifying himself with the objects of the Medical Department, had introduced the Bill; but with the political crisis which occurred in the month of June (when the second administration of Earl Russell gave place to the third of the Earl of Derby) the Bill fell of course from Mr. Bruce's hands, and, in the confusion of ministerial changes, ran no small chance of being lost. Just then however happened to come a moment of popular piety towards the cause of sanitary reform; for Asiatic Cholera had begun to be again severely epidemic in parts of London; and this ill-wind (to

justify the proverb) blew very favourably to fill our sails; so that Mr. Bruce's Bill, adopted by the new ministry, was rapidly made into law.

All who had anything to do with the passing of that Act may rejoice to the end of their lives in contemplating the gains which it achieved. Among its many noteworthy features, the one which perhaps first claims notice, is, that, under the Act, the grammar of common sanitary legislation acquired the novel virtue of an imperative mood. The Act expressly declares it "the duty" of the local authorities to provide for the proper inspection of their districts, and to proceed for the suppression of whatsoever nuisances should be found existing in them; and, as against the inaction of local authorities, it enacts that, where sewers are not duly provided, or water not duly supplied, or nuisances not duly removed, there, on complaint made, a Secretary of State and the Court of Queen's Bench shall be able to enforce the neglected duty. Besides thus introducing an invaluable MUST into some of the most important branches of local sanitary function, the Act largely increased the powers of authorities in relation to the needs of their districts: both as to the range of cases in which the authority could intervene, and also as to the remedies it could apply. The Act gave for all districts the power to provide water-supply. It gave for town-districts the extremely valuable power of regulating for sanitary purposes the so-called "tenement-houses" of the poor. It gave a series of enactments in relation to dangerous contagious diseases: on the one hand, affixing penalties to the various sorts of personal conduct which tend to spread dangerous contagions; on the other hand giving power to authorities to fortify their districts against such contagions, by provision of hospital-accommodation, mortuaries, and other necessary apparatus and facilities relating to the requirements of infected persons, and to the disinfection or destruction of infected things. Not least, the Act gave most important extensions to the term "nuisance": bringing within the term, and thus making subject to summary nuisance-law, various largely morbific influences which till then had been under little or no control. One of those extensions made the Nuisances Act operative, as it had never before been, against the unwholesome overcrowding of dwelling-places; and another,

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which cannot be too gratefully remembered, concerned the unwholesomeness of places of labour. By the latter, together with provisions of like intent introduced into the various Factory and Workshop Acts of the time, proper protection was at last constituted for the special sanitary interests of the artisan population: not only enacting for all factories and workshops whatsoever that they should be kept free from common nuisances of uncleanliness, overcrowding and the like; but equally enacting (as against the special insalubrities which we had shewn prevalent in so many particular branches of industry) that all gases, vapours, dust, and other impurities, generated in the work and tending to injure health, should, as far as practicable, be made harmless by proper uses of ventilation; and further enacting, in regard of the more dangerous industries, that special sanitary rules as to the conduct of the workers, or at least of the children, young persons, and women, among them, should be enforced. *

Other Acts of the period:

To the other Acts of the period, only brief reference need be made. In 1865 the pernicious influence, which we had shewn exercised by certain poor-law conditions, to deprive agricultural labourers of house-room in their places of employment, was in great part removed by the passing of the Union Chargeability Act.† In 1867, in harmony with what had been done for the artisan population, amendments were made in the Merchant Shipping Act, to give protection to merchant-seamen against the sanitary neglects which we had seen causing them so much suffering and disablement by scurvy.‡ And in 1868 the Pharmacy Act

Union Chargeability, 1865;

Merchant Shipping, 1867;

Pharmacy, 1868.

* For the completed expression of this immensely beneficent legislation, see the Public Health Act, 1875, sect. 91, sub-sect. 6, as amended by the sixth schedule of the consolidating Factory and Workshop Act of 1878; and, in the latter Act, see sections 3, 33, 36; together with the repeal-provisions as to sections 4 and 91 of the Public Health Act. The introduction of sanitary provisions into the successive Factory and Workshop Acts of the previous years had begun in 1864.

† This Act was promoted by the Poor Law Board under the distinguished presidency of Mr. Charles Villiers. The evidence which the medical department had collected in the previous year, on the house-accommodation of the rural labouring population, was a material part of Mr. Villiers's case, and was in consequence much attacked by those who opposed his Bill. See in *Hansard*, the debates on the Bill.

‡ The Merchant Shipping Act, 1867, was promoted by the Board of Trade. The late Mr. Harry Leach, at that time resident medical officer of the Dread-

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brought under control of law the evils which had been shewn in my sixth report, as attaching to the practice of pharmacy by unqualified persons, and to too easy purchaseability of poisons for criminal use.* In 1868, there were urgent proposals, that, in view of the venereal diseases of the civic population, Parliament should be moved to establish, as part of the civil government of the country, a systematic sanitary superintendence of prostitutes; but, for reasons set forth in a report on the proposals, I found myself obliged to recommend against legislation of the proposed sort.†

Weaknesses still continuing in the law.

The above-described new legislation, though immensely important in extending the previous range of sanitary law, did not pretend to completeness of detail; nor had it yet attempted to provide for such final accord of administrative machinery as the interests of the public health would now need. Endeavours were therefore made in the annual reports after 1866 to keep well in the public eye the defects for which further legislation

nought Hospital Ship, and intimately acquainted with the sufferings of seamen in the merchant service, was among the chief of those who pressed for the remedy; and he, after the passing of the Act, was most appropriately appointed under it by the Board of Trade to be Inspector for the Port of London. Subsequently, when the provisions of the Act of 1867 had been tested by eight years' working, Mr. Leach—writing the article *Scurvy* in *Quain's Dictionary of Medicine*, said that, under the Act, during the eight years, scurvy in the mercantile marine had been reduced by seventy or eighty per cent.

* The Pharmacy Bill of 1868, which Earl Granville in the House of Lords, and Lord Elcho in the House of Commons, promoted on behalf of the Pharmaceutical Society, was, with some changes, adopted and carried by Government. The Act, which was to be worked by the Pharmaceutical Society under the general sanction and supervision of the Privy Council, provided that in future no one should begin any pharmaceutical practice involving a sale of poisons, unless he had first passed a sufficient examination in pharmaceutical knowledge; that poisons should not be purchaseable except with such personal identification as would probably hamper any one who intended to make criminal use of them; and that the keeping and sale of poisons should be subject to particular regulation under the Act. It also enacted, as against adulterations, that the provisions of the Adulteration of Food Act of 1860 should be extended, *mutatis mutandis*, to the sale of drugs. The Privy Council having been appointed controlling authority under the Act, the exercise of the control was classed as part of their Lordships' public-health business, on which it was my duty to report; and an account of various early proceedings under the Act will be found in the Twelfth and Thirteenth of my Annual Reports to the Privy Council. For the supervision of the examinations under the Act, we had the assistance in London of Dr. Greenhow, and in Edinburgh of Dr. (afterwards Sir Robert) Christison.

† See in Eleventh (1869) Report, Section V.

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was required. Thus, even in 1867, while expressing gratitude for the Sanitary Act of the previous year, the report pointed to the deplorable facts of the recent East London epidemic of cholera, as showing how utterly unprotected the public still was against the vast injuries which purveyors of water-supply could inflict, and how urgently it was needed that the purveyors who wielded this colossal power of life and death should be severely punishable at law for any wilful or neglectful distribution of polluted water;* and in 1868, returning to that subject with a new illustration of its significance, and citing in addition various cases in which the public health is damaged by wilful or neglectful malfeasances on the part of local sanitary authorities, the report ventured to claim, as due to the public, both in check of commercial water-companies and in check of local sanitary authorities, that certain sorts of malfeasance should (on the face of the law) render the company or authority liable to pay pecuniary compensation to the damaged persons.† In 1869 and 1870 (as will in the next chapter be more fully noticed) it became particularly needful for me to re-examine the then sanitary code, in regard of its imperfections; and the report of 1869 suggested, with other amendments, measures of new construction for the administrative machinery.‡

Continuation of departmental proceedings:

Turning now from questions of law-amendment (which the last pages have followed into some advance on other matters) and resuming, where before broken off, the thread of the departmental narrative, I have to record that the years which had been chiefly fruitful in legislation had not been without other notable facts.

1867. Reports on Cholera of 1865-6.

The year 1866, so memorable for its great Sanitary Act, was also, as before noted, a year of Cholera-prevalence, requiring that

* See Ninth Annual Report, pp. 28–9.

† See in Tenth Annual Report, Section III: Remarks on the present state of the law as regards the recovery of compensation by persons who have been injured in health, or by the loss of relatives, through the fault of local-authorities or water-companies.

‡ See the Eleventh Annual Report, Section VI: Question of consolidating and bringing into system, the Laws and Administrative Agencies which concern the Public Health. See also in Twelfth Annual Report, Section II: Local Nuisance-jurisdictions and Water-supplies. See likewise Evidence, given in 1869 and 1870 before the Royal Sanitary Commission of 1869–71.

the Diseases Prevention Act should be in force in the United Kingdom; and not only during that year, but from early in the preceding summer, when we began to foresee what was coming, that fourth visitation of Asiatic Cholera was a matter of constant care to the Medical Department; while, also, in 1865, as before mentioned, other foreign epidemics required our attention. The eighth and ninth Annual Reports set forth the epidemiological occurrences of those two years, together with the advice which was given in relation to them, and an account of the proceedings thereupon taken. The former of those reports recommended, and (as effect was given to the recommendation) may be said to have initiated, our present administrative system in relation to Epidemic Contagia: a system, which, recognising contagiousness as a property common to certain dangerous diseases, some of them habitual to our climate, while others of them infect us only when introduced at irregular intervals from abroad, recognises also that, against the foreign infections, we in fact cannot protect ourselves by national quarantine: a system, which does not purport to deal differently with the two sorts of danger, but intends that each local sanitary authority of the Kingdom should be properly empowered to defend its district against influences tending to spread contagions of disease, and that such powers as would be used against our dangerous native contagia should equally be used, and should be regarded as essentially our sole resource, against contagia which (like cholera) may threaten us from abroad. The ninth report (issued in 1867) tells of course all the proceedings, general and local, which the Department took with reference to the Cholera of 1866; it sets forth the administrative Regulations which were issued under the Diseases Prevention Act, and the Memoranda of medical advice which were circulated with the Regulations; it dwells on some particular outbreaks which required departmental action, as especially the great outbreak in East London; it renders account of various new studies which we had pursued in the intimate pathology of cholera, as well as of some such studies which had been undertaken in other countries; finally it endeavours to estimate the state of cholera-knowledge, curative and preventive, at the close of the epidemic of 1865-6, as compared with that which had previously existed.

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Report as to the sanitary effect of town-improvements hitherto made.

The ninth annual report, besides telling of the Cholera of 1866, and telling of the Sanitary Act of that year, told also of a large and searching inquiry which we had had in progress during the two years 1865-6, and which had now produced results for administrative application. The inquiry had related to certain towns which for some years had had proper works of drainage and water-supply in operation; twenty-five towns, with an aggregate population of more than 600,000 persons; and our object had been to ascertain statistically, with of course all such qualifications of inference as might be needful for any particular case, what, in each of the towns, had been the hygienic effect of the new structural works. An answer to that question had long been eagerly desired, both for England and almost equally for other countries: an answer, which should tell how far the experimenting towns had achieved success, and given example for other towns to follow: but the question could not be trustworthily answered except after a certain cycle of sanitary experience in each place; and, if we had proceeded in the matter earlier than we did, we could have had comparatively little confidence in our conclusions. In the inquiry of 1866-7, for which Dr. Buchanan elaborated the various local facts with rare comprehensiveness and exactitude, the effect of the local improvement-works was tested by the more exact statistical method which we had developed during late years; and the arithmetical results, though of course not so potent in evidence as centennia instead of quinquennia of experience might have been, were, for all practical purposes, convincing enough on main points.* Especially they strengthened our previous arguments as to the causation of enteric fever, and the various other diarrhœal infections; showing that the fatality of such infections had greatly declined in the towns which had been properly sewered and water-supplied. The inquiry further brought into view, as a new experience in our national hygiene, that in certain of the examined towns, namely in those where the new works of drainage had effected much drying of a previously damp soil, the previous fatality of pulmonary phthisis among the population had been considerably, sometimes very largely, reduced. That marked reduction of

* See in Ninth Annual Report, pp. 11-18, and Appendix No. 2.

phthisis in places which had been artificially freed from dampness of soil was a fact of such extraordinary significance in relation to the deadliest of our habitual diseases, that, in 1867, with the assistance again of Dr. Buchanan, special further inquiry was made in the same ætiological direction, by examining elaborately the local distribution of the phthisis-mortality of ten years in the fifty-eight extra-metropolitan registration-districts of the three south-eastern counties of England, as compared with the respective local differences of soil. The results of Dr. Buchanan's inquiry, published in 1868 in my tenth annual report, confirmed to apparent certainty the conclusion which had been strongly suggested by those of the towns-inquiry of 1865-6;* and in reporting, as a conclusion valid for this country, that "dampness of soil is an important cause of phthisis to the population living on the soil," I had the pleasure of being able at the last moment to give it valuable scientific corroboration, by quoting that Dr. Bowditch of Boston, U.S., had formulated a similar conclusion with regard to the phthisis-experience of the State of Massachusetts.

Special further inquiry into distribution of phthisis.

1868; New Vaccination Law to be applied.

In 1868, on the first day of the year, the vaccination Act of 1867 came into operation; shortly after which the regulations necessary for various purposes of the Act were issued by the Lords of the Council;† and thenceforth for a long while the Medical Department was chiefly engaged seeing to those important reforms of public vaccination which the new law was intended to ensure.

1869; Further Treatment of pressing questions:

In 1869, England had some exceptional grounds for sanitary disquietude and exertion: first, because an unwontedly severe epidemic of Scarlatina was prevailing throughout the country; and secondly, because Relapsing Fever, a disease generally little known in England, had in 1869 come afresh into notice here, and, as autumn advanced, had become notably diffused in the poorer parts of London. In those circumstances, it was a departmental duty to prepare for general use memoranda of information and advice, as to provisions against the two dangers, and to communicate through inspectors and otherwise with

* See in Tenth Annual Report, pp. 14-18, and Appendix No. 5.

† See Eleventh Annual Report, pp. 7 and 36.

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many local authorities on the subject of such provisions.* In the Annual Report which told of those and other central proceedings, renewed consideration was given to questions of the local preventability of filth-diseases: the evidence which we had accumulated as to the injuriousness of polluted water-supplies was summed up, side by side with recent illustrations of the recklessness with which such supplies were purveyed: suggestion was again made that commercial and administrative offences against health ought to involve a liability to pay penalties and compensation: and in the interests of a better administration of the Nuisances Act, information on a large scale, collected for the department by Dr. Buchanan and Mr. Radcliffe, was given, as to the various special contrivances which had of late years come into use in parts of the country, for superseding (otherwise than by ordinary water-closets) the nuisance of ill-conditioned privies.

Pharmacy.

The same report told of first proceedings taken by the Pharmaceutical Society, and in the Medical Department, under the provisions of the Pharmacy Act of 1868. It likewise told of steps which had now begun towards procuring parliamentary re-consideration of the Medical Act.

"Animal" Vaccination.

In the section which treated of the vaccination-proceedings of the department, the report gave account of a particular study, made for us by Dr. Ballard and Dr. Seaton, of the so-called "animal vaccination" which had lately come into vogue in parts of the continent of Europe; a system for maintaining continuous sources of lymph-supply for the human subject by keeping a constant succession of calves inoculated with the specific contagium; and the opportunity was taken to discuss, according to such lights as we then had, the value of the chief reason for which "animal vaccination" had been recommended, and also to explain the arrangements which had of late years been in force in England for securing as far as possible the efficiency and safety of our own (different) system of lymph-supply.

1870. Proceedings relative to the constitution of the Medical Profession: Lord Ripon's Bill.

In 1870, the Medical Department was actively concerned in an endeavour to procure amendment of the Medical Act of 1858; amendment, namely, with regard to the qualifications giving entry to the ranks of the Medical Profession as by law

* See in Twelfth Annual Report, pp. 7–15, and 69–71

recognised. The Lords then in command of the Department were Earl de Grey and Ripon (afterwards Marquis of Ripon) as Lord President, and Mr. W. E. Forster as Education Vice-President; and the work which these two Ministers devoted, not merely to studying what is needful and desirable for the public in the matter of medical skill and service, but likewise to the dreary and thankless task of learning the intricacies and jealousies of medico-professional politics, and of seeking to reconcile rival interests,—and this work not only as Ministers on occasion of the endeavour of 1869–70, but also unofficially on later occasions not now in question,—deserves to be gratefully remembered. In 1869, the Council of Medical Education and Registration (the body administering the Medical Act) had requested the Lords of the Council to promote a Bill for certain minor amendments in the Medical Act; but simple compliance with that request would not, in the circumstances, have been all that the public needed. The Act had already been long enough in operation to shew that it very imperfectly fulfilled its essential object; that it did not nearly enough enable the public to "distinguish [in a true sense] qualified from unqualified practitioners"; that, apart from the question whether persons not lawfully qualified were deterred from assuming or imitating the privileged titles of lawful qualification, the conditions for lawful qualification did not themselves even approximately ensure that the lawfully-qualified had attained a fair degree of fitness for the general practice of the profession. The Medical Register gave reason to believe that thousands of the lawfully-qualified practitioners of the United Kingdom were practising on fragmentary minimum-qualifications,—minimum-qualifications in medicine with no qualification in surgery, or minimum-qualifications in surgery with no qualification in medicine; and it was certain that persons, qualified only in such fractional senses, were nevertheless offering themselves for trust in all departments of professional practice, and were to be found holding office as salaried attendants on the sick poor in relation to every possible claim of disease or injury. Besides this, which indicated an enormous defect in the Act, there were reasons for distrusting fundamentally the system on which the qualifying examinations were held. Without insisting on

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charges which were sometimes current against the examinations of this or that particular licensing-body, but referring merely to the existence of nineteen independent portals of admission to the Medical Profession, could it be expected that, at every one of the portals, an adequate standard of proficiency, such as the public required, would be steadily maintained? was it not to be expected that, other conditions being equal, candidates would prefer the portals which admitted on easier examinations, or offered more pretentious titles? was it to be believed that doorkeepers, exercising a lucrative privilege in competition with one another, would be so insensible to the preferences of their pecuniary patrons as not sometimes to apply weaker tests, or confer more imposing titles, than a reasonable standard of minimum-qualification, common to the whole United Kingdom, would approve? In departmental correspondence with the Medical Council (and of which all essential parts were published in the Twelfth Report) their Lordships laid stress on questions such as those, as of chief public concern in the matter; suggesting that, if the legislature had to be moved for any amendment of the Medical Act, it must be moved to reconsider the whole system of admission to the Medical Register; suggesting also the sort of legislation which the case, viewed from the side of the public, seemed to require; and in result of the correspondence and other communication, it was agreed with the Medical Council that their Lordships should propose to Parliament a radical amendment of the Act of 1858. The Medical Council fully accepted (inter alia) the following two chief principles: first, that the right of admitting to the Medical Register ought no longer to be exercised by a number of separate authorities, acting independently of each other as granters of licence to practise, but ought for the future to be exercised only as a joint function, subject to certain appointed controls, and for which, in each division of the United Kingdom, all the respective medical authorities ought to act together as one board; secondly, that in future there ought to be no admission to the Medical Register on the ground of fragmentary professional qualification, but only on proof of competent all-round knowledge and skill (up to a minimum standard) for all the ordinary requirements of mixed practice. On the 8th April, 1870, Lord de Grey introduced in

the House of Lords a bill to provide for those and some minor objects; and two months later this bill, somewhat modified, as the result of its discussion in the House of Lords and of much negotiation with medical authorities, but with no essential change, had its first reading in the House of Commons. In this House was so much pressure of other public business, that the Bill, even with Mr. Forster in charge of it, could not at once be brought under consideration; and when at last its turn for consideration had arrived, the stage of session had also come when almost any Bill could be defeated by mere insistence on the right of debating it. Such being the circumstances of the moment, claims were pressed upon Mr. Forster, that he should enlarge the scope of the bill by the introduction of new and extremely controversial subject-matter; namely, of provisions to alter the constitution of the Medical Council. Though the particular proposals advanced were not such as the Government was prepared to adopt, Mr. Forster offered to the promoters of them that, if they would forego their right to press the matter in the then session of Parliament, Government would in the next session move for a Select Committee to consider the question they desired to raise; but his offer of that compromise was not accepted; and he consequently had no alternative but to withdraw the Bill. To those who had promoted the endeavour, this unsuccess was particularly disappointing. The national importance of the object was greater than the nation in general was likely at the time to understand; for the question, whether diplomas which purport to guarantee medical knowledge and skill are valid or invalid securities, is a question of daily concern to the lives of vast numbers of persons; and the Bill of 1870, an endeavour to improve for the United Kingdom the significance of its medical diplomas and titles without unnecessary disturbance of chartered institutions, had in great part overcome the inherent difficulties of its problem, and had obtained an extraordinary concurrence of support.* The Ministers who had

* Reference to the Parliamentary proceedings on the Lord President's Medical Acts Amendments Bill (1870) together with the office-memorandum in explanation of the Bill, and notes on the two chief questions which were discussed while the bill was in progress, will be found in the Thirteenth Annual Report and its Appendix No. 3.

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failed to carry that Bill did not renew their endeavour; and though in 1877 their successors in office began other endeavours in the same spirit, it was not till 1886 that any Medical Acts Amendment Bill could be passed. That which then became law will be noticed in another chapter.*

1871:

Of the year 1871, only the period anterior to the 14th of August (when the Local Government Board Act became law) has to be noticed in the present division of narrative; but within that portion of the year, there was sanitary business of more than common interest.

Great Epidemic of Smallpox; House of Commons Select Committee on Vaccination.

First, with regard to Vaccination, the period was doubly signalised: on the one hand, because an extraordinary storm of smallpox-attack, which swept furiously over all Europe about that time, and was at its worst in London during the earlier half of 1871, tested to the very utmost the value of the defences which we, with our amended vaccination-system of later years, had reared against such attacks; † and on the other hand because, during the spring-months of 1871, there was sitting a specially important Select Committee of the House of Commons which had been appointed to consider the Vaccination Acts, and to

* See chapter xv., part iii. As regards the intervening years, it may be convenient to notice here that the principles of the Bill of 1870 were taken as basis for the Bills which the Duke of Richmond (as Lord President under Mr. Disraeli's second administration) introduced in 1877 and 1878, and which in 1879 were referred to a Select Committee of the House of Commons, having Mr. W. E. Forster for its Chairman. They also were accepted by the Royal Commission which (under Mr. Gladstone's second administration) was appointed in 1880 to inquire and report as to this branch of legislation; and they were represented in Lord Carlingford's Bill of 1882, founded on the report of that Commission. They, moreover, during the successive years, were apparently not without effect on the medical authorities; who in various cases voluntarily took steps towards the formation of joint examining boards, and towards the discontinuance of fragmentary qualifications; and it may be that, notwithstanding the Act of 1886, not the last appeal to them has even yet been made. My personal convictions as to the need of providing a proper constitution for the Medical Profession, and of ensuring that the system of diplomas and titles shall be trustworthy and popularly intelligible, have always been strong; and, for my opinions on those points, I permit myself to refer to the evidence which I gave in 1879 before the House of Commons Select Committee, and to the part which I took in 1880–1 as a member of the Royal Commission on the Medical Acts.

† Some time subsequently, I was enabled to present for parliamentary publication an elaborate and very instructive report by Dr. Seaton on the new evidences which that great epidemic gave of the value of vaccination. See Reports Med. Off. P. C. and L. G. B., New Series, No. IV.

receive evidence for and against them. The Committee had as its chairman, Mr. Forster; by whom on the part of the government the reference had been proposed, in order to afford to the anti-vaccinationists the full public hearing, long ago promised them, for all they could urge against vaccination and the vaccination-law. The Committee was of course so constituted as to include members of all sorts of opinion on the questions at issue; and Mr. Forster's character was in itself an ample guarantee that the inquiry would be conducted with the most patient and candid regard to the interests of truth and justice.* For that object, too, the inquiry fell at a most fortunate time; when circumstances were happening to bring into extraordinary prominence whatever worst could be alleged against vaccination, either as to its imperfections of protectiveness, or as to accidents which might attend its performance; and when, therefore, not even the wild exaggerations and fancies of the anti-vaccinationists could cause the Committee to overlook any exceptional grains of truth which might be among them. The Committee, which held in all twenty sittings, gave eight days to hearing the chief anti-vaccinationists—I believe all who were desirous to be heard; then had me under examination; next heard a number of independent medical witnesses, on the question of alleged risks in vaccination; † and before concluding took evidence on the local administrative processes by which the vaccination-law was enforced. The final report of the Committee, with its accompanying papers and minutes of evidence, is a volume which ought not to be forgotten, if vaccination comes again under parliamentary discussion. It gave the Committee's unequivocal verdict against the accusers who had challenged the inquiry. It proclaimed

* Further mention of Mr. Forster is made below, Chapter xv, 3.

† In that branch of the inquiry, extreme interest attached to Mr. Jonathan Hutchinson's account of two recently discovered groups of cases in which the vaccinator had communicated syphilis. A more curious accident could hardly have been, than that those two (mutually independent) groups of cases should have come to light just when they did; for in English practice down to that time there probably had never occurred, certainly had never been made known, any equal disaster, if even any incontestable solitary cases of such infection; and in March, 1871, when I had been questioned by the Committee, as to the reality of that sort of risk, I had not been able to speak confidently except of cases or groups of cases which (few and far between) had been reported by continental observers.

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afresh to the world the powerful protective value, as well as the almost certain innocuousness, of properly-performed vaccination, and expressed approval of the principle of the Act which had made infantine vaccination compulsory. It recommended that the local authorities should be bound to appoint special vaccination-officers, through whom to proceed systematically against persons in default under the Act, but that the system of penalties should not be cumulative; and with reference to the central controls of vaccination (regarding which the inconveniences of the dual system established in 1858 had become intimately known to Mr. Forster during his own official participation in the work) the report recommended that the controls should all be in one department. The object of the last-named recommendation was attained before the end of the session by the establishment of the Local Government Board, under which many different sanitary controls (including those of vaccination) were consolidated; and, for the other recommendations of the Committee, Mr. Forster promptly introduced a Bill, which for the most part became law as the Vaccination Act 1871.* Meanwhile, the extremely severe epidemic of smallpox had called for active exertions in the Medical Department; both to move the various local authorities in respect of preventive measures, and to assist them in planning such. To the authorities administering the Vaccination Act of 1867, advice was given on emergency-proceedings to be taken under that Act in places where smallpox was present; particularly on the services to be rendered by special Vaccination-Officers as authorised by the Act, and on Re-Vaccination, and on the Supplies of Lymph required for it; while, on the other hand, the authorities under the Sanitary Act of 1866 were reminded of the urgent need for hospital-accommodation for infected persons in order that infection should not become general, were furnished with detailed suggestions for the provision of temporary hospitals, and were advised as to various other preventive measures needed in infected districts. At the same time, in order to ensure for the public vaccination-service of the country every excellence which the most recent improvements of knowledge would allow,

Great Epidemic of Smallpox.

* The House of Commons did not accept the recommendation of the Committee to provide against cumulative penalties.

careful revision was made of our standing Instructions for Vaccinators under Contract, and, on July 29th, the amended Instructions were issued under a new Order of Council.*

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Another great sanitary interest of 1871, was that we were under menace of a fifth invasion of Asiatic Cholera; for this disease, which for the last two years had been diffused in Russia, and for the last half-year present in St. Petersburg, had, in the spring of 1871, begun to affect the Baltic provinces of Russia, and, before the end of July, had spread westward in a way which apparently would soon bring it within easy striking-distance of English ports. † At this time it of course was the duty of the Department to draw public attention to the impending danger, to remind local sanitary authorities of precautions which had to be taken against it, and to see that those authorities had every legally-possible facility for taking the precautions. Privy Council Orders, designed to facilitate the examination of ships from Baltic or other infected ports, and the action of local authorities in relation to such ships, were accordingly issued; together with Memoranda of such general precautionary advice as our previous experiences of cholera enabled me to give. The special administrative interest of the period attached to the wider application which we were now able to make of the principles of defence which had been advocated in my report of 1866. For adequate action in that sense, it was above all to be desired that, at each endangered port of the country, the local authority should be well prepared with such hospital-accommodation, such means for conveying the sick, such disinfection-establishment, and generally such planned arrangements and skilled service, as would enable proper precautions to be used without delay in any sudden event of infectious arrival from abroad. In order to ensure readiness of that sort, we communicated particularly with such port-authorities as were most in danger; and in forty-eight principal

Renewed threatening of Cholera.

Introduction of new system of Port-Defence.

* See, contained in the First Report of the Local Government Board, my account of the Privy Council proceedings of 1871, and, in Appendix 37, 38, 39, 40, 41, 42, 42a, 50, the Circulars, Memoranda, and Instructions above mentioned. The proceedings are here particularly noted, because they represent, as it were, the final edition of Privy Council experience in the matters to which they relate.

† Early in September it was found to have reached Hamburg and Altona.

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cases, an inspector of the Department—sometimes Dr. Buchanan, more generally Mr. Radcliffe, visited the port, to examine its defences, and, where necessary, to make suggestions for strengthening them. With the very able assistance of those two officers, the new system was rapidly brought into fair working order in most of the places which required it, and in some of them into excellent order. Particulars of what was done in the individual cases may be read in my report on the year 1871,* and need not here be entered on; nor need much more be said of the epidemic which was then causing European alarm. It may be noted, however, that the principles which we brought into operation in 1871, of looking to local rather than central organisation for defensive machinery against foreign infections, and of letting foreign infectious arrivals be dealt with in detail just as dangerous infections of native origin would be dealt with in the same localities, have, from that time, ruled the action of this country in like cases, and have constituted a system which is internationally known as contrasting with foreign systems of general quarantine.†

Organisation of the Medical Department.

During the three or four last-mentioned years, while the Medical Department was often having to consider such general sanitary questions as have been named, it was becoming more and more familiar with detailed local demands for its attention in respect of the ordinary infectious diseases of the country, and with the responsibilities which it ought to be prepared to meet, with regard to the local outbreaks of such diseases. From the time of the passing of the Sanitary Act of 1866, with provisions which made express claim for local sanitary exertions, we could not but see that a definite new line of usefulness, virtually therefore a new line of duty, lay open for us. We should as before have to criticise local excesses of disease; but now with stronger influence than before to promote the abatement of such excesses.

* See in First Report of the Local Government Board, pp. lv–lvii, and Appendix 47.

† Our English system was discussed in that sense at the International Conference held at Vienna in 1874. See the *Procès-Verbaux* of that Conference, or, more briefly, the papers which I laid before the Local Government Board in 1875 (Reports, New Series, No. V) on the then European relations of Asiatic Cholera. See also, below, part ii. of Chapter xv.

Granted, as of common sense, that all existing laws of the country are to be obeyed, and that, so far as administrative duties and responsibilities are delegated to local authorities, the central government is bound to see that the administration is honest and effective,—surely the law which concerns the public health would not be a privileged field for disobedience or evasion, nor even for failures due to want of knowledge and skill. Evidently, therefore, from the date of the new law, the statutory inquiries of the Medical Department must of necessity more and more tend to be inquiries into the local administration of that law, with regard to such protection of life as the law intended. Making such inquiries, we no doubt might from time to time come on a case of wilful and obstinate sanitary malfeasance against which we must have to take the invidious position of public complainant; but we knew that, with infinitely greater frequency, the cases claiming attention would be cases of imperfect local enlightenment,—imperfect often even as to the provisions of the law, still more often imperfect as to the connexion between unfulfilled law and existing local excesses of disease; and we had reason to believe that, in this very large class of cases, the local authorities, which ought to be instituting reforms in the spirit of the new law, would often be most glad that the inquiring central Department should give them its skilled interpretation of the local sanitary needs. It was our conviction that, in those two senses, the Medical Department, if worthy of its place, could very materially subserve the intentions of the Legislature; and we therefore, thenceforth, from year to year, studied how best we could qualify ourselves for that larger share of usefulness. It will not be irrelevant to add, that the public opinion of the time had also moved rapidly in the lines of thought just indicated. Any one, who, during the then sittings of Parliament, observed the questions which were occasionally asked of Ministers with regard to local threatenings or excesses of disease, or who read the ordinary newspaper-comments on local epidemics, could see that such questioners and commentators assumed the Central Government to be a real supervisor of local sanitary administration; ready, where needful, to assist with skilled advice; and ready, in last resort, to enforce the law.

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In face of the new circumstances which have been traced, the staff of the Medical Department needed by degrees to be augmented; and, on representations which were from time to time submitted in that sense during the last three years of the period to which this chapter refers, the Lords, with the approval of the Treasury, made successive important additions to the staff.

strengthened.

Down to 1869, permanent inspectors had not been appointed except specially for our superintendence of vaccination; but in 1869, when it had become at least equally necessary to have permanent inspectors for general sanitary superintendence, the first two appointments of this sort were made; and the department was further strengthened for its work by the appointment of a legal assistant. To the great advantage of the public service, Dr. George Buchanan and Mr. John Netten Radcliffe, to both of whom I had long and often been indebted for the best possible occasional assistance, were now converted into permanent medical inspectors; while Mr. John Francis Rotton, equally strong in his different sort of qualifications, was appointed our legal colleague.*

Laboratory Investigations.

Soon afterwards, the departmental organisation was strengthened in an important outwork; the first beginnings of which, five years previously, had been noticed in my eighth annual report. The Department had then been authorised to promote certain Laboratory Investigations (of sorts not likely to be undertaken on sufficient scale by private persons) in the branches of science collateral to our province of duty; investigations, not necessarily connected with our practical business of the moment, but tending to be of powerful indirect influence on our practical business as a whole; investigations, which we knew could be of no rapid effect, but which we hoped would by degrees—even if only by the slow degrees of exact science, surely lead us to more precise and intimate knowledge of the causes and processes of important diseases, and would thus

* At the present time Dr. Buchanan is chief Medical Officer of the Local Government Board. See below, Chapter xv, 2. Mr. Radcliffe, I regret to say, is no longer there: he died in the summer of 1884, after a long-lasting, slowly-incapacitating, disease, which had obliged him to resign office in 1883. Mr. Rotton, after continuing for seven years his special connexion with the Medical Department, was in 1876 made an Assistant Secretary to the Local Government Board, and in 1883 the Legal Adviser of the Board.

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eventually augment more and more the vital resources of Preventive Medicine. Under that authority, the Department had had in progress, since 1865, a certain amount of Scientific Research, for which we had the valued assistance of Dr. Thudichum and Dr. Sanderson; the former, working in a very large field of study towards the chemical interpretation of morbid processes and their results, and the latter studying especially the forces and particulate forms concerned in contagion. Five years' experience having shown the growing instructiveness of those comparatively abstract departmental studies, and it being known that national efforts for like purposes were in progress in other countries of Europe, we had now sought and obtained authority to enlarge that branch of our work, and to give it a more settled form. In 1870, under Mr. Lowe's Chancellorship of the Exchequer, Parliament approved the *Auxiliary Scientific Investigations* as a separate item in our departmental estimates, and began to grant them an annual subsidy of £2,000. This grant, comparable in principle to those which have been annually voted to the Admiralty for the promotion of astronomical and meteorological science, was first separately voted to us in 1871; and the vote is significant, not merely in its relation to the immediate uses of the Medical Department, but as expressing a national contribution to the world-wide general interests of Medical Research.

Development of the Reg-Gen.'s Quarterly Returns of Deaths.

In the second quarter of 1870 there began to operate a new influence for activity in sanitary administration,—an influence equally valuable as stimulus to the action of local authorities, and as guide to the inquiries of the Central Department. Until then the case had been, that, except as to the metropolis, we all had been in want of a basis of authentic information, at short intervals, with regard to the *Current Local Distribution* of the chief *Diseases*. In respect of the one hundred and thirty-seven sub-districts of the metropolis, the weekly returns of the Registrar-General were so prompt in issue, and so full of details as to the distribution of deaths by different causes, that here nothing better could be desired for administrative purposes; but not so for the rest of England. Detailed information as to the fatality of each chief disease in the extra-metropolitan parts of England would no doubt eventually be obtainable from the annual reports of the Registrar-General; but this not till nearly two years after

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the time when the deaths had occurred; and during the long interval, public knowledge as to the distribution of fatal disease in those parts of England was an almost entire blank.* The administrative inconveniences of that want of knowledge had often been before me, especially as to infectious diseases rising into epidemics in particular places; and Major Graham, to whom I had gone with my experience of the difficulty, had listened favourably to a suggestion made to him for removing it.† The substance of the suggestion was, that in the Quarterly Returns which he issued (with exemplary punctuality) a month after the end of each quarter, he should do for the whole of England what he was doing weekly for London; so that the reader of each Quarterly Return should be able readily to see, in what particular sub-districts of England the chief infectious diseases had been fatal during the past quarter, and what number of deaths in each sub-district each such disease had produced. In issuing his first Quarterly Return for 1870, Major Graham issued it with that new development: a development which it has retained to the present time: and by which (as I had assured him would be the case) he gave "one of the most important aids which could be rendered to the health-administration of the country."

Steps for further development of the Medical Department.

In presence of that amended system of Quarterly Returns, exhibiting with due distinctness of places and causes the current mortality of the country, and testifying, quarter after quarter, to annual hundreds of local outbreaks and spreadings of preventable fatal disease, the Medical Department found itself possessed of a basis, which had not before existed, for regular and comparatively prompt inquiry as to the sufficiency of local administration in the respective cases. The fact that such facilities existed was felt as a responsibility that they should not be left

* For each of the registration-districts of England, the Quarterly Return gave the total number of deaths which had occurred during the quarter, but with nothing as to the sub-district distribution, nor anything as to the causes of death; and, with regard to those causes, nothing was said except in such notes as individual sub-district-registrars would sometimes take the trouble to supply for the information of the Registrar-General.

† In 1869 I had referred to the subject, in my Eleventh Annual Report and in my evidence before the Royal Sanitary Commission, besides communicating personally with the Registrar General about it; and in 1870, giving evidence again before the Royal Sanitary Commission, I was able to refer with proper sense of obligation to the commencement of the new reports.

unused; and accordingly, with a view to the new requirements which the new circumstances suggested, the Lords of the Council proceeded to amend their plan of action under the Act of 1858. It had become clear that, in order to a reasonable present fulfilment of the intentions of the Act, the Medical Department ought to greatly extend, and to systematise, its ordinary disease-prevention inquiries; ought to give them such extension, and such methodical character, as it had already given to its vaccination-inspections; and that, for this purpose, the staff of the department must have a considerable further increase. Very careful consideration was given to the method of work by which the increased claims on the Department might best be met, and, with the approval of the Treasury, first steps were taken to give to the Department the stronger organisation which it required. Towards the close of 1870, vacancy having arisen in the permanent inspectorship which till then had been employed exclusively on the work of the National Vaccine Establishment, this office, instead of being refilled for the same use, was changed into an office of general sanitary duty, and Dr. R. T. Thorne was appointed to it.* The departmental estimates for 1871-2 proposed the appointment of three additional inspectors; and, when Parliament had approved this proposal, the new offices were filled by the appointment of Dr. Gwynne Harries,† Dr. Anthony Home,‡

* Before the time of the appointment mentioned in the text, Dr. Thorne had on various occasions acted temporarily for the Department; and the opinion which had then been formed of his qualifications has since then been more than confirmed by the fact that he has now for some years been in the position of Senior Assistant Officer in the service.

† Dr. Harries, an officer of much zeal and ability, was unhappily soon removed from a career which he had given every promise of filling with distinction. In the autumn of 1873, little more than two years from the time of his appointment, his life was prematurely ended by scarlatina contracted in the performance of his public duties.

‡ Dr. (afterwards K.C.B.) Anthony Home had previously distinguished himself as a medical officer in Her Majesty's Army, in which he held the rank of Surgeon-Major, and had earned the Victoria Cross for conduct at Lucknow. His health unfortunately did not allow him to continue long in the work of our Department, and towards the end of 1872 he was succeeded by Dr. Hubert Airy; but soon afterwards a spirit greatly stronger than his body carried him with General Wolseley to the Ashantee expedition of 1873-4, where he attained further distinction. In 1878-9 he was principal medical officer in Cyprus, and from 1881, till his retirement a short while since, principal medical officer to the British forces in India.

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and Dr. Ballard.* These appointments, which constituted a highly valuable addition to the strength of the Department, were as much as could be expected in one year; but, even with that addition to the staff, we were still far from being able to provide for the whole country the kind of general supervision which our scheme intended. There however was reason to hope that, on the next year's estimates, three more inspectors would be allowed, to complete our staff; and that then it would be in my power to organise for the whole country inspectorial circuits in which the short-comings of common sanitary administration, equally with short-comings under the vaccination-law, would come within cognisance of the Department.

July, 1871.

Pausing here, I trust I shall not seem to express an undue pride, if I say that, at the period which the narrative has reached, the Medical Department had attained such success as was an ample reward for its work. The endeavours, which, with the assistance of most able colleagues, I had made, to provide for sanitary law and administration a basis of larger and more exact knowledge than before existed, had not been in vain; and the political heads of the Department, taking their stand on that basis, had led Parliament greatly to extend and strengthen the securities for the Public Health in England. The sanitary laws had been rendered, as to principles and intentions, tolerably complete; and parts of the legislation which especially concerned the labouring classes of the country had given to those classes greatly increased means of self-protection against various sorts of sanitary wrong. Meanwhile, too, we had left far behind us the hostilities and suspicions which, when we first entered on duty, were extensively roused by any mention of sanitary progress: we now, so far as public expressions of opinion enabled us to judge, were working amid general goodwill, and amid a constantly-increasing interest of the public in the matters which

* Dr. Ballard had from sixteen years before been officer of health to the large metropolitan district of Islington, and had filled that office with so much distinction that already in 1871 he was among the foremost representatives of English sanitary knowledge and practice. At the time of my present writing he happily is still on the staff of the Local Government Board; and the publications of the Board contain evidence of the value of the services he has rendered there.

formed our sphere of duty. It is not for me to judge how far our labours may have contributed to establish those better times; but I believe we had the credit of earnestly endeavouring to learn the truth, and tell the truth, as to the matters which our inquiries regarded. The departmental reports had been eagerly sought throughout the country by persons who were interested in questions of public health, and had been welcomed abroad in very flattering terms by the countries which most busied themselves in such questions. With such large and varied experience as the Department had acquired, with such colleagues as I had, and with such completion of staff as I believed we were soon to have, I felt sure that the Department would be ready to meet any greater claims which Parliament might throw upon it in the more active times which apparently were about to come.

CHAPTER XIV.

THE ROYAL SANITARY COMMISSION, 1869-71.

BEFORE further progress can be made with the story of English State-Medicine, the fact has to be noticed that, in the spring of 1871, there was laid before Parliament the Report of a Royal Commission, which, from two years before, had been receiving evidence, and forming opinions, as to the want of system in the sanitary government of England, and as to the changes of law by which better organisation might be provided or promoted.

1868-9. Unsystematic state of the sanitary laws and jurisdictions.

That distinctive task, of re-considering the sanitary laws as a whole in respect of METHOD, had gradually come to be of urgent necessity. During the time in which those laws had been undergoing so much substantial extension and improvement, their form, especially in all which regarded the constitution of authorities and areas of jurisdiction, had become incoherent almost to the point of chaos. The legislature, for a quarter of a century, on the motion sometimes of one department, sometimes of another, had been proceeding tentatively, and with many renewals of attempt, in section after section of the vast subject-matter; and the successive bits of piece-meal legislation, uncombinable except with gaps and overlappings, and sometimes with apparent inconsistencies of intention, made a parquetry which was unsafe to walk upon. Authorities and persons who wished to give effect to the law were often finding insuperable difficulties in their way; while authorities and persons of contrary disposition found easy excuse or impunity for any amount of malfeasance or evasion. Among the worst facts of the case, was the way in which many of the local jurisdictions had been laid out and assigned. Except within areas having privileged statutory constitution, the local administration of the law against nuisances was not vested in one single authority for each place, but had come to be distributed (with very questionable demarcation-line) between two—the Vestry of the Parish as *Sewer-Authority*,

and the Union Board of Guardians as *Nuisance-Authority*;* while various auxiliary improvement-powers might be in the hands of yet other local authorities. Areas which had privileged statutory constitution did not, except sometimes by accident, figure separately in the vital statistics of the country, nor correspond in any way with the areas of poor-law relief. Even in towns which had the best consolidation of powers for general purposes of local government, the relief of the poor was always a function apart; always with separate authority and distinct area to itself. Where medical officers of health existed, their office had no appointed contact, either with the local registry of deaths, or with the local system of attendance on the sick poor. Equally unmethodical with the enactments which provided for local sanitary action were those which assigned supervisional duties to the Central Government: for responsibilities more or less concerning the public health had been distributed among several central departments; and two or three central departments, variously advised, might be communicating with some single locality in respect of some single sanitary subject-matter. Very imperfectly, too, had the law hitherto provided that such systematic information as is necessary for proper judgment of the health of districts should be in existence for the use either of local or of central authorities; for no obligation had been enacted, that causes of death should be medically certified, or that public returns should be made of sickness locally treated at the public expense. It is not difficult to

* The climax of this misrule was reached in 1868. Under the Nuisances-Acts of 1846 and 1848, the local authority for the purposes of the Act in rural districts, and in such towns as had not special statutory powers, had been the Board of Guardians of the Poor-Law Union. In 1855, Sir Benjamin Hall's Nuisances-Act dis-empowered that Union Authority, and gave the power to be separately exercised in parishes by Parish Authorities; but, a return made to the House of Commons in 1857 (Sess. 2, No. 36) having shown that this new arrangement was working most unsatisfactorily, one of my first duties after the settlement of my office under the Privy Council was to bring that failure under notice of their Lordships; who thereupon (by bill introduced in the House of Commons by Mr. Lowe) promoted an Act to repeal the parochial arrangement, and restore in amended shape the former jurisdiction of the Union Board. In discord with this, there began in 1865 (promoted by the Home Office) a series of Acts, which, in relation to the rural and other districts here under notice, appointed each Parochial Vestry to be "Sewer-authority" for its parish, and gave it nuisance-jurisdiction over the privies in the parish: so that, from 1868, in each such parish, the privies were under one authority, and the pigsties under another.

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imagine the difficulties and discouragements which beset all attempts at sanitary administration, while they had to be made under such conditions of legal disorder as those described; and besides that extreme want of method, there was the fact that the laws which had to be locally administered were needing at innumerable points such minor additions and amendments as would naturally come with judicious consolidation.

Memorial for appointment of Royal Commission.

The first public remonstrance against the disorderly state of the sanitary laws came from members of the Medical Profession, and was conceived with particular reference to the various cases in which the State purports to make use of medical knowledge. The leading voice was that of the late Mr. Henry Wyldbore Rumsey, of Cheltenham, F.R.C.S.; a man of culture, and highly esteemed in his Profession, who for many years had been a distinguished writer on the various relations of State-Medicine; writing of them always with true public spirit, as well as with large information, and with a special zeal for completeness and method;* and I believe it to have been at his instigation that steps which led to the appointment of the Royal Sanitary Commission were taken. In May 1868, namely, a certain Joint-Committee which the *British Medical Association* and the *Social Science Association* had appointed, "to promote a better administration of the laws relating to registration, medico-legal inquiries, and the improvement of the public health," and which seemed chiefly to express Mr. Rumsey's mind, memorialised the then Government for the appointment of a Royal Commission in relation to those objects. Referring to a memorandum which Mr. Rumsey had prepared, they asked "for a thorough impartial and comprehensive inquiry by a Royal Commission, having power to visit, or send sub-commissioners to visit, the large towns and other districts of the country, to obtain information and evidence, and to report on:—(1) the manner in which the cases and causes of sickness and of death are, and should be, inquired into and recorded in the United Kingdom; (2) the manner in which coroners' inquests

* Writings of Mr. Rumsey's, to which I particularly refer are the following:—*Health and Sickness of Town Populations*, 1846;—*Essays on State-Medicine*, 1856;—*Sanitary Legislation and Administration*, 1858;—*The Right Use of Records founded on local facts*, 1860.

and other medico-legal inquiries are, and ought to be, conducted, particularly in regard to the methods of taking scientific evidence; (3) the operation and administration of sanitary laws, with special reference to the manner in which scientific and medical advice and aid in the prevention of disease are, and should be, afforded; and also with special reference to the extent of the areas or districts most convenient for sanitary and medico-legal purposes; (4) the sanitary organisation, existing and required, including a complete account of the several authorities and officers,—the education, selection, qualification, duties, powers, tenure, and remuneration of the said officers to be specially reported on; (5) the revision and consolidation of the sanitary laws, having special reference to the increase of the efficiency of their administration, both central and local." *

Commission appointed, and takes evidence.

The Government (Mr. Disraeli's) having determined to comply, to some extent, with the prayer of the Joint-Committee, a Royal Warrant was issued on November 24, 1868, appointing a Commission with Lord Northbrook for its chairman; but almost immediately a change of government occurred, Mr. Disraeli's first administration giving place to Mr. Gladstone's first; and, under those circumstances, the warrant remained inoperative, till, in the following April, it was revoked by one which appointed a fresh Commission, with Rt. Hon. C. B. Adderley (now Baron Norton) as its Chairman.† The new warrant, differing somewhat from the old, provided expressly for inquiry into the central (as well as the local) organisations of authority; and instead of extending (as did the old) to the whole of the United Kingdom, it applied only to England and Wales, with express

* The Memorial and Memorandum are to be found in the Appendix to the First Report of the Commission: Mr. Rumsey having tendered them in evidence.

† The other names in the Commission were as follows:—The Earl of Romney; The Earl of Ducie; Lord Robert Montagu, M.P.; Rt. Hon. Russell Gurney, M.P.; Rt. Hon. Stephen Cave, M.P.; Sir Thomas Watson, Bart., M.D., Lieut.-Col. Charles Brisbane Ewart, R.E.; John Robinson McClean, Esq., C.E., M.P.; Samuel Whitbread, Esq., M.P.; John Tomlinson Hibbert, Esq., M.P.; Evan Matthew Richards, Esq., M.P.; George Clive, Esq.; Francis Sharp Powell, Esq.; Benjamin Shaw, Esq.; James Paget, Esq. (now Bart.), F.R.C.S.; Henry Wentworth Acland, Esq. (now K.C.B.), M.D.; Robert Christison, Esq. (afterwards Bart.), M.D.; William Stokes, Esq., M.D.; John Lambert, Esq. (now K.C.B. and P.C.); and Francis Thomas Bircham, Esq. Officials of the Central Departments interested in the inquiry were not on the Commission, except Mr. Lambert of the Poor-Law Department.

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exclusion of the Metropolis. Within the limits thus prescribed, the new Commission was to inquire into and report upon the operation of the various laws then in force for promoting the public health and preventing epidemic diseases; and into and upon the administration of those laws, including the constitution of the administrative authorities, central and local, and the formation of areas proper to be controlled by local authorities; and into and upon the operation of the registration-system in respect of certificates of causes of death; and the Commission was to suggest improvements in all or any of those matters, with the means for carrying such improvements into effect.

The Commission, thus appointed in 1869, reported as before mentioned, in the spring of 1871. In the interval it had examined, in addition to some of its own members, nearly a hundred witnesses; who for the most part were persons in official connexion, locally or centrally, with the administration of the laws under reference.*

1871. Report of the Commission.

The Report of the Commission of 1869–71 could not, from the nature of the case, be of nearly equal significance with the Report of the Commission of 1844–5, but it nevertheless was in some respects an influential contribution to the public service. Popular knowledge of the subject had advanced so much during the three years since prayer was made for the appointment of the Commission, that some of the most necessary recommendations of the Report may have seemed to come at last as mere matters of course; recommendations, for instance, that the multiple jurisdictions should be simplified, and the incoherent laws be consolidated; but those authoritative recommendations were not the less applicable for being confirmatory of outside common sense; and it was most necessary that they should be promptly applied. The general purport of the Report was that "the present fragmentary and confused sanitary legislation should be consolidated;" "that the administration of sanitary

* Among the central officers examined, the Medical Officer of the Privy Council was of course one; and for the opinions which I then expressed on the matters in question, I refer to the published minutes of evidence: May 31 and June 3, 1869; February 21 and March 3, 1870: referring further to the connected statement given in 1869, in Section VI. of my Eleventh Annual Report, on the "Question of consolidating and bringing into system the laws and administrative agencies which concern the Public Health."

law should be made uniform universal and imperative throughout the kingdom"; and that "all powers requisite for the health of towns and country should in every place be possessed by one responsible local authority, kept in action and assisted by a superior authority." Reserving separate treatment on the same principle for such parts of the sanitary code as were to be deemed subsidiary or special, the Report recommended that all the more general objects of sanitary legislation should be dealt with by one comprehensive statute, which (subject only to such few exceptions as might be unavoidable, and to certain partial distinctions between "urban" and "rural" districts) should be not for optional but for universal application to localities; emphatically, "that there should be one local authority for all public-health purposes in every place, so that no area should be without such an authority, or have more than one;" and, in judgment on the disputed question, what should be the local authority for places without special statutory constitution, the Report (approving the principle of Mr. Lowe's Act of 1860) recommended that it should be the Board of Guardians of the Union. On the constitution of the Central Authority, the Report recommended "that the administration of the laws concerning the public health and the relief of the poor should be presided over by one minister . . . whose title should clearly signify that he has charge of both departments: an arrangement which would probably render necessary the appointment under him of permanent secretaries to represent the respective departments." With regard to the functions and relations of this authority, the Report laid down the following as its principles: "The Central Authority . . charged in one of its departments with the superintendence of all Sanitary Authorities, and equipped with a sufficient staff of officers . . must nevertheless avoid taking to itself the actual work of local government: we would leave *direction* only in the Central power. . . . . The new Department will have to keep all Local Authorities and their officers in the active exercise of their own legally imposed and responsible functions; to make itself acquainted with any default and to remedy it; it will have also to discharge to a much greater extent its present duties . . . namely, to direct inquiries, medical or otherwise, to give advice and new plans when

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required, to sanction some of the larger proceedings of the Local Authorities, to issue provisional orders subject to parliamentary confirmation, to receive complaints and appeals, to issue medical regulations on emergencies, and to collect medical reports." In order that the Central Authority should have full general powers of supervision and inspection, and defined powers of control and direction over all Local Health-Authorities, and should be able to give the public connected information on the matters in question, the Report recommended as essential, that the new law should "transfer to it the Medical and the Veterinary Departments of the Privy Council, the Local Government Act Office, the Registrar-General's Office, and all [general] sanitary powers and duties now exercised by or under the Privy Council, the Home Office, or the Board of Trade respectively;" and that the several reports, till then prepared disconnectedly in those departments, should be issued under the new authority as parts of one series. With regard to the Local Health-Authorities, the Report recommended, *inter alia*, "that every Local Authority should have at least one Officer of Health, being a legally-qualified medical practitioner, or possessing such other qualification in medical science as shall be declared by the central authority to be satisfactory: in rural districts the Medical Officers of Health being, as a rule, the Poor Law Medical Officers acting in their respective medical districts: and where this is not practicable or expedient, the relation of the Medical Officer of Health and the Poor Law Medical Officers to each other being arranged by the Local Health Authority with the approval of the Central Authority;" and that the Local Authority should have "at least one inspector of nuisances;" that "medical officers of health should be appointed subject to the *veto*, and should not be removed without the sanction of the central authority, and inspectors of nuisances should be removable either by the central or the local authority;" that every medical officer of health "should be authorised to call for reports from any inspector of nuisances in his district, and that every report made by an inspector of nuisances to the local health authority should also be made to the medical officer of health of that authority." Among the recommendations relating to Local Authorities were some of considerable importance, tending

to increase the powers of such authorities in relation to land-drainage and sources for water-supply, and to facilitate combinations of authorities where those purposes were common to several districts. Under the head of "supervision and control by the Central Authority," the first recommendation of the Report was, "that the office of Chief Medical Officer now under the Privy Council should be continued in the new central department;" the Report having previously observed that this officer's "concentrated superintendence of all public sanitary arrangements, whether those of local boards, or guardians, or any other local authorities, would greatly add to his usefulness and power."* Next, the Report recommends "that all local-health districts should be from time to time visited by Inspectors of the Central Authority;" observing "that the additional inspection thus required under the new sanitary law may be provided for by the employment of inspectors already attached to the departments which will be under the central authority or new minister, with such increase of the staff as may be necessary." This Inspectorate, officiating "in suitable circuits" with regard to sanitary and poor-law administration, could, the Commission believed, "ascertain the defects in the execution of both sets of laws, and bring the forces of the common central office to bear on any defaulting quarter." Main points in the scheme of the

* To the words which my text quotes from the Commission's Report, a few words of authorised interpretation may be added. In July, 1871, while Mr. Stansfeld's short Local Government Board Bill was before the House of Commons, seven of the eight members of the House who had served on the Royal Commission (the absentee being Mr. Hibbert, who now was in office as Poor-Law Secretary) introduced a comprehensive Public Health and Local Government Bill, which Sir Charles Adderley, asking leave to introduce it, described as "simply the Report of the Commission in the form of a Bill." Referring to clauses 80-85 of that Bill, as additional to the passages I have quoted from the Report, I read the intention of the Commission to have been, that the Medical Officer of the Privy Council should be transferred to the Local Government Board with the essential purpose of his appointment unchanged, and with a view to the more comprehensive fulfilment of that purpose: namely, that, set under the Local Government Board, and brought into official relation with all local authorities, he should be, as I under the Privy Council had been, but with facilities for fuller service, initiative and independent Reporter to the Board on the current interests of sanitary government in England, as well as Referee for the Board on matters concerning the Public Health, and Reporter of the proceedings taken with regard to them; and that he should be Organiser of the Board's Medical Supervision.

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Commission were, that all inspectors communicating with districts and their authorities on matters within the new law ought to be under the command of one minister, and that inspections of like sorts ought not to be in duplicate; but this, of course did not mean that the inspectorate was to be homogeneous. On the contrary, it would have started as a composite staff, and was meant so to continue; containing inspectors for general purposes, and inspectors for special purposes. As of the latter sort, two classes of technical inspectors were particularly named: "some with engineering knowledge, to judge of, advise upon, and aid in executing structural works;" and "some with medical knowledge, who would be the agents of the chief medical officer in the central department, and would bring him into relation with the 4,000 medical officers already attached to the local authorities throughout the kingdom." There would probably also be wanted "some with special knowledge in other branches of science who will either (1) be retained only on particular occasions, or (2) should be attached, without salary, to the Central Office for terms of years, and to whom special points of inquiry should be referred with due remuneration for each such consultation." The Commission did not attempt to lay down any hard and fast line as to the proportions in which the different sorts of inspectorial service might be wanted; the new statute, it said, "will doubtless in this, as in other instances where the central authority has been empowered to appoint inspectors, leave a wide discretion in its hands; experience alone can determine how far the same inspector can act both for sanitary and poor-law purposes; an inspector must in any case possess knowledge of a high order, or he cannot with effect exercise superintendence over the action of men who in many cases devote the best years of energetic lives to the discharge of their duties." The Report recommended "that the due action of Local Health-Authorities should be secured by penalties on default, recoverable with the consent of, or by, the Central Authority; and that the Central Authority should, on the default of a Local Health-Authority, have power to compel its action by legal proceedings and by enforcing penalties; and should also have power to interpose and perform, through such agency as might appear fitting, the neglected duty of the Local

Health-Authority (including the execution of any works within the powers of the local authority which may be deemed by the central authority to be necessary) and to provide for the expense by imposing rates, borrowing on the security of them, and taking other necessary measures." It recommended "that in addition to the duties prescribed by the existing Registration Acts, it should be made the duty of the Registrar-General, and of the district registrars, to register disease and sickness, or specified cases of disease and sickness;" and "that in every case of death the medical attendant, or where none the district medical officer of health, should certify to the district registrar the cause of death; and should also, in cases of suspicion, but not otherwise, give notice to the coroner." The Commission moreover, thought it "desirable, that the Central Authority should, with the consent of the managers, inspect hospitals and dispensaries supported by voluntary contributions; and suggest means for the organisation of such institutions, and for their co-operation with each other, and with the rate-supported hospitals." By way of supplement to the broader recommendations of the Report, the Commission furnished an elaborate series of detailed recommendations as to the amendments, even the smaller amendments, which the existing law ought to receive in course of being consolidated.*

Particular recommendations.

Of the Recommendations made in the Report, there probably are not many on which the reader would now care to dwell with intention of criticism; but those which proposed a *new arrangement for the Central Responsibilities*, and those which proposed the *universal establishment of local Officerships of Health*, have

* This remarkable exercise of minute criticism had been rendered possible by the exertions of one member of the Commission, Mr. Francis Sharp Powell, now member for Wigan, but not at that time (though he previously had been) a member of the House of Commons. By carefully resolving into their elements all the existing local-government and sanitary statutes, and then re-ordering the elements under a sufficient number of suitable heads, so as to show in juxtaposition the provisions which corresponded in subject-matter in the several acts, Mr. Powell had produced a systematic *Arrangement* which enabled his colleagues to examine with him all actual provisions of law, section by section, to see in regular survey the points at which they required amendment or addition, and to annotate such points in a form which must have been singularly convenient to those who afterwards had to give effect to the Recommendations of the Report.

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not, even yet, ceased to be of practical interest; and to them, for prospective reasons, it will be convenient to give more particular notice at the present point.

Proposed consolidation of central responsibilities.

With regard to the Central Responsibilities, it has to be observed that the Royal Commission, under its warrant of appointment, had not been free from restriction as to the quantity of reform it could propose. Not the entirety of the laws concerning the public health in England had been referred to it for consideration, but only the laws under which local authorities officiate in that matter, and even these laws only in their extra-metropolitan relations. Outside what had been assigned to the Commission for consideration, there lay not only (1) the great body of metropolitan sanitary interests, subject to their own particular laws of administration and control, but also (2) those various highly important branches of health-law which are administered by other than local authorities; such particularly as the laws which regard the constitution and exercise of the professions of Medicine and Pharmacy, and those which relate to the ordering of Lunatic Asylums, and those which impose sanitary regulation on the chief sorts of collective Industrial Employment, and on the modes of conducting sundry sorts of Chemical Manufacture. On the view that branches of health-law not administered by local authorities were to be classed as "subsidiary" or "special," the Commission could comparatively disregard those branches, and needed not bring into its scheme of consolidation the central responsibilities attaching to them; but this, it seems to me, was unfortunate. It left too open way to the danger (which afterwards was fulfilled) that considerable exceptions to the consolidation of central sanitary responsibility might survive the adoption of the Commission's Report, and that unconsolidated portions of such responsibility might remain as patches of foreign matter in departments no longer mainly or connectedly concerned with such; anomalies, which would almost certainly tend to developments of further anomaly. Far better, it seems to me, would have been, that the framing of the new scheme should have proceeded with as full consideration from the one point of view as from the other. A departmental Minister, controlling local authorities in respect of their Machinery and Finance and Common Municipal Services, and in respect of their functions

under Health-law and Poor-law and Farm-law, and of the Conservancy of Rivers and Lands, and having under his direction such proceedings of Registration and Census and such making of geodesic and geological Surveys as civil administration requires, might no doubt be a sufficiently comprehensive *Minister of Local Government*, but would not, unless he commanded also the other sorts of central sanitary relation, be, in any satisfactory sense, a *Minister of Health*. The endeavour, it seems to me, ought to have been to fulfil conjointly the two objects : to have aimed at consolidating in an equally full sense all the central responsibilities which relate to Public Health, and all the central responsibilities which relate to Local Government, with intention that they all should be in charge of one political department; all under one Chief Minister, with such assistant-offices political and other, and such divisions of service, as would be necessary; and with common rule, as between the component parts of the staff, that, in every affair concerning two or more sections of subject-matter, the respective divisions of staff should act in concert. Arrangements for the transaction of central sanitary business could then have been planned with proper regard to scientific affinities, as well as to other exigencies and conveniences of the case. The Commission, however, had not been authorised to take any such general view of the multifarious business which was in disorder; and the Government of the day not only showed no inclination to advance beyond the proposals of the Commission, but even (as will hereafter appear) fell short of entire adhesion to them. Consolidation, to so limited an extent that it could not be deemed more than provisional, was an alternative with some risks of its own; but opinion prevailed that some such consolidation would be better than to let things remain quite as they were; and Government, though not accepting all that the Commission had recommended, accepted enough to justify the constitution of a new department. It decided to propose the discontinuance of the Poor Law Board, and the creation of a department to be called the Local Government Board : in which new Board should be vested, first, all powers and duties of the discontinued Poor Law Board; secondly, certain powers and duties of the Secretary of State relating to Local Government outside the

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Metropolis, and to the direction of the office of the Registrar-General; and thirdly, certain powers and duties of the Privy Council relating to the Public Health, but not including (as the Commission had proposed) the powers and duties as to Diseases of Cattle. The decision, so far as it was affirmative, accorded with the advice of the Commission, and could be justified by reasons which the Commission had given. That, so far as it went, it was in principle right, will probably not be disputed; but a certain quantity of experimental risk would attach to the considerable powers of disorganisation which the coming political organiser must have at his discretion; and in the absence of details as to the scheme of joint working intended for the triple combination, it was impossible to say that the conditions of the partnership might not rather lessen than increase the usefulness of the Medical Department.

Proposals relating to Local Officerships of Health.

Of all questions in modern State-Medicine, perhaps none is more deeply important than that of the system on which Members of the Medical Profession should be made serviceable in the administration of the Health-Laws; and so, for the purposes of this volume, I advert with particular interest to the recommendations which the Royal Commission made with regard to the institution of Medical Officerships of Health. As the steps of legislative and administrative action which were taken in respect of that advice must come under review in my next chapter, I shall endeavour to make my present remarks on the recommendations sufficiently full to serve for future back-reference on the points of principle; and the recommendations cannot, I think, be examined with due thoroughness, unless consideration be first given to the previous general theory of Health-Officerships.

Previous theory of the Office.

If reference be made, either to the terms of the Acts of Parliament which brought the earliest Health-Officerships into existence, or to the nature and working of the appointments which had been constituted under those and later Acts, and were extant as evidences of intention at the time when the Commission reported, it will be seen that, according to those criteria, an "Officer of Health" was understood to have two distinguishing marks: first, as to qualification, that he was an *Expert* and (as

compared with co-existing forms of medical practitioner) in some degree a *Specialist*, in regard of *knowledge and skill applicable to the Prevention of Disease*;* and secondly, as to duty, that he had undertaken to act as impartial *Public Accuser and Adviser* against whatsoever unwholesome influences in his district should be removable under the sanitary law. On that view of the meaning of the term, clearly an Officership of Health was not a post which every medical practitioner of 1871 could be deemed qualified to hold, nor a post which could be held in easy compatibility with every other sort of professional engagement. Regarding the former of those points, it no doubt might be assumed that, within moderate time, improvements in medical education would supersede the necessity for special inquiry whether a legally-qualified medical practitioner had learnt preventive, as well as curative, medicine; for this degree of completeness of education would surely in the future be assumable of all persons registered as qualified practitioners: but, with regard to the other point, no such effect was to be expected from progress of time, or change of circumstances; and what might briefly be termed the *moral* speciality of the Officership of Health would always need to be strongly insisted on. The Officership of Health, in certain chief parts of its working, was an office for the redress of wrongs. Though not of judicial authority, it was of essential bearing on the administration of justice within its particular province of affairs; its standards of duty must be such standards of diligence and impartiality as the administration of justice universally requires; the office could not fitly be held by any man who would not work it in that

* *E.g.*: that, as to *Pathology*, he should have exact knowledge (so far as at the time existing) of the causes, and the modes of propagation, of all frequent preventable diseases; and that, as to *Physics and Chemistry*, he should be able to advise properly on questions, large and small, of nuisance-prevention, and on certain questions of warming, ventilation, and the like, and be competent to direct proceedings for disinfection. In 1871, under what were then the lawful conditions of medical education and qualification, it could not fairly be presumed of any chance member of the profession, that he was possessed of those specialities in a degree to justify his being named the official local representative of them for purposes of law; nor could it be expected that any member of the profession, not yet familiar with those essential parts of a Health-Officer's qualification, would be prepared to enter offhand upon the studies unless favourable conditions of appointment tempted him to do so.

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spirit, or would flinch from accusing where he ought to accuse. Moderate and patient he must of course be; for the cases before him would often be many-sided even in their sanitary, and perhaps oftener in their legal and financial relations, and wrongs which had been of gradual growth and long permission would more or less require time for their removal; but with all due moderation and patience, he must nevertheless quite sincerely and steadfastly have the reformatory aims of his office at heart, and must regard them as duties of sacred trust: duties, which he would follow with strictly impartial truth and justice as between conflicting local interests; never with any self-seeking bias, nor any taint of fear or favour; never with less perfect hearing, or slower movement, when grievances of the poor might be in question. Manifestly, if those deeper conditions of duty were to be fulfilled, the outward conditions of the appointment must be adapted to them. Not all other local ambitions would be consistent with the tenure of an Officership of Health. It would of course be unfit that the Officer should be collaterally engaged in any commerce which might probably render his official judgment less single-sighted, or his official activity less straightforward, than it ought to be; and presumably the duties of the office would not in general easily harmonise with the interests of a practitioner who should be having to earn the main part of his livelihood by ordinary private practice within the same area.* It would also seem clear that Officerships of Health could hardly answer to the pretentions of their name, nor be of much real account in the service of the public, except in proportion as they were important items in the lives of those who held them: not in each case on so petty a scale as to involve mere driblets of occasional duty, but, on the contrary, on such a scale that each appointment, in regard of its work and remuneration, might satisfy, wholly or in considerable part, the claims of a moderate personal ambition. Probably in general the best constitution for the office would be, that its holder should be exclusively

* In the case of any Health-Officer so circumstanced, the duty of zeal for the protection of health in the district, the duty to be general complainant and instigator of proceedings wherever action ought to be taken against nuisances, dangers of contagion, badness of house-accommodation, and the like, would often in its discharge involve the risk of displeasing some patient or patron, perhaps even several such, whose friendliness had been a condition of yearly income.

in the public service; not necessarily debarred from other public employment, if his health-office left him leisure for it, and if the appointers to the health-office approved; but debarred from private professional practice, and from serving as private opinional witness in sanitary suits. Substantial offices of that exclusively public sort could easily be associated with such different bases of local appointment as the differences of the localities might suggest: could, in one case, be for some single chief town; could, in a second case, be for several less important towns, concurring in the appointment; could, in a third case, be for a county or large division of a county, with mixed rural and petty-urban districts; and so forth; while, in relation to each such appointment, there could be provision, on proper terms, for certain sorts of contributory service to be rendered by members of the poor-law medical service, and by other local officers.* It would of course be desirable that the Medical Officer of Health, like judicial officers, should hold his office during good behaviour, and should in his office be protected against the resentment of persons whom the proper discharge of his public duties might be apt to offend.

General desirability of the Office.

At the time when the Royal Commission began its inquiries, there probably would have been general consent among competent persons, that, in the total of what was wanted to constitute for England a proper organisation of local sanitary government, one factor must be, in some form or other, the existence of a system of genuine Officerships of Health; and that the expected new law ought at least to lay good foundations on which such a system might by degrees, and as soon as practicable, be built. Necessity for the special service would evidently attach to the existence of any law which should exact from local authorities

* In all cases, the Poor-Law Medical Officers should keep the Health-Officer well supplied with information such as they would officially possess, and he would officially need, regarding the diseases of the local poor; while also, at least in respect of extensive districts, each poor-law medical officer should be eligible to serve for defined purposes as local assistant to the health-officer: it being of course provided that, for such sorts of contributory service, the poor-law officer would receive payment in proportion to the duties performed by him. Likewise, in all cases, the Health-Officer must of course have what information he may desire as to the entries made in the Registers of Births and Deaths. And in all cases it would be necessary that the local inspectors of nuisances should have to act wholly or in great part under the Health-Officer's instructions.

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the true fulfilment of duties relating to the health-interests of the local populations. Each authority, endeavouring to fulfil the duties, would find itself virtually obliged to have, at least from time to time, from some competent member of the Medical Profession, more or less of such assistance as a *bonâ fide* Officer of Health is intended to supply; would periodically need to be furnished with a skilled impartial report on the health and the sanitary requirements of its district, and would on occasions require unbiassed medical certification or advice with regard to points of current business, administrative or forensic. That would, in principle, be true of all local authorities; there would, in every district, be some necessary dependence on medical service of the special type; but the quantity of the dependence would vary immensely in different districts. In important urban districts, it would unquestionably be so great as to justify and demand that a regular Officership of Health should form part of the municipal machinery; while in districts of contrary character, there certainly would not be work enough for the separate maintenance of a substantial office, and question would arise as to some alternative arrangement by which to obtain trustworthy service of the required special type, though in quantities comparatively small. Under circumstances of the latter sort, it might often be the case that a single district authority, would not, alone and independently, be able to provide itself with the service it wanted, but would have to depend for its power of obtaining such service, either on conditions of joint-action with authorities of other like districts, or on the existence of an expert appointed *ab extra* (say by county authority) to act, continuously or occasionally, as Health-Officer for districts not otherwise officered; or, conceivably, such cases might be met by the existence of a class of unattached consultation-practitioners, from whom authorities needing only occasional assistance could obtain it. In the list of duties which the special Health-Officer, if appointed, would discharge, there no doubt would be some, of rudimentary and uncomplicated sorts, which, if the special officer were not appointed, might, to their limited extent, be regarded as common professional duty, dischargeable by any ordinary local practitioner; particular single acts, not involving further technic than such as every competent member of the Profession

might be supposed to have, and not involving questions of local bias : * but the argument, that certain such matters, taken alone, might not need to be in trust with an officer of special type, did not affect the general argument as to the national need for the class of special officers.

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In considering the recommendations of the Royal Commission in the matter of Officerships of Health, it is important to distinguish between what was of general intention and principle, and what was merely of detail and method. As to the essential object, that there should be instituted for all England a system of Officerships of Health, the Commission's proposal was, I believe, received with cordial assent by all who were qualified to judge it; but, when the Commission proposed, as its scheme for that object, that every Local Sanitary Authority should be required by law to have at least one Medical Officer of Health, and that commonly in the rural areas, and perhaps also extensively in others, each District Medical Officer under the poor-law should be the Officer of Health for the space of his poor-law district, objections to this proposal were at once raised. Very weighty opinions were expressed, that, in the proposed vast multitude of appointments, it would be idle to expect the characteristic qualities for which Officerships of Health had been desired, and in short that the method would defeat the purpose. It was pointed out that, with such extreme subdividedness of office as would exist under the scheme, individual holders, earning nearly all their livelihood in other directions, could not be expected to take any serious view of the official responsibilities; † and that

Unworkable details in the Commission's Scheme for the Office:

Extreme subdividedness;

* Such were matters which I had in view in 1869, when I suggested to the Royal Commission that, in districts without special Health-Officers, "rudimentary" duties might be done by the poor-law medical officers, and the services be paid by fees. I gave, as instance, the kind of medical aid which a local authority would from time to time require, if it had to provide certification of the Cause of Death in cases not otherwise certificated or adjudged upon. See in my *Evidence* before Commission; Q. 1926 and elsewhere; or in my *Report* XI., pp. 26–7, and 29–30.

† For estimating by analogy, what would be the probable public value of such Officerships of Health as the scheme contemplated for rural and for minor urban districts, question might be asked: What would have been the usefulness of county-court judgeships, if their duties and emoluments had been divided to a parochial scale, so that, in each parish, some resident lawyer, having his chief interests in other sorts of local business, had been charged with occasional small exercises of judicial duty?

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the intention of the scheme, that the new appointments should in the greater number of cases be held as it were *ex officio* by the local poor-law medical officers, would not be reconciled with due insistence on special demands, either as to technical qualification, * or as to facilities for freedom of official judgment.† The Commission no doubt was right in attaching importance to one particular qualification in which the poor-law medical officers would have an initial advantage towards becoming efficient Officers of Health,—the advantage, namely, of their daily familiarity with current facts as to the ailments and local circumstances of the poorest parts of the population; and it might be taken for granted that no future sanitary system for the country would be complete, which should not *include* some provision for fully turning to account the special information which in those respects can be supplied by the poor-law medical service; ‡ but that advantage would be rated at far too high a value, if, for its sake, the scheme for health-officerships were made to ignore the indispensability of special technical preparation, and the indispensability of official independence. It would be one thing to make temporary provision (such as I had suggested in 1869) that, in cases where no special health-officer should be appointed, the local authorities might look to the poor-law medical officers to do occasional particular acts of minor service which the law might have required to be locally done; but it would be another, and quite different thing, to enact as final arrangement and *norma* for the greater part of the new system, that the poor-law medical officers should *ex officio* be constituted full Officers of Health, and be ranked as permanent representatives of the full intention of the law.

The very capable persons who constituted the Royal Commission could hardly have been unaware that their scheme of local appointments had in it the weaknesses which I have indicated; and I daresay it may have been in consciousness of those weaknesses, and with intention of compensating for them, that the Commission made certain subsidiary proposals which would have rendered the local officers dependent in an extreme degree on

* See p. 335, and its footnote. † See p. 336, and its footnote.

‡ See above, p. 337, and its footnote.

central inspiration and support. The Report, namely, recommended a system of elaborate medical correspondence between the central office and the localities. All reports of all officers of health were to be transmitted to the central office, and each officer of health was to be "supplied from the central office with forms for district-returns relating to health, with spaces for statements as to conditions of houses, factories, water-supply, drainage, food and other recognised sources of ill-health."* The Report advised that "great importance should be attached to the preparation and collection of these local sanitary reports, and assistance and encouragement should be given to medical officers of health to induce them to study all sanitary questions, and to make their reports as complete as possible": the Commission anticipating that the enquiries of the local medical officers would "be guided from the central office with the highest attainable medical and scientific knowledge," and that their reports would "supply a vast collection of facts for the study and elaboration of the central officers." These subsidiary proposals appear to me to have been conceived in an unwise spirit of over-centralisation. My impression would be that, except in particular cases, where there might be definite reasons for detailed inquiry, and where unquestionably for the most part inspection would be far more instructive than correspondence, the centre could have no need to concern itself with such district-details as the Commission specified; and that universally to require such details, as a basis from which the centre might correspond with the localities, and act as reviser of the local written exercises, would be pædagogic rather than administrative. Such a system would impose an immense amount of trouble on local and central officers before any approach to usefulness of results could be expected; would occasion many local grumbles at the bother of central inquisitiveness, and would overwhelm the centre with haystacks to be searched for needles; while, perhaps, in all that infinity of tabular returns, there might be thrown little clear light on the essential questions, whether causes of disease were being rightly

with extreme centralisation.

* The central office was also to communicate with such local officers as might be "willing to undertake observations of weather, analysis of water, or other scientific inquiries bearing on public health"; it was to furnish such officers with certain sorts of assistance, and to receive records of their observations.

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perceived, and local measures against disease were being rightly advised.* It would seem improbable that the central office could (even at great cost) work up from such returns any noteworthy proportion of valuable matter for general publication; and to intend that, by means of correspondence founded on such returns, the central authority should systematically compensate for the defective working of a wrong principle of local appointments, would seem a fantastic policy of local government. The endeavour, I venture to think, ought to be in a sense contrary to any such intention; ought to assume that local government, once properly settled, does not require habitual guidance from the centre. While a new organisation of local authorities should be advancing, and during the early years of action by those authorities, central inquiry as to the progress of the organisation, and central assistance to the organisers and their new officers, might probably have to be continuous and extensive; but, in proportion as that early period passed, the interference of the central authority in local details ought to be less and less needed, and would gradually tend to limit itself in principle to instances and particulars in which local sanitary administrators should show themselves definitely at fault.

Evident need for caution as to any universal requirement in the matter.

On the whole case, then, it was clearly to be foreseen, that, if Government should resolve to accept in principle the Commission's fundamental recommendation for an universal institution of Officerships of Health in England, it would have to proceed with extreme caution in its steps for giving legislative effect to the principle. Granted that a good system of Officerships of Health would be of the highest value to the sanitary progress of the country: but mere creation of offices, if under conditions not favourable to proper official independence, or if in greater numbers than persons of good technical qualification could be found to fill them, might be embarrassment rather than help to

* The Commission, when it proposed its large scheme of documents, may have believed that, for the practical aims of the new system, procedure on documents might work extensively as an economical alternative to the appointment of new inspectors. If the Commission took that view, did it figure to itself, how large a development of central service would be necessary for attempting to deal critically, in reading and writing, with such masses of material as it brought into question? and did it also sufficiently consider the vast difference of efficiency between the two methods of procedure?

progress; and such embarrassment could easily arise, if each local authority under the new law were required to have a separate officer or officers for its own perhaps inconsiderable one district. In 1871, doubts might well have been felt, whether, under the conditions then existing, any feasible legislation could create off-hand for England a complete system of such officers as were to be desired: doubts, on the one hand, whether at that time the medical labour-market was ready to supply all at once so very large a quantity of the required special material; and doubts on the other hand, whether the minor urban and the rural districts could be satisfactorily officered except after an interval during which certain expected changes in the constitution of county-government should have been made.* On those and other grounds, it would, in some opinions, have been best policy to proceed only by degrees in such imperative legislation as the Commission had recommended; to enact the command at first only for the more considerable towns, and to reserve for a second stage of legislation, when general county-government should have been settled, the question as to the minor urban and the rural districts. Under the law as it already stood (23rd and 24th Vict. c. 77) any board of guardians could when it saw fit employ its poor-law medical officers to report to it on matters of local sanitary requirement; and, for the interval till county-government should be permanently settled, any desirable extension or modification of that existing power, and any proper new inducement to make free use of it, could have been provided for the minor authorities by provisional permissive legislation. Again, whether it should be intended to proceed by successive acts of legislation, or immediately by a single act, it was clear that a Minister, intending to give compulsory effect to the principle of the

* Such changes would presumably bring into existence representative county-boards, which could be made the authorities to appoint and regulate Health-Officerships on a proper scale for the minor urban and the rural districts: Officerships, namely, which might be for large areas, each including several of the less important "districts." In the absence of county-boards, if it were desired to provide for the creation of such large-area officerships, a first condition would be, that all proper powers relating to the appointment and control of the officer should in each case be assignable to a standing committee of delegates from the several interested "district"-authorities: the committee of course to be under suitable statutory provisions for its constitution, powers, and continuity.

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Commission's recommendation, would need to be particularly circumspect as to the terms of the legislation he would propose; for, unless his legislation could operate to compel *bonâ fide* offices, and to give them their conditions of efficiency, he had better not affect to compel. In order to really compel by law, throughout the country, the creation of any new sort of local officer to be supported out of local rates, it would commonly seem necessary that the law should fix, or authorise the central government to fix, in precise terms, all material conditions relating to the qualifications, duties, and rights of the office; for otherwise the command might be differently construed in different places,—might, in places where it had the goodwill of the administrators, be construed in senses favourable to efficiency, but might in other places (no one could say how many) be obeyed only in forms more or less illusory; and it is clear that the necessity for precision of command would be greater and greater in proportion as the necessity for compulsive, rather than permissive, legislation were strong. Those considerations peculiarly claimed to be borne in mind in 1871 by any Minister inclining to propose compulsory legislation for an universal appointment of Officers of Health in England. He would have to see with absolute clearness, what duties he meant the officer to perform, and whether he could provide that each appointment should be made under appropriate conditions, both as to its own constitution, and as to the contributory aids it would require. He would have to know that, unless he could provide conditions for the efficiency of the appointment, legislation purporting to compel the appointment would be but a futile pretence; and he ought not to propose compulsory legislation further than he could plainly see his way to make the legislation a reality.

The Commission's general scheme accepted for action by Government.

Reverting now to the Report as a whole, and regarding its main political purport, I may state that the scheme of reform which the Commission recommended was received with almost unanimous approval. It was accepted at once by the Government of the day, and afterwards by the next succeeding Government, as a basis for legislative proposals; and its influence may be traced in statutes of several succeeding years. Thus in 1871 was passed the Act which constituted the Local Government

Board, and in 1872 the Act which amended the constitution and powers of Local Authorities; the proposed concentration of central responsibilities, effected in great part by the Act of 1871, was extended to some further matters by the Act of 1872;* the latter Act, together with an Act of 1874, introduced various minor amendments of law recommended by the Commission; and at last in 1875, was passed the great consolidating Public Health Act which it had been a chief object of the Commission to secure. In outcome more or less direct from the Report of the Commission, came also many other important consolidations with more or less amendment of subsidiary branches of law. Thus in 1875 was passed (in substitution for an unsuccessful Act of 1872 and in consolidation of previous enactments) the *Sale of Food and Drugs Act*; in 1876, the *Pollution of Rivers* Act;† in 1878, the consolidating *Factory and Workshops* Act, and, for a section of subject-matter nearly akin to our own, the consolidating *Contagious Diseases (Animals) Act*; in 1879, the *Public Health* (Interments) Act; and in 1881, the *Alkali &c. Works Regulation* Act: statutes, which, with the *Artisans' Dwellings Improvement* Acts, 1875–82, and with the *Principal* Act of 1875, constituted an intelligible and applicable code of law for national sanitary purposes.

Legislation of 1871.

The Minister, to whom was assigned the duty of moving Parliament in furtherance of the proposed central consolidation, and of such local-government proposals as were to be founded on the Report of the Royal Commission, was the President of the Poor Law Board; and the selection of that particular Minister for the duty was probably accompanied from the first by an intention of Government, that, on the making of the proposed central change, the Minister who had presided over the Poor Law Board should pass into the Presidency of the new Department, and that the Parliamentary Secretary of the Poor Law Board should be similarly transferred. Such an intention (since the Poor Law Board was to cease) was, for obvious reasons, likely

* The additional powers and duties transferred to the Local Government Board in 1872 were those of the Secretary of State under the several Highway and Turnpike Acts, and those of the Board of Trade under the Alkali Acts and the Metropolis Water Acts.

† This Act, however, was more distinctively promoted by the valuable special labors of the Royal Commission on the Pollution of Rivers.

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to be of convenience to Ministers, and, of course, would not imply any pre-judgment against the other two offices as to their status in the new Department which was to be constituted.

At the moment when Government resolved on the new sanitary legislation, the Presidency of the Poor Law Board was (as for two years past it had been) in the able holding of Mr. Göschen. At the beginning of the Session of 1871, it was understood that the new scheme of law would shortly be proposed by him: but, early in March, circumstances required that he should take office as First Lord of the Admiralty; and on his consequently vacating the Presidency of the Poor Law Board, Mr. Stansfeld was appointed his successor. Government however seems to have wished that the pains which Mr. Göschen had already given to the preparation of a coherent scheme of local government and finance should not be lost to the public; and accordingly on April 3, notwithstanding the changed official relations, Mr. Göschen on behalf of Government introduced (as bills No. 105 and No. 106 of the Session) the two bills which expressed his scheme. In the former of those bills Mr. Göschen proposed, for England in general, certain amendments of law respecting the Liability of Property to Local Taxation, and proposed to transfer the House-Duty to local uses; while in the other and larger bill, he proposed a new system of Rating and Local Government for England, exclusive of the Metropolis, and also set forth proposals for the consolidation of the central offices. Very noteworthy was the completeness of Mr. Göschen's scheme of proposals; both in respect of the financial simplifications it would have effected, and in respect of its mode of dealing with local authorities; for, while accepting for purely sanitary administration the jurisdictions which the Commission had recommended (including that the poor-law union authorities should be the sanitary authorities of rural districts) Mr. Göschen had extended his view to all the other objects of local government; taking into consideration in that wider sense the whole series of local jurisdictions, from parish to county, with regard to the constitution, status, powers and duties, of the authority of each; and his Local Government Bill aimed not merely at constituting authorities for "district" sanitary work, but equally at giving representative government for all work of Parishes and Counties,

and at providing that the respective constitutions of Parishes, Unions and Counties, should be related as of one system. The two bills, after their first reading on April 3rd, were not proceeded with, and on May 8th were withdrawn. Two months later (July 6th) Mr. Stansfeld, introduced a short bill, described by him as practically the Sixth Part of his predecessor's No. 106, solely to provide for the creation of a Local Government Board, under which should be the proposed consolidation of central functions; and, on August 14th, that bill became law, as c. 70 of the 34th and 35th Victoria.

Mr. Stansfeld made President of the new Board.

Thereupon immediately the expected appointment of Mr. Stansfeld to be President of the new Board took place; and simultaneously with his appointment, which rendered the Board legally complete, the various officers who had been employed in relation to the powers and duties which the Act transferred became subject to the new Board's authority. The staff of the Poor Law Board, the staff of the General Register Office, the staff of the Local Government Act Office, and, subject to a limitation, the staff of the Medical Department of the Privy Council Office, were accordingly now under the Local Government Board;* and the Act which had constituted the Board, and had given it customary powers to make any such appointments as the Treasury might sanction, had also authorised it to distribute its business among the transferred officers in such manner as it might think expedient. Under the discretionary provisions of the Act, special steps were at once taken by Mr. Stansfeld which affected the management of all the transferred offices, except that of the Registrar-General;† and these steps will be described in the next chapter.

Officers of the new Department.

* The Privy Council's powers and duties of a medical kind had not all been made over to the new Department: so, in respect of some of the matters for which I had been Medical Officer of the Privy Council, I remained in their Lordships' service; but in respect of those which related to local government—as particularly the powers of local medical inquiry, the superintendence of public vaccination, and the purposes of the Diseases Prevention Act, my office, from the above given date, was "attached to and under the control of the Local Government Board."

† The Registrar-General, in consequence of the Act, would in future address his Reports to the Local Government Board, instead of addressing them to the Home Secretary; but in other respects his office would go on much as in times before the Act, and of it therefore nothing further will be said.

CHAP. XIV. The Royal Sanitary Commission 1869-71.

Comment on the former Poor-Law Office, especially in its medical relations.

Hitherto these pages have not had occasion to refer particularly to the Office of the Poor-Law Board; but as the inclusion of that Office in the consolidation of 1871 came afterwards to be of over-ruling consequence, notice may conveniently here be taken of some points in the Office's previous history. The Poor-Law Amendment Act of 1834 had at first for thirteen years been administered under control of a Board of three Royal Commissioners; but for this Board there had been substituted in 1847 a Board of parliamentary constitution; consisting, namely, of certain *ex officio* members (Ministers of State) with a salaried President, eligible to sit in the House of Commons, and who in general would himself be the acting Board. During the twenty years 1847–67, this re-constituted Board had existed only on probation, learning to adjust its behaviour to the varying annual balances of parliamentary opinion; but, in 1867, it had been made permanent. Twenty-four years of action as supervisor of Boards of Guardians, under a law of extreme centralisation, had naturally given to the Office an unique experience in the working of the Poor-Law; experience, not only as to the general economics of pauperism and its relief, but also, and eminently, as to the innumerable details which the Board had to govern in the daily routine of the various branches of local poor-law business throughout the country. The Office, with that very large quantity of detail-business, had an organisation elaborately planned for its work: it had of course a developed secretariat; and it had also, as in offset from the secretariat, a particular class of travelling officers who personally represented the Board to Boards of Guardians, and each of whom had to himself a district for which he acted, and in which he resided.* In general relation to the business which it had to transact, the Office no doubt was of high efficiency; but with regard to one group of interests with which it had to deal, and

* In the days of the Commission of 1834–47, that body had found it convenient for the transaction of business that much of its communication with the newly-created Boards of Guardians should be by personal agency—the agency of Assistant-Commissioners whom the Act enabled it to appoint, rather than by letters; and when the Royal Commission of 1834 was replaced by the Parliamentary Board of 1847, the system was continued on an enlarged scale, and with the title of *Assistant-Commissioner* changed to that of *Inspector*.—See Sir G. Nicholls's *History of the English Poor Law*, Vol. II., p. 423.

which in the present context claims particular notice, there was an article of dispraise to which I must advert. The speciality of the Board's sphere of duty, and of the minutely regulative influence which it had to exercise within that sphere, necessarily with precise insistence on conditions and forms, and often unavoidably in questions which may have seemed smaller than the forms relating to them, had necessarily given to the work of the Office characteristics of tone and method. Of those characteristics I do not pretend to speak in any general sense; but, with regard to the one particular province of duty on which alone I am here intending to remark, I think it certain that the Office had the habit of working in too mechanical a spirit, and of being far too easily satisfied with mere forms of duty. Perfunctoriness had characterised its work in the matters of medical responsibility with which it had been charged; and the fault is here dwelt upon, because it expressed a tradition which the functionaries of the Office would be likely to carry with them into new official relations, and which might be of much effect in those contemplated for them in 1871. The root of the fault, giving rise to much which had gone wrong in the medical relations of the Office, was, that the Board had relied very unduly on the sufficiency of non-medical officers in those relations. Among the constant duties of the Office, some of the most important had been in great part affairs of medical technic, demanding that the office which pretended to deal with them should systematically and sincerely deal with them on that basis:—(for instance, the control of workhouses and workhouse-infirmaries, and of the classification and keeping of their inmates, and of the service, especially the nursing-service, supplied to them; and the control of local arrangements for medical and other relief to the sick poor not in workhouses; and the control of the keeping of pauper children in schools and boarding-out establishments; and the control of local contracts for public vaccination):—but, till recently, the official staff of the Board had contained no medical ingredient. The original theory seems to have been, that, on any extraordinary occasion, extraordinary assistance could be obtained; but that, for the ordinary medical business of the Board, the common sense of secretaries, assistant secretaries, and secretarial inspectors, did not require to be helped by

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doctors. Outsiders competent in the matter knew that, within the special sphere of poor-law medical administration, this system of secretarial common sense had not worked successfully for the health-interests of the poor. How it had tended to work in the health-control of establishments for pauper children, had been sufficiently shown, as long ago as 1849, before the coroners' courts, on occasion of a memorable outbreak of cholera in a large boarding-out establishment at Tooting:* how it had worked in respect of the contracts for public vaccination, I myself had had painful official occasion for many years to observe, and occasionally to report:† how it had worked in respect of the out-door sick poor had been severely, but I believe not unjustly, criticised by many skilled witnesses:‡ how it had operated in respect of workhouses and workhouse-infirmaries had been revealed during the years 1865–7 in exposures of scandalous mismanagement.||

* See, in several numbers of the *Times*, abou the middle of January, 1849, the reports of the inquests held with reference to some of the 180 deaths which this outbreak caused; and, for the present argument, let the evidence which Mr. Grainger, on behalf of the General Board of Health, gave in Mr. Wakley's court on the sanitary features of the case, be compared with the fact, stated by the poor-law inspector, that the establishment had been under six-monthly visitation by the Poor-Law Board.

† See the earlier Annual Reports, particularly the Fourth, of the Medical Officer of the Privy Council.

‡ See the Fourth of Mr. Rumsey's admirable *Essays on State Medicine*. See also the various publications of the Poor Law Medical Officers' Association.

|| See many successive publications in the *Lancet* during the years referred to: especially the Reports of a Commission which the proprietors of the *Lancet* appointed in 1865 to inquire into the system of Workhouse-Infirmaries, and later the proceedings of an Association (formed in 1866) for the improvement of the Infirmaries. The reforms which were effected by Mr. Hardy's Act of 1867 were primarily due to that agitation; and the important influence which it had exercised was noticed by Mr. Hardy when introducing his Bill. The three gentlemen who acted as Commissioners for the *Lancet* were Mr Ernest Hart, the late Dr. Anstie, of Westminster Hospital, and the late Mr. William Carr, of Lee; and a most effective co-operator with these, though not under the *Lancet* Commission, was the late Dr. Joseph Rogers, at that time Medical Officer of the Strand Workhouse, and subsequently President of the Poor Law Medical Officers' Association. Besides Dr. Rogers's large participation in the general battle on behalf of the sick poor, his personal efforts to get better treatment for such of them as were under his own charge were of distinguished courage and constancy. An account of the difficulties against which he had to contend is given in his interesting *Reminiscences of a Workhouse Medical Officer*, edited shortly after his death by his brother, Professor Thorold Rogers: London, T. Fisher Unwin, 1889.

After those exposures, the previous theory of medical administration would not bear to be maintained quite as before. A sort of first breach in it was made by Mr. Villiers, when he in 1865 filled a vacant poor-law inspectorship by appointing to it a physician, Dr. Edward Smith; with intention that the new inspector, though acting for a district, should also be available to the Board for medical references; and in regard of London, a far more important breach was effected in 1867 by Mr. Gathorne Hardy (now Viscount Cranbrook) when he carried the very important measure with which his name is identified, establishing for the Metropolis an improved system of workhouse-infirmaries, with a system of poor-law dispensaries, and when he provided that, for the poor-law work of the Metropolis, there should be a medical (as well as a non-medical) inspector: but I never understood that those breaches had let into the poor-law office any spirit of general welcome towards medical knowledge. On the contrary, according to all that I heard in after years from Dr. Smith on the subject of his work in the office, the old secretarial belief, as to the best way of dealing with matters of medical administration, had vigorously survived the fact of his appointment as Medical Officer of the Board; and I understood that he, in relation to such matters, was not expected to advise in any general, or any initiative sense, but only to answer in particular cases on such particular points as might be referred to him. Antecedents such as those which have been described did not in 1871 forbid the possibility that the staff of the Poor Law Department might with advantage serve under one Minister with a Sanitary Department specially medical; but they certainly seemed enough to suggest that, if this association had to be arranged, caution as to the terms of it would be necessary. Presumably the intention would not be, that, with regard to sanitary duty, the non-medical department should be conscience-keeper for the medical, and should enjoy discretion to shunt it aside. If the administration of hospitals for the sick had been in question, not every one would have proposed to entrust it to a committee of that so-called "peculiar people" which objects on religious principle to medical interference with cases of disease.

Of the Local Government Act Office, at the time when it

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was brought into the new combination, I need not here particularly speak, except to notice that, from 1858 onward, there had been a continuous, and latterly a rapid, increase, in the annual loans contracted under authority of the office for purposes of local improvement; that while the new loans of the year 1858 had been but £260,905, those of the year 1870–1 had amounted to £1,212,890. For other facts as to the position of the office at the time of its transfer, I may refer to the special report, which the Secretary, Mr. Tom Taylor, soon afterwards made to the Local Government Board, and which is given in the Board's First Report.

Local Government Act Office.

Medical Department.

Of the Medical Department down to the time of the combination, I have given account in chapters xii. and xiii.

CHAPTER XV.

English State-Medicine since 1871.

i.—the opportunities of 1871-74.

The Local Government Board, as soon as the Act of 1871 had brought it into existence, necessarily had for a while to give its chief attention to questions of administrative machinery. Preliminarily, it had to constitute its own Office. Then, in order to complete, according to programme, the organisation in which itself and its office were to be part, it had to carry through Parliament the scheme which the Royal Commission had recommended for the constitution and powers and duties of new local authorities; and after it had attained that object by the Act of 1872, it had the responsibility of seeing that all local arrangements prescribed by the Act were duly made. While dealing with those matters of local organisation, and noting what sorts of question would in future arise as to the working of the local machinery, it had to review, as in a new light, for prospective purposes, the constitution and ordering of its own central staff. Especially it had to define and settle, in a comparatively permanent sense, what should be its own significance for purposes of supervision and control in its several great divisions of duty: what should be its ordinary policy and mode of action in those respective divisions, and what share of function and responsibility it would devolve on each of its divisional chief officers. It was distinctively during the first two and a half years of the Board's existence, that all such questions as the above, of local and central organisation for future work, were in course of being settled; and the prospective importance of the period was therefore critical. Those two and a half years were the time for which Mr. Stansfeld was in office as earliest President of the Board; and the very great power which circumstances had placed in his hands would necessarily be of effect, according to his

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use of it, in the outcome of many succeeding years. In relation to the interests of which I am writing, the opportunities for good were such as no previous Minister had ever even approximately possessed.

1. First of all, the new Department had to be put into a form in which it could begin to transact its business. Of the three offices which were to be co-ordinated for that purpose, each one had hitherto had its own particular mode of management, and no doubt its own particular spirit of work; and, whether anything or nothing of those previous autonomies should survive, was now in the new authority's absolute discretion. The Royal Commission, when it recommended that administration concerning the Public Health and administration concerning the Relief of the Poor should be in charge of a single Minister, had expressed its opinion, that, if such a Ministry were established, separate secretariats—one for Public Health, and one for Relief of the Poor, would probably be found necessary. Had that hint been followed, the Secretary and Engineer-Inspectors and others who had worked the Local Government Act 1858 under the Secretary of State, and the Medical Department which had worked the Public Health Act 1858 under the Privy Council, would presumably have constituted the Health-Division of the new office, and Mr. Tom Taylor and the Chief Medical Officer would then have resumed under the new Minister such co-operation as they had formerly had under the General Board of Health. This, however, was not done; but, instead of it, as soon as Mr. Stansfeld had entered on his new Presidency, steps were taken to concentre all administration in the hands of a single secretariat. As prerogative for those who should be appointed Secretaries or Assistant-Secretaries of the new department, Mr. Stansfeld had already carried statutory enactment (with what sorts of precedent I do not know) that to them the Board might delegate the exercise of any of its powers, except the making of rules, orders and regulations; * and now,

* See *Local Government Board Act*, sect. 5. Under that provision, the permitted delegation of powers to the Secretaries and Assistant-Secretaries was made by Mr. Stansfeld in 1872. As regards the terms of the provision, it may be noted that at a last moment of dealing with the Bill in the House of

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for the personal occupancy of those positions, officers exclusively from the roll of the former poor-law department were appointed.* Subsequently also the transferred inspectors of that department were appointed to be the "general inspectors" of the new system. And it was left to the other two former departments, that they, in their respective sorts, should be for special consultation, and special local inquiries. Thus, in respect of administration, the new Office started virtually as a continuance of the old Poor-Law Office. It derived from that source, not only its

Commons (final committee of July 27th) a significant change in clause 5 had been made on Mr. Stansfeld's motion, viz. that the provision should apply to "any Secretary or *Assistant Secretary*" instead of applying (as the clause previously had it) to "a Secretary or *any other Officer*."

* First, Mr. John Lambert, who from 1857 had been a poor-law inspector, was promoted to be Secretary of the Local Government Board, in superincumbency to such sectional secretaries as had been transferred. With the creation of that new secretaryship, apparently the officers whom it superseded had liberty of retirement from the service of the Board; and the retirement of Mr. Tom Taylor, who had been Secretary of the Local Government Act Office, did in fact take place in 1872; but in the case of Mr. Fleming, who had been the Secretary of the Poor Law Board, retirement, though at first contemplated, was not carried into effect, and, instead of it, Mr. Fleming, after an interval, was associated with Mr. Lambert as General Secretary to the Local Government Board; which position he retained till his death in the spring of 1876. Similarly the two Assistant-Secretaries and the Chief Clerk of the late Poor Law Board became the Assistant-Secretaries and the Chief Clerk of the new department. Of the two former officers, one had been the Legal Adviser of the Poor Law Board, and he was now made Legal Adviser of the new Board in regard to all its divisions of work.

Mr. Lambert, in 1871, when appointed Secretary to the Local Government Board, was a solicitor of some thirty-five years' standing, and (as above noted) had for the last fourteen years been an Inspector under the Poor Law Board. As solicitor, he had practised for many years in Salisbury; where also he had been distinguished in the municipal affairs, and in 1854 had been Mayor. In office as poor-law inspector, he had more than once done eminent public service; notably in 1865, in relation to the relief of the distress then prevalent in the cotton-manufacturing districts of England, and again in 1867, in relation to amendments which then had to be made in the system of appliances and chargeabilities for the relief of the metropolitan sick poor; his special knowledge of municipal statistics, and no doubt also his general ability, had been of service to different ministries when considering questions of change in the parliamentary representation of the country; and during 1869-71 (as before noted) he had been a member of the Royal Sanitary Commission. Mr. Lambert remained Secretary of the Local Government Board till the close of 1882. In 1879, he was decorated K.C.B., and in 1885 (after having served as Commissioner under the Re-distribution of Seats Act) was made a Privy Councillor.

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parliamentary President and Secretary, but likewise all its permanent secretariat, and its system of provincial agencies. In relation to the interests of the Public Health, it was as if the Act had ordered that the old Poor Law Board, subject only to such conditions of consultation and reference as itself might impose on itself, should be the Central Sanitary Authority for England.

It appears to me that this first constitution of the new Department was not of unclouded promise for sanitary administration. So unbalanced a derivation from the former Poor-Law Office was itself, I think, to be regarded with misgiving; not simply on account of that Office's having hitherto had no experience in affairs of general sanitary government; but somewhat also because of the spirit of the Office's previous administration in the matters where it had had medical responsibility.* And akin to that point was another which deserves notice. The supremacy which had been reserved for secretaries and assistant-secretaries in the new office gave excellent security for the due fulfilment of notarial duties, but, in its announced form, did not give obvious security for the deeper requirements of sanitary administration. The provision that the notarial officers might do "acts" on behalf of the Board, unlimited by any condition that for "acts" of sanitary business the notarial officer must have the sanction of skilled concurrence, implied what I cannot but think to have been, in the circumstances, a dangerously wide discretion or option as to the cases in which skilled advice should be taken. Facts being as they were, it was not unlikely that the officers charged with the discretion might measure their needs for skilled assistance by a standard substantially the same as that which the old Poor-law Office had applied; and if so this could hardly fail to establish invidious and unsuitable distinctions between inner and outer circles, respectively secretarial and technical, in the sanitary councils of the Board. Nothing can be farther from my intention than in any degree to under-rate the highly important and necessary services which would be distinctively for the secretariat to render. Clearly it would be requisite that the new office in its public-health business (just as in business of all other sorts)

* See particulars at end of last chapter.

should pay due regard to all proper conditions of form, and should proceed on strictly legal lines, with orderliness and consistency of method; and for the purpose of ensuring objects of that sort in a many-branched large department of State, clearly it might be necessary that the chief notarial officers should be entitled to use special powers: but legality and form and order were not all that in the present case had to be cared for. It would be incumbent on the new administration to fulfil conditions of knowledge and initiative endeavour in a subject-matter all-importantly technical; not merely technical in its scientific foundations abstractedly considered, but equally technical in the administrative applications of the science to acts of sanitary government; and the scheme hitherto shows no signs that adequate care had been taken for the fulfilment of those vital conditions. The sanitary branch of the public service had peculiarly grown out of the exercise of technical observation and contrivance, and would of necessity in the future be dependent on the same faculties for its chief means of usefulness to the public: but, although the officers who during many years had been the amassers of sanitary experience, and had till then represented it in administration, had been transferred to the new Department, no clear provision had been made for their having influence in it: the secretariat (as before shown) having been made administrative in as unconditional a sense as if no technical officers existed, or as if mere clerkship were meant to be the Office's sanitary strength. No doubt there was the theory of consultation; and no doubt the transferred Medical Officer of the Privy Council, as well as the transferred Engineer-Officers of the late Local Government Act Office, was duly pigeon-holed there for reference; but the existence of technical officers, described as for consultation, may represent extremely different degrees of utility at the option of those who control the service; and the mere consultability of a Medical Officer at the discretion of others would not be a definite security for the interests of which I am writing. Considering in how many and essential respects the responsibilities of the Board were to be technical, I am clearly of opinion that the powers of administration given to the secretariat ought not to have extended unconditionally to such matters; but, on the other

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hand, a system of formal conditions in such matters might easily lead to disadvantages of circumlocution and delay. From between the horns of that dilemma, necessarily belonging to any too rigid one-secretary system, a partial alternative would have been that certain powers to "act" for the Board should be expressly reserved for technical officers; and, looking to the medical part of the question, I may note that certainly in my opinion such reserve ought at least to have been made with regard to the management of the inspections.* Supposed for instance, that the Board on any given occasion has to inspect and assist in some local difficulty (perhaps of urgent kind) as to an existing prevalence of disease, would it not be prejudicial to promptitude and efficiency of service that the "acts" of directing the medical inspector and receiving his reports should be only for a non-medical secretary or assistant-secretary to perform? and if rule to that effect existed only to be waived, question might well be asked why it should exist. Generally as to the constitution of the new Office and its councils, reasonable principles would have been, that, so far as the Office was to transact sanitary business, and to deal with questions of sanitary policy, the Secretaries and the Medical Officer should be regarded as one consultative body advising the Minister; and that delegated powers of action, whether delegated to the Secretariat or to the Medical Officer, should be exercised in the spirit of a joint trust.

Nothing further can here be said of the status assigned to the Medical Department in the new Office; for necessarily that relation would remain in great part undefined till the inspectorial arrangements of the Board should be decided; and the definition which it eventually received will be shewn hereafter in the narrative.

2.—The local appointments.

2. Mr. Stansfeld's next business, first in Parliament, and afterwards administratively, related to the problems of local organisation for local sanitary purposes.

The Report of the Royal Commission had practically settled

* Reserves such as the text indicates could readily have been made by the Board, if Section 5 of the Local Government Board Bill had not undergone the change which is mentioned in the footnote of page 354.

what should be the constitution of the new local authorities; but, on the question of the offices to be constituted under those authorities, the Report had in some respects failed to command equal assent; and, at such points, the Minister who proposed legislation would be called upon to exercise very carefully an independent judgment of his own. The Commission (as before stated) had recommended an universal system of Medical Officers of Health and Inspectors of Nuisances; the country had shown no unwillingness to accept that large creation of new functionaries; and Parliament, as now soon appeared, was willing to charge itself annually with half the cost of the new service; but the value of the proposed appointments would almost entirely depend on the detailed conditions under which they should be made; and, while the general facilities for advance were singularly great, the difficulty as to the conditions of advance was considerable. Especially with regard to the Officerships of Health (as was fully argued in my last chapter), while there were strong technical reasons against attempting to found the system on a basis of such extreme subdividedness as the proposal of the Commission for the officering of rural and minor-urban districts would involve, and while on the other hand local facilities for some less fractionised system were yet unformed, politicians might well hesitate against the expediency of proceeding at once to universal compulsory legislation in the matter, and, for those and other reasons, might prefer to try more gradual legislation. Anyhow, the legislator who meant to advance must face the difficulty of exactitude, and must take the trouble to know what object he really meant to attain. If the local offices were to be made matter of express law, and especially if of compulsory law, the intended functions of each office, and the intended local range of function for each, would have to be considered in detail from beforehand; and particularly the medical office would need some sort of legal definition and security in respect of its intended qualifications and duties and rights. With regard to the particular proposals to be made, the scheme of the Royal Commission was of course not binding on any Minister who could see his way to improve on it; and he apparently would have every desirable freedom and facility for doing justice to the business before him.

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Course which Mr. Göschen had proposed.

It is noteworthy that Mr. Göschen, in 1871, when having to deal with this matter in connection with his scheme of local sanitary government, had decided not to attempt to *compel* the local appointments. He possibly would not have been satisfied to accept in detail the scheme of appointments which the Commission had recommended, and yet may not have been prepared to propose an alternative scheme; anyhow he seems to have concluded that the matter, even if at some time to be for compulsory legislation, was not at that time for such treatment; and so, not even deeming it necessary for his purpose to make separate mention of the offices named by the Commission, he simply aimed at securing in general terms that each local authority (whether for parish or union or county) should have *discretion and power* to appoint and pay any such officer as its duties might require.*

Mr. Stansfeld obtains imperative enactment.

Mr. Stansfeld took the opposite course; and, taking it in the manner he did, showed plainly how many pitfalls were in it. Section 10 of the Public Health Act of 1872 enacted nominal compulsion for the offices; but to compel in reality was less easy. Section 10 did not provide against mere simulations of obedience; nor did it even settle, as to areas and populations, the question of the quantitative scale on which the commanded appointments should be made. Professedly imposing the new offices on all local authorities, but not laying down any standard of quality or quantity as to the constitution of the offices, nor assigning to the central authority any general power to lay down such standard, its command, that the offices should be created, was mere command of algebraic X and Z.† Was it not to be feared that, under so vague a command, each commanded authority would obey only so far as it liked; and therefore that the effect of Mr.

* Rating and Local Government Bill, 1871; particularly section 22.

† Section 10, no doubt, did provide that, in cases where any portion of the local salaries should be derived from moneys voted by Parliament, the Local Government Board might exercise the same sorts of control over the conditions of appointment and duty as it exercised in the case of district medical officers under the poor-law; and Mr. Stansfeld seems to have assumed that, under that provision, and by means of the attractions of the parliamentary grant, the Board would have every desirable influence with all local authorities, and would be able to shape as it might judge best the whole new system of appointments; but if such was the anticipation, events (as will hereafter be seen) did not conform themselves to it.

Stansfeld's "shall," as compared with that which Mr. Göschen's "may" might have had, would chiefly consist in its giving wide-spread occasion to the establishment of phantom offices? In apology for liabilities of that sort, and in general explanation of the case, it was afterwards argued that the policy had been "experimental" or "tentative:" * but on this argument, the reflection seems obvious, that, if in truth the fundamental conditions for the offices were still needing to be settled by local administrative experiments, it had been premature to enact a statutory "shall" for the universal institution of the offices, and Mr. Göschen's "may" would have been the more fitting formula. To the best of my belief, however, skilled persons in 1872 were not in want of further experiment in order to advise certain main conditions on which the local sanitary offices should be appointed; and they would certainly not have recommended the command in blank which Section 10 presented. In that point of view, I again refer to the discussion of the subject in my last chapter. Also, as regards one main part of the matter, may be noted that, in the abundant discussion which the matter had undergone during the year and a half since the publication of the Report of the Commission, the reasons against minutely subdividing the officerships of health, and constituting them in general from the poor-law medical service, had been well stated by persons of recognised special authority in such questions, and had—I think I may say—been established as unanswerable. In the House of Commons' debate on the second reading of the Bill, those reasons had been very ably set forth by Mr. (now Sir Lyon) Playfair; but they seem not to have adequately impressed Mr. Stansfeld till his time for giving legislative effect to them had passed. His bill in its first form, contemplating no other scheme of appointments than that proposed by the Royal Commission, had been so drafted as specially to favour the appointment of poor-law medical officers to be health-officers for their respective poor-law subdivisions; and subsequently, in concession to the reasons urged

* See in Reports II. and III. of the Local Government Board, and in the Reports (hereafter to be more particularly quoted) which were made in 1874 by eleven Local Government Board Inspectors on the introduction of the Public Health Act, 1872.

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against that scheme, he had only gone so far as to introduce into his clause words which would permit any one same officer to be appointed for two or more sanitary districts. The bill, with that modification, was no doubt meant to be impartial between the different views (better or worse) on which the authorities in different cases might wish to constitute their respective health-officerships; and in that form it had become law.* Unfortunately, however, not even the intention of indifference had been well worked out in detail; and Section 10 still tended to favour the making of petty appointments for rural and minor-urban districts. That is to say, it gave ample facilities for the appointment of rural poor-law medical officers to be health-officers for their respective poor-law subdivisions; but (as will hereafter appear) it offered no reasonable facilities for the organisation of a good alternative system.†

Communications with local authorities as to their appointments.

After the passing of the Act of 1872, the Board immediately entered on communication with all the local authorities in regard of the appointments which these bodies had to institute.‡ Offering to advise with them on the detail of the arrangements they should make, the Board intimated that, where the appointments were approved by the Board, and made subject

* Section 10 says: "the same person may, with the sanction of the Local Government Board, be appointed the medical officer of health or the inspector of nuisances for two or more sanitary districts, by the joint or several appointment of the sanitary authorities of such districts, and, with the like sanction, any district medical officer of a union may be appointed a medical officer of health."

† See below, page 367. This, and the other chief defects on which I comment, as in Mr. Stansfeld's legislation of 1872 regarding officers of health, were more or less amended as to the future by the provisions of Mr. Sclater-Booth's consolidating Act of 1875. See foot-note on page 367.

‡ Of the proceedings to which the text refers, official account was given in the second *Report of the Local Government Board*, and more fully in *Reports* which were made in 1874 by the eleven inspectors who had acted in the matter. The last-named Reports, afterwards laid before Parliament (1875, No. 134) on Mr. Stansfeld's motion, were specially intended "to show the course which each inspector had adopted with a view of giving effect to the recommendations of the Board, and the manner in which those recommendations had been acted upon by the authorities," with regard to the local appointments. Exact particulars as to the effect which the proceedings had produced down to July 1873 (when about three-fourths of the authorities had made their appointments) had been instructively given in a Parliamentary Return (1873, No. 359) moved for by Dr. Lush.

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to its regulations, half of the salary of each office would be paid by the Board from moneys voted by Parliament; and the Board subsequently issued *General Orders* with respect to the appointments and duties of Medical Officers of Health, and Inspectors of Nuisances in those cases where the salaries were to be partly paid by the Board. The advice and assistance proffered to the local authorities was to be given by functionaries whom the circular described as "in possession of the views of the Board on the subject"; but even at this late period the "views of the Board" seem to have been of the most indefinite kind; and the functionaries whom the Board sent to expound them, and to be the guides of the local authorities in this difficult discretion, were not the Board's medical inspectors, who alone of the Board's staff had had experience in the matter, but were the Board's non-medical or "general" inspectors.*

At first, under those auspices, the authorities in parts of the country were recommended to appoint the poor-law medical officers to be health-officers in the respective poor-law subdivisions of the sanitary districts; † and appointments on that principle

* During the few months next after the legislation of 1872, many of the freshly constituted local authorities (especially those of rural and minor-urban districts) were unquestionably more or less in want of central aid, not necessarily technical, to start them on their first assumption of power, to assist their first readings of the new law, and to guide, or perhaps sometimes even to propel, their formal beginnings of the new business; and though I have not information enough to speak exactly of the part which the non-medical inspectors took in meeting that temporary demand for "general" assistance, I feel sure it must have been of excellent and often indispensable effect in helping inexperienced authorities to begin their work. The commission, however, which the text describes was essentially not "general," but technical; requiring real familiarity with the duties of such officers as had to be appointed; and when the non-medical inspectors, with no experience in that technical matter, were sent throughout England and Wales, to be questioned by the local authorities as to the best mode of ordering the new sanitary appointments, some of them may perhaps have wished they had not been promoted to a position so like that of the extemporised herald in *Quentin Durward*. I may nevertheless add that, considering the inadequacy of the law, I do not suppose that even the medical inspectors, had they been appointed to the task, could have faced without much embarrassment the authorities they would have been expected to advise.

† See, in the above-quoted Return, 1875, No. 134, Mr. Doyle's letter of October 23, 1872, as to Wales and Monmouth. At a later date, when the Board's combination-policy was being pressed in other parts of the country, Mr. Doyle

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were being made with alacrity in those parts, when the arguments which from long ago had been urged against such *ex officio* appointments, and the suggestions which had been offered for a different system, seemed at length to have reached their destination, and the advice of the Board took a turn. By circulars of November 12th (with enclosed copies of the *General Orders* then issued with respect to the appointments in cases where a portion of the salaries would be repaid from moneys voted by Parliament) the Board, in language which applied equally both to the Medical Health-Officerships and to the Inspectorships of Nuisances, admonished the local authorities as to the necessity of selecting for appointment persons thoroughly qualified to discharge the important duties; and then, reminding the authorities that the object could not be attained unless they gave adequate remuneration for the services required, the Board advised them that, by entering into such local combinations as the Act allowed (two or more together) for joint-appointment of officers, they "might in many instances" be enabled to "obtain the services of persons specially qualified for the work at a saving of cost to each locality." From about this time, the Board seems not only to have quite parted company with the recommendations of the Royal Commission in respect of the Officerships of Health, but more and more to have promulgated that the sub-divisional appointment of poor-law officers (except as assistants to higher functionaries) would be radically wrong. The principles which had now come to be recognised as right—(and it is to be regretted that the recognition had not come twelve months earlier)—were: that all appointing authorities ought to aim at the appointment of high-class officers, specially skilled and adequately salaried, who should give their whole time to the public service, and for whom the poor-law officers should (or at least might) act as sub-divisional assistants; that authorities, not able to make such high-class appointments by their separate action, ought to combine for the purpose with other authorities in such number

recommended for his division (in effect) that the poor-law officers who had been appointed officers of health should be converted into assistant-officers, and act under Superintending Health-Officers, of whom the authorities should appoint four for the division; but the authorities declined to follow this recommendation.

as would jointly support the high-class appointment; that this system of joint-action was the only one which the Board could deem generally fit for the rural districts and (at least) the smaller towns of the country. By the inspectors, this new policy seems to have been advocated and pressed with much zeal in all parts of the country; most of them urging that appointments on any other system would be of comparatively little public value: but they had no legal power to enforce the policy; nor had their argument any other extrinsic support than in such references as they may have been authorised to make to the Board's discretionary command of the parliamentary grant.

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The degree in which the local authorities could be induced to accept the new recommendations may be learnt, in great part, from Dr. Lush's Return, made at a time when about three-fourths of the entire number of authorities (1,104 out of enumerated 1,468) had filled their appointments.* There does not, I believe, exist any official abstract of that Return; but according to an unofficial abstract which is before me, and which I believe to be substantially accurate, the facts with regard to the 1,104 sanitary districts (omitting cases where the information is insufficient for analysis) were as follows:—that large-area combinations, debarring their respective officers from private practice, had been established in 35 cases, including 142 rural and 108 urban districts;† and further that, of uncombined districts, there were 23 (16 urban and 7 rural) where the one authority had similarly appointed a "whole-time" officer;‡ but that, in all the remaining 831 districts, the appointed officers of health (sometimes several in a single district) were persons continuing in private practice; and that, so far as the salary of an officer may be taken to indicate the quantity and quality of work expected from him, these officers in a large majority of the cases were not subject to

The medical appointments which were actually made.

Preponderance of petty appointments.

* Return (before mentioned) No. 359 of the Session of 1873.

† Besides the 35 large-area combinations which had "whole-time" officers of health, there were 29 combinations, for the most part on a comparatively small scale, which did not debar their officers from private practice.

‡ It is not to be understood that all those "whole-time" appointments by single authorities were consequent on the recommendations of the Local Government Board, or even on the legislation of 1872. Some of them dated from earlier times:—*e.g.*, the Liverpool appointment, with its salary of £1,000, dated from 1847.

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any serious public demands in proportion to their business as a whole. It would appear, namely, that in some instances, no payment was assigned, while in others, the salary ranged down to £2 or £3 per annum; that, out of 273 *uncombined rural* districts for which the facts had been given, 81 had among them 360 health-officers with an average salary of £21 10s. for each officer;* and that out of the 453 *uncombined urban* districts for which the facts had been given, there were 250, or more than half, in which no salary exceeded £25, and in which the average salary was but £14 10s. Facts such as those have to be read in connection with various statements incidentally made in some of the inspectors' reports, as to the unwilling temper in which the appointments were often being made, and as to the facilities which existed for "a merely colourable compliance with the Act." †

The large area appointments.

The 35 large-area combinations, which peculiarly represented the later policy of the central Board, and which the Board had ardently used its efforts to promote, did not present the features

* In the remaining 192 *uncombined rural* districts, the appointments appear to have ranged as follows. In each of 35 cases, the rural district was divided between two officers, and the average salary of each officer was £44 12s. 6d. In each of 157 cases, the whole rural district was assigned to a single officer, at a salary which in 45 cases averaged £40, in 58 cases averaged £80, in 47 cases averaged £153, and in 7 cases (the 7 in which the officer was debarred from private practice) averaged £343. If the last-named 7 cases were omitted, the average salary for each undivided rural district was £91; and the range was from a minimum of £15 (in two cases) to maxima (in twelve cases) of £200, £210, £225, £250, and £260.

† The words are Mr. Corbett's, at page 43 of Mr. Stansfeld's Return, 1875, No. 134. At page 10 of the same Return, Mr. Peel reminds the Board that "the Act was most distasteful to many Boards of Guardians"; he says that "many sanitary authorities were strongly opposed to the appointment of medical officers of health at all, feeling that the real work to be done would rest with the inspector of nuisances, and that the power of calling in a medical officer when requisite would have answered all purposes"; and he points out how easily an authority (not receiving money from the parliamentary grant) can "make appointments at nominal salaries with undefined duties, and so practically defeat the Act altogether." At page 90 Mr. Longe observes that "undoubtedly many of these officers, both officers of health and inspectors of nuisances, are inadequately paid; and I certainly think that in some cases the smallness of salary implies a disinclination on the part of the authority to encourage an active administration of the law." At page 106, Mr. Fleming fears that "in too many cases the appointments have not been made to further the intentions of the Public Health Act, but with the view of preventing irksome interference, and of complying, with the least expense, with the absolute requirements of the statute."

of good organisation. Any one could see that they were facts of administrative after-thought, under a law not intended to provide for them. Authorities might have concurred in the appointment of an officer, but, when once the appointment was made, no further concurrence existed; nor did the law contain any provision for the creation and maintenance of a joint-committee, to which the co-appointing authorities might delegate for continuous use any of their powers in relation to the appointed person.* The officer was the servant of many different authorities, each of whom was entitled to hold meetings, and to consult and order and regulate, with entire independence of the others; and the officer, unless of more than average ubiquity, could hardly find himself able to attend in person at the meetings of the respective authorities as often as would be requisite for the duties and influence of his office. Also, the law had provided no sort of safeguard for the reasonable stability of the joint-appointments, even when they involved renunciation of private practice; no stability, even as against the mere whim or ill-temper of an individual authority; and since the first co-appointments were for limited terms, an officer's "whole-time" engagement was liable to come to an end, not for any fault attributed to himself, but simply because the authorities which had co-appointed him would not agree again to act together.†

* This defect was noticed in some of the Inspectors' Reports; see in the Return, page 9, Mr. Henley; pp. 104–5, Mr. Fleming. The state of the case was altered as to future appointments by the passing of the Public Health Act of 1875. That Act's 286th section, allowing the Local Government by order or provisional order under certain conditions to unite districts for the purpose of the appointment of an Officer of Health, gave the Board full power to provide that the districts so united by it should be able to act in joint-committee by persons respectively representing them; and, so far as that section has been used since 1875, no doubt the appointments which have been made under it are without the difficulty which hampered the early appointments. From the statement, however, which is given at page cxxi of the Board's Eighteenth Annual Report, it appears that, at the end of the year 1888, combinations affecting 29 rural and 24 urban districts were all that had yet been made under section 286.

† That many of the early combinations were discontinued at the earliest opportunity is shown in the Reports of the Local Government Board: which, for the end of 1874, counted 80 existing combinations, but, for the end of 1876, only 44. Dr. Cornelius Fox, one of the ablest and most zealous of the first appointed Officers of Health, has publicly stated, with detailed reference to facts, that in his own case, and two other cases of the same class, large-area

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Stint of required assistance in the large areas.

In addition to weaknesses as above, which were due to inconsiderateness of legislation, there was in some of the larger joint-appointments very damaging shabbiness of construction. The acceptance of combinations had often rested too much on the hope of making a specially cheap compromise with the intentions of the law; and the conditions requisite for the efficiency of the office had not been enough insisted on. Combinations had been sanctioned of such magnitude, sometimes as to mere number of authorities, and sometimes also as to the area over which the officer would have to act, that a single-handed discharge of the duties would be more than any reasonable system could expect; for there were cases where an officer of health was appointed to advise (and presumably to attend) thirteen or fourteen or even seventeen different authorities; and there were cases where the one officer's area of duty extended to more than a thousand square miles. No competent person, so far as I know, had ever suggested the large-area appointments, except on the supposition that, in such a system, the poor-law medical officers in their respective localities would be regular assistants to the areal chief officer; but, in the organisation of these actual appointments, that condition had been left unfulfilled. The advising inspectors, when they began their advocacy of the system, had seemed fully aware of the importance of the condition;* but when it came to be understood as a drawback from the promised cheapness of the large combinations, they apparently were not instructed to insist upon it;† and the Board which sanctioned the huge appointments above described must be supposed to have considered the duties possible.

combinations which had engaged "whole-time" officers were brought to an end, and the respective officers were thrown out of employment, through the circumstance, in each case, that one of the authorities had taken offence at its officer's truthful report to it of certain village-nuisances requiring removal. See a remonstrative paper, entitled *The Impairment of the Efficiency of the Officer of Health Produced by his Want of Independence as a Public Official*, read by Dr. Fox in 1880 before the Cambridge meeting of the British Medical Association, and afterwards published by him as one of his *Dozen Papers Relating to Disease-Prevention*: Churchill, London, 1884.

* See in above-quoted Return: p. 5, Mr. Henley; p. 42, Mr. Corbett; p. 76, Mr. Doyle; p. 95, Mr. Hedley.

† See again in same: Mr. Henley, Mr. Corbett, Mr. Doyle.

As regards the Parliamentary grant in relation to the present matter, Mr. Stansfeld, on his estimates for 1873–74, obtained a vote of £100,000 towards the year's payment of the local sanitary officers. It was to be presumed that, in the long run, the assignments from any such grant as this would, so far as possible, be awarded on evidence of "results": as had been with the two subventions which the Privy Council had distributed—the one in aid of national education, and the one for gratuities to public vaccinators: but, at this first starting with the new grant for sanitary officers, the only question which could be raised was as to the merits of the *constitution* of the appointments. The principle having been laid down, that Parliament was to pay the half-cost of only those appointments which the central Board should deem satisfactory, judicious rules as to the conditions of satisfactoriness would make the grant an important influence in favour of really good local arrangements; inasmuch as local authorities, desiring to participate in the grant, would have to conform to the standard of the rules. It was of course not to be desired that enforcement of any unduly strict standard should confine the distribution of the grant within narrower limits than Parliament presumably intended; especially it was to be remembered that subsidised officers would be under positive regulation by the Board, and that thus, if regulations should be well enforced, and the work of individual officers be at times inspected, subsidisation might be made a valuable security for the public service: but, on the other hand, it was certainly not to be understood that *largesse* to local authorities was the principle of the grant, and that the standard might be such as to attract undeserving authorities to accept assignments of public money. It was noticeable in 1872–73, at first blush of the present business, that the local authorities were far from showing themselves indiscriminately eager to share in the Parliamentary grant under such conditions as they supposed would attach to it; and particularly it was to be observed that, while the rural authorities (previously habituated to subsidies under the poor-law) were for the most part well-inclined to come to terms with the new grant, the urban authorities were far more disposed to stand aloof, as in doubt what consequences a subsidy might bring on

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them.* In the present matter, however, they would not have much to fear from the central authority's rigour of judgment; for a very little reading of Dr. Lush's Return is enough to show that health-officerships, organised on plans against which the Board had for months past been arguing, were now deemed not unfit to receive pecuniary signs of the Board's approval. Incongruous though it might be, that the Board should subsidise local arrangements of the sorts against which it had most pointedly reasoned and remonstrated, this was but tribute to the Act of 1872. Loose law would have been discountenanced by stricter administration; and Section 10 being such as it was, administration equally loose must keep tune with it.

General result in regard of the appointments.

The essential interest of the public in a national system of health-officerships is, that each local authority or convenient aggregate of authorities shall have in its service an officer of adequate special qualification, responsibly commissioned and bound to observe and inquire and advise with impartial public spirit in all matters concerning the health of his district; and on examination by that standard, whether the above-described legislative and administrative proceedings of the years 1872–3 had been successful, it must be evident, even at the present point, that, in very large proportion, the purpose was not satisfactorily attained. The system which had been compelled into

* According to the Abstract which I have before quoted, it would appear that of the 1,104 authorities who at the time of Dr. Lush's Return had appointed their Officers of Health, 625 (including the 315 who were in combinations of different sorts) were to receive half-payment of their respective salaries. As to 64 cases, definite information on the point had not been given; but the number stated as *not* to receive was 415; and, out of those 415, 343 were urban. In that large number of urban authorities withstanding the attractions of the grant, there no doubt were some who had hitherto fulfilled their sanitary duties, and were intending still to fulfil them; but who, with legitimate pride of independence, preferred to do their own duties in their own way, and did not want to be relieved of the fair cost of the duties. It was believed, however, that the non-accepting class included a far larger proportion of authorities, more or less inefficient and neglectful, whom a subvention from the Parliamentary grant would not have consoled for the necessity (supposed to attach to it) of undertaking real sanitary work; and when authorities of that sort had been practically left to themselves under the law which told them to appoint new officers, they were not likely to appoint more effectively than the letter of the law obliged. Should it appear that, during the years next after 1873, the proportion of subsidised authorities considerably increased, the fact would perhaps not admit of only a favourable interpretation.

being was likely in many parts of the field to prove unsound and inoperative; and in large numbers of cases the appointments, judged by common rules of business-bargain, could hardly be deemed of serious public purpose. It of course is not to be supposed, that, even with so large a quantity of failure, there would be no accompanying good. The fact that the Medical Profession had been brought into statutory relations with the Local Government of the kingdom, even though the relations were yet but of rude kind, was obviously in principle a fact of good sanitary promise; and it might also be deemed certain that, in many of the appointments which had been made, proper qualifications of skill and character had been brought into those new relations of public duty. No doubt, too, even where the flood of appointments had been most indiscriminate, there frequently would be elements of merit tending to fertilise where their chance lay. The Medical Profession being of such spirit as it happily is, those who knew it could feel sure that, by many of its members who had become officers of health under conditions most disadvantageous and discouraging, great exertions would be made, great disinterestedness be shown, in trying to make their individual appointments bear fruit: but a system is not to be judged by the good which a particular class, or exceptional members of the class, can perhaps by personal self-sacrifice make it yield; nor will wise men expect that a great national reform shall be achieved by casualties of good-nature. What had to be deplored as the outcome of the proceedings was, not that the new system of appointments offered no prospect of good, but that its relative proportions of good and bad promise were widely other than might have been expected, under skilful management, from an opportunity which had been peculiarly favourable. In view of the multitude of personal interests now identified with faulty local arrangements, there could be little hope of soon substituting for such arrangements others which might be of better promise for the public; and the waste of opportunity was to that extent irremediable. Competent observers, who had watched the progress and saw the issue of the enterprise, uttered their thoughts of disappointment; but for the time it was a closed chapter. During the sixteen years which have since elapsed, the opinions expressed in 1873 have been subjected

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to the test of experience; and to some of the latest of such experience I shall hereafter have occasion to advert.*

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3. A third point at which to observe the influence of Mr. Stansfeld's Presidency is that of the scheme which had to be laid down for the Board's future relations to Local Sanitary Government.

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Relations intended by the Royal Commission.

In 1871, when the question was whether the Board should be called into existence, there certainly was not any ambiguity as to the objects for which the creation was proposed. Language could hardly be more precise than that in which the Royal Commission had described the utilities which the new Board must be expected to fulfil. Besides what related to the continuance or extension of merely *sanctioning powers* for different purposes of Local Sanitary Government, everywhere in the Report intention had been expressed or implied, that the new Authority should be an energetic *motive power* for acceleration of sanitary progress: helpful towards local authorities needing help; admonitory and stimulant towards local authorities in states of indolence or lethargy; compulsory, so far as need should be, towards local authorities in wilful neglect of duty. Intention to that effect had been the very backbone of the Commission's Report. It was a main ground on which the new Department had been recommended; and it seems to me that in 1871, when the Local Government Board came into being, its President had before him in that Report a programme of endeavours to which the Board was implicitly pledged. The policy, thus foreshadowed, would have a *legislative* and an *administrative* side. In a *legislative* sense, it would aim at procuring amendment in the compulsive provisions of the law; not necessarily in detail the precise changes which the Commission had recommended, but amendment in the spirit of the recommendations; amendment, enabling the Central Authority to bring adequate pressure to bear on any Local Authorities whom, either on local complaint or on its own initiative, it should find in wilful default of legally-

* See below, pp. 403 and 420. For intermediate evidence on the working of the Health-Officerships, see, in the *Transactions of the Society of Medical Officers of Health*, 1881–82 and 1885–86, papers respectively by Dr. Armistead and Dr. Seaton, and the discussions on those papers. See also Dr. Cornelius Fox's before-quoted pamphlet of 1884: likewise a letter by Dr. Seaton in the *Times* of June 1, 1887.

appointed sanitary duties. And correspondingly, in an *administrative* sense, it would, as a first step, organise for itself a thoroughly efficient system of supervision, by which to observe continuously and skilfully the progress of sanitary administration in all the jurisdictional districts of the country; and by which to apply in particular districts any such information and guidance, or any such stirring-up to action, or any such more cogent pressure to duty, as observation in the respective cases should show needful.

With regard to the first-named of those branches of policy, what took place was as follows. Mr. Stansfeld's Public Health Bill of 1872, purporting to be based on the Report of the Commission, did certainly in its first form contain clauses, such as the Commission had strongly advised, for extending and amending the powers of the Central Authority in relation to Local Authorities in wilful default of sanitary duty,—see clauses 74—7 of the Bill of February 16th; but, during the interval which passed before the Bill came to be discussed in Committee, Mr. Stansfeld, desiring to lighten his task, had, in *pro formâ* Committee, substituted a shorter Bill in which no such provisions were proposed—see Bill of June 27th; and that Bill having become law as the Public Health Act, 1872, he did not, in the next year's session of Parliament, renew his proposal of the dropped clauses. It may be that on second thoughts he preferred not to ask for his Board the greater corrective power, with the consequent larger and more obvious legal responsibility, which the Royal Commission had so expressly desired the new Authority to bear. The humbler standard of legal responsibility would no doubt be of much easier weight for official shoulders, and, when apparently adopted by the first President of the Board, was not likely to be soon abjured by his successors. It in fact almost immediately became the Board's declared policy, and has so continued to the present time.*

* In 1874, when the Local Government Board promoted a Public Health Act supplementary to the Act of 1872, the Bill contained no proposals of the sort to which the text refers; and in 1875, when the consolidating and amending Act of that year was under discussion in the House of Lords, an independent proposal (made by Lord Aberdare) to strengthen the Bill at the principal of the points in question was resisted and defeated on behalf of the Local Government Board. A remarkable subsequent assertion of the policy will hereafter come under notice.—See below, p. 430.

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Powers other than of legal compulsion.

At this less ambitious level, with the proposed enlargement of central powers not brought into effect, the administrative responsibilities of the Board had still to be viewed, and as far as possible fulfilled, in the spirit of the Royal Commission's Report: the Board was, as far as possible, to fulfil, though by other means, the intention with which the withdrawn clauses had been proposed. When the Commission had urged that the law ought to be more coercive than it yet was, nothing had been less in the mind of the Commission than that legal coercion was to be made an ordinary momentum for progress. Not even as to the more tardigrade authorities had the Commission expected such to be the event. "The knowledge that [coercive] power is in reserve" would, the Commission believed, "act as a stimulus to Authorities, and render frequent recourse to these extraordinary powers unnecessary." Had the powers been as proposed, actual use of them would probably never have been made except in isolated instances of grossly obstinate and injurious illegality. In an infinite majority of cases of local default, the amply sufficient coerciveness of a Central Office is the coerciveness of knowledge and public conscience; and the Local Government Board's non-possession of the greater legal coerciveness was a deficiency for which compensation could probably be found in a more active appeal to those other influences. Anyhow, the value of the Board, as a motive power for sanitary progress under the new law, would depend almost exclusively on the educational influence it could exercise; and this must above all be a question of the system on which it would inspect and advise. Its inspectorial service would have to be a highly-qualified Intelligence-Department in relation to the different aspects of local duty: and the effectiveness which the inspectoriat would need for purposes of local observation, it would equally need for purposes of giving local advice and assistance. In the circumstances, too, it was much to be desired that the proper system of superintendence should be brought into work as promptly as possible; for *then* was the time, the passing time, in which the promised central influence could be used with better effect than perhaps ever afterwards. In 1873, namely, there stood the many new authorities and new offices, beginning as it were to take their bias for life. *Sapiunt vasa quicquid primum acceperint;* and the state of local

sanitary government in England at a distance of twenty or thirty or forty years from the date of the Public Health Act of 1872 would in great part depend on beginnings made within the first two or three years of the period, and on the question whether those beginnings, if often at first not rightly made, had been allowed to become rooted habits. Surely the first constitution of the Board's supervisional service had to be planned with mindfulness of that issue.

The field of local sanitary administration over which the Board was to exert influence had to be supervised, with right proportions of care, from two essentially different points of view, which may be distinguished as the LEGAL and the MEDICAL;* and it was to be desired that, from those different points of view, all requisite knowledge should systematically reach the Board with regard to each district under its supervision. From the *legal* point of view, and with the statute-book as its chief standard of judgment, the Board would have to observe the constitution and movements of the administrative machinery in relation to the express requirements and permissions of the law; whether all requirements concerning the functions of authorities, particularly in matters of regulation and finance, and in the appointment and ordering of officers, and in the provision of appliances and services, were at least ostensibly obeyed; whether all permitted facilities for the expedition of business were being

* It would be easy to name other possible points of view beside the two which my argument opposes; but the others, in my understanding of the case, would be found to represent subdivisions of view rather than essential contrasts. Thus, it of course is not overlooked that, in a large proportion of cases, engineering technic is an important factor in the Board's sanitary supervision; but the argument needs not therefore assign to that technic a third and separate point of view, as apart from the two which the text mentions; for generally the introduction of engineering technic is of secondary relation to one of the other points of view; either is on legal motion, in consequence of some statutory complaint relating to sewerage, or water-supply, or nuisance-removal; or else is on medical motion, in consequence of injuries found resulting to health from the absence of proper engineering action as to sewers, water-supply, or otherwise. In the mere logic of the case, however, there evidently is no reason why the Board might not, if it saw fit, charge its Engineer-Inspectors to be systematic contributors to its scheme of legal supervision; annual reporters, how far the sanitary law is being obeyed in respect of the engineering appliances and services which it expressly commands. See footnote below, p. 382.

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duly turned to account; and whether the local bodies performed their expressly defined statutory business in a regular and business-like manner. On the other hand, from the *medical* point of view, the Board would have to know how far the objects were being attained for which the law had constituted the local machinery; how far the machinery was working with reality and success for the removal of causes of disease; and how far in each district under the law the existing conditions of life were conditions proper for health. From its legal standpoint, manned exclusively by legal or quasi-legal officers, the Board could obtain its record of all formal acts of local sanitary administration, but would hardly approach the question of their substantial merits; and if it desired to measure, in respect of any of the recorded acts, how far the intentions of the law in matters deeper than forms of law had been fulfilled, it would have to employ as its observers persons specially skilled in the respective branches of subject-matter—engineering, or medical, or both, as the case might be.* So soon as this stage in the process should be reached, the further central supervision would in general admit of being exercised with more convenience and better effect from the medical than from the legal point of view. Of the distinctive relation of Medicine to the business of sanitary supervision, I cannot think it requisite to say much. Over the whole field which is in question, if local administration is to be intelligently supervised, not as mere mechanism but as mechanism of definite purpose, the standards of medical knowledge must be almost everywhere applied. Every object at which the local administrator has to aim in his sanitary business has been dictated to him, directly or indirectly, by medical science; and it is for medical observation eventually to pronounce whether or not he has attained his aim. To Medicine therefore belongs, not an accidental, but an essential share, in whatever supervisory function the Central Authority has to exercise in respect of local sanitary government; and to a very large extent the medical considerations are those which must be of first use in any central criticism of local action.

* Take for instance the question, whether a local authority has fulfilled the true requirements of the Public Health Act, 1875, as to sewers, or the true requirements of that Act, and of the Public Health (Water) Act, 1878, as to supplies of water.

The sanitary law no doubt gives direct command with regard to the creation of local authorities and officers and as to some of their duties; and it can be assumed that thus far the matter belongs primarily to the province of legal supervision; but such direct command is of small proportion to the whole subject-matter of sanitary administration; incomparably the larger part of the field over which the Central Authority has to watch is province for the exercise of discretion; and over that very wide extent of discretionary administration, questions of right and wrong are hardly to be raised except with more or less appeal to medical judgment.

The Royal Commission, in its comments and recommendations on the supervision which would have to be exercised by the new Authority, had not treated all parts of the subject with equal fulness, but had more particularly contemplated the field from the point of view which I have spoken of as the *legal;* and estimating chiefly as from that side the machinery needful for supervision, it had had more to say of the inspections which it classed as "general" than of those which it classed as "special." The former it had regarded as homogeneous with the work of the non-medical poor-law inspectors; so that probably the "general" inspection in those two branches could be done by one class of officers; and it had recommended that inspection of this sort should be systematic.* Regarding "special" inspections, the Commission had not made detailed recommendations: but it of course had not overlooked that there must be medical as well as legal supervision; and, in terms which though indefinite were not obscure, it had given leading suggestions on which the Minister could act—the suggestions which the abstract in my last chapter mentions; that the inquiries under the new system were to be in much-enlarged extent, that the chief medical officer was to be in superintendence of all sanitary arrangements, and that medical

* In the Bill to which I have before referred as an aid to interpretation of the Report (see footnote of page 329) the proposals as to "general" inspection are given in somewhat amplified form. With regard to the difference noted in the text, that the views of the Commission are more definitely formulated as to the "general" than as to the "special" inspections, it may be remembered that the Commission had had the advantage of counting among its members, in the person of Mr. Lambert, an experienced and most able representative of the poor-law system of "general" inspections, but that the other sorts of inspectorial experience were not similarly represented on the Commission.

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inspectors would act as communicators between him and the local officers of health. As to the whole matter of inspectorial machinery, however, the Commission had expressly taken for granted that the Minister to be put into charge of the Department must have a "wide discretion" in his hands; and the free exercise of such discretion was most of all to be expected where the recommendations of the Commission had been least precise.

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The discretions which the Commission had supposed in the hands of the Minister with regard to the future working of the Medical Department, and of the other services classed as "special," concerned matters on which already there was technical experience enough to suggest policy. On assumption that, from the legal point of view, adequate control would be exercised over Local Sanitary Authorities in respect of their conforming to law in matters of express legal requirement or condition, and that the central assistance they might need in and about such matters would be duly afforded them through appropriate officers, the question as to other central interference in affairs of Local Sanitary Government had to be argued, I think, to some such effect as the following.

Principles on which to define the new duty.

In the British system of local government, the general intention is, that all which ought to be done for local interests shall be done by locally elected authorities, with discretion as to modes and means of doing, and subject only in certain cases to certain central sanctions. It is not intended that the central authority should act in local affairs unless the local authorities have defaulted: it is presumed that localities, like individuals, will, in what primarily concerns their own interests, not wait for the State to act for them. And as the central authority is not needlessly to act in local matters, so it is not needlessly to direct or dictate in them,—is not to intervene by anticipation in anything which the law leaves for local discretion,—as, for instance, with regard to modes of action, and to the choice between different adequate means for attaining prescribed ends. But on the other hand, the name of local government is not to be made a pretext for leaving localities without the benefits which civilisation intends; and inasmuch as local government is a legislative trust for the prosecution of certain essential purposes, it is for the central government to see that those purposes be as far as practicable fulfilled by the local bodies which have them in

trust, and that local failure to fulfil the intended purposes do not arise from local omission to use adequate means for fulfilling them. Secondarily, therefore, though not primarily, the central government, in a large range of cases, may have to be the prompter, even sometimes virtually the director, of local authorities, in respect of their modes of action, and their adaptation of means to ends; for, watching the local institutions as they work, and judging them in their respective results, it may find that adopted means are proving inefficient for purposes which the law intends; and it then (with the best special knowledge it can command) has to press for amendment of the means. In respect of sanitary government, such considerations as the above are easily applied to define the relations of duty between the central and the local sanitary authorities: relations in which of course the central authority should not be officious, but in which equally it should of course not be neglectful. The terms "officious" and "neglectful" may in certain cases be words of vague sentiment according to the prepossessions of persons who use them; but fortunately the sanitary case is one in which their application can be measured on principle, and in which the administrative *Via Media* between officiousness and neglect becomes plain to those who will duly regard the END for which the organisation of authorities exists. Our sanitary law, by reason of its having had to provide in detail for a vast variety of more or less mechanical *subsidia* to its main purpose, is so voluminous, and incidentally concerns so many secondary interests, that persons, too exclusively intent on particular sections of it, seem sometimes to need a reminder of what is its one real purpose. Sewers and water-pipes, rates and mortgages, local boards and local officers, central office and right honourable president, secretaries and assistant-secretaries and seal and wax, are not final purposes of sanitary law, but are only of the machinery for its final purpose; machinery which, sooner or later, has to be judged, on the evidence of its results, in practical relation to the Public Health. On the basis, then, that each local sanitary authority has for its purpose under the law to lessen to the utmost it can the incidence of disease within its district, there must be at least one class of local contingencies in which it will be the duty of the central authority to intervene; where its intervention can

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never be judged officious, nor its non-intervention fail to be judged negligent. That is to say, where the preventable disease is not prevented, THERE, even if nowhere else, the intervention is in principle due; and whether the new central authority provides adequately for the fulfilment of that duty, will be the main test by which to judge its merits or demerits as an authority for sanitary purposes.

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State of the case in 1873.

In the autumn of 1873, when the statute of 1872 was a year old, and all initiatory arrangements for its local working had been completed, the general case stood as follows. Fifteen or sixteen hundred district-authorities, with their newly-appointed sanitary officers, were legally responsible for action against certain chief sorts of disease in the respective districts, and in consequence of amendments which had been made in the law, were undeniably confronted with their responsibilities. A district-authority, omitting in any main matter within the statute to provide against disease in its district, was now not able to plead uncertainty as to its powers: but in general the case would either be, that express commands of the law had been disobeyed by the authority, or else that powers given to the authority for discretional use, had, in spite of need for their use, been left idle. That the total of preventable disease in the country represented a very large field of work for those local administrators of the law, was a fact beyond possibility of question. The current estimate of persons skilled in vital statistics was that, out of the about half-million deaths which were being annually registered in England, probably some 125,000 were dependent on influences which proper administrative use of sanitary knowledge could remove. Parliament had for the previous dozen or more years been receiving from the Lords of the Council successive instalments of official evidence as to the local distribution of that preventable disease, and as to the variety of conditions under which the various sorts of disease were remaining unprevented. As to parts of the case, other action than that of the new district-authorities would (at least for the then time) be in some instances wanted—sometimes more or less action by a different authority, or sometimes more or less action of unofficial kinds; but these, in proportion to the whole, were minor parts; and there remained a vast total of

preventable disease, preventable through the powers of the district-authorities. On the principles before indicated, the whole of that field of grievance would demand the constant watchful observation of the newly constituted central authority; and great parts of the field were likely to need frequently the central authority's positive intervention.* An important feature in the case was that, even in districts where the sanitary authorities were well disposed to exert themselves, there often existed but very imperfect knowledge of the means requisite for success; and it was probable that, over most of the field, the local authorities and officers could be greatly assisted by such skilled information and advice as the central authority was able to give them. Such were the circumstances with which the new Local Government Board had to deal. Against wilful or negligent failure of local authorities to do in their respective districts what ought to be done for the protection of health, the Board was the authority of supervision, and partly of control, to which injured human life appealed for its rights: while, for a far larger class of districts, it was the centre to which

* Two explanations may here be subjoined. First, there is no intention of implying that, in all actual instances of default, the Central Executive can, either by public argument or by legal process, compel the defaulting authority to do its duty; but it is assumed as constitutional view of the case, that the Central Executive, where not itself able to cause correction of defaults, ought, nevertheless, and indeed all the more, by means of its Annual Reports, to keep Parliament well-informed as to them; and this not merely in order that the more important defaults may be brought within reach of stronger public opinion, but also that Parliament may have means of judging how far from time to time the law against defaults requires to be strengthened. Secondly, there is no intention of ignoring that, in relation to the defaults of local authorities, individuals, apart from any initiative by the central authority, have certain means of moving for themselves; on the one hand (but this in a sense which for most sufferers would be merely theoretical) that they can take common-law proceedings against their defaulting local body; and on the other hand that in respect of particular defaults (named in section 299 of the Public Health Act, 1875) they can by formal complaint cause the Central Authority to take action on their behalf. I would be last to underrate even the present value of the statutory provision just mentioned, and I can well conceive that, with advances in popular education and independence, the power of individual complaint against defaulting authorities may grow into an extremely influential resource—perhaps at last sufficiently so to render much central initiative superfluous; but I deem it certain that, at least for many years yet to come, the power cannot be found operating on a nearly sufficient scale at those levels of society where the defaults of authorities are most injurious.

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the local communities and their authorities and officers would look for the scientific results of previous sanitary investigation and experience. In those and other ways, the Board had to be made an effective influence towards the annual saving of many thousands of human lives. It was to be hoped that the Board's standard of merit in sanitary government would from the first be reasonably high; and that, inspirited by it, local authorities would year by year learn to take a stricter and stricter account of their respective responsibilities for the wasting of life, and would more and more fully apply under guidance of knowledge the powers which the law had given them for prevention of disease.

Presumable need for supervisory medical service.

The supervision which on the above showing claimed to be exercised by the Board with regard to the prevention of disease by district-authorities was such as the Board could execute by means of its Medical Department; and that this in some form would probably be the Board's mode of action in the matter seems to have been anticipated by the Royal Commission, when assuming (as quoted above) that, on the creation of the new system, the chief Medical Officer under the Board would be in "superintendence of all public sanitary arrangements."*

* My language is not intended to exclude the possibility previously recognised (see foot-note of page 375) that, in a certain part of the field of sanitary superintendence, particularly with regard to means and appliances for the Prevention of Filth, the Board might, if it saw fit, initiate systematic inquiry from the surveyor's or engineer's or nuisance-inspector's point of view, irrespectively of any question of disease-prevalence, and might, by agency of that non-medical sort, inspect district after district throughout the country as to the sufficiency of the sewerage, house-drainage, paving, scavenging, water-supply, nuisances-removal, &c., in each district; but, I am not aware that any such survey has ever been contemplated as a mode of action by the central authority, and I have not any reason to believe that, even if it could be put into practice, it would supersede the necessity for such medical supervision as the text describes. Faults of certain sorts, when discovered, would at once be seen to require engineering technic for their remedial treatment; but, in past experience, the exposure of such faults had in general been due to medical interpretation of facts of disease-prevalence, and the engineer's relation to the case had come afterwards. At the beginning of 1870, with a view to joint endeavours to procure better local administration of nuisance-law in cases of neglect, Mr. Tom Taylor and I, with approval of our chiefs, had consulted together carefully on the respective relations of our departments to that branch of sanitary service; and our recommendation, which was adopted, had been that, in working the law as to such cases, the proceedings of first instance should uniformly be taken in the medical department. See our papers printed at pp. 83–4 of Vol. III. of the Second Report of the Royal Sanitary Commission.

Under such better sanitary counsels as had been promised, exertions would have to be given equitably over the whole shadow-land of preventable disease, not to be unduly restricted to parts of it; and, for the supervisional purpose, the Board's medical inspections would apparently for many earlier years require to be exercised on a large scale. The attention of the Board, while of course it would be due to those epidemics of contagious disease which alarm great towns, and are made famous in their newspapers, would in proportion equally be due to the same diseases in smaller places; and moreover, in all places, whether large or small, it would be due to the preventable diseases which are chronic and constant, as well as to those which are of only occasional sharpness. Sanitary superintendence, not paying regard to those comparatively noiseless occurrences of disease, would deal with only a small share of the preventable mortality of England; but, if showing them due regard, it would for a while find its inquiries more or less called for in a large proportion of the sanitary districts of England, and might expect that in each year hundreds of different places, scattered through the country, would require to be medically visited, and in many cases revisited, in order to conference with authorities and officers on the subject of local excesses of disease. Supervisional work on so large a scale would of course require to be done on system; and the allotment of each year's inspections among the several inspectors taking part in them could hardly be on any other plan than that of territorial division, with inspectors specialised for each territory. Here, however, it becomes essential to remember that supervision relating to excesses of disease was not the only medical supervision which the Board would have to exercise throughout England. Equally diffused with that responsibility, were other medical responsibilities which it likewise had to meet; notably (1) its various medical responsibilities under the *Poor-Law;* and (2) its responsibility for *Public Vaccination* throughout the country; and (3) its responsibility as to *Local Sanitary Officers* to whom it would be awarding payment from the parliamentary grant. Presumably all the inspections required for those various medical responsibilities of the Board, as well as for the responsibility relating to *Excesses of Disease,* could be

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Facilities which existed for its application.

dealt with on one territorial system; could be jointly assigned to a group of Medical Inspectors, each of whom, under central instructions, would act for a defined district of his own.

Apparently nothing could have been easier than for the new Board to advance in that direction by means of the machinery which had been working under the Lords of the Council; for already, under that system, all parts of the country were being visited by medical inspectors once in every two years with special reference to vaccination; and recently (as was noted at the close of chapter xiii.) their Lordships had taken first steps towards an intention of bringing into joint system with those inspections of vaccination a considerable development of their general sanitary inspections under the Act of 1858, so that each inspector should report systematically in district-relation to both branches of work. Their Lordships if those arrangements had been completed (for which only three more inspectors were required) would have had under fairly adequate observation the whole of the disease-preventive action of England, except such as was specially under the poor-law. If that intention had been continued under the new organisation, the Board would at once have had suitable means for the discharge of this portion of its responsibilities; could readily have extended the same machinery to an improved discharge of its responsibilities under the poor-law;* and, with those purposes accomplished, would have been, as presumably intended to be, a competent supervising authority for the medical, as well as the other, purposes of local government.† In the Office of the Board, the duties and discretions

* For medical supervision in matters of poor-law, the Local Government Board could give to its Medical Department the assistance of the two medical functionaries who had previously been under the Poor Law Board; but if provision had to be made (as surely it ought) for the systematic medical visitation of all workhouse-infirmaries, this poor-law duty would have required some further addition to the medical staff, beyond that which had been contemplated for general sanitary purposes; so that, for the entirety of the combined purposes, probably a total addition of four or five new inspectors might have been necessary.

† Under an organisation as suggested in the text, for the early years of the Board's sanitary superintendence, the scheme of function for a districted medical inspector might have been about as follows. It would have been his duty thoroughly to *know* his district in respect of its current preventable mortality, and of the action or inaction, the efficiency or inefficiency, of its sanitary authorities and officers, including those who have to do with the service of public vaccination. In successive circuits throughout the district he would have had

of the Secretariat could then have been co-ordinated with those of a properly constituted Intelligence Department.

Against the particular form of organisation which the preceding paragraphs suggest, it might have been said that such organisation would give to one sort of "special" inspection a *methodical* character which the Report of the Commission had not sketched for it, and that the Commission had in general terms deprecated what it called "parallel inspectorates."* In fact, however, as before noted, the Commission had not pretended to final judgment on matters of administrative detail; assuming that such would be ultimately for the discretion of the new Authority; and now in 1873, with regard to any such side-question

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to visit, say, once in every two years, each of the jurisdictions on his list; observing progress, and, where necessary, conferring with authorities or officers on observed insufficiencies of disease-prevention; also specially seeing that the appointed duties of officers subsidised by the central office were satisfactorily performed. He would have had to make supplementary visits to jurisdictions, where unusual outbreaks of disease, or other unusual facts, might so require. He would have had to visit at least once annually each workhouse infirmary in his district, and from time to time, as requisite, such other infirmaries and institutions (if any) as should be subject to medical visitation by the Board. For particular purposes, and under special instructions, he would have had occasionally to concert joint action with other local inspectors of the public service—*e.g.*, inspectors of factories, or veterinary inspectors, on certain such questions of disease-prevention as are more or less in the province of those other inspectors; and would also, where special matters might require, have had to communicate with coroners and other public functionaries having authority for the protection of life. To him would have been referred, with such queries and instructions as had in the particular cases been necessary, all reports received by the central office from the officers of health within his district, and all sanitary complaints coming from the district, and, with regard to the mortality of the district, the quarterly returns of the Registrar-General. He would have had to report, as occasion required, to the Chief Officer of his Department; to answer with local knowledge the references which the latter would have made to him; and annually to furnish for use in the Departmental Annual Report, an account of the progress of his district.

* Report of the Commission, p. 33: "We deprecate the maintenance of parallel inspectorates of sanitary and poor-law administration under the same chief Minister, not only on the ground of waste of powers, but still more of probable conflict." That deprecation seems quite to fit the case of "parallel inspectorates" which are *for identical* or *closely similar purposes:* such as would be two circuits of "general inspectors," or (as described in a special *Memorandum* attached to the Report) three circuits of hospital-inspectors; but I do not see how it could fitly apply to inspectorates *which differ in their purposes of circuit*, as, for instance, if *financial* inspection of poor-law proceedings were parallel with *medical* inspection of the work of public vaccinators. The question raised in the text is as to inspectors *widely differentiated* for duty.

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as the present, the course to be taken ought apparently to be that which would best conduce to the main practical effect intended by the Commission. An administrative point to be remembered was, that already, for parliamentary purposes under the vaccination-law, a certain quantity of medical inspection was systematic, and by common consent was so to continue; and to have enlarged the functions of that existing circuit in the manner I have described would, I think, have been the best way of fulfilling for the new Office a function which in the before-stated view of the case was imperatively needing to be somehow fulfilled. While, however, I thus indicate the lines of organisation on which I think effective sanitary supervision could best have been provided, I have no intention of insisting exclusively on those lines as against others (if such there were) which might have been equivalent to them in effect: for *Effectiveness of Supervision* was the real problem, and detail of apparatus was not otherwise of concern. The aim, as I understand it, should have been such supervision as could systematically discern the unsuccesses and defaults (as well as the more favourable facts) of local sanitary administration, and could systematically apply endeavours to induce amendment in cases requiring it.

The system established under Mr. Stansfeld.

In relation to that aim, or to whatever definite or indefinite aim was accepted instead of it, the arrangements established under Mr. Stansfeld's Presidency were briefly as follows. They did not entrust to the Medical Department any systematic share in the supervision. The essentially supervisional arrangements were to be non-medical; and except as to the superintendence of vaccination (which was let continue much as it had previously been) the Medical Department was only to have unsystematic functions. In cases, or sorts of cases, where the President or a Secretary or Assistant-Secretary might think reference to the Department necessary, the individual reference or references would be made; and, where the President or a Secretary or Assistant-Secretary, on motion from the Medical Department or otherwise, might think medical inspection necessary, he would specially order the inspection; but these unsystematised inspections could not extend to more than comparatively few localities in a year, for the medical staff was not allowed the enlargement which had been hoped for as provision

for larger usefulness. In general, the business of the Public Health seems to have been understood as not requiring any other system of supervision than the non-medical officers of the Board could supply—a system essentially resting on the distribution of the so-called "general" inspectors, and on their relations with the central secretariat.

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"General" Inspectors.

Of the General Inspectors it has before been noted that the relation in which they stood to the Local Government Board was in continuance and extension of a similar relation they had had with the previous Poor Law Board; they had been declared "inspectors" for sanitary as well as poor-law purposes, "inspectors" for all purposes of local government under the new law; and now, in view of the predominance reserved for them in Mr. Stansfeld's system, and of the large surface of duty over which they were entrusted with "general" functions, it becomes important to consider what sorts of duty they had hitherto done in the public service, and what sorts they were henceforth likely to do. Under the Poor-Law Board (see above, p. 348) they had been, as it were, a provincial prolongation of the Board's secretariat, a personal agency in aid of written correspondence or in substitution for it, an organ of speech for the Board in its communications with Boards of Guardians; they also had held sittings of judicial inquiry for the Board in cases where charge had been brought against the local administration of poor-law; and besides acting in those quasi-secretarial and quasi-legal capacities, they had been for all ordinary purposes the Board's "inspectors" of local poor-law establishments: a function which it is here important to distinguish from the others previously mentioned; for in it had been the weak point of the system. With regard to the general spirit of poor-law administration, the poor-law inspectors of 1847-71 had no doubt been fully competent representatives of their Board, and among them had been some of distinguished ability; but, even in the field of poor-law administration, growing experience had very plainly shown that considerable parts of the local service habitually require a far more real quality of medical inspection than inspectors of merely "general" qualification can supply; and thus in 1871, even for poor-law purposes, "general" inspection was requiring to be supplemented by medical inspection not less systematic

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than itself. It of course was to be assumed that the poor-law inspectors transferred to the office of the Local Government Board would well render in the latter connexion the sorts of service which they had well rendered under the former: but more was not to be assumed: and if that was all, the *sanitary* supervision provided would be but little towards the needs of the case. While it might properly be assumed that the "general" inspectors would be good observers and advisers and negotiators, as from the legal point of view, with regard to conformities with statute, and to all merely mechanical conditions in the constitution of authorities and offices, and with regard to questions of regularity and convenience in the conduct of common business, it certainly was not to be assumed that they could "inspect" or advise with regard to the substance of sanitary duty.* As officers of aid to local administration, they no doubt, within the limits of their particular competence, could often be useful assessors at the meetings of the local authorities, chiefly during the first year or two of the working of the Act of 1872, and especially in cases where the authorities were new to the sort of work; but their particular competence was within narrow limits of subject-matter, and local demands for assistance within those limits would rapidly diminish with time.† So far

* One of the general inspectors of 1872-3, Mr. Longe, in his contribution to the volume from which I have already often quoted, seems to express his consciousness of some such limit as that which my text describes:—"My information as to the actual work done by the several authorities in my district is not sufficient to enable me to express any certain judgment on the efficiency of their administration or their officers. I can speak to activity displayed by many boards, and to the apparent indifference of others; but how far the activity of the one has been judiciously applied, and how far the comparative inaction of the others may be justified by the character of their districts, requires information which I cannot pretend to have acquired."—Return, 1875, No. 134, p. 91.

† A former foot-note (p. 363) referred to the particular kind of service which had been in demand during the few months next after the legislation of 1872, and which "general" inspectors had been quite competent to render; but, for assistance of that elementary kind, it is presumed the requirement would only have been brief. It is not in the English theory of local government, that local authorities, even of the weakest sort, shall permanently have to be pinafored by central *bonnes;* and the authority which is not confessedly in nursery-stage, is understood to be in active duty. If in this stage central assistance is needed (as no doubt it very largely is) the need almost invariably is technical; and also, as explained in the text, it is almost universally from a technical basis that supervision of the discharge of duty has

as my experience enables me to say what sanitary supervision means, action as above, unless very largely extended and strengthened by the action of technical inspectors, would not even approximately suffice for it, nor probably could in the long run represent any higher degree of supervisional usefulness than would consist in the supervision of mere forms of business. The utility of the appointments, as means of *vivâ voce* communication between the Central Office and the Local Authorities, would of necessity, I apprehend, be similarly limited, and could hardly be deemed existent in that large field of sanitary business where the merits of particular sorts of sanitary action would be for technical officers to explain and recommend. With regard to functions more distinctively inspectional—functions of truly *seeing* and *looking into* what is of essential interest in the sanitary case, it might, I think, even in 1873, have been prognosed, that "general" inspection, as a system chiefly by itself, would after a year or two rapidly decline towards mere formality, and if it nominally survived for some further years, would soon be found of little more concern to the real sanitary drama than the by-play which stage-managers assign to their "walking gentlemen."

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Before going farther let the reader pause for a moment to define what here has to be criticised. Within the jurisdiction of the Local Government Board are many objects which are only sanitary in a remote instrumental sense, and some which are only in part sanitary, and some which are not sanitary at all; questions of local elections and finance, and boundaries and arbitrations, questions of mere common or commercial convenience in various local matters, questions as to highways and lighting, as to markets and their stalls and weighing-machines, as to hackney-carriages and public bathing, as to local steam-whistles and public clocks. In these pages, however, Local Government is under consideration only as an agency for the prevention of disease; and our only concern with the above-described system for looking after the Local Authorities is to see how far it included proper provision for supervising them in their disease-preventive capacity. That local

Opinion on the system which was established

to be exercised. By the middle of 1873, the new local sanitary authorities of England were supposed to have entered on the stage in which their fulfilment of effective duty might be expected, and in which the supervision of the central authority as to the success of their working, in respect of the intended better protection of life, might well have begun.

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administration take good aim at the saving of human life from disease is the essence of the sanitary interest; and the duty of the supervisional system, with its inspecting officers, is to observe comprehensively and (where need may be) correctively and helpfully, the local endeavours made for this highest purpose. "*Highest* purpose," I venture to emphasise; not only in abstract opinion that human life counts for more than the mere machinery and the *et ceteras* of sanitary law; but also with reminder, special for the period of Mr. Stansfeld's Presidency, that the word "sanitary," in its unsophisticated sense, had been the word of pretext, and had represented the great principle of inducement, with which the new organisation of Local Government had been recommended to parliamentary and popular approval.* What then, with regard to that supreme interest of the organisation, was the value of the scheme of supervision which Mr. Stansfeld had provided? In very important respects it seems to me to have been utterly inadequate. It was a scheme under which, to the best of my knowledge and belief, the Board could not observe with reasonable sufficiency the progress of sanitary administration throughout the country, nor could influence in proper extent for the prevention of disease the authorities who were in default of duty: it was a scheme under which, if I have not misunderstood the case, the highest function of the Board would in great part be in abeyance. Its radical defect, its extensive acceptance of formal for effective action, its failure to recognise to how large an extent it stood in need of properly-trained technical service for the purposes of duty, was an apparently inherited characteristic. It recalled to memory the way in which the former Poor-Law Office had dealt with its medical responsibilities: it represented afresh that least laudable tradition of the old machinery applied where it could be most obstructive in the new. Privileges once conferred are apt to be of strong root; and the system of service established under Mr. Stansfeld's direction has in substance, both as to its positive and as to its negative provisions, continued in force to the present day. So,

* It was, I think, in 1873 that Mr. Disraeli, in an extra-parliamentary speech, played with the words *Sanitas Sanitatum, Omnia Sanitas*, as expressing how greatly, of late years, the public mind had been exercised on the subject of Health.

even now, though so many years have intervened, I do not refrain from saying how grievously wrong I believe to have been the policy which that system represented. In relation to the flag under which I had had the honour of serving, I regard it as having been virtually a policy of retreat. The opportunity which circumstances at that critical time had offered to the new department to become a widely accelerative influence for the bettering of local sanitary government, and the moral claim which the existence of such an opportunity constituted, had, so far as I can see, been met with but poor appreciation; and especially it seems to me that, in relation to local neglects and defaults in matters of sanitary duty, there had been created, instead of the effective supervising authority which the Report of the Royal Commission had prefigured to the hopes of sanitary reformers, an authority of but doubtful courage for unpleasing responsibilities, an authority "be-stilled almost to jelly" at points where chief need for initiative usefulness existed, an authority not even so far organised as to command full cognisance of the evils against which its organisation was to have been our strength. What in all this at the then time may have been matter of opinion and prophecy, remained of course for future time to confirm or refute; and at the present date, when nearly sixteen years have passed since the close of the first period in the life of the Local Government Board, any skilled person who surveys a sufficiently large proportion of the field of existing sanitary administration can estimate for himself by that test of experience the merits of the system which was then established.

ii.—SUPERVISION BY THE LOCAL GOVERNMENT BOARD.

From telling of the establishment of Mr. Stansfeld's scheme of organisation, I now turn to the years which have followed: during which the scheme has had time to show itself in action; while also, as I may conveniently first note, many successive personal changes have taken place in the Presidency of the Local Government Board, and some changes, personal and other, in the constitution of the Medical Department.

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ii.—Supervision by the Local Government Board.

Personal changes in the Board and its Medical Department.

On the change of ministry which occurred in February, 1874, with Mr. Disraeli's second accession to the premiership, Mr. Stansfeld, ceasing to be President of the Local Government Board, was succeeded in the office by Mr. Sclater-Booth, now Lord Basing. Mr. Sclater-Booth remained President for more than six years—*i.e.* till April, 1880, and during his tenure of office promoted much useful legislation for sanitary purposes; as especially the Sale of Food and Drugs Act of 1875, the Pollution of Rivers Act of 1876, and, above all, the consolidating Public Health Act of 1875. During the more than five years of Mr. Gladstone's second administration (April, 1880, to June, 1885) the Presidency of the Board was held at first by Mr. Dodson, now Lord Monk-Bretton, and subsequently by Sir Charles Dilke. During the less than eight months of Lord Salisbury's 1885–86 ministry, Mr. Arthur Balfour was President of the Board; then, under the six months of Mr. Gladstone's re-administration, first Mr. Chamberlain; afterwards, again Mr. Stansfeld; and in August, 1886, with Lord Salisbury's return to the Premiership, Mr. C. T. Ritchie was appointed.

Within the same period the post of Medical Officer to the Board has twice changed hands. In 1876, on my retirement from that post and from the Medical Officership under the Privy Council, Dr. Seaton, who had long been associated with me in the work of the Department, was appointed Medical Officer to the Board; but apparently with some understanding as to a change in the legal relations of the office;* and the appointment under the Privy Council was left vacant. Even Dr. Seaton's experience and unsparing industry could not bring into much effectiveness the very circumscribed office to which he had been called; before long, his health began to fail him; and his resignation of office at the end of 1879, after only three and a half years' tenure of it, was followed within a month by his death. Mr. Sclater-Booth was fortunate in having at hand,

* See the opening sentences in his first report; June, 1877. What I had had to report to the Local Government Board on the work of my office under the new system will be found in the Annual Reports on the years 1873–5: *Reports M.O.P.C. and L.G.B., New Series*, Nos. I., IV., VII. My last Report to the Lords of the Council, dated February, 1877, and relating to the Medico-Scientific Investigations on which I had been advising their Lordships, was, in an official sense, posthumous: my retirement having been recorded some eight months previously.

in the person of Dr. Buchanan, one whom he could at once unhesitatingly appoint to the vacant office. From the year 1861 Dr. Buchanan had been associated with the Medical Department under the Privy Council, first as frequent occasional inspector, then (1869) as permanent inspector, and soon afterwards as assistant medical officer; always rendering the very best service which the occasion required or permitted; and in various cases the author of reports which have become classical in sanitary literature. Of thorough training and habit in all ordinary relations of practical medicine, highly-informed in the sciences which assist it, and of sanitary experience such as only of late years had been possible to any man, and in his case many times larger and more various than almost any of his contemporaries could have had, Dr. Buchanan had always shown himself of extraordinarily active and discriminating mind, and always intent on that exactitude which is essential to scientific veracity, whether in observation of facts or in argument on them. He too had had the advantage of apprenticeship in schools of science nearly twenty years more modern than those in which his two predecessors had learnt. Devoted to his branch of the public service, and with every intellectual qualification for excelling in it, he equally had the rectitude and unselfishness of character without which there can be no good official leadership in such duties. His career in the chief office, though yet, we may hope, with many more years to run, has already been rich in fruits which will be gratefully remembered by those who follow him.*

* Within two years of Dr. Buchanan's accession to the chief officership, incapacitating illness overtook Mr. Radcliffe; whose service in the Department, as Inspector and Assistant Medical Officer, had for many years been of eminent value, not only in those common inspectorial duties which chiefly regard the local excesses of customary English diseases, but also in the special duty of continuously observing the movements abroad of such foreign infections as may be of concern to England; and on Mr. Radcliffe's retirement from office, Dr. Thorne, already of long experience and known merit in the department, was appointed Assistant Medical Officer in his stead.—Dr. Stevens, of oldest standing in the department, and of highly distinguished merit in it, had preferred not to exchange his inspectorship for the post of Assistant Medical Officer, but had accepted special charge of the superintendence of public vaccination.—About the same time with Mr. Radcliffe's retirement, occurred also that of Dr. Beard; and of those with whom I had had the honour of acting in the Department, there now only remained (in addition to the three previously named) Dr. Blaxall, Dr. Ballard,

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Annual Reports of the L. G. Board.

The proceedings of the Local Government Board in matters of Public Health during the years 1874–89 are on record (with the Board's other proceedings of the period) in the fifteen Annual Reports (IV.–XVIII.) which the successive Presidents have laid before Parliament; each, in certain respects, supplemented as to detail by a report from the Medical Officer on the particulars of the work which has been assigned to his Department. Persons who would judge, as matter of sanitary science, what the Medical Department has been able to do within the limits which had been fixed for it in 1871-4, will of course refer to the supplementary volumes, and I shall hereafter again mention them; but for general evidence on the Board's administrative relations to the Public Health Government of England, the Presidential Reports are complete in themselves; purporting to deal with the whole field of the Board's sanitary responsibilities, and thus enabling judgment to be formed whether all parts of the field are duly covered.*

The Presidential Reports are likely to impress very differently, according to the point of view from which they are regarded; and, if the reader's point of view be simply clerical, they no doubt will satisfy his mind. In text or appendix, in abstract or *in extenso*, they render account of all formal business transacted under the principal statutes. They enumerate all acts done or sanctioned by the Board in relation to the matters of finance and administrative machinery. They give statistics of loans authorised, moneys granted in aid, powers acquired, areas altered, combinations effected, bye-laws approved, officers appointed, local inquiries directed, provisional and other orders

Dr. Airy, and Mr. Power. The vacancies which retirements and promotions had occasioned were filled by the appointment of Dr. Parsons, Mr. Spear, Dr. Barry, and Dr. Page. Since then, an additional Assistant-Medical-Officership having been created, and Mr. Power having been appointed to it, the Inspectorship vacated by Mr. Power has been filled by the appointment of Dr. Bruce Low.

* Each Annual Report of the Local Government Board has always presented two principal divisions;—the one, as to the administration of the *Poor-Law*, the other as to the administration of the laws affecting *Local Government and the Public Health;* and in all later years, the Reports have had a further division relating to *Local Taxation and Valuation.* In the last-issued (eighteenth) Report, these three divisions are preceded by one relating to the *Local Government Act*, 1888, *and County Councils.* For our present argument, it is not important to discuss other divisions of the Reports than the one which expressly relates to Local Government and Public Health.

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issued, and various other acts done for purposes conducive (or meant to be conducive) to health. With regard to certain outlying bits of subject-matter dealt with under special statutes, more or less sanitary, they communicate the reports or returns which the Board receives from the respective special officers.* Similarly, they describe in general terms the statutory work which has been done in the Medical Department, and, for its details, refer to the Medical Officer's supplementary report. They also state the number of annual copy-reports which the Board has received from local officers of health, and in general terms, what the Board has done with them.† They doubtless are not deficient in any material information which the clerks of the office have had in documents before them; and they may therefore, in a merely clerical sense, be deemed such reports as they ought to be.

Absence of information on national sanitary progress.

If, however, the point of view be changed, and the reader, instead of regarding the Reports in their merely clerical relations, regards them in their relation to the essence of the great national interest which they concern, he will see that they are curiously destitute of a kind of information he might most of all expect to find in them. With regard to one important class of functions for which the Board is responsible—that which consists in the issuing of sanctions and other warrants for various purposes under the sanitary law, the Reports no doubt give copious information. The Board in that capacity is seen doing large quantities of important business with such local authorities as have chosen to bestir themselves for local improvement purposes: a class which happily has from long ago always been increasing in number. Both from the Reports themselves, and likewise

* Such sectional reports or returns are furnished by the Chief Inspector under the *Alkali, &c., Works Regulation Act*, by the Public Analysts under the *Sale of Food and Drugs Act*, by the Inspector under the *Canal Boats Act*, and by the Examiners (respectively engineering and chemical) of Water-works and Water under the *Metropolitan Water Acts*.

† For instance Report XVIII., presenting a tabular statement of the sources from which 1581 such reports had been received during the year 1887, adds as follows: "The Reports have been examined, analysed, and carefully considered, and in particular instances have been the subject of communications with the Sanitary Authorities as to the action required with regard to water-supply, drainage, systematic scavenging, the abatement of nuisances, the provision of means of isolation for infectious cases, and other kindred matters."

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from exterior testimony, there is every reason to believe that in parts of such business much good has been done: especially that, in the sanctioning of by-laws and in the sanctioning of certain sorts of expenditure, the Board, with constantly increasing service from its technical reference-officers, has been able to exercise in detail a large amount of beneficial influence, as furthering the wishes, and often as amending the aims, of local authorities whose intentions have been for progress. But while the Reports give copious evidence as to the work of the Board in those solicited *sanctioning* relations, what do they tell of work in the unsolicited relations of *supervision and inquiry?* and what is the value of the Reports for public and parliamentary reading, as *measures of the sufficiency of present law and administration* in the matters to which they relate? Those, I venture to say, are vital questions. From the Supervising Authority's annual reports on the Sanitary Government of England, the reader might particularly hope to derive exact and discriminative information as to the fulfilment of the intentions of the law in the respective supervised jurisdictions: information given year by year, in a systematic and differentiating way, as to the local rates of progress throughout the country in the removal of known causes of disease. The Board, when it was called into existence in 1871, presumably started with such knowledge as was at the time current with regard to various then pressing administrative requirements of the public health; and an account, or at least approximative account, from year to year, how far those requirements had been satisfied, would not have seemed too difficult an account for the Board to keep. During the last few previous years, sanitary grievances, affecting masses of population, had been reported to Parliament for redress:—for instance, that *Filth-Diseases* were still almost universally diffused, and in quantity but slowly and unequally diminishing;* that dangerous

* At a certain slow pace diminution of these diseases as to their aggregate prevalence in England had previously been advancing for a long while: certainly since Mr. Chadwick began his agitation against them; and in my ninth Annual (1867) Report to the Lords of the Council, I had had the pleasure of publishing evidence as to several districts in which reduction, sometimes very large reduction, of Filth-Disease had been effected; but to obtain evidence at short intervals as to the *non-improving* districts seems to me to have been among the most imperative duties of the new authority.

Contagions of Disease were still almost universally multiplying, with little or no local check on such personal conduct as spreads them, and with almost nothing yet done towards the creation of proper local systems of action for cases of infection as they arose; that *Industrial Diseases* were largely wasting adult life among the best of our population, and especially in some of our chief industries, in consequence of unwholesome conditions—(since then declared "nuisances" under the public health law) in factories and other work-places; and that *Deaths of Infants* were habitually occurring in large proportions in particular districts under extreme conditions of inadvertence and maltreatment—the latter not always to be acquitted of criminal intention. The Local Government Board, so distinctively created to be an influence against evils such as those, might have been expected to keep some sort of score in relation to them. What evidence do the Reports afford, that our Supervising Sanitary Authority has kept any such kind of continuous watch? Especially with regard to the oldest and most rudimentary duties of local authorities—those as to the prevention and removal of nuisances, and those as to measures for limiting infection, how far do the Reports distinguish between districts in which the duties are being done, and districts in which the duties are not being done? Granted that during the last forty years there has been, on the whole, a large reduction in the fatality of Filth-Diseases in England, what have the Annual Reports made known as to the non-contributories to that reduction? what, as to the districts (commonly believed to be many) in which little or no improvement has taken place? what, as to the districts in which the positive laws as to sewerage, water-supply and nuisance-removal, have been indolently or connivingly ignored by the local authorities? what, as to the districts in which the law requiring sanitary officers to be appointed has been obeyed in form, only that it may be disobeyed in spirit, and in which the old filth-diseases have been still going on at their old rate? what, in short, as to the very numerous cases in which the legally-required local measures against filth are not taken? And similarly, as regards the distribution of Infectious Diseases—scarlatina, diphtheria, and the like—in the different districts of the country, as compared

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with the rules and practice of the several local authorities in respect of precautions which the law enables them to take against the spread of infection,—what say the Annual Reports? Do they show that the Board has systematically detected the districts in which proper precautions have not been taken, and has promptly moved the local authorities to be more active for the protection of life? In proportion as the Reports of the Local Government Board are consulted for such information as the above queries suggest, they will deeply disappoint the inquirer; for with regard to that real essence of the case, they in general are little better than a void. In the statements which they contain, regarding local expenditure and administrative machinery, we no doubt find evidence, which so far as it goes is highly welcome, that in very many of the districts of England the authorities under the Act of 1872 have in various ways, and often with considerable expense, shown themselves of good intention towards the purposes of the Act: evidence, that within the particular local jurisdictions, particular sorts of movement have been made: but such evidence, even as to the districts for which it purports to speak, carries no conclusive sanitary meaning. The waste or non-waste of men, women and children, is not to be judged in ciphers of pounds, shillings and pence; information as to the boundary-lines of local jurisdictions is many removes from being information on the public health; and readers who care to know of mere administrative inceptions would still more care to know of completions and results.* Inconclusive as the Reports are in regard of the districts to which their above-described information refers, what do they tell of the remaining

* Even the best-intentioned authorities, voting money for sanitary constructions and sanitary appointments, do not always secure their purpose,—not always even the immediate purpose, much less that which is their true end. Sums of money may have been voted for works of sewerage and water-supply, and such works may have been constructed, but yet, from one cause or another, the intended good to the health of the populations may have been imperfectly, or not at all, realised; as, for instance, where the works themselves have been more or less seriously at fault; or where in spite of the existence of sewers, house-drainage has remained so inadequate that the sewers have fulfilled but little of their purpose.—For various illustrations to this and like effect, see in Appendix No. 2 of the Ninth Report of the Medical Officer of the Privy Council, Dr. Buchanan on the *Results which have hitherto been gained in various Parts of England by Works and Regulations designed to promote the Public Health.*

districts? In general they tell nothing. They do not purport to embody systematic local reports from the Board's districted "general" inspectors; nor do they intimate that any such reports are received; nor have they, except most rarely, borne record of any sort of sanitary information received from those officers. Of existing insufficiencies of disease-prevention throughout the country, and of the Board's exercise of responsibilities in respect of such, they uniformly refrain from speaking in any systematic way.* Equally from that silence, and from the bearing of such positive information as is contained in the Reports and their medical supplements, it cannot but be judged that, in the sanitary system which the Reports represent, supervision by the central authority is exercised with but most imperfect eyesight. The President's not telling what most needs to be told of the sanitary districts of the country means no doubt that he is unpossessed of such information, and implies but too plainly that he has therefore been without means of exercising, except in a desultory and most imperfect way, the influence which his office was meant to have. This brings to practical test the organisation which Mr. Stansfeld established: for the essential insufficiency which betrays itself in the Reports of the Board is at the point where, in that organisation, the means of efficient supervision had been withholden. It seems to justify the anticipation expressed in my last section (pp. 388–9) that a predominantly "general" supervision would rapidly tend to become no supervision at all. If the recommendation of the Royal Sanitary Commission in respect of the former medical officership under the Privy Council had been followed in spirit as it was in letter, and the objects contemplated in the Act which originated that office had been kept in view in the Department to which the office was transferred, the Medical Officer under the Local Government Board would have been allowed ample facilities for informing himself on such matters as are here in question; and in that officer's statutory annual report the President might of course have claimed to find,

* In contrast to this is to be observed that each of Presidential Reports of late years has in its Appendix a collection of tributory statements from the general inspectors on the facts as to Pauperism and Relief in the respective inspectorial districts.

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for his own use, a methodical statement of the progress of disease-prevention in England. That such facilities have not existed is a fact to which the successive Medical Officers of the Board have repeatedly referred in their reports, and which any skilled reader of the Board's publications would hardly fail to notice for himself. Not only has the Medical Department been without systematic inspectorial relation to the local working of the common sanitary law, but also, with its limited staff, and in view of the heavy other claims it has had to meet, it has been unable to make occasional inspections in nearly sufficient number to compensate for the want of system.*

Exceptional activity, 1884-6.

In the last pages I have shown what, since Mr. Stansfeld's time, has been the general character of the Local Government Board's sanitary supervision; but I have now to note that, during a period of about two years, it was modified. The supervision having till the middle of 1884 been only such as I have described, circumstances then seemed likely to raise question, in a practical and popular form, whether such supervision with shut eyes was worth maintenance. For there then began a new period of Cholera-alarm for England. In the summer of 1883, Egypt had suffered a new invasion by that disease; in the summer of 1884, various French and Italian and Spanish ports in the Mediterranean showed themselves infected; and thenceforth, till the spring of 1886, successive further ravages of Cholera in parts of Southern Europe, together with the outbreak of it in various north-western parts of France, and its presence during many months in Paris, constantly kept England more or less expectant of invasion. At Midsummer, 1884, with cholera advancing as it was, and already

* During the ten years next following Mr. Stansfeld's presidency, the jurisdictional areas medically visited with reference to more or less of their common sanitary work (as distinguished from the business of public vaccination) seem to have averaged only 48 per annum; an annual proportion of but little over 3 per cent. on the total number of jurisdictions. Had the Board really intended to criticise with reasonable strictness of standard the various local excesses of disease throughout the country, to inquire as to the action of local authorities and their officers in relation to those excesses, to assist such newly-appointed officers as might need practical suggestions on their work, and to see that the officers who received part-payment from the parliamentary grant did their full duties prescribed by the Board, probably the medical inspections would have been at least ten times as many as they were.

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within easy striking-distance of our shores, the Local Government Board, in face of the alarm, appeared suddenly to become conscious that its Intelligence-Department, as organised under Mr. Stansfeld, had not given it any glimmer of knowledge as to the preparedness of local authorities to meet emergencies of infectious disease. I do not say that the ignorance signified more in 1884, in relation to the foreign danger of that year, than it had signified for the previous thirteen years in relation to the habitual diseases of the country; but the less familiar alarm served to draw attention to it, and led to an important (though only temporary) increase of the Board's supervisional efficiency; inasmuch as Sir Charles Dilke, who at the time was President of the Board, at once decided that the state of the national defences against cholera should be examined by the Medical Department; and, from the nature of the case, this examination would necessarily be a general sanitary examination of the places to which it extended. So, under Sir Charles Dilke's auspices, there was made, in July—September, 1884, a preliminary and somewhat hasty visitation of some chief English ports; and then, with four inspectors added for two years to the staff of the Department, a systematic "*Cholera Survey*" of England was entered upon, to be continued as long as the reinforcement of staff would allow. By this *Survey* during the years 1885-6 the Medical Department was enabled to critically examine, at 92 chief points of coast-line, the state of the local administrative arrangements for dealing with ship-borne arrivals of infectious disease, and similarly to examine, in 501 of the 1574 extra-metropolitan sanitary districts of England, the general state of the local sanitary administration; so that, with regard to this important proportion of the field of English sanitary government, the local authorities and their officers had at length an opportunity to profit as freely as might be requisite by the criticisms and advice of central skilled officers.

Dr. Buchanan's description (in supplement to the Board's Report XV.) of the method on which the *Survey* was conducted is as follows:—"In each district that was visited by inspectors of the survey, investigation was made of the general sanitary circumstances of the district with reference to cleanliness, sewerage and drainage, excrement and refuse disposal, water-supply and condition of dwellings; also as to the general sanitary

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administration of the district and the performance of duty by sanitary officers; and, further, inquiry was made as to the provision of means of isolation and disinfection, both as concerns current English infections, and in anticipation of the possible advent of cholera. Moreover, in the ports and coast districts of the kingdom, note was taken of various anomalies of their sanitary constitution with a view to amendment of them hereafter; and the arrangements made by the several sanitary authorities, for giving effect to the Cholera order of this Board (July 12th, 1883) were examined. The inspectors were charged to take counsel, in every instance, with the sanitary authority and its executive officers about matters that were capable of amendment; to place their experience derived from other districts at the disposal of every sanitary administration; and, when needful, to leave with the authority a written memorandum of the advice which they had given in conference. This system of inspection and advising was uniformly pursued; and I have reason to believe that it was generally appreciated by local sanitary bodies; that, where sense of responsibility for sanitary duty had been wanting, the inspections conduced in valuable measure towards its development; and that when local authorities were desirous of performing their sanitary duties towards their own districts and the kingdom generally, they have been greatly aided by the inspectors' visits and have been correspondingly grateful to the Board for the advantage thereby afforded them." In the Medical Supplements to the Board's Reports XV. and XVI., Dr. Ballard and Dr. Blaxall, who had been Dr. Buchanan's chief lieutenants in the *Survey*, report amply on its results: both as to the local conditions which they and the other inspectors had found existing, and as to the nature and effect of the communications they had had with the respective local authorities and officers. It would be cumbrous, and is not necessary, to quote here any details of the reports: but with regard to their general bearing, I may say that their every page justifies beyond question the policy of the *Survey*, and equally condemns the policy which had for so many previous years forbidden any systematic action of like purpose. To two broad statements made in the reports I would, in that point of view, particularly refer. First, as regards the

local authorities which the Act of 1872 had established, Dr. Ballard points out that "one result of the survey has been to bring prominently into notice . . . . . the very varying degree of efficiency of their administration. This is the first thing that must strike a reader of the reports. . . . . Many sanitary authorities have been working and are still working earnestly for the improvement of the districts in their charge, not in one direction only, but in all directions of importance. Others have since their constitution done no efficient work, or little of primary importance. Indeed, some of these latter authorities, it will be seen, evince no desire even to be properly instructed as to the sanitary requirements of their districts, asking for no reports from their medical officers of health, and paying little or no regard to them when presented. And, unfortunately (though this is only what was to be expected) it is the very districts which are in the most unwholesome condition in which this sanitary apathy of the authorities is most observable. . . . . There is yet a third class of authorities, the most numerous of all, especially in the rural districts, which is intermediate between these extremes, where laxity and tardiness is the rule of the administration, a laxity and tardiness which shows itself in a variety of ways (as exhibited in the several columns of the précis) not the least infrequent of which is a tenderness in dealing with private premises, and with recurring nuisances on and about them, and in the neglect of the conditions under which the poorer part of their population live, that part of the population least capable of self-help." Then, at last, as regards the spirit in which the local authorities and their officers received the inspectors of the central authority, Dr. Ballard (p. 127) reports as follows:—"I cannot properly bring these observations to a close without alluding to one incidental advantage which has accrued from the survey. I allude to the encouragement which the personal interview with the Board's inspectors has afforded to many medical officers of health, who under multiform difficulties, discouragements, and impediments, have been anxious and have striven to perform their duties efficiently and for the benefit of the communities in their charge. The inspectors engaged upon the survey have all told me of the gratification at the inspectors' visit experienced and expressed by these

gentlemen, and of their thankfulness for the advice given them personally as to the best methods of discharging their functions and of attaining the ends they have in view. Especially has this been the case with medical officers of health newly appointed, who, when they have not filled a similar post before, and have not been specially prepared for it, have been most grateful for the opportunity thus afforded them of acquiring a kind of knowledge which they could scarcely acquire in any other way so effectually." With regard to each of the two matters on which I have quoted Dr. Ballard, I may quote Dr. Blaxall as reporting to the same effect from his different field of observation. In respect to the coast-survey, with which he was particularly charged, his report (pp. 131 and 149) is as follows :—"Evidence was forthcoming of much good work done . . . . . in the way of sanitary administration with reference to measures adopted, both to prevent the spread of disease and to ensure a wholesome condition of vessels. On the other hand many weak points were revealed, together with much neglect of sanitary administration. The riparian [common sanitary] authorities [to be distinguished from special *port*-authorities] had, as a rule, omitted to carry out the duties imposed upon them, owing generally, it would seem, to ignorance of the requirements of the Public Health Acts. The opportunity offered by these inquiries for personal intercommunication between the medical inspectors and local health authorities proved of essential service in enabling the authorities to apprehend the nature and importance of the duties devolving upon them as administrators of the Public Health Acts and Cholera Regulations, and to inform themselves on a variety of points which they had before neglected or had imperfectly understood." . . . . . "The various authorities with whom we were brought in personal communication evinced considerable interest in the health question, and for the most part were desirous of acquiring information: many of them who had previously been careless of their duties promising to carry them out in future." . . . "The present inspection has certainly procured for the Board the confidence and gratitude of many port sanitary authorities who are desirous of efficiently performing their sanitary duties."

Altogether admirable was the tone of that inspectorial work

done under the Board's authority during the two years 1885-6; and very striking was the contrast between it and the previous insignificance of the Board's supervision. It was essentially such work as the Board, on my contention, ought to have been doing from the time when it was established. That the *Survey* tended powerfully to stimulate the sanitary progress of the country will be clear to any competent person who reads the reports. That, during the two years for which it advanced, it did great good—good incalculably greater than the Board could by other action have done, and good distinctively of the sort which the Board had been commissioned to do,—seems to me quite unquestionable. And in the light of the trial which had been made, it apparently might have been well foreseen, that the steady prosecution of such work for ten or twelve more years would secure results which otherwise not half a century's endeavours could be expected to attain. With those considerations in the mind, it is indeed deplorable to know, that, towards the close of 1886, the unfinished act of supervision was allowed to come to an end, and that the previous system of "how *not* to do it" was tranquilly resumed.*

Current working of the L. G. Board in sanitary matters.

Under this restored reign, the benefit permitted to reach the country from the existence of the Central Medical Department has been but of small proportion to that which the Department, with moderate extension and proper facilities, could certainly render; and it seems clear that, for want of such extension and such facilities, large parts of the business which the Local Government Board purports to transact with district authorities must be transacted under disadvantageous conditions. The system seems far too much to suppose that a free consumption of stationery may serve instead of skilled visitation; that central opinion on local sanitary cases may in general be an affair of correspondence; that average local reports will in general be of such completeness and exactitude that the central skilled officer can readily advise on them, without having first in person or by deputy examined as to facts. My experience has not been to any such effect as that. A central skilled officer, desired to

* The financial decisions under which this result came were no doubt of much earlier date than the result itself.

ii.—Supervision by the Local Government Board.

advise day by day on masses of average local reports and correspondence, but not aided by special inspection at the time, or by reference to notes or memories of fairly-recent previous inspections, will in a very large proportion of the cases—(when I was in office I should have said an overwhelming majority of them)—find that he cannot advise in a way to satisfy himself, or likely to satisfy others. The materials referred to him will in most cases be in some degree incomplete or inexact, will in many cases be unanswerably vague or fragmentary till further information is given, and more than a very few of these will be such that no practicable correspondence on them seems likely to do good. In sanitary, as in other affairs, sound advice cannot be given except on defined premisses; and the sanitary adviser who is but imperfectly made aware of the facts of his case, can only give his advice with such speculative qualifications as will make it rather an exercise in casuistry than a help to administrative practice. Critics who observe how very few are the medical inspections which the Local Government Board allows for general sanitary purposes, as distinct from vaccination-business, in comparison with the fact that the Board's paper-references to the Medical Department on general sanitary business number now some seven thousand in the year,* may wonder from what knowledge of local facts that mass of local references is to be answered; and suspicion will perhaps arise that they who make these references to the Medical Department may at times go through their official ceremony with somewhat of the smile of augurs. In the growing number and variety of the references made to the Medical Department in respect of the Board's sanitary business, there of course is every reason for gratification;† and it may be taken for granted that at present in matters of daily detail (if not equally in larger matters) the administrative officers of the Board are alive to the necessity of fortifying themselves with medical advice when sanitary interests are in question;‡ but the

* See Dr. Buchanan on the business of 1886 and 1887: in *Reports* XV. and XVI, Medical Supplement. In 1886 the references, *in*cluding vaccination, were 8,500; in 1887, *ex*cluding vaccination, were 7,000.

† In 1884 Dr. Buchanan, in the opening paragraph of his Report, speaks of "the increased recognition which the Board has during recent years been pleased to accord to the advice of its Medical Staff."—L. G. B. *Annual Report* XIII., *Supplement*.

‡ In this respect it is satisfactory to observe that of late years the Medical

very large disproportion which exists between the number of local sanitary questions on which advice is expected from the Medical Department, and the quantity of the means allowed to the Department for acquiring the proper local knowledge on which to found its advice, is a weakness which must certainly affect the Board's correspondence with the authorities it purports to guide.*

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While the Medical Department, under the circumstances which I have described, has in great part been debarred from the administrative uses it might have rendered throughout the country, with reference to the reduction of disease, and to the improvement of sanitary organisation, happily it has been able to make progress in very important sorts of collateral work. Unlike those government offices which, at least relatively speaking,

Scientific Progress in the Medical Department:

Department has been admitted to take part in conferences held at the office with representatives of local sanitary authorities where matters evidently sanitary have required consultation: *e.g.* in 1885, "principally with reference to the medical considerations involved in proposals for local byelaws where the adaptation of sanitary principles to the circumstances of particular localities came into question; and with reference to the medical points to be held in view by authorities proposing to borrow public money for the erection of isolation-hospitals, or for other objects of local sanitary advantage;" and of course in various of these cases more or less of medical inspection has been found necessary.—See Dr. Buchanan's Supplements to L. G. B. *Annual Reports*, XIV–XVII.

* Probably some of the correspondence is further weakened by the indirectness of the Medical Department's relation to it. The Medical Department (when referred to) advises on the Board's official letters, but does not itself correspond. Generally in regard of local questions of sanitary practice, written communications, even at their best, cannot be more than an imperfect substitute for personal colloquy in presence of the local facts; and when the written communication must have the additional disadvantage of indirectness, there may often be doubt whether entering on it can be worth while. For instance, in the large number of cases where medical officers of health are supposed to be advised on their official reports, and on points of sanitary practice involved in them, not only does the secretarial signature fail to add weight to the advice of the letter, but the advice may to some extent have had to adapt itself to the signature: for the common usages of professional life would hardly allow the central medical officer to express himself through a non-medical secretariat as freely as if he were writing in his own name. There would be difficulty in medical consultation-correspondence on the treatment of disease, if it were made similarly circuitous: if, for instance, a foremost London consultant, having to suggest to his professional brother in the country some different method of treatment for the squire's asthma or the lady's megrim, were not in direct correspondence with his fellow practitioner, but must have his medical suggestions adopted by the family solicitor, and expressed to the distant doctor in the form of a lawyer's letter.

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may be said to work from the basis of a completed and final experience, the central Medical Department must always be endeavouring to learn. Among its most imperative duties to the public, is, that it shall maintain and continually increase its own scientific efficiency as an advising department; that the knowledge on which its advice in particular cases, and its standing memoranda of general advice, are based, shall always be the most exact and complete knowledge which at the time is possible; that it therefore shall be incessantly watchful to recognise and appropriate for the public service all new experiences which concern the various moot sanitary questions of the day, whether such experiences arise in its own administrative sphere, or in the independent work of others, and that, where such experiences are fragmentary, it shall, in important cases, integrate them by systematic special studies of its own; that in itself, and in publications to be renewed by it from time to time as circumstances require, it shall be foremost in a constantly advancing gain and proclamation of such new knowledge as may be of benefit to the Public Health. Claims for more or less scientific work to be done in that spirit are apt to develop themselves incidentally in the course of common sanitary inspections, primarily undertaken only in the interests of some single district, but where the skilled inspector, amid local facts not previously understood, comes on clues for scientific discovery; so, again, claims for extensive and connected scientific study requiring to be conducted on system, and likely to be of long duration, arise in obscurities of disease, or difficulties of sanitary administration, common to a plurality of districts; while also and always, in the deeper scientific relations of Preventive Medicine, there are questions constantly coming forward, which require elaborate study by methodical Laboratory Investigations, such as those which the Medical Department, under favour of the special Parliamentary vote previously mentioned, is enabled to conduct. In those fields of industry, not immediately administrative, but of really infinite concern to future administration, the Medical Department, during the years which are here under review, has done what work it could, and with results which are on record in the successive departmental reports.

Thus, from time to time during these years, endeavours have been made to produce for the common information of local authorities and officers, consolidated statements of knowledge as at the time existing, with regard to particular objects of administrative duty. For instance, in 1874, in a Report on *Filth-Diseases and their Prevention*, endeavours were made to codify for general use all the knowledge which down to that date had been obtained as to the various forms of that one class of dangers to the public health, and as to the corresponding varieties of precaution to be used against them; and among the Appendices to that Report was one which Mr. Netten Radcliffe, after a long series of special investigations, had prepared for the purpose,—a description of all such improved contrivances as were yet at work in towns and villages throughout Great Britain for dealing with offensive refuse. At that time, and during several subsequent years, Mr. Radcliffe had in continuous charge the duty of observing the movements abroad of *Asiatic Cholera* and *Levantine Plague;* and his assistance enabled the Medical Officer to furnish for public use annual statements of information on those matters. In 1875 there was initiated a large and systematic study by Dr. Ballard, concerning the *Effluvium-Nuisances* which arise in connection with various manufacturing and other branches of industry, and specially with regard to the effect upon health of each such nuisance, and to the degree in which the nuisance can be prevented: the results of which study, presented by Dr. Ballard in three successive reports during the years 1877–79, constitute a complete body of scientific and practical information, for the guidance, both of the traders who produce the nuisances in question, and of the authorities who ought to control the nuisances; such a body of information as is, I believe, not only without equal in its own branch of sanitary subject-matter, but certainly without superior—as to thoroughness of work—in any sanitary publication known to me.* During Dr. Seaton's tenure of office, Dr. Ballard's continuation-work being in progress, no opportunity was found for initiating any other similarly synoptical work in matters of

* I regret to have to record a doubt whether at the present time Dr. Ballard's extremely valuable Reports exist in such form of publication as that the classes for whom they were written can have access to them.

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sanitary administration; but in 1880 Dr. Buchanan initiated an inquiry into the experiences of such *Infectious Disease Hospitals* and *Disinfection Establishments* as were then existing; and this inquiry, ably conducted by Dr. Thorne and Mr. Power, and reported on by them, gave results full of instruction for local administrators. Further, in the same year, for the assistance of sanitary authorities who might be proceeding to take action for their districts under the provisions of the Interments Act of 1879, Dr. Buchanan, with the assistance of Dr. Parsons, prepared an instructive departmental memorandum on the *Sanitary Rules* to be observed in the establishment of *Public Cemeteries*. In 1881, Dr. Stevens made a large fresh inquiry (which in regard of London was exhaustive) as to the control of small-pox by vaccination, and especially as to the *Preventive Merits of Public Vaccination*. In 1882, with Dr. Blaxall's assistance, extensive inquiries were made into the *Sanitary Conditions of Migration* into and from this country: especially as to the conditions of travel and lodgment of immigrants and intending emigrants, and as to the arrangements on board of emigrant ships; above all, as to the precautions taken at ports of debarkation and embarkation, and their lodging-houses, and on ship-board, for detecting infectious disease and guarding against its spread: and Dr. Blaxall, who, as inquirer into those matters, had the advantage of previous naval experience, was able to present a general report calculated to be of much value both to shipping-companies and to local authorities. In the same year Dr. Buchanan himself issued a valuable memorandum, drawing attention to the frequent influence of *Elementary Public Schools* in the diffusion of *Infectious Disease*, and pointing out the conditions under which particular scholars ought to be excluded from schools, or particular schools to be closed.

Advances in new scientific discovery; by Inspectors;

Again, in several instances during the last few years, inquiries originally undertaken by the Medical Department for some administrative object, perhaps of small scope, and not obviously of any exceptional scientific interest, have brought to light the scientific need for some wider or deeper investigation; and out of such incidentally enlarged studies, extremely valuable additions to previous knowledge have been made. Especially this has been

the case with work by Mr. Power and Dr. Ballard; and both these officers are contributing importantly to widen the foundations of sanitary practice.—Thus, with regard to the *Dissemination of Smallpox*, Mr. Power, in connection with his joint-inquiry of 1880 into the working of hospitals for infectious disease, began to see what, by subsequent elaborate extensions of work, he appears at last to have solidly proved: that, from groups of smallpox patients brought together in hospital, the contagium of the disease is capable of diffusing in the external air, irrespectively of personal intercourse, to the distance of at least a mile; and that to this distance it can be traced and measured as operating in the successive zones of area with proportionate diminutions of intensity.—On a later occasion, working with the same rare sagacity and perseverance from difficulties which he found in accounting by recognised doctrine for a certain outbreak of *Scarlatina*, Mr. Power proceeded step by step to establish (as at present appears) the startling discovery, with all its extremely important administrative consequences: that bovine, as well as human beings, are susceptible of scarlatina; that, between brute and human subject, the disease is communicable; that authorities who would guard their districts against epidemics of scarlatina have to think not only what human scarlatina may be within the area, but also what bovine scarlatina may be in the cow-houses, and may be infecting the milk which is for human use.—Within the same period with those works by Mr. Power, has been a work of extraordinary importance by Dr. Ballard, growing out of an instruction which at first (1880) related exclusively to the town of Leicester. Since 1881, namely, Dr. Ballard has at every opportunity been conducting, and since the close of the Cholera-Survey has been gradually bringing towards completion, an investigation on very large scale, and of peculiarly searching character, into the exact nature and the localising conditions of the *Summer Diarrhœa* which is of well-known fatality, especially to infants and young children, in many chief urban districts of England. According to a first instalment of report which Dr. Ballard has recently made, and which he in his admirable scientific spirit characteristically describes as merely "provisional," he seems to have succeeded in identifying a hitherto unrecognised specific disease—specific in

the sense in which enteric fever or measles is specific; and the report gives good reason for suspecting that the endemicity of the disease must probably be due to the zymotic power of a specific micro-organism which under certain conditions of season, and under certain (happily controllable) local conditions, would, Dr. Ballard suggests, be capable of breeding in the superficial layers of the earth, and of spreading from them to infect the lower levels of the air.—Very appropriately, in the same volume with that important addition to our knowledge of diarrhœa, is published a highly suggestive contribution to the endemiological study of *Diphtheria:* a report by Dr. George B. Longstaff; whom "a faint hope of lighting upon some clue" as to the causation of diphtheria had "induced to undertake a tedious investigation into the distribution of 89,603 deaths from the disease recorded in England and Wales during the twenty-six years from 1855, when it first appears in the returns of the Registrar-General, to the close of 1880." The result of this laborious statistical study (embracing a variety of carefully-drawn distinctions) has been to exhibit diphtheria as apparently at first a disease of rural rather than urban affinity; and it seems to argue very strongly in favour of extensive exact investigation, whether perhaps the essential cause of diphtheria can be found in something which "the country" has sent, and is sending, into towns:—for, in this connection, says Dr. Buchanan, "it is impossible not to recall the relations that have occasionally been witnessed between outbreaks of diphtheria and particular milk-supplies, and the relations, strongly suspected, but not yet sufficiently demonstrated, between diphtheria in man and disease in various domestic animals."—The year 1889 in which the two last-mentioned reports have emanated from the Medical Department, has had the further departmental success of Dr. Barry's report on the *Sheffield Smallpox Epidemic* of the years 1887-8, and on the influence of vaccination in limiting its spread and its severity: a report, which, from its copiousness of exact detail, is of rare evidentiary value; and as its publication has fortunately coincided with the appointment of a Royal Commission, having to certify on the merits of vaccination, the public will no doubt learn in due time whether the anti-vaccinists have anything to say against the argument which the report furnishes.

ii. - Supervision by the Local Government Board;

In addition to the various works of doctrinal consolidation, and to such instructive pursuits of new knowledge as have on different occasions grown out of administrative visits to particular districts, there has been continuous work in Laboratory Investigations. Those Investigations, while under direction of the Lords of the Council, had been mainly divided between two great objects: the one—in which Dr. Sanderson and Dr. Klein and Dr. Creighton took chief parts, a multiform study of *Infective Processes*, Acute and Chronic; the other, which it was hoped would afterwards have pathological application, Dr. Thudichum's studies in *Organic Chemistry;* and till 1883, both those lines of work were followed: but from 1883, when the more physiological study was brought to a close, the Investigations have found sufficient subject-matter in questions of *Infection* and *Disinfection*, including the intimate special pathology of various *Infective Diseases*, and of late much particular study relating to questions of *Prophylaxis*. Sometimes in co-operation with Inspectorial Research,* and sometimes in separate action, the Laboratory Investigations have always been increasing that basis of exact knowledge from which the Department derives its pretensions to advise. Here and there have been certain quantities of work, not pretending to give immediate administrative return; for example, various of the zymological studies which have been diligently pursued by Dr. Sanderson and Dr. Klein and their assistants, or Dr. Thudichum's singularly arduous undertaking in respect of the chemistry of the nervous system; but though these, in a provisional sense, have been of comparatively abstract science, they of course have been undertaken with ulterior regard to demands of practical significance. In other directions, results already attained are in near and nearer readiness for applications in medical practice, human and veterinary, or for purposes of sanitary action. Thus, for instance, Dr. Klein, ever at work in the microphytology of the morbid contagia, has, during these years, not only made large additions to previous knowledge of the habits and modes of action of contagia within the animal body affected by them, but has succeeded in clearly identifying

and by Laboratory Studies.

* See for instance Dr. Klein's contributions to Dr. Ballard's studies of Diarrhœa, to Mr. Power's study of Scarlatina, and to various departmental studies of Poisoning by articles of Food.

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and isolating the contagium of the pneumo-enteritis of swine, the contagium of the foot-and-mouth disease of farm-stock, and, he believes also, the contagium of scarlatina. Of extraordinary interest, too, in relation to questions of prophylaxis against the more deadly infections, is the fact that Dr. Wooldridge, in a line of research distinctively his own, and which he has developed out of such special studies of the blood as might have been deemed abstractedly physiological, appears to have arrived at an essentially new method of giving immunity against the infection of anthrax; and the reflection is obvious, that, in the discovery which Dr. Wooldridge seems to have made, limited though it yet is to but one disease, and but imperfectly understood even within those limits, there may be, for future development, very powerful possibilities of extension and usefulness.*

The very conspicuous ability of the Department under Dr. Buchanan at the present time, as shown in the works to which my last pages have referred, and in the administrative advice which the Department supplies, is something of which English Medical Science has every reason to be proud. In proportion as it is recognised, and as its eminent adaptedness for practical use is understood, so much the more must regret be felt that the Department was not allowed to retain the increase of staff which for two years had vastly increased its powers of public service, and with which the Board had been rendering it an instrument of real effect to stimulate sanitary progress in many backward districts of the country.

iii.—THE MEDICAL ACT OF 1886.

iii.—The Medical Act of 1886.

In 1871, when the Local Government Board Act removed from the Lords of the Council the responsibility they had had in local sanitary affairs, no change was made in their Lordships' other sanitary responsibilities, and especially the Lords remained

* With deep regret at the last moment I have to add to my above mention of Dr. Wooldridge the sad record of his untimely death, on June 6, 1889: the end of a career of rare scientific promise and enthusiasm, after but a few days of illness during which he would not cease to work. It is to be hoped that others may appreciate and continue the eminently original lines of research which he had opened, and which seemed likely to give him very great results.

responsible to Parliament in questions regarding the Professions of Medicine and Pharmacy. On various occasions during the years 1877–82 (as mentioned at page 310) their Lordships had shown renewed desire to obtain comprehensive legislation for the Medical Profession; but in their attempts for that purpose they had never made real progress. At last, in 1886, an almost accidental impulse, operating under conditions which were also in great part accidental, led to the passing of a Medical Acts Amendment Bill of a certain sort.

iii.—The Medical Act of 1886.

Particular case requiring an amendment in the Act of 1858.

A difficulty had come before the Colonial Office with regard to claims of medical privilege in the self-governing British Colonies, —primarily, a question with the State of Ottawa as to the right of the Colonial Legislature to limit by local statute the run of privileges which had been conferred under the Medical Acts of the United Kingdom; and as this difficulty, which Government deemed urgent, could not receive the solution intended for it unless a certain provision in the Medical Act of 1858 were repealed or modified, so, for the purpose of carrying that amendment, a Medical Acts Bill must now be brought before Parliament. The clause which Government urgently needed to carry was not likely to be opposed on any ground special to itself; but, at the moment when its passing was so urgently desired, the merest breath of opposition would have sufficed to stop any bill not of first-rate importance; and it was certain that opposition would be raised against the Government's colonial clause, unless clauses of certain other sorts, agreeable to interests which could make themselves heard, accompanied it. The general public had hitherto learnt far too little of its own interest in the constitution of the Medical Profession, to be feeling any concern on the subject; and it was chiefly with deference to far narrower interests, that this Bill would have to be fashioned and trimmed. The line of least resistance would of course not be the line of such endeavours as the Ministers of both political parties had hitherto deemed essential to a Medical Acts Amendment Bill; and the promoters of the colonial clause could not afford to touch those greater objects of endeavour, except so far as they would be ready, on demand, to slur them over with almost any sort of compromise. It was unfortunate that any Medical Acts Bill should have to come before Parliament under conditions such as

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those; and a worse misfortune of the time was, that just then the House of Commons was losing by death one of its foremost members, Mr. W. E. Forster; whose relations to the subject, first, as a promoter of the Bill of 1870, and afterwards as Chairman of the Select Committee of 1879-80, had been peculiarly close; and who, both because of the knowledge he had acquired in those relations, and because of his character and the confidence which was reposed in it, would have been of recognised high authority on such questions of compromise as were about to be raised, and especially would have been as a tower of strength for the interests of the public in those questions.* But, however unfavourable the auspices, action had to be taken in the matter; and accordingly in 1886, soon after Mr. Gladstone's third accession

* After a six months' struggle with painful illness, Mr. Forster died on the 5th April, 1886. He had been Education Vice-President throughout Mr. Gladstone's 1868–74 premiership; and the habitual intercourse which I had with him in that relation, as well as afterwards in others, gave me a respect for him which I would wish not to leave unexpressed. Already for years before his connection with the Council Office, he had made his mark in Parliament as a man of conscience and purpose; and in office he more and more displayed the individuality of a great Englishman. Of earnest political convictions, he also was of immense vigour and industry, and of commanding clearheadedness and good sense; not effusive, not rhetorical, but powerful in the matter of what he said, and in his evident care for the truth of it. Magnanimous, but self-restraining and circumspect, he moved with a soldierly sort of caution against surprise, or as the mountaineer who guides across crevasses. Unstudious of conventional graces, and with a straightforwardness so intent and often so abrupt that it perhaps did not always appear sufficiently polite, he, under cover of that somewhat rugged manliness, abounded in deep stores of humane feeling and impulse. No speculative casuist or hair-splitter, he yet had an ever-watchful subtilty, both of intellect and of feeling, where the rights of others had to be understood, or their sufferings to be measured or redressed. In dealing with provinces of controversy—(and even our medical business had some such on its borders)—his care for justice was conspicuous. That in him which before all else struck me, and in which I have never known his superior, was the solicitude he always showed to understand both sides in every contested matter, and to make sure that the side of less authority should be heard at least as patiently as the other. Utterly hating injustice, and unfailingly ready to do battle against it, his liberalism was not of the sort which contents itself with justification by faith. Before the too early death which his incessant overwork brought on him, the world had begun to appreciate the heroic elements in his character; with what complete self-devotion he served his country; with what absolute courage and constancy he took his great share in some of the painfullest duties of statesmanship; shrinking from no magnitude of toil, nor from any obloquy, nor from any danger; ever in the front where good work was to be done, and knowing no fear but lest he should do wrong.

to the Premiership, Sir Lyon Playfair, who was Education Vice-President during the six months of that administration, introduced in the House of Commons a Medical Acts Amendment Bill.*

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In that very exceptional session of Parliament, with parties excited to the utmost in discussions of an immense national interest, and then with the House of Commons for some weeks all but formally in dissolution, it was not to be imagined that any Medical Acts Bill would receive general notice, or that any progress with such a Bill could be made except through private negotiations for silent assent. The fact that the promoters of the Bill of 1886 did not raise issue with any section of the House, but were left free to carry their Bill as unopposed, is evidence enough that the measure was not to effect any important reform in the previously existing order of things. Accordingly the provisions of the Act of 1886 do not correspond with the principles of 1870, or with the recommendations of the Royal Commission of 1880–1, except so far as agreement without discussion in the House had been easy; and beyond that point, they appear to be little more than make-shift contrivances, by which various threatened discussions had been postponed.

Opposed reformatory legislation impossible.

New provisions of law.

Thus, as regards one main principle of 1870, no doubt the Act of 1886 does decree the abolition of fragmentary qualifications;† and of course it was right that the abolition should be so decreed by statute; but, in this long-delayed decree, the Act only puts statutory seal on a reform which the Medical Council had already in late years taken independent measures of its own to effect. As regards the other main principle of 1870,

* Sir Lyon Playfair, till recently, had for many years been member for the Universities of Edinburgh and St. Andrew's, and, in that relation, had, from 1870 onwards, been the chief parliamentary representative of the unwillingness of the Scotch Universities to lose their privilege of separate licensing.

† For corporations not otherwise having legal authority to grant diplomas of all-round qualification in medicine and surgery and midwifery, the Act gives two sets of facilitating provisions; *first*, concerning bodies in combination, to the effect that the required diploma of all-round qualification may be the joint act of any two or more bodies if at least one of them has authority in respect of medicine, and at least one has authority in respect of surgery; and *secondly*, as to other cases, to the effect that any medical corporation having only partial authority, and not able to enter into combination as last-mentioned, shall be of authority to give the diploma of all-round qualification, if the Medical Council or the Privy Council have appointed for it such assistant-examiners as its case may have been found to require.

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the Act of 1886 fully recognises that the too easy obtainability of licences to practise, by candidates not possessing due knowledge and skill, is a danger against which the public needs to be safeguarded; but it raises no question as to the roots of that danger, and apparently does not care how many competing licence-boards there may be in the United Kingdom or in any division of it. Against the supposed probability that with a multitude of such bodies there will be a tendency to downward competition in the strictness of conditions for licence, the Act does not aim at constituting the security of a well-regulated "one-portal system" for the United Kingdom. Instead of so doing, the Act takes as its security the principle of *inspections* to be directed by the Medical Council under responsibility to the Privy Council; and subject to that security (the provisions for which were far more easily enacted in words than they can be fulfilled in practice) the Act continues the old system of many independent portals, and continues to each teaching university the privilege of passing its own graduates on to the national Register.

With regard to the constitution of the Medical Council, the framers of the Act adopted the proposal which the Royal Commissioners had approved, and to which now no opposition remained, that the Council should contain a proportion of members elected by general vote of the Medical Profession; but, ignoring the recommendation of the Commission, that this change should form part of a reconstitution by which the size of the Council should be reduced from 24 to 18 members, and ignoring the general testimony which had been borne to the already inconvenient largeness of the Council, the legislators could face no harder task than that of agreeing to applications for additional seats; and accordingly the Act, instead of reducing the Council to 18, has increased it to 30 members.

Dealing in a somewhat similar spirit with our wilderness of medical titles, it not only made no attempt to introduce the beginnings of order, but, with general complacency to applicants, it accepted some additional elements of confusion.

Doubts as to their finality.

Whether the funds which the Medical Council has at its disposal will suffice for the maintenance of its new constitution, and of the new officers it is required to appoint,—whether

especially its inspections of the very numerous separate and independent examinations can be of such frequency and thoroughness as to lessen in any sensible degree for the benefit of the public the insecurities which have been ascribed to the system of so many portals of admission to the Medical Register, —are questions which will in time be answered by experience; but, till sufficient answer in the affirmative has been given, the Act of 1886 can hardly be regarded as more than provisional; and meanwhile it would be premature to suppose that the last word has yet been spoken for some such simplification of system as the Bill of 1870 aimed at introducing.

iii.—The Medical Act of 1886.

iv.—LOCAL GOVERNMENT LEGISLATION OF 1888—9.

iv.—Local Government legislation of 1888-9.

In 1888, under Lord Salisbury's premiership, and with Mr. Ritchie in the presidency of the Local Government Board, the general plan of local government for England was importantly augmented, according to the standard of modern intention, by the Act of Parliament 51 and 52 Vict., c. 41. Under this Act, which confers on each county for prescribed purposes the right of self-government by an elected representative council, the government of counties, as to matters not of "district" jurisdiction, is brought into analogy with the previously established government of boroughs. The Act transfers to the county councils, from the jurisdiction of County Justices of the Peace in Courts of Quarter Sessions and otherwise, the manifold administrative business which the Justices had been doing on behalf of the counties; and it provides facility for hereafter transferring to the councils, out of the statutory local-government powers hitherto vested in central government, any which Parliament may see fit so to transfer.

Important for sanitary objects.

It may be expected that the reconstitution of county government effected by the Act of 1888 will indirectly be of advantage in sanitary affairs. Some such change had for many past years been contemplated by Parliament; and (as formerly mentioned) a definite scheme for the purpose had formed part of Mr. Göschen's comprehensive *Rating and Local Government* Bill of 1871; but Mr. Stansfeld, when succeeding to Mr. Göschen's task, had not continued that attempt, nor, from then till 1888,

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had any subsequent Minister resumed it. During the long period of legislative suspense, with old jurisdictions about to cease, and new jurisdictions hitherto undetermined, it had been difficult to develop county administration by the addition of new responsibilities; and the disadvantage had been very notable in regard of the sanitary government of country places,—as for instance in the difficulty (before explained) of instituting suitable officerships of health for rural and minor-urban districts. Now, however, with the establishment of representative county government, difficulties of that sort have come to an end; and partly by direct provisions of the Act, partly through the fact that the new councils are ready to receive such further new powers as Parliament may find necessary, easy way has been opened for various advances in rural sanitary administration.

Parts of the Act relating to Officers of Health.

Objects immediately sanitary could not on a large scale be brought within scope of this particular measure; but the opportunity had been taken to aim at some such objects; and especially it deserves notice that, in Sections 17–19 of the Act, parts of the law relating to Officers of Health were amended. During the time when the Bill was before the House of Commons, influential voices had drawn attention to the experience which had been had of the working of Mr. Stansfeld's system of health-officerships. Especially Sir Lyon Playfair, who in this connection evidently had the ear of the House,—speaking with the responsibility of one who had held ministerial office, as well as with scientific reputation, and with the prestige of an almost unique veteranship in the subject-matter,*—had pressed in strong terms that the rural officerships of health, as arranged under the legislation of 1872, had in great part proved illusory, and that, unless radical improvement were made in the system of those appointments, the proposals of the Local Government Bill could not give good county administration for sanitary purposes; †

* Sir Lyon Playfair had served on the Health of Towns Commission of 1843–45, and in 1888 was, with exception of Sir Richard Owen, the only survivor from that Commission.

† See in the *Times* of April 14th, 1888, the speech of Sir Lyon Playfair on the second reading of the Bill. Among its censures on the existing system are these: "The whole organisation of the sanitary service in rural districts was even now, though under the direct control of the Local Government Board,

and subsequently he had given notice of an amendment, proposing to transfer to the County Councils all the powers which the provisions of the Public Health Act relating to Medical Officers of Health vested in the district sanitary authorities, and all which they vested in the Local Government Board. It does not appear that the amendment, exactly in its original form, was pressed; but in its stead an amendment was agreed to, which now stands as Section 17 of the Act; providing that the Council of any County, if it sees fit, may appoint an Officer or Officers of Health, and may by agreement with district councils render the services of such officer or officers available for the respective districts in substitution for the services of officers previously required to be of district appointment. There also is enactment (Section 19) that every district health-officer shall send to the county council a copy of every periodical report which he makes to his district council, and that, if the report shows the Public Health Act not to have been properly applied in the district, or the health of the district in any other respect not to have been duly cared for, the county council may represent to the Local Government Board accordingly. Section 18 improves the previous law with regard to the professional qualifications for officerships of health: enacting (with reserve of exceptional dispensing-power for the Local Government Board) that in future every one to be appointed an officer of health must possess an all-round legal qualification in medicine and surgery and midwifery; and that, after the year 1891, if the appointment is for a county or county-borough, or for any area containing a population of 50,000 or more inhabitants, the candidate (unless privileged by previous tenure of a high-class sanitary office) must show that he holds a special sanitary diploma under Section 21 of the Medical Act, 1886.

The large general provision mentioned above, as having been

desperately inefficient." . . . "Country surgeons . . . gave some fragments of their time to sanitary duties." . . . . "The less these officers did, the more they were pleasing to local boards. (Hear, hear.)" . . . "They were paid to do nothing, and they did nothing. (Hear, hear.)" The parliamentary secretary of the Local Government Board, following in the debate, declared his department's sense of the high authority with which Sir Lyon Playfair spoke in the matter.

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made in the Local Government Act with regard to the statutory powers exercised in counties by central government, is contained in Section 10 of the Act; and this enactment deserves particular attention, both as regards its actual scope, and as regards its history. In scope apparently co-extensive with the range of local administration in England, it applies to "any such powers, duties and liabilities of Her Majesty's Privy Council, a Secretary of State, the Board of Trade, the Local Government Board, or the Education Department, or any other Government department, as are conferred by or in pursuance of any statute, and appear to relate to matters arising within the county, and to be of an administrative character," and applies also to certain powers of local public bodies, and to "any power vested in Her Majesty in Council." It does not expressly direct any transfer of powers; but it assumes that more or less transfer to the county councils may be found desirable; and it prescribes the steps by which, with approval of Parliament, any of the statutory powers can be so transferred. The promoters of the measure had originally intended that the Act, before offering that sort of facility for possible future transfers, should itself in express terms have devolved upon the county councils a certain proportion of the powers in question; and, with this intention, the Bill in its first stage had enumerated in a schedule of some pages the powers which it proposed to transfer. Before long, however, it was found that the contents of the schedule would require examination of a far more critical kind than the House could at that time afford to them; and the original proposal was therefore withdrawn in favour of one which shaped Section 10 of the Act: to the effect that, in regard of any such transfers of power as were in question, it shall be lawful for the Local Government Board from time to time to submit proposals to Parliament in the form of Provisional Orders, which Parliament, if approving, will make law. In recollection of the contents of the withdrawn schedule, and all the more when the whole field of the case is regarded, it could hardly not be judged fortunate that this opportunity for further consideration of the subject was given, and that the course of events, tending to bring as a whole before Parliament the question of the relations which ought to exist between local and central administrative authority,

Provision for transfers of power from Central Departments to County Councils.

would almost necessarily oblige Parliament to bestow on that great political problem the deep and comprehensive attention which it requires. In the session of 1889, the subject was again brought forward by Mr. Ritchie: the Local Government Board having then, under section 10 of the recent Act, made a Provisional Order for transfers nearly the same as had been proposed in the withdrawn schedule of 1888; and Mr. Ritchie introducing a Bill to confirm that Order. This Bill having been referred to a Select Committee, witnesses at once appeared as objectors to the proposed transfers of jurisdiction: first (as to certain Board of Trade matters) from the point of view of commercial enterprise; and secondly (as to Local Government Board matters) from the point of view of municipal government,—the minor or non-county boroughs throughout the country objecting strongly to the proposal that they should be made subject to the county-authorities: which evidence having been received by the Select Committee, and by it reported to the House, the Provisional Order Bill was dropped.

Policy of "decentralisation" requires careful distinction of cases.

While the subject is thus legislatively in abeyance, some of the more general principles on which it has to be discussed will probably be found to deserve greater attention than they have yet received. Mr. Ritchie, when introducing his Bill of 1888, had spoken of DECENTRALISATION as the object for which the reconstitution of county government was especially to be desired; but before advances towards that object (in the sense of section 10 of the Act) shall have to be considered in detail, it certainly seems a first requisite to take stock generally in the matter, and to observe how various are the *sorts* of powers as to which the question of "decentralisation" would have to be discussed.

Variety of the powers now centralised.

The magnitude and heterogeneousness of the matter are perhaps less to be learnt from the samples contained in the Schedules of 1888-9 than from an analysis of the general terms which are in the Act. The sorts or degrees, in which Central Government has statutory relations (more or less) with local affairs, may be regarded as chiefly these:

(1) that, in one class of cases, the central government is the *direct executive authority* for a local purpose;—as, for instance, where (under the Alkali, &c., Works Reg^{n}. Act)

it acts by officers of its own against particular varieties of local nuisance; or where (under the Factory and Workshop Act) it acts by officers of its own as protector of a particular class of the local population; or where (under the Fairs Acts) it permits and regulates the holding of fairs; or where (under the Burial Acts) it takes proceedings to procure the closure of burial grounds:

(2) that, in a second class of cases, it is the appointed *facilitator* for particular varieties or stages of local business,—as, for instance, where (under the Public Health Act) it arbitrates for district authorities which have points of contention between themselves or with other parties; or where (under the Acts relating to Piers and Harbours, Gas and Water Works, Tramways, and Electric Lights) it settles with the public and private promoters of various local enterprises the terms on which Parliament shall be moved to confirm Provisional Orders establishing what is proposed, and where afterwards it moves Parliament accordingly:

(3) that in a third class of cases (as under the Education Act and in relation to Poor-Law Medical Officers and to Public Vaccinators and to Sanitary Officers) it directly or indirectly represents to localities *the power of the parliamentary purse:* the power to require, as regards subsidies voted by Parliament for local purposes, that those who would receive from the subsidies must have fulfilled definite conditions of local service:

(4) that in a fourth, and most extensive class of cases, its relations to local action are those of *positive control;* very often in the form that this or that act of the local authority is not valid till the central authority confirms it; sometimes (as under various sections of the Public Health Act) in the form, that, for certain of the objects of the law, or in relation to particular contingencies, the central authority regulates the local action, or issues particular orders regarding it; and sometimes (as eminently under the Poor-Law and the Vaccination-Acts) in the form that the central authority regulates by general and particular orders the whole province of business.

iv.—Local Government legislation of 1888-9.

Consequent differences of principle in questions as to decentralisation.

With ever so slight a glance at the multiplicity and variety of those relations, it will be evident that no one formula of so-called "decentralisation" is likely to adapt itself to all of them; and doubts cannot but arise, whether they are all of a nature to be treated on the method of Section 10.—As to cases of the *first* class, the question is comparatively simple; for, where proper local authorities exist, it can seldom if ever be permanently desirable that duties of purely local concern should be done by any central department. Transfers would presumably not be made without due regard to the ripeness and administrative efficiency of the local authorities; and so, in some of the cases, the transfer might have to be delayed till collateral conditions, involving time, should have been fulfilled; and further it may be that, in some of the cases, the county authority would be judged less fit than the district authority to be charged with the particular local duty: but subject only to such reserves as those, it would seem that decentralisation in the spirit of Section 10 may be generally applicable to this class of cases. The question as to cases of the *second* class seems in theory equally simple: for, as it would in one point of view be unreasonable that localities should be entitled to require any central department to do for them what they can readily do for themselves, and as it would in the other point of view be no less unreasonable that localities should be compelled to accept forms of central assistance they do not need, so here the appeal for decentralisation may be conceived as coming from either side, or from both; and so far as county councils should be able and willing to do in an impartial public spirit for the county and its consenting district-jurisdictions such arbitrative and bill-promoting functions as are chiefly in question, there apparently could be no reason against the transfer; with reserve of course as to local bills, that Parliament would always require security as to their due consideration of general principles. Cases of the *third* class are not of inevitable existence—(for of course it might be that parliamentary funds were no longer applied to local purposes)—but so long as that financial relation does exist, any discretionary condition-making power which accompanies it can hardly be conceived as not central; and apparently no true audit in regard of any such relation can be

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made, unless the department which represents Parliament in respect of the subsidised local purpose verifies, by some effective method, that the subsidised purpose has been duly fulfilled. At this point, however, begins a new order of considerations: for, side by side with the thought of a merely *financial* control, arises the thought of the controls which central government has to exercise in respect of the *substance of local action*: and here, where cases of the *fourth* class come under review, the problem of decentralisation is soon seen not to be one for hasty politicians.

Question of decentralising control-powers.

With reference to that class of cases, it is necessary to distinguish two questions;—first, whether (or in what degree) such and such controls shall be exercised; and, secondly, to what hands the exercise of the necessary controls shall be assigned.

Are Local autonomies meant to be absolute?

That local autonomies within the country ought to be in themselves *absolute*,—that the individual sub-governments of districts and counties should each have *unlimited* liberty to do as it will,—is not, so far as I know, the contention of any decentraliser. That the action of local authorities must be subject to conditions of general law, and that the appointed conditions must be (in case of need) enforceable at law by an authority superior to the local, are propositions which probably no one disputes. Even for the local purposes as locally understood, and still more for the purposes of local justice as understood by the country at large, security has to be taken that local administration will work consistently with the reasonable rights of minorities and unrepresented persons, and will actively fulfil the national intentions which it has in trust. Thus, for instance, probably no one will contend that the power of enacting local bye-laws to restrain previous individual liberties of action within a district, or the power of mortgaging local taxation for long terms of years, ought to be independent of superior confirmation and sanction; or that a local authority which has let its roads and bridges become impassable, or has omitted to make necessary exertions for the health of its district, should retain uncontrolled freedom to do nothing. If local anarchies are to be avoided, certain powers to restrain, and certain powers to propel, must be reserved (expressly or implicitly) as supra-local,—reserved, in

such measure as the law for the time being appoints, to be exercised by Parliament or by Ministers responsible to it.

In what exact *quantity* the local autonomies ought to be subject to the higher sanctions and directions, is not for any permanent and uniform standard to show: on the contrary, the "just mean" in this case is necessarily variable and manifold: it must be defined by the statesmanship of each given time according to the stage of national growth and culture, and with differences according to the respective needs of the different portions of subject-matter. It is obvious that, with the progress of education and of local representative government, there ought to be less and less need for controls over local action in matters which are of purely local concern; and decentralisation in that sense is to be hoped for, as accompaniment and index of the social progress which Englishmen most desire for their country. It would be utterly against the spirit of our English political constitution, that local government should have to work under a system of petty interferences, or should, except where definite reasons require, be subject to *fiats* and *vetos* from without. The wise decentraliser will terminate from time to time by process of repeal the controls which no longer need be used, and will promote the merging of minor controls in controls of more general purpose.* In following that line of policy, he of course will know that his steps of advance must be regulated by certain conditions of caution: both with reference to the nature of the subject-matter, for in some matters the essence of the control may require a comparatively minute particularity;† and also

* Compare, for instance, the three stages of policy which have been mentioned, in respect of the qualifications of Officers of Health:—how, in 1846, when the Corporation of Liverpool distinguished itself by first obtaining legal power to appoint an officer of health, the condition was imposed on it that its acts of appointment to the office must be *individually* sanctioned by the central authority; how in 1875, when the Public Health Act made revised law for a national system of such officers, the central authority was empowered, not to deal with the personality of appointments, but to fix *in general terms* the qualifications needful for an officer of health; and how, in 1888, this power of the Local Government Board was practically *superseded* by the action of Parliament, which, in Section 18 of the L. G. Act, made statutory qualifications for the office.

† See, for instance, under the vaccination-laws, how indispensable it is for the control of public vaccination, that the local keeping of a particular *form of register* should be insisted on.

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Question of sub-centralisation of control-powers.

with reference to the ripeness of the local institutions, for controls which would be superfluous towards full-grown institutions may be indispensable towards those which are yet but as jelly-fish.

As regards the question, *to what hands shall the exercise of control-powers be entrusted*, hitherto the law's one alternative to letting each separate local case be for special judgment by Act of Parliament has been to vest limited powers in some branch of the Central Executive; and in 1871, the declared motive for calling the Local Government Board into existence was the desire to create a satisfactory centre for the exercise of such powers. Henceforth, however, in virtue of Section 10 of the Local Government Act, the possibility of a different alternative —the alternative of sub-centralisation—is recognised by the law for by that section—(since its very wide terms include *all* central powers at present exercised under statute in relation to local government)—control-powers, equally with other powers, are regarded as capable of being transferred to county councils. It has to be noted, too, that, among the proposals contained in the schedule of Mr. Ritchie's Bill of 1888, were several for transfers of that sort,—transfers, which, if made, would have introduced an entirely new principle into the organisation of our local government, would have empowered one class of elected local authorities to exercise jurisdiction over another class. The county council, besides receiving the powers previously held by justices and by central departments for the immediate aims of county-government in matters not governed by separate district-authorities, rural or urban, would further, in respect of control-powers named in the schedule, have been constituted a sort of superior court over the several district-councils within the county. Such transfers of central influence would of course tend to exonerate the central departments from certain of their responsibilities in local affairs; but, as regards the object of district-autonomy, they would not have the effect of decentralisation; and in that point of view it is of interest to observe that, neither at the time when the schedule of 1888 was proposing them, nor in 1889, when consideration of the subject was revived by Mr. Ritchie's Provisional Order Bill, did the notion of substituting County Councils for the Local Government Board as authority of

control, commend itself to the district-authorities whom it would concern. Apart, however, from that point of view, there are others in which, if I may express my own thoughts on the subject, I would say that the notion of sub-centralising powers of control strikes me as of very doubtful promise. The schedulisers appear to me to have confounded, for purposes of treatment, two sorts of cases almost contrary in their claims,—the case of central powers for *local action*, and the case of central powers for *control of local action*; and to have assumed over-hastily—that, because powers of the former sort ought in general to be localised, so too ought powers of the latter sort. The essential difference between the two cases requires to be more vividly borne in mind; and with regard to the second of them, it appears to me certain that, if controls are to be maintained, it must be on system as a whole, and that at least the system's last appeal must necessarily be central. Supposing proposals to be renewed for transferring to county councils a variety of existing central powers of control, and to be under criticism in detail, article by article, with reference to the various questions of public service involved, and of the controls which in each matter ought to be had, I can well conceive that, in result of such an analysis, there might be found many minor powers suitable for *repeal*; but that many would be found suitable for *transfer to county councils* does not seem to me probable. As regards the controls with which I am best acquainted, I believe they would be found in one of two categories: either would be such as might (subject to due cautions) be entirely repealed, and such as it would therefore be not worth while to transfer; or else would be controls of such sort that the central government could not properly make unconditional transfer of them, could not transfer them except with well-considered large reserves as to an inevitable superior jurisdiction.* If it be not intended to weaken as to local affairs the principle hitherto understood for all branches of civil government, that,

* My argument assumes that the principle of sub-centralisation could not be applied without limit; that the civil government of England is not to be deemed resoluble into a number of *independent and absolute* county governments; that, on the contrary, the system now existing would be intended in substance to continue, under which all Local Executives (whether of counties or of districts) are, at least in last resort, controlled by the Central Executive which represents Parliament.

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in last resort, it is for the Ministers of the Crown to act as enforcers of the law and of protectors the public interests, the County Councils could not exercise powers of control except in a limited and secondary sense. The Ministers of the Crown would have to possess (in some form or other) all powers requisite for supreme control; and their participation of control-powers with an intermediate local authority would almost inevitably constitute an awkward division of responsibility, and render the relations of control ambiguous. Common sense would seem to say, that risk of such confusion ought not to be needlessly incurred in any branch of local government. Above all, with regard to sanitary administration, it could at present ill be afforded that any strength of control should run to waste in intermediary apparatus, or that, because of any such apparatus, the Central Executive should dream itself less bound in duty than before, to claim an effective working of the health-laws in the individual sanitary districts of England.

Control-relations to defaulting local authorities

In the last point of view, I cannot refrain from adverting to a particular feature which showed itself in the withdrawn schedule of 1888. The schedule, while before Parliament, might be regarded as expressing (say in rough draft) the views of the various contributory Departments as to the powers with which they were ready to part, or the responsibilities of which they would wish to be relieved; and it deserves notice that the Local Government Board proposed unreservedly to transfer to County Councils all the powers which it now has under the Public Health Act to enforce on defaulting district-authorities the performance of their sanitary duties.* To those who remember with what particular reference to the interests of sanitary administration the Local Government Board of 1871 was called into existence, it will appear a striking contrast, that in 1888 the Board expresses desire to divest itself of corrective relation to that branch of local government, or at least to make sure that, between itself and the local administrators of sanitary law, there shall be some sort of buffer-jurisdiction; and the explanation of that contrast is perhaps to be found in the lopsided constitution which was originally given to the office of the Board. It may well be that the Board, with only such relations

* The proposal which would have transferred the important powers given by Section 299 of the Public Health Act was not renewed in the Schedule of 1889.

for intelligence and advice as were provided for it in that constitution, feels sanitary superintendence an embarrassment; but, if so, perhaps a braver line of relief could have been advised than that which the schedule suggested. Had the office been as sufficiently organised for its medical, as for its financial and legal, responsibilities, it needed not have shown itself in 1888 more anxious to abdicate its powers of sanitary control, than its control over the mortgaging of rates, or its control over the making of byelaws. Assuming, as I most confidently do, that the sanitary interests of the population are not to be cut adrift from that general body of great national interests over which Her Majesty's Executive Government is appointed to watch and guard,—assuming, rather, that the common sense of the country will some day resolutely insist on the Government's vigilant exercise of properly-defined powers of supreme control against such neglects and abuses as shall be found in local sanitary administration,—I cannot for a moment believe that any Provisional Order, repeating that abdicative proposal, would receive the assent of Parliament.

Act for Notification of Infectious Disease.

It remains to be noted here that in the Session of 1889, on motion from the Local Government Board, a step onward was taken in that branch of legislation by which local authorities are enabled to take measures against the spreading of dangerous human infections. In principle it had always (at least from the days of Mead) been amply recognised among skilled persons, that local authorities could not be expected to control the spreadings of infectious disease in their districts, except so far as they should be empowered to insist on receiving immediate information of the occurrence of new cases of such disease; and during the last twenty years, as public attention has been more and more called to this branch of disease-prevention, instances have become many in which district sanitary authorities, desiring special Acts of Parliament for their local objects, have procured enactments for that particular purpose: enactments, enabling them to enforce systematically in their districts, a prompt notification of each new case of any disease to which their system extends. Mr. Ritchie's Act of 1889 (c. 72 of 52nd and 53rd Vict.) is the first general law in the matter. Using

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the experience already obtained under more than fifty local Acts, it prescribes for the districts to which it is applied a certain system of double notification; obligatory both on persons who are in domestic charge of the patients, or are occupiers of the buildings in which the patients are, and obligatory also on the medical practitioners by whom the patients are attended; requiring from both classes of persons, under penalty for default, that they, so soon as they become aware of the existence of any case of disease within the statute, shall forthwith give notice of such case to the medical officer of health of the district. The Act appointed this obligatory system to become operative throughout the Metropolis at the end of two months from the passing of the Act; and the Act further provides that any local sanitary authority in the United Kingdom may, by resolution, bring its district within the provisions. Diseases to which the Act expressly applies are cholera, smallpox, typhus, scarlatina, enteric fever, relapsing fever, puerperal fever, diphtheria, and erysipelas; and, for the purposes of any particular district, the local authority may, by resolution as it sees fit, extend the provisions of the Act to the case of any other infectious disease.

CHAPTER XVI.

The Politics of Poverty.

During the last five and twenty years, there has been in the public mind, and eminently in the mind of Parliament, a very considerable requickening of thought in relation to the circumstances of the Poor.

Recent movements regarding Poverty.

From early in my term of service under the Privy Council, as reporter on matters of concern to the Public Health, I had found it my duty to endeavour to draw special attention to the lives of the Poorest Labouring Classes, in respect of the privations they endure; and in that endeavour, in the years 1864–6, I had submitted for presentation to Parliament masses of evidence, both rural and urban, often of most painful character, as to the very meagre nourishment on which low-priced labour is done, and as to the frequent extreme want of proper housing for local quantities of labouring population. From 1866 to 1882 the subject of the Housing of the Poor was repeatedly under consideration of Parliament: first, in connection with certain of the Privy Council proposals for the Sanitary Act of 1866, and in connection with a Bill which Mr. Torrens in 1866 had introduced in the House of Commons, "to provide better dwellings for artisans and labourers,"—a Bill, which, after reference to a Select Committee and modification by it, became law in 1868; further in 1875 and 1879, when Bills introduced by Sir Richard (now Lord) Cross became law; and again in 1881–2, when inquiry into the working of Mr. Torrens's and Sir Richard Cross's Acts was made by Select Committees of the House of Commons, and when eventually, on the reports of those Committees, a Bill, promoted by Mr. Shaw-Lefevre for the amendment of the Acts, was passed into law as the Artisans' Dwellings Act, 1882. That branch of the subject, however, was not yet done with; in the autumn of 1883, powerful popular writings drew much public attention to it; and early in 1884, on motion by Lord Salisbury, the House of Lords addressed the Crown for a Royal Commission

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to inquire into the Housing of the Working Classes. A Commission was consequently appointed with Sir C. Dilke (at that time President of the Local Government Board) as its Chairman; a Commission of exceptional strength, both as to the varieties of social influence which were represented on it, and as to the eminent special qualifications which many of its members possessed; and on the Report of this Commission, laid before Parliament in 1885, a Government Bill "to amend the law relating to Dwellings of the Working Classes" was introduced by Lord Salisbury within the first month of his new administration, and soon became law: two years after which, in continuation of the same movement, was passed the Labouring Classes Allotments Act, 1887.

Associated questions.

Again and again, since the question of the Dwellings of the Poor has been under discussion, the inseparability of that question from various other questions regarding Poverty has become manifest; and the discussion, in its progress, has more and more compelled thought on Poverty in general, with reference to all its conditions and circumstances, domestic and industrial.

Earning-power as compared with needs of life;

The smallness of earning-power in the lowest-paid branches of industry, as compared with the necessary costs of wholesome and decent living, has of course always been the main fact; and the possibility of rendering that ratio less unfavourable to the poorer workers, either by cheapening their costs of life, or by bettering their conditions of employment, has, in a variety of forms, been the essential problem for study. In each division of the subject

Wages;

there have been difficult side-questions. The industrial relations of poverty vary of course with the different organisations of the different branches of commerce; and whether the workers in any particular branch shall obtain larger shares than they do in the gross profits of the work, is a matter to be haggled over in the labour-market, with reference to the arithmetic of the particular business as a whole, and to the degree in which middlemen in it absorb profits, and to the question whether competing labour offers itself at the time on cheaper terms. Again, in respect of domestic economy, there are somewhat broad differences between the rural and the urban cases. Closely connected, from the first, with the

Land, rural and urban.

question of the housing of the rural poor, has been the question of providing some limited supply of land for the agricultural

labourer, too generally without any such accommodation and help; and, just as closely connected with the question of housing for the urban poor, has been the question how to surmount the difficulty of the high urban ground-rents. Discussion whether the circumstances of poverty can be improved resolves itself generally into a discussion of one or more of those side-questions in relation to particular classes of the poor; and, during the later years of the period here under notice, several of such side-questions have been under investigation by Parliamentary Committees or Royal Commissions.

Parliamentary study of special cases.

In particular relation to our immense metropolis, and most loudly as to its eastern parts, irresistible demands have been raised for attention to the abject penury of the poorer industrious classes, and to the losing conditions under which they seem to be waging their contest for subsistence: masses of population, described as at some cruel disadvantage amid the increase of commercial enterprise around them: numbers, on the one hand, who declare they cannot obtain employment enough for their maintenance, and numbers, on the other hand, who, though employed to their utmost strength, and with work often pushed far beyond the proper limits of industry, gain for themselves only what are known as "starvation-wages," with such insufficiency of food and shelter as these will purchase for them. Of late, with reference to industrial conditions supposed to be more or less local or temporary in parts of the London case, it had been alleged that the competition of destitute immigrants from foreign countries was depressing the market-value of the home-industry; and also that in some of the poorest industries, the recent course of commerce had brought into power new varieties of middlemen, known as *sweaters*, who were cruelly grinding the faces of the poor. Much public interest has been taken in the matter of these allegations; both Houses of Parliament appointed Committees of inquiry in relation to them; and especially the House of Lords Committee, which early in 1888 was appointed on Lord Dunraven's motion to inquire and report on the *sweating-system*—(a reference at first only for East London, but afterwards extended to the whole of the United Kingdom)—sat taking evidence till the end of the double session of 1888, and continued the same work during all the session of 1889. This Committee is expected to make its

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final report early in the session of 1890, and meanwhile has reported a large and extremely valuable body of information as to the circumstances of the hardest-pressed industries. Besides this, there was in 1888 the instructive report of a House of Lords Committee, of which Lord Kimberley was chairman, appointed "to inquire as to the various powers now in possession of the Poor Law Guardians, and their adequacy to cope with distress that may from time to time exist in the Metropolis and other populous places; and as to the expediency of concerted action between the poor-law authorities and voluntary agencies for the relief of distress."

Auxiliary work by volunteers.

In addition to what has been done by parliamentary and departmental work to improve public knowledge of Poverty and its circumstances, much has of late been done for the same purpose by private endeavour; and voluntary associations have been actively promoting and supplementing the administration of laws which concern the poor. Thus, for the last twenty years, the Charity Organisation Society, with its District Committees throughout London, has been strenuously endeavouring to educate the public towards a better economy of its charitable resources; and since 1883, when an influential public meeting was held at the Mansion House on the then much agitated question of the Dwellings of the London Poor, a committee, originated at that meeting, and known as the Mansion House Council on the Dwellings of the People, has been very usefully at work in drawing the attention of inactive district-authorities to cases where they ought to enforce sanitary improvement in the poorer sorts of house-property within their control. In the present year, Mr. Charles Booth, a volunteer investigator of the case of the London poor, has furnished, towards better knowledge of that case, a contribution of extraordinary merit;* the result of three years' laborious study of the East London districts (with population exceeding 900,000 persons) by himself and seven fellow-workers who have taken part with him: a result which does not purport to be more than instalment of a contemplated comprehensive work on the vast national interest it concerns, but which already in itself seems to be of unique value as the record

* *Labour and Life of the People; Vol. I.; East London;* edited by Charles Booth: Williams and Norgate, 1889.

of so large an amount of exact observation in districts so populous and so poor.

Prominent facts as to London poverty.

London Poverty, contiguous as it is to the largest resources of succour which the world contains, would peculiarly seem a case in which the best possibilities of helpful treatment might be expected to fulfil themselves; but the case is of unique magnitude, and the problem of its treatment is correspondingly difficult. The poverty of London is in great part an imported poverty. Generally throughout the Kingdom, during many past decennia, the larger urban centres of population have more and more attracted industrial immigrants from other districts; immigrants, who, broadly speaking, have hoped that the change would better their prospects in life, and who therefore, in relation to the centres they have sought, may be assumed to have been (more or less) a poorer class. Attraction of that sort has in the very highest degree been exercised by London. As the largest and most miscellaneous labour-market in the country, supposed to offer the best and most various chances of employment, it has drawn competitors from all parts of England, as indeed also from the other divisions of the United Kingdom, and from elsewhere; and so far as the innumerable immigrants have not found employment in adequately paid industries, they of course have added to the poverty of their new settling-place. The attractions which London offers are not only those of its more settled industries. Its lowest-class chances of "casual" work, besides serving as temporary resource for persons accidentally out of better employment, are unfortunately also attractive to persons (both native and immigrant) who are of the least satisfactory industrial type—the abhorrers of "regular" industry; and under mixed influences of necessity and option (the proportions of which I am unable to estimate) the London labour-market has been distinguished by a terribly large "casual" department, in which the so-called workers, apparently next-door to destitution, are perhaps for two-thirds of their time idle: much relying, however, on the indiscriminateness with which large amounts of money are disbursed in London for purposes called charitable, and which gives to even the most worthless of the unemployed the expectation of not too greatly suffering through their

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idleness. The above-mentioned two facts as to London—the fact of its so largely attracting industrial immigration, and the fact that in its lower-class industries a large proportion of working-power is left unemployed, are facts of cardinal importance in the case; * for the distresses, domestic and industrial, which have been most brought under notice as attaching to London poverty, are facts of *Over-Competition* for *employment* and for *house-room*.

Automatic influences pressing downwards.

Over large metropolitan areas (not to say anything here of the minor patches) the local quantities of population seeking to subsist by various sorts of low-class labour are far in excess of any likelihood that their aggregate earnings will purchase for them all (at local prices) adequate food and shelter and other necessaries and comforts of life. Those who with their families constitute that form of over-population in the various districts, whether as born inhabitants or as immigrants from other places, are presumably in the place which they deem best for themselves, best even in view of its drawbacks: but their over-numerousness operates doubly to their disadvantage: first that, as competing vendors of labour in a market where labour is redundant, they steadily keep down, or progressively reduce, the rate of wages; and secondly, that as competing buyers of dwelling-space where the accommodation is relatively deficient, they raise higher and higher the rent of lodging, or depress lower and lower the quality of the shelter. Against those disadvantages they in themselves are virtually powerless so long as their numbers are unreduced. Under an influence which may be regarded as automatic (and for which the sweater and the house-jobber are mere apparatus of conduction) they have to give more and more toil for equal or less wage, and they find themselves less and less able to procure

* Mr. Booth, in the parts of London which he investigated, found that more than a third part of the whole population (314 out of 909 thousand) were below the level of regular standard earnings, and must therefore, even relatively to the working population, be classed as "poor" or "very poor;" that his little-earning "poor" (numbering 203 thousand) were in about equal proportions "irregular" and "regular" workers; and that below them were 111 thousand "very poor" whose work was but "casual" or "occasional." Mr. Booth regards the existence of the class of "casual" workers as most prejudicial to the welfare of the classes next above them in the scale of labour: the class, he says, "is not one in which men are born and live and die, so much as a deposit of those who from mental, moral, and physical reasons are incapable of better work," but whose competition in the labour-market "drags down" the others.

house-accommodation fit for human beings. The inexorable pressure of the commercial screw is towards starvation-wages, and towards extortion of killing amounts of labour under haphazard sanitary conditions: it is indifferent whether the workers lodge in gutters or pigsties; and its tendency is not to stop of its own accord. As against certain extremities of such pressure, Parliament has purported to provide resistances; not indeed by laws relating to wages, but by laws relating to some of the sanitary conditions of collective labour, and by laws generally relating to the public health and to the wholesomeness of dwellings. Whether those laws cover in principle the whole ground in respect of which the more helpless classes of the community ought to be protected in the matters referred to is a question on which I do not enter; but what I must notice, and would wish to emphasise, is that, in districts which have been specially studied, the common sanitary laws as to dwellings and their occupation have to a great extent been inefficiently—not to say, sometimes corruptly, administered by the authorities appointed to give them effect, and that the poor have consequently not received, in this important respect, the protection which the law had intended for them.* Under cover of that mal-administration, a three-fold injury has been done:—first, that the poor have been unduly exposed to the diseases which proper sanitary administration prevents, and to the increased impoverishment which such diseases occasion;—secondly, that by the tolerance of dwellings unfit for human habitation, and of gross tenemental overcrowding, and of offensive trades in single family living-rooms, facilities have been given for greater and

Laws against extreme sanitary consequences left unapplied.

* See in the *First Report of the Royal Commission on the Housing of the Working Classes*, the facts referred to in the earlier pages of the Report, and the conclusion expressed at page 34. "It is evident from the foregoing that the remedies which legislation has provided for sanitary evils have been imperfectly applied in the metropolis, and that this failure has been due to the negligence in many cases of the existing local authorities." See also, at page 23, the account given of the Clerkenwell Vestry, and the more general statement made by the Commission:—"Clerkenwell does not stand alone; from various parts of London the same complaints are heard of insanitary property being owned by members of the vestries and district boards, and of sanitary inspection being inefficiently done, because many of the persons, whose duty it is to see that a better state of things should exist, are those who are interested in keeping things as they are."

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greater congestions of population in districts already congested beyond their earning powers, and beyond their power to afford wholesome shelter; thirdly that, by the indulgence shown to house-qualities of the basest sort, more or less privilege has been constituted against dealers (individual or associated) who might for equal or less price have given such accommodation as there ought to be.

The sanitary neglect, in its bearing on the commerce of the case.

Neither in London nor elsewhere is it possible that the life of the labouring classes should be such as in a prosperous civilised country it ought to be, unless sanitary government firmly insists on a reasonable standard of what is fit dwelling-accommodation for human beings; and the difficulty of cost is in principle no other than that which has to be met in regard of food and of clothing. The economical conditions under which the difficulty presents itself are of course not the same in town and in country; but the distinctions between the two cases (though highly important in reference to some remedial questions) do not here concern the main argument. When housing infamously unfit is permitted to tender itself for hire, and when the laws which have been enacted against nuisances, and against the overcrowding of population within stated limits of room or house or area, are by negligence or corruption left unenforced, the pretence is commonly to be heard, that the wrong has been committed or condoned in compassion for the exiguous earnings of the poor; but persons conversant with the subject will in general be able to discern that the real compassion has not been for the earnings of the poor, but for the profits of the house-jobber or landlord; and that to have permitted the making of profits on such states of dwelling has been as contrary to the true interests and rights of the poor, and as contrary to the methods of good government, as would be to have permitted, in the provision-market, the making of profits on the sale of diseased or rotten meat and fish. In the one case, just as in the other, there is wanted for public protection the strict practical enforcement of a limit to the downward-competition in quality. To the provision-monger—the vendor of "meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk," the Public Health Act does not allow under heavy penalty (however plausible may be his pretence of cheapness) that he shall offer

for sale provisions which are "diseased or unsound or unwholesome or unfit for the food of man"; and the first object at which sanitary reformers have to aim, in regard of the dwellings of the poor, is, that the tender of an unfit commodity shall there be as illegal and as punishable as it would be in the case of food. Were but that condition secured, the question whether the wage-earning classes obtained their sufficiency of proper house-accommodation would in substance be on a like footing with questions as to their sufficiency of food: would be a simple question of the relation of their wages to the market-price of a necessary of life.* A genuine demand for labour must be expected to provide the cost of the labourer's maintenance; and in the supply of dwellings, as in the supply of food, for the self-supporting labourer, when once the conditions of *qualitative* fitness are duly secured by law and administration, facts of *quantitative* insufficiency are for ordinary commercial enterprise to meet. Peculiarly the case would seem not to be one for any exceptional eleemosynary interference, public or private; on the one hand, because any subvention from outside would but go to defray a charge which the employer of labour ought to count among his necessary costs of production; and, on the other hand, because it would no doubt be found that, in proportion as the natural cost of living in the favourite district were reduced by any such agency, this artificial cheapening would tend further to over-populate the district which already *ex hypothesi* is too crowded. The object to be desired is, that the demand for increased *quantity* of house-accommodation should if possible be met on purely commercial principles: with honest commerce (not commerce of the jerry-builder sort) operating as the organ of supply, and with public authorities in general not acting except for purposes of *qualitative* control. Sometimes no doubt it may

* So far as the matter is one of commerce, it would apparently tend to settle itself on some such lines as the following:—In a given district where the competition-price for house-accommodation is extraordinarily high—so high that *ordinary* wages for such sorts of labour as may be in question will not suffice to purchase proper lodging, is it, or is it not, the case that the demand for labour is of proportionate height? If YES, then (*cæteris paribus*) the labourer ought to be able to obtain from his employer such additional payment as will cover the local extra-cost of proper lodging; but if NO, then (*cæteris paribus*) it presumably will be for the labourer's interest to carry his labour to some locality where the relative cost of proper lodging is not higher than he can afford to meet.

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be the case, that commercial enterprise cannot start in works of construction till public authorities shall have taken steps by which land will be made purchaseable for the purpose; but in cases of this sort, if the principle of almsgiving is to be excluded, the enterprise will of course be required to pay ordinary market-value for the land which it proposes to take.*

Philanthropy in relation to the supply of dwellings.

While arguing as above, that the supply of house-accommodation for the poorer wage-earning classes has in general to be governed by the same commercial conditions as those on which their supply of food depends, and that the matter is one in which pecuniary subvention from charitable sources might easily bring harm rather than good to the labourer, I do not at all mean to suggest that the matter offers no place for philanthropic action. On the contrary, I am strongly of opinion that, of private philanthropic action taken within the last half-century for the benefit of the poor, none has more eminently deserved praise than the exertions which have been made by individuals and societies to create or promote better systems of cheap house-accommodation.† In those exertions,

* It is much insisted on by Professor Rogers, in his *Six Centuries of Work and Wages*, that our present land-laws facilitate or produce an "artificial stint of marketable land," and are in that sense a serious obstacle to the proper housing of the poor. Though I take for granted that every local stint in the market supply of land is likely to press most of all on the local poor, I yet, for the purpose of my text, have not thought it requisite to follow that line of argument. The distinctive difficulty of the urban poor in acquiring good space for their dwellings turns essentially on the difference between rich and poor as competing bidders for ground; and no mere emancipation of the land-market would relieve the poor from that *relative* disadvantage. Apparently no land-law could fulfil the purpose, unless it were one which expressly reserved a certain proportion of the urban area to be inalienably for labourers' use.

† Though I have at an earlier page (p. 213) mentioned some chief commencements of philanthropic effort in that direction, I here recur to the subject for the purpose of drawing attention to the evidence which the Royal Commission on the Housing of the Poor received in 1884 from persons who have been of highest merit in such efforts, and who are still beneficently engaged in them. Especially valuable as representing large commercial experience in the creation of new dwellings for the labouring classes, was the evidence given by Sir Curtis Lampson, trustee of the Peabody Donation Fund, by Sir Sydney Waterlow, founder and chairman of the Improved Industrial Dwellings Company, and by Lord Shaftesbury and others, directors of the Artisans', Labourers', and General Dwellings Company; and not less interesting, though for different application, was the evidence given by Dr. W. A. Greenhill and (on a larger scale) by Miss Octavia Hill, in regard to improvement-exertions addressed to the worst sorts of old house-property. An essential aim in all those endeavours has been that

however, the philanthropy has not taken an eleemosynary form, except so far as the generous personal devotion of ability and thought and labour can be translated into pecuniary terms; and its value is not measured by merely counting the number of better dwellings it has brought into market for the accommodation of the labouring classes. The good which the philanthropy has most distinctively wrought has been educational. By the pioneering work which it has done on a large scale in ground of much difficulty, and by having exhibited, for many past years, in commercially successful operation, abundant types of the sort of landlordship which is wanted in respect of the dwellings of the labouring poor, it has furnished highly significant teachings with regard to points which I have above invited the reader to consider. The conditions on which it has, for so many years, with commercial success, given proper house-accommodation to many thousands of tenants, are conditions on which we may expect that ordinary commerce, supervised by efficient local authorities, and not operating through house-knackers, will, as future occasions arise, be ready to supply similar accommodation. Landlords and sub-landlords who desire to fulfil the duties, as well as to receive the profits, of their relation to the lives of the labouring classes, may, in many cases, be able to gather useful lessons from the records of the philanthropic experience; and the administrators of local government, anxious to protect the poor against any avoidable repetition of such wrongs as they have often suffered in respect of their dwellings, will find in the same experience an excellent key to the conditions on which they must insist.*

It of course cannot be expected in regard of house-accommodation, any more than in regard of other commodities of life, that, in present social circumstances, the Poorest of the Labouring

the endeavour should be a financial success; and the histories which Sir Sydney Waterlow and Miss Hill tell of their respective large undertakings in that merely commercial point of view are lessons of most important experience.

* With regard exclusively to the educational influence of the philanthropic exertions in this field of work, it is of course to be desired that the exertions should continue till they become educationally unnecessary; and as regards the other aspect of the case, if ordinary commerce should prove slow to act upon the lessons which philanthropy has given, the more widely the philanthropy could extend its commercial operations, the better no doubt it would be for the world.

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Classes will be free from very hard conditions of stint. Be done what may under the Sanitary Acts to banish from the dwellings of the poor all worst degrees of uncleanliness and overcrowding, the condition remains, that scanty earnings can buy but scantily of the necessaries and comforts of life; and that, where the sternest frugality has to be exercised with regard to necessary food and clothing, where indeed but too often severe privation in those respects has to be endured, only very humble purchase of dwelling-space, and still humbler provision of means of comfort and cleanliness within the space, can be afforded. Question, how the house-accommodation of the poorer labouring classes may be rendered such as humane persons would wish it to be, is therefore necessarily in great part question, how far poverty can be turned into non-poverty, *how far the poor can be made less poor*.

Extremes of Poverty without near likelihood of escape.

In the whole range of questions concerning the Public Health, there is not, in my opinion, any one to be deemed more important than the question which those last words raise in an almost accidental connexion. In various earlier passages of this volume, I have more or less expressed my conviction that Poverty in its severer forms is among the worst of sanitary evils; and whenever I reflect what chief factors have to be desired for progressive improvement in our conditions of public health, I doubt if any can be considered more essential, or ought to be hoped for with more ardent hope, than that the poverty of our poorer classes may be lessened. The sanitary sufferings of the poor, and the physical privations and hardships which conduce to them, are merely a fragment of the case; and though here our essential subject-matter is no more than sanitary, yet even here the other features of the case have to be remembered. While the lives of the very poor, in their merely physical relations, are such as no normally-constituted man—himself in prosperity and perhaps luxury—will contemplate without emotion, they, on the whole, are equally sad in relations which are not physical. Exemptions no doubt are enjoyed by the earlier periods of life: for, among the poorest as among the richest, childhood will be light-hearted in its bliss of ignorance, and youth, in spite of poverty, will have what Hobbes calls its own "natural drunkenness" to sustain

Lives of the poorest of the working classes in towns.

it: but those are not enduring lights.* When youth is past, and the severer meanings of poverty have come to be understood, the monotonous hunger for hope may become even worse than the hunger for bread; and the unvarying cloud-canopy which lets no sky show through is an awful weight for the human heart to bear. For the average adults of the very poor, prospects of real emergence are next to none. Of better circumstances, there commonly either is no hope, or only such little hopes as are bounded by the morrow or the week, and even thus far are but thinly partitioned from despair. Overhead is the dreariest grey, and, for horizon, death in workhouse or hospital. Let those who realise to themselves the physical facts which are to be observed on a large scale in the poorest quarters of our large cities, try also to realise other facts which are endemic in the same quarters: what hopelessness and what bitter fruits of hopelessness, what inducement to abandon the better self-restraints of life, what pressure towards degradation of personal character and conduct, must often necessarily be among those ill-fed and ill-sheltered multitudes. Assuredly for rich and poor, there is only one standard of right and wrong; but adhesion to the right is not of equal effort in all cases as against all temptations; and certain virtues which may be easy to the opulent, and may by them be classed as virtues carrying their own reward, will be of far less easy cultivation, and will to many seem of less remunerative result, when they have to be exercised within tether of a house-knacker's slum, and with labour and

* It needs hardly be noted that the youth of slums estivates in very large proportion into reckless improvidence, which makes fresh centres of necessitous life: not only shirking care for the present, but complacently mortgaging the future; sometimes in mere aversion from industry, sometimes in loafing and gambling and drinking, and often (even under these auspices) in utterly haphazard beginnings of what purports to be new family-life. Coupling in some form or other takes place with every possible inconsiderateness. Young people, often mere boys and girls, neither of whom has yet saved the amount of a week's wages, and who can only subsist together on condition that girl as well as boy shall be breadwinner, pass into conjugal relations as light-heartedly as sparrows on the housetop, and, with even less preparatory nest-making than the sparrows use, set themselves to multiply mankind. It is a sorry estate for which they beget inheritors; and every additional infant born to them tends to be at least for many years an addition to the difficulties of their self-support. Soon therefore they like their predecessors, learn more and more of the severer meanings of poverty in respect of its life-long stint, and its life-long squalidity of surroundings.

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wage at the rates of boot-making and trouser-making in the slop-trade. Where those painful approaches to destitution prevail, there necessarily for many will be strong attractions to particular sorts of immorality and crime, as well as in general to reckless life; and no one can be surprised if, from amid so dreary a world, recruits are often added to the ranks of the dangerous and criminal classes. Is it not only too intelligible, how, from among the sufferers, many will turn to gin as their one brightener of life, and some will gain their few extra pence by prostitution, and some will try their hands at theft, and some will fearlessly fly to that dark escape which the river offers? Is it a wonder, if family affection does not always resist the strain,—if care for offspring, even the mother's tenderness for her child, sometimes dwindles to nought,—if infantine diseases come to be described as "gifts of providence" to lighten the burthen of the poor man's family,—if touters for baby life-assurance appear upon the scene,—even if, now and then, an infant is pitilessly done to death, or is more cruelly left for hunger to kill? The rarity of the worse degrees of wrong is marvellous and most touching. Honour to the thousands who through long painful lives bear up steadfastly against the demoralising influences, and, in their own depths of penury, are constantly to be seen doing kindnesses and generosities to each other.

Questions of remedy

"How the poor can be made less poor" is surely, on all grounds, a question which must everywhere be recognised as of almost incomparable social importance. But those who duly appreciate the object, and would wish to give aid towards the attainment of it, must start by clearly apprehending how much study the matter requires; how much knowledge of the conditions which determine the more or less of adversity in the lot of the poorer classes; and how much knowledge of the responses which those conditions have given to influences hitherto brought to bear on them. Whether there are ways not inconsistent with recognised first principles of good government, and if so what are the ways, by which the community can usefully intervene in the struggles of industry, and can help the poorer workers to better means of self-support, or to other improvements in the circumstances of life, is not a simple question

of benevolence. On the contrary, it is a question in which mere crude good-intention would be peculiarly apt to go astray, and in which appeal must be made to the wisest heads, as well as to the kindest hearts, having influence in public affairs. The separateness of the question from questions of actual pauperism is a point which the student has to observe. Since more than three centuries ago, thanks to the well-considered socialism of the great Elizabethan Acts concerning the poor, and to many successive improvements in their system, extreme poverty among us is entitled not to be left destitute: the impotent poor have right of sustenance and comfort in the localities to which they belong; the able-bodied, in casual danger of destitution, can conditionally claim protection against the danger; and children, left in poor-law dependence, are helped forward to live by their work. For discharge of those eleemosynary duties towards extreme poverty, England has everywhere its Boards of Guardians of the Poor, acting in all particulars under central direction and control, responsible to Parliament; an administrative system of more elaborated effort than perhaps any other branch of English government can show, and purporting to deal as bountifully with its clients as will consist with justice to its supporters. From all which is within the intention of that settled province of law, the present question has to be distinguished; and the more exactly that distinction is observed, the more will the new question show both its importance and its difficulty: for practically it is question of the community's accepting new sorts of communal responsibility; and that, in the particular matter, is question which no thoughtful person can face without at once perceiving how various, and how extremely grave, are the considerations to be invoked in answering it.

Certain conditions of the evil are unalterable.

The educated spectator who contemplates in mass the toils and the sufferings of the very poor, as exhibited on so terribly large a scale among the least-earning classes of the population, will probably not fail to apprehend the *biological* meaning of what he sees. It is hardly a figure of speech to say, that he has before him, as in latter-day form, the still-continuing aboriginal struggle of mankind for existence, and is informed, by the samples he beholds, that hitherto, even where general progress is most advanced, a considerable proportion of the strugglers have

attained but an imperfect and precarious success. Not in any apathy of fatalism, but on the contrary with most definite regard to methods of treatment, the ruler who would deal on a large scale with the relief of poverty must always in due degree remember that evolutionary aspect of the case,—must remember that he is not unlimited master in a province of exclusively human institutions, but is, to some extent, face to face with inexorable laws of Nature; and that Nature (as Lord Bacon teaches) *non nisi parendo vincitur*.

The harsh-sounding primal condition, that mankind has to shift as it best can for its own survival, must inevitably have its counterpart in the conditions under which communities of the race exist; and no community can exonerate its individual members from bearing in fair proportion among themselves the brunt of that primal law. Thus it is that communities, and even individuals, in respect of what they can wisely attempt to do in relief of poverty, are limited as by iron walls. Older than parliaments, and stronger than parliaments, are essential limitary conditions which rulers and ruled must alike obey. Developed civilisation can provide, and most imperatively ought to provide, generous rules for the relief of its impotent and casually-destitute classes; but, barring what is legitimate under such rules, the community has to claim from each of its members that he shall provide for his own and his family's maintenance, and shall so far as possible pay his due to the needs of the State. As to the exact scope of the individual liability, and as to the sorts of inducement or compulsion which shall cause it to be obeyed, different communities may in small details take different views; but as to the main principle there cannot safely be any difference of policy, and the community which tampers or trifles with the principle is surely providing for its own ruin. Whether it be question of excuse from bearing a due share of public burthens, or be question of sustenance (more or less) out of public rates, or be question of organised appeal to private purses, we have to guard, not less vigilantly than our forefathers of Tudor date, against the encroachments of the "rogue" and "sturdy mendicant"; and have to remember that, even in relation to the most genuine poverty, alms-giving, and indulgences akin to alms-giving, have limits in the funds on which they depend, and

render at best but mere stop-gap service. Also and equally (or in some senses even more than equally) it has to be remembered that, in proportion as individuals and families are too loosely permitted to expect welfare from their neighbours' efforts rather than from their own, the community fosters a class of population admittedly unfit for the status of free citizen; while at the same time it widely weakens among other units of its mass the motives which most impel to individual exertion and thrift, and which in their collective operation are as fibres of strength to the State. It is therefore among the first conditions of good government, that the community shall sharply distinguish between those of its body who are self-supporting in regard of the claims they ought to meet, and those who more or less depend on support from public alms; and it has been an early axiom in political science, as well as an early rule of thumb in the building of popular constitutions, that they who do not live independently of alms and indulgences from their neighbours' compulsory rates ought not to be sharers in political privilege.*

* From the days of the Roman republic, the significance of that barrier has not needed much explanation. Under any democratic constitution, unless the principle be held sacred, and the barrier be jealously guarded, political disintegration must ensue. Unscrupulous candidates for popular "sweet voices" will seek to do their briberies out of the public purse, will promise to their pauper suffragants unlimited *panem et circenses*, or whatever other impossible moon is in demand, and will rapidly excite such unreasoning appetites, and develop such hordes of privileged parasitism, as no remaining powers in the social constitution can withstand. In England the general principle, that persons receiving assistance from the poor-rates shall be inadmissible as voters at parliamentary and local government elections, has, within the last twenty years, been subjected by Parliament to two very important exceptions: first, by provision under the Elementary Education Acts, that, where any parent is from poverty unable to pay the required school fees for his child's elementary education, the payment for the child shall be made out of the poor-rate by the guardians of the poor, but that the parent shall not in consequence be under any electoral disqualification; and, secondly, by provision under a special Act of 1885, that Medical Relief supplied at the charge of the poor-rate (and including whatever of apparatus or of diet may be supplied on the poor-law medical officer's recommendation) shall not disqualify. It must be admitted on all hands that the two objects for which the exceptional provision has been made are objects with special features distinguishing them from the common daily need of food and shelter; and that, as to both of them, the State (as well as the individual) has an interest. Especially as to the elementary education of the poor, the State-interest was so immensely great that, in view of all the circumstances of the case, practical politicians saw fit not to insist strictly on the claim for parental contribution; but, in the debates on the Medical Relief Disqualification

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The main conditions for rescue are not extrinsic.

If influences are anywhere to be found which may avail to diminish the poverty of our poorer wage-earning classes, it would seem from the above considerations that, both in the interests of the community at large, and also in the permanent rightly-understood interests of those classes themselves, influences directly eleemosynary are not those which ought to be first in request. On the contrary, provided that no unjust impediment be operating, to interfere with the success of individual effort, undoubtedly, from every point of view, the influence most of all to be counted on, and indeed the only one which can be regarded as direct in the matter, is the power of what individuals and classes can do for themselves; and help from outside can hardly be of permanent value, except in proportion as it tends to develop the self-helping faculties of the poor, or to remove unjust obstacles from their ways of self-help.

Self-help must be able to rely on just laws and just administration of the laws.

In order however that any State, when appealed to by the hungry and ill-sheltered of its subjects, shall be entitled to refer them to self-reliance as their remedy, it is essential that the State should be of clean record in the article of justice towards labour. That, since seventy years ago, English labour has been relieved from huge quantities of unjust restriction,—so that, under present law, each man is his own master as to the place and kind of market in which he will offer his work, and as to the conditions on which he will accept employment, and as to the fellowships into which he may enter for joint-insistence on conditions,—is something for which deep thanks

Bill, very weighty expressions of dissent were heard; and though those protests could not in the then relations of political parties avail anything against the floods of competitive δημωφέλεια which were speeding the Bill, they remain of important political record. Doubtless it is in part for the general interest (as well as humanely to be desired) that all requisite medical treatment should be obtainable on very easy terms by the sick of the labouring population; but whether the labouring population requiring medical treatment ought to be so absolutely relieved from even contributing to its cost, and yet not be under the ordinary disqualifications of poor-law relief, is a very different question; and, without pretending to express an opinion on what may prove the best final answer to that question, I cannot but deeply regret that the tumultuous decision of 1885 prevented a calm parliamentary consideration of the question of a national system of Provident Dispensaries which should in part be liberally subsidised from local rates, but should in part be supported by those who would profit by them.

are due to men (mostly now gone) whose efforts won that great emancipation of industry; and it may be that, in the same line, there remains nothing further of importance for the present generation to achieve. Whether in other directions there still be injustices of which the struggling poor may rightly complain—survivals either of unjust law, or of chronic consequences resulting from such law, is a question which of course deserves the utmost possible care of inquiry, and which present Parliaments do in fact shew every possible readiness to entertain. It appears certain that, in the case of one main division of English life, some of the worst pinch of poverty corresponds to the grievance of such a survival; and that this grievance—the essentially dispropertied state of the agricultural labourer in relation to the soil which he cultivates, urgently requires some sort of remedial treatment.* Relatively to that grievance, the agricultural labour of this country has had the continuity of an hereditary caste; and our present ordinary labourer who cultivates the land, without any acre of it he can call his own, and in general not even able to hire the rood of ground on which to grow garden-stuff for his family, has inherited a right to be heard against the iniquities which in past times ousted his ancestors from their hold on the land, and gave appeal to the poor-rates in exchange for it. As against the cruel paradox of that position, it is to be hoped that Parliament may see its way to ransom for the agricultural labourer some distinctive right to

* See, in *Report of the Royal Commission on the Housing of the Working Classes*, p. 27, the extremely important statement: "It seems clear that in hardly any case do the wages of the agricultural labourers permit them to pay such a rent as would enable a builder to provide suitable accommodation at a remunerative rate of interest; but, according to evidence given before the Commission, the addition of plots of land to the cottages would go far to remove the difficulty." In face of that statement, I think it matter for regret that the Commission did not see fit to enter far more freely on the question of improving the relation in which at present the labourer stands to the land, and to propose emendatory legislation of far more cogent sort than the merely permissive enactment which the Report (p. 42) recommended; and I cannot but think that Mr. Jesse Collings's remonstrances and arguments on that point (see his separate report at page 79 of the general volume) deserved more success than they at the time attained. It however has to be added that, two years after the legislation which immediately followed the Report of the Commission, a more positive step of advance in the interests of the agricultural labourer was taken by the passing of the Labouring Classes Allotments Act of 1887; and at the present time, the practical working of that tentative Act claims to be most attentively observed.

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a limited allowance of land; and, if the land-grievance be considered in connection with what is known as to the frequent scantiness and badness of existing house-accommodation for agricultural labourers, it may not be too much to hope that every landed property of certain magnitude shall be required to provide a proportionate number of fit dwellings for labourers, each dwelling with its appointed strip of ground.* Apart from what is special to the case of the agricultural labourer, it cannot be said that mere dearness of land in England—the dearness of an indispensable commodity which exists in but limited quantity, and for which in particular localities there is ravenous general competition with readiness to pay famine-prices, is, in strict sense, an *injustice* to the labouring classes; for in proportion as land is more in demand for building or other purposes, all classes alike have to pay more highly for it: but the labouring classes are certainly liable to *disproportionate hardship* in consequence of local dearnesses of land. In principle, no doubt, higher local wages ought to meet the higher dwelling-prices which the labourer has to pay in the districts which have higher ground-rents;† but time and conflict are necessary elements for his bringing practice into agreement with that principle; and meanwhile (as is now extensively the case in London) the working-man will be forced into house-room grossly insufficient for his needs. In relation to that very real hardship, political economy may be supposed to offer two alternatives:—one, that of leaving the workman to fight out the wage-question with his employer, on the basis that the employer, when obliged to pay higher wages, will recover from his customers the increased cost of his production; the other, to make it a principle of municipal government and finance, that, in all urban areas, a proportion of land, sufficient for such quantity of labouring population as the area may be deemed to require, must be held inalienably for the more or less privileged use of the labouring classes; privileged, namely, as against any unrestricted competition-appraisement of the land; and that the cost of con-

* It seems certain that a restitutive justice of this kind, besides immensely benefiting the labourers concerned, would also (as lessening the pressure now put upon them to become competitors for urban employment) be of indirect advantage to the poor in towns.

† See above, p. 441.

serving this privilege must be a charge on the local rates. Considering the objections to which the privilegiary alternative would be open, as a policy of exceptional interference between buyer and seller in the marketing of a chief national commodity, and considering also the extreme difficulties of detail, and the facilities for abuse, which there probably would be in any attempt to administer it, I cannot but believe that the adoption of that alternative might very possibly lead to even greater social evils than those it could cure; and that, on the whole, probably the wiser policy, even at the cost of some present pain, is that the hardship should remain to be dealt with in detail by the more strenuous efforts, individual and collective, of those on whom it presses in the particular cases.

With further reference to the claim, fundamental in all reasonable Politics of Poverty, that the labouring classes shall not be under any injustice of law in matters which are of importance to their welfare, it may in passing be noted that justice of *law* must be understood to include justice of *administration of law;* and I would draw attention to the supreme significance of that principle in regard of administration for sanitary purposes. Sickness, in the case of the poor, is as terrible an aggravation of the poverty as the poverty is an aggravation of the sickness; and the sickness, irrespectively of what widowhood and orphanhood it may occasion, is an almost necessary cause of at least temporary dependence on the poor-rate. It cannot be too loudly proclaimed that an EFFICIENT ADMINISTRATION OF THE SANITARY LAWS is among the best helps which can be given to the poorer classes of the population; and that authorities who negligently or corruptly fail of their duties in such administration are among the worst oppressors of the poor.

Questions of State-assistance.

When adequate provision has been made by poor-law for the poverty which except for such provision would be destitute, and when all conditions of equal social justice have been secured for all classes of the self-supporting poor, is there more which the State ought to do? In respect of further action to be proposed, two considerations have to be remembered: first, that any such action would be essentially eleemosynary, and would of course need all the precautions which alms-giving in general requires,

lest motives for self-reliance and individual effort be taken away; and secondly, that, as it would almost necessarily involve increased taxation of the other classes of the community, it would in this sense, as well as in the other, require to be very carefully guarded against abuse. In the reasonable interests of those who would be compelled to pay the additional socialistic taxation, it might fairly be claimed, that, wherever practicable, the expenditure should either be in form of loan, or should be such as to find its return in a reduction of the cost of pauperism. Money spent in promoting the elementary and industrial education of the poor, money spent on reformatory schools and on the training and eventual settlement of the children of pauper and criminal parents, and money spent in well-devised schemes of colonisation, including especially such as would provide for the emigration of young persons whom the State had trained, are perhaps the best types of such expenditure as would promise to be remunerative, and more than remunerative, in respect of the quantities of pauperism and crime they would tend to prevent.

That influences such as these cannot be more than auxiliary in the matter, is a limit imposed by the nature of the case. The essentially prime condition is, that the members of the classes in question should, individually and collectively, do their utmost to help themselves. Individually, they have to strengthen themselves in the qualities of intelligence and industry and trustworthiness which make value in the labour-market; and in those habits of forethought and self-control (among which needs hardly be specified the habit of alcoholic temperance) by which wages, however unraised in amount, are greatly raised in significance. Collectively, they have to take example from what has been best in the action of the more successful industries: have to effect such organisations among themselves as may free them from unnecessary dependence on middlemen, and may promote their obtaining the best wages which the circumstances of their respective branches of business will allow. Whether separately or in union, they particularly will do well to note, that every step upward in industrial skill is a step of escape from the level at which sweaters can tyrannise over labour. So far as there is non-possession or non-exercise of the self-saving qualities, no statesmanship and no philanthropy can prevent for result, that,

down at the bottom of the social scale, with constant renewal from upper levels, there will be a more or less unmoving sediment of squalid parasitic life. And let there be frank recognition of the two chief causes, physical and moral, which, in separate or in joint action, tend to perpetuate this deeply pitiable result. No social effort can equalise the natural capabilities of men, and the degrees of strength with which they respectively try to rise; or can prevent that some, in sheer weakness of nature, will be without faculty to help themselves. Nor can it be expected that the efforts of any single generation will conquer the essential downwardness of perverse natures, or will convert into effectual self-helpers the inveterate loafer and the sot.

Question of State-control.

In the modern politics of poverty there is perhaps no more difficult problem than the question, how the community ought to deal with the elements which have settled, or are tending to settle, into that relatively hopeless sediment of low-level idleness and mischief; but on this problem I do not feel myself competent to speak except in a few most general terms. It appears essential that present society should be more on its guard, not in the angry spirit of Tudor times, but in a spirit equally resolute, against recruitals of loafer life, and of the pauperism which represents wilful idleness. Among the able-bodied who, on plea of being unemployed, beg alms of the public, or recurrently apply for poor-law relief, there undoubtedly are large numbers whose unemployedness is more or less voluntary; probably many in whom the idleness is so wilful an offence against the community as to deserve treatment of a penal character; and probably many more, to whom it would be of incalculable advantage that magistrates should be able to sentence them to periods of strictly disciplinary, though not otherwise penal, treatment.* One principle, which appears to me absolute, is, that the State ought with all possible peremptoriness to intervene against the hereditary continuance of pauperism; that

* In this connection I would refer to the novel, but evidently not hasty, suggestion which Mr. Charles Booth puts forward; that his East London Class B, numbering some 100,000 persons, and including the best-known "unemployed" of London life, should be brought under a compassionate system of industrial maintenance by the State.—See in his *Labour and Life of the People*, vol. i., ch. vi., pp. 165-70.

it ought by law to have the amplest discretion to treat as parentless, and to take into its own charge, all children whose natural parents or guardians cannot, or will not, bring them up otherwise than into pauperism, or presumably into crime.

Questions of Private Charity.

For the success of a sound Public Policy towards the Poor, it is essential that Private Charity, and especially Co-operative Private Charity, purporting to assist the poorer classes, should loyally range itself on the side of the law, and work in the same spirit with it. It should clearly define for itself what is its proper province of action as distinguished from the province of poor-law relief; and within its own province it should (after the spirit of the other province) be at all possible pains to discriminate between proper and improper claims for assistance, and to discourage all the many fraudulent forms of mendicancy and parasitism — all the sham-poverty and wanton unthrift and laziness which would live at the cost of others. Where giving help, it should, as far as possible, adapt its help to the aim of restoring or creating the power of self-help, and should be specially careful not in any avoidable degree to diminish, but on the contrary as far as possible to confirm or increase, in those whom it helps, the cultivation of proper habits of prudence and self-support. Private Charity, working in that spirit, and particularly if organised for localities on a coherent local system of its own, and in well-planned concert with local poor-law authorities and their officers, may be productive of incalculable good; but in the contrary case, and in proportion as it disregards the principles of the public policy, it tends almost equally to do harm. Genuine inquiry into individual cases is the indispensable basis for its acting aright; and in innumerable cases mere money-giving is of little or no avail, unless more or less personal pains-taking go with the gift. It is painful to have to recognise as regards this country, and most of all as regards London, that, through non-recognition of those elementary principles, infinite quantities of vaguely-benevolent intention, together with vast sums of money, run to waste, year after year, under the much misused name of Charity; while also, with that waste of means and of good intention, mischief, sometimes far-reaching mischief, is done to the classes whose benefit has been intended. London's

unequalled charitable resources, endowed and casual, are absolutely without organisation among themselves; the immense almsgiving of the metropolis (outside the province of poor-law) is under no system, nor is subject to any sort of responsible guidance; and on occasions of plausible appeal to compassionate feeling, lavish supplies of money are contributed with such insecurity for their proper use that practically they seem appointed for scramble.* Among the most flagrant illustrations of the general case are the facts regarding the very numerous medical charities of London: institutions, differing widely among themselves as to scope of work, and as to standing and character and resources: all of them more or less mendicant or expectant as to charitable gifts from the public, and most of them loud in professing financial difficulties, yet none of them under any sort of exterior audit or control: all of them independent of each other: all of them free from any relation to the admirable system of Asylums, Infirmaries and Dispensaries which the Poor-Law has at work within the same area: all or nearly all of them—(except so far as subscribers' tickets may be required and the individual subscriber may choose to investigate)—ready to give gratuitous medical treatment without any sort of inquiry whether the recipient is really so poor as to need that form of alms; and the chief of them giving out-patient treatment, in this indiscriminate way, on so immense a scale as to raise doubts against the value of what they give. Other illustrations (but which I have not space to describe in detail) can be observed in deplorable quantity in the various forms of indiscriminate, and almost competitive almsgiving which are exercised in London, especially during each winter-season, by bodies of persons intending charity, sometimes on its own account and sometimes as make-weight for

* With reference to the Mansion House Fund for the London Unemployed of 1885, Miss Potter, in her paper on the *Dock Labour of East London*, writes as follows: "Eighty thousand pounds dribbles out in shillings and pence to first comers. The far-reaching advertisement of irresponsible charity acts as a powerful magnet. Whole sections of the population are demoralised, men and women throwing down their work right and left in order to qualify for relief; while the conclusion of the whole matter is intensified congestion of the labour market—angry, bitter feeling for the insufficiency of the pittance or rejection of the claim."—Mr. Booth's *East London*, page 207. For various further evidence as to the ill-effect of that fund, and others of like sort, see last year's Report of the Lords' Committee on Poor-Law Relief.

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other purposes.* That which so calls itself charity is on a vast scale proselytising for pauperism, and in parts is often little better than a lottery-system for the benefit of such idlest classes of the population as count on these chances rather than on industry. As regards those almost bacchantic forms of benevolence which offer hospitality to all comers—beds or breakfasts or dinners or suppers, the educated observer will hardly have failed to see that they "create a demand which they can never meet;" that their tendency is "to make relief a source of social disorganisation, an excuse for heedlessness and vice, a counter-attraction to the sober gains of thrift and foresight, an incentive to restless discontent and the ceaseless expectation of bounties."† And even as to what seems the more limited proposal to provide "cheap meals" or "free meals" for groups of ill-nourished children coming to elementary schools, surely the public when besought for alms to fulfil that purpose (unless it be limited to actual paupers) ought to demur to the principles—the indefinitely extensible principles—which the proposal involves: ought to consider whether the principle of exonerating parents from the duty of finding food for their children, and the principle of admitting children to expect from outside alms other food than the food of their family, are principles which in the long run can work for the common weal, either in their relation to public economy, or in their not less important relation to the family-life, and the morals and the self-respect of the people. With regard to all such abuses as have been glanced at, and with regard altogether to the wiser and nobler tone which ought to rule the relations between wealth and poverty, rich and poor alike have reason to be deeply thankful to the Charity Organisation Society, for the real labour which its leading members in Council and District-Committees throughout the past twenty years have given to the cause they have had in hand, and for the

* "Relief is used, and charities are established, by the promoters of all kinds of religious and moral views, as agents to supplement their work. School-Boards introduce relief indirectly where, as they believe, without relief they cannot educate. Clergy and ministers frequently use relief as a potent element in their ministrations. The Church Extension Association uses relief to extend the Church. The Salvation Army is developing into a large relief society. Everyone wants to put a bounty on the success of his own endeavours."—*Annual Report of the Council of the Charity Organisation Society*, 1889, p. 31.

† Same, p. 28 and p. 3.

admirable teachings by which during these years they have been educating and helping us all to better principles and practice in that branch of civil duty. The labour has not been wasted. In 1888, before the House of Lords Poor-law Committee, the experience of several of the East London Unions testified admirably to the practical success of the Society's principles in a most difficult field of operation; and at the present time it seems to be certain that the almost chaotic relations of medical charity in London will shortly undergo in some form or other under auspices of Government the radical examination for which the Society has raised demand.* It may be hoped and expected that, if provision shall have to be made for trusts of a public kind, relating to the control and co-ordination of local charities, the County Councils, which the Act of 1888 called into existence, will in such respects be found eminently capable of serving the public.

Question of supplementing the Elizabethan law by safeguards against wanton pauperism.

Finally, so far as I may presume to estimate the progress of events and opinions bearing on the present subject, I would observe that the time apparently is now not far off, when a radical reconsideration of English Poor-Law will be found requisite. Among persons who have been most solicitous for the welfare of the masses of the people, there long, or perhaps always, have been some who have deliberately disapproved of the policy of the Elizabethan law; arguing that a law which specially protects against extremes of privation will necessarily operate as a kind of sanction to improvidence and idleness; and arguing that our present poor-law has been of vastly pernicious operation in that sense.† Retrospectively speaking, I am so far

* See Proceedings of the House of Lords on July 29th, 1889; when Lord Sandhurst presented a petition praying for such inquiry, and when the Lord President of the Council, with evident recognition of the importance of the matter, promised that it should have the attention of the Government.

† "A law which teaches men in their early life (the period when to secure self-provision is easiest) that they shall always have a right to be supported by other men, and that starvation shall be impossible for them, must surely weaken the natural incentive to prudence, and deaden the divine instinct of self-preservation; and thus make a vast mass of our people *improvident*. Again, the use of right conferred by such a law,—right only claimable, but readily claimed, by those who, under its sanction, have learned to neglect the natural duty of self-provision—is pauperism, and thus a vast mass of our people has

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from sharing in disapproval of the Elizabethan law, that, on the contrary, I regard it with deep admiration and with gratitude: not only believing it to have been of urgent national necessity at the time when it was enacted, but believing also that, during the past centuries, it has been an infinitely valuable element of security in our slowly progressing social system, has immensely mitigated the mischief of faulty laws relating to labour, and has repeatedly saved the government of the country from liability to rude and perhaps subversive assault by masses under threat of starvation. But, while I deeply entertain that sense of past national obligation to the Elizabethan law, I do not in any degree deny the contention of its opponents, that it has given a dangerous impunity to improvidence and idleness, and has, to that extent, imposed an unjust tax on those who fulfil the duty of self-support.* In view of the important changes which during the last sixty years have been made in various related parts of our social system, there seems at the present time to be ample reason for re-considering the Elizabethan law in respect of that particular weakness contained in it, and of the abuses to which the weakness has led. England, after three centuries of poor-law, is not likely to affirm the negation of law which would leave destitution to the options and chances of time and place, or would mercilessly enforce, even on the most worthless of its idlers and wasters, the extreme penalty of death by starvation and exposure. But the problem which our forefathers tried to solve by the lash and the branding-iron and the gallows, the problem of converting to decent citizenship the "rogue" and "valiant beggar" and "sturdy mendicant"—the many-named absorber of other men's substance, remains a problem for modern England with its modern methods to solve. The essential question, by what means shall it be possible for the community to enforce on

become *pauperised*. And thirdly, the apparent wisdom of keeping themselves qualified for pauper relief by being destitute tends to teach the young that self-indulgence is an advantage and self-denial a mistake; that it is better policy to spend money, and be helped by the parish in need, than to save money and get nothing from the rates." See footnote, next page.

* "It compels, not merely the rich to pay for the poor, or the fortunate to pay for the unfortunate, but it makes all the thrifty, poor as well as rich, pay for all the wasteful, in addition to fulfilling that duty of providing for themselves, which the wasteful have chosen to leave unfulfilled." See footnote, next page.

individuals such industry as will suffice for their present and prospective self-support, and to exact from the early earnings of the industry such proportionate payment as will ensure against future chances of sickness, and against the eventual certainty of old age, is a question which England may perhaps not yet be quite prepared to answer in detail; but it is a question which the country will soon be obliged to answer in a form sufficiently precise for practical application. As a recent writer has well shown in a little book specially addressed to "working men," the tendency of universal compulsory insurance (as on a method which the book explains) would be, within measurable time, to leave the poor-law "without paupers on whom to operate; the sick and aged poor would be supported independently by their own money, instead of being demoralised by a compulsory levy from other people; ratepayers would be relieved from a needless burden, and the multitudes otherwise doomed to pauperism would be raised into the class of self respecting and self-provided citizens."* Under our present social conditions, the question of adopting and strictly enforcing that principle (subject of course to such exceptions as individual cases of bodily or mental inability might require) tends almost inevitably to connect itself with all questions of future benefaction to the poor. Especially it would seem reasonable to connect the principle of Compulsory Insurance with the principle of Free Education; for surely, if the State is to provide gratuitous education for the masses of the people, it may reasonably require, as first-fruits from the receivers of such education, that they shall, as far as practicable, secure themselves against future pauperism, and thus guarantee the community against further costs on their behalf.

* See, in the *People's Library*, published by the Society for Promoting Christian Knowledge, *Thrift and Independence: a word for working men:* by the Rev. W. L. Blackley: 1885. The quotations in my last two footnotes are from this work.

CHAPTER XVII.

CONCLUSION.

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WITH regard to the progress of English sanitary administration during the seventeen years between the establishment of the Local Government Board and the passing of the Act of 1888 for the constitution of County Councils, some admixture of disappointment may be confessed; for if, during those years, the Local Government Board had exercised more influence of real supervision in favour of progress, and against the many local inactivities and defaults which have been known to exist,—especially if in the first instance it had been started with organisation and spirit for that branch of work, — presumably the present sanitary position of England would have been much more uniformly advanced than it is.

The past half-century's progress, and the stage now in course.

That drawback, however, has not had power to reverse the generally advancing tide; and, in spite of it, the total of our past half-century's British progress in sanitary knowledge and government has been such as will make the Victorian period memorable for future history. The Science of Preventive Medicine has immensely advanced; not only in the immediate gain, that various diseases, and their respective causes and respective modes of propagation, are far more exactly understood than before, and that the diseases can therefore of course be more readily prevented; but also, and even more largely, because new methods of pathological research have been created, full of the utmost promise for future augmentations of exact knowledge.* Popular acceptance of the scientific teaching, and popular experience in confirmation of it, have also made very considerable progress,—enough to have inclined local populations to tolerate with but little grumbling, or even in many cases to promote with more or less zeal, large financial expenditure for purposes of

* Observe, for instance, even since twenty years ago, how the knowledge of the infective diseases has been increased by cultivation of the morbid contagia in artificial media, and by more discriminative methods of experimental inoculation, and by exact comparative studies of the powers of alleged disinfectants.

Public Health: the Medical Profession has come to be recognised as an ally of indispensable helpfulness for the State in affairs of both local and general government: while, further, in consequence of the more specific demands which Preventive Medicine has made for various mechanical and physical and chemical aids and appliances, new branches of commerce, purporting to fulfil various dictates of Preventive Medicine, have begun to arise, and in some cases have grown to excellence.* On the new foundations of Science, a new political superstructure has taken form. For the purpose of locally protecting the Public Health, a great body of new law, and a vast apparatus of administrative machinery, wherein medical officers form an essential part, have come into existence; the Public has begun to feel its own incalculable interest, that this new branch of our national politics should be worked with intelligence and honesty; and, more and more throughout England, men, possessed of the qualifications to be desired, have been girding themselves in answer to that appeal. Evidence enough is already to hand, that, where local government has been reasonably attentive to modern sanitary rules, great improvements in local salubrity, great diminutions in the quantity of local disease and death, have, as had been predicted, come to pass.†

It is peculiarly gratifying to note that the English progress of the last half-century has been of influence far beyond the limits of the United Kingdom; not only in the colonies and other transmarine parts of the British Empire, but also in countries under other government; and the early English workers, who have joyfully witnessed that wide extension of a great beneficence, have at the same time had the happiness of finding

* Compare, for instance, the details of present house-drainage, as laid down under competent direction, with the details which passed muster in times before the General Board of Health. Or compare the present time with thirty years ago in respect of the means (commercial as well as municipal) which can be invoked, to assist in preventing the spread of infectious diseases.

† Details of such evidence are to be found in very many reports of local Officers of Health. For more collective statements, see Dr. Ogle's highly instructive *Letter to the Registrar-General*, in decennial supplement to the latter's 45th Annual Report. See also, in the 50th *Annual Report* of the same department, the Registrar-General's reflexions on the past *Fifty Years of Civil Registration*; and, in the just-published 51st *Annual Report*, the encouraging statements which are made as to the death-rates in this current decennium.

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their own pioneer-work approved and honoured by the chief foreign promoters of the extension.*

Science relatively to law and to popular education.

The progress which has been made consists essentially in practical applications of Pathological Science; and happily that branch of knowledge shews every sign of continuing to give lessons for application. In the eyes of those who cultivate it in a spirit of becoming modesty towards the magnitude and the difficulty of their subject-matter, it, no doubt, like many other branches of the infinite study of Nature, appears hitherto as only in that first stage of true growth where the known is immeasurably less than the unknown; but even in this early stage it has already given ample light for very large preventions of disease; and, so far onward as we can foresee, we may expect that its light will continue to be an ever-advancing guide for advances of law and conduct. It is now proceeding with such activity as the world has never before witnessed, and the various kinds of knowledge which supply resources for the prevention of disease are increasing with immense rapidity. Clearly we have to hope that, in proportion as exact knowledge is gained of agencies prejudicial to the public health, the nation will provide against them by appropriate law and by effective administration; but, for obvious reasons, it is not likely that practical reforms will

* It would be most agreeable to me were it in my power to offer here some analysis of the sanitary literature of the last twenty or thirty years; to show how much merit there has been in many admirable reports which have been issued under local administration in the United Kingdom, and under our colonial and Indian jurisdictions; and at the same time also to tell something of the activity which has been shown in other countries—as, above all, in Germany, and in the more advanced of the United States of America; but with my present limits of time and personal strength, I dare not enter upon any so ambitious attempt. If I may permit myself partial exception where necessarily my chief rule must be silence, there are two foreign names which all contemporary opinion will, I feel sure, justify me in mentioning with peculiar respect: the names of two, whose life-long devotion to the advancement of sanitary science and practice, has laid all us their fellow-workers under obligation; one, the happily still living and vigorous Munich Professor, Dr. Max v. Pettenkofer; the other, Dr. Georg Varentrapp, the lately deceased patriot citizen of Frankfort. I may add that, during the time, the chief English Medical Journals have in general guided their readers to what has been of most interest in current British work; and that all chief sanitary thought of the last twenty years has been well represented in the valuable *Deutsche Vierteljahrschrift für öffentliche Gesundheitspflege*, now edited by Dr. Alexander Spiess and Dr. M. Pistor.

keep themselves immediately abreast of scientific progress. For them, namely, the rate of advance must in chief part depend on the progress of popular education as to the facts and interests and duties of the case, and can therefore hardly be expected to be other than gradual and somewhat slow. Thus it has been that down to the present time, our disease-preventive provisions of law have certainly not in all respects kept pace with what we know as to the causes of disease; and even less advanced in most instances is the readiness of persons and authorities to make full use of the provisions which exist.

Popular standards hitherto veryimperfect; e.g. in taste for cleanliness;

Even as regards those parts of the case where popular education might now be supposed to have become comparatively ripe—the parts which specially regard the Cultivation of Cleanliness, it would be flattery to pretend that average England has yet reached any high standard of sensibility to dirt.* Against accumulated obvious masses of filth, against extreme ferocities of stench, local protests no doubt are pretty commonly to be heard, and, at moments when there is panic about disease, may often rise to considerable warmth of indignation; but in regard of the less riotous forms of uncleanliness, far too much insensibility is widely shown.—See, for instance, how little fastidiousness prevails in the popular mind as to the domestic and commercial arrangements which supply *Drinking Water*. To say nothing of domestic neglects as to the cleanliness of cisternage, and nothing as to the frequency with which private supplies of

* When I speak of *average* England still having to learn lessons, and even rudimentary lessons, in various matters of sanitary cleanliness, I do not intend to imply that the wealthier classes of society are an exception to that average reproach. It is by no means alone in comparatively poor and ungarnished dwellings, that filth-diseases and odours of filth are to be found. In the houses of wealthy and self-indulgent persons, who perhaps may be spending money and raptures on the fine arts, and who certainly would think it strange to find themselves under imputation of dirt, and in the highly-paid lodging-houses which these classes inhabit from time to time at their so-called health-resorts, it is not very rare—indeed, as to the lodgings, it is rather frequent, that the staircase is pervaded by more or less sewage-odour from defective drain-structures thereabouts or in the basement; and even the wealthiest know but too well that enteric fever, with its congeners, does not leave them unscathed. Persons, not fairly educated to profit by their sense of smell, stumble as naturally into certain sorts of disease as the more or less blind stumble into other pitfalls; and a suggestion that the non-observant *Johnny Head-in-Air* will come to grief in matters of scent, as well as in matters of sight, is one which some ingenious future *Struwelpeter* might fitly endeavour to bring into his nursery picture-book.

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water are derived from surface-wells sunk in foul soil, and imbibing from cesspools and muck-heaps, merely let note be here taken of the general inattentiveness to questions of *public* supply. Now and then, no doubt, may be heard an expression of mild surprise, that water which purports to be "filtered" under Act of Parliament has much of the aspect of third-class ditch-water, or is found to have plugged its service-pipe with some live or dead body of an eel; but, of proper watchful insistence that the drinking-supplies shall be systematically guarded from pollution, there is hardly a trace to be found; and the consequences of this carelessness (quite apart here from any question of its bearing on health) are often disclosed in forms of such filth as ought to be blushed for. That even the London water-supply, after half-a-century of disgusting disclosures, and after various very terrible disasters, is not yet secured against gross defilement, is a fact to be sufficiently gathered from the reports of the official examiner under the Metropolis Water Act, 1871, and is in other ways deplorably notorious.* In the summer of 1886, the *Lancet* medical journal brought to light that, during the week of the Henley Regatta, the Thames, for about a mile's length of its course, where supposed to be sacred to the water-supply of London, had had, on and about its surface, a floating and riparian encampment of some thousands of holiday-makers, using the river as their latrine and middenstead, and with their house-boats purposely closet-piped into it: all this apparently not anything new, but a story which would perhaps strike the popular mind when the medical journal had commented on it! † What sentiment of cleanliness prevailed among the thousands who could thus deal with their neighbours' drinking-water, and among the millions who were placidly bearing the outrage, is a question which may be left for such future historians as will discuss the curiosities of English civilisation at the close of the nineteenth century; and in the meantime national education will perhaps have taught that a river, having manured fields and sewage-farms and populous

* See, for instance, with particular reference to certain intakes from the Thames, the Report on September, 1888.

† See *Lancet*, July 17, 1886; and, for such amendments as followed on that exposure, see the reports of the same journal in succeeding years.

urban districts along its banks, and constituted by law "a navigable highway on which all persons have right to pass and re-pass for pleasure or profit," is not (even apart from regattas) likely to supply such drinking-water as moderate sentiments of cleanliness would seem to demand.—Again, to look in another direction, see with what apparent indifference our nineteenth-century England acquiesces in a daily-increasing sacrifice of daylight to dirt. There are immense masses of our population—the inhabitants, for instance, of London and of many chief manufacturing towns, who endure without revolt or struggle the extremities of general *Smoke Nuisance;* not only condoning the fact (on which here the argument does not turn) that the nuisance is of painful injury to an appreciable proportion of persons, and in certain states of weather kills many of them; but further (which is here the point) accepting, as if in obedience to some natural law, that their common life shall in great part be excluded from the pure light of day—that incomparable source of all physical gladness—by an ignoble pall of unconsumed soot; and hardly murmuring, in their self-imposed eclipse, that their persons and clothing and domestic furniture are under the incessant grime of a nuisance which is essentially removable.—It is of purpose that I have adverted, though but in few words, to some comparatively non-sanitary aspects of the question of cleanliness: for disease-preventive degrees of cleanliness will hardly be attained, unless something more than disease-prevention be included in the popular aim. A great people, determining what it will deem to be proper purity for air and water, has not to measure only from the scavenger's point of view, but surely also with some sense of the help which accrues to the human mind from beholding the pure aspects of nature, and with some readiness for displeasure when the beauty and bounty of nature are wantonly affronted by slovenliness and waste. For rich and poor alike, it cannot be too clearly understood that the claims of cleanliness are fastidious. In order to sanitary self-protection by its means, there must be sufficient refinement of taste to abhor even minor degrees of dirt, and to insist throughout on the utmost possible purity of air and water; there also must be sufficient sharpness and cultivation of sight and smell, to immediately discover even minute infractions of the sanitary rule; and there

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must be sufficient intelligence and watchfulness as to the channels, commercial and other, which can clandestinely admit uncleanliness from without.*

in sanitary knowledge, and sense of sanitary duty.

While average English life is but imperfectly educated in standards of cleanliness, and in knowledge of the dangers which uncleanliness involves, it may be taken for granted that popular education is even less advanced in the other rudiments of sanitary knowledge; and with so widely defective an appreciation of the causes of disease, there of course will be corresponding voids in the practice of sanitary self-protection. The uneducatedness has, for one of its consequences, that, in various ways of neglect and passivity, sometimes by individuals omitting to do for their own persons or premises something which they personally ought to do and sometimes by their omitting to invoke from appointed authorities or officers such assistance or protection as the law intends these to afford, very many incur disease, who, with better education, would know how to escape it, and could in general be expected to exert themselves to that effect.† Thus far, however, is mentioned only one of the chief preventable evils against which advancing education has to contend; and there remains for mention a second which is at least equally important. Diseases do not spread only through the *passiveness* of those who suffer them, but spread, in immense quantity, through the influence, essentially *voluntary*, of wrongful acts, neglect, or defaults, on the part of others. It is to be hoped that, with advancing popular education, those aggressive activities of disease-production in various parts of our social system will be seen in stronger and stronger light, and be more and more plainly understood, as very serious forms of social wrong; and that there may accordingly be developed against them, on the one hand, such public opinion as will insist on higher standards of social duty, and, on the other hand, such sufficient stringency and punitiveness of the law as may be a terror to evil-doers. In illustration of my meaning (but of course without intending that the argument should limit itself to the instances

* See next page.

† *In general*, I say: for (as at least one necessary qualification) it must always particularly be remembered, that persons in various forms of social dependence may be in extreme difficulty as to their power of claiming sanitary rights, and obtaining emancipation from causes of disease.

cited) I would refer to the frequently-recurring cases in which wrongful conduct creates an Epidemic of Infectious Disease, or widely spreads such disease beyond its first limits;—to the cases, where either local authorities or commercial companies, purveying public water-supply, have made epidemics of cholera or of enteric fever, sometimes on a frightfully large scale, by distributing polluted water; to the cases, where local authorities, by non-construction or mal-construction of sewers, or by omitting to make proper application of the nuisances-removal law in their districts, have occasioned similar epidemics; to the cases where dairies or dairy-farms have supplied to masses of customers a polluted milk, infectious of enteric fever, or a milk otherwise infectious; and, not least, to the innumerable instances in which improper conduct on the part of an infectiously-diseased person, or of persons in charge of him, has propagated infectious disease,—necessarily with more or less possibility of further personal propagation, and perhaps, sooner or later, of wide dissemination through some commercial or other apparatus having large contact with the public—some school or laundry, or food-shop, or water-source, or dressmaking or upholstering industry,—and this improper conduct representing either an almost savage ignorance as to the nature of the disease, or else an utterly selfish indifference as to the hurt one's conduct may cause to others. So, again, to add illustration from another branch of health-government, I may refer to the quantities of disease and death brought upon the public through the almost unbounded facility which exists for abuses and dishonesties in the house-trade, and by the frequency with which jerry-built and other unfit houses, having in them latent malconstructions dangerous to health, are let for hire to persons who have not knowledge enough to protect themselves against the harm.

Question of enforcement of responsibility for sanitary wrong:

It is no part of my intention here to enter upon any general criticism of our present code of sanitary law; but I cannot pass without comment that at present some curiously anarchical state of law or custom concedes among us an almost unlimited impunity to those who inflict sanitary wrong. From more than twenty years ago, and on occasions both official and unofficial, I have endeavoured to enforce two principles, which, in justice to

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the public as against all such wrong, ought, I submit, to be embodied in thoroughly workable law, and to be of familiar application in legal practice: principles equally valid, whether the wrong have been done by an individual member of the community, or have been done by any commercial association, or have been done by a local authority constituted for sanitary duties: first, the principle of *criminal responsibility* for whatsoever wilful acts or neglects gravely injure, or gravely endanger, the public health; and secondly the principle, that the doer of any sanitary wrong shall be liable to pay *pecuniary compensation* to those whom his misconduct has harmed.* Not pretending to write as a legal expert, I hazard no opinion how far new law may be absolutely necessary in order that those common-sense principles should have their due influence in practice; but that, in order to the full effectiveness of the second of them, some revision of present law, and some new special enactments, would at least be advantageous, appears to me certain; and, with reference to part of the case, I think it significant that, in 1885, when the Royal Commission on the Housing of the Working Classes was recommending amendments of law to be made in that matter, it expressly proposed as one such amendment, that "there should be a simple power by civil procedure for the recovery of damages against holders or owners of property by those who have suffered injury or loss by their neglect or default in sanitary matters." † That such "simple power" as the Commission there described should be available throughout the entire field of sanitary relations, and that, by means of it, a person who had suffered any sort of sanitary hurt from the wrongful act or default of another (whether person or company or authority) should be able easily

damages;

* The application of the above principles to wrongs done by local authorities and water-companies was argued by me (1867-70) in the Ninth, Tenth, and Twelfth of my Annual Reports to the Privy Council; see previous mention, above, page 302; and the argument will be found in the extracts which Dr. Seaton gives from those Reports, in his re-edition of 1887: viz. at pp. 287-9, 331-4, and 395-411 of his second volume. In respect of the spreading of infectious disease in ordinary life, my argument will be found in the article *Contagion* of Dr. Quain's *Dictionary of Medicine*, and (re-printed) in Dr. Seaton's Vol. II., pp. 582-4.

† First Report, page 56. In § 12 of the Dwellings Act of 1885, an indirect step was made towards fulfilling that recommendation; but it only referred to properties of very poor class, and has not, even to that extent, nearly closed the question of law-amendment in respect of sanitary wrongs done in the house-trade.

to recover pecuniary compensation from his injurer, is what I submit ought to be law; and I believe that such an amendment of law would tend to ameliorate the sanitary government of the country more rapidly than any other which could be named. In respect of a certain class of cases, however, it is conceivable that individual plaintiffs suing for damages might often be at forensic disadvantage unless their injurer had previously been indicted and convicted for misdemeanor in respect of a public wrong,—as, for instance, that by gross negligence or other misconduct (under statute or otherwise) he had caused a certain epidemic of disease, and thereby certain deaths; and the importance which attaches to the principle of criminal responsibility, in respect of serious sanitary offences, may in part, though only in part, be judged from its forensic relation to that class of cases. The other, and even weightier reasons, for which the principle has to be kept well in view, are obvious reasons of common public interest. I am not aware that the Local Government Board, during its eighteen years of existence, has, in any case of public sanitary wrong, promoted the indictment of the malfeasant party; but I am deeply persuaded that legal action of that sort, taken in even a very few well-chosen instances of such wrong, would be of infinite reformatory power over our whole area of sanitary government; and I cannot but think that, in the present state of knowledge and general education as to the means of not wasting human life, it would be dereliction of duty on the part of Government, if any further repetition of certain sorts of homicidal action or default in sanitary affairs were allowed to escape public prosecution.*

misdemeanors.

It may well be hoped and expected that common-law

Wilful wrongs in local government:

* Take, for instance, some gross case of wrong done in respect of a public water-service. Any municipal or commercial body, authorised by law to purvey water, must be deemed to have at command the knowledge now common to all skilled persons, as to the dangerousness of polluted water, and as to the mechanical means by which water ought to be made secure against such pollution; and if nevertheless a directing body, or its acting officer, has, by negligence or other misconduct, allowed the water to be in such state of pollution as to have produced a serious epidemic of enteric fever or cholera, surely the body or officer ought to be indicted in respect of the public offence, and, so far as deaths have resulted, to be indicted for manslaughter; and this quite irrespectively of the question of damages which may have to be paid by the body to those whom its foul water-supply has injured.

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misdemeanors relating to the public health will in the future not often be of such sort and dimensions as to suggest question of public prosecution; but the principle which defines the misdemeanor will, I think, more and more prove itself to be fundamentally important in the politics of public health; and the relation of the principle to *neglects which cause sanitary danger* ought certainly not to be left out of view by those who desire to correct certain occasional gross abuses in local administration. It is true that, where a district-authority of bad type persistently omits to fulfil duties commanded by sanitary statute—as, for instance, those which sections 15, 40 and 92, of the Public Health Act of 1875 impose, common law (irrespectively of what may be done under section 299 of that Act) can bring a writ of mandamus to bear on the non-feasant authority; and that therefore, the public needs not, in all the instances, be equally concerned to have a second good string to its bow. But there has to be remembered that, among cases of chronic administrative default, *corrupt* non-feasance is a possible case; that, according to evidence which has been publicly given with regard to particular cases, men have held seats on district-boards in order to screen bad house-property of their own from a due application of public law, or for some other selfish and sinister purpose;* and with reference to cases of this sort, it certainly would be of public advantage, that the Court of Justice, entertaining the question of mandamus in relation to any obstinately non-feasant sanitary authority, should also entertain the question whether the persons or any of the persons composing the authority, had made themselves misdemeanants at common law, and were individually liable to punishment. Here, however, the argument has brought us again face to face with the all-important question of popular education in the interests which the argument discusses. Our last sixty years of English political life have been so transformatory of local administrative relations, that popular intelligence has hardly had time to follow the change, and to realise conscientiously for itself how large a new creation of popular duties and responsibilities has taken place. A period of immaturity in such relations may be expected to have its transient weaknesses, requiring treatment more or less transitory; and, for

* See above, page 439.

them, all candid minds make allowance; but, in the more prospective sense which regards permanent norms of action, it of course is supremely to be hoped that democratised local government will know how to secure due diligence and honesty in the administration of its affairs, without having in any great degree to depend on the punishing powers of Courts of Justice. Surely, far more than on any such exterior corrective, it ought to be able to rely, preventively, on itself; for educated local patriotism can ensure from beforehand, that misdemeanors in local government shall not arise. In this, as in other parts of our electoral system, the high integrity, the dutifulness and disinterestedness of each representative of the people, must be for the people itself to regulate, and, with its respect and gratitude, to reward. Equally, too, the nation is concerned in this correlative hope: that to be elected member of a district, or county-council of local government, and thus to become a participator in functions of essential service to the State, will more and more commend itself, as an object of legitimate and generous ambition, to persons of good business-ability and of sufficient leisure, who would have in view no other purpose than that of being actively useful in public duty; and that thus, while true popular education shall be strengthening all electoral bodies to identify and reject the candidatures of persons who are intent only on personal aims, the bodies shall have before them in increasing numbers candidates whom it will be honour to themselves to elect.

ought to be prevented by local opinion in local elections.

For the further development of our sanitary institutions and their working, the educational onward impulses may be expected to come pretty continuously from members of the Medical Profession, and are perhaps not in any essential sense to be expected largely except from them. This is not meant only with regard to the abstract science of the matter, but equally with regard to administration. Regarding the science, it has long been evident enough, that, for such new researches and observations as will supply increase to the body of exact knowledge on which the prevention of disease depends, the world cannot expect much help except from the work of the Medical Profession; and the same is now constantly becoming more and more clear in regard of public sanitary administration. Whether for kingdom, or for

Agencies by which sanitary knowledge has to be wrought into popular usefulness.

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county, or for district, the organisation or procedure which purports to *prevent disease* must sooner or later be judged from the medical standpoint, — from the standpoint of question, whether it has attained, or can attain, the *disease-preventive* good which is its professed aim. Thus, more and more, the practice of sanitary administration is having to adapt itself to the experience and judgment of the medical officers engaged in it; and whatever other services may be auxiliary in the matter, the administration, in essence, tends more and more to define itself as a specialty of medical skill.* Therefore and for other reasons, the progress of popular education in sanitary knowledge, and in the art of sanitary government, will depend, to an incalculable extent, on the personal influence of the Health-Officers throughout the country; each of whom is virtually authorised to be the sanitary educator of his district; and it may reasonably be hoped and expected, that, in proportion as those officers are of attainments and character entitling them to have weight, each of them will be accepted as an influential public teacher, and especially will be encouraged to inform and inspirit for sanitary purposes the local authority under which he acts. Further, referring to the principles on which the Local Government Board was established in 1871, the public is entitled to expect that this Board (irrespectively of what *compulsory* orders it may have to issue in certain sorts of cases) shall be a highly important *educational* influence towards the general sanitary progress of the country; and it is certain that the Board, having under its command, in the department of which Dr. Buchanan is chief officer, the most progressive scientific spirit, the most trained skill, and the largest practical experience, ever yet combined in the sanitary service of any government, could readily use means for stimulating and assisting local education and progress in cases where backwardness is shown. The present state of the case is: that the Reports of the Medical Department contribute invaluably to the growth of sanitary science (abstract and applied) as understood by the comparatively small class of persons who are experts in it, and

* As regards the central service, a good illustration is given in the 17th *Annual Report* of the Local Government Board. See, namely, in the Medical Officer's Supplement, App. A., No. 18, Dr. Blaxall's Report on the *Inspections directed by the Board for the purpose of settling on a permanent basis the constitution of Port Sanitary Authorities in England and Wales.*

that probably the foremost local officers of health in the country are those most conscious of habitual indebtedness to the advanced scientific teaching of the central publications; but that, in more diffused relation to the progress of the country, as particularly in relation to the administratively backward districts, the Medical Department can do but little unless it be allowed systematic personal communication with the districts and their health-officers by the agency of its own inspectors; and that this, unfortunately, is the method of influence which hitherto the Local Government Board has shown itself least willing to adopt. The Board cannot expect to exert educational influence through agencies themselves uneducated; and in proportion as it shall desire to be contributive of real usefulness to the purposes in view, it assuredly will have to reconsider the proportions in which *skilled* and *unskilled* service have hitherto been used by it in professed superintendence of local sanitary government.

Public Health Law does not exonerate from rules of Personal Hygiene.

The question of popular education in such sanitary matters as have been under review ought hardly to be left without a word of reminder as to the boundary-line between "*public*" and "*private*" in affairs of Health. While modern times are recognising on a large scale, as general principles, that every community has an interest in the health and strength of its individual members, and that in various important respects the aggregated individuals cannot secure health for themselves unless they act solidly together by appropriate defences of law and administration, those principles do not at all imply that the community relieves its individual members from the general responsibility of caring for themselves, or undertakes to prevent individual acts of unwisdom by which the individual causes injury to his own health. Long before our modern codes of public sanitary law had begun to shape themselves, elaborate counsels of personal hygiene had become current in the world; counsels, as to the ways and habits of life which would most conduce to healthful longevity; counsels, above all, for moderation in life—"the rule of *not too much*;" and those counsels for personal self-government, enforced from age to age by the ever-growing common experience of mankind, are not now to be deemed superfluous because boards of local government have arisen. In relation to the sexes and

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their union, and to the many personal influences which are hereditary,—in relation to eating and drinking,—in relation to work and repose and recreation for mind and body,—in relation to the charge of infancy, and to proper differences of regimen for the different after-periods of life,—there are hygienic rules, perhaps not less important to mankind than the rules which constitute local authorities; but to enter even slightly on the discussion of them would be far beyond the intention of these pages; and I cannot in passing do more than thus advert to the importance of the subject.

In ending this volume, in which I have endeavoured to follow the growth, and in some degree to examine the principles of a comparatively new branch of politics, I need not attempt to elaborate any argument as to the importance of the social object which is in question. My own humble opinion on that point is sufficiently implied in my relation to the present volume; and it seems to me that, in the course of events, the common judgment of the country has shown itself practically convinced. The fact that Preventive Medicine has now been fully adopted into the service of the State is indeed the *end* of a great argument; and if the institutions of the country are to be valued in proportion as they favour the greatest good of the greatest number, it may be assumed that those which represent the counsels of Preventive Medicine will never henceforth be held in low esteem. There no doubt exist schools of thought, to which this branch of political duty may appear but a trivial and niggling kind of industry. From beside the Main it has been expounded to us in language equally learned and lugubrious, that the radical error of the universe (next to the fact of its having come to be) is the fact of its preferring not to come to an end; and, in the light of that creed, it may seem an absurd anachronism that even the millions of mankind, whom a late much-respected philosopher of ours used from time to time to describe as "chiefly fools," should be willing to let their existence be prolonged. But however great may be the academic interest of those opinions, there seems no likelihood of their being accepted as bases for national policy; and to minds which have had the happiness of discipline in the Art

of Medicine, they will not count as of more practical import than any mere curious wreathing of tobacco-smoke.

Care for Public Health an essential joint-factor in civilisation, claiming concert with other factors.

Granted, however, and granted a hundred times over, that good sanitary government is but a partial and initiatory contribution to the great whole for which patriots have to think and work. The human future as poets in prose and verse have conceived it—and "poets are the unacknowledged legislators of mankind"—is not a mere affair of animal robustness. Jeshurun, we know, may have waxen fat, but have grown for no higher activity than to kick. And they to whom CONSERVARE QUÀM PLURIMOS is among the most sacred precepts of life will surely not regard their duty as fulfilled till the client *quàm plurimi* shall be well-to-do in far more than physical surroundings. Among the many thoughts of difficulty and hope which crowd on the minds of men who in various ways are working for the abject of their kind, it may be that sometimes, even within the slum, and over the poor heads in it which are being counted, there suddenly stands forth, at first with unutterable pathos of contrast, and then as the veriest rainbow of cheer, the memory of Shakespeare's words:* "What a piece of work is a man! how noble in reason! how infinite in faculty! in form and moving, how express and admirable! in action, how like an angel! in apprehension, how like a god! the beauty of the world! the paragon of animals!" Surely the realisation of *man* in some such sense as that is the goal towards which sanitary, as well as all other social reformers, would work; and when sanitary reformers appeal to the conscience of modern civilisation against the merely quantitative waste of human life, their deeper protest is against the heedless extinction of those high and beautiful possibilities of being, against the wanton interception of such powers for good, against the cruel smothering of such capacities for happiness. But, for the development of those possibilities and powers and capacities, agencies, not commonly classed as sanitary, have to be invoked; and while, towards the higher stages of the social future, the physical foundations are truly indispensable, we, whose duties are with the physical, do not pretend to authority in other duties. Relatively to the building as a whole, the nature of the case has necessitated division of

* Hamlet, II. 2.

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labour; assigning to several sorts of special workmen their respective specialties of endeavour; and the particular share or stage of duty which we "doctors" have in trust concerns but the relatively raw material of the schemed construction. That raw material, as it comes to us, we humbly receive; to treat it on impartial terms according to the lights of our specialty. Not ours happily is the invidious duty to discriminate between the "chiefly fools" and the others; nor does the Art of Medicine, any more than the radiance of its mythical patron-star, shine differently on the just and the unjust. *We* undertake that we will do our best to keep men alive, and to lessen the sufferings and weaknesses of the physical life. For *that* function we are sworn servants, and there our specialty ends. But we surely should be less than human, if our hearts were not likewise for the after-interests. Our Science, which is becoming more and more able to preserve and strengthen to men their gift of life, would indeed offer but a joyless task to its administrators, if they had not in hope that the lives they endeavour to maintain would be lives of growing worth and happiness; and in proportion as we medical workers have to recognise that ours is only a divisional and preparatory labour, so much the more ardently must we wish God-speed to those who are specialists in the later divisions.

Analogies and affinities between the different branches of civilising endeavour.

Into those other fields of endeavour as we gaze, we see numberless close analogies to our own work. We see there another Pathology than that which our clinics and dead-houses teach us, yet a pathology almost parallel in its teachings. There, as in our own province, we see a pathology of the deformed, the aborted, the mutilated, the blood-poisoned; a pathology which, like our own, must measure from true ideals of health, must perceive where straight lines have been lost, where normal spheres are not yet duly rounded, where essential types are for the while under eclipse; a pathology which, like ours, must be deeply interrogative of causes, and must be patiently studious of all natural processes of recovery and repair; a pathology, from which at every turn the would-be therapeutist has to learn humility and reverence in relation to the problems of cure or prevention he would attempt. To our technical eyes, indeed, the *idolon specûs* is as if Statesmanship, in some of its chief relations, were but a

magnified Art of Medicine; and the possibility whispers itself to us that, in political practice, just as in the practice of our more special art, damage may perhaps at times be done by "unqualified practitioners," and by quacks who promise what they cannot perform. Looking too into that larger world from the more compact experience of our own specialty, we can vividly see, in relation to many of its chief evils, that the Profession of Statesmanship, like the Profession of Medicine, must be intent on methods of Prevention no less than on possibilities of Cure, and must derive its preventive methods from a genuine science of Causes. We, perhaps more than most men, have facilities for observing how much study is yet needed for the Preventive Medicine of many social shames and miseries, and how too often results are expected where hitherto the first true steps towards attaining them are only beginning to be made. We are able to see that the true Prevention of Crime is more than an affair of police; that society has to strike at the roots of criminal intention, has to precognise the stage where crime is first mentally conceived, has to substitute moral influences for influences which tend to make the *will* criminal. We can see that the true Prevention of Drunkenness is not a mere stricturing of taps; that society, besides having to abolish those loathsome surroundings of life which now sometimes revolt sober men almost into envy of the drunkard, has to develop the reasonable *minds* to which drunkenness shall have neither charm nor excuse, the minds which shall not fly to it for help, the minds to which it shall only mean filth and degradation. We can see that for the true Prevention of Pauperism, almsgiving contributes no help, and, if injudicious, contributes hindrance; that, for the general prosperity of the proletariat, so far as its able-bodied members are concerned, the proletariat itself must struggle, and that, in this struggle, if conducted under just laws, no extrinsic assistance is likely to be of more than slight avail as compared with the interior forces of *personal character*, the faculties of activity and self-control, the thrift-powers of labour and frugality. Thus, over great territories of social evil, adjacent to the field of our merely medical work, we seem to see on all sides, just as in our own province, the common pervasion of one deep want: the want of riper national education.

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Genuine national education the common hope of all social reformers.

Education, in the full sense of the word, is the one far-reaching true reformer, for which in all the domains the sufferers have to work and hope: not the mere elementary school-business of reading and writing and arithmetic, nor even merely those bits of learning with some super-addition of a bread-winning technical proficiency; but the education which completes for self-help and for social duty, by including wisdom and goodness among its objects; the education which teaches standards of moral right and wrong, gives height to character and aim, acts orthopædically on the twisted mind, and applies its own hygienic discipline to the shaking-palsy of purposeless life. Education in that sense is not something which one man can receive passively from another, as he might receive an inunction or a legacy, but is something which his own nature must actively grow forth to meet. It in truth is as a process of fertilisation, a process in which one generation of minds can only awaken the germs of another, a process in which fructification requires time. The progressive development, the continuity with increase, is not an effect which can be registered as from day to day; but the results of the true education are as sure as those of "the tree planted by the rivers of water, that bringeth forth his fruit in his season." The specialists who are variously striving for progress in different chief branches of national life can all observe how greatly their respective causes have that one essential interest in common; how true national progress has a solidarity of its own, in respect of the educational roots from which all its different branches derive impulse; and how the several chief branches thrive in such sort of sympathy with each other, that deadness in any one branch of the growth tends to delay progress in other branches.

Our present civilisation as a whole.

While, in the point of view to which the above considerations have led, we see Medicine but as one among many servants in the confederated endeavour for human civilisation, while we see that the object of improving to the utmost the conditions of man's social existence is an aim for which many different agencies must co-operate, and while we see that throughout the whole range of civilising endeavour man is in courses of movement which involve periods of time, we also, as regards the great

joint task which is in question, are happily able to see that momentous progress has already been made; progress at accelerating rate in each succeeding half-century of our later times; and retrospect on that progress justifies us in very strong hopes for the future.

In comparing different states of civilisation, one must not let the eye dwell overmuch on the mere individual pinnacles in the scene—the extreme upward reaches of certain sorts of personal or sectional prosperity, whether in accumulation of wealth, or in eminence of knowledge and culture; for the exceptional possessions, attaching as by temporary accident to a small minority of persons, and not of concern to others except so far as the respective proprietors pass them into general distribution and use, may be of extremely limited significance. The essential signs of civilisation are the strength and worth and happiness of the people at large; and, for due measurement of those signs, the observations must be on a corresponding scale. The test-inquiries are chiefly of two sorts: first, how far is the community free from well-defined social evils—from crimes of violence and fraud, and from civil wrongs, and from drunkenness, and from prostitution, and from the pauperism of able-bodied persons, and from injuries by preventable disease?—and secondly, what is the state of the proletariat as to conditions of labour and living,—how far downward in the scale is it capable of self-support without alms,—how far downward does it enjoy reasonable comfort and decency of life, with means of providing proportionately for sickness, and for old age,—how far downward does it show itself able to secure for itself the just profits of its own industry, and to protect itself against unjust exactions in the quantity or the quality of its work? If, with tests such as those, the England of to-day be compared with the England of sixty years ago, triumphant signs of advancing civilisation are everywhere to be seen: almost everywhere there is the record of actual improvement—often of great, even very great improvement, in the matters of question; and in the exceptional cases where such improvement cannot yet be strongly affirmed, there is the record, next best in quality, that endeavours and influences for improvement are continuing and increasing.

Among the more characteristic facts of progress to be observed

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Conditions of progress now operating:

in the growing self-helpfulness of the proletariat;

in our present stage, there are two, which, for their prospective significance in relation to vast national interests, seem to me especially important: one, the increasing strength of the proletariat for purposes of self-help; the other, the increasing solicitude of the community for the welfare of its weaker members.

That, through our universal enforcement of elementary school-teaching since eighteen years ago, the adolescents of the poorer classes of our population are already stronger for self-help than were their predecessors of earlier time, and that the lifting-power of elementary knowledge will be made of still greater value to their successors as years go on, is unquestionably a fact of great importance; but not less important is the progress which the elder proletariat had previously made, and is still steadily making, in direct practical relation to its own economical interests. On the one hand, there is the evidence of savings-banks and other kindred institutions, as to the proletariat's growing appreciation of the value which even very small savings, prudently employed, may have in helping men forward from conditions almost of slavery to conditions of comparative independence,—growing appreciation (in the spirit of Benjamin Franklin's memorable teaching and example) that, for the welfare of future years, early self-denial, even in very strict degree, may be a relatively cheap price to pay,—growing appreciation how unwise an investment it is, in pot-houses or otherwise, to "buy the merry madness of an hour with the long penitence of after-time,"—growing appreciation that, painfully hard as it must be to deal in a provident sense with those poor earnings which allow no legitimate margin for pleasure, yet that such providence, even on pennywise scale, may be the labourer's only safeguard for future promotion, and his only ransom for such domestic life as shall deserve respect. Concurrent with the proletariat's progress in senses such as those, has been its very remarkable and very promising progress in the art of confederating for common interests. Its members have been learning that, when at length they were invested with a legal right to act in union for objects which would be lawful to them singly, they were made conditional masters of a great increase of power for purposes concerning their welfare,—masters of a power which would be great in proportion as they should use it with wisdom; and during the

last half-century, innumerable combinations of workpeople in societies of comradeship and mutual help and insurance, in societies of co-operative supply, and partially in societies of co-operative production, have been pioneering in this immensely important line of national economics, have learnt great elementary lessons, and have, in large part, attained such success as is of most encouraging promise for the future. The progress of those experiments has of course not been unchequered by such occasional streaks of disappointment as are to be expected in the early stages of every great social movement: there have been instances in which the newly-discovered power has been immorally or unwisely used, and in which discredit or misfortune has resulted: but, on the whole, the tale of the industrial confederations strikes me as among the most satisfactory of our century. As regards the progress and the promise which it represents I will take leave to quote the language of one who speaks with the authority of learning and insight in the subject-matter, and who, while he has been among the most sympathetic observers of the movement, has probably also been among the strictest of its critics:—"Three processes," says Professor Thorold Rogers, "have been adopted by the working classes, each of which has had a vast, and should have an increasing influence in bettering the condition of labour, and making the problem of dealing with individual distress, however caused, easier and readier. They should be viewed by statesmen with unqualified favour, and be treated by working men as the instruments by which they can regain and consolidate the best interests of labour. They are trade-unionism, or, as I prefer to call it, labour-partnership; co-operation, or the combination in the same individuals of the function of labour and capital; and benefit-associations, or the machinery of a mutual insurance society. So important do I conceive these aids to the material, intellectual, and moral elevation of the working classes to be, that I would, even at the risk of being thought reactionary, limit the privileges of citizenship, the franchise, parliamentary and local, to those, and those only, who entered into these three guilds—the guild of labour, the guild of production and trade, and the guild of mutual help. Nor do I think it extravagant to believe that were those associations rendered general, and finally universal, the social problems

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which distress all and alarm many would ultimately arrive at a happy solution."* Among the forms in which labour has of late times been able to win improved conditions of employment for itself, there is one which, though not separately named by Mr. Rogers, may probably be within the full meaning of his language, but which, if not so, is here to be remembered as a fourth chief "process" of hope for the labouring classes, viz., that sort of limited or contingent partnership between employer and employed which is known as the system of profit-sharing: a system which perhaps for many years to come may be of easier attainment to the wage-earning classes than productive co-operation exclusively their own, and which meanwhile seems an influence of singularly good tendency to reconcile the interests of capital and labour.

and in the growing sense of socialistic duty.

The constantly increasing care of the community at large for the welfare of its individual parts is an eminently characteristic and influential fact in our present stage of civilisation; wherein it represents the continuance and further development of the philanthropic spirit which (as shown in a former chapter) started into new growth among us more than a century ago. On the surface, where none can fail to see it, is the immense development of altruism in forms often comparatively crude and impulsive, but of significance entirely good; while deeper, among the more thoughtful classes, is the gradually settling conviction that forms of civilisation are but futile forms, unless the mass around which they are cast be pervaded from rank to rank by the kindliness of man to man. It is something curiously unlike what Machiavelli taught as politics. It is socialism of the sort which consists with social justice, and tends to social consolidation: not a sort which appeals to one-sided envies and cupidities, and offers plebiscitary permits to rob; but a sort which, as from the opposite stand-point, represents human friendliness and generosity, and rejoices in its power to give and

* *Six Centuries of Work and Wages:* pp. 440–1. In a few striking sentences at pp. 566-7, Mr. Rogers speaks with emphasis on some moral aspects of trade-unionism, and explains how "entirely essential it is, not only to the dignity, but to the strength of labour, that it should do what it has to do as well as it possibly can": insisting that, in this respect, the interests of employer and employed are identical, and suggesting that the endeavours of any craft to establish for its members a minimum of wages ought to be accompanied by proper securities for a minimum standard of efficiency.

to help. This more and more has been becoming an influence in England. Towards the distresses of the poor, the rich in purse are so ready to give amply from their means, that in fact often, from want of judgment, their money runs uselessly to waste or to mischief, and the true demand has come to be less for supplies of money than for supplies of administrative discretion. Then again, in deep response to a different sort of claim, there is the spirit with which, at the present day, incessant endeavours are being made by associations and individuals, to develop freer intercourse and better mutual understanding between the differently-conditioned classes of society: very notably the spirit in which the Charity Organisation Society and its District Committees are at work, and with which numbers of educated men and women are offering themselves as missionaries of civilisation to the poorest of the poor, ready to share with them the surroundings in which they dwell. From the collective observations of workers of these sorts, society is constantly acquiring the better exact knowledge by which to amend its dispensations of succour: knowledge truly indispensable to the performance of that great national duty; for the function of social succour (like all other political functions) requires to be exercised from a basis of true knowledge; and the branch of political economy here in question has now, with the assistance described, begun to be cultivated as it ought to be. In the same sense, let note be taken of the number and quality of the men who, during the last thirty years, in Royal Commissions, and in Select Committees of one or other of the Houses of Parliament, and in all possible varieties of local action, have sincerely given the best powers of their minds to studying the interests and promoting the happiness of the common masses of the people. All this is of daily familiarity among us to a degree for which, so far as I know, there exists no precedent in history; and while I am saying it particularly of England, I have no intention of so limiting it. On the contrary, though I cannot attempt to speak in precise terms of the progress of countries less known to me than my own, I will venture to express my conviction, that, almost universally throughout Europe, and throughout the vast populations which Europe can claim as its descendants in other quarters of the globe, there have been at work, for the last

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hundred years and more, never insignificantly, generally in strength, and often in ascendency, the same ferments of intellect and conscience as those which have given products in England. The German Reichstag's recent completion of a code of law, which, while it compels on the employers and employed of that great people a system of graduated insurance for the wage-earning classes against sickness, against accident, against casual incapacitation and against old age, enacts also that this provident system shall be liberally subsidised from the funds of the State—that is to say, from the proceeds of general taxation, stands forth, at the present moment, as a signal illustration of the advance of principles which a century ago would have been deemed utopian or wild. On the whole, as it seems to me, observers are in presence of a great acceleration-period in the development of human social relations; and among those who contemplate it, not many, I think, will be disposed to say that *Vanitas Vanitatum* is the last word of our nineteenth century.

Sursum Corda.

The so-called Natural Sciences, it may be admitted, are more obviously the giants of the hour. The rate at which discovery and generalisation during the past century have secured new firm ground in all departments of physical and biological research, has been such as to rival the speed of imagination; and in London, at the moment of my present writing, the most advanced students of Nature are almost spell-bound as they contemplate the stupendous magnitude of new generalisations which are being set before them, with regard to the elementary constitution, and the mysterious chemical rhythmicality, of all which we call the material universe.* Ever may the Sciences of Nature continue to be, as they long have been, a principal upward momentum to the noblest faculties of the human mind, and infinitely contributive of those material benefits which the world is ever requiring at their hands. Yet with all love and reverence towards the studies of Nature, it is not only to them,

* On June 4, 1889, the Faraday Lecture before the Chemical Society of London, was Professor Mendelejeff's exposition of the *Periodic Law of the Chemical Elements*. More recently, Dr. Haughton, President of the Royal Irish Academy, has laid before that learned body a paper in which he discusses the abstruse geometrical relations of the atomic weights and valencies of the elements, and propounds from that basis a very widely enlarged reading of the Periodic Law of Newlands and Mendelejeff.

nor indeed even chiefly to them, that in this last word I refer. As my mind reverts to the reflexions with which this volume opened, and as I see before me again the stone-breaking cave-dweller whom our present generations call their ancestor, I doubt whether modern man be more ahead of him in science than he is ahead of him in conceptions of social duty; and, when I end this volume with a special *Sursum Corda* to fellow-workmen like-minded with myself as to the interests which the volume has discussed, my thankfulness is not more for the great Interpreters of Nature than for the men who in nearer and more distinctive senses have been the organisers of help and hope for their kind, and have made human sympathy a power in politics.

Great physicists set before us from time to time the gloomiest horoscopes of the earth's destiny. They warn us of successive glacial periods yet to come, when, again and again, our northern camps of civilisation must shift themselves to what they can perhaps reach of negroland; they warn us that, in remoter doom, there bides for all earth the one sepulchral frost when the sun which now cheers us will have grown dim with age. From those dark prophecies of dead mechanical nature, one turns with gladness to read the pointing of the human index. While our unconscious planet, "with inoffensive pace that spinning sleeps on her soft axle," glides by successive yearly rounds towards her last haven, whether of darkness or of light, Man—her "paramount creature"—is seen ripening in his ordained development. Beast of prey is not yet all extinct in him, but his organs of higher life are in growth. More and more, as the cycles are trodden, he rises to the religion of mutual helpfulness. Stronger now than ever in the history of the world, and of wider range than ever in that history, thoughts of loyalty to his kind are gaining sway with him. And surely in the years to come, so far forward as man's moral outlook can reach, they who shall be in the front will more and more have to count it sin and shame for themselves, if their souls fail of answering to that high appeal, and they strive not with all their strength to fulfil the claims of that allegiance.

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ABBREVIATIONS.

L.G.B. = Local Government Board. P.C. = Privy Council.
G.B.H. = General Board of Health. P.H. = Public Health.

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