THE DWELLINGS OF THE LABOURING CLASSES.

By Dr. T. ORME DUDFIELD (Report of the Health of Kensington, No. XII).

THE President of the Local Government Board has addressed a circular letter, dated December 2nd, to the several local authorities in the metropolis, dealing with the above subject, as follows:—

Local Government Board, Whitehall,
2nd December, 1889.

SIR,—The Local Government Board have had under their consideration the great and pressing question of the housing of the labouring classes. They cannot avoid the conclusion that a large number of the working population of this country are at present housed in tenements which are either unfit for human habitation or in such a condition as to be distinctly prejudicial to the health of the inmates. There can be no doubt of the gravity of the evils which result from the insanitary condition of the dwellings of the poor, or of the ability of the local authorities, by a strenuous and judicious exercise of the powers which the legislature has conferred on them for this purpose, to effect a very material improvement in the present condition of these dwellings. The Board deem it right, therefore, again to bring especially under the attention of the local authorities of the metropolis the duties which are imposed on them by the Housing of the Working Classes Act, 1885, and the large powers which they possess under the Nuisances Removal Acts and other statutes in relation to this matter.

Section 7 of the Housing of the Working Classes Act, 1885, which was enacted in accordance with a recommendation contained in the report of the Royal Commission on the Housing of the Working Classes, expressly declares that it shall be the duty of every local authority entrusted with the execution of laws relating to public health and local government, to put in force from time to time, as occasion may arise, the powers with which they are invested, so as to secure the proper sanitary condition of all premises within the area under their control.

Since the date of their first constitution in 1855, the Metropolitan Vestries and District Boards have had the power of taking summary proceedings for the closing of houses unfit for human habitation, and for the abatement of overcrowding in any house in their district. Section 134 of the Metropolis Management Act, 1855, made every Vestry and District Board under that Act the local authority to execute the Nuisances Removal Act, 1855, and section 20 of the Sanitary Act, 1866, expressly declared that it should be the duty of the local authority to make from time to time, either by themselves or by their officers, inspection of their district, with a view to ascertain what nuisances exist calling for abatement, and to enforce the provisions of the Act of 1855 and of the other Nuisances Removal Acts, for the purpose of securing the abatement of nuisances.

Similar powers and duties have devolved on the Commissioners of Sewers of the City of London and the Woolwich Local Board of Health.

The word "nuisance" includes "any premises in such a state as to be a nuisance or injurious to health," and "any house or part of a house so overcrowded as to be dangerous or prejudicial to the health of the inmates."

If after notice from a local authority, a nuisance is not abated, or if, after notice, it is discontinued, but is, in the opinion of the local authority, likely to recur on the same premises, it is their duty to institute proceedings before justices. The justices are empowered by their order to require the person on whom the order is made to do such works and acts as are necessary to abate the nuisance complained of. If they consider that the same or a similar nuisance is likely to recur they may further prohibit its recurrence, and direct the execution of the works necessary to prevent such recurrence, and if, in their judgment, the

nuisance is such as to render the house unfit for human habitation, they may prohibit its being used for that purpose until it is rendered fit for habitation, and in that case the house may not be let or inhabited until, by a further order, the justices have declared that it is habitable.

As regards overcrowding, in cases where a house is inhabited by more than one family, section 29 of the Nuisances Removal Act, 1855, provides that whenever the medical officer of health shall certify to the local authority that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, the local authority shall cause proceedings to be taken before the justices to abate such overcrowding, and the justices shall thereupon make such order as they may think fit, and the person permitting such overcrowding shall forfeit a sum not exceeding 40s. Where two convictions in respect of the overcrowding of the same premises are obtained within a period of three months, whether the persons convicted are or are not the same, the justices are empowered by section 36 of the Sanitary Act, 1866, to order the closing of the house for such time as they may deem necessary.

The above provisions have been found in practice to afford a simple and comparatively inexpensive means of procedure by which the local authority can, in gross cases of sanitary neglect, compel landlords either to make their houses fit for human habitation or to close them, and by which the overcrowding of houses in such a manner as to be dangerous or prejudicial to the health of the inmates can be prevented.

These powers, however, are by no means the only ones which have been conferred on the local authority by the Legislature with a view to enabling them to improve the sanitary condition of the houses of the working classes.

Under the Artizans' Dwellings Acts, 1868 to 1885, usually known as *Torrens' Acts*, the local authority are enabled not only to secure the improvement or demolition of houses which are "in a condition or state dangerous to health, so as to be unfit for human habitation," but also to deal with any "obstructive building"—i.e., a building which, although not in itself unfit for human habitation, is so situated that, by reason of its proximity to other buildings, it stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation, or prevents proper measures from being carried into effect for remedying the evils complained of in respect of such other buildings.

Under these Acts it is the duty of the Medical Officer of Health to report in writing to the local authority any premises in the district coming under either of the above descriptions, and the local authority are required to refer this report to a surveyor or engineer for the purpose of ascertaining, in the case of any house alleged to be unfit for human habitation, whether the causes of the evils complained of can be remedied by structural alterations and improvements, or whether the premises ought to be demolished. In the case of a building reported to be an "obstructive building," the surveyor or engineer is to make a report to the local authority as to the report of the Medical Officer of Health, and state what, in his opinion, will be the probable cost of acquiring the lands on which the building is erected, and of pulling down the building. In the former case, if the surveyor or Engineer reports that the evils complained of can be remedied by structural alterations or improvements, the local authority may require the owner to execute them, and, on default, they may order the closing or the demolition of the premises, or may themselves execute the necessary works, at the expense of the owner. On the other hand, if the report of the Engineer or Surveyor is to the effect that the premises should be demolished, they may order the demolition of the premises, and, on default of the owner, may themselves take down and remove them. In the case of an "obstructive building" the reports of the Medical Officer of Health and of the Surveyor or Engineer must be taken into consideration by the local authority, and if the authority decide to adopt them, they may require the demolition of the building. In

that event, if the owner elects to retain the site, they must pay compensation for the demolition; otherwise, they may themselves purchase the site.

Where the evils caused by insanitary dwellings in any area are such that they cannot be remedied otherwise than by the demolition of so many houses belonging to different owners, that a complete scheme of rearrangement and reconstruction of the streets and houses is necessary, large powers are conferred in the City of London on the Commissioners of Sewers, and in the remainder of the metropolis on the County Council of London, for the carrying out of an improvement scheme for the unhealthy area under the Artizans' and Labourers' Dwellings Improvement Acts, 1875 to 1885, commonly known as Cross's Acts. In any parish or district in the metropolis outside the City of London in which such a scheme is necessary, it is the duty of the medical officer of health of the vestry or the district board to bring the facts of the case to the notice of the County Council, by means of an official representation, under section 3 of the Artizans' and Labourers' Dwellings Improvement Act, 1875.

In addition to these powers, section 35 of the Sanitary Act, 1866, as amended by section 47 of the Sanitary Law Amendment Act, 1874, which enactments were put in force by the Local Government Board in December, 1883, in all the districts of the metropolis in which they were not previously in operation, enables the local authorities of the metropolis to make regulations enforceable by penalties for the registration and inspection of houses let in lodgings or occupied by members of more than one family, for the prevention of overcrowding therein, and for securing their being kept in a clean and wholesome state.

It will be seen from the above statement that the local authorities have been empowered to take the necessary proceedings to prevent any premises in their district unfit for human habitation from being inhabited; to prevent any house in their district from being overcrowded in such a manner as to be prejudicial to the health of the inmates; and to secure the demolition or improvement of buildings which are either themselves unfit for human habitation or which, by reason of their situation, are the cause of other buildings being rendered insanitary. These large powers have been intrusted to the local authority in order that they may be exercised for the protection of the poor, who are unable themselves for the most part to enforce the observance of the laws relating to public health by their landlords. I have most urgently to impress on the local authority the grave responsibility which they incur if they neglect the duty which has been cast upon them by the Legislature, of taking the necessary steps to insure that the law in relation to each of the above matters shall be duly enforced in their district.

I am, Sir,

Your obedient servant,

(Signed) CHAS. T. RITCHIE.

The Clerk of the Local Authority.

I would first observe that it is undoubtedly true, as stated by the Local Government Board, that "a large number of the working population" are at present badly housed, and that it would be difficult to overrate the "gravity of the evils which result from the insanitary condition" in which they live, the chief of these being overcrowding. It may also be admitted that existing sanitary laws confer very large powers on the "Local Authority," to "effect" but, as we shall see, not with the necessary expedition, a "very material improvement in the present condition of the dwellings of the poor," especially by "summary proceedings for the closing of houses unfit for human habitation, and for the abatement of overcrowding," under the provisions of the Nuisances Removal Acts, and by the enforcement of Regulations, made, under the

provisions of the Sanitary Acts of 1866 and 1874, for houses let in lodgings, or occupied by members of more than one family. The last-named Acts may I believe be used with great effect, provided that the efforts of Local Authorities and their Officers are duly supported by magisterial authorities, viz., by the infliction of substantial penalties for proved breaches of the regulations. These "Lodging House Clauses" indeed are so valuable, that it would be well if all houses let in lodgings to the "working population" were registered. Practically, this is the course the vestry of Kensington have decided to adopt; already close on 1,700 houses have been placed on the register, and the work of registration is going on as rapidly as circumstances permit. It is, however, of little use to register houses unless the regulations are enforced. The work is arduous, and without a substantial increase in the sanitary staff of the Kensington sanitary officials it cannot be accomplished within any reasonable time; for, first of all, it will be necessary in respect of each house, to see that the "Instructions" issued by the vestry (in February, 1885), "for the guidance of the sanitary inspectors, in regard to the sanitary arrangement of registered houses" are duly carried out, so that structural improvements necessary to put the house into a good sanitary condition according to modern requirements, may be effected; and afterwards the premises must be periodically inspected, to see that the requirements of the regulations as to cleanliness, and other matters, are observed. A principal advantage resulting from registration is, that it is only necessary to prove breach of any of the regulations to enable the magistrates to inflict upon the offender whatever penalty they may deem suitable—the maximum penalty being a sum "not exceeding forty shillings for any one offence, with an additional penalty not exceeding twenty shillings for every day during which a default in obeying the regulations may continue."

The mode of procedure for the abatement of nuisance under the Nuisances Removal Acts is more elaborate, tedious, and difficult. Notice of the nuisance must be given by the Inspector to the Nuisance Authority, and such notice as the Authority may direct must then be served upon the person by whose act or default the nuisance is caused. Time is necessarily allowed for the abatement of the nuisance, *no penalty attaching for default*. As a rule, the required work is done within the time limited by the notice, but in the most expeditious cases from one to two or three weeks may be occupied in getting the nuisance abated, without any neglect or avoidable delay on the part of the Nuisance Authority or their officer. If the requirements of the Authority are not complied with a summons must be taken out. This is rarely made returnable in less than seven days. Should the case be decided at the hearing, without delay, all that the Justice can do is to make an

order for the execution of such works as, in his opinion, may be necessary for the abatement of the nuisance, his powers in this regard being ample. After the order has been prepared and signed by the Justice it must be served personally upon the person on whom it is made. Ample time is always allowed in the order for doing the work, and it is only after the lapse of such time that, in cases of disobedience, liability to penalties begins, the penalty being, not more than ten shillings per day, during default, and at the discretion of the Justice. Sometimes the work is not begun even, within the time limited by the order. The issue of a summons for disobedience then becomes requisite, and this usually rouses the defendant to the necessity for action, and generally before the day of hearing (that is within seven days) the work will have been done, the nuisance will have been abated, and the case will be at an end. The proceedings will by this time have lasted for many weeks, and meanwhile the inmates of the house may have been suffering in health and comfort without remedy. Nay, more, they may think themselves fortunate if they are not made to pay an increased rent to compensate their aggrieved landlord for the trouble and expense to which he has been put. It may be added that notice of appeal against the Justices Order may be given, and many more weeks may pass before the case can be finally adjudicated at Quarter Sessions.

It is a commonly received opinion—it has been said very often of late—that the law is sufficient for all purposes and that what is wanted is improved administration. But I venture to say that the law is not sufficient for dealing effectually with an obstructive defendant or bad landlord, and that there is no power by which the Nuisance Authority can effect abatement of a nuisance expeditiously. What is wanted is power to Sanitary Officials to initiate proceedings by notice upon discovery of the nuisance: power moreover should be given to the Justice to inflict a penalty for the offence of creating a nuisance. But landlords know that they incur no risk by disregard for a considerable period of the requirements of the Nuisance Authority, as set out in their “notice,” and they act accordingly. The public, on the other hand, believing the law to be all-sufficient, are apt to lay the blame for delay, unjustly, upon the Nuisance Authority and their officers. It must be added that bad tenants are quite as common as bad landlords; and that the tenant is often responsible for the nuisance which the landlord is called upon to abate. It is the fact, moreover, though it would hardly be inferred from the circular letter, that proceedings for the abatement of nuisances are taken in tens of thousands of cases yearly in the Metropolis.

But if it is difficult to obtain speedy abatement of a “nuisance” arising from the insanitary condition of the dwelling, what shall be said on the subject of “Overcrowding,” of which, doubtless, there are thousands of cases in London alone at

the present moment? Here, again, it is generally believed that the Nuisance Authority are largely responsible for an admitted evil—in other words that the law confers all necessary powers, but that administration is defective. But is it so? What are the main causes of overcrowding? Poverty, and high rents. Over these conditions the Local Authority have no power. The landlord is blamed for permitting overcrowding, as if he benefited by it. But again I ask, is it so? Often enough he is rather to be pitied than blamed whether he be the non-resident owner of a tenement house, or the humble occupier of a house let in lodgings, which in order that the rent may be paid, must be largely sub-let, the latter being in my experience, the far more common case. Take a typical example: Application for a single room is made by a couple who declare that they have no family, or, it may be, only one or two children. They are accepted as tenants upon that assurance but no sooner are they in possession than a whole troop of children turn up, and “overcrowding” is established. It may be said that all that the landlord has to do as soon as he discovers the cheat—if he is non-resident it may be long before he does—is to serve a notice to quit. That is easy to do, but it is not always easy to get the notice attended to. The provisions of the law are merciful, and the lower classes of the poor frequently avail themselves of the opportunities for delay which it affords. Assume that the notice to quit is unheeded—and oftentimes it is not given till the rent is long in arrear, to the no inconsiderable loss of the landlord owner or occupier as the case may be:—he must then go warily to work, and he will if he knows his business. Nothing remains but to enforce the law of ejectment for the “recovery of possession of tenements after determination of tenancy” (1 and 2 Vict. cap. 74). A printed form of “Directions to be observed by persons applying for the police magistrate’s assistance to eject tenants paying a less rent than 7s. 8d. a week” may be obtained at any police court. They are as follows:—

1. In case of a weekly tenancy, seven days’ written notice to quit “(the notice above adverted to)” should be served on the person in occupation; such notice to expire on the same day of the week as tenancy commenced. A copy of this notice must be kept.

2. If the tenant neglects to leave according to the notice, on any day after that on which the notice to quit expired, serve another notice (in statutory form) giving notice that you will apply at this Court for a warrant to eject him at ten o’clock in the forenoon of a day (to be named in the notice), which must be eight days at least after that on which the notice is served: keep a copy of this notice also.

3. On the day named in the second notice, come to the Court at ten o’clock in the forenoon, and bring with you the copies of the notices, and also a written complaint, stating that you are the owner of or agent for the premises, their situation, the rent payable, the date on which the tenancy expired, the date of the service of the second notice, and how it was served.

In a foot-note the applicant is informed that “this second notice” (referred to in 2) “must be

read over and explained to the person upon whom it is served," and that "printed forms of notice and complaint may be obtained at law stationers' and elsewhere." Meanwhile, the unfortunate landlord, who may be innocent of wrong-doing, must not take any rent upon pain of vitiating the whole of the proceedings. If everything has been done in due order, the magistrate will issue a warrant to the police, "commanding them within a period to be therein named, *not less* than 21 nor more than 30 clear days from the date of such warrant, to enter (by force if needful) into the premises and give possession of the same to the landlord or agent;" the usual course being to turn the people with their goods and chattels into the street, where they (the goods) create an "obstruction" with which in some cases the inspectors have been called upon to deal. In many a case, however, there are no goods and chattels; they have gone to the pawnbroker long before; or have been seized under a distraint.

But it may be that the proceedings for abating the overcrowding have been taken by the sanitary authority when the fact comes to their knowledge, which is not so very often, and no blame to their officers as it would be easy to show. If the proceedings are taken under the Lodging Houses Clause of the Sanitary Act, 1866 (already referred to), the offending lodger becomes liable to a penalty for breach of the regulations—if the justice thinks fit to inflict a penalty which he knows cannot be paid. The landlord, in the case of a tenement house, or the occupier in other cases, "keeper," as he is styled in the regulation, is also liable to a penalty, if he "knowingly suffer a greater number of persons to occupy any room," in the registered house, "than will allow of air space for each person" according to rules sanctioned by the Local Government Board, but which vary in different districts, so that what is over-crowding in one parish may be lawful occupation in the next. And supposing that the "keeper," who in a tenement house is non-resident, and may be also ignorant of the facts till he gets a notice from the sanitary inspector (but who also not seldom solicits the aid of the inspector to enable him to get rid of the lodger), supposing I say that the keeper is ever so anxious to obey the order to abate the overcrowding, I presume that he will have to proceed in the manner above indicated, by ejectment, if the lodger refuses or neglects to quit and give up possession. If the house be not "registered," the overcrowding may be dealt with as a "nuisance" under section 19 of the Sanitary Act, 1866, or it may be dealt with otherwise, under Section 29 of the Nuisances Removal Act. The Justice may make an order, under the first-named Act, for the abatement of the nuisance, whilst under the second Act mentioned any person not obeying the order to abate the overcrowding becomes liable to pecuniary penalties, and the house may be

closed if two convictions are obtained in respect of the same house within three months. Under these provisions proceedings are taken from time to time with effect, for the abatement of "overcrowding of houses in such a manner as to be prejudicial to the health of the inmates." But considerable delay is involved, as everything has to be done regularly and in proper order, much in the same way as in the proceedings already described for the abatement of a nuisance resulting from other insanitary conditions of the dwelling.

Hitherto I have dealt with the subject much as though the lodger-tenant were an obstructionist, with whom the law may fairly deal as best it can, so as to abate the nuisance; but there are multitudes of cases in which he is the hapless victim of hopeless poverty. What to do in such cases who shall tell? If he is turned out of one miserable room, made to "move on" like "Poor Jo," he must needs seek another of the same sort, or go into the house. But there are plenty other cases, of people a shade more or less better off, people temporarily out of work and compelled to restrict their expenditure. Artizans, it may be, with large families, who can afford, when times are good, to pay the rent of two, or even three rooms, but who, when work fails, may be compelled to put up with one room which they overcrowd. How shall these be dealt with? It is useless to say to them, "You must get a second room," when they are but too often unable to pay the rent of one without recourse to the pawnbroker, when the landlord is hard; they get into arrears when the landlord is clement. And it is equally vain to say to the head of the family, "You must get rid of some of your children, and so abate the overcrowding." Overcrowding! which is so often spoken of as if the landlord necessarily benefited by it, or as if the poor were quite willing agents in the matter. In this connection let us consider for a moment how hard is the lot of so many of the labouring classes at the best of times. What high rents they pay! Compelled to live near their work, and the demand for accommodation being in excess of the supply, competition comes into play, and they are constrained to expend an inordinate proportion of their earnings to procure shelter of the most squalid kind. Evidence that this is so may be found to any extent in the "First Report of Her Majesty's Commissioners for Inquiry into the Housing of the Working Classes."

But there is something to be said on the other side of the question, for in the same report will be found abundance of evidence of the destructive habits of the lowest classes of the people—and how numerous they are!—which make it an almost hopeless task to keep decent homes for them, excepting under that kind of supervision—by the police—which they like least. This point has been admirably brought out in an article which appeared in the *Times* of the 2nd inst., dealing with the

question in terms which go far to mitigate the force of the censure upon the local authority for presumed neglect to enforce the provisions of the law in cases of ordinary nuisance and overcrowding. . . .

For the rest I would say that we here in Kensington must continue to strive to discover nuisances and cases of overcrowding, and deal with them as best we may, having regard to all the circumstances in each case, a course in which we are assisted by a Sanitary Aid Committee connected with the Mansion House Council for improving the dwellings of the poor. But I must add that much more is being done in regard to these matters in the metropolis generally by the sanitary authorities, than the general public know or suspect, as might be assumed from a continuously declining death-rate, especially from preventible diseases, and as may be seen by reference to the reports of medical officers of health and sanitary inspectors published in connection with the annual report of the vestry or district board. How indifferent the public are may be inferred from the fact that these volumes, full of information of the most valuable kind, year by year encumber the shelves of the local authority, although the number printed is not very large, and the statutory price to the ratepayer is but twopence.

NEW INVENTIONS.

THE DURHAM HOUSE DRAINAGE SYSTEM.—This is a system in which instead of earthenware pipes wrought-iron pipes of suitable diameter are used. The pipes and cuttings are lined with a thin layer of asphalt, which perfectly protects the iron from the action of fluids and acids. The pipes are joined together with screw and wrought-iron collars and with cast-iron bends and junctions. Ordinary closets and pans and sinks can be attached to the wrought-iron pipes. Theoretically such a material for drainage should be perfect. Unfortunately there has been little experience of it in this country. The instances cited in the circular sent out by the company are nearly all derived from America, and Pullman, a city of 9,000 inhabitants, is drained on this system. The Durham system renders faulty jointing an impossibility, but how far the contraction and expansion of the iron pipes at different temperatures affects the stability of the system is not stated. Wrought-iron pipes have been used before, especially in houses where there was possibility of settlement of the pipes. All interested in practical drainage should pay a visit to the offices of the company and view the system for themselves. Messrs. Daw and Sons have, we understand, laid them down in a new house in Palace-court, Bayswater, so that here is an instance which in a few years time will prove whether the system is as good, better, or worse than ordinary drainage.

THE SMOKE QUESTION.—The Smoke Abatement and Coals Saving Association Company (Limited) have brought out a powder which is said, when dissolved in a proper proportion of water and the coal wetted with it, to reduce or abolish black smoke. We have tried the powder strictly following the directions on ordinary household coal. It no doubt causes a more perfect combustion, and lights quicker, containing as it does a certain proportion of nitrate, and it decreases in some degree the smoke, but its powers are in the circles much exaggerated. In the first place it is obvious that when used as directed it can only have a surface action on lumps of coal, and the distillation of smoky matters from the interior of the mass is not affected by such surface action. Hence in household consumption a far better result will be obtained when slack is wetted with the solution, for with slack all the particles are more closely incorporated with the nitrated powder. It is to be noted that in one of the published trials slack was used; this, from the company's point of view, was a judicious selection. It is also stated to prevent the evolution of sulphur fumes; this may be so to a certain extent, that is the sulphur may be oxidised by the compound in part to sulphuric acid, and then unite with the alkaline earth in the coal to form a non-volatile sulphate. It is a pity that definite experiments by some one of repute have not been made with the powder, those that are quoted in the circular are too indefinite to either explain its action on a scientific basis or to judge of its real value.

THE AMBULANCES OF THE METROPOLITAN ASYLUMS BOARD.—The Metropolitan Asylums Board have adopted the following recommendations of the Committee for General Purposes: (a) That the managers do allow their carriages to be made use of for the conveyance of persons suffering from "dangerous infectious disorders" to places other than the Board's hospitals, pursuant to the power conferred upon them by Section 6 of the Poor Law Act, 1889. (b) That the charge to be made for each conveyance be, for the present, 5s. (c) That discretionary power be conferred upon the Ambulance Committee to remit the charge for such conveyance when they deem it is expedient in the interest of the public health. (d) That the Ambulance Committee be authorised to convey persons under exceptional circumstances to or from places outside the metropolitan area, and to make an extra charge for the same. (e) That it be referred to the Ambulance Committee to frame such regulations as may be necessary to give effect to the several decisions arrived at by the managers. Section 4 of the Poor Law Act—which empowers the managers to allow their fever and smallpox hospitals to be used for purposes of medical instruction—is still under the consideration of the committee.