I am sure, Sir, that this wish coincides with the views of many of our Fellows, and I trust that the Council will see their way to put such a plan in force without delay.

I beg to be allowed to sign myself,

Yours sincerely,

February, 1900.

A PROVINCIAL OFFICER.

SANITARY MALADMINISTRATION.

TO THE EDITOR OF "PUBLIC HEALTH."

SIR,

The new Municipal Boroughs in the Metropolis have been created none too soon, and I for one hope they will so acquit themselves that Parliament may soon be induced to transfer to them many of the powers now possessed by the County Council, but which they do not exercise, but leave to the sweet will of the private committee-room or the more private chair of the official.

In 1855 Parliament passed the Metropolis Local Management Act, which gave our London Central Authority the power to make drainage bye-laws, but for nearly half a century we have been without such bye-laws. Last year the County Council adopted a set of drainage bye-laws, and submitted them to the Local Government Board for the necessary approval. In August last I ventured to point out to the Local Government Board what appeared to me and to many others the very faulty construction of the proposed bye-laws.

To take only one point. For some years now the bye-laws under the Public Health (London) Act, 1891, have provided that *EVERY soil pipe in connection with a new building SHALL be outside the building.* With this very definite bye-law the St. James's Vestry permitted nine soil pipes to be placed inside a new building in Pall Mall, viz., the Carlton Hotel, and the County Council "took no action in the matter," their favourite formula with regard to Sunday concerts and other matters, where their policy is to harass instead of intelligently regulate.

This definite bye-law is to be repealed and another substituted under the Act of 1855, and this new bye-law runs thus: "A soil pipe in connection with a new building or an existing building shall, whenever practicable, be situated outside such building." Now, a site like that on which the Carlton Hotel has been erected is not a small one, and soil pipes do not occupy a large area, so that given the desire, it would be practicable to find room for the soil pipes outside without unduly reducing the size of the building.

In my letter to the Local Government Board in August last I said:

"In the interest of the sanitary administration of the Metropolis, it is very desirable that these bye-laws should be definite, and a careful reading of them shows that they might be made much more definite than as proposed, and that they would gain in clearness by being made more concise.

"Such terms as 'whenever practicable,' 'as near as practicable,' 'where any other mode of construction may be impracticable,' 'except where unavoidable,' 'equally suitable,' which appear repeatedly in the proposed bye-laws, should be avoided where possible, and if used at all, surely the authority to decide the matter should be stated, or endless disputes must arise as to what is practicable, unavoidable, or equally suitable."

On Tuesday last I received the reply of the Local Government Board as follows:

"I am directed by the Local Government Board to advert to your letter of August 17th last relative to the bye-laws proposed by the London County Council with respect to the drainage of buildings under the Metropolis Management Act, 1855, and to enclose for your information extracts from a letter which the Board have received from the London County Council with whom they have been in communication upon the subject.

"The Board direct me to state that they have considered the representations which you submitted, but that they see no sufficient reason for pressing the Council to make further alterations in the bye-laws, and they have expressed their willingness to approve the series in its present form."

The extract from the County Council enclosed began thus: "The Board call for the *Council's* observations on a letter from Mr. Mark H. Judge criticising the bye-laws." I had followed the proceedings of the County Council, and, not having seen any minute on the matter, I wrote to the Clerk of the County Council to say that I desired to see the minute on which his letter to the Local Government Board was based, and to this I received the following reply, dated February 14th:

"In reply to your letter of the 13th instant on the subject of the new drainage bye-laws, I have to inform you that there is no minute of the Council to which I can refer you with regard to your observations on the bye-laws."

I particularly wish to make it clear that the Local Government Board applied to the County Council for the "Council's observations" on certain criticisms which had been made on the proposed bye-laws, and an answer is given without the said criticisms having ever been submitted to the Council.

The observations which were sent to the Local Government Board included the following:

"Mr. Judge expresses his objection to the use of such terms as 'whenever practicable,' 'except when unavoidable,' and 'equally suitable,' which appear repeatedly in the bye-laws. As the Board are no doubt aware, in drafting the bye-laws, it was found practically impossible to lay down definite rules of construction which would apply in every case, and the terms in question give *elasticity to the bye-laws*, without which their enforcement would be found extremely difficult, if not impracticable. Mr. Judge suggests that if such terms are used, the authority to decide in case of dispute should be stated; but this is a matter determined by statute, and not one which can be dealt with by bye-law."

Many beside the Local Government Board are aware that it is "practically impossible to lay down definite rules of construction" in many of the matters attempted to be dealt with in these bye-laws, and will, I am satisfied, agree with me that until it is practically possible to do so there is no justification for making bye-laws at all. To adopt bye-laws with an elasticity which is determined by the will of a public sanitary inspector would be to create a public danger, and, if permitted, will make the sanitary administration of the Metropolis, which is already oppressive, a tyranny, which in the interest of the community will have to be resisted.

I am, etc.,

MARK H. JUDGE,

A.R.I.B.A., Fellow Sanitary Institute.

7, Pall Mall,
February 17th, 1900.