

## THE COMPULSORY CLOSING OF PRIVATE SLAUGHTER-HOUSES UNDER A PROVISIONAL ORDER.

### COMPENSATION TO OWNER BY ARBITRATION.

By J. H. GARRETT, M.B.,  
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CHELTEMHAM finds itself in the unfortunate position of possessing five-and-twenty old registered slaughter-houses. Clauses in two old Acts—namely, the Towns Improvement Clauses Act, 1847, and the Public Health Act, 1848—were adopted or incorporated in the Cheltenham Improvement Act, 1852, registration of the then existing slaughter-houses being thereby rendered compulsory, and the opening of new slaughter-houses forbidden, excepting by periodic license, to be granted at will by the sanitary authority.

There appears to have been no option as to registration, and any place where slaughtering took place had to be registered on the application of the owner. The requirement of registration was no doubt thought to be for the public benefit; it was necessary, in order that inspections might be made, to fix the places where slaughtering could be carried on. But the result of the registration has not proved the unqualified benefit one might have desired, since a right of perpetual user as slaughter-houses was thereby created for many old places, which were registered without due regard being paid to their fitness for the object for which they were used.

By preventing the creation of new places, except by license, a premium was put upon the places ordered to be registered, enabling the owners to let them at rentals out of all proportion to their intrinsic value as buildings or property considered apart from this right of slaughtering. Thus, in total disregard of the public right, and much to the public prejudice, a valuable monopoly was gratuitously placed in the hands of the fortunate owners of the hovels and places which happened, at that now distant moment, to be in use for the slaughter of animals.

In these more enlightened days we find it desirable to abolish these old slaughter-houses in favour of a central abattoir, the first reason being the well-recognised necessity of proper facilities for inspecting animals intended for slaughter, and meat intended for food of man; secondly, on account of the private slaughter-houses occupying most undesirable sites, and being badly adapted, from the point of view of structure, for the important purpose they

serve; and, thirdly, because slaughtering really constitutes an offensive trade, and in whatever degree it be regulated by bye-laws, some amount of nuisance invariably results from it, and this nuisance is reduced to a minimum by centralizing the business in a public abattoir.

The Public Health Act, 1875, confers upon sanitary authorities the power to erect public abattoirs, and in Cheltenham an abattoir has been designed and some part of it erected. The Public Health Act, however, does not deal with the complemental necessity of causing the butchers to use an abattoir when built by providing for the closing of their private slaughter-houses. The sanitary authority is consequently obliged to rely on the limited powers which may be acquired by the expensive and doubtful process of obtaining a private Act of Parliament, or a Provisional Order from the Local Government Board, the pith of which is sure to have been excised upon revision by the Board as altogether *ultra vires*, or as being beyond any powers that have yet been thought expedient to be granted.

The Cheltenham Corporation have obtained a Provisional Order containing the following powers:

POWERS AS TO CLOSING SLAUGHTER-HOUSES CONTAINED IN THE  
CHELTENHAM PROVISIONAL ORDER, 1896.

1. The Corporation may from time to time, by written notice to the owner and occupier of any registered slaughter-house within the borough which, from its situation or construction, is, in the opinion of the Corporation, injurious to the public health, require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice, and no person shall after such date slaughter in the way of trade any cattle, horse, sheep, pig, on the said premises.
2. If any person acts in contravention of the provisions of subdivision (1) of this article, he shall be liable for each offence to a penalty not exceeding £5.
3. The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subdivision (1) of this article, such compensation in case of difference to be settled in manner provided by the Public Health Act, 1875.

Under this Order notices were in due course served for the closing of one general slaughter-house, the worst in the town, and three pig slaughter-houses, which are mere "back-kitchen" kind of places. Then arose the difficulty as to compensation. On the part of the owners particularly exorbitant claims were sent in, and after a great deal of haggling and waste of time, the matter, as affecting

the ownership of the general slaughter-house, was referred to arbitration, the occupier, who held the tenancy on somewhat irregular terms, having accepted £30 for his compensation.

By mutual agreement, Mr. Oliver J. Williams, LL.B., Registrar of the Cheltenham County Court, was appointed sole arbitrator. The parties were respectively represented by counsel.

Mr. Olive, the owner of the slaughter-house, claimed the sum of £625 as compensation for compulsory closure of the buildings for the purpose of slaughtering, and the Corporation had offered him £264 without prejudice, which he had refused to accept.

Mr. Corner, in opening the case for the claimant, said that in one sense the slaughter-house was historic, since it was once used by John Higgs, whose epitaph upon a gravestone in Cheltenham parish churchyard reads:

"Here lies John Higgs,  
A famous man for killing pigs;  
For killing pigs was his delight,  
Both morning, afternoon, and night.  
Both heats and colds he did endure,  
Which no physician e'er could cure.  
His knife is laid, his work is done,  
I hope to Heaven his soul has gone."

Mr. Corner further stated that in 1887 the butcher's shop and house facing the High Street, and the slaughter-house and yard behind, were let together for £53 15s. per annum. The tenancy fell vacant, however, in 1890, and remained unlet for a year. It was then let altogether as before, but at a rent of £40. During this tenancy the house and shop were separated from the yard containing the slaughter-house, etc., the latter being under-let (for £14 a year to Mr. Willis, the butcher who received compensation from the Corporation as occupier). Counsel admitted that the place was in close proximity to dwelling-houses, and the Corporation might be right in desiring to close it.

Mr. W. N. Olive (trustee for the late owner) stated that he thought £25 a year rent might be got for the premises. He estimated that £625, the sum of his claim, would bring in £25 a year at 4 per-cent., but didn't know where he could invest trust-money at that rate. He did not think the premises (slaughter-house and all other buildings, with yard) would let for any other purpose at more than £8 a year.

Mr. W. Lawrence said he occupied this slaughter-house between 1869 and 1876, when he lived as a butcher in Cheltenham, and killed on an average ten bullocks and seventy sheep a week in it. He paid £20 a year, together with certain offal, which he valued

at £10 a year, for the slaughter-house and yard, and would have paid £50 a year for it. He could not tell the value of not being under Corporation red-tapeism and having a cordon drawn round you. The cost of the privilege of slaughtering at the abattoir was 1s. for each beast, and 3d. for each sheep. He thought it a great advantage to be able to slaughter when convenient, whereas the public abattoir was only open during certain hours. He was of opinion that £35 a year was a fair rent for the slaughter-house.

Several local butchers, being called, gave similar evidence to that of Mr. Lawrence.

Mr. F. B. Pottinger, licensed valuer, estimated the value of the premises at £20 a year, which, at twenty-two and a half years' purchase, amounted to £450, to which he should add 10 per cent. for compulsory closing.

Mr. J. G. Villar, auctioneer and valuer, gave £440 as his estimate of the value of the slaughter-house. The premises as such would let at £25 a year, but would probably not fetch more than £5 a year for any other purpose. His estimate was based on £20 a year at twenty years' purchase, with 10 per cent. added for compulsory closure.

Mr. A. Edmonson, president of the Leeds Slaughter-house Owners' Association, said that anyone killing half what Mr. Lawrence had killed in this slaughter-house would have had to pay £47 9s. a year for use of the public abattoir, which at twenty years' purchase amounted to £949. In his opinion the slaughter-house was worth £25 a year.

Mr. Egerton Brydges, after a brief opening on behalf of the Corporation, called :

Mr. J. Hall, C.E., borough surveyor, who gave a lengthy catalogue of the defects of the place. The walls, floor, drainage, etc., of the slaughter-house were defective. From neighbouring bedroom windows it was possible to see into the slaughter-house. The pens were old cottages converted, without adequate preparation, to their present use. To render the walls impervious, amend the drainage, etc., would entail an outlay of from £40 to £50. The conducting of slaughtering here would probably cause a nuisance.

Dr. J. H. Garrett, medical officer of health, stated the reasons which led up to the application for the Provisional Order, and said that this slaughter-house had been dealt with first under the Order because it was the worst general slaughter-house in the town, and one of the worst he had ever seen, and was quite unfit for the purpose to which it had been put. He gave some details of the surroundings and conditions of the place.

Mr. A. E. Hudson, chief inspector of nuisances, gave particulars as to the present condition of the place. He said the slaughtering apartment had a floor area of 16 feet 3 inches by 12 feet. The floor was of rough asphalte, broken and uneven, and the walls of roughly-finished brickwork. The lighting was deficient, and the bloodhole and drain defective. The slaughter-house was situated close behind the houses in the High Street, one room, much used by the occupants of the shop in front, being built close against the wall of the slaughter-house, etc. The place was in a dilapidated condition, and it would cost something like £200 to make it a good slaughter-house.

Mr. Seth Lewis, inspector of slaughter-houses, etc., for the London County Council, said he considered the premises quite unfit for a slaughter-house, and to bring them up to the London requirements would cost £200. He said further that the value of private slaughter-houses had greatly diminished with the increase of the foreign meat trade, and that the tendency was for all the lesser slaughter-houses to fall out of use. Since the year 1873 the number of private slaughter-houses in London had been reduced from 1,500 to 418, chiefly from the cause he had mentioned.

Mr. J. M. Carnie, inspector of meat at Birkenhead, corroborated the foregoing evidence as to the present condition of the premises, and the expenditure necessary to make it fit for use. With two exceptions, it was the worst slaughter-house he had ever seen.

Mr. H. Waghorne, butcher, and member of the Public Health Committee of the Cheltenham Corporation, said he hired an apartment for slaughtering at the public abattoir for his exclusive use, with use of lairage, etc., at an annual rental of £15 a year. He killed there on an average six beasts and thirty-five to forty sheep a week, and it was open to any butcher in the town to obtain the use of the public abattoir on the same terms.

Mr. R. J. Purnell, auctioneer and valuer, said he had made a valuation of the premises. He considered that the place, for the purpose of a slaughter-house, was worth £15 a year, but for any other purpose it was only worth £3 a year. He deducted the £3 from the £15, capitalized the £12 at twenty years' purchase, and added 10 per cent. for compulsory sale, making in all £264. He had told the Corporation that this was the sum he thought should be paid, but he had forgotten to make any deduction on account of the dilapidated condition of the premises, and the necessity of the immediate expenditure of a considerable sum should the place be used again as a slaughter-house.

Mr. G. Hone, valuer, said the outside rent that could be obtained for the premises was £15 a year.

On behalf of the Corporation, some other evidence was given, and it was stated that the freehold of a registered slaughter-house in Cheltenham, with lairs, yard, stables, etc., all in a superior structural condition to the premises in question, had been sold within the previous year for the sum of £275.

AWARD.—A few days later the arbitrator issued his award for £198. Each party to pay their own costs. He appended the following memorandum :

I find the net cost to be at the very most £12 a year. On account of the age, bad state of repair, and, in part, ruinous state of the premises, I capitalize this at fifteen years' purchase.

This would be	...	...	...	...	£180	0	0
Add ten per cent. for compulsory taking							
according to the usual custom	...	...	...	...	18	0	0
Total amount to be awarded	...	...	...	...	£198	0	0

## THE ABATTOIR OF BIARRITZ.

By ALICE L. CUMMING, M.B., C.M., D.P.H. CAMB.

In the present crusade against tuberculosis, the municipal control of the slaughter of animals for food and subsequent inspection is a matter of vital importance. Throughout Great Britain this control is exercised only in comparatively few of the larger towns. It may be of interest to describe the plan and general management of the public abattoir of Biarritz, as the arrangements there seem capable of being adapted to the needs of small towns in this country.

Biarritz is a town of 10,000 inhabitants, but receives during the year about 20,000 visitors, as it is well known and appreciated as a health-resort in early spring by the English, and as a summer watering-place by the French and Spaniards.

Until 1898, although the slaughtering of animals for food was carried on under the control of the town officials, only sheds in somewhat close proximity to dwelling-houses were available for the purpose. In that year the present abattoir was opened, situated about  $1\frac{1}{2}$  miles from the town, in an isolated position among the sandhills, overlooking the sea.

The following is a plan of the abattoir, which consists of a large space (295 feet by 154 feet) enclosed by high walls, within which are sheds for the reception of animals before slaughter, a large