"KIMBER *v.* ADMANS.

"This was an appeal from a decision of Mr. Justice Cozens-Hardy's. The plaintiff and the defendant were owners of adjoining plots of land forming part of a building estate. Each plot was subject to a covenant not to build more than one house upon it. The defendant proposed to build a block of flats upon each plot of land belonging to him. The plaintiff complained of this as a breach of the covenant, and moved for an injunction to restrain the defendant from erecting these buildings. Mr. Justice Cozens-Hardy refused the motion, being of opinion, upon the construction of this covenant, that each block of flats was one house only, and not a series of houses. The plaintiff appealed.

"*Mr. W. H. Cozens-Hardy* was for the plaintiff; and *Mr. Buckmaster* for the defendant.

"The COURT dismissed the appeal.

"The MASTER OF THE ROLLS thought that the learned Judge was clearly right. What was the meaning of the word 'house' in this covenant? In his Lordship's opinion it did not refer to the mode in which the building was to be subdivided and let, but to the aggregate of the rooms making up the building. No doubt a portion of a house might be a house for some purposes, as for purposes of rating or franchise, but when the word was applied to a covenant of this description it did not refer to the interior portions of the building, but to the whole thing. This covenant was directed not to the parts, but to the aggregate.

"LORD JUSTICE RIGBY agreed.

"LORD JUSTICE VAUGHAN WILLIAMS also agreed. In construing this restrictive covenant he thought that the question to be asked was, What was the object of it? and if he could see no object in the covenant if it was simply limited to the brick-and-mortar erection, he would be disposed to put upon the word 'house' a meaning which would cover the user of the house as distinguished from the physical erection. But he did not think that anyone familiar with building estates in London would have any difficulty in ascertaining the object of this covenant, if the word 'house' were construed as meaning the physical erection."

ELECTION OF PRESIDENT OF THE INCORPORATED SOCIETY OF MEDICAL OFFICERS OF HEALTH.

TO THE EDITOR OF "PUBLIC HEALTH."

SIR,

The month for the nomination of President having again come round, I venture to suggest that it is time that the present haphazard style of nomination should be in some manner regulated.

To speak of the turn of this Branch or that Branch of the Society is manifestly absurd, for the right of nomination is without doubt vested in the body of Fellows, any two of whom can nominate.

It is the desire of every well-wisher of the Society to secure that the most worthy Fellows should in their turn occupy the position of President, and it seems to me that it would be a distinct gain if some bye-law not inconsistent with the Articles of Association could be devised by means of which, irrespective of Branch, clique, or party, a truly representative nomination could always be assured.

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."