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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 317 Press ~~Mis.~~

197-198.

Dated 26 - 2 — 1874.

8/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
26th February 1874.

No. 197. Read the following letter from Surgeon-Major W. R. CORNISH, F.R.C.S., Sanitary Commissioner for Madras, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 10th January 1874, No. 47:—

I observe that Government in passing orders on the annual reports of the Municipalities of Masulipatam and Guntoor have adverted to the subject of the use of cesspits in those towns.

2. When I inspected these municipal towns two years ago, I found that in a few instances permission had been given to householders, by the Commissioners, to construct at their own cost in the streets, or abutting on the public streets, masonry cesspits to receive the liquid refuse of the houses. In Masulipatam about forty of these receptacles had been permitted to be put up, and I think a smaller number in Guntoor. I pointed out at the time to the Vice-Presidents that by this procedure they were laying up for themselves a great deal of trouble and responsibility, and that no municipal funds could bear the cost of emptying and keeping such places clean if permission was given to every householder to construct a cesspit to be kept clean at the public expense.

3. In a correspondence with Mr. G. D. Leman, the Acting President, on the subject, he took the view that these cesspits were only used for the house washings, and that they were not of the offensive character I had thought them to be. Mr. Leman, however, informed me that the Commissioners, finding by experience that the cost of emptying these cesspits was greater than the Municipality could afford, had come to the conclusion to prohibit any more being erected, and to require the owners of the pits to keep them sweet and clean at their own cost. This on the whole seemed to be the only practicable arrangement considering that permission had been given to build the cesspits.

4. Masulipatam and Guntoor are both straggling towns, and, from their position, ill-adapted for the construction of masonry or pipe drainage, but something might be done in regard to the more populated parts to carry away the house drainage if the Commissioners had money to expend on such objects. Mr. Leman, however, despairs of being able to allot funds for the drainage of Masulipatam.

5. I observe in the report for Guntoor that Surgeon Tyrrell speaks of the cesspits as creating "an intolerable nuisance in the streets in which they are situated. They not only," he says, "contain waste water, but the owners throw into them filth of all kinds, human and animal ordure, urine, &c., and when being cleaned of a morning, the stench which emanates therefrom is simply intolerable and highly sickening." On Mr. Tyrrell's representations several of these pits were closed, but the owner in one instance commenced a suit against the President for destroying one of these public nuisances, but I have not heard the result of his appeal to the law.

6. The object of the houseowners in obtaining permission to make these erections in the public thoroughfares, was, to transfer the responsibility of keeping their own premises clean to the Municipal Commissioners. In my opinion the Municipal Act gives no power to the Commissioners to sanction such places, except *in* houses or on private property, where the responsibility of keeping them clean

attaches to the owners. The Commissioners are bound to provide proper means of drainage in their streets, &c., but they certainly cannot be expected to undertake the cleansing and conservancy of each backyard, or house enclosure, such as the cesspit system was leading them to do, and consequently I desired the then Vice-Presidents, Captain H. Richardson of Masulipatam, and Dr. Tyrrell of Guntoor, to use their best exertions to discourage the practice of extending the system to other buildings.

7. I observe from Dr. Tyrrell's report that the few cesspits at Guntoor entail on the Municipality the maintenance of four barrel carts, to keep them clean. If the system was applied to every house in the town, at the least a hundred carts would be required.

8. I beg to append copies of correspondence with Captain Richardson and Mr. Leman on the subject, for the information of Government.

(*Demi-Official.*)

MASULIPATAM, *June 7th*, 1873.

Dr. CORNISH,

Madras.

DEAR SIR,—Since your last vist to our Municipality, I have pondered over and tried to bring into practice the many useful suggestions you then gave me as Vice-President. As I have ceased to act in that capacity, I have tried to carry out those suggestions as a private Commissioner. There is one matter which when I call to your recollection you cannot forget your advice to me as Vice-President that we should discountenance the prevailing method of allowing cesspools to be built in our public streets, even at the expense of the owner of the adjoining premises, as it would entail such a drain on our municipal funds to keep these cesspools empty and clean that they could not possibly bear.

2. On a careful reading of the conservancy clauses of the Municipal Act from Clauses 96 to 113, it is plain that the enactment and penalties attached thereto clearly relate to the construction and want of attention to the privies, sewers, and cesspools *within* the premises of the owners of the property, and does not contemplate, or presume, that the cesspools should be constructed in the public streets and thoroughfares, for the accommodation of each occupier of a house.

3. Look at Section 101. Does that contemplate a privy or cesspool to be located in the public street ? No. It supposes those conveniences to be *within* the premises of the owners, and then if any neglect takes place in a sanitary point of view the penalty comes in, but not if they are in the public street, the municipal property.

4. Section 103 shows that the occupier of a house is bound to keep all offensive matter within a proper receptacle *within* his premises, not in the public street.

5. Section 110. Does not this section immediately point to all privies and cesspools constructed on the land and in the buildings of the owners of such lands and buildings, and not in the public streets, the municipal property ?

6. Section 113. Does not this section clearly show that it never was the intention of the legislature in framing this Act that these requirements—privies and cesspools—should be constructed except within the premises of the owner or occupier of each house, or if so, why the necessity of giving six hours' notice for their inspection by the municipal officers ?

7. I am totally opposed to the continuance and increase of those unsightly nuisances in the public streets of this Municipality, and I address you in the hope that you will get an authorized opinion on the reading and construction of those sections, and, if necessary, to address Government on the subject and ask for its intercession with their authority to put a stop to this public nuisance in our mofussil towns.

Proceedings of the Madras Government, Financial Department,
26th February 1874.

8. Just consider what would be thought of one of our European towns or cities to have its streets dotted every fifty or a hundred yards with a dust-bin at one side and a cesspool at the other.

9. Truly if our conservancy clauses cannot be worked to some better and more decent result than this, it would be better to abandon the attempt altogether.

10. Apologising for trespassing on your valuable time, I remain, my dear sir, your very obedient servant,

(Signed) HENRY RICHARDSON,
Municipal Commissioner.

(*Demi-Official.*)

MADRAS, *June 13th*, 1873.

MY DEAR CAPTAIN RICHARDSON,—I am much obliged to you for your letter of the 7th June, and in regard to the question of cesspools permitted to be built in the public streets, I have no doubt whatever that the Municipal Commissioners are exceeding the powers vested in them by the Act of 1871.

2. It is, of course, the business of the Commissioners to provide common drains and sewers for the removal of house drainage, but this is quite a different matter to making themselves responsible for emptying and keeping clean the cesspits of private houses, which have been permitted to encroach on the public streets.

3. My objection to such cesspits is that to keep them clean would more than absorb all your municipal funds. Supposing every house to be provided with a receptable of the kind (and one man has just as good a claim as another to build his cesspit in the street), you would want an army of scavengers and filth-carters for this purpose alone.

4. Many years ago the Dutch introduced a system of brick cesspits, which, however, were sunk under the surface of the street, and had *no bottom* beyond the porous earth, all the solid filth remained behind while the fluid percolated into the soil. Such pits were opened and cleansed once in one or two years only, or whenever the filth had filled the pit. I have seen pits of this kind in Negapatam and Trichinopoly, which are evidently of great age, and, strange to say, they caused no *smell*, although, of course, they tended to pollute the soil and especially water-supply, and I could not recommend their introduction in other towns. I see a correspondent from Guntoor falling foul of me in *Native Public Opinion* for objecting to the street cesspools there. I will address the President of your Commission on the subject, before referring the matter to Government. I think all those who indulge in the luxury of cesspits should be required to clean them and remove the contents themselves, otherwise your conservancy establishment will become too much for your finances. Believe me, my dear Captain Richardson, yours very truly,

(Signed) W. R. CORNISH.

From Surgeon-Major W. R. CORNISH, F.R.C.S., Sanitary Commissioner for Madras, to G. D. LEMAN, Esq., President of the Municipal Commissions, Kistna District, dated Madras, 13th June 1873, No. 1033.

In forwarding, for your information, copy of my inspection note of the Masulipatam Municipality in November last, I have the honour to state that I omitted to record a matter which I verbally communicated to the Vice-Presidents of the Masulipatam and Guntoor Municipalities, viz., my objection to the erection of cesspits in the public streets for convenience of householders.

I pointed out to Captain Richardson and Dr. Tyrrell that the emptying of such reservoirs would entail a very heavy expense on the Municipalities, and that if permission was given to one man to have a filth depôt in the street, it could not be well refused to any applicant, and that supposing every house to have a cesspit in the street, the municipal funds would be unequal to the task of providing an establishment for the removal of the liquid filth of so many houses.

2. The town of Masulipatam is badly situated for drainage owing to its flatness and low elevation, and the Commissioners probably would find a difficulty in providing street drains and sewers to carry off the liquid refuse of houses, but it would be cheaper and better in the end to

devise some system of pipe drainage for sewage, rather than encourage the construction of cesspits to be emptied by hand.

3. Captain Richardson, one of your Commissioners at Masulipatam, has addressed me on the subject, and is of opinion that the Municipal Act gives no power to the Commissioners to sanction private cesspits being built in the public streets, and, on looking at the section of the Act regarding conservancy, I am clearly of the same opinion, but before addressing Government on the general question, I shall be glad to be favoured with an expression of your opinion.

From G. D. LEMAN, Esq., President of the Municipal Commissions, Kistna District, to Surgeon-Major W. R. CORNISH, F.R.C.S., Sanitary Commissioner for Madras, dated Masulipatam, 17th July 1873, No. 1107.

In reply to your letter, dated 14th June 1873, I have the honour to inform you that no cesspits are allowed in the public streets in either Masulipatam or Guntoor.

2. The word cesspit I understand to mean a receptacle for liquid filth coming from privies and the like.

3. In both Municipalities in some instances open brick cisterns are allowed at the edge of the road and close to the houses for the reception of the water that comes from the house after use for washing, culinary purposes, &c. They are for the most part allowed and applied for only by people who have no backyards. There are but forty in all Bunder town. Those who have yards allow the water to run into them and to soak in there.

4. Captain Richardson has expressed his opinion that the adults, or at all events the children of a house defœcate into this water, and, therefore, that it becomes cesspit water, but the Native Commissioners deny that it is ever the case; it is not after the custom of the natives to do as he alleges, and he was not able to substantiate his statement to the satisfaction of any one of the Commissioners present at the meeting where the matter was discussed.

I see you now call them filth depôts, and Captain Richardson perhaps misunderstood you to recommend their distinction on the ground of expense only, for he tells me that you said that the water might be allowed to run into the street and there soak in or dry up as it would.

I have not found that by any means a nice arrangement, as the water *mixing* with the road earth, and being *churned* up by the feet of passers by, produces a most unpleasant black-looking quagmire with often an evil odour.

7. At a recent meeting the Commissioners finding, as you truly observe, that the expense of themselves emptying these cisterns was too costly to be continued, decided that they are to be removed except in any case where the houseowner promises to keep them clean and *sweet*. I do not see that any other course is possible, but I doubt the policy of shutting up what is offensive inside the houses; it savours much of the whited sepulchre.

8. I think you must agree with me that Captain Richardson's objection that the Commissioners have no power to do what they have done falls to the ground if you call the cisterns what they really are—receptacles for drainage water, and not cesspits.

9. The Act says that the Commissioners are to provide drainage for the townpeople, and I am not at all sure that the objection that in removing these drains, such as they are, we are omitting our duty, is not a stronger one than that of Captain Richardson's that you have adopted.

10. It has not yet been decided, and I do not think it will go against me, but as a fact, a suit has been filed against me at Guntoor for removing one.

11. As for any system of pipe drainage for the town, I quite despair of ever being able to find funds for that purpose; our assets are even now far below the money we *want*, and our next year's assets will be curtailed by more than 6,000 Rupees by the abolition of the Professional tax.

No. 198. ORDER THEREON, 26th February 1874, No. 317.

The Sanitary Commissioner will be furnished with a copy of G.O., dated 3rd February 1874, No. 163, from which he will see that the Government have sanctioned a resolution of the Municipality of Masulipatam restricting the number of cesspools to be allowed in the streets.

2. With reference to the legal question raised, there cannot be the slightest doubt that Municipal Commissioners are perfectly competent under the Act to adopt a system of public cesspool conservancy if they deem fit so to do. Such a system does not, under ordinary circumstances, commend itself to Government, but, as it appears to have been partially brought into operation in Masulipatam, its summary abolition cannot be allowed, until steps have been taken to provide something else in its place, more especially as the President has recorded his opinion that the effect of closing the cesspools would be to compel the people to retain waste water within their houses.

(True Extract.)

Acting Chief Secretary.

To the Sanitary Commissioner for Madras, with G.O., No. 163.
" President of the Municipal Commissions, Kistna District.

Exd. J. Wright.

No. 47

OFFICE OF SANITARY COMMISSIONER,
MADRAS, 10 January 1874

From

The Sanitary Commissioner, Madras,

To

The Chief Secretary to Government
Public Department.

SIR,

I observe that Government in passing orders on the annual reports of the Municipalities of Masulipatam and Guntoor have adverted to the subject of the use of cess pits in those towns.

2. When I inspected these municipal towns two years ago, I found that in a few instances permission had been given to householders by the Commissioners to construct at their own cost in the streets or abutting on the public streets, masonry cess pits to receive the liquid refuse of the houses. In Masulipatam about 40 of these receptacles had been permitted to be put up; and I think a smaller number in Guntoor. I pointed out at the time to the Vice Presidents that by this procedure they were laying up for themselves a great deal of trouble and responsibility, and that no municipal funds could bear the cost of emptying, and keeping such places clean if permission was given to every householder to construct a cess pit to be kept clean at the public expense.

3. In a correspondence with Mr. G. D. Leman

Govt. of India 1874 Sanitary.
FINANCIAL.
To
THE SANITARY COMMISSIONER
FOR MADRAS,
&c.,
&c.,
Dated February, 26th.
Read.
Read.
G.O., 26th February 1874, No. 317.
FEBRUARY.
Nos. 197-198.
Masulipatam Municipality.—Copy of G.O., dated 3rd February 1874, No. 183, sanctioning resolution of the Commissioners restricting the number of cesspools to be allowed in the streets, communicated to the Sanitary Commissioner, and opinion expressed that Municipal Commissioners are perfectly competent under the Act to adopt a system of public cesspool conservancy if they deem fit so to do.

the Ag President, on the subject, he took the view that these cesspits were only used for the house washings, and that they were not of the offensive character I had thought them to be. Mr Leman however informed me that the Commissioners finding by experience that the cost of emptying these cesspits was greater than the Municipality could afford, had come to the conclusion to prohibit any more being erected and to require the owners of the pits to keep them sweet and clean at their own cost. This on the whole seemed to be the only practicable arrangement considering that permission had been given to build the cesspits.

4. Masulipatam and Guntoor are both straggling towns, and from their position, ill adapted for the construction of masonry or pipe drainage, but something might be done in regard to the more populated parts to carry away the house drainage, if the Commissioners had money to spend on such objects. Mr Leman however despairs of being able to allot funds for the drainage of Masulipatam.

because of the

5. I observe in the report for Guntoor that Surgn Lyrell speaks of the cesspits as creating "an intolerable nuisance in the streets in which they are situated. They not only" he says "contain waste water but the owners throw into them filth of all kinds, human and animal ordure, urine &c, and when being cleaned of a morning, the stench which emanates therefrom is simply intolerable and highly sickening." On Mr Lyrell's representations several of these pits were closed, but the owners in one instance commenced a suit against the President for destroying one of these public nuisances, but I have not heard the result of his appeal to the law.

6. The object of the house owners in obtaining permission to make these erections in the public thorough fares, was, to transfer the responsibility of keeping their own premises clean to the Municipal Commissioners. In my opinion the Municipal Act gives no power to the Commissioners to sanction such places, except in houses or on private property, where the responsibility of keeping them clean attaches to the owners. The Commissioners are bound to provide proper means of drainage in their streets &c, but they certainly cannot be expected to undertake the cleansing and conservancy of each back yard, or house enclosure, such as the cesspit system was leading them to do, and consequently I desired the then Vice Presidents Captain A. Richardson of Masulipatam, and Mr Lyrell of Guntoor to use their best exertions to discourage the practice of extending the system to other buildings.

7. I observe from Mr Lyrell's report, that the fever

cesspits at Guntoor entail on the Municipality the maintenance of four hand carts, to keep them clean. If the system was applied to every house in the town, at the least one hundred carts would be required.

8. I beg to append copies of Correspondence with Captain Richardson and Mr Lemaw on the subject, for the information of Government.

I have the honor to be
Sir
Your obedient servt

W. Mc Cornish. F.R.C.S.
Sanitary Commissioner
for Madras.

File 97 "Orders" 31. Regd 34-55
— " Sanitary 54 — 26-27 do

From The Sanitary Commissioner for Madras
To The Chief Secretary to Govt Public Dept
L.O. Dated 10th January 1874.
Regd 14th January 1874.
No 77

Remarks on the use of Cesspits in the Municipal Towns of Arcaulipaw Law and Conditions.

No 2/97

Financial Department

9 11 74

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Sanitary Commissioner for Madras dated 10th January 1874 No 47.

Order thereon, 26th Feby 1874. No 317.

The Sanitary Commissioner will be furnished with a copy of G.O. dated 3rd February 1874 No 163, from which he will see that the Government have sanctioned a resolution of the Municipality of Arcaulipaw restricting the number of Cesspools to be allowed in the Streets.

2. With reference to the legal question raised, there cannot be the slightest doubt that Municipal Commissioners

Minute by Sir Charles Trevelyan
19th I think that measures should be taken to prevent the Municipalities from expending money on the construction of drainage works which will be a source of danger to the health of the towns.
20/2-74 C.E. Trevelyan

Commissioners are perfectly competent under the act to adopt a system of public Cesspool conservancy if they deem fit so to do. Such a system does not, under ordinary circumstances, commend itself to Government, but as it appears to have been partially brought into operation in Masulipatam, its summary abolition cannot be allowed, until steps have been taken to provide something else in its place—the more especially, as when the President has recorded his opinion that the effect of closing the Cesspools would be to compel the people to retain waste water within their houses.

W. to E. to O

The Minute on the margin of the Draft to be printed for Pub. orders & to bear a Date & Number.

To
The Sanitary Commrs, Madras
with C.O.R. 163.
— Presidy of the Munl Commrs,
Kistna Dt.

Govt. of {1874} Madras.

Financial

To

The Sanitary Commr. Madras.
&c

Dated Feby. 26
Recd.

1874, No. 317.

Nos. 197-198.

Masulipatam Munc. Copy of G.O. of 3d. Feby. 74 No. 163 Sanctioning Resn. of the Commrs. res. briefing the number of Cesspools to be allowed in the Streets, Commr. to the Sanitary Commr. + opinion Expressed that Munc. Comrs. are perfectly competent under the Act to adopt a System of public Cesspool Conservancy if they deem fit so to do.