

**A HANDY DIGEST OF MORE THAN 2750  
CASES RELATING TO PUBLIC HEALTH  
AND LOCAL GOVERNMENT WITH MORE  
ESPECIAL REFERENCE TO THE POWERS  
AND DUTIES OF LOCAL AUTHORITIES,  
INCLUDING COUNTY COUNCILS**

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A handy digest of more than 2750 cases relating to public health and local government with more especial reference to the powers and duties of local authorities, including county councils by George F. Chambers

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**GEORGE F. CHAMBERS**

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*Office of Clerk of the Peace*

A

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## CASES

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AND

## LOCAL GOVERNMENT

WITH MORE ESPECIAL REFERENCE TO THE POWERS AND DUTIES OF  
LOCAL AUTHORITIES, INCLUDING COUNTY COUNCILS.

BY

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P R E F A C E.

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SOME years ago, when preparing for press the 8th Edition of my *Digest of the Law Relating to Public Health and Local Government*, I arrived at the conclusion that, owing to the immense increase in the number of the Cases on the subjects dealt with in that Work, which year by year were coming before the Superior Courts, the time was approaching when it would be expedient to gather those Cases into a separate volume. That time has, I think, now fully arrived, and hence the publication of the present Digest.

The classification of the Cases conforms in the main to that originally adopted, but the very large number of new Cases which have been reported since 1881 has rendered satisfactory classification very difficult, and good indexing more than ordinarily important. The indexes will I trust be found very full and therefore useful. Any one who has studied with attention the Cases which have come before the Courts of Law during recent years under the great stimulus given to Municipal matters in Town and Country alike, will readily understand how difficult is the task of drawing lines of demarcation between subject and subject. Having had occasion to exhibit Cases relating to Rates and Public Libraries in new editions of my Works on those subjects, questions relating to Rating and Libraries (including Museums, Parks and Recreation Grounds) will, as a rule, not be found in the present volume. Subject to this reservation, this work therefore is intended to exhibit generally all the Cases relating to Public Health and Local Government in the widest sense of those phrases.

Inasmuch as the Highway Cases and the Cases decided under the "Local Government Act, 1888," all hang very much together respectively, and readily yield to a comprehensive and convenient system of Classification, they have been put together in separate "Parts" (being Part II. and Part III. respectively), the 1st and principal "Part" containing all the Cases which may be said to cluster round the "Public Health Act, 1875," and its affiliated Acts, now very numerous and important. It ought to be added, however, that Cases decided under the "Municipal Corporations Acts," the "Poor Law Acts," and the "Burial Acts," are not included, unless they have some special bearing on the subject of Local Government generally, that is to say, on the powers and duties of County Councils, Local Boards, Boards of Guardians, &c., in their aspect of Local Administrative Authorities.

The reader is asked specially to bear in mind that this Digest has only a

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modest aim, namely, to serve as a sort of Encyclopædic Index to the Authorised Reports. A mere outline only of each Case has been attempted, the object aimed at being to give a clue to the general principles laid down rather than a detailed statement—to tell readers where to look for what they want without always professing to supply here in full what may be wanted. Within the limits of space prescribed much detail would have been quite impossible. For more explicit information respecting the principles on which the Digest has been put together, the reader is referred to the "Introduction." The references have been corrected by the several Reports up to November 15, 1892.

It only remains that I should tender my thanks to Mr. H. W. Fovargue, the able Town Clerk of the Borough of Eastbourne, for much useful help in the revision of the proof sheets, and generally.

**G. J. C.**

1 CLOISTERS, TEMPLE.  
*December, 1892.*



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## INTRODUCTION.

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THE following explanations as to the objects aimed at in this Digest may conveniently be given as a guide to the reader consulting it.

Where a decision was appealed against, references to Reports of the Case in its earlier stages are usually omitted unless the facts and arguments were not set forth with satisfactory fulness at the final stage.

Much confusion often arises in citing references to periodicals running over a long term of years, where there exists an "Old" and a "New" Series of each. Having considered this matter in connection with the *Law Journal* and *Law Times*, and bearing in mind that the "New Series" of each of these periodicals has now been going on for many years, and that references to the "Old Series" are not only few, but cannot increase, it has been decided on reflection to suppress the letters "n. s." usually appended to references to the above-named periodicals, and to do the converse thing, that is, append the letters "o. s." to such references as apply to the "Old Series" of each respectively. This arrangement, it is to be understood, is limited to the *Law Journal* and *Law Times*, and does not extend to any other works, so that the *Common Bench Reports*, for instance, are cited in the usual way, "*Common Bench*" and "*Common Bench, New Series*," and so on in other instances.

The ample Index of subjects appended, coupled with a little ingenuity on the part of the reader, in always turning to more heads than one, will, it is hoped, render reference to the Cases a task free from serious difficulty.

Though the *Weekly Reporter* is not as a rule cited, many of the Cases will be found therein. The dates appended will facilitate search. The *Weekly Reporter* and the *Jurist* are usually only cited in instances where no other Report was to be had, but this has not been from any distrust of the *Weekly Reporter* at any rate, because that is a very trustworthy and useful publication. It was necessary, however, to draw the line somewhere, or there would have been a superfluity of references in many places. The *Times* is freely cited, for that Journal often reports Cases of importance not noticed elsewhere, and the periodical reprint of *Times* Cases has come to be looked upon as a very authentic and useful record.

Cases which are obsolete by reason of subsequent legislation, or because they have been overruled, are usually suppressed altogether. If in a few instances the titles of such Cases have been given with an asterisk prefixed, this has been done