

**THE NUISANCES REMOVAL AND
DISEASES PREVENTION ACTS,
1848 & 1849: (11 & 12 VICT. CAP.
123; 12 & 13 VICT. CAP. 111.)**

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WILLIAM CUNNINGHAM GLEN

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THE
Nuisances Removal
AND
DISEASES PREVENTION ACTS,
1848 & 1849,

(11 & 12 VICT. CAP. 123; 12 & 13 VICT. CAP. 111.)

WITH
PRACTICAL NOTES AND APPENDIX
CONTAINING
THE DIRECTIONS AND REGULATIONS OF THE GENERAL
BOARD OF HEALTH,
WITH
INDEX.

THIRD EDITION.

By WILLIAM CUNNINGHAM GLEN, Esq.,
BARRISTER-AT-LAW.

London:
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PRINTERS AND PUBLISHERS OF THE BOOKS AND FORMS OF THE
GENERAL BOARD OF HEALTH.

1849.

PREFACE

TO THE

THIRD EDITION.

HAVING edited two large editions of the Nuisances Removal and Diseases Prevention Act, 1848, I have been requested by the publishers to edit the Act of the last session of parliament, amending that Act.

As the Work is required for the use of the authorities and public officers charged with the duty of effecting the removal of nuisances injurious to public health, I have thought it would prove more acceptable to those authorities and officers if placed in their hands unencumbered with any lengthened preface.

I have only to draw attention to the increased powers given to the General Board of Health, and public bodies charged with the duty of taking proceedings for the removal of nuisances injurious to health, and the enforcement of the directions and regulations of the General Board; and to the provisions which relate to the closing of burial grounds, and the burial of the dead in

PREFACE.

places not brought under the operation of the Public Health Act, which have been engrafted upon this Act.

The period of six months, for which the provisions of the Nuisances Removal and Diseases Prevention Act, 1848, in respect to the prevention of epidemic, endemic, and contagious diseases, was first put in force throughout the whole of Great Britain, having expired, her Majesty's most honourable privy council, by an order in council dated the 27th March, 1849, put the provisions of the Act in force for a further period of six months from that date; and as doubts existed whether the directions and regulations issued by the General Board of Health in November, 1848, continued in force after the expiration of the six months, the General Board of Health, by two orders, dated respectively the 4th of April, 1849, renewed the directions and regulations which they first issued.

I refer to my notes on the various sections in elucidation of the amended Act.

W. C. G.

ESSEX COURT, TEMPLE,
August, 1849.

ADVERTISEMENT

TO THE
SECOND EDITION.

IN less than three weeks upwards of a thousand copies of this Work have been sold, and having been called upon by the publishers to prepare a Second Edition of it for the press, I have added to my former notes on the various sections such further observations as my experience of the working of this useful statute suggested to me. I have also, by way of appendix, inserted the whole of the official documents issued by the General Board of Health and the Poor Law Board with reference to the provisions of the Act, and the prevention and mitigation of cholera.

I trust that the Second Edition of this Work will merit the extensive support which the first has obtained.

W. C. G.

P R E F A C E.

THE Nuisances Removal and Diseases Prevention Act, 1848, and the Public Health Act, 1848, are the matured fruits of a lengthened and controversial examination into the sanitary condition of the principal cities and towns of Great Britain, and the dwellings of the labouring classes generally throughout the country. In the year 1838, the Poor Law Commissioners, in a report to the principal Secretary of State for the Home Department, called attention to the serious charge the community were put to when labourers are suddenly thrown by infectious diseases into a state of destitution and dependence upon the parochial and union authorities; and suggested that, inasmuch as such diseases frequently proceeded from private nuisances, injurious to the public health, and produced burdens often so great as to render it good economy on the part of the administrators of the poor laws to incur charges for preventing evils of the nature adverted to, where they are ascribable to physical causes, the local authorities should be invested with power to indict parties responsible for the nuisance, and to make arrangements with the owners of property, or take other measures according to circumstances, for the removal of the causes of disease

in cases where there is no ostensible party who could be required to perform the duty. With the view of carrying into effect the suggestions of the Commissioners, it was enacted, as regards the metropolis, by the New Police Act, 2 & 3 Vict. c. 71, s. 41,—

That if the guardians of the poor of any union or parish,
Or the churchwardens and overseers of the poor of any
parish within the metropolitan police district,
Together with the medical officer for any such parish or
union,

Shall be of opinion, and shall certify, under the hands of
two or more of them and also of the medical officer,

That any house, or part of any house, within the union
or parish, is in such filthy and unwholesome condition
that the health of the inmates or of the public is thereby
affected or endangered ;

Any magistrate, acting within the district in which the
union or parish is situate, if he shall think fit, may
cause notice to be affixed on the door or other con-
spicuous part of such house, requiring the occupier or
occupiers thereof, to appear before him to answer such
complaint,

Or to cause the same to be cleansed within seven days
of the date of affixing such notice ;

And that if within seven days such house shall not be
cleansed to the satisfaction of the medical officer,

And if the occupier or occupiers being duly summoned
shall not appear before the magistrate, and show suffi-
cient cause to the contrary,

Such magistrate shall, on proof thereof, issue an order
under his hand and seal, to the guardians of the poor,
or the churchwardens and overseers, to cause such
house to be cleansed at the expense of the occupier or
occupiers,

And to cause the expense thereby incurred to be levied,
in case of non-payment, by distress and sale of the
goods and chattels of the occupier or occupiers.

But as no authority was thereby given to the guar-
dians or parish officers to charge any expenses incurred