

**THE NUISANCES REMOVAL AND DISEASES
PREVENTION ACTS, 1848 AND 1849; AN
ANALYSIS, THE ORDERS IN
COUNCIL, CIRCULARS OF THE POOR LAW
COMMISSIONERS,
AND SANITARY REGULATIONS OF THE
GENERAL BOARD OF HEALTH**

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The Nuisances Removal and Diseases Prevention Acts, 1848 and 1849; An Analysis, the Orders in Council, Circulars of the Poor Law Commissioners, and Sanitary Regulations of the General Board of Health by Thomas William Saunders

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THOMAS WILLIAM SAUNDERS

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THE
NUISANCES REMOVAL
AND
DISEASES PREVENTION ACTS,
1848 and 1849;

(11 & 12 Vict. c. 123, and 13 & 13 Vict. c. 111.)

TOGETHER WITH

An Analysis,

THE ORDERS IN COUNCIL, CIRCULARS OF THE POOR LAW
COMMISSIONERS,

AND

Sanitary Regulations of the General Board of Health.

BY

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Second Edition.



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1849.

P R E F A C E.



No measure of the past session of Parliament is deserving of greater commendation than that which is the subject of the following pages. Comprehensive in its object, convenient in its machinery, and complete in its details, it is an Act which, whilst it will fully carry out the excellent objects it has in view, reflects the greatest credit upon those by whose labour it has been brought into existence.

An endeavour has been made, by the Introduction to the present edition, to explain to the general and unprofessional reader, in a plain and simple manner, the precise scope and object of the Act itself, to the end that he may, without having recourse to the assistance of a legal man, properly comprehend those provisions which the necessary technicality of the Act itself renders, to all but lawyers,

somewhat obscure and uncertain. In furtherance of this object, also, and to draw more particularly to the Act the attention of the various Boards of Guardians by whom chiefly it will have to be enforced, the Poor Law Commissioners have issued a most explanatory and convenient Circular (to be found at page 20), which all persons interested in the Act will do well to peruse with attention.

Since the greater part of this volume was printed off, the highly important Circular of the General Board of Health of October the 31st was promulgated, which, nevertheless, will be found entire at page 26c.

The Act itself has been given *verbatim*, and it is hoped that, with the addition of a comprehensive Index, the present volume will be deemed of service to those who desire to consult its pages.

T. W. S.

L, CLOISTERS, TEMPLE,
Nov. 1843.

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AN
ANALYSIS
OF THE
NUISANCES REMOVAL AND DISEASES
PREVENTION ACT, 1848.

[11 & 12 Vict. c. 123, passed 4th September, 1848.]

THIS enactment, after reciting that the 9 & 10 Vict. ^{11 & 12 Vict.}
c. 96, (for the more speedy removal of certain nuisances, _{c. 123.}
and to enable the Privy Council to make regulations
for the prevention of contagious and epidemic diseases)
will expire at the end of the session (1848), and that
it is necessary to make other provision in lieu thereof,
proceeds to enact a number of provisions with the
view of accomplishing these desirable objects.

Power of certain public bodies, upon receipt of notice from householders of the existence of certain nuisances, to enter premises, &c.—Upon receipt by the town council, trustees or commissioners for drainage, paving, lighting, cleansing, or managing, or directing the police of any city, town, borough, or place, or by any other body of the like nature, or by any Commissioners of Sewers or Guardians of the Poor, or, in Ireland, by the officers of health of any parish, of a notice in writing, in the form contained in the schedule (A.) or to the like effect, signed by two or more inhabitant householders of the parish or place to which the notice relates, stating that to the best of

11 & 12 VICT.
c. 123. their knowledge and belief, any dwelling-house or building, in any city, town, &c., within or over which the jurisdiction or authority of the town council, trustees, &c., or other body to whom such notice is given, extends, is in such a filthy and unwholesome condition as to be a nuisance to or injurious to the health of any person; or that upon premises within such jurisdiction or authority there is any foul and offensive ditch, gutter, drain, privy, cesspool, or ash-pit, or any ditch, gutter, drain, privy, cesspool, or ash-pit kept or constructed so as to be a nuisance to or injurious to the health of any person, or that upon any such premises, swine, or any accumulation of dung, manure, offal, filth, refuse, or other matter, or thing, are or is kept so as to be a nuisance to or injurious to the health of any person, or that upon any such premises (being a building used wholly or in part as a dwelling-house), or being premises underneath any such building, any cattle or animals are kept so as to be a nuisance to, or injurious to the health of any person, such town council, trustees, &c., or some committee thereof which may be appointed for the purpose, shall, after twenty-four hours' notice in writing, by delivering the same to some person on the premises referred to in the first-mentioned notice, or (if there be no person upon the premises who can be so served) by fixing the same upon some conspicuous part of the premises, or (in case of emergency, without notice) by themselves, their servants or agents with or without medical or other assistants, enter such premises, and examine the same with respect to the matters alleged in such first-mentioned notice, and do all such works, matters, and things, as may be necessary for that purpose. (a)

It will be observed that the notice necessary to set

(a) Section 1.

the public functionaries in motion, must be signed by two or more inhabitant householders of the parish or place to which it relates; and the notice itself must be given to that body which has jurisdiction over the locality in which the objectionable premises are situated, that is to say, jurisdiction in the particular matter in the locality; thus, in a corporate borough where there are both a town council and commissioners for drainage, &c., the notice would properly be to the latter if they have local jurisdiction.

11 & 12 Vict.
c. 123.

SCHEDULE (A.)

Notice by Householders.

To the Town Council of the borough of [or Guardians of the Poor of the union or the parish of in the county of or as the case may be; or, in Scotland, to the Procurator Fiscal of the county of or to the Procurator Fiscal or Dean of Guild of the burgh of or to the Procurator Fiscal of the justices of the county of or to the Inspector of the poor of the parish of or as the case may be.]

WE, the undersigned inhabitants [or in Scotland householders] of [insert the parish or place] and residing at [insert the parish or place before mentioned] aforesaid, do hereby give you notice, that to the best of our knowledge and belief a dwelling-house [or building] situate at No. in street in aforesaid [or such other description as may be sufficient to identify the premises] is in such a filthy and unwholesome condition as to be a nuisance to [or injurious to the health of] A. B. or as the case may be, [or that upon certain premises situate at [inserting such a description as may be sufficient to identify the premises] there is a foul and offensive drain, ditch, gutter, privy, cesspool, or ashpit, or a drain, &c., kept or constructed so as to be a nuisance to us, or to the occupiers of the premises adjoining the premises aforesaid, or as the case may be, or that upon certain premises situate at, &c., swine, or an accumulation of dung, manure, offal, filth, refuse, or matter, or as the case may be, are or is kept so as to be injurious to our health, or to the health of A. B., or of the occupiers of the premises adjoining the premises, aforesaid, or of persons living in the neighbourhood, or of the persons living in the premises aforesaid, as the case may be, or that upon certain premises, &c., swine, &c. are