



Volume 3. From Vormärz to Prussian Dominance, 1815-1866

Petition by the Citizens of Ulm (October 1862); Report from Bavaria's Central Office for Industry and Commerce (January 1863)

This petition by citizens of Ulm in 1862-1863 exemplifies growing complaints about pollution from neighboring industries, whose furnaces were increasingly operated with highly polluting hard coal. The report from the Bavarian Central Office of Trade and Industry reveals that while acknowledging such problems, governments often remained inactive, asking citizens to just cope with industrial pollution.

I. Petition by the citizens of Ulm, October 1862

Recently, the burning of pit coal, especially Mießbach coal, in larger enterprises here, such as beer breweries, malt kilns, and tobacco factories, has gotten so far out of hand that some domiciles are virtually surrounded on all sides by such installations. For example, in the surroundings of the co-signers Teichmann and Baur there are no fewer than six of these fires, namely Winkler's malt kiln toward the east, the beer breweries Hohe Schule and Breite, the tobacco factory of the Bürglen brothers, and the breweries Pflug and Löwen toward the south and west. During strong winds or when fog compresses the smoke, phenomena that are known to be only too common in this town, the houses in proximity to such fire-installations end up floating in a sea of smoke. Not only does this cut off the inflow of fresh air entirely, but because Mießbach coal contains a lot of sulfur, a pestilential stench spreads, which penetrates all openings, makes it unbearable to remain even inside the houses, and is indeed harmful to health. Moreover, the smoke and fumes that rise from the chimneys carry very fine particles of ash and soot, which settle on the wallpaper in rooms and soil curtains and furniture. But if the wind is unfavorable, it is utterly impossible to remain in courtyards and gardens. Now, we are well aware that neighbors must tolerate a good deal from one another. On the other hand, though, it must just as surely be affirmed that everything, including the right to the indulgence of others, must have its limits. If one person has the right to dispose freely over his property, the other person has the right to demand that he will not be impeded in the use of his own property. If one person can lay claim to his activities for his purposes, the other person rightfully demands the possibility of being able to live alongside him a life that is in keeping with the needs of his well-being.

Our positive law also affords help against such nuisance from the neighbor's use of his property as is caused by the emission of substantial matter, smoke, and dust, to the extent that it occurs

as the result of an unusual manner of use, namely by means of special installations for this purpose. Moreover, they extend protection where property is used in such a way that the physical integrity of neighbors is endangered, especially where the air is polluted in a way that runs counter to the considerations of the policies of the general welfare.

All these conditions apply in this case; and we have all the more reason to complain, in concert with all the others who are in the same situation, as technology today has found perfectly reliable ways to prevent the nuisance to neighbors from the operation of burning installations, namely by consuming the smoke before it is emitted. It is well known that this method has long since been used in England and has proved itself there in every way, even if it may not be known yet – or known sufficiently – to our builders. We believe, however, that it should be easy for the Royal Central Office for Trade and Commerce to offer advice on this. We therefore submit the humble petition that the Royal Ministry of the Interior will graciously issue a general decree that will protect neighbors against unusual nuisances like those in question.

II. Report from the Bavarian Central Office for Trade and Commerce, January 1863

Compared to the use of other fuels, the burning of pit coal is so cheap in most parts of the land that the use of this fuel is becoming more and more widespread for the normal heating of rooms and kitchens as well as for industrial operation. Even the smaller heaters with pit coal in private houses involve some disadvantages through the spread of soot, as is evident when drying clothes or collecting rainwater from roofs. Needless to say, such grievances are even more pronounced with larger burning installations, such as breweries. However, given the advantages from the burning of pit coal, especially with respect to costs compared to other fuels, it is not possible to prevent the increasingly general use of this coal for private use and industrial enterprises.

Where this use is new, complaints will initially be voiced, in so far as the burning installations that are used for the new fuel are not well suited to pit coal, and the furnace-men are not yet familiar with how to handle this fuel.

This is also the case in Ulm, where, incidentally, the grievances from coal heating are not worse than in other places; however, the people there are not yet used to this kind of heating and its unavoidable consequences.

At the least, the defendants should be charged with ensuring the smokeless burning of pit coal, if necessary by raising the chimney, and especially through careful stoking and the appropriate grates, which is in the interest of the owners of the furnaces themselves, as this saves them fuel.

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