

HOUSE OF COMMONS

SESSION 1859

FALKIRK POLICE and IMPROVEMENT BILL

PROOFS in SUPPORT of BILL

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Robert Henderson Will State

That he is a Solicitor in Falkirk, and has been so for 19 years.

That for 15 years he has been Clerk to the body called Stintmasters.

That the ancient Burgh is not kept clean; The Parliamentary Burgh is also ill kept. In the ancient Burgh the principal street is only swept once a day. It is called the High Street.

That the sweepings are removed early in the forenoon. Whatever is laid down after that time lies till next day.

That there are large accumulations of filth even on the principal street each forenoon. This is the case between the time it is collected together and its removal in Carts.

Robert Henderson Esq

[<see notes from reverse page 1>](#)

That till late on Saturday night this street is thronged by working people. It is the resort of parties with stands selling fruit fish &c. &c. The refuse from these lies on the street all Sunday. It lies till Monday forenoon.

That the back streets and lanes are irregularly swept. They are very dirty. Some of them scarcely passable in wet weather.

That for several months in the year the approach to the Town from the south is deeply covered with mud. This is called the Cowwynd. It is in this state at places where there is no side road or foot path. This road is very much frequented. It is the road from the Town to the Edinburgh & Glasgow Railway.

That immediately beyond the ancient Burgh on all sides the roads are bad, and in wet weather are deeply covered with mud. The change in dry weather is only to dust.

That in many places the side drains retain stagnant water with a green coting in summer.

[Start of original document Page 2] [<see notes from reverse page 2>](#)

That the smell is sometimes very offensive. These open drains are never cleaned.

That this is especially the case with the Grahamston road, and the road from the Town south to the Edinburgh and Glasgow Railway.

That the side roads beyond the ancient Burgh are never swept. They are never in good order.

That efforts have been made from time to time to clean the Burgh and District around.

That this was especially when Cholera was present or was threatening.

That the Streets are never watered. No water runs in the side drains except when rain is falling.

That in many places there are here and there pools of stagnant water. These remain during wet weather. They continue after it till the heat or drought has caused it to evaporate.

That this is especially the case in the Cow wynd, Bearrow &c

That there is a drain formed of Glazed clay pipes along the High Street of the ancient Burgh It cannot be flushed from want of water. It is now mostly chopped up and useless.

That the rest of the Burgh is not drained

That this deficiency in cleaning scantiness of water and the absence of draining necessarily makes the Town less healthy than it might be

That from its situation having a fall on all sides, Falkirk might be easily cleaned.

That it might for the same reason be easily drained. Beside it stands on a deep stratum of sand.

Water.

That the water of the ancient Burgh is under the management of the Stintmasters. It has been so far greatly more than a century.

[Start of original document Page 3] <see notes from reverse page 3>

That it is collected in old coal workings situated on the south side of the Town half a mile off. It is brought from thence in lead pipes.

That it is conducted into a small reservoir in the town. This is shewn on the Plan.

That it is there distributed by small lead pipes to about 17 wells in the public streets where it is drawn by the Inhabitants.

That this water is hard having a large quantity of lime. The lime is easily precipitated by boiling.

That it is not considered unwholesome. It is found in its source at a great depth and hence its hardness.

That a few individuals have private & service pipes in their houses. These are comparatively few.

That the Inhabitants generally depend on the public wells for supply.

That that supply is irregular. The scantiness of it has been a great grievance for more than a century.

That it has been the chief subject of solicitude to the Stintmasters all that time at least.

No drainage except
High Street

Water supply

That it requires to be guarded. The Coal is being wrought in the place where the water is found. The Miners sometimes pollute it. It comes occasionally to the town the colour of porter or nearly so.

That at these times it takes several hours before the (mud) subsides.

√ **That** there is no alternative but to use it. There are no private wells in the town.

[Start of original document Page 4] <[see notes from reverse of page 4](#)>

That there are several at the extremities & some of the inhabitants are occasionally supplied from these.

That the water is frequently scarce. It is not laid on during the night. It is frequently only to be got at two or three of the most favourably situated wells.

That at times the scarcity has been so great that the water of the Union Canal has been used for domestic (& culinary) purposes. Water is in summer occasionally sold from barrels brought into the town.

That there are only a very few water closets in the town. Not more than a dozen at the most.

That these are chiefly supplied from rain water collected on the roofs of the Houses where they are situated. The others are generally dry.

That the source of the water is high so that it could easily be raised to the Tops of the Houses in the ancient Burgh.

That there is not more than an average than £70 paid for the maintenance of all the water establishment in the year. It is quite inadequately attended to.

That the supply could be greatly increased at the source, but the pipes used for its transmission will not convey a larger quantity

That these must be in disrepair. It is many years since they received any attention

That occasional stoppages have taken place from vegetable growths in the pipes. Frogs have been found in the wells which must have come along from the source.

That in the case of a fire in the dry season, and especially at night it would be almost impossible to procure the means of extinguishing it.

[Start of original document Page 5] <[see notes from reverse of page 5](#)>

That Grahamston and Bainsford get no supply from the source spoken of.

That Grahamston depends for its supply on private wells. There are no public wells there

That the private wells are in the Gardens at the back of the houses

No Private Wells

Water supply

12. Water closets

³⁰⁰⁰/₂ = 2000£

Fires *

That the water is of various qualities. It is all inferior. Some of it very hard and disagreeable to the task.

That the wells are generally situated in a stiff clay soil and the water is mostly surface or drain water.

That Bainsford is similarly situated with this exception that the water of Bainsford is said to be superior in quality and probably in quantity.

That a number of the Inhabitants of Bainsford resort to the Canal for water both for washing and domestic purposes

Lighting.

Lighting

56 Gas Lamps

That the ancient Burgh is lighted by 56 Gas Lamps.

That it would require at least half as many more to light efficiently.

That these lamps are not lighted when there is any available moonlight. They are not lighted at all from April till the second Tuesday of September.

That there are about 12 lamps in Grahamston lighted by private scription.

That there are no lamps in Bainsford.

That the lamps are all shewn on the large plan.

That the expense of lighting one lamp for the year costs about £1.3/-

That I am Treasurer and Secretary of the Gas Company which supplies the Gas.

12 Gas Lamps

Paving.

[Start of original document Page 6] [<see notes from reverse of page 6>](#)

That the High Street of the ancient Burgh is laid with Granite Blocks. This is the only street so laid. It was done about 6 or 7 years ago.

That at that time Proprietors on both sides were urged to pave opposite their properties. Most of them complied some did not.

That the foot pavement is not of uniform breadth. It is not continuous. This is shown on a plan.

That there is no pavement in any other part of the Burgh.

That the other streets and lanes are causewayed with undressed stones.

That walking is difficult upon them

That these streets and lanes are deficient in Gutters or side drains.

Paving

That as stated elsewhere there are considerable holes in these streets and lanes.

That the footpath or side way on the Grahamston Road shewn on the large plan is not in any place paved.

That it is always in bad order in wet weather. It is then deeply covered with mud.

That it is as dusty in summer, and after frost almost impassable.

That there is only a footpath on the west side

That in Bainsford there is no proper footpath at all and the passage in front of the Houses on both sides is in a very defective state.

[Start of original document Page 7] <[see notes from reverse of page 7](#)>

That it is believed to be nearly useless from never having been flushed.

Police.

That the Magistrates of Falkirk have no Police.

That under the Act 20 & 21 vic c 72 entitled "An Act to render more effectual the Police in Counties and Burghs in Scotland" (25 August 1857) the Commissioners for Stirlingshire have appointed a Superintendent with a charge over the Eastern District of the County of Stirling. A Sergeant who has a beat extending several miles beyond the Parliamentary Burgh, Three Constables who have a beat greatly more extensive than the Parliamentary Burgh.

That these all reside in Falkirk

That there are no night watchmen in the Burgh.

That a few years ago the shops and houses in the town were almost nightly broken into & plundered.

That from the position of the town midway between Edinburgh and Glasgow it is frequently a resort of thieves and vagrants from both cities.

That they frequent the public Trysts & Fairs.

That Falkirk is a very frequent resort of Thimblers and Card Players who occasionally takes considerable sums from their victims.

That unless they can be detected cheating and convicted of fraud after trial, they carry on their pursuits almost with impunity. The only method of removing them is under the Roads laws. This is an indirect method of reaching them, and is not efficient.

Police

No night watchmen

[Start of original document Page 8]

That from the number and extent of the public works and large manufacturing establishments in the District there is a large amount of crime committed.

That there is consequently claimant necessity for an efficient police.

That there are frequent disturbances on the streets while the Police Constables are necessarily absent, and with the deficient lighting & entire absence of night watching, there is a want of protection both to persons and property.

That the evil will not be removed until the Police are under the charge of the Magistrates and night watchmen are appointed.

History of the Ancient Burgh

<[*see notes from reverse of page 8*](#)>

That the town of Falkirk was anciently a village built under the protection apparently of the Callander family.

That a member of that family was created an Earl by King James the VI of Scotland, and by a charter from that Monarch in the year 1600, was empowered to erect the Town of Falkirk into a Burgh or Barony.

That this was done, a few years afterwards, about 30 years, by another charter, the Burgh was erected into a [Burgh of Regality](#) which it continued till 1833, when it was by Act of Parliament 3 & 4 William IV cap 77 erected into a Parliamentary Burgh, and greatly extended.

That the Charter of 1600, authorised the institution of Crafts or Corporations of Burgesses or Freemen Artificers.

That the Earls of Callander created Burgesses and made such Corporations.

Freemens Tickets belonging to Hammermen and Wrights are still preserved as curiosities in some families. *[Start of original document Page 9]*

That the same Charter gave the Earls of Callander power to name Bailies and all other Magistrates for the Government & Management of the Burgh of Falkirk.

That it is probable that they did so.

That they had powers to keep offenders in captivity, and to punish offenders.

That this jurisdiction was heritable

That all such [heritable criminal jurisdiction](#) were cut off by the Act 20 George II cap 43 (1748)

That there was a [Baron Bailie](#) in the ancient Burgh till within the last 50 years. He was appointed and paid by the Callandar family.

That he tried civil cases of small extent within the Barony and levied certain petty customs to which the family of Callander had right.

That the Earl of Linlithgow & Callander was out in the Scottish Rebellion of 1715, and the Inhabitants of Falkirk favoured his cause.

That the title to the Earldom was forfeited along with the Estate.

That the property was sold by the Commissioners of forfeited Estates to the York Buildings Company and on the Bankruptcy of that great Company, was purchased by the ancestor of the present proprietor M^r. Forbes of Callander.

That at the time of the Rebellion, from the troubles which accompanied it, it is said that considerable changes took place in the system of management of the Town affairs.

[<see notes from reverse of page 9>](#)

That it is probable that at this time the Stintmasters came into existence as the Representatives of the former Burgesses, Craftsmen or Freemen and Magistrates. *[Start of original document Page 10]*

Stintmasters.

That they have up to the present time been the principal Managers of the Town's affairs.

That they are 28 in number & continue in office for a year.

That the Office Bearers are [Preses](#), Treasurer and Clerk.

That the last is not a Stintmaster but a Law Agent, or Solicitor, and he also is elected annually:

That 24 of the Stintmasters represent Trades thus

Merchants	.....	4
Hammermen	.....	2
Wrights	.....	2
Weavers	.....	2
Shoemakers	.....	2
Masons	.....	2
Tailors	.....	2
Bakers	.....	2
Brewers	.....	2
Whipmen	.....	2
Fleshers	.....	2
Representing Trades	.....	24

	<u>Districts.</u>	Robert Henderson Esq
Vicars loan	1
Randygate	1
Westburn bridge	1
Eastburn bridge	1
		<u>28</u>

That the Stintmasters have been chiefly occupied with the management of the water brought into the town.

That they pay for the cleaning of the Streets and Lanes of the ancient Burgh, and with the Feuars to be after mentioned they pay half the expense of the Public Lamps.

[Start of original document Page 11] <[see notes from reverse of page 10](#)>

That they levy an assessment called Stint.

That it is nominally about £240, but on an average only about £160 or £170 collected.

That it is laid on according to means & substance.

That there is no criterion adopted. The Stintmasters merely guess each Ratepayers ability and it is believed that under the 33 section of the [17 & 18 Victoria](#) cap 91 "An Act for the valuation of Lands & Heritages in Scotland" (10 August 1854) an Assessment otherwise than upon rental is illegal.

That a large proportion of the working classes escape the assessment. There is no cheap machinery for enforcing payment like that for enforcing poor rates &c.

That the foundation of the right of the Stintmasters is immemorial usage as it is called in Scotland use and want.

That the Stintmasters cannot maintain a prescriptive right of 40 years to light the Town with Gas, and it is doubtful whether they ever had a right to access for cleaning.

That so strictly are they restrained by use and want that they cannot venture to increase the assessment in proportion to the growing necessities of the Town.

Grahamston and Bainsford

That Grahamston is (a) comparatively newly built extention of Falkirk.

That it lies low on a damp soil.

That it would never have been chosen as a locality for Houses but from necessity.

That most of the Buildings, especially towards the south end, were erected within the last 50 years. *[Start of original document Page 12]*

That Bainsford is much older and is chiefly occupied by working people employed at Carron Iron Works and the several Foundaries in the neighbourhood.

That the Districts of Grahamston and Bainsford never had any local authorities of any kind.

That they have no common property to administer.

Feuars.

That besides the Stintmasters there is a Body in the Burgh called the Feuars.

That their origin has been traced to a number of Feus given off by the Callander family long ago.

That these feu rights bore a resemblance to leases in perpetuity.

That the Crofts or Feus which were 15 in number must have been of considerable extent for while the whole, or the greater part of the ancient Burgh is built upon them or some of them others extend as far as the Parliamentary Burgh to the north.

That with these original feus or with some of them the family of Callander gave rights ~~to~~ of commony or easements.

[*<see notes from reverse of page 12>*](#)

That some feus had these adjuncts, or rights over two muirs or commons, others only over one, the north or the south muir, and it is possible that one or more of the feus had right to neither.

That the north muir does not now exist. All trace of it is gone and all right to it lost.

[Start of original document Page 13] [*<see notes from reverse of page 13>*](#)

That the south muir lay about half a mile to the south of the ancient Burgh on high land, at a considerable elevation above the Town.

That the Muir or Common extends to about 150 acres.

That for a great length of time it had been used by the Inhabitants of the Town of Falkirk for various purposes.

That these were walking and recreation, grazing cattle (for the care of the Cattle there was a common herd,) cutting turf or [feal & divot](#) as it is called, digging clay &c.

That the South Muir was used for these purposes by any one who chose.

That at the close of the last century M^r. Forbes, then Proprietor of the Estate of Callander turned his attention to this muir with the view of getting it divided.

That the law of Scotland provides for such a Division by an action called “Division of Commonty”

That M^r. Forbes instituted an Action of this nature in the Supreme Courts calling upwards of 250 persons as Defenders.

That M^r. Forbes called every individual whom he thought might have claims on the Muir other than the general right which all the Inhabitants had acquired or at least used for walking and recruiting themselves.

That the Inhabitants of Falkirk met in public meeting in order to vindicate the public rights and provided funds to the Feuars through whom the public rights could be conveniently vindicated.

That these Feuars were by this time very numerous.

That by the law of Scotland the Process of Subinfeudation, as it is called, affords facilities for dividing feus and subdividing them as often as wished. Each subdivision carries with it a rateable proportion of servitudes or easements.

[Start of original document Page 14] [<see notes from reverse of page 14>](#)

That after the Process had proceeded for some years without much real progress & occasionally falling asleep, as it is termed, an Agreement was made between the parties that is Mr. Forbes & the Feuars.

That they must now be considered as acting for the general Inhabitants as well as acting for the general Inhabitants as well as themselves. This is not specially set forth in the Deed of Agreement by which the compromise was concluded.

That under this Agreement it was provided that M^r. Forbes should get 120 acres of the Common Muir as his share – that 10 acres should be set apart to be possessed as common property by the whole Feuars and Proprietors having interest in the said Muir as a servitude of feal and divot and quarrying of stones for that class – that 20 acres of the muir should be given up to be possessed and enjoyed in all time coming as the common property of the Feuars having an interest in the said common and Inhabitants in the Town of Falkirk to be possessed and enjoyed by them in common and managed, and the profits applied in such manner as the majority of the Feuars or any Committee appointed by them shall deem most expedient for their and the general good of the said Town.

That Mr Forbes at the same time and under the same arrangement gave up the piece of ground in Falkirk called the Horse Market on which the Fairs were held

✓

Subinfeudation

Refer to Terms
of Decree

That he also gave up to the public or more strictly speaking to Trustees to be chosen by the Feuars and Proprietors of the Town the petty customs and duties which the family of Callander had been in use to levy from time immemorial within the Burgh upon grain and other goods & brought into the town for sale.

[Start of original document Page 15]

That it was an express stipulation of the arrangement that the said duties & customs were to be levied and the profits applied "for the common good of the town" in such manner as the Feuars or the Trustees chosen by them should deem most for the interest of the Town.

That this compromise was embodied in a Deed of Agreement narrated in the Decree

That the Court of Session interponed its authority to the agreement and gave Decree in terms of it.

That this settled for the future the rights of all parties who claimed an interest in the Common vizt. Mr. Forbes – the body of Feuars and the Inhabitants of the Town.

That the uniform usage which has followed upon that Decree show the intention and understanding of the parties.

That the application of the Rents & profits of the land and customs has invariably been to public purposes.

That the Decree is dated December 1807.

That before that time there was no general or public body of Feuars in Falkirk – acting under one general management as there is now.

That each individual feuar had exercised his right of common, and of casting feal & divot in the muir as he thought fit.

That after the Decree was pronounced the Feuars came to act as a body under one general management. *[Start of original document Page 16]*

That the property customs &c came to be managed by Committees annually chosen from among the Feuars.

That for a time indeed the Stintmasters took the management of the property & customs into their own hands. The Feuars seemed not caring to be at the trouble of meeting and electing their Committees annually.

That this was only for a few years after the date of the Decree.

That for a number of years past the feuars have annually met and chosen their Committee of Management and a Preses Clerk and Treasurer who have taken the charge of the property and collected & applied the whole of its revenues for public purposes.

- That** the Feuars now maintain
- (1) that the whole property and customs & dues conveyed to them or placed under their management by the Deed of Agreement and Decree of the Court of Session are their absolute property having been conveyed to them in consideration of the valuable rights in the Common which they resigned in M^r. Forbes' favor.
 - (2) That the public have positively no right to any part of the property or custom and dues so conveyed to them – the Feuars. and
 - (3) That it is only of their own free will and from no legal obligation so to do that they have hitherto applied the Profits and the land and customs for public purposes.

That the Customs did not belong to the Feuars before their decree.

That before that time they had been levied by the Callander family.

That it is believed they were applied for public purposes within the town.

That the view of the Promoters that the Feuars had only the management of the customs for the public good is borne out by an opinion got from David Cathcart Advocate in 1813. *[Start of original document Page 17]*

That M^r. Cathcart was Counsel for the Defenders in the action at Mr. Forbes' instance He was afterwards Lord Alloway a Judge in the Supreme Courts of Scotland.

That he found this opinion among the Stintmasters papers.

That he has not been able to ascertain with certainty the manner of the application of the customs by the Callander family.

Thathe has learned that at the time they were got by the Feuars they did not yield more than £35 per annum. They now realize about £150.

Thatfor a number of years prior to 1852 the affairs of the Feuars were managed by a Committee of two or three individuals, Nominally there might be more. Really the business was managed by the Preses, the Treasurer and the Clerk.

Thatthe public knew little or nothing of their affairs.

Thatabout 8 years ago an attempt was made to break up the system.

Thatthis to some extent succeeded.

Thatthe state of matters has greatly improved The accounts of the Funds are annually published .

Thatthis movement gave rise to much discussion. It was dealt with in the local Newspaper.

Thatthere was a long correspondence between M^r. Salmon Banker, the new Preses, and M^r. Russell Writer who had long been Clerk to the Feuars.

That the Committee of Feuars is elected annually in the end of the year.

That this is done by a general meeting called by Advertisement in the local paper, and by handbills posted through the town.

[Start of original document Page 18]

That the Committee consists of a Preses – Treasurer and Clerk with about ten other Members who manage for the year.

That the Feuars have refused the Promoters access to their Decree and papers

That the Feuars since 1852 or thereabout have devoted their Revenue exclusively to public purposes.

That the Revenue from Land & Customs is £198 –

that is Customs . . . £154

Land 44

£ 198

*Money contributed
by Feuars*

That they have contributed several hundred pounds towards the expense of improving the High Street in the ancient Burgh.

That they have contributed one half of the expense of lighting the town with Gas.

That they gave £100 to the Stintmasters a few years ago to assist in increasing the supply of water, and they have just finished the erection of a Corn Market or Exchange.

That it is marked on the Plan. It is immediately north of the Parish Church.

That the Feuars have lately leased the piece of ground adjoining the Market from M^r. Forbes of Callander.

That in these ways the Feuars within the last 4 or 5 years have contracted a debt of £1500 or £1600.

That the Feuars opposed the Bill on Standing Orders and the result was that their lands are taken out of the Bill.

That until the year 1834 the whole local management of the Town lay with the two bodies the Stintmasters and the Feuars, chiefly with the former.

[Start of original document Page 19]

That in 1834 the County of Stirling was divided into two districts for judicial purposes.

That a Sheriff Substitute was appointed for the Eastern District. He resides and holds his Courts at Falkirk as the Chief town of the District.

*Sheriff Substitute
at Falkirk*

That he has an extensive civil & criminal jurisdiction.

That the whole judicial business of the District is now conducted before the Sheriff Court at Falkirk. There is a local Bar of about 20 practising Attorneys (called Writers)

That by the Act 384 William IV.c.77. 1833. (the Burgh Reform Act) the ancient Burgh of Falkirk and the extensive surrounding District embraced within the Red Lines on the plan were constituted a Parliamentary Burgh.

That it got the privilege of electing Magistrates and Councillors viz^t. A Provost three Bailies and eight Councillors.

That the ordinary powers & jurisdiction of Royal Burghs in Scotland were conferred upon the Magistrates of the newly constituted Parliamentary Burgh of Falkirk.

That the Act conferred no power of Assessment.

That the powers and jurisdiction conferred upon the Magistrates have thus to a great extent remained in abeyance as they had no funds from which to defray the expense of Municipal or Judicial establishments.

That by a subsequent Act 10 & 11 Vic.c.39. sec 7.1847. a power assessing to the extent of 3^d per £ for municipal purposes was conferred on Burghs like Falkirk.

That this power was only exercised to a very limited extent.

That to pay a Town Clerk a small salary and other minor charges.

[Start of original document Page 20]

That the Magistrates functions have never truly been exercised since the Burgh was erected into a Parliamentary Burgh.

Parliamentary Limits

That he believes it would be of advantage to have the whole Burgh placed under one management.

That at present the ancient Burgh & Districts of Grahamston and Bainsford are incorporated by Act of Parliament.

That the Magistrates represent the whole & they all act together without distinction in the choice of a Member of Parliament.

That their wants are the same and the exclusion of Grahamston and Bainsford would look invidious.

That Grahamston and Bainsford cannot be erected into Burghs by themselves.

That there is no other Burgh near to which they can be connected.

That there is a continuity of buildings and streets from the centre of the ancient Burgh northward to the extremity of the Parliamentary Burgh.

That the Inhabitants of the ancient Burgh have a direct interest in the extension.

That although Grahamston & Bainsford were averse to a sanitary Improvement the ancient Burgh would have right to say that their sanitary condition cannot be complete or their safety secured till the sanitary condition of a populous neighbourhood is rendered satisfactory also.

Magistrates Commissioners

That it is obvious that the Magistrates are the proper parties to be Commissioners. *[Start of original document Page 21]*

That the popular mode of their election, the yearly change of a third part of their number, their being chosen from Grahamston and Bainsford as well as from the ancient Burgh and their intimate acquaintance with the wants of the community point them out as the proper parties to be Commissioners.

That among the Magistrates there will always be some Feuars.

Non adoption of General Police Act

That it is true that there has been for a great many years a want felt of proper Government of the Town, and it is also true that such a feeling led on two occasions to attempt to adopt the General [Police Act](#).

That he has no doubt that the Act 13 & 14 vic c 33 would have been adopted when tried but for the fact that a large number of the Electors were not to be satisfied with anything other than a special Act.

That this was very natural.

That under the General Act we could not deal with the Stintmasters.

That it would be most incongruous to be levying the Stint as well as a Police Assessment.

That the Feuars also could not be dealt with under the General Act.

That it was solely this conviction of the necessity of a special Act that prevented the adoption of the General Act for some change for the better was obvious to all.

That it is true that the functions of Feuars and Stintmasters could be equally well managed by the Magistrates and they would stand as has been said, on a more popular basis.

[Start of original document Page 22]

That the original scheme of the Bill was to take a transfer of the Stintmasters property. To abolish that body and to make provision for payment of its debt.

That it was also intended to transfer the Feuars 20 acres of land in the Muir, the Horsemarket, the [Corn Exchange](#) with adjoining land and the customs, and also to undertake an obligation for payment of the Feuars debts.

It was found by the Examiner on Standing Orders that a plan ought to have been deposited of the Feuars lands proposed to be transferred.

That the Standing Orders Committee directed the transfer of the lands to be struck out of the Bill.

That with this alteration the Bill remains as it was originally.

That it is now a transfer
1st of the whole property and functions of the Stintmasters.
2nd of the dues and customs of the Feuars and of their public functions.
The Lands are excluded

That the lands transferred to the management of the Feuars, and the customs transferred to them are quite separate and independent.

That the Customs have no possible connection with the 10 acres.

That they have no connection with the 20 acres.

That they were levied before the old Corn Market had any existence, of course before the present Corn Market, for both are new things compared with the antiquity of the customs.

That the customs indeed have only a very general reference to place.

That a large proportion of them are levied in the High Street, and in truth no part of them is levied either on the Callander Riggs or Horse market or in the Corn Exchange .

[Start of original document Page 23]

That he thinks these only two Horse markets in the year, and the dues from them must be very trifling.

That the dues are levied from Cattle before they enter the Callander Riggs and he understands that the Grain Market dues are levied outside the Building or Exchange.

That besides the daily Customs exigible from the dealers in fruit, vegetables & fish &c on the High Street, there is a weekly butter market held on the High Street on Thursdays from which dues are levied.

That there is no reason why the customs could not all be as well collected without the Feuars Lands &c as with them.

Robert Henderson Esq

That seeing that the Feuars apply their funds for the common good, and the assessments of the Magistrates are applied in the same way, it would certainly be expedient that there should be only one system of management.

That he produces the Stintmasters Minute Book approving of the Measure.

Fairs and Markets.

That besides the Great Cattle Markets or Trysts in the months of August September and October & before referred to, there is a weekly market held on Thursdays.

That the High Street is the place of meeting of Farmers and Others, and a Butter Market is held on the open street. *[Start of original document Page 24]*

That the Corn Market is held on the north side of the Town.

That there are one or two Horse Markets held in the Callander Riggs in Spring.

That there are two large fairs, or hiring Markets held, one on the first Thursday of April and the other on the last Thursday of October in each year.

Call

[Start of original document Page 25]

Thomas Kier Es^{qr} of Linns

Will State

That he is Provost of the Parliamentary Burgh of Falkirk and Chairman of the Parochial Board.

That he has been Provost since June 1858 and Chairman of the Parochial Board since 1857.

That he is a native of Falkirk and has carried on business there on his own account for 24 years.

That he is conversant with the state of the Burgh both Parliamentary and of Regality.

Thomas Kier Esq

Police

That the Magistrates of Falkirk have no Police. They never had. They never exercise any judicial functions. They have only exercised municipal functions to a very limited extent.

That they lay on what is termed the Prison Assessment, and an Assessment (in virtue of the Act 10 & 11 Vic c 39.) for municipal purposes

That this Assessment has never been more than 1½^d p £1. This was only for one year. It is generally about ½^d or ¾^d p £.

That the Magistrates also assess for the payment of the Registrar under the Births, Marriages and Deaths Act.

That Falkirk has no Burgh fund under the charge of the Magistrates from which a Police force could be paid.

That the Commissioners of Police for the County of Stirling, within which county Falkirk is situated have appointed a Police Force.

That for a District greatly more extended than the Parliamentary Burgh three Constables, a Serjeant who has a still more extensive charge & a Superintendent whose beat is over the Eastern District of Stirlingshire.

[Start of original document Page 26]

That these all reside in Falkirk.

That the Magistrates of Falkirk have no control over these Officers.

That there are no night watchmen in the Burgh.

That a few years ago the shops and houses in the town were almost nightly broken into and plundered.

That his own premises has been three times broken into, once with false Keys. Three different parties were convicted for these offences.

That from the position of the town midway between Edinburgh and Glasgow it is a ready resort to thieves from both. They frequent the Public Trysts of Fairs.

That Thimble Riggers, Card players, and parties of that class frequent Falkirk very much.

That from the number and extent of the Public works, there are large collections of men occasionally assemble, and a large amount of crime.

That there are frequent disturbances on the streets when a Policeman cannot be got from being engaged out of the Burgh.

That to secure the proper regulation of the town during the day and its being watched during the night the superintendence must be in the Magistrates.

Lighting

That the lighting is inefficient.

That there are only 56 lamps. Half as many more would be required to light the Burgh of Regality properly. *[Start of original document Page 27]*

That the lamps are not lighted when there is any available moon light.

That they are never lighted at all from the end of March till about the end of September.

That there are about 12 lamps in Grahamston which consists of one principal street as shewn on the map

That these are lighted by private subscription. These are the only lamps beyond the ancient Burgh.

That the expense of lighting up one lamp for the year will not exceed £1.4/-

That there are two [Gas Companies](#) one on the south side of the Canal and at the Bridge over it. The other at the east end of the Burgh of Regality.

Water.

That Falkirk is supplied with water from old Coal workings on the south side of the town, and has been so at least for a century and a half.

That the supply in the Coal wastes is considerable and would probably be sufficient for the town, but the pipes leading it to the town are too small and in a bad state of repair as he believes.

That he is informed that a sum of about £100 would lay pipes of cast iron from the source of the waste to the town being about half a mile in length.

That the water is hard and contains a quantity of lime and earthy matter but is not unwholesome.

That the town is ill supplied especially in times of drought when water is occasionally sold from barrels carted along the streets.

[Start of original document Page 28]

That the water is shut off during the night and occasionally it is only to be had at 2 or 3 wells. The wells are under 20 in number. – He thinks about 17.

That Grahamston is dependant for its supply on private wells and these are not sufficient in number or generally of good quality in the water. Some of them are very bad.

That Bainsford is similarly situated having no public wells. The water there is generally of good quality.

That so far as his memory extends, the defective supply of water in Falkirk was felt to be a great evil

That there is no water to flush sewers A large pipe was laid along the main street about 6 or 7 years ago, but for want of flushing is in some parts quite useless and filled up.

That in the event of a fire especially during night it would be difficult to get water to extinguish it.

Paving

That a few years ago the High Street, the principal street of the Burgh was laid with blocks of Granite.

That at this time individual proprietors were urged to pave in front of their properties in the High Street. Most of them complied. This street is generally paved before the shops.

That no other streets has pavement. Even there it is not uniform. In some parts decayed in others not paved at all.

That the other streets and lanes are causewayed with undressed stones. It is difficult to walk on, having large holes. *[Start of original document Page 29]*

That the streets and lanes are deficient in gutters or side drainage.

That the town of Falkirk is well situated for draining having a slope from the centre to all points of the circumference. It stands on a deep stratum of sand.

That the foot path on the side of the Road through Grahamston is not well preserved. In wet weather it is almost impassable, the mud being very deep. In summer it is very dusty.

That it is nearly all built at least on the west side. The foot path is on that side and if each proprietor were to pave in front of his property or otherwise keep the footpath in repair, it would be a great benefit to the entire burgh.

That there is no proper footpath through Bainsford at all and the foot-passage along both sides is in a very defective state.

That there is no drainage either in Grahamston or Bainsford.

That the Houses in Grahamston are all damp, some of them even good houses having several inches of water under the floors of the ground story.

Cleansing

That generally the Burgh is not kept at all as it should be, this is a fact too notorious.

That it is observed and generally remarked on by strangers.

That the street through Bainsford and the side roads are very ill kept and dirty. There is no general fund from which the expense of cleaning can be paid.

That it has been cleaned by the Parochial Board, acting as he understood, under an order of Council. *[Start of original document Page 30]*

That Grahamstone is somewhat in the same position. The footpath on the west side is not well kept. There is no footpath on the east side. The land is in a low level and damp. The soil being stiff clay.

That there are accumulations in dunghills which ought to be removed.

That no streets or lanes there are ever swept

That in summer the open drains by the road side contains large quantities of stagnant water green in color and offensive to the smell.

That in the Burgh of Regality a few years ago parties used to pay something to be allowed to remove the manure, but of late years the Stintmasters have paid the Contractors for cleaning the streets in addition to giving the parties the manure. Still the streets are not properly cleaned.

That there are large accumulations of filth even on the principal street till far in the day. All the matter laid on the streets after the scavengers have passed once lies till the following day.

That the other streets and lanes are very dirty.

That there are no public Privies – Accumulations of filth of considerable extent may be found within 50 yards of the very centre of the ancient Burgh and this is common throughout.

That the slaughter houses are in different parts of the Town and in the most populous places.

Grahamston and Bainsford

That no means have been taken to ascertain whether Grahamston and Bainsford wish to have the water extended to them.

That it is understood that they do not want it at present. They will probably continue in this position till they see what is done in the ancient Burgh.

[Start of original document Page 31]

Extension of Limits

That from the defects in watching cleaning, & lighting &c in the District of Grahamston & Bainsford it is apparent that their improvement is very important, and would be of great public advantage.

That the legislature have extended the limits of the ancient Burgh. The Magistrates are now the recognised & legitimate authorities within the Burgh so extended & a unity of operation & management be most simple and most efficient.

That the Stintmasters debt which was partly contracted for the erection of the steeple and its bells might fairly be a burden on the entire burgh.

That its beauty as a spire and its utility as a clock indicating time with its bells rung at stated intervals is alike for the benefit of all while the portion of the debt contracted in connection with the water may be made available to all, and at all events the compensation which would be given by the distribution of the Feuars Revenue from the customs would be an equivalent.

That by the continuance of the Feuars in the management of the property administered by them collisions would be likely to take place.

That after the passing of this Bill the leading Feuars will almost necessarily be Commissioners, and the property managed to a great extent by the same parties under another name without danger of

Call

The Reverend Lewis Hay Irving

Will State

That during the last 9 years he has had full opportunity of becoming acquainted with the sanitary condition of the Burgh & Parish of Falkirk, having acted as Chairman of the Sanitary Committee of the Parochial Board under the Cholera Act, and the former Nuisance Removal Act, and at present as Chairman of a Joint Sanitary Committee appointed by the Town Council and Parochial Board under the existing [Nuisances Removal Act](#).

That the sanitary defects in Falkirk, Grahamston, and Bainsford which he is painfully familiar with are great, and from his experience in the various sanitary Committees whose operations he has conducted it is his firm conviction that Magisterial authority can alone effectually remedy these defects & enforce the necessary improvements for the health of the community.

That the efforts of a Sanitary Committee which has no staff of Officers at its command and no power of assessing may check temporarily the more marked evils but cannot accomplish such a general and permanent system of improvement as the case demands.

That whilst prosecutions before the Sheriff for breaches of the law form a cumbrous and dilatory method for the removal of nuisances which could easily be swept away and prevented from recurring by Police regulations.

That at present the cleaning of the streets is let by the Stintmasters to Contractors at £45 per annum and there are two men, with the assistance of horse and cart and driver employed, but this force is inadequate for Falkirk, whilst Grahamston and Bainsford are not cleaned at all.

[Start of original document Page 33]

That the Cart Road in Grahamston and Bainsford is managed by Carron Company under arrangement with the Road Trustees and from the nature of the traffic, and the material of which the road is chiefly composed, a constant accumulation of mud is formed which the roadmen from time to time scrape into heaps at the verge of the footpath where the heaps remain often for weeks augmented by filth and refuse from the Cottages along the roadsides, until the Roadmen are at leisure to remove the nuisance.

That Grahamston & Bainsford would require two men with an additional Horse & Cart to remove the ashes filth, and garbage, & unless placed under municipal control this cannot be effected, whilst the means at the disposal of the Stintmasters are insufficient for the cleaning of the old regality, and grave doubts exist as to their powers to assess for the cleaning of the town.

That the drainage within the whole limits of the Parliamentary Burgh is lamentably deficient.

That the High Street of Falkirk and the [Kirk Wynd](#) were some years ago paved & drained with glazed fire clay pipes.

That this was effected partly by a voluntary subscription & partly by money from the Feuars, and was a great improvement, but from the dead level of the central part of the High Street, & the want of sufficient water to flush the drains regularly they are apt to be choked up and much trouble & expense has been incurred from this cause.

That these pipes would require to be sunk deeper at the two ends of the street where there is plenty of declivity, and they would require to be regularly flushed for which purpose a larger supply of water is required than the present pipes serve to convey to the town. *[Start of original document Page 34]*

That the back streets, wynds, and Lanes have no drains whatever (for instance the backrow, silver row, Kerse lane, [cowwind](#), lintriggs, howgate, [bean row](#) &c) – in all these the sewerage is allowed to run along the surface, & forms frequently an intolerable nuisance.

That the same evils exist in the greater part of Grahamston & the whole of Bainsford, where the sewerage from the houses stagnates in puddles along the sides of the footpaths and saturates the mud heaps formerly spoken of.

That a complete & systematic reformation is imperatively demanded in the sewerage of the whole district (both) within and without the old regality.

That connected with the drainage improvements the whole back streets and lanes in Falkirk would require to be paved anew, so as to allow the surface water to run off, in all these places the pavement as at present in a most miserable & defective state.

That public necessaries under proper regulations as to cleaning are much required, for want of these many complaints of nuisances & annoyance have been brought before the Sanatory Committee which has no power to provide a permanent remedy.

That the Slaughter houses form another source of permanent nuisance.

That six of them are entrenched in the densest part of Falkirk without proper drainage and no space of ground around them for the reception of filth and offal, closely surrounded by dwellinghouses, and giving forth in summer most obnoxious effluvia.

That two Slaughter houses exist in Grahamston and one in Bainsford similarly situated with those in Falkirk.

That the Sanitary Improvement of the Town and these two suburbs demand the removal of these slaughter houses to some extra mural piece of ground, but at present there is no power to enforce their removal.

[Start of original document Page 35]

That on the reappointment of the Sanitary Committee after the lapse of their functions at different times throughout the expiry of the proclamations of the Privy Council all the nuisances created by keeping of swine in improper places & the accumulation of large offensive dunghills close to dwellinghouses, have been found revived and in full vigour, and the preserving tendency on the part of many to elude the law by maintaining such nuisances secretly if they can render the necessity of a Town Police force at the command of the Magistrates especially needful, and this provision is as needful for Grahamston and Bainsford.

That it was in the lower part of Grahamston and in Bainsford that the Cholera broke out 8 or 9 years ago, & where it was peculiarly fatal 12 deaths occurring within the compass of 3 or 400 yards

That the Church yard or burial ground for the whole Parish containing about 16000 souls, is in the very heart of the Town with dwelling houses looking into it on three sides.

That the ground is quite unfit in point of extent for its purpose containing only about an acre, and the soil is raised five or six feet above the floor level of the houses in the High Street which abut on it.

That a filthy and offensive ditch separates the burial ground from the houses, and into this besides the moisture which exudes from the crowded and elevated burial ground many zinc pipes from the various flats of these houses disgorge their contents, the result of which is most offensive and unwholesome to those living in these houses or occupying shops and work rooms in that portion of the High Street.

[Start of original document Page 36]

That there are three small patches of ground attached to as many Dissenting Chapels used for internment, but they are more of a private character, and not by law accessible to the public for internment of their relatives whilst they are all inter mural and bounded by dwelling houses

That a new Cemetery is urgently required but it would require municipal authority to procure it.

That an attempt was made by a number of persons some years ago to provide a new Cemetery, but the voluntary subscriptions for the object fell short of several hundred pounds of the sum required and the matter dropped.

That the Lodging houses are at present under the care of an Inspector of nuisances & lodging houses and regulations drawn up by the Committee and sanctioned by the Secretary of State have been put in force.

That it would require an efficient Town Police to see to the observance of these regulations and a more summary way of dealing with offenders than by informations and prosecutions before the Sheriff.

That there are many houses in the [Back row](#) and the various lanes and alleys not fit for human habitation and yet densely occupied, and where fevers and other diseases are sure to make their appearance often with epidemic & fatal effects.

That some of these dens are never quit of disease, nor can the efforts of a mere Sanitary Committee provide a sufficient remedy.

[Start of original document Page 37]

That Police Regulations being absolutely necessary that places unfit for human habitation may be shut up, and that overcrowding may be prevented and ventilation enforced.

That the supply of water is not adequate to the Sanitary wants of the people.

That the main supply is derived from a Coal waste about half a mile from the town.

That there is said to be a sufficient quantity of water in the waste, but the main pipe which brings the water to the town is much too small for the purpose, and would require to be replaced by a pipe of larger calibre in order that such a quantity of water may be brought into Falkirk as is required for purposes of cooking and ablution and also for the periodical & regular flushing of the drains particularly in those seasons of the year when rain does not fall abundantly.

That very few of the Houses have service pipes and still fewer have waterclosets.

That the present supply only admits of public wells for the wants of 99 out of 100 of the Inhabitants.

That to carry out the necessary works of drainage and of pipe laying &c. to enforce the provisions of the Nuisance Removal Act, & to effect any permanent improvement in the sanitary condition of Falkirk, Grahamston, & Bainsford, a Police Act is absolutely necessary whereby the Magistrates may be empowered to levy the necessary assessments, to deal with the cases as they occur and to enforce their decisions by means of a Police obeying their orders, and having their time and attention wholly given to the matters affecting the District contemplated in the proposed Bill.

Call

James Girdwood Esq^{re}

Will State

That he is a Surgeon and reside in Grahamston.

That he has a very extensive practice

That he has been in practice for 40 years.

That he knows Falkirk but especially Grahamston and Bainsford very intimately.

That he is employed on behalf of the Crown in Criminal Cases where Medical evidence is required.

That the Sanitary defects in Falkirk Grahamston and Bainsford are very great

That several years ago he was frequently employed by the Fiscal or Public Prosecutor, in inspecting and evidence in regard to places from which nuisances were to be removed.

That something was then done under the dread of Cholera but the Sanitary state of the Burgh is still very defective

That they have in Falkirk a Fiscal M^r. Gair the most active and energetic, and a Chairman (Reverend M^r. Irving) of the Sanitary Committee of the Parochial Board, a most efficient and excellent Officer.

That I am satisfied that without another system of management under the direction of the Magistrates, the Burgh will not be cleaned.

That there are no public wells in Grahamston or Bainsford. The water in the private wells is surface water.

[Start of original document Page 39]

That there are no public lamps in either, there are about a dozen Gas Lamps in Grahamston, these are lighted by public subscriptions. That he subscribes a guinea.

That these Lamps are only lighted when there is no moon light. They are put out at 11 o'clock at night.

That there is no night watching in Falkirk, Grahamston or Bainsford.

That the Streets in Falkirk are not well kept.

That the back lanes of the ancient Burgh particularly, are dirty and there are accumulations of filth in many places which must be injurious to health.

Grahamston and Bainsford however are greatly worse in the matter of cleanliness than Falkirk.

That the Grahamston and Bainsford Roads are very deep in mud in wet weather

That this mud is occasionally drawn to the side where it is allowed to stand in heaps. The side Roads or footpaths are never swept.

That there are no Public Privies in Grahamston or Bainsford.

That he can point out on the large plan places where fever and such diseases are never absent.

That he attributes this to the presence of large quantities of filth.

That in the Mill open in Grahamston and its neighbourhood, in parts of Easter Avenue in Grahamstone and in the [Black Closs](#) of Bainsford there are places on which one can hardly set down a foot free of filth.

[Start of original document Page 40]

That in all these places it accumulates and impregnates the soil year after year.

That in the Easter Avenue of Grahamston large masses of filth, and all sorts of vegetables and other refuse stand upon the road during the whole summer.

That in Norval Street Grahamston disease is always present and he has no doubt from filth.

That in Grahamston pools of water green with Vegetable matter stand in many places, and emit a most disagreeable stench.

That on one of the occasions of an attempt to adopt the General Police Act in Falkirk, a number of the Inhabitants of Grahamston and Bainsford opposed the measure, but afterwards many of these Individuals expressed to me their most earnest wish for such a measure.

That the conviction of its necessity was forced upon them by the presence of disease, which was greatly aggravated as they well knew by the want of cleanliness.

That in some of the houses of the working classes he has seen large accumulations of filth.

That he has seen disease especially croup induced by these accumulations of filth and he has seen several children die in the same house in one night whose deaths he attributed to the dirtiness of the Houses in which they dwelt.

That there is a drain in the High Street of Falkirk, but he understands that it is nearly closed up, as it cannot be flushed from want of water.

James Girdwood

[Start of original document Page 41]

That he has seen and perused the Evidence of the Reverend Mr Irving and quite concur in all what that Gentleman has stated.

Call

From reverse of page 2 :

£2000 flourishing state –
Private individuals
= one year to 12 years old -
=
£1600, = 1700 in debt
154 customs .
Rent . 49 2,, " 2 £ in two years £3498
25 yrs £3725
28

From reverse of page 3 :

Witnesses for the Petitioners against the Bill

Mr Robert Adams. In 1850, - provost – ,
Called general meetings – by majority of electors – , wholly
or in part a large meeting -, only a part – all except a boro’
police – by a large majority - further demands - ... by a large
majority – did not think it applicable to the Town = :

√ Mr William Morrison -;
In 1852 - A subject about a Bills -, a special Act more suitable - to &e
Towns
√ Unanimously adopted ; must be by general agreement – ,
a large amount of concurrence.,
By £10 householders. – Number of Councillors ; - ;
Bill is unpopular. Large majority ;
Unpopular with a majority of £10 householders ; - ;
never properly submitted , not a member of Committee ,
40 or 50 present called by advertisement ;

From reverse of page 4 :

12 members of Committees. 31 In all
20. - & 11 against .

Noisy meeting A month ago – to call meeting 19 or 20 inhabitants
March did not call a meeting – Friday following to advertising this
Monday afternoon; to town Council -;
March or 12,000 or 15,000 2000 –
A respectably attended meeting
rate payers –
Now many.
resolution that Bill by not further proceeded with –
No poll.

Taxation :
Municipal To opposed to this Bill -;
purposes proper subject matter -;
to remove nuisances – do everything -; **No sewers Wanted**
XX Blue Bill application to Sheriff Insurance removed - .
XX

From reverse of page 5 :

√ I do not agree in Accounts given of State of Falkirk
industrial state of inhabitants ..
Not much esteemed its neighbours –
Equally clean with other towns in Scotland, -;

Gas lighted House lighted no it is not -,
Water Supply sufficient supply ; do you have it in offices
Bainsford & Grahams ford

Cholera Greater Extent. – No I never heard it - .
High Street drained; in morning . in Edinburgh .

Thorough fares Except in Traffic
Cow wynd Paved with gutters on each side
Only causwayed -

Foot way to Grahamstown also to Bainsford ,
Dauids Loan, a country Road

From reverse of page 6 :

Church Yard *full it is - ,
Nothing in the opinion of Feuars. - ;
Perfectly clean ; common sewer in the High Street ; -*

Ex^d them
Yesterday.
Feuars accounts; *Customs & not these Lands . ;
Unjust to deprive them of property
2ex^D meeting to report progress , - ; not very keenly - ;
General attainment - £7.17.6 Town Well – ,
judicious Expenditure - , no chance of setting up time ; - ;*

By Chairman *Not quite acquainted – principally –
Never been consulted as to this - ;
= ;*

Adam Smith *A writer; police under management of County ;
10 or a dozen years ago, - decreasing population –*

Public Assessments *Stentmasters – water - .
&
Municipal Assessments.
Poss 2^D = 10 to 1/3^D =*

From Reverse of Page 7 :

General prison Assessment, -

*General police Act – amended in body of Insurance Acts –
I think I do – I never had a reason
I was consulted as to a case
Should the Bills - ,
=
§2 & § 3.*

From Reverse of Page 8:

2, Ex^d a good many years – Stirling Bownes & ..., ... Thane

M^r Macfarlane; *Banker in Falkirk – 29 yrs – at Thornhill
Commus @ P. Stirling
Some property
Opposed to this Bill both in regality & Etc more particly to
Electors - -
March Meeting I did decline to preside –
Last Election of Provost -, Mr Young retired - ; - ; Mr Keir - ;
Grahamston ; during work was other road in indifferent state -
; footpaths something in same way*

M^r James Neilson; *Treasurer of Feuars - ,*

From reverse of Page 9:

M^r John Rusell: Councillor of Borough – owner of property –
 Decrees of Court of Session - & Disposition –
 Proceeds upon a contract –
 15 originally – 40 feuars -, feuar dies –
 Two feuars against - ; - ; - ;
 Nearly the whole - , 14 Committee
 Normally let – collected upon Mortgages & corn Ex & cal
 riggs
Proportion 154 £ -
45 £ law 120£. £20 over rest of Town –
Expenses!! Lately applied to for lighting assorted 6£ ass^t lamps –
 Not been applied to as to water - ,
Now contracted ; Credit undoubted .
 Upon whose credit I do reside within half a mile – rather not answer question as
 to state of Town,
 Under the last nuisance Act – M^r Wilson –
State of feeling against it

From reverse of Page 10 :

	£10 householders -, <u>359</u>	<u>On roll of Electors</u>
	7	dead - ,
	3	abroad - ,
	<u>349</u>	- available - ,
	178 -	
	178 -	
How many rate payer	<u>Rate payers ;</u> 508 -	on Large petition -
		<u>408</u>
Whats a ratepayer	Second petition 178	<u>Rate payers</u>
		<u>Electors</u>
Did you get them up ?	<u>..... Got up -</u>	
Who are they?	<u>Three local Justices</u>	<u>His own brother ;</u>
	<u>Petitions in favour</u>	
<u>Stentmasters Books</u>	Only book – <u>no vouchers, -</u>	
<u>Any complete acc/-</u>	<u>No balance of former banks</u>	

From reverse of Page 12 :

<u>General police</u>	390 clauses –	61 . excepted -
<u>Scott.</u>	<u>Commons Clauses</u>	
	<u>Police forces</u>	
	295 to 302	Water
	<u>358</u>	Police Superintendence
<u>330 §</u>		
24§	Waterworks Clause Act	75§ - ,
	Railway Clauses	21 §
30,	Gas	7
33	Markets & Fairs clauses Act;	- 1
		<u>545</u>
39§.	<u>Agreements as to Roads &c</u>	

From Reverse of Page 13:

	<u>Compulsory Assessment</u> upon
26§	To Grahamstown & Bainsford
<u>Our public health</u>	<u>Comfort Improvement of Town</u>
	<u>Generally</u>
Public	private
Nuisances Act-	<u>Never acted on until 1858.</u> -
Appoint inspector	<u>Charges</u> -
-	
Nuisance - §	<u>Any accumulation;</u>
Police Act	As to § 173 – as to slaughter houses
	<u>An adoption of Act</u>
	§ 175
	§ 180 offensive trades

From Reverse of Page 14:

12 & 13
§§

Nuisances removal Act

Master

§2 . §8 - ;

Stintmasters

Feuars

39§§ of ~~Bill~~ (Police Act) now Act to be put in force
solvent insolvent

Stintmasters

By resolution allowed to
manage it

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<u>As to damp in Grahamstones houses</u>	21
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<u>Burials found 6 feet above floors in High Street</u>	26
<u>Lodging houses</u>	26

1859 Police Act notes

ATMOSPHERE/SMELL: It was a common medical theory of this period that bad air was responsible for the spread of diseases such as cholera. It was known as 'the miasma theory.' ([Back to text](#))

BACK ROW: A road running parallel to and north of the High Street, now Manor Street. ([Back to text](#))

BARON BAILIE: Official appointed by a baron to preside over his court and generally administer the barony. ([Back to text](#))

BEAN ROW: A lane running west from Cow Wynd. ([Back to text](#))

BEEBY, JOHN: Collector of Rates, Clerk to the Parochial Board, he became Inspector of the Poor in November 1850 and Clerk to the Parish Council.

BLACK CLOSE: Courtyard off the west side of Bainsford Main Street just to the north of Burnbank Basin. ([Back to text](#))

BOLL: A measure of dry volume.

BRUCE , SIR MICHAEL: 8th baronet of Stenhouse 1797-1862.

BURGH OF BARONY: The monarch authorised landholders to have burghs on their lands with powers to hold markets and fairs for local trade only.

BURGH OF REGALITY: A burgh which had as its superior a secular lord or an ecclesiastical corporation whose property constituted a regality, i. e. in which the landlord's courts tried all cases except treason and royal justiciars and sheriffs did not operate. Abolished 1746. ([Back to text](#))

BURNS, WILLIAM HAMILTON: solicitor, youngest son of John Burns (d.1833), solicitor, of Falkirk ([Back to text](#))

CALENDAR RIGGS: Land of about an acre in extent at the east end of the town where horse markets were held, owned by Feuars, ([Back to text](#))

CHOLERA: Outbreaks in Falkirk in 1832 and 1848. The 1832 outbreak killed 3,000 people in Glasgow alone. ([Back to text](#))

CISTERNS: The main cistern for holding the water supply was constructed by the Stentmasters in 1805 on the south side of the High Street. In 1825 this wooden structure was replaced with one of stone and iron in what became known as Cistern Lane. It held 13, 000 gallons.

COMMON LAW: Sources of Common Law in Scotland are the decisions of the Scottish courts and certain rulings of the House of Lords.

CORN EXCHANGE: Built in 1858 on ground just to the north of the parish church in what became Newmarket Street. It was designed by Alexander Black of Falkirk and funded by the Feuars. ([Back to text](#))

COW WYND: The road running south from the east end of the High Street, originally to the Town Muir, later to what is now Falkirk High Station. ([Back to text](#))

ESPIE, Dr. JAMES: had a medical practice in Kerse Lane where he owned land to the north.

FEAL AND DIVOT: Legal interest by a non-owner connected with a piece of land which grants the right to cut out portions of turf for construction or repair of turf-built structures. ([Back to text](#))

GAS COMPANIES: The first company making gas opened in East Bridge Street in 1829 and the second opened less than twenty years later near Bainsford Bridge on the Forth & Clyde. ([Back to text](#))

HADDEN, DR DAVID: born Paisley 1833, medical doctor, died Falkirk 1887.

HAMILTON, DR. G: Falkirk medical practitioner educated at Edinburgh University. Published "Rudiments of Animal Physiology, for use in Schools, and for Private Instructions" in 1840.

HERITABLE JURISDICTION: Rights of jurisdiction attached to landownership and passed on by inheritance, chiefly courts of regality and courts of barony. Abolished 1747. ([Back to text](#))

HOPE SCOTT, JAMES: (1812-73), grandson of the Earl of Hopetoun, married in 1847 Charlotte Lockhart, grand-daughter of Sir Walter Scott (when he added the Scott to Hope).

£10 HOUSEHOLDERS: The 1832 Reform Act gave the vote to householders who paid a yearly rental of £10. ([Back to text](#))

IRVING, REV LEWIS HAY: First minister of the Free Church in Falkirk from the Disruption of 1843 until his death in 1877. Leading philanthropist and social reformer. ([Back to text](#))

KIER, THOMAS: (1811-90), provost of FK 1857-67. A grocer with a business in the High St and, from 1850, owner of a farm in Denny called Linns (Styled himself Thomas Kier of Linns). He was asked to lead the campaign which culminated in the Falkirk Police and Improvement Act 1859. ([Back to text](#))

KIRK WYND: A road running north from the High Street just west of the Steeple. ([Back to text](#))

LINT-HOLES: Flax, or lint, was steeped for a time to soften the fibres so it could be used to manufacture cloth.

LIVERPOOL DOCK CASE: In 1858 Liverpool Corporation was pressed by Parliament to hand control of the docks to a new public body.

LORD ANDERSON: (1797-1853). Scottish judge, Solicitor General and Lord Advocate.

LORD CHURSTON: title created in 1858 for Sir John Yarde, Baronet.

LORD HANDYSIDE: 1798-1858. Scottish judge, Solicitor General 1853.

LORD REDESDALE: 2nd Baron, served as chairman of committees in House of Lords from 1851 to 1886.

MACFARLANE, ALEXANDER: born Alloa 1789 and died Falkirk 1863. Agent in Falkirk for the Bank of Scotland, Deputy Lieutenant for Stirlingshire, JP. Built Thornhill House 1851-2. ([Back to text](#))

MID JUNCTION RAILWAY: Stirlingshire Midland Junction Railway which linked Polmont and Carmuir and Larbert Junctions 1850.

NUISANCES REMOVAL ACT: Nuisances Removal and Diseases Prevention Act 1846 was designed as temporary legislation to help stem the spread of cholera. Updated 1848 to apply to places where the Public Health Act was not in force. ([Back to text](#))

NULLAE LEGES SINE MORIBUS: Laws are worthless if people do not know the difference between right and wrong.

OCTROI: A duty levied on various goods entering a town or city.

PARLIAMENTARY BURGHS: Burghs which under the Reform Act of 1832 became entitled to elect M.P.s and were now equipped with town councils. ([Back to text](#))

PAROCHIAL BOARD: A committee set up in each parish under the Poor Law (Scotland) Act 1845 to administer relief to the poor. ([Back to text](#))

POLICE ACT: Police of Towns (Scotland) Act 1850, 13 & 14 Vict. C 33. By this act any 'populous place' was allowed to adopt a police system and become a burgh if not so already. Poll in favour required a simple majority. ([Back to text](#))

POUND SCOTS: By 1600 this was worth 1/8d, a twelfth of an English pound. It remained at that value.

PRESES: Chairman at a meeting. ([Back to text](#))

PRIMA FACIE: At first sight; in law, something for which sufficient evidence seems to exist.

PRIVATE LAMP AT THE INN AT THE CANAL: This is likely to be the Red Lion.

PUBLIC ROUP: Sale of property by public auction.

SEDERUNT: A sitting of an ecclesiastical assembly or other body.

SINKING FUND: Money set aside for the gradual repayment of a debt or replacement of a wasting asset.

STATUTE LABOUR TRUSTEES: Those responsible for organising the labour force raised by local landowners and parishes to work on building and maintaining Statute Labour roads. This labour was replaced by a monetary contribution which paid the wages of competent road builders.

SUBINFEUDATION: A practice by which tenants holding land from a feudal superior carved out new tenures by subletting or alienating part of their lands. ([Back to text](#))

TABLE OF CUSTOMS: A table or list of tolls and dues to be paid in an individual burgh.

THIMBLERS / THIMBLERIGGERS: Operators of a sleight-of-hand trick where bystanders are asked to bet on which of three thimble-shaped cups conceals a pea or pellet. ([Back to text](#))

TRYSTS: The main cattle fairs held at Stenhousemuir near Falkirk in late summer, early autumn each year. ([Back to text](#))

Notes

TURNPIKE ROADS: Roads built and maintained by the imposition of tolls paid at TURNPIKE GATES.

UNION CANAL: Completed 1822-3 to link Edinburgh to the Forth and Clyde Canal at Falkirk ([Back to text](#))

17 & 18 VICT.: The Lands Valuation (Scotland) Act of 1854. ([Back to text](#))

YORKE, ELIOT: MP for Cambridgeshire 1835-65.