

HOUSE OF COMMONS

SELECT COMMITTEE

- on -

PRIVATE BILLS (GROUP 1)

FALKIRK POLICE AND IMPROVEMENT

BILL

VENERIS 8^o DIE APRILIS 1859

The Honorable Eliot Thomas Yorke

In the chair

The Counsel and Parties were called in

Mr Robert Adam

Sworn

Examined by M^r. Hope Scott

You are a Banker and Writer in Falkirk

Yes

How many years have you practised as a Writer in Falkirk

For nearly 40 years

How long have you been a Bank Agent there

About 27 years

I believe that you were for a considerable number of years Provost of the Town

For 15 years

What was the constitution of the Borough and Regality before the Municipal Reform Act?

I am not particularly aware of it

Were there any Magistrates of the Borough and Regality?

None

You were Provost in the year 1850 I believe

I was

It was in that year that the General [Police Act](#) commonly called Lord Rutherford's Act was passed

Yes

Were you requested soon after the passing of that Act to call a General Meeting, to see whether it should be adopted by the Inhabitants of Falkirk?

I was

That Act provides; that it may be adopted by the majority of the Householders

(A.) Yes

Are the Householders there the Electors, does it mean the [£10 Householders](#) under the Act

Yes

It is left to the decision of the majority of the £10 Householders whether the Act shall be adopted or not

Yes

And adopted wholly or in part - there is an option of that kind given

Yes

Was a Meeting Held?

(A) It was

Was it largely attended?

(A) Yes it was

Was it proposed on that occasion to adopt all the Act?

Only a part of it

I believe all except the embodiment of the Borough Police

Cleansing lighting & a supply of water

By the Committee When was that Meeting

In the Autumn of 1850 just after Lord Rutherford's Act passed

M^r Hope Scott These 3 matters were proposed for adoption by the £10 Householders

(A) Yes

I believe that motion was rejected

(A) Yes it was

And by a considerable majority

By a large majority

Were you in favour of the adoption of the Act?

I was not – a Poll was demanded and a Poll took place, and the result of the poll was the rejection by a large majority and these are the proceedings that took place at the time (producing the same)

Does anything appear on the face of these proceedings that you have not stated, are the numbers given

No

By the Committee The Meeting was duly convened

Yes under the Statutes by the Chief Magistrates

And the question was a partial adoption of the Act as to paving lighting and water - Cleaning lighting supply of water paving was not included and the partial adoption was rejected by a large majority

Yes

M^r Hope Scott You were averse to it yourself were you not

(A) Yes

On what grounds

I did not think it was applicable to the Town, and to carry out what was required under the Act would be very expensive

Can you name any principal Opponent on that occasion to the adoption who took the lead in the adoption of the measure?

M^r William Morrison

Has he been examined here?

(A) Yes he has

That was the result of the first move for the adoption of Lord Rutherfords Act

It was

I think the Act prescribes that the sense of the Householders shall never be taken again upon a similar subject for two years

(A) Yes

At the expiration of that time was another attempt made

I am afraid that you are rather confounding the two – one was before 50 – not Lord Rutherford's Act but the Act previously to that -

Now two years after that namely in 1852, was there a second proposal before the people of Falkirk on the subject of a Bill, if not Lord Rutherford's Bill

(A) There was

What was the nature of that proposal?

I have heard some people suggesting that the Special Act would be more suitable to the Town & I thought it my duty to ascertain the effect of the Special Act in the various Towns such a Falkirk and I wrote to the various Towns in consequence and I received information regarding the Rates payable for lighting cleansing & water and so on in six different Towns that I wrote to & I called a General Meeting of the Inhabitants, and I submitted this information to that meeting and after considerable discussion it was unanimously resolved that even the Special Act should not be applied for

Throughout has it been your opinion that no Act would work well in Falkirk which was not adopted by General Agreement

Certainly

In the proposal for the Special Bill of 1852 was it part of the Scheme that the Feuars property should be transferred

It was

With the consent of the Feuars

Yes

But the whole object of your proceedings was to procure unanimous adoption of some scheme or other if it was desirable

Certainly

By the Committee Will you explain why it would be inconvenient that any Act should be adopted without their unanimous consent.-

Because it was considered that the present machinery was quite sufficient and adequate for the wants of the Town – the Magistrates in one part and the Stint Masters and the supply of water in the other and the Feuars with their Funds appropriating them as they did for the benefit of the Town and the expense of obtaining the Special Act and working it out was considered to be far more that is the benefit to the Town would not be equal to the expense

Lord Rutherford's Act I understand you to be one of the general Acts. -

It was. -

How then do you reconcile the statement you have just made as to the rejection by the meeting of 1850 of that portion of the Act which applied to cleansing lighting and water.

Because it did not embrace the Feuars Funds and the Stintmasters and unless it was a special Act to embrace the whole it was not considered to be advantageous to adopt Lord Rutherford's Act in part.-

How does the general act recognizing [sic] any distinct body

I am not aware that it does recognize any distinct body Lord Rutherford's Act does not recognize and distinct body

M^r Hope Scott It requires for its adoption the consent of the £10 Householders

Yes

You have said that in your opinion if not unanimity at least a large amount of concurrence is desirable for any legislation.-

Yes certainly

Suppose for instance that this Bill was passed it would have to be administered just as Lord Rutherford's Act would have to be administrated by the Town Council of the Burgh.-

Yes.-

The Election of the Town Council depends upon the £10 Householders? -

Yes.-

If any Act of Parliament was passed against the will of the majority of the £10 Householders of Falkirk, do you believe that they would return a Town Council favourable to the working of the Act

Quite the Reverse

Therefore Lord Rutherford's Act proceeded upon the assumption that the majority are favourable to the Act and it is only when the Majority they being also Electors of the Town Council are favourable to the Act that that General Act can be put in force.-

Yes.-

Suppose the principal [sic] of that General Act departed from, and the Town Council of 1859 to force upon the Inhabitants of Falkirk the adoption of Lord Rutherford's Act which would be the result of this Bill passing do you believe that the Town Council of 1859-1860 would be elected upon a totally opposite principle and without the power to prevent the act being put into operation.-

From my knowledge of the inhabitants the fourth that would go out of office in November would not be returned -

By the Committee Are the Committee to understand that any disturbance of the working of the special Act would proceed from £10 Householders

And the rate payers all those who would be assessed under this special Act
Whatever disturbance there was in the matter of cleansing lighting & water in Falkirk would depend upon the £10 Householders who would be influenced in their decision in the selection of the Town Council is that so

If this Bill was passed to the extent of cleansing Lighting & water
You say that the Election of the Town Council is in the £10 Householders

Yes.-

If there was not a unanimous concurrence in the Town Council elected by those bodies they would not concur in approving of this Bill

No-

Therefore the disturbance of the special Act which gave the blessings of cleansing lighting and water to the community would be caused by the body of £10 Householders who would elect the Council to manage it

Yes quite so listening to the voice of the Ratepayers

That opinion you give unreservedly

Yes I do the £10 Householders are the people who could elect the four in the Autumn against the Measure

M^r Hope Scott Is it the fact that the present Bill which is before the Company is very unpopular indeed at Falkirk

Very unpopular indeed

How many Ratepayers should you say were opposed to it a large majority of the Rate payers

I should say $\frac{9}{10}$ ^{ths} of them

You say that it is unpopular amongst the Ratepayers to a very great degree

Yes.-

Is it unpopular in your opinion with a very decided majority of the £10 Householders?

(A) Decidedly so

Has it in your opinion ever been properly submitted to the Inhabitants.-

The Special Bill has never been properly submitted to them.-

We have been informed that some time last year a Committee was appointed to prepare a Bill. -

Yes it was

Were you a member of that Committee?

I was not

At what kind of meeting was that Committee appointed?

I think in the month of December I am not perfectly certain

Were you present at the meeting at which the Committee was appointed?

(A) Yes

You do not (recollect) exactly where it was?

I do not recollect exactly

Were many of the electors present on that occasion?

About 40 or 50

The electors I believe are 350 in number

(A) Yes

By the Committee About how many were present?

Perhaps 40 or 50 might have been present at that meeting

We have heard of another meeting held in December, at which that Committee reported I believe what they had done

Yes

Was that meeting called by Hand bills in the usual way?

No it was not

How was it called?

It was called by advertisement in the Falkirk Herald a local paper which appeared in that paper on Thursday for a meeting on the following Friday evening

No Hand bills were issued but it was advertised in the local papers on Thursday that a meeting was to be held on Friday evening

Yes that was so

Was the notice that the meeting was to be held to hear the Committee Report Progress?

The Notice was to hear the progress that the Committee had made in the preparation of the Bill

Were you present at the meeting?

(A) I was

How many attended at that meeting?

There were 31 present I understood

How many of those were members of the Committee who had been preparing the Bill?

There were 12 members of the Committee

Was there a division upon the question of approving of the labours of the Committee up to that time?

(A) Yes

What was the result of that Committee?

20 voted for approving of the labours of the Committee 11 against it

Of those 20 were 12 members of the Committee

(A) Yes

So that apart from the Members of the Committee there were only 8 to 11 who voted on that occasion

Quite so

I believe the Bill has never been submitted by the Promoters to the Inhabitants at any other meeting

Never

I believe a public meeting has been held at the instance of the inhabitants

(A) Yes

How long ago was that?

It would be perhaps about a month ago

Was the Provost applied to by any of the inhabitants to call a meeting?

A requisition was sent to the Provost to call a meeting signed by 19 or 20 of the inhabitants

Did the Provost call a meeting?

(A) No

Did anyone else in his stead proceed to call a meeting?

The answer that was got from the Provost was so unsatisfactory we wished the meeting to take place on the Friday following and he had notice on the Saturday so as to give sufficient time, to advertise but the answer was so unsatisfactory, that a placard was put up on the Monday afternoon stating that a meeting would take place without naming the requisitionists, and merely saying that the meeting would take place on the Friday without stating any particular person who called it.

The meeting was held in the Corn Exchange

Yes

How many persons were present on that occasion, may we call that the March meeting

Yes I thought myself that there were about 1,200 or 1,500 but I saw a statement in the newspaper that the area had been measured, and making a certain calculation for each person it was there stated that there were upwards of 2000 present

At any rate the Corn exchange was full was it not?

About $\frac{2}{3}$ rd full

Was it what you call a respectably attended meeting?

A large and respectably attended meeting

There must have been some parties not rate payers

Very likely of course

From your Knowledge of Falkirk should you say that the Ratepayers were there in large numbers?

(A) Yes

Would you say that a large majority of the meeting was constituted of the Ratepayers?

There was a large number of Ratepayers but not 2,000 Ratepayers

How many Ratepayers are there?

I am not quite certain I think 900

What was the feeling of the meeting?

A resolution was proposed that this Bill be not further proceeded with

By the Committee You mean the Special Bill

Yes this Bill now before the Committee

M^r Hope Scott You spoke of a month ago

(A) Yes

It was proposed that this Bill be not further proceeded with

Yes

What did the people say to that?

They were unanimous almost in approving of the Resolution

It was carried by acclamation

(A) Yes

Are you aware of the different modes of taxation which the General Police Act provided for?

I have not examined it very particularly but I know it generally

Do you know that besides a general assessment and a general rate for water supplied, it also provides a rate for constructing house drains, and that it provides a rate for municipal purposes that it provides a special sewer rate and besides those general special rates there are private improvement expenses which may be charged, that there is a Sinking Fund to be provided provided [sic], and a general Sewer Rate and that the expenses of paving the foot paths and executing the works ordered by the Commissioners can be laid upon the inhabitants.

I am aware of that

You are generally aware of the power of taxation which this Bill taken in conjunction with the Police Act would impose.

Generally I am

Is it in a great degree on account of those large powers of taxation that the inhabitants of Falkirk are so opposed to this Bill

Certainly

There is a population I think of some 10,000 persons

(A) Nearly that

In your opinion is it a proper subject matter for a Bill with such very extensive powers as this Police Act would give

I think not

What is your opinion of the Nuisance Act?

I understand that very considerable powers are given by that Act to remove nuisances

In your opinion if that act werely [sic] fairly worked, would it do everything in the way of sanitary improvement that is required at Falkirk.

I should think so.

By the Committee You should not come here to think, you have already had time to think, is it applicable or not.

I understand it to be applicable and that it has been put in force.— I am perhaps wrong in my opinion of the law

Is the [Nuisances Act](#) applicable to the State of Falkirk or not

I understand that it is

Do you know that it is or that it is not?

I can only give my opinion that it is

Did you ever test the requirements of Falkirk with reference to the power of removing nuisances by the nuisances Act?

I have seen nuisances removed by the order of the Inspector under this Act.

Can you give the Committee any one instance under the Nuisances Act of a nuisance having been complained of by a portion of the Inhabitants of Falkirk and the Nuisances Act having been put in force to remove it and put in force successfully

There is one instance in the case of a house called the Blue Bell, but whether by the Inspector or by a private party, I do not know.- I understand it was under the Act.-

M^r Hope Scott What was the nature of the case

An application I believe was made to the Sheriff and the nuisance was removed by the Proprietor of the House The Blue Bell was the Complainant and the Proprietor of the adjacent property was a M^r Wilson.-

At present the Sheriff Substitute is the Judge before whom any complaints under the Nuisances Act would come.-

Exactly

He is the Judge is he not for almost all the ordinary business of the Country in Scotland. -

Yes

For small debts and small offences of all kinds

Yes

He actually resides in Falkirk

Yes

You have heard the very painful account of the condition of Falkirk given by the Witnesses for the Bill

Yes. -

Do you agree in that account?

Certainly not-

You say that it was decidedly an exaggerated picture

Most decidedly exaggerated

What is the nature of the population of Falkirk.- Is it not to a great extent, an industrial population connected with the mines and public works in the neighbourhood.-

To a great extent in the suburbs particularly of the Town itself and a great many of the Inhabitants are connected with it

The Suburbs may be taken to represent a large Village rather than a Town.-

Yes

Such a Village as you find in great numbers in Scotland wherever there are public Works or Mines or matters of that sort producing such a population.-

Yes -

Looking now at the population of Falkirk and comparing the case of Falkirk with other Similar Towns that you are acquainted with or Villages in Scotland, should you say that Falkirk is very much behind its neighbours

I think not, and I have made it my business to notice various Towns that I have been in, with a View to the Sanitary State of the Town and I have found Falkirk equally clear and in good order with other Towns in Scotland

We are told that the time during which gas is lighted in Falkirk is limited as compared with London — is it worse lighted than is the general habit of lighting in similar Scotch Towns

(A) It is not

Mr Robert Adam

With regard to the Water Supply should you say that there was a Sufficient Supply in Falkirk

I understand that it is quite sufficiently supplied at Falkirk

You have lived in Falkirk long as a Writer and Bank Agent and you must know a great deal of the peoples affairs. Have there been within your own cognizance any complaints of a serious kind on account of the Scarcity of water?

Not for a considerable time past

When was it that there was a deficiency which you can remember being complained of?

During the drought of a Summer Sometimes there has been a deficiency before we got an additional supply from another source

You would say that Falkland [sic] now is adequately supplied

Yes

Are Bainsford and Grahamstown supplied with Water?

There are very many wells in those places and people supply themselves from wells in their gardens

Is the water good in Falkirk?

(A) Perfectly good

Did you hear the evidence of M^r Henderson, as to the impurity [sic] of the water?

I do not know when he had seen that water, but I never saw such water in the Town of Falkirk, never

I suppose the springs are liable to disturbance, or whatever they are, from the mineral operations occasionally.-

Yes.

And that must continue to be the case, whatever improvement there is in the channel of supply

Yes

We have heard a good deal about the Cholera at Falkirk – did they suffer to a greater extent, than Towns in the neighbourhood.

I never heard it said so

What is the condition of the High Street – we understand that it has been paved at a considerable expense

It has

The High Street constitutes the principal thoroughfare and in fact exhausts the greater part of the Town

Yes

The Committee were told by one of the Witnesses that the ashes and sweepings from the houses were put outside in front of the doors is not that a universal practice.-

Yes in the morning

In Edinburgh and Towns like that

Yes

And they are then removed by the man who has the Contract for removing them

Yes -

It has been stated to the Committee that on one occasion they lay all Sunday — I suppose work is not done in that way on Sunday

It must have been once in 12 months or something of that kind

There is a Contract for removing all these things

I understand so — I do not know the terms of the Contract

Where thoroughfares suffer most from excessive traffic are they connected with the iron works.-

Yes

Those are under the [Statute Labour](#) Commissioners

(A) Yes they are

We have heard a good deal about the [Cow Wynd](#) is that paved to a great extent?

(A) It is

Has it a Gutter on each side of it?

(A) It has a gutter on each side, close to the Wall

Is it regularly swept and Savengered?

(A) Yes -

Are most of the lanes paved?

(A) all the causeways with large stones.

Are they provided with Gutters?

(A) Yes on each side-

Between Falkirk and Bainsford is there no Footpath.

From Falkirk to the Canal there is a footpath all the way down on the side and about 8 to 10 feet broad and from the Canal Northward of Bainsford on the East side of Bainsford there is a footpath about 6 or 8 feet broad with a kerb stone and gutters alongside.

Is it the footway that is out of repair or the carriage way.

The carriage way in consequence of the traffic.-

Dauids Loam is another place that is spoken of what is the nature of that Loam

It is a country road leading eastward from the North end of Bainsford to the Farm houses along there.

Is it a mere agricultural road.-

(A) A mere country road.

Is there a footpath there?

There are a few houses on the south side of the road next to Bainsford which I give out in Feus as agent from the Proprietor I think there are 8 houses there with a footpath in front so far - and two houses to the east have not a footpath they are enclosed with a parapet wall and a small garden in front the footpath is occupied-

Is the footpath kept clean?

(A) Perfectly clean on Saturday last they were perfectly clean

Is the draining of that road fair?

The drainage over the North Side cannot be had for there is a ditch to drain the lands which was to the eastward & which falls very abruptly & east of the houses there is a drain which drains the land and falls also very abruptly into a burn that runs at right angles nearly

We are told that the Churchyard is full - Is that so?

Yes

Are you aware of any attempt having been made to procure another Churchyard or another Cemetery -

Some Gentlemen talked at one time about it, but nothing was ever done

You do not know how it failed

I am not aware. I was not party to it

The Churchyard is admitted to be full with regard to its effect upon the ground – is there anything offensive outside?

It lies upon an elevated ridge, the land having a declivity to the West & the North and there is nothing in my opinion offensive

There is a Gutter between the Churchyard and the houses on the South Side of which the eaves droppings of the houses fall -

We have heard that there has been the sale of a house close to the Churchyard lately do you know any of the circumstances?

No I am not aware I would mention that the Gutter is regularly Swept by the Scavenger for which [which] I pay 2/6 occasionally being a Proprietor & it is kept perfectly clean & it supplies itself from the end house into the common sewer in the High Street

The house I was alluding to was formerly the Manse

Yes.

Do you know the circumstances under which it was sold?

It was sold by public roup & the upset price was £500 D^r. Hamilton & D^r.
Vesprey were the two principal Bidders.

What did the price run up to?

I think about £700 or £800.

Two Medical Gentleman [sic] were bidding against each other for this house in this very unhealthy position.-

Yes.

Do you know any thing about the Stint Masters accounts.-

Nothing except what I saw yesterday.

You know the Feuars property the land

Yes

Do you know generally the way in which they manage their funds.-

Yes

Have they managed them well?

Yes without any expense

I saw they contributed judiciously to the benefit of the town at different times

Certainly

You are aware that under this Bill it is proposed to take from the Tenants their Customs but not their land

Yes

Do you know how the Customs have been arranged by them?

It forms part of another revenue of the Feuars, it is laid out for the good of the Town in improvement and otherwise is belonged to the Rent of the lands-

Would it be mynst to deprive the Feuars of any part of their property without their consent -

I think so.

Are you acquainted with the Decree under which they hold it?

Yes I have read it

Cross Examined by M^r. Mundell

You are acquainted with the fiscal accounts, tell me slowly whether you called any public meeting before your incurred the debt for the market

We did not

You are a Feuar

I am Manager for a Feuar

One of the Committee of a Management

Yes not in my own right

You form a constituent part of the Committee?

(A) Yes

And you have been so for how long?

(A) A few years back

You say that the accounts are well managed now had you inspected them more than 8 in 9 times as so how they were managed when the change took place

I was not in the Committee or I had nothing to do with the Feuars at that time

Will you state shortly what amount of debt was incurred for this market (About £1500) was any part of that incurred before the Meeting of the Inhabitants authorising the special Act in February?

(A) No

None

I beg pardon none of that £1500 to build the Market, I think not

By the Committee Then the Market debt has been conducted lately

Yes only lately in two sums £1000 and £500

M^r. Mundell – When are your business premises situated, in the High Street?

(A) Yes

Where do you live?

I live down at the corner there (pointing to the plan)

How far from the Town

About $\frac{3}{4}$ of a Mile from the Market Place

You live near [M^r. Macfarlane](#)

(A) Yes

I suppose as you only came into your business as a Banker you do not drink a great deal of water in the Town, how do you know about the supply of it?

I am quite aware that the supply is plentiful, we use some

If you let your premises, how would you value them? how much a year?

The Bank premises that I occupy £37 a year

Have you any supply of water laid on to those premises?

No

Before you came to this Committee had you informed yourself what was the supply with this Town per head, how many Gallons for each Inhabitant?

I did not

Have you any knowledge of how many gallons per head?

No

Assuming it to be as it was proven here 2½ Gallons for each persons is that in your judgement a sufficient supply?

I think so

You are not aware that 16 gallons is considered statistically a fair supply

I am not aware

If it be the fact that there are only 2½ Gallons for each Inhabitant you think that there is more than enough

I cannot speak decidedly as to that

Upon what is your opinion based - is it based upon the absence of knowledge or upon knowledge.

Not upon the quantity given to each inhabitant but upon the quality with which the inhabitants are satisfied whatever that quantity is I do not know.

You do not think it desirable that there should be a sufficient supply of water to flush the sewars.-

There is no doubt of that.

Do you think that the present supply would flush the sewars.-

There is a sufficient supply of Water & a larger pipe is brought down

With the present pipe is there sufficient water to flush the sewars.

I am not aware

Do you not know the surveyors have spoken to in the High Street is stopped up for want of flushing.-

It is not flushed at all what the causes of the obstruction is I do not know, it is obstructed in the lower part of the Town.-

That is the sewer in which you say the offensive matter from the Church Yard comes is that so.-

I did not say that there was any offensive matter from the Church Yard that went into any sewer I said that this gutter was kept perfectly cleaned the rain water that fell from the houses ran down there which went down into the Common Sewer at this point (pointing to the plan) and from this point westward there is a very rapid declivity – it is not flushed from that point westward it has been choked up a little in the Town.-

Has it not been choked up in the Town in the direction in which this clean water runs.-

No.-

Do you speak of your own knowledge of having seen this offensive sewer cleaned out or only from hearsay.-

I never saw them clean it out.-

All you know is what some one else has told you.-

I have seen the Gutter cleaned out & in perfectly good order.

When.-

I think perhaps a year ago.-

How many times have you seen it so cleaned.-

I was attending in the neighbourhood at a funeral & I looked along it – all that time – but I may say that my Tenants have stated so to me.-

With regard to this David's Loam – do you say that that is a sweet Country road & that there is no offensive matter for want of sewerage there?

I was there on Saturday & I saw no offensive matter.

You went to view it did you.-

I had occasion to go down on business beyond Bainsford & I made it my business to observe that anticipating that I should be a Witness here.-

There had been so rather heavy rain there, had there not.

It has been very wet weather.-

You have stated that there us a sufficient foot path from Grahamstown and Bainsford on one side Do you mean that that us a well drained foot path.-

From Falkirk to Grahamstown.

Yes.

From Falkirk to Grahamstown there is a well kept foot path.

And well drained.-

From the upper end of Grahamstown it is drained by a common sewer under ground the whole length of the Street and it has a gutter above ground which empties itself at the various points that I have marked upon this plan – there are gratings.-

If M^r. Gurwood has stated that it was preferable to walk in the wood in wet weather he was wrong.-

Decidedly wrong.

You do not live there, but he does.

No, but I am frequently on that road in the way of business.-

Have you ever heard of any successful complaints being made under the Nuisance Act – Do you recollect a complaint being made by your Neighbour M^r. Macfarlane under the Nuisance Act.-

I do not recollect hearing of such a complaint being made.-

He never consulted you about it.

No, I know nothing about it.

As to the Blue Bell – that is situated in the high Street is it not.-

Yes.

Was not the result of what reference to the Sheriff a very expensive and protracted litigation.-

I am not aware of it – I do not know how it was settled – I know that the nuisance was removed and that the thing was made right in some way.-

Was it not a great nuisance if actually died in the house at the time of these proceedings were taking place from the offensive smell

I would not say that there is an offensive smell because I do not know but I do not know but a person did die in that house

Just at that time and it is in the very centre of the Town in the High Street

A person died of Consumption

Do not you know that the class of disease was engendered by this bad smell and was the consequence of the smell?

I do not know that – neither do I believe it to have been so

What is the fact

That it was not of such an offensive nature as that – it comes up to the window – the gutter is a little below the window and it was only when the window was open that there was any offensive smell

In the opinion of the Legal authorities ~~of course~~ it was considered a nuisance and was condemned

The opinion of the Legal Authorities of course is better than mine

In the opinion of the Legal Authorities was that drain condemned as a nuisance – by the Judgement of the Sheriff

I am not aware but I should suppose it required some information from the authorities

By the Committee – You have been speaking of the operation of the Nuisances Removal Act and you stated that in consequence of a complaint made a nuisance was removed

Yes I am not aware exactly of the proceedings whether it required a Certificate from the Medical Man

You have stated the fact that the Nuisance Removal Act was put in operation – that a complaint was made and the nuisance removed

Yes

Then the law was put into operation

So I understand

M^r. Mundell – You have spoken as to the general effect of this Nuisance Removal Act

Yes

By the Committee – Was it attended with expensive proceedings?

I do not know

M^r Mundell – You have said that you think the Nuisances Removal Act will do all that this special Act can do

My opinion is a Lawyer is that -

Are you aware that in the Nuisances Removal act there is no provision for making Sewers

I think there is, but my memory does not serve me just now

Take the Act in your hand and point it out if you please (the Act was handed to the witness)

I do not see any just now but I speak only from memory

Under that Act is there any person to levy a general assessment

I am not aware that there is

It is necessary to carry out an Act of that kind that there should be a power to levy a general assessment

I do not know all the provisions in the Act

You have given somewhat confident opinions as to the state of the Town have you ever been a Member of any Sanatory Commission

No

Have you ever made it your business to go and visit amongst these wretched houses and the Por in these low places as a Philanthrophist [sic]

Certainly not

Neither upon business nor upon pleasure

(A) No

With reference to this Meeting which has been called by Mr Hope Scott the March meeting = - you are a Feuar I believe

A manager by mandatory

You have stated that the Provost refused to call this meeting at what time and he on the Saturday get the notice requiring him to call a meeting for the following Friday

I was not present when he got it but I was told by the parties who went to him, that it was in the afternoon about 3 or 4 o'clock

Was not his answer this, that his reason for not immediately issuing an advertisement for the meetings that he wished to consult the Town Council first?

The parties stated that they again waited upon him, at his shop for an answer, and he said that he had no answer to give

Do you not know that the reason was because he wished to consult the Town Council first?

I will explain – He said that he would not give any answer that there was none – we wanted the meeting placarded on Saturday night in order to make it Public on Sunday but we thought out of courtesy to the Provost we should wait till Monday Mid day and if we got no answer them that we would consider he was hostile to the placarding of it and would not give us an answer

Were you here when the Provost was examined

Yes

Did you hear him say that the reason why he delayed about the meeting was because he wanted to consult the Town Council

I heard him say so but I would explain one of these parties that went on Saturday with another gentleman went on Monday forenoon about 12 o'clock and found that he had gone to the bounty and they waited upon him again on his return and he told them that he would not give any answer until he had called a Meeting of the Town Council to consult them – and the answer they should receive would be seeing the notice placarded on the walls or not – that was all the answer

What rendered it imperative that the meeting should be held on Friday?

Because we understood that the Bill was to be in Committee very early

Was it a very full meeting the March Meeting at the Market House

Yes

Will you say that there were 1200 people there?

I was not Chairman but I was there – my impression is that there were more than 1200

Was there not a very large number of boys and men from those Ironworks there?

At all these meetings there are a great many boys and a great many people from the Ironworks who are Ratepayers I believe

Was it a well conducted orderly meeting?

Much more orderly than many meetings that I have seen at Elections where the motions were made they were listened to in silence and attentively

Did you see M^r William Monson there?

I do not recollect

You have imputed to M^r William Monson a change of opinion you said that he was one of those parties who was against any Bill at all originally and you have said that at the meeting of 1851 he approved the Bill

I do not think I said that

By the Committee – That he was averse to it and M^r William Monson also

M^r Mundell – refer to the Meeting after Lord Rutherfords act do you not know that the reason why he was ~~aware~~ averse to it was because he was the owner of land and his land would be taxed at the full rate

I am not aware of that

He is the owner of land

He is the occupier of a small farm, 20 acres

Had you also been a strenuous opponent of any measure of this kind?

Not a strenuous opponent but I had been an opponent

Always?

(A) Yes always I did not approve of it

Have you been always an opponent and have you always giving the public an opportunity of adopting this first Police Act and out of respect to him I called a General Meeting but gave no Opinion [sic]

The Committee are to understand that if you did so accompany M^r Henderson at any time it was in your Official Capacity of provost and that in that capacity you did call a Meeting [sic]

Yes, I am perfectly certain that I never did accompany M^r Henderson

M^r Mundell. You were always an opponent of the measure

Exactly

Had you anything to do with the Meeting in 1848 before Lord Rutherfords' Act

That was the Meeting that I alluded to. The 1st Police Act was passed when the Sheriff spoke to me & suggested the property of giving the Inhabitants an opportunity of adopting the Act or not that was Lord Handyside

All the time that the third Meeting took place about 1852, you informed the Committee that you made enquiries of 6 Feuars in Scotland with reference to their States under the act of Parliament. Will you give me the names of them

Ashton under Lyne, Inverness, Hellensburgh, Kilmarnock, Leith, Airdree and Hamilton. That is 7.

With what view did you make those enquiries?

I am certain the Rates levied for each item so much for water so much for lighting, so much for Police

You have stated that there was a considerable majority it at that time, was it not urged upon you by Mr Gayer and others that you were calling a Meeting at a very imperative time?

Yes, Mr Gayer opposed it, and made a violent speech in opposition to it

Were you not remonstrated with, and that you should not call the meeting?

I was not. Mr Gayer did not speak to me until he spoke in the Meeting

You were perfectly friendly with him at that time

Yes decidedly

You remember this Meeting of February a year about did you attend that Meeting at which they agreed to adopt the Special act

No, I did not

You are aware that there had been a Meeting at which it had been agreed to have the Special Act

Yes, I heard that there had been a Meeting of Electors at which a Resolution to that effect had been come to

On Sept^r. The 2nd you attended a Meeting did you not at which there was a Committee of Electors appointed to frame a Bill

I was present at that Meeting

You took a very active part in approving it

I suggested that as the Inhabitants had never had an opportunity of hearing the subject discussed, and that the Meeting should be dissolved, it being a Committee of Electors, and that a Meeting of the whole Inhabitants should be called as they would be liable to be assessed but it did not take place

Did you attend that Meeting?

Yes

That was a Meeting of Electors

Only

Had you full notice of that Meeting

I do not remember that notice

How many Electors were present?

I think about 40 or 50

You have said that this measure is very unpopular with the Electors generally – is that so?

With the Electors generally, and with the whole of the Inhabitants it is exceedingly unpopular

How came it that you could not take down Electors enough to defeat a majority of 40 or 50 at the Meeting.

I am not aware that my influence is so great as to be able to do so

You would not have made it a matter of course

Certainly not

The Electors as a body were defeated at that Meeting

My Meeting was to dissolve and to call another Meeting of the whole Inhabitants, at that Meeting a Committee was appointed.

Did you at that Meeting give to explain that you were not opposed to the Bill and you only moved for delay

I moved that an opportunity should be given for the whole of the inhabitants to discuss the measure

Did you explain that you had not said you were opposed to the Bill

I do not recollect the words

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.

BARON BAILIE: Official appointed by a baron to preside over his court and generally administer the barony.

BEAN ROW: A lane running west from Cow Wynd.

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.

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.

CALLENDAR RIGGS: Land of about an acre in extent at the east end of the town where horse markets were held, owned by Feuars,

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.

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 BURNS, WILLIAM: Solicitor, youngest son of John Burns (d.1833), solicitor, of Falkirk

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. ([back to text](#))

HERITABLE JURISDICTION: Rights of jurisdiction attached to landownership and passed on by inheritance, chiefly courts of regality and courts of barony. Abolished 1747.

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). ([back to text](#))

£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.

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.

KIRK WYND: A road running north from the High Street just west of the Steeple.

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.

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

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.

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. ([back to text](#))

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

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. ([back to text](#))

SINKING FUND: Money set aside for the gradual repayment of a debt or replacement of a wasting asset. ([back to text](#))

SUBINFEUDATION: A practice by which tenants holding land from a feudal superior carved out new tenures by subletting or alienating part of their lands.

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

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.

TRYSTS: The main cattle fairs held at Stenhousemuir near Falkirk in late summer, early autumn each year.

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.

17 & 18 VICT.: The Lands Valuation (Scotland) Act of 1854.

YORKE, ELIOT: MP for Cambridgeshire 1835-65. ([back to text](#))