

**The Administration of Urban Society in Scotland 1800-50, with reference
to the Growth of Civic Government in Glasgow and its Suburbs.**

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Declaration.

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Sheila Cameron Oliver
September 1995.

Abstract.

The early nineteenth century was a period of great change in Scotland, as industrialisation and urbanisation presented many challenges to the existing administrative structures. Within Glasgow, and across the country, the lack of Government intervention meant that Local Acts had to be obtained from Parliament to allow them to develop their role within the community. Conflicts arose over many aspects of the Acts, but concerns over finance remained prominent. Inhabitants wanted to gain the benefits of the new Police Establishments without contributing financially. An examination of the Glasgow, Anderston, Calton and Gorbals Police Commissioners show how local solutions were adopted for problems which were widespread across the country at this time. While the effect of this legislation and the men who implemented it have provided the main focus of this thesis, consideration has also been given to the background and ideas behind these new developments. In particular, the influence of the Enlightenment and Evangelicalism has been explored to show where the concept of Civic duty came from and how it was effectively exploited. Perceptions of rising crime have also been examined to show how the authorities reacted to meet the concerns of the population. In order to ensure a more balanced view of Glasgow's achievements, comparisons have been made with the contemporary situation in England and Wales, as well as a more in-depth examination of developments in Edinburgh.

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List of Abbreviations.

ECA = Edinburgh City Archives.

EHR = English Historical Review.

GUL = Glasgow University Library.

GUL Mu = Glasgow University Library, David Murray Collection.

NRA(Scot) = National Register of Archives (Scotland).

NSA = New Statistical Account.

OSA = Old Statistical Account.

SHR = Scottish Historical Review.

SRA = Strathclyde Regional Archives.

SRO = Scottish Record Office.

Chapter One - The background to Scottish burgh reform, in the late eighteenth and early nineteenth centuries.

The nineteenth century saw many reforms occur within Scotland's burghs: self-electing town councils were swept away, and replaced by directly elected ones in 1833;¹ separate police establishments were set up in many areas to regulate the watching, cleansing and lighting of burghs; and by mid-century this system of dual administration was being altered to provide more efficient single-tier authorities.² All of this will be discussed in future chapters, but first the background to these changes must be understood.

Why was reform forthcoming in the early nineteenth century? It is noticeable that many of the earliest initiatives came at local rather than central level. Individual burghs would apply to Parliament to obtain a Local and Personal Act, which would then entitle the town to implement certain services and powers, such as the levying of an assessment, provision of a watch force and street lighting, amongst others. The decision to apply for this type of legislation had to come from within the burghs, which meant many areas did not acquire these powers, either because they lacked the alternative leadership required to challenge the existing town councils, or there was no groundswell of support from the inhabitants. The latter was probably the most decisive factor, since the citizens financed the police commissioners through the levying of an assessment. The prospect of paying for an alternative local administration was not always popular and many burghs continued to resist this trend throughout the first half of the nineteenth century. Burgh elections and Town Councils were reformed in 1833. However, an accompanying Act which would have allowed burghs to reform themselves even further, and make themselves more efficient was not mandatory.³ Presumably this was because it was felt the public were not ready for such a step. What one historian has called the "...corrupt oligarchies, based on obsolete associations of craftsmen in power in the towns"⁴ may have been swept away, but further reforms, which were crucial in order to meet the challenges of the new world, were still left to the discretion of individual authorities.

By the early nineteenth century, three types of burgh existed within

Scotland, Royal, Regality, and Parliamentary, and these were joined by a fourth type after 1833, the Police burgh. Royal burghs were set up by a charter from the Crown, whereas burghs of Regality (or Barony) held their rights from a feudal superior, or in some cases from the Church (pre-reformation), whilst Parliamentary burghs gained their charters from Parliament.⁵ Police burghs came into existence after the 1833 general Police Act, and these consisted of communities which met set requirements, namely to have at least seven L.10 householders wishing to adopt the police regulations in places with less than 3000 inhabitants, or 21 householders if the population exceeded this figure.⁶ Under the 1833 Police Act, legislation was put in place to allow towns to adopt statutes which would enable them to better meet the challenges of growing urbanisation. Society was changing, and not just externally; attitudes, behaviour, and manners also underwent considerable alteration.

The Scotsman, and indeed Briton, of the early nineteenth century stood in sharp contrast to his counterpart of the early eighteenth century. As Smout noted, "The life of a Scottish gentleman at the beginning of the eighteenth century seemed almost unbearably uncouth in the recollection of his successors at the end."⁷ Attitudes had developed throughout the eighteenth century, prompted, in many respects, by the Enlightenment. The heavy drinking practices of the previous age were no longer acceptable in genteel company by the nineteenth century, although these habits had filtered through society, and were now indulged in by the lower classes. In slavery, and attitudes to juvenile delinquency, it was also possible to note a change:

From being the world's greediest and most successful traders of slaves in the eighteenth century, the British had shifted to being able to preen themselves on being the world's foremost opponents of slavery. This had been an extraordinary revolution in sensibility and ideas, one that revealed as much if not more about how the British thought about themselves, as it did about how they saw black people on the other side of the world.⁸

The later part of the eighteenth century saw a move towards a more polite society, and this was linked to people's understanding of Enlightenment values. As society developed, individuals were expected to become more aware of how their actions could affect others. Henry Brougham argued, in the nineteenth century, "...knowledge begets prudence. The savage is proverbially thoughtless and improvident; and in exact proportion as he

becomes civilised, he acquires the habit of looking forward and regarding the more remote as well as the immediate consequences of his actions."⁹ Enlightenment values were carried into the nineteenth century, and the feeling grew that a more respectable society should be established.

The change in attitudes had been stimulated by the Union with England in 1707, which led to many more Scots coming into more frequent contact with their southern neighbours. Although Scots had always travelled to the seat of governmental power, whether this had been situated in Edinburgh, or London after 1603, the removal of internal trade barriers under the Union of 1707 made the movement of people, and produce, far easier. This closer contact accounted for many changes in society:

There was no doubt that even highly educated Scots felt themselves backward, boorish and uncouth, in the company of the wealthier squirearchy of England, with whom they came increasingly in contact. Few landed Scots doubted that the English began with a more polite and more desirable civilisation than their own, or that it was a duty of patriotism to match and even outshine the southerners' model whether it was in teacups, in good tone, or in farming.¹⁰

The need to prove that they too were as civilised as the English, coupled with a general trend towards a more polite society, was the backdrop for many of the changes which occurred throughout the nineteenth century.

In order to be able to assess the influence of the Enlightenment upon nineteenth century society, it is important to look at how it affected Scotland in particular. The ideas of civic tradition and commercial society are of chief significance in this context. Indeed, it has been argued that the "Intellectual heritage of the Enlightenment centered on the theory of the priority of civic society.",¹¹ and also the compatibility of growth with civic virtue. Yet, what does this mean? John Robertson defines civic tradition as "...that body of political ideas, classical, and specifically Aristotelian in origin, concerned with the phenomenon of political community in its secular and historical particularity",¹² and then goes on to say that morally the citizens must possess the public spirit, or virtue to participate actively in the community's government and defence, as only then could they realise political liberty. Thus, the guarantee of the continuing good of the community rested upon its citizens possessing the ever-watchful sense of public responsibilities and virtue necessary to uphold the good of the community. In other words, man could only

improve his moral character by involvement in a moral assembly. Both Adam Ferguson and John Millar placed civic activity above the passive enjoyment of property, and Millar argued it was more valuable than wealth;

In the 1790s a government like Pitt's could be said to have guaranteed rights of private accumulation while going some way towards extinguishing rights of citizenship altogether. Unless the active rights of citizenship were defended and strengthened by franchise reform, Millar believed that 'the euthanasia of the British constitution' which Hume had predicted if the executive gained predominance would be at hand.¹³

The argument that participation in civic activity, whether at a local or national level, would improve the quality of character, was one aspect of Enlightenment thought which was of great importance in forming attitudes at this time.

Yet, the Enlightenment was not merely concerned with the civic tradition; it was also enhanced by the ideas of a commercial society. For many, the idea of civic participation was important, because it would be of benefit to commerce. By recommending laissez-faire capitalism, Adam Smith was rejecting absolutism and instead appeared to favour free government, as this would create the necessary economic climate. Many Scottish philosophers believed property to be the principal source of political authority; indeed, Smith stated "Till there be property there can be no government",¹⁴ and William Robertson had claimed "...where the idea of private property is incomplete, and no criminal jurisdiction is established, there is hardly any function of internal government to exercise."¹⁵ This suggests that the establishment of a civic society would create the right sort of economic conditions for the new commercial society to flourish in. It was deemed important to make men participate in the administration of their civic government, as only by doing this would they then possess the knowledge to enter the world of commerce, and vice versa. Hume argued "...that within the framework of continuing social division, commerce will in the long run make it possible for every individual to satisfy the material and moral requirements of citizenship."¹⁶ participation in one sphere would, in the long term, lead to involvement in the other. The Enlightenment philosophers believed that it was important for a citizen to participate, in order to make the best possible life for himself, and others; it would be detrimental to society if a person neglected to get involved.

There were three main areas which were affected by the change in attitudes, and which in turn played a significant role in the developments of the nineteenth century; namely urban society, industrialisation and commercialisation, and ideas on government and civic culture. Urban society seemed to be very much a product of the times, although this was not strictly true. Town developments had occurred throughout the preceding centuries, but only in the period under consideration did population in towns begin to overtake that of the countryside. Yet people did not perceive themselves to be town dwellers; the experience of the majority was of small towns and large urban areas remained the exception. Indeed, whereas 10% of the population had lived in towns with over 10,000 inhabitants in 1750, this had only risen to one third by 1850.¹⁷ Nevertheless, it was urban society which was of importance, for it was here that the challenges of the nineteenth century could be seen most clearly, and the problems of sanitation, lighting, and control had to be dealt with. The towns magnified the experience of the country as a whole, and in turn, larger towns highlighted the need for reform. However, the need and desire to reform were two completely different things, because as already noted, many town-dwellers were unwilling to accept additional taxation. Although local acts in Scotland had been adopted since the early nineteenth century, and the general Police Act was passed in 1833, burghs could still ignore the legislation, and indeed, the problem. For many, the idea of paying further taxes was more abhorrent than the lack of public services. In some burghs minor improvements would be adopted, such as statutes for lighting and cleansing the streets, but regulations concerning watching would be passed over, since they were deemed to be too expensive. Difficulties could, and did, arise if burghs attempted to enforce legislation when citizens had been unwilling to accept the spirit of the act; Glasgow failed to pass a police act in 1790,¹⁸ and Finlay McKichan has shown that as late as 1860 Stirling Town Council abandoned attempts to pave the burgh streets due to public pressure.¹⁹ These examples show there was not a uniform movement towards reform in burghs; each individual area could only proceed once it had gained the backing of its inhabitants.

In fact, it was the town dwellers who provided the impetus for change. Although not all were entitled to have a say in the way the burgh was run -

this was left to burgesses, and later, ratepayers - it was the situation of the entire population which influenced whether or not statutes were adopted. The morality of the population was a major issue in nineteenth century Scotland, as many believed this to be under increasing threat. The change in manners, and the move towards a more polite society, highlighted by the Enlightenment, led to considerable interest in the concept of character, for if the character of the individual was not right, how could society prosper? The temptations which were to be found in towns and cities made the quality of character even more important, although there was disagreement over whether the individual or environment had to be improved first. Thomas Chalmers, with reference to the issue of poor relief, argued that Scots were in a much better position than the English, although he was somewhat selective in his sources, using the example of a few well-run rural parishes:

There, they have to recover a character for their population, which, here, we have only to perpetuate; There, they have to implant a new habit, while here we have only to ward off contamination from the old one: There, they have to emerge from an abyss in which they have been fastening and deepening for 200 years, where here there is not yet a city of our land where, by a measure of promptitude, the population may not still be recalled from that descending way upon which they have entered.²⁰

But Chalmers views were not accepted by all, and he faced criticism from other leading Evangelicals, such as Stevenson Macgill and Andrew Thomson. The views of the Evangelicals had firm roots in theories expounded by Enlightenment thinkers, including Adam Smith in the 1760s. Smith had argued that police was one of the four main features of jurisprudence along with justice, the raising of revenue and the establishment of arms for the defence of the State. Smith argued that "it is not so much the police that prevents the commission of crimes as having as few persons as possible to live upon others. Nothing tends so much to corrupt mankind as dependency, which while independency still encreases the honesty of the people."²¹ Despite arguments over how character should be improved, it was acknowledged that this was an important factor in ensuring towns were places of virtue, rather than vice.

Towns were themselves undergoing change, which became increasingly rapid during the nineteenth century. Industry and manufacturing were now becoming the mainstay of the Scottish economy, and this, coupled with

improved techniques in agriculture, meant fewer people were now required to work on the land. As more people moved to towns, so the antiquated forms of administration within burghs came under pressure. Commercialism and industrialisation meant new working practices had to be established, and life for many changed quite dramatically.

Enlightenment thinkers had viewed the return to the great civic cultures of the Greeks and Romans as an ideal, where men were able to participate in government, to the benefit of themselves, and their society. By becoming competent in the sphere of commerce, a man could acquire the skills which would be valuable to him in the political arena. To many, the areas of commerce and civic participation were fully compatible, but debates continued throughout the eighteenth and nineteenth centuries as to whether commercial activity was actually detrimental to good government. Not all possessed this sense of civic worth, manufactories could set up in areas where there was no control, industrialists did not necessarily become involved in the issues of town government, and indeed, participation within the commercial and industrial spheres began to be seen, by some, as an end in itself. The sense of civic virtue could, thus, be corrupted by the luxuries of wealth. Landes has argued:

The middle and upper classes were convinced by the marvellous inventions of science and technology, the increasing mass and variety of material goods, the growing speed of movement and convenience of everyday activities, that they were living in the best of all possible worlds and what is more, a world getting better all the time. For these Britons, science was the new revelation; and the Industrial Revolution was the proof and justification of the religion of progress.²²

Society may have been developing, but reactions to this were not uniform, and in the process commercial self interest might be seen to be justified at the expense of the community.

Indeed, perhaps one of the hardest tasks was to reconcile the theories of civic culture, as propounded by the thinkers of the Enlightenment, with the actual reality of towns. Throughout this thesis, several towns and cities will be examined to see how they reacted to the changes which were occurring, and the growing problems they faced. Many areas were deemed to be insanitary and dangerous places even before the growth of industries; the poet Dunbar in the reign of James IV had stated that the streets of Edinburgh were far dirtier than any other place in the land.²³

The influx of people into existing towns and villages from the late eighteenth century, mostly looking for work, meant that many burghs became unable to cope because they simply did not have the facilities to absorb the incomers. Populations in some areas rose at a phenomenal rate during the nineteenth century, and this may help to explain why towns were forced into adopting private police acts, or indeed the general Police Act after 1833. New regulations had to be obtained, since the existing ones had not been designed to cope with the altered circumstances which accompanied the arrival of the nineteenth century.

The idea of a civic tradition, as expounded by many of the Enlightenment's foremost figures, continued to dominate the thinking of many within Scotland during the nineteenth century. The Enlightenment concept of civic participation had filtered down through society, and although the theorists had moved onto other ideas, a more popular form of civic humanism could now be seen manifesting itself within many Scottish burghs. By the nineteenth century the debate had moved on, and was now being developed at a lower level. This remained significant because participating individuals were believed to produce benefits not only for themselves, but for the whole of society. The idea of the development of character remained at the forefront of the debate throughout the period. Evangelicals reinforced the concept of character and morality during the early nineteenth century. Within Scotland, one of the most influential of these Evangelical figures was Stevenson Macgill, who became Professor of Divinity at Glasgow University in 1814. Macgill had argued, "The rights and well-being, the character and morals of every class of subject, are the care of a good government, and the concern of an enlightened, humane, and religious people."²⁴ This statement shows the onus could not simply be placed upon the individual, some change had to take place in the wider society. Macgill believed that government had a duty to help provide the type of environment within which people would flourish. The wider community had to take responsibility to ensure that necessary changes took place within its ranks. This viewpoint was not shared by all. Thomas Chalmers, another leading Evangelical, who was appointed to the Tron Church in Glasgow, when vacated by Macgill, believed the individual had to improve himself before any benefit would be felt within society. It was this theory which influenced his views on poor relief, and he argued, "Simply to grant the poor a legal right to assessment relief would not

contribute to the improvement of character; on the contrary, the uneducated poor would dissipate the money through improvidence and vice, to their further moral degradation."²⁵ But although these ideas do clash as to who was responsible for moulding character, both men believed the only way the nation could prosper was from an improvement within the characters and morality of its citizens.

The basis of the debate on character stemmed from the Enlightenment, where the benefits of civic participation in government had been examined in great detail. It was felt that only by entering the arena of politics, would a man be able to contribute to his society; he had to be an active rather than passive citizen, if the country was to prosper. The loss of the American colonies, and the travails of the French Revolution, coupled with the Romanticism of the time which emphasised the struggle between good and evil, led many to believe that God had forsaken them, and in order to win back his favour they had to reform. All this led to a questioning of the morality of the nation. Within this context, it was felt that participation in government and a sense of civic duty, to help not only yourself, but others, was of paramount importance. The order of society and the morality on which it was based required protection. Other events had also helped to foster this opinion. Many within the larger towns felt crime was spiralling out of control, that cities and burghs had become lawless places, and action had to be taken. Individual towns and burghs adopted forms of legislation, in order to reassert control over society. New Police authorities were set up, and although they had members of the existing town councils sitting on them as ex-officio members, they were separate administrations with their own powers and finance. This showed people believed a change was required, and that they had no faith in the existing burghal agencies. However, when Evangelicals attempted to respond to the problems of the day they were viewed by some as being subversive agencies. Calum Brown argued that, "Whilst evangelical agencies promoted their policies in an attempt to avert violent revolution in this country, their use of innovative agencies and methods to attain this end made them the objects of close scrutiny and the target for attack by Moderates and the government."²⁶ Those who were prepared to take action were regarded with suspicion in some quarters.

The major problem with the theory of civic participation being good for the

morality of the individual and society, was that the bulk of the population was denied this experience. Town councils were very much a closed shop, due to the principle of self-election, which had been established under the 1469 Act.²⁷ Because these were based upon the old Merchants' and Trades' associations where only burgesses could be elected, many others such as manufacturers or members of the professions were excluded from office. Thus the town was dominated by an elite group of men. Indeed, one historian has described this situation as, "...a mere club - a social rather than political club - which existed only to secure for the use or interest of its members a monopoly of government patronage."²⁸ This led to agitation for burgh reform, and the extension of the franchise to L.10 householders. Reform movements in the late eighteenth century were notable for the numbers of middle class who were members, but these either ended, or became largely the preserve of the lower classes as the French Revolution became more violent. To be a reformer was to be deemed a traitor. Only with the end of the Napoleonic Wars could the middle class again join the agitation for burgh, and ultimately, parliamentary reform. As James Mackintosh wrote in 1820, "...the body of the people of Scotland, celebrated throughout Europe for intelligence, for virtue, for sober and considerate character, are vigourously excluded from all direct influence on the National Councils."²⁹ Still the emphasis remained on character and morality, for without these the country could not progress. The impression of participation in politics as something virtuous remained, for the notion of entering Parliament "...provided a male elite drenched in the classics with the chance to play the Roman Senator. It drew on whatever rhetorical ability they possessed, and it catered to their sense of civic worth."³⁰ The ideas of the Enlightenment were certainly taken and moulded by Evangelicals and reformers during the nineteenth century.

The decision to adopt legislation was taken by burghs as and when the inhabitants felt it was required, and within Glasgow this started in 1800. By examining Glasgow, it is possible to see how a burgh coped with the growing problems it encountered in the late eighteenth and early nineteenth centuries. This will be examined in detail throughout the course of this thesis, but firstly it is important to look at the background to the city of Glasgow.

A burgh was established at Glasgow by Royal Charter in 1180, but although it was an important regional centre, it did not gain wider influence until after the Act of Union in 1707. From this date Scottish merchants were allowed access to the English colonies which they had hitherto been denied. Glasgow merchants, using the skills and contacts they had developed, illicitly, prior to this, were able to take far greater advantage of this liberalisation of trade than any of their Scottish rivals. They were also helped by their situation facing the Atlantic, a major advantage over Edinburgh, Dundee, and Aberdeen. Indeed, as early as 1662 the Glasgow Magistrates had purchased 13 acres of land in order to build a better harbour for the burgh, closer to the estuary of the River Clyde. In 1714 this became the burgh of Port Glasgow, with the city as its feudal superior.³¹ The status of merchants in Glasgow was high, as is evident from the following extract, written in 1816:

Latterly, the rising generation of the middle class, better educated than their fathers, engaged extensively in trade and commerce, and, by honorable dealing and correct conduct, procured a name and place in society which had hitherto been reserved for those of higher birth. Since the opening of the Public Coffee-Room in 1781, the absurd distinction of rank in a manufacturing town has disappeared. Wealth is not now the criterion of respect, for even persons in the inferior walks of life, who conduct themselves with propriety, have a higher place assigned to them in society, than at any former period in the history of the city.³²

This would appear to give credence to the idea that Glasgow was a city where individual merit and enterprise was valued highly. Yet, although the commercial success of a man could gain him a good deal of wealth, it did not necessarily lead to him attaining power within the burgh, as this, like in other Scottish burghs, was held firmly in the grasp of a privileged few.

Within Glasgow, the town council was dominated by merchants, although this dominance was challenged several times over the years. In 1604 after an argument between the Trades' House and Merchants' House, it was decided, by law, that the latter was superior, and thus it gained dominance of the council.³³ This was re-affirmed in 1690 by William and Mary after their succession, but was challenged again in 1748. The complaint in this year was that "...the constitution of the Town Council had a tendency to continue the government of the city in a particular 'set', or party, longer than might be for the public interest, there being sometimes a

difficulty to get more credible burgesses to accept office."³⁴ The result of this was that two members of the council from both the merchants' and trades' representatives were required to relinquish office annually, and the individuals were then ineligible for re-election for three years. It was also legislated that any person who declined to accept office was to be fined L.20, which was to be given to the poor. This fine was doubled if the office of Magistrate was rejected. Undoubtedly, the Glasgow council felt they had a problem attracting the right type of councillors, which was quite ironic, considering that they had perpetuated a closed environment. But, perhaps of greater significance, was the decision in the same year, to open their accounts for burgesses to examine, for the six weeks prior to the annual balance being recorded. This was in stark contrast to most of their contemporaries. The decision to publish accounts was not, however, taken until 1818, some 70 years later. But the fact that books stating the financial position of the burgh were not only kept, but that certain inhabitants were allowed to look at them, was crucial, as it meant Glasgow never faced the ignominy of bankruptcy, as occurred in Edinburgh and Aberdeen. Indeed the Select Committee of 1819 into burgh reform, discovered that when the Town Council of Aberdeen had declared itself bankrupt, it argued this was not due to "...the failure of their creditors, or to bad debts - not to personal dishonesty or negligence - not to any cause of transient influence, or of rare occurrence, but to the natural, necessary, inherent defect of self-election, as a system of fraud and concealment."³⁵ This contrasted sharply with the position in Glasgow and its decision to allow its finances to be documented, and examined. Not only does this demonstrate the sounder financial practices of the city, it also shows that a closed corporation was not necessarily a corrupt one, despite the claims of the reformers.

Nevertheless, despite having what may be loosely described as a more forward-looking town council, Glasgow still felt the need to adopt a police act in 1800, having previously tried to obtain one in 1790. Why was this? Principally, the impression that crime was increasing led people to desire a more efficient police force than they currently possessed. The effect of the Cotton Weavers' strike of 1787 also affected how the 1790 bill was drafted. This incident had rapidly got out of control, and this made the public question the effectiveness of the existing agencies to deal with these type of situations.³⁶ A watch had been established in Glasgow from

medieval times, and in 1779 Glasgow experimented with employing an Inspector of Police, but this was not a success.³⁷ The 1800 Police Act was adopted because the inhabitants agreed to the principle of further taxation in order to improve the lighting, cleansing, and watching of the streets in the burgh. During the first half of 1800, attempts such as those which had been successfully employed during the 1790s were made to derail the process of reform. Incorporations of Trade Guilds throughout the city held meetings, and most decided to oppose the bill, despite agreeing that "...a well regulated Police is much wanted in this City..";³⁸ the principal reason for opposition were the costs involved. As one correspondent wrote to the editor of the Glasgow Advertiser:

The extension of the limits of the City of Glasgow, and the vast increase of inhabitants, certainly render some measures necessary for the 'equal apportioning of public burdens and benefits among the inhabitants' as well as for many other purposes stated in the 'Heds of a Bill for regulating the Police of the City of Glasgow'; but when, as at present, the state of our national affairs is such as to require very heavy taxes, would it not have been prudent rather to relinquish some part of the intended improvements, than to add such an oppressive burden to the taxes already imposed?³⁹

Obviously the cost of obtaining, and financing a police establishment had a major influence on whether or not this was adopted.

Police acts were important in providing more organised watch forces in burghs which chose to adopt them, and prior to 1833 these had to be local acts. Further chapters will examine the costs which lay behind the adoption of local acts, and whether or not the provision of a general enabling act made the uptake greater. But the acts did not merely provide for watching alone, rather, as has been pointed out, the Police Commissioners were "...[an] innovative body whose initiatives did much to create a new range of public services in the expanding city."⁴⁰ The same author has also stated, that by 1833:

...the term 'police' was rapidly losing its original general meaning and taking on the specialist association with 'criminal police' which it has retained ever since. Given the growing problems of public order in a rapidly growing city this was perhaps an inevitable development. But it was one which also helped to undermine a potentially important agency for amenity and environmental control.⁴¹

Yet this last assertion may not be strictly true, especially in the case of Glasgow, as later chapters will argue. Analyses of the role of the Police

Commission, and its contribution to sanitary and health reforms suggest the potentially wider remit of the 'police' was never entirely superseded. The changing perceptions towards crime and punishment are also examined, and from these it is evident that the Police Commissioners reacted to the concerns of the inhabitants. Whether this meant that they then failed to fulfil their potential as reforming institutions does not necessarily follow if, to contemporaries, they appeared to be effective in meeting the primary concerns and anxieties of the city inhabitants.

Finally, before examining the evidence in detail, a brief examination of the men who participated as police commissioners in Glasgow and its surrounding burghs is required. Throughout the period 1800-46, the year when the Police Board and Town Council of Glasgow finally amalgamated, there were 263 Glasgow Police Commissioners. The lists for Calton, Anderston, and Gorbals are less complete, and so a full analysis can only be given for Glasgow. At first Glasgow's Police Commissioners seemed keen to participate; of the 24 elected in Glasgow in 1800, 12 were at some point re-elected, and eight served consecutive terms. However, Chart 1.1 shows that in general the ratio of elected Commissioners serving only once increased over the period: 62%, nearly two thirds served only once, and 38%, over one third served twice or more (23% elected twice, 9% elected three times, and 6% elected four times or more.) The reasons behind this are not clear, but they may have believed that by serving once they had fulfilled their civic duty. However, if a sense of public duty is measured by membership of other contemporary governing bodies, the number of men who participated only once falls to 50%. Out of all the Police Commissioners half served on other bodies. As can be shown by Chart 1.2, of these men 27% also served on the Merchants' House, 13% served on the Town Council and either the Merchants' or Trades' Houses, 6% had served as members of the Trades' House, and 4% had been members of the Town Council. In summary, the figures for Glasgow Police Commissioners who served only one term show that of the 62%, 43% had served on one or other of these alternative bodies. Thus, over half the Police Commissioners did not limit themselves merely to membership of one organisation, which showed there was an overlapping of personnel between the various public bodies in Glasgow.

By further examining the details of the Commissioners who also sat on the

Chart 1.1: %'age of Glasgow Police Commissioners re-elected 1800-46

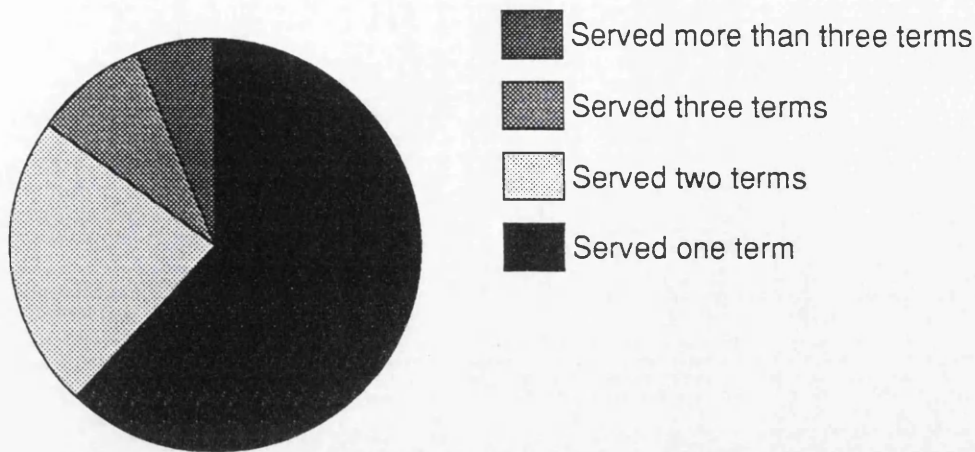
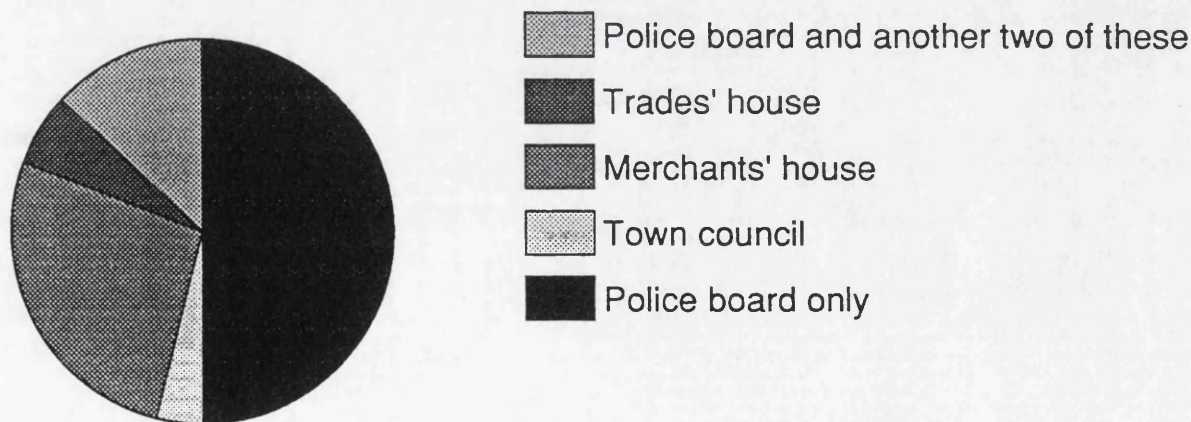


Chart 1.2: Number of Glasgow Police Commissioners who were also members of other organisations



Town Council, some interesting details emerge. The most revealing statistics concern the men who were members of the council before 1846. Figures show that of these 31 men, 10 were councillors before they were commissioners, whereas 18 were on the police board first (Chart 1.3). Of the 10, only two sat on the Council prior to the Police Board being set up; Peter Bald in 1796, and John Hamilton in 1798. It was noticeable that eight out of the 10 sat as councillors prior to 1833. On closer investigation one can see that five were members of the Merchants' House, one of whom was Dean of Guild, and the remaining three had all been Deacon Conveners of the Trades' House. This, perhaps, explains the similarity in personnel. The remaining three men elected prior to 1846, sat on the Police Board and the Town Council for the first time in the same year. Evidence suggests that these men resigned their posts on the Board, and concentrated instead on a career in the Council.

There are some similarities between the patterns amongst Glasgow Police Commissioners, and those of Anderston and Gorbals. No information is available for Calton, due to its failure to keep lists of attendance at board meetings, and lists of elected members. In both the other burghs the majority of Police Commissioners served only one term (Charts 1.4 and 1.5), 56% in Anderston, and 59% in Gorbals. In the former the ratio of members who only served one term, and those who were only members of the police board was the same (56%), but in Gorbals 78% were only involved in the Police Board. This was probably due to Gorbals not having a town council of its own; Glasgow was its feudal superior, and the Glasgow Town Council appointed Gorbals' bailies. Both Anderston and Gorbals contributed four members of their police boards to the amalgamated Town Council after 1846, although John Bain from Gorbals held this position both pre- and post-1846. Both Bain, and Archibald Edmiston from Gorbals, were members of the Glasgow Merchant's House, as was Patrick McNaught from Anderston and of this group, only Angus McAlpin, from Anderston, was a member of the Trades' House. In total, the information shows that the police establishments all experienced a high turnover in personnel.

Thus, although there was a lot of participation in the various police boards, most were involved for only a limited duration. Yet this does show that the board, unlike its unreformed rival the Town Council, was not a closed

Chart 1.3: Breakdown of the 31 Glasgow Police Commissioners who were also town councillors

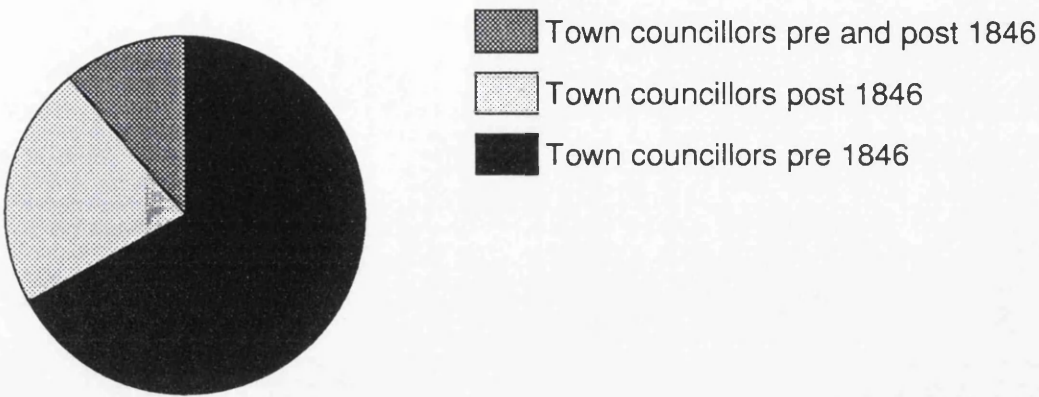


Chart 1.4: %'age of Anderston Police Commissioners re-elected 1836-1846

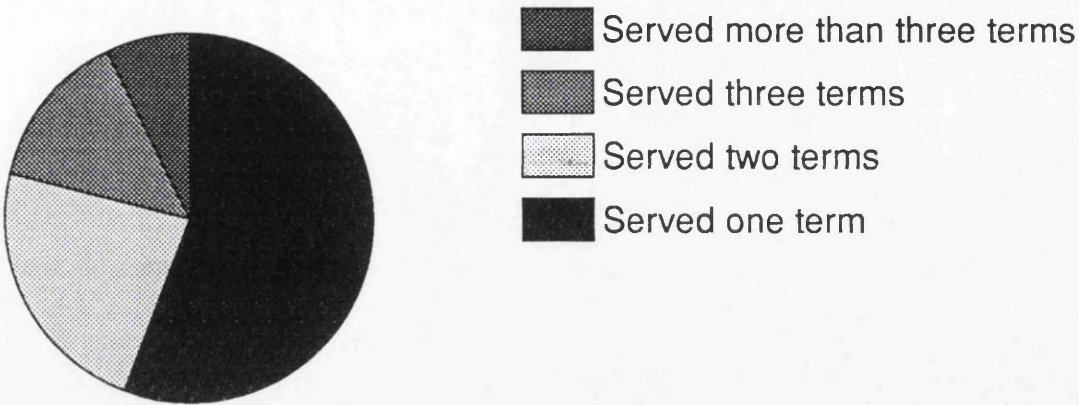
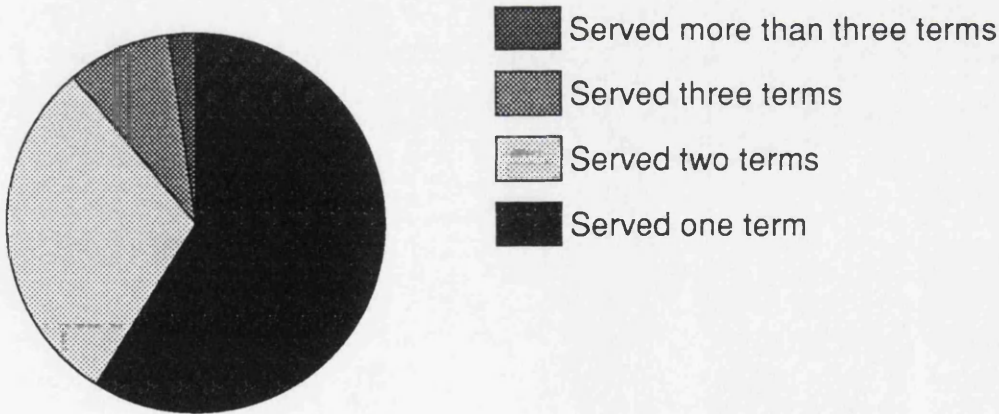


Chart 1.5: %'age of Gorbals Police Commissioners re-elected 1817-46



environment, but rather it was open to all who wished to stand for election. Certainly some men did form long associations with the Boards, notably Cornelius Tod (1800-18), James Hamilton (1802-30), Thomas Neilson (1814-27), and Hugh Wilson (1827-45), all in Glasgow; but the majority, 85%, were elected for two or less terms. The fact that once a term had been served, a man was allowed to decline to participate again for another seven years (under the 1843 Act), was another reason for the high turnover of personnel. Despite arguments that an active citizenry demonstrated the morality of the nation, not all were willing to become involved, at least not to any great degree.

Undoubtedly, many factors have to be taken into consideration when discussing the impact of burgh reforms within the early nineteenth century. Agitation had started in the late eighteenth century, but the momentum had been lost, as events in France became increasingly violent. Many reformers who had been vocal supporters of the French Revolution had to keep a low profile, as reform movements throughout Britain began to be associated, not always fairly, with the more extreme sympathisers of Jacobin movements. Once this atmosphere of distrust had begun to subside, at the end of the Napoleonic Wars, reform of burghs, and the associated reform of Parliament, could return to the political agenda. However, general reform was not forthcoming until 1833, and many areas already faced problems which their present structures were unable to deal with. Thus some burghs began to follow the example of their English counterparts, and obtain local acts, which gave powers to new committees, offering an alternative power base to the traditional town councils. The reasons behind the adoption of local police acts, and the success, or otherwise, of their operations, will be examined throughout this thesis, concentrating firstly on the events in Glasgow, and its surrounding burghs of Anderston, Calton and Gorbals.

1 - Three acts were passed on this subject in 1833; 3 & 4 William IV cap 76, *An Act to alter and amend the laws for the election of Magistrates and Councils of the Royal Burghs in Scotland*, passed 28 August; 3 & 4 William IV cap 77, *An Act to provide for the appointment and election of Magistrates and Councillors for the several burghs and towns of Scotland which now return or contribute to return members to Parliament and are not Royal Burghs*, passed 28 August; and these were accompanied by 3 & 4 William IV cap 46, *An Act to enable burghs in Scotland to establish a general system of Police*, passed 14 August.

2 - Glasgow's Police Commissioners, along with those from Anderston, Calton, and Gorbals amalgamated with Glasgow Town Council in 1846; in Edinburgh amalgamation

occurred in 1856.

3 - 3 & 4 William IV cap 46.

4 - Mabel Atkinson, *Local government in Scotland*, Edinburgh 1904, p384. Atkinson, like many of her contemporaries, too readily accepted the nineteenth century view of pre-reform burghs as corrupt; for a reassessment see Irene Maver, "The guardianship of the community: civic authority prior to 1833", 239-277, in *Glasgow, vol 1: beginnings to 1830*, eds TM Devine and Gordon Jackson, Manchester 1995, and TM Devine, "Urbanisation and the civic response: Glasgow 1800-30", 183-196, in *Industry, business and society in Scotland since 1700, essays presented to Professor John Butt*, eds AJG Cummings and TM Devine, Edinburgh 1994.

5 - For a definition of burghs see, *Green's Encyclopedia of the Law's of Scotland*, vol 2, Edinburgh 1927, p451-510.

6 - 3 & 4 William IV cap 46. This was extended under the 1847 Amendment Act, and again by 13 & 14 Victoria cap 33, *An Act to make more effectual provision for the Police of Towns and Populous Places in Scotland, and for paving, draining, cleansing, lighting and improving the same*, passed 15 July 1850.

7 - TC Smout, *A history of the Scottish people, 1560-1830*, London 1985, p266.

8 - Linda Colley, *Britons: forging the nation, 1707-1837*, London 1992, p351.

9 - Anand C Chitnis, *The Scottish Enlightenment and early Victorian English society*, London 1986, p166.

10 - TC Smout, *A history of the Scottish people*, p271.

11 - Biancamaria Fontana, *Rethinking the politics of commercial society: The Edinburgh Review 1802-32*, Cambridge 1985, p185.

12 - John Robertson, "The Scottish Enlightenment at the limits of the civic tradition", 137-178, in *Wealth and Virtue: the shaping of political economy in the Scottish Enlightenment*, ed Istvan Hont and Michael Ignatieff, Cambridge 1983, p138.

13 - Michael Ignatieff, "John Millar and individualism", 317-343, *ibid*, p331.

14 - AC Chitnis, *The Scottish Enlightenment and early Victorian English society*, p3.

15 - *ibid*, p4.

16 - J Robertson, "The Scottish Enlightenment at the limits of the civic tradition", p159.

17 - TM Devine, "Urbanisation", 27-52, in *People and society in Scotland, vol 1, 1760-1830*, eds TM Devine and Rosalind Mitchison, Edinburgh 1988, p29; but see also RA Houston, "The demographic regime", 9-26, *ibid*, and TC Smout, *A history of the Scottish people*, p238.

18 - Details of this are found in, *At a meeting of the committee of Heritors and Burgesses upon the Police Bill business, held on the 19 day of February 1790*, SRA C2/1/1/174, and, *Answers for the Magistrates and Town Council of Glasgow to the proposals of the committee of Heritors and Burgesses dated the 19 February 1790 for making certain alterations on the police bill*, SRA C2/1/1/181.

19 - Finlay McKichan, "A burgh's response to the problems of urban growth: Stirling, 1780-1880", 68-86, *SHR*, 57, 1978, p82.

20 - Thomas Chalmers, "Causes and cure of pauperism", 261-302, in *The Edinburgh Review*, 58, 1818, p289-90.

21 - RL Meek, DD Raphael and PG Stein (eds), *Adam Smith: lectures on jurisprudence*, Oxford 1978, p486.

22 - David Landes, *The unbound prometheus*, Cambridge 1969, p123.

23 - Noted by David Laing, "Proposals for cleansing and lighting the city of Edinburgh (with original signatures of a number of principal inhabitants), in the year 1735. With explanatory remarks.", 171-180, in *Proceedings of the Society of Antiquaries of Scotland*, 3, 1862, p173.

24 - Stevenson Macgill, *Discourses and essays on subjects of public interest*, Edinburgh 1819, p41.

25 - Stewart J Brown, *Thomas Chalmers and the Godly Commonwealth in Scotland*, Oxford 1982, p191.

26 - Calum Brown, "Religion and the development of an urban society: Glasgow 1780-1914", 2 vols, unpublished thesis, University of Glasgow 1981, p347.

27 - 5 James III cap 30.

28 - William Law Mathieson, *Church and reform in Scotland, a history from 1797 to 1843*,

Glasgow 1916, p228.

29 - James Mackintosh, "Parliamentary reform", 461-501, in *The Edinburgh Review*, 34, 1820, p491.

30 - L Colley, *Britons*, p50.

31 - This is detailed in James Cleland, *Annals of Glasgow, comprising an account of the public buildings, charities, and the rise and progress of the city*, vol 1, Glasgow 1816.

32 - James Cleland, *Statistical facts descriptive of the former and present state of Glasgow; read in the statistical section of the British Association for the Advancement of Science, Bristol, 22 August 1836*, Glasgow 1837, p24.

33 - For an account of this see either, J Cleland, *Annals of Glasgow*, or George MacGregor, *The history of Glasgow from the earliest period to the present time*, Glasgow 1881.

34 - C Brown, "Religion and the development of an urban society", p340.

35 - G MacGregor, *The history of Glasgow*, p329.

36 - quoted by Lord Archibald Hamilton on the 20 February 1822, in *Hansard*, new series, 6, London 1822, p520.

37 - See G MacGregor, *The history of Glasgow*, for a fuller account.

38 - *Glasgow Advertiser*, 7 March 1800.

39 - *ibid*, 14 March 1800.

40 - TM Devine, "Urbanisation and the civic response: Glasgow, 1800-30", p188.

41 - *ibid*, p194.

Chapter Two - The local acts of Glasgow, Anderston, Calton and Gorbals, 1800-46; the theory and the practice.

The beginning of the nineteenth century witnessed the birth of a far more advanced society than any which had gone before, but it also brought many associated problems. The growth of urbanisation to a degree hitherto unknown, meant burghs faced new challenges. Many towns chose to ignore the problems in the hope that they would go away, whilst others attempted to tackle them. New ideas were prevalent, and mixed with ideas drawn from the past. The responses to this new, more advanced society, came from a variety of sources. Jose Harris claims that in the nineteenth century, contemporaries saw civil society - defined as business, work, culture, leisure, family life, religion etc - as the highest sphere of human existence, and the arena in which men enjoyed some form of absolute rights. This contrasted with the impotency felt by many in relation to the state. Thus, in Harris' view corporate life in the nineteenth century was expressed through voluntary associations, and at local, rather than state level.¹ For most of the population this, in fact, was true; access to power on a national level was not easily achieved; similarly, at local level, influence could be just as difficult to obtain. Not until the 1833 Burgh Reform Act² did Town Councils become subject to limited free elections, although Boards of Police Commissioners provided an outlet, in some communities, prior to this. This chapter will first discuss the ideas, and theories of civic tradition, and then examine the legislation associated with the local police acts of Glasgow, Anderston, Calton, and Gorbals.

Historians have to be constantly aware not to judge an institution upon a set of criteria different from the one it was set up under. Too often Scottish institutions have been written about as if they emerged in a vacuum. Town councils did not suddenly emerge in 1833, and Police Boards were not created without a precedent. Watches were common in Scotland from early times, Police Boards could be seen as new organisational attempts to administer them more efficiently in the light of a changing urban context. What is of interest was how these developments were seen by contemporaries. In Glasgow, after the passing of the 1833 Act which allowed Royal Burgh Town Councils to be elected by a L.10 franchise, there was a

move to abolish the paraphernalia of the Lord Provost, as outmoded relics of a previous age. This suggests that the 1833 Burgh Reform Act was seen by some as a new start, and also that the Town Council had now entered the modern world, and no longer wished to be reminded of its past. Although this move was unsuccessful, it does show how for some the change signified a move towards a more advanced society. However, within this new society there was still room for other influences, and the radical reform tradition remained significant throughout the period.³ The ideas of the Enlightenment, which were taken on board by the Evangelical leaders in Scotland, appear to have provided an ideological framework for reform, which spread not only in Scotland, but through England and America.⁴

The Enlightenment was predominately concerned with reason, which was not directly compatible with the outlook of the Evangelicals, who rose to prominence in the early nineteenth century. Many Enlightenment teachings were accepted, and adapted by Evangelicals to meet their own needs. Indeed, it could be said they baptised the Enlightenment. They argued that society did exist, and this had to be made up of responsible individuals, for only then could it be improved. For Evangelicals, society had to be more than simply improved, it had to be saved. One of the most influential evangelicals was Stevenson Macgill, who argued that reason was not enough; religion was required in order to improve the environment. Evangelicalism sought to provide the moral context for the Enlightenment; it argued only if a country was God-fearing could it expect to reap the benefits of this new mode of thought. Here was the proto-religion which would guarantee individual responsibility and public action.

Evangelicalism had many adherents throughout Protestantism. Perhaps the most famous was the Clapham Sect of Evangelicals, which included Hannah More and William Wilberforce. The reasons for the growing popularity of evangelicalism were many, but they could be attributed to the climate of uncertainty which seemed to be engulfing Britain during the late eighteenth century. The wars with both the American colonies and France highlighted the insecurities which were manifest throughout Britain. Many believed the setbacks were because Britain had lost its faith, and thus it was being punished by God. Evangelicalism sought to make people accountable for

their actions, no longer was reason alone enough, a person now had to behave reasonably. For many evangelicals, an important tenet of their faith was the extension of education to all. They believed that only by educating the population could you improve society, for this would make people more aware of their environment. Education was needed to ensure that people would act responsibly. Indeed, this fitted with the ideas of the Enlightenment, as Dugald Stewart, professor of Moral Philosophy at Edinburgh University acknowledged;

Wherever the lower orders enjoy the benefits of education they will be found to be comparatively sober and industrious; and, in many instances, the establishment of a small library in the neighbourhood of a manufactory, has been known to produce a sensible and rapid improvement in the morals of the work people.⁵

For many Christians, the utilitarian ideas of Jeremy Bentham and his followers were too partial to form an adequate general theory of human nature; the ideas of the evangelicals appeared to meet a need in nineteenth century thought.

Undoubtedly, the idea which appears most forcibly in Evangelical thought was that of character and morality. Throughout the early nineteenth century, the idea of character was very important, as was the concept that it could influence the morality of others.⁶ Macgill argued that it was not the quantity of the population which mattered, but the quality; numbers were of no consequence as long as people had good moral characters. This is what he meant when he said, "It is not from the excess of our population, but from its character, that we have to fear."⁷ From this one can see that Macgill believed people, if they acted morally, would create a better society. Chalmers, too, argued that all men possessed a moral sense, but he claimed this did not make men moral, rather they were all depraved, "'rebels' to God's moral government".⁸ It has also been noted that throughout the nineteenth century the middle class in cities like Glasgow continued to grow in grace and respect,⁹ but did this manifest itself in Glasgow? The answer lies in whether through all men striving to act morally they were able, by virtue of their public activities, to achieve as much as they could for society. Adam Ferguson had stated that "Property is a matter of progress"; a society where everyone had material possessions, to some greater or lesser extent, required law and

order to guarantee safety. By the nineteenth century, it was beginning to be argued that a man's labour was his property, and therefore, if he improved himself, he would become more valuable to society. John Dunlop, the leader of the temperance movement in Scotland, believed that society should reward those who were attempting to improve themselves; thus if a man reached a certain level of education, he should benefit by being given an entitlement to vote.¹⁰ Dunlop argued for the vote to be based not solely on property, but also on personal worth, which could be improved if a person struggled successfully to overcome life's challenges. Such views, although too extreme for many, show that great emphasis was placed on the need to improve the character and morals of all members of society.

The concept of education as a means of improving character and morality was one frequently used by evangelicals. As well as being instructed in the basic skills such as reading, writing, etc, men needed to be morally educated. Thus, many evangelicals in Scotland expounded the benefits of education, not merely for the individual, but for society as a whole. Macgill argued that it was not enough simply to teach people a basic, utilitarian minimum; it was more important to teach them to their full capacity, and to raise their standards through this. Only by making people aware of their circumstances was it possible to encourage them to improve their standing and become of greater use to society. Others, like the economist John Ramsay McCulloch, stressed the benefits of education as a means of ensuring economic co-operation between the classes. If this helped to allay industrial unrest it also, by corollary, reinforced the view that people could help themselves through education: "The poor ought to be taught, that they are in great measure architects of their own future; that what others can do for them is trifling indeed, compared with what they can do for themselves."¹¹

Thus, it is possible to discern a definite school of thought in the nineteenth century which placed the idea of character, and its improvement, as a benefit to both the individual, and society. But there was also a debate over whether the person, or the environment should be first reformed, in order to achieve a beneficial alteration in character. Macgill believed, on the whole, that attention should be paid to environment and social context. If this was not improved then there was no hope of rectifying individuals. But he also

stressed that a better environment alone was not enough; this had to be coupled with personal effort, for one was imperfect without the other. For Chalmers, such an emphasis was wrong. His interest lay almost exclusively on the reformation of the individual first and he argued that only by improving character could society become positively enhanced. This, however, had to be done by making the parochial social unit more cohesive. So here too, with differing emphases, evangelicals sought to attain the same outcome, only their methods of achieving it varied.

Therefore, it appears that the emphasis on character and the context in which it might best be nurtured, was one which sprung from the evangelical and enlightenment mix. Contemporaries had begun to feel that the theories of the Enlightenment, and their particular emphasis upon reason, were not sufficient to explain the changing circumstances in the nineteenth century. By 1778, Glasgow had set up an Inspector of Police, but this lasted only until 1781 due to lack of finance, and attempts to set up a police board in 1790 fell away due to hostility against proposals to pay for this by placing a tax upon inhabitants. Yet, by 1800 a police board had been set up, and the citizens of Glasgow consented to an assessment, as did Aberdeen in 1795, Edinburgh in 1805, and Paisley in 1806.¹² A change in attitude had been achieved, and the roots of this lay in the changing urban context, and the traumas caused by the French Revolution which resulted, in turn, in a new emphasis on religious belief. No longer was reason enough to explain the workings of the world; a new evangelical mood was present in the nineteenth century. The question was how to reconcile the idea of progress to the new needs of urban society, how to have improvement and change without unleashing uncontrollable forces. Could, for instance, urban growth be controlled by adapting to its new demands without allowing the necessary changes to collapse into disorder? It was in this context that men were able to accept the legacy of the Enlightenment, and use it to create a new outlook, one based upon character, but a character dependant on the grace of God. The theory of Atonement was very strong during the period, and it was this which set the tone for the new view of man and his relationship to nature and his Maker. Many sought to move away from the more distant relationship with God, which had been prevalent at the time of the Enlightenment. Stewart Brown observes that;

In truth, Chalmers was one of a number of early nineteenth-century communitarian theorists, reacting against eighteenth century interest politics and the social dislocations of early industrialisation, by seeking a new harmony in small communities based upon faith in human perfectibility within a proper structured social environment.¹³

For many evangelicals, the needs of the new society had to be related back to the structure of the old, and a formula for improvement derived from this.

Evangelicals adapted many enlightenment concepts to suit their own needs. It was important for them to have an active community, but they wished to see this activity used to serve God, and the Church, rather than simply to benefit the individual and his secular community. For Evangelicals it was necessary to improve oneself, and society, in order to prepare for God.

Brown claims that Chalmers';

...starting point, however, was not an emphasis upon shaping a perfect social environment, but rather an emphasis upon reforming individual character through appeals to the individual conscience - by means of Evangelical preaching, parish visitations, and parish schools. Individual conscience, representing man's relationship with God, was more fundamental for him than social relations; the eternal fate of a single soul was of more value than even the total abolition of pauperism throughout Britain. The greatest value of a Christian community was to help prepare individuals for acceptance of grace and eternal life. This Evangelical individualism, this emphasis upon reforming individual character as the first step towards social reform, set Chalmers communal message apart from that of Owen and indeed all later nineteenth century movements of materialistic socialism.¹⁴

Although Chalmers was the leading spokesman for the cause of a new urban awareness and sense of social responsibility, his views were not accepted uncritically. Others, like Stevenson Macgill, criticised his particular strategies such as for Poor Law administration in St John's as lacking in balance.

Political economists popularising free trade and laissez-faire ideas of progress such as JR McCulloch recognised, like Macgill, that it was not character alone which shaped society, but that society too had a role to play in the development of moral character. McCulloch had reviewed Chalmers' *On Political Economy, in Connexion with the Moral State and Moral Prospects of Society*, for the *Edinburgh Review* in 1832, and his differing

views come across quite clearly;

...[he recognised] the crux of Chalmers' whole argument was his belief that the reform of individual character necessarily had to precede the reform of society, and that the reform of individual character could only be achieved through Christian and moral education. But, McCulloch responded, Chalmers failed to see that character formation and social climate were, in fact, inseparable; indeed, he argued, the fundamental weakness of Chalmers' entire reform system lay in its failure to recognise the crucial role that social climate played in character formation.¹⁵

Evangelicals were therefore engaged in a lively debate about the strategy to be adopted to meet the rapidly changing circumstances. It was a debate not lacking in different viewpoints and emphasis, but overall it was conducted by men with a shared concern for balanced progress.

Thus, the school of thought which combined Evangelical ideas with the concepts of the Enlightenment, was influential in the early nineteenth century. There was agreement that some link did exist between comfort and character, although, as already noted, the concept was treated in different ways by varying individuals. It may be argued that the idea of civic participation was reflected by Chalmers in his St John's experiment, where he attempted to erect an urban society upon parochial lines, where people would know each other, and thus respect each other. Chalmers argued that it was impossible to gain a benefit from giving or receiving voluntary relief, if neither the recipient or benefactor knew nor could meet the other person. Anonymous charity, he believed, served no useful social purpose. Macgill too was concerned that people should know how others lived, and for this reason he was against the St John's experiment, for he feared this would make the richer classes live outside areas containing the poor, and thereby cause them to abdicate their responsibilities. Macgill believed that only by living alongside the poor would one be encouraged to help them. Both these ideas contain certain similarities, and although there were fundamental differences both men drew on the heritage of the Enlightenment, and used it together with their Evangelical zeal to shape their reactions to the new age.

The need for reform.

When the act was passed on the 17 July 1832 to "amend the Representation of the People of Scotland"¹⁶ a whole new group of people gained the franchise.¹⁷ The numbers who were entitled to vote for a member of Parliament rose from 4500 out of a population of 2.1 million, to 65,000.¹⁸ The reasons for this phenomenal increase in the electorate came from fundamental changes in the electoral qualifications introduced for both the counties and the burghs. The vote was now based on the possession or occupancy of property, not on the feudal rights confirmed in the seventeenth century. Briefly, possessors of L.10 properties or L.50 tenancies in the counties could be enrolled. In the burghs the vote was given to L.10 householders, occupants and proprietors.¹⁹ Before 1832, in Edinburgh the election of burgh representatives had been the prerogative of the Town Council, and in all the other Royal Burghs it lay with delegates of the councils at specially convened meetings. Glasgow, along with the burghs of Rutherglen, Renfrew and Dumbarton, contributed to return one MP. The Town Council of Glasgow would decide which candidate it wished to support, and a delegation was then sent to meet with representatives from the other burghs who would then elect a MP. Each burgh took a turn at chairing the meeting, and held the casting vote in the event of a tie between candidates. The absence of an electorate had been compounded by the self-perpetuating nature of these councils.²⁰ Once the 1832 Reform Act had been passed there was no need to maintain the anomalous system of burgh election in which a man could elect his member of Parliament, but not his local council. Three Acts were passed in 1833 which ended the oligarchical control of burgh government. These allowed firstly for elections of councillors by L.10 householders in Royal burghs, secondly for the election of councillors in non-royal burghs, and thirdly provided legislation to enable burghs to adopt "...a general system of police."²¹ The 1833 Burgh Reform Acts were thus the first general acts to be passed to regulate urban life in Scotland since the Middle Ages, although local acts had been in force from the end of the eighteenth century.

Burgh reformers were united in abhorrence of the system, enshrined by the statute of 1469,²² which allowed the old council to elect the new, thus doing away with any form of 'contract' between those in power, and the inhabitants

of the burghs. To begin to cure the system of simply its worst excesses, this statute had to be repealed. The 1793 Select Committee clearly stated this conclusion.²³ Yet, successive Parliamentary Select Committees of 1793, 1818, 1819, 1820, and 1821, did not suggest full-scale changes. Most burgh representatives in Parliament owed some loyalty to the system as it stood, for they had been elected under it, even though most believed changes were required. Although the cause of reform as a whole suffered a setback during the Napoleonic Wars, by 1815 the question of burgh reform was once more back on the political agenda.

The three acts of 1833 for the reform of burgh administration, and the election of councillors and magistrates, seemed to be a great triumph for the reformers; for indeed, this was the goal they had been pursuing since 1782. Reformers sought "...the emancipation of Scotland from that vile system of irresponsible municipal government, and Parliamentary corruption, which disgraced and depressed it..²⁴ Widespread support led the House of Commons to set up a Select Committee in 1793, to examine petitions from Royal Burghs demanding reform.²⁵ Men began to question the right of a few to determine the lifestyle of the greater number, and support for the Social Contract theory meant that the self-perpetuating oligarchies of the Royal Burghs of Scotland appeared to be a relic from a bygone age. This system could no longer be regarded as tolerable.

The major problem was that any opening up of the Burgh system would have an effect on the election of MPs, and would thus constitute a step towards the reformation of Parliament. This was not on the political agenda under the Tories. In order to avoid that possibility the report published by the Select Committee in 1821 tried to allay these fears. The main crux of its argument was that the 1469 Statute had to be repealed, and councils had to become more open, for they believed that it was the secrecy of councils, the fact they had no-one to account to, which had led to the more glaring abuses of the system. By focusing on the major grievances of the petitioners, they thus hoped to offer a limited amount of reforms acceptable to all. Successive select committees accepted that reform had to be forthcoming, and this is evident throughout their reports. In 1819 they stated: "...nor can they [the Committee] refrain from stating their impression, that the general allegations

of the Petitioners, as far as the Committee have yet examined them, appear to be very much warranted by the evidence.",²⁶ and again in 1821 they stated their aim was: "...a pure administration of the affairs of the Burghs may be reasonably expected without subverting the long established law and usage of the country."²⁷ They planned to achieve this through improving the existing machinery, rather than by radical alterations.

Thus, the question was how could this best be achieved? Reform, in their view, was desirable, but only in the sense of creating an electorate in order to call the Councillors and Magistrates to account; in no sense was this to be a wide franchise. Thus, the proposals they recommended were fairly minimal. These included the annual exhibition of council accounts, public notices of intended sale of burghal property, public notices of the intended mortgage of burghal property to raise funds, and power for certain burgesses to challenge the accuracy of burgh council accounts.²⁸ All these proposals were designed to appease moderate reformers by making the system more open and accountable, and avoid any tinkering with the electoral machinery.

This growing demand for reform was met therefore, by the three acts of 1833, and the Burgh Police Act of 1850.²⁹ Yet, even before these general acts, some burghs had already begun to reform themselves. Impatient for legislation from above, they set out to gain their own local acts of Parliament. From as early as 1772 Canongate, in Edinburgh, had adopted a local Police Act, and Greenock had followed suit in 1773. Thus, some towns were not prepared to wait on general legislation, deciding rather to undertake the costs of gaining their own acts to enable them to deal with the new and emerging problems of the century. Prior to 1833, as many as 24 burghs had adopted local acts³⁰ (appendix 1).

The decision to adopt a local police act was not always popular with inhabitants. Glasgow had attempted to procure a local police act twice, in 1790 and 1792, before it finally succeeded in 1800. In 1790 and 1792, police bills were drawn up and distributed to institutions, and inhabitants with influence in the city. The first bill suggested the franchise be set at L.15 householders, and proposed that no councillor be allowed to stand as a commissioner.³¹ This was successfully opposed, critics of the bill arguing

that if the franchise was set at L.15 then there would only be about 800 electors, and these could not be portrayed as representative of the majority.³² Opposition also centred on the extra powers of arrest and imprisonment which were to be given to the ward superintendents, which it was claimed would be "...dangerous to civil liberty..."³³ The combination of enhanced powers to control citizens, a more limited franchise than expected, and an assessment rate proposed at 7d in the pound,³⁴ were enough to ensure the defeat of these proposals. Perhaps, as a Lord Provost claimed much later, the 1790 bill failed because, "The views of the citizens were not, however, sufficiently advanced to perceive the advantages of such a change."³⁵ The limited and expensive nature of the 1790 proposals seem a more likely reason.

Undoubtedly, the criticisms of 1790 played a role in shaping the 1792 bill. Under its new proposals anyone with property rented at over L.4 was to be an elector, although Commissioners were to come from L.15 householders in the respective wards.³⁶ Obviously, it was felt that a wider franchise was required if the bill was to escape criticism. The assessment too was altered, to have different rates for property above and below L.4 per annum, but with the proviso that no individual was to pay more than L.10 per annum in tax.³⁷ The rate was set at one shilling, and 6d in the pound respectively. Yet, despite these attempts to anticipate objections, the bill still failed. The reasons again lay in the resistance to local taxation; indeed one contemporary wrote, the tendency of many "...is altogether to destroy the present scheme for obtaining a Police bill to this city..."³⁸ This hostility to assessments in Glasgow, was not overcome for a further eight years.

When in 1800 Glasgow adopted the first of its police acts, followed in time by its surrounding burghs, the need to meet the pressing problems of the age was accepted. Theodora Keith, in 1916 stated "...in some towns, happily, such as Glasgow and Kinghorn, the evils of the system were counteracted by the 'virtues of individuals'",³⁹ and this would seem to suggest that it depended on the inhabitants of a town as to whether the evils of the system could be minimised. But what is virtue, in this context? Was it not, indeed, the new system that was developed in towns like Glasgow by its local acts, which had helped to develop the virtue of the individual? Was it not the idea that a man

had a duty to do his best for his own burgh, that it was up to him to improve his own environment, and by doing so he could improve society for all? The ideas of the Enlightenment, and the new Evangelical approach of the early nineteenth century thus seemed to come together in a practical way to develop ideas of improvement, and this affected the outlook of many burgh reformers in the first half of the nineteenth century.

The Glasgow Acts.

The first local police act for Glasgow, was passed on the 30 June 1800,⁴⁰ to be followed by five more acts in 1807, 1821, 1830, 1837 and 1843,⁴¹ after which the City of Glasgow amalgamated with its three neighbouring burghs in 1846 (appendix 2). From 1800 until 1843, a number of significant changes can be traced in these acts, but more interesting, perhaps, is the fact that several clauses kept reappearing in all, with only minor changes. Thus, Glasgow appears to have taken a far-reaching step in 1800, and one which proved to be enduring, although with inevitable amendments along the way as experience was gained in working this new form of local police administration. The first clause of the Act of 1807⁴² actually stated that the Act of 1800 had conferred great benefits on the community, and as such this was the main reason why the act was renewed with several new clauses added to it. Glasgow continued to pass local acts throughout the period, even after the establishment of general legislation by the Government in 1833. Significantly, it was actually stated in clause 283 of the 1843 Act:

...That the Act passed in the Third and Fourth Years of the Reign of His Late Majesty King William the Fourth intituled An Act to enable Burghs in Scotland to establish a general system of Police, and the amendments and provisions thereof, shall not extend to, and that operation of the same is expressly excluded from, the said City and adjoining districts within the limits of this Act; and it is hereby declared that this Act and the whole provisions thereof shall be as valid and sufficient in all respects as if the last-mentioned Act had not been passed.⁴³

This shows that Glasgow was far happier to have a local act specifically designed for it, with all the expense this entailed, rather than adopt the general act of 1833. The act of 1833 had nothing additional to offer its inhabitants.

Among the more important aspects of these local acts was the franchise, the legislation concerning the appointment of Commissioners, and the wards into which the district was divided. From 1800 Glasgow had 24 wards, this increased in 1830 to 35 wards, which in turn lasted until 1843, when an extra ward was added. Glasgow tended to add wards, rather than revise them. In 1800 the act stated that the provision of wards "...may have the most beneficial consequences in facilitating the Establishment and assisting the execution of the said Plan of Police...",⁴⁴ and indeed 24 wards were created, with one Commissioner for each. Wards were of importance, as these were the administrative areas represented by the elected Police Commissioners. Each ward was represented by one Commissioner, until 1821 when this was increased to three. These men were responsible for ensuring the well-being of the individual wards, and more importantly they had to live in the area they represented. This ensured not only a greater commitment on behalf of the Commissioner, but a wider social mix amongst Police Board members than was achieved by contemporary organisations, such as the Town Council. To qualify as an elector, a person had to be a L.10 householder, which meant they had to be a tenant, occupier, owner, life-renter, or feuar who occupied property worth at least L.10 per annum on rental. A Commissioner had to hold property worth L.15 or more, and be resident in the ward for which they stood. In any ward with less than ten qualified householders with property rented over L.15 per annum, L.10 householders could be elected instead.

By the time of the 1807 Act, although the number of Commissioners remained at 24, and the franchise at L.10 householders, the residential qualification for Commissioners had been modified, and a sliding scale of property values introduced. This Act stated that if there were 15 or more householders in a ward with property valued at L.30 or over, then the Commissioner was to be elected from this group; failing that from the 15 or more of L.25 value and above; failing that from the 15 or more of L.20 value and above; failing that from 15 or more at L.15 value and above; and failing that anyone with property over L.10. This system remained in operation for the 1821, and 1830 Acts, but clause three of the 1837 Act stated that every elector "...shall be eligible and duly qualified to be appointed a Commissioner."⁴⁵ This was probably a reflection of the decision by Parliament not to make Commissioners meet any specific qualification other

than to be L.10 householders under the 1833 Act.⁴⁶ The Act of 1843 followed this example. The levels of qualification required to be a Commissioner, prior to 1837, show that there was an attempt to ensure the wealthier members of the community were prominent upon the Police Board. Not all wards contained men with property valued over L.30 per annum, thus a sliding scale was adopted. The system also ensured that electors were provided with some choice; there had to be at least 15 men in a particular area at a certain level, or the requirement would automatically drop. By introducing these safeguards the Police Commissioners sought to prevent the system being open to abuse. Throughout the local acts the actual franchise did not change; it remained at L.10 householders, the figure adopted by the 1833 General Act. Not until the 1837 Act was it stipulated that people could only have one vote, which reflected attitudes concerning wealth and representation. Some local acts, particularly in England, had allowed a sliding scale relating to this. However, local legislation in Glasgow never permitted an individual to possess more than one vote.

The whole question over the ability of females to exercise the vote is quite ambiguous in this period. Despite examining the local acts of Glasgow, and its neighbouring burghs, no definite pattern emerges. The 1843 Glasgow Act specifically stated that females were not entitled to vote,⁴⁷ the first time any act had done so; but the 1843 Gorbals Act stated that "...words importing the masculine gender only shall include females",⁴⁸ thus no specific denial of the right was made. Calton in its 1840 Act allowed Commissioners to be elected from "...people who either own property worth L.10 or more of yearly rent..⁴⁹ Again no categorical statement was forthcoming. Anderston was more decisive in its 1826 legislation which set the franchise at "...every male above 21 years of age who shall be a Feuar or proprietor, tenant or occupier of heritable property within the limits",⁵⁰ but this was modified by 1843. The later act allowed for "...all persons" in clause 3, and clause 25⁵¹ is similar to that found in the Gorbals Act of 1843. When the general legislation of 1833 is looked at for clarification, it too is rather unclear. The act regarding elections in Royal Burghs stated that 'people' were entitled to vote,⁵² but then reverted to the masculine gender and had no qualifying statement. Whether this meant females were excluded was not clear. However the act relating to burghs and towns which were not Royal Burghs allowed for the electorate to

be similar to that allowed to vote in Parliamentary elections,⁵³ and the 1832 Act gives some clarity to the matter. This allowed "...every person, not subject to any legal incapacity, shall be entitled to be registered..", but qualified this by saying "...that the husbands of such owners shall be entitled to vote either in the lifetime of their wives, or after their death.."⁵⁴ The whole question of female voting was largely unresolved within this period, in most cases specific exclusion was not made, rather it was hinted at. However the number of females who were actually able to vote was small, as shown by the available evidence (see chapter four).

Returning to the example of Glasgow, the elected Commissioners exercised a number of important powers and consequently their role evolved throughout the period. In 1800 24 Commissioners were elected and they, with the Lord Provost, three bailies, the Dean of Guild, and Deacon Convener were responsible for carrying out the Act. In 1807 the number of bailies was increased to five, and 1821 saw Commissioners powers divided. Three Commissioners were elected for each of the 24 wards under the Act of 1821. The two Resident Commissioners were given powers of constable under the Law of Scotland within the limits of the Act, but it was the General Commissioner who possessed real power. The latter was appointed to the Board of Commissioners responsible for carrying out the provisions of the Acts. General Commissioners were of greater importance because they had a say in the administration of the whole burgh, whereas Resident Commissioners were only involved at ward level. By 1830 it was decided that General Commissioners could only be elected in wards with 50 or more people qualified to vote. Prior to 1821, one third of Commissioners (8), had retired from office each year; but from 1821 one third of the General Commissioners (8) were to retire annually, plus one Resident Commissioner from each ward (24). Significantly, 1821 also saw mechanisms adopted which meant men elected to office who refused or neglected to accept their municipal responsibilities could be fined. Previously, another election had simply been held, now a fine of double their annual assessment was introduced.⁵⁵ Although the idea of civic tradition, and the duty of responsible citizens to participate was accepted, Glasgow, and other burghs, obviously had difficulties encouraging men to put theory into practice. The decision to adopt a system of fines is clear evidence of this.

The actual mechanism of electing Commissioners was set out clearly in the acts and did not vary throughout the period. Under the 1800 Act Commissioners drew up lists of all those eligible, and tickets were sent to each voter. Each ticket was to specify the name, designation, and qualification of the voter, and person voted for, written by the elector, and placed in a box in their appointed ward. Elections lasted from 10am to 4pm, eight days after notice was given in two or more Glasgow newspapers. This practice continued throughout the period. The 1821 Act stipulated that at least ten votes had to be cast, and the 1843 Act stated a ballot could be held if six or more electors applied in writing to the Commissioners three days after the result was announced. Although Commissioners were allowed to make up lists of voters in their own wards under the 1800 Act, this system was open to abuse. By 1807 this had been rectified, and independent Surveyors were appointed.

There was also the possibility that ineligible people might attempt to vote, and for this reason the 1800 Act allowed for a fine of up to L.5 being imposed. This was reiterated in all the later acts. The local acts developed as the period progressed, and clauses which appeared to be unworkable, or against the general mood of reform were altered, or abandoned. The Commissioners met quarterly, as stipulated by the Act of 1800, on the first Monday of March, June, September, and December, at noon in the Council Chambers to put the acts into operation. By 1807 the meetings began to be held in the Police Office, on the last Monday of February, May, August, and November at noon. Provision was also made for weekly meetings, which suggests police activity had increased to such an extent that a more 'hands-on' approach was required. This continued under the later acts. Weekly meetings were used to supervise the general running of the act, and to agree payment and appointment of inferior officers. The 1843 Act allowed committees to be set up to look into specific details, but this was a case of legislation being produced to legitimise existing practices. Spirit retailers, and people in assessment arrears were barred from the office of Commissioner under the 1843 Act. These people were obviously deemed untrustworthy. All five acts required a quorum of seven Commissioners for the transaction of ordinary business. Having examined the machinery of the acts it is necessary now to

look at the powers exercised by the Commissioners under these local acts.

Probably the most important power invested in the Commissioners was the ability to raise assessments in order to put the various provisions into operation. Glasgow had failed in attempts to adopt an act prior to 1800 due to the reluctance of inhabitants to be assessed,⁵⁶ and this remained a stumbling block for many burghs even after the general legislation allowing the creation of Police Burghs was passed in 1833. Under the 1800 Act the assessment was to rise in a sliding scale from 4d in the pound to 1s in the pound, as follows:

Table 2.1 - Assessments under the 1800 Glasgow Police Act.

| Rent/Value of Property | Assessment (not exceeding) in the pound |
|------------------------|---|
| L.4 - L.6 | 4d |
| L.6 - L.10 | 6d |
| L.10 - L.15 | 9d |
| L.15 upwards | 1s |

This was supplemented by a contribution of L.800 sterling in half yearly payments from the Town Council's Common Good fund which lasted until 1837. Assessments were levied on all renters, occupiers, or possessors of dwelling houses, cellars, shops, warehouses, and other buildings within the limits of the Act and collection was to be made within 14 days of notice being given. Property worth L.4 was assessed (table 2.1) but the franchise stood at L.10 householders, thus not all ratepayers were actually entitled to vote. Although Glasgow believed that as many people as possible should contribute, the principle of taxation and representation was not one to which they were willing to subscribe to completely. All buildings were surveyed in order to gauge the amount of assessment due, but no assessment was raised from areas which received none of the benefits of policing. By 1807 assessments had risen, as follows:

Table 2.2 - Assessments under the 1807 Glasgow Police Act.

| Rent/Value of Property | Assessments (not exceeding) in the pound |
|------------------------|--|
| L.4 - L.6 | 5d |
| L.6 - L.10 | 7 1/2d |
| L.10 - L.15 | 11 1/4d |
| L.15 upwards | 1s 3d |

The Act stated that if payment was not made within 14 days, the goods of the

defaulter could be seized, and sold by public sale, if the debt was not settled within a further three days. The assessment remained constant until 1843 (table 2.2) but in 1837 the Common Good contribution ended, and penalties for refusing or delaying payment were introduced.

By 1843 the assessment had become more refined (table 2.3), and a contribution of 3d in the pound was levied for the purposes of the Statute Labour Department from all property valued at L.4 and upwards.

Table 2.3 - Assessments under the 1843 Glasgow Police Act.

| Rent/Value of Property | Assessment (not exceeding) in the pound |
|------------------------|---|
| L.4 - L.10 | 7 1/2d |
| L.10 upwards | 1s 3d |

From 1821 Commissioners were also assessing travelling men, auctioneers, etc,⁵⁷ and in 1843 they introduced a scale of reductions if premises were left empty and unused for certain periods of time.⁵⁸ Over the period from 1800-43 the total amount of assessment raised annually did increase, but the stated aim of the Commissioners was to keep the rate as low as possible. The 1800 Act stipulated that any surplus money should be applied to the same purposes in the following year "...so that the aforesaid assessments shall be thereby proportionally diminished."⁵⁹ The publishing of the Commissioners' accounts from 1800, meant they now had to produce a financial statement which detailed how the money raised had been spent. Thus, the assessment powers of the acts provided the financial means for the city to undertake its new and expanding commitments.

It is clear that one of the major aims of Glasgow's Police Acts was to ensure the lighting of the city streets. These enactments were important because they were generally designed to help stop the spread of criminal activity after dark, and make the city a safer place for its inhabitants. All of the acts contain enactments relating to this. The 1800 Act allowed Magistrates and Commissioners to light streets, and laid down penalties for anyone breaking lamps, lamp irons or extinguishing lights;⁶⁰ but if breakage was accidental the person was to pay compensation directed by the Magistrate. In 1807, the penalty had risen to L.15 for each offence, obviously to crack-down on rising breakages. By 1821 the fine had been reduced to L.5 for each offence, but more importantly Commissioners were now able to contract for gas lighting

over the whole of the city's limits.⁶¹ The 1821 Act stated that Commissioners were not obliged to light private courts or passages, but if they did, they could assess the inhabitants for the cost of doing so. Commissioners were quite prepared to light main streets, squares, and passages from money raised under assessment. The concept of charging people in order to light areas not otherwise considered expedient, was continued in 1843, and the penalty for wilful damage rose to L.10 and L.5 for accidental damage. Maintaining street lighting was very important to the Police Commissioners, and an Inspector of Lighting was appointed in 1843. In order to improve the condition of the city, the Police Board also stipulated that buildings were to be numbered, and street names painted on. The request for the enumeration of inhabitants from time to time was also a feature of these acts. All these clauses showed the Board of Commissioners attempted to create a more ordered society.

Clauses concerning paving and cleansing were also of fundamental importance in the quest to create a better environment. It was in these areas that the Glasgow Commissioners, "...zealously embraced the Evangelical solution to society's ills..."⁶² They felt that by creating a better environment, they would encourage people to become more morally aware, and here one can see the influence of Stevenson Macgill, who believed that in order to create a better individual you had to improve the environment in which they lived. If people lived in unwholesome conditions, then they could not improve morally; one aspect almost certainly influenced the other. As the period progressed Glasgow moved from merely enacting provisions to actively enforcing them through the appointments of a Superintendent of Police, a Superintendent of Streets, and an Inspector of Cleansing, all in an attempt to create a better area in which people lived.

One of the most interesting features of the private legislation relating to Glasgow was that it continually responded to differing circumstances. Whereas the 1800 Act concerned itself with provisions for the making and cleansing of streets and foot pavements, plus the erection of common sewers and watercourses, later acts all go further. The earlier acts all lacked the same commitment to solving sanitation problems, perhaps because these were not as overwhelming at the beginning of the century. The growth of

Glasgow throughout the nineteenth century, meant problems of urbanisation were bound to become more acute as the city expanded. The Police Commissioners reacted to new situations as they arose. The 1800 Act established the principle that proprietors were responsible for making pavements, and occupiers for cleansing them. Provisions relating to the removal of obstructions from streets and foot pavements were set out in 1800, and restated in later acts. The 1807 Act allowed the Commissioners to sell and dispose of the waste collected by scavengers from the streets. Under the 1821 Act, street cleansing was extended to all closes and thoroughfares, which were now to be cleaned at least three times a week, and the expense defrayed by all proprietors in proportion to the value of their property. The decision to ensure all areas of the city were more thoroughly cleaned came after the first typhus outbreak, but before cholera had affected the city.

Commissioners sought to make the city a safer place at night, and this prompted their decision to allow shops situated in piazzas behind pillars to extend their shop front out to the pillar. The removal of these blackspots, it was believed, would discourage troublemakers from loitering at night. Commissioners were prepared to negotiate a deal for the sale of this land which favoured the shop owners, as they saw this as a cheap way of improving the city. Provisions concerning the fencing of holes, and the lighting of lamps near obstructions at night to prevent accidents to pedestrians, were continued through all the acts.

Not until the 1843 Act did regulations for cleansing and paving reach their peak. The provisions of 1843 were of greatest importance, because they followed the cholera outbreak of 1832, and the Sanitary Report of 1842. A new mood of concern can be discerned in this Act. A Superintendent of Streets was appointed to be responsible for penalising anyone who failed to abide by the regulations, and a Committee of Statute Labour and Paving was set up to constantly monitor the situation. However, of more importance were the provisions for cleansing, and the construction of common sewers, water courses, etc. These clauses were developed further under the 1843 Act than previously, suggesting a long term approach to the problem of sanitation was now being embraced by the Police Commissioners. The act also encouraged

private drains to be made in order to connect houses and buildings to main sewers. But the Commissioners were not taking preventive action; rather they were reacting to the problems caused by outbreaks of cholera and fevers. The effectiveness of the legislation on sanitation will be discussed in greater detail in chapter six.

Glasgow's arrangements with regard to policing, show the commitment of Commissioners to the idea of creating an environment within which inhabitants could flourish. The influence of the Enlightenment and Evangelicals, had a certain influence on the policing of the city. Over the period attitudes changed, and the Act of 1837 transferred the powers of the Statute Labour Board to the Board of Police, because it was felt one body would be more effective than two. Within the Act of 1800, clause 48 stated that watchmen, clerks, and servants were required for the detection of crimes "...which have been of late very frequent in the said city."⁶³ People felt something had to be done. By the 1821 Act, the problem of theft and criminal activity had a high priority in the eyes of Commissioners, and they went so far as establishing large iron gates, in certain streets and passages, which could be locked at night to prevent the easy escape of offenders. The 1821 Act also saw the introduction of bail for people apprehended and suspected of crimes within the limits of the Act, and the establishment of more police officers, and watch-houses. This was required in order to make the system more workable and more visible. The same act also contained a number of other new clauses concerning the policing of the district, such as making owners of public houses responsible for the behaviour of their customers, they were in danger of losing their licences if they failed to keep their premises free of trouble. Penalties were included in all the acts for assaulting or hindering an officer whilst he was on duty. This may be construed as an attempt to show that the authority of the Police Commissioners was to be respected. Perhaps of greatest importance was the realisation that it was impossible to work alone, one could not merely police one's own district, but co-operation with others was necessary to ensure justice was achieved. This move towards greater involvement with other areas, particularly the surrounding burghs of Anderston, Calton, and Gorbals, will be discussed more fully in chapters four and five. Undoubtedly, the nature of the watching force did develop throughout the period of the local acts.

However, although the enactments were important, so too was the way they were implemented. This was done in an open manner, in order to distance the Police Commissioners from the closed nature of town councils, especially prior to the 1833 burgh reform. Registers and books were kept for all purposes; to record transactions of meetings, expenditure, offences of criminals, and licences handed out to brokers, hackney carriage owners, and drivers, etc. This shows the development of a body of practice which could be referred to for procedure if necessary. All these books and registers were open to the public without fee or reward, as long as they paid their assessment. Commissioners accepted the principle that those who contributed financially were entitled to know exactly how their money was being spent. The number of Police Board employees grew as the acts became more advanced, and the Commissioners were keen to ensure that any possibility of abuse (through favouritism for instance) should be minimised. Glasgow's Town Council already had, anyway, a reputation of sorts for being more open and less likely to be secretive and self-serving, than was usual at the time. It had made its accounts available for inspection by the burgesses since 1748, and published them annually from 1818. Perhaps it had been the open tradition established by the Police Acts of 1800 and 1807 which had encouraged the Town Council to publish their accounts in 1818. By 1807 the responsibility for making up lists of voters in each ward was given to surveyors instead of Commissioners; by 1821 Collectors and Treasurers on appointment had to find sufficient security before they could take up their positions, and the Clerk and Treasurer could not be the same person.⁶⁴ As the period progressed, so the possibility of power becoming concentrated in the hands of a few was further checked. However, the creation of a set of professional men employed both by the Town Council and Police Commissioners meant that certain individuals could still dominate aspects of the administration.⁶⁵

Other provisions of local acts were of importance, especially those relating to lodging houses,⁶⁶ fire engines,⁶⁷ and vagrants,⁶⁸ all of which showed the town reacting to changing circumstances. More significant was that men of influence within Glasgow began to undertake important advances 33 years before reforms were accepted at national level. The local Police Acts of

Glasgow made the men in charge more accountable, they could be sued by their successors for misconduct, fraud was discouraged by annual accounts, and the introduction of weighing machines for coal, butter, hay, and straw meant that commercial fairness was ensured. People entrusted these men with their money, and this trust was repaid with the attempt to create a better lifestyle for all, not merely for those who could afford it. Glasgow used its local acts to respond to problems as the circumstances demanded; it was not afraid to accept that a situation required remedying and would set out to rectify it. This is what made Glasgow of such interest in the study of urban areas during the nineteenth century.

The acts of Anderston, and Gorbals.

Just as Glasgow had in 1843, both Anderston and Gorbals repealed all their previous acts and set about creating a new standard of police legislation.⁶⁹ Indeed the three acts were passed within twelve days of each other.⁷⁰ However, were the acts virtually the same, or had these burghs attempted, and achieved, a different outlook from that of Glasgow? One of the most important points to remember is that after 1800, none of these local acts were created in a vacuum and knowledge of what powers were being legislated for in other areas must have had some bearing upon their shape, yet they still managed to retain their own character through original clauses. Thus, although many areas of legislation could have been lifted verbatim from any of the acts and placed in another one, there were areas of innovation. These provide an insight into why burghs continued to pursue local acts, especially after the general acts of 1833, and 1850.⁷¹

One of the most striking aspects about the first Gorbals Act in 1808,⁷² and the first Anderston Act in 1826,⁷³ was that both stated that the need for establishing a municipal administration was primarily due to the increase in inhabitants, and their "...vicinity to Glasgow...".⁷⁴ Thus the influence of Glasgow may be seen at the very earliest stage. What of the franchise? In Anderston, this was set in 1826 at all male householders aged over 21 years, who were burgesses of the burgh; but the 1843 Act changed this to all L.10 householders.⁷⁵ The Anderston Acts did state, however, that no man over the age of 70 years could be compelled to act as a Commissioner, and set penalties for those qualified who refused to accept office. Gorbals was more

specific in its franchise. This was set by the 1808 Act at L.5 householders, whilst to be elected a Commissioner one had to be a L.10 householder. This franchise was more liberal than Glasgow, yet it was set just eight years after the first Glasgow Act, and one year after the second. Gorbals, Anderston and Calton were predominantly weaving towns and the level of franchise would have been set to include the more 'respectable' members of these societies. To have adopted a franchise similar to Glasgow would have drastically reduced the number of inhabitants entitled to participate in the Police Commission. This lack of uniformity across Scotland prompted a debate throughout the early 1830s, when it was decided that the level of franchise should be set at L.10 nationally. Opponents argued that this was too high for many Scottish burghs, and consequently many respectable inhabitants were being unfairly denied the vote. Within Gorbals the franchise remained at L.5 under the 1823 Act, but the qualification to be elected rose to L.15 householders if there were 30 or more men so qualified within the ward, and if not it remained at L.10 householders.⁷⁶ By 1843, the franchise was raised to L.10 householders, provided they were so qualified for at least one month prior to their election. This was probably a reaction to the 1833 general act. Although Glasgow transferred responsibility for making up lists of voters to surveyors from Commissioners in 1807, both Gorbals and Anderston failed to do this until 1843.

The number of wards and Commissioners in each burgh, did of course differ from Glasgow, yet neither Gorbals nor Anderston chose to adopt weekly meetings.⁷⁷ Instead they met four times annually, although additional meetings could be held if requested. Obviously, these areas did not feel they required the same day to day approach which Glasgow was beginning to adopt. The volume of business did not make more frequent meetings necessary. The second Anderston Act specifically stated that Commissioners were not entitled to make a profit out of their presence in office, and set penalties to guard against this. The civic ideal, that one should serve for the benefit of the community, and not for personal gain was enshrined in legislation. Both burghs adopted penalties for those refusing to accept office from their earliest acts.

From the acts it was apparent that the method of election varied. Anderston

favoured a show of hands in the Burgh Court House, to elect five Commissioners, who acted alongside the Provost, Bailies, Treasurer, and Councillors, of the burgh to put the acts into operation. On the other hand, Gorbals elections followed similar lines to Glasgow up until 1843, when it was replaced by a show of hands taken at a meeting on the day of election in each ward. If this show of hands was not unanimous, then a poll election could take place. In this case the name of the elector, and the person voted for would be entered in a book. Although many of the actual duties of Commissioners were similar, neither Anderston nor Gorbals felt compelled to follow the lead of Glasgow and have more than one Commissioner for each ward. Obviously the smaller burghs felt they were adequately prepared to meet the challenges of administration.

The problems of raising assessments in order to finance the acts provisions, encouraged burghs to adopt various solutions. Anderston favoured a flat rate assessment, which did not exceed 1s in the pound of property valued at L.3 upwards, whereas Gorbals followed the lead of Glasgow and adopted a sliding scale (tables 2.4 and 2.5). Both burghs levied a tax on hand loom weavers, of 6d in the pound, but this ceased in 1843.⁷⁸ Both areas had twice yearly assessments, in order that houses which became occupied after the first survey still contributed, and they also adopted similar regulations to Glasgow concerning the temporary residence of travelling merchants, salesmen, auctioneers, etc.

Table 2.4 - Assessments under the 1807 Gorbals Police Act.

| Rent/Value of Property | Assessment (not exceeding) in the pound |
|------------------------|---|
| L.2 - L.4* | 6d |
| L.4 - L.6 | 8d |
| L.6 - L.9 | 10d |
| L.9 upwards | 1s |

*In 1823 this was raised to L.3 - L.4.

Table 2.5 - Assessments under the 1843 Gorbals Police Act.

| Rent/Value of Property | Assessment (not exceeding) in the pound |
|------------------------|---|
| L.4 - L.9 | 10d |
| L.9 upwards | 1s 2d |

All the burghs possessed similar legislation regarding lighting. Street lighting was contracted out, and penalties were set for any breakages. The acts stated that Commissioners had no duty to light private streets, or areas where no assessment was levied. Both the 1823 Gorbals Act, and the 1826 Anderston Act contained clauses which specifically dealt with the problem of gas escaping from pipes laid for the lighting of streets, and infecting the water supply. This enactment was not found within the Glasgow Acts. Gorbals Acts from 1808 onwards, legislated for the digging of wells, the making of pumps, etc., in such a manner as the Commissioners "...think most proper and advantageous for obtaining an additional supply of water for the use of the inhabitants..."⁷⁹ These statutes were not present within either Anderston nor Glasgow's legislation, which shows Gorbals was concerned about possible water problems, and therefore incorporated solutions within its local acts.

One marked difference between the suburban burghs and Glasgow was the commitment of Commissioners in Gorbals and Anderston to public health, and an awareness of sanitary problems from the very earliest acts. Under the 1808 Gorbals Act, provisions were made to compel works where the machinery was driven by steam to construct flues or furnaces to consume their own smoke. Failure to comply meant two or more bailies could order the work to be done, and then charge the expense to the proprietor. This act also stated that works were to have any refuse water carried off by drains and sewers properly covered and secured. Both clauses were reiterated by the 1823 Act, which went further and allowed Commissioners to provide common sewers in any of the streets and passages of the burgh. However, the 1843 Gorbals Act was of greatest importance, for this gave Commissioners powers to purchase, and demolish, buildings in order to create better ventilation, and thereby improve the health of the community. The act also provided for lodging houses to be disinfected and cleansed to prevent the spread of contagious diseases, and inhabitants of the said houses were to be washed and cleansed. All measures were to be taken to prevent the spread of diseases, which suggests people were to be forcibly cleansed.

Concern for the better sanitation of burghs was also found within the acts of Anderston. Not only were they concerned with cleaning streets and making

drains, Commissioners tried to ensure the well-being of inhabitants within the home, not merely within the burgh. The Anderston Act of 1826 enacted that in order to prevent contagious diseases from being prevalent within the district, the Provost and Bailies were entitled to order dunghills to be raised to prevent stagnant water collecting, and to have them enclosed; and to have the insides of houses whitewashed with quick-lime. If the proprietor was unable to pay for this, the expense was to be defrayed from money raised under this act. Obviously Commissioners were keen to improve the condition of the burgh, and if this meant having to pay for it from assessments, they were quite willing to do so. The 1843 Act in Anderston allowed the compulsory purchase and demolition of buildings to create a healthier environment. Commissioners of Police in both Gorbals and Anderston seemed willing to face the problems of sanitation which were prevalent in the first half of the nineteenth century, and were quite prepared to make legislation designed to control the spread of disease. Police Commissioners believed that in order to improve the morality of the individual the environment had to be regulated. The overcrowded conditions which existed within these areas, and the close proximity to the factories and mills which were situated in Anderston and Gorbals, rather than Glasgow itself, meant that legislation was required in order to respond to the growth of urbanisation, and its resultant problems.

Undoubtedly, however, the area of policing was of great importance, especially as many perceived the rate of crime to be on the increase. Significantly, the burghs tended to follow the lead of Glasgow, which led to co-operation between the areas over the apprehension of offenders. In both Gorbals and Anderston Acts of 1843 it was stated that;

...nothing herein contained shall be deemed or construed to exempt or exclude the limits over which this Act extends from the operation of any general act for the regulation of criminal police of the City of Glasgow, and the adjoining districts, which may be passed during the present or any future session of Parliament.⁸⁰

Therefore, although the idea of amalgamation with Glasgow was not popular, the concept of greater links within the criminal police was accepted as inevitable if crime was to be successfully tackled. Provisions were basically the same, allowing for the appointment of officers, bail for offenders, penalties

for those who assaulted or molested or obstructed officers during their hours of duty, and the erection of iron gates to prevent the easy escape of offenders, plus many others. Both Anderston and Gorbals acts did, however, allow for the borrowing of money in order to build a bridewell,⁸¹ court house and gaol,⁸² to house their own offenders, rather than pay for them to be lodged in the county bridewell. Books were kept by both burghs recording the charges and sentences of offenders, along with a list of Special Constables. These acts laid out provisions for the appointment of other officers, notably clerks, treasurers, collectors, and surveyors; here too the clerk and treasurer were not allowed to be the same person, and the treasurer and collectors had to find sufficient security before they could accept office. Yet these burghs established the concept that police officers should account for any monies which might come into their possession, and submit annual written reports. This was not required in Glasgow, probably due to the larger scale of operation which required a different form of approach.

Both Gorbals and Anderston adopted local police acts which closely resembled those of Glasgow, but it would have been surprising if this had not been the case. It would be unfair to claim they were mere copies of the Glasgow acts since this was clearly not true. Local acts passed in these burghs were definitely reactions to acts already passed, but they were also original in many areas; provisions over public health being perhaps the most important difference (as will be discussed later). In many ways the problems were similar to those faced by Glasgow, yet the acts were deliberately different due to the size of the burghs; they had problems on a smaller scale than Glasgow. The prospect of amalgamation must also have had an influence upon the legislators of the smaller burghs.

The Calton Acts.

The major, and most obvious difference between the acts concerning Calton and the village of Mile-End, with the acts already discussed, was that Calton did not repeal its former acts and create a new one in 1843. Instead, it added new provisions to its existing act of 1819⁸³ in an act passed on 14 April 1840.⁸⁴ Whereas Anderston and Gorbals were willing only to adopt closer links with the criminal police of Glasgow, Calton appeared to countenance

closer municipal ties. The 1840 Act stated:

...that nothing herein contained shall be deemed or construed to exempt or exclude the said burgh of Calton, as described by the boundaries of the Act, from the operation of any act which may hereafter be passed for establishing a uniform and general system of police applicable to the whole boundaries to which the Parliamentary franchise of the city of Glasgow extends.⁸⁵

This may explain why a completely new act was not forthcoming at this point. Instead of attempting to prove its independence of character, it was perhaps paving the way for a smooth transition to municipal amalgamation.

Calton adopted a L.5 franchise under the 1819 Act, but abandoned this in favour of L.10 householders by the 1840 Act. This might have been influenced by the Glasgow Acts, but it was more likely to have been the result of the general reform of 1833 and the Reform Act of 1832 which had standardised voting requirements. Both Anderston and Gorbals had adopted a L.10 franchise after this date. Calton and Glasgow both followed the same methods of election; and Calton altered its date of elections from the first Monday in October to the first Monday in August.⁸⁶ The date of balancing the burgh accounts also moved, to allow inspection prior to the election. Thus Calton created a situation whereby if amalgamation did occur, the minimum amount of disruption would be felt within the burgh.

Calton sought to create an efficient system of police, and thus it emulated successful policies which had been adopted in Glasgow. In 1840 it followed the lead of Glasgow and adopted provisions to allow the County Statute Labour Assessment and Conversion Money to be levied and applied by the Police Commissioners, rather than have two bodies doing a similar job. Both Glasgow and Calton realised one organisation could be more efficient than two. This was not accepted by central government until the general Amendment Act of 1847, which allowed the powers of the Police Commissioners to be vested in the Town Council and Magistrates of the participating burghs.⁸⁷ The idea that one body would be more efficient than two, may also have influenced Calton with regard to amalgamation with its larger neighbour. However, Calton never altered its assessment to match that of Glasgow (see tables 2.2 and 2.3); instead, it preferred to retain a flat rate of 1s in the pound on all property valued at over L.2 per annum.⁸⁸

Calton, believed that a change in the assessment would not benefit the burgh, particularly because it contained fewer inhabitants with property worth L.4 and upwards. Ultimately the local acts of Calton were passed because the inhabitants of the burgh still felt that only a smaller unit could meet their needs.

Enactments relating to lighting, cleansing, and paving were very similar to those in the other burghs, primarily because of the decision that people should pay for these services. Failure to pay the assessment could result in the withdrawal of the service. Conversely, if they received no benefit they were exempted from the tax. Calton Commissioners adopted regulations for foot pavements in both acts, which were similar to those of Anderston and Gorbals. Provisions for cleansing, and lighting the burgh were similar in both the acts. The 1817 Act "...for lighting the City and Suburbs of Glasgow with Gas, and for other purposes relating thereto",⁸⁹ allowed greater regulation; all the burghs could now benefit from gas lighting, and this led to improved standards. Calton's Acts did not contain provisions for dealing with the possibility of gas escaping and infecting water pipes or other forms of water, unlike Anderston and Gorbals. This suggests either different priorities, or better maintenance.

Cleansing, and provisions for public health were again areas of significance in this burgh's legislation. All the suburban burghs paid particular attention to this whereas Glasgow did not. One reason for this may be the closer proximity in these areas of factories and mills to the inhabitants, and also the large numbers of hand loom weavers. Calton allowed for common sewers and watercourses to be made to improve sanitation from its first act. This sought,

...to prevent contagious diseases from being prevalent within the said district, by want of cleanliness in the Houses of the poorer inhabitants, and by dunghills being dug lower than the surface of the surrounding ground, and being allowed to remain for a long time...⁹⁰

Therefore, even at this early stage people were beginning to question whether poor living conditions in the burgh were responsible for the spread of disease. By the 1840 Act, Commissioners were concerned about the spread of infection through lodging houses, and took precautions against this.

Provisions to build a new slaughter-house in the burgh contained regulations for the disposal of waste, and the decision to site this away from existing houses showed public awareness in health matters had increased. Although Glasgow did not use its local acts to obtain legislation regarding health, and the surrounding burghs did, this did not mean it was unequipped to deal with the problems of urbanisation, as shall be discussed more fully in later chapters.

The area of policing shows that all the burghs followed the same regulations, which helped make co-operation within the boundary of the parliamentary constituency more effective. Provisions stated the treasurer and clerk could not be the same person; keeping the offices separate prevented the possibility of abuse. Calton produced regularly balanced books, which were available for consultation by ratepayers. From the beginning, the Police Commissioners of Glasgow and its surrounding burghs accepted the principle that if people contributed financially then they had a right to examine their accounts, and question their spending. All four burghs allowed the prosecution of former Commissioners if they were found to have misused public funds. This legislation meant that Commissioners within these Police burghs avoided the embarrassment of financial difficulties, which had occurred in some traditional Royal burgh councils within this early period. Basically, the Calton Act of 1819 incorporated many forward thinking statutes and these were supplemented by the Act of 1840. Calton always seemed to push for co-operation between the areas; within the 1819 Act it stated the Superintendent of Police was to apply to the Sheriff of Lanark for a warrant to apprehend offenders who were no longer within the limits of the burgh. The acts were of importance, they showed Calton was coming to terms with the growth of the burgh, and it appeared more willing to consider the prospects of amalgamation than any of the other police burghs looked at, except, of course, Glasgow.

The Amalgamation Act of 1846.⁹¹

Glasgow's plans for municipal expansion were apparent throughout the early part of the nineteenth century. This came to a head in 1844 when Anderston tried to gain the lucrative lands of Woodside, which at the time had no burgh administration. Glasgow opposed the plans, and the government, which was

overwhelmed by private legislation - and had already passed three private acts for the Glasgow area in the previous session - sought a solution, which ultimately meant amalgamation. By July 1846 this had become a reality. Neither Gorbals, nor Anderston had been keen on the idea, despite claims that a larger municipal area would improve local administration. This probably influenced the decision of the government to amalgamate the areas if they would not do so themselves. Ultimately though, it was the Glasgow Town Council which was the driving force behind the merger, as it wished to see the Police Boards disbanded, as the Council believed them to be hotbeds of radicalism. The Parliamentary boundary set in 1831-2 was an ideal area in which to create one administration, and yet four separate authorities had existed from 1826 when Anderston obtained its first Police Act. The Amalgamation Act succeeded in creating one administrative unit for the whole area.

Significantly, the 1846 Act was basically the 1843 Act for Glasgow, with certain alterations and amendments. Powers were transferred from the Board of Commissioners, and vested in a Committee of Magistrates, and the Council of the City. The Police Boards now ceased to exist, and all the powers were transferred to the Police and Statute Labour Committee of the new Glasgow Town Council. The Police Board of Glasgow was later said to have "...passed away with respect, but without regret..".⁹² In fact, the Town Council of Glasgow had been trying to gain control of the Police Board from the beginning of the 1840's. The Council felt the electorate returned "ideologically suspect" Commissioners, and amalgamation offered an opportunity to remove them.⁹³ Many of the Police Commissioners were tradesmen, and several were Catholic, all of which added to the unease felt by the Town Council. Indeed of the Commissioners who served between 1840-42, 39% were tradesmen, compared to only 16% who were merchants.⁹⁴ All the other acts relating to Anderston, Calton, and Gorbals were repealed. The area within the parliamentary boundary, as set out under the 1832 Act, was divided into 16 wards or districts, each returning three councillors⁹⁵ (appendix 2). The total number of councillors was to be 50; the Dean of Guild and Deacon Convener completing the total. Elected councillors chose a Lord Provost and eight Bailies from their own ranks as Magistrates. Added to these was one councillor from each ward, to be the

Trustees responsible for carrying out the provisions of the act. In each of the 16 wards the senior councillor was to retire each year, and elections were held as directed by the 1833 Act, "...to alter and amend the laws for the election of Magistrates and Councils of the Royal Burghs in Scotland",⁹⁶ with a franchise of all male L.10 householders, provided they lived within seven statute miles of the city, and had done so for the previous six months. The provisions were not original, but they were designed to meet the needs of the burghs, and all had previously raised their franchise to match that of the 1833 general act.

Perhaps the biggest problem facing the legislators in 1846 was how to combine all four areas effectively, thus the decision to adopt most of the 1843 Glasgow Act was wise. The provisions of the 1843 Act had been designed to last for 21 years, and to go to further expense just to enact similar legislation was unnecessary. Instead new amendments were added to deal with the new problems of a larger municipality. Some areas were obviously in need of reform. For instance, Glasgow had started to remove petty customs from 1837, therefore the 1846 Act abolished these, and toll bars were set beyond the boundary limits. This meant local trade was no longer hampered by petty taxation. At the same time the act did not infringe the rights of burgesses, freemen, crafts and corporations, who were entitled to enjoy all the privileges they would have done if this act had not been passed. The 1846 Act also compensated those who lost specific rights due to the repeal of certain acts; thus the Police and Statute Labour Committee paid the Trustees for Statute Labour Roads in Govan a sum of money equal to the portion lost due to the annexing of Gorbals to Glasgow. This act was important, for it showed the difficulty of creating one system of administration from four. It was, in the end, perhaps, a triumph for diplomacy.

Nevertheless, this act did restate some basic aims of earlier acts; it was not merely concerned with combining them. This comes through in clauses 42 and 46 concerning the paving of streets and foot pavements. Legislators were keen to ensure people contributed to the cost of maintaining their society, but they could not afford to take responsibility for all areas immediately; instead, they initiated a survey of the burghs. Once the survey was made, the trustees refused to relieve any street of its burdens, or take it

into public hands, until the proprietors ensured it met a certain standard. Pavements remained the responsibility of proprietors. The act adopted the clause which allowed the compulsory purchase and demolition of buildings to widen streets, in order to create a healthier environment. This was undoubtedly a concession to the burghs of Anderston and Gorbals, but it showed the legislators' willingness to compromise, and incorporate effective clauses from other acts.

The question of finance remained important, because with the ending of the Police Boards, power appeared now to rest in fewer hands. Yet, it would have been easy for legislators to create too large a council, making it cumbersome, and unwieldy. In order to allay these fears, the 1846 Act paid a lot of attention to financial matters. As well as restating that the treasurer or collector was required to find sufficient security, police officers and others were now to produce an annual written statement, and account for any money which had been in their possession. Strict penalties were to be enforced if anyone failed to comply. More important was the decision that the accounts were now to be annually audited by an independent assessor. This was designed to set the minds of the populace at rest. By opening the accounts, not only to the untrained eye of ratepayers, but also to the professional inspection of the auditor, the council and trustees placed themselves above suspicion. Bell and Paton stated that the 1800 Act had allowed the concession that "...rating and representation go hand in hand..",⁹⁷ and this was reiterated by the act of 1846. The amalgamation act of 1846 set a new standard for others to follow.

However, the 1846 Act was not merely, the end of an era, in many respects it was also the beginning of one. Legislators realised there remained a lot still to do, especially in the area of sanitation; but the Act of 1846 allowed the Police and Statute Labour Committee to borrow up to L.30,000 to put provisions into operation. The amalgamation act allowed the Sheriff of the County of Lanark to apply to the Lord Provost of Glasgow for a force of police, if needed, to serve in the county districts. The police in Glasgow, and the surrounding burghs had been growing since 1800, and closer ties had been sought regarding criminal police. Thus, it was expected the uniting of the more general aspects of police would help encourage the creation of a

more law-abiding society and better standards of living. These burghs continued to seek local police acts to deal with their problems throughout this period despite general acts being passed by the Government in 1833 and 1850. Glasgow, Anderston, Calton, and Gorbals possessed many forward-thinking ideas in their local acts, thus the decision not to adopt the general acts may have been due more to local pride than any inadequacies in the general acts themselves.

Moves were undertaken to reform the administration of burghs and towns in the localities, and latterly by central government throughout the first half of the nineteenth century. From the later part of the eighteenth century, the movement to achieve burgh reforms had been growing due to the perceived corruption within the corporations, and their acknowledged lack of accountability. In areas where the council was self-perpetuating, there was often no means for the ordinary inhabitants to question the running of the burgh, or the state of finances. It had become apparent that some form of responsibility had to be imposed upon those in power. This desire was a major stimulus in the establishment of local Police Acts at this time.

The acts were mostly positive. No longer could men treat office as a means of establishing themselves, it became a place in which to achieve the best for the whole community. Particularly within Glasgow, the need to improve the environment was a predominant feature of the new Police Commissioners from the first act. This act, and later ones, found a new confidence amongst the Commissioners, and an almost paternalistic sense of responsibility which attempted to create a pleasant society for all to live in. Local acts were proof of the realisation that there were problems which the burghs had no adequate mechanism to deal with; but they were reluctantly prepared to provide finance in order to find solutions, in some cases from an early stage.

Although there were many similarities between the local acts, and later with the general police act from 1833, they continued to be of importance because they allowed areas to deal with local problems. Therefore, a local act could differ slightly, and still be preferable because it legislated for the specific community. As Geoffrey Best stated;

...motives of local pride and independence often urged

municipalities to shape and pay for their own statutes. The best argument for doing so was that they could thus attend properly to local needs that were bound to vary from place to place.⁹⁸

Certain areas did have their own motives for pursuing a local act, rather than a general one. Indeed, when Glasgow published its 1843 Act, it was accompanied by an introduction from John Burnet, the clerk of Police at the time, and he wrote, (of the act),

It would be presumptuous to assent that it is faultless; but whatever may be said of some of its provisions, it is to be hoped that this at least may be said of it generally, that it is as full and comprehensive as any similar measure that has yet passed the legislative.⁹⁹

Thus, a good deal of civic pride had developed based upon the acts of Glasgow, and other burghs.

Within the local acts examined here, the legislators set out to deal with specific problems, and prevent further ones arising. These were not random pieces of legislation. The men who formulated local acts sought to create a new type of environment within which the individual could flourish in a way that would make him better able to respond, develop, and contribute to the overall good. The Glasgow, Calton, Anderston, and Gorbals "City Fathers" appear to have been men touched with both the enlightened and the evangelical message; they wanted to improve their society in the hope that this would lead to an improvement of the individuals within the area.

1 - Jose Harris, "Society and State in twentieth century Britain", 63-117, in *The Cambridge social history of Britain 1750-1950*, vol 3, ed F M Thompson, Cambridge 1990.

2 - *An Act to alter and amend the laws for the election of Magistrates and Councils of the Royal Burghs of Scotland*, 3 & 4 William IV, cap 76, and *An Act to provide for the appointment and election of Magistrates and Councillors for the several burghs and towns of Scotland which now return or contribute to return members to Parliament and are not Royal Burghs*, 3 & 4 William IV, cap 77.

3 - see for instance, Norman Murray, *The Scottish handloom weavers, 1790-1850: a social history*, Edinburgh 1978, who argues that during the repression of the 1790s handloom weavers kept ideas for reform alive.

4 - see Anand C Chitnis, *The Scottish Enlightenment and early Victorian English society*, London 1986, and Bernard Aspinwall, *Portable Utopia: Glasgow and the United States 1820-1920*, Aberdeen 1984.

5 - Anand C Chitnis, *The Scottish Enlightenment, a social history*, London 1976, p219.

6 - see Stefan Collini, "The idea of 'character' in Victorian political thought", 29-50, in *Transactions of the Royal Historical Society*, fifth series, 35, 1985, and Boyd Hilton, "Chalmers as a political economist", 141-156, in *The practical and the pious: essays on Thomas Chalmers (1780-1847)*, ed AC Cheyne, Edinburgh 1985.

7 - Stevenson Macgill, *Discourses and essays on subjects of public interest*, Edinburgh 1819,

p391.

8 - Boyd Hilton, *The Age of Atonement: the influence of Evangelicalism on social and economic thought, 1795-1865*, Oxford 1988, p187.

9 - L J Saunders, *Scottish Democracy 1815-40: the social and intellectual background*, Edinburgh 1950, p112.

10 - *Report from the Select Committee appointed to inquire into the extent, causes, and consequences of the prevailing vice of intoxication amongst the labouring classes of the United Kingdom, in order to ascertain whether any legislative measures can be devised to prevent the further spread thereof*, 1834, GUL microfiche (559)viii.315.

11 - A Chitnis, *The Scottish Enlightenment and early Victorian English society*, p167.

12 - Kit Carson and Hilary Idzikowska, "The social production of Scottish policing, 1795-1900", 267-297, in *Policing and prosecution in Britain, 1750-1850*, ed Douglas Hay and Francis Snyder, Oxford 1989, p271.

13 - Stewart J Brown, *Thomas Chalmers and the Godly Commonwealth in Scotland*, Oxford 1982, p122.

14 - *ibid*, p151.

15 - *ibid*, p201.

16 - 2 & 3 William IV cap.65

17 - L.10 householders in burghs.

18 - William Ferguson's figures in *Scotland: 1689 to the present*, Edinburgh 1968, p290.

19 - The new voting requirements can be found in detail in John Hill Burton, *Manual of the law of Scotland, civil, municipal, criminal, and ecclesiastical; with a practical commentary on the mercantile law, and on the powers and duties of Justices of the Peace and other Magistrates*, Edinburgh 1839.

20 - Arthur Connell in , *A treatise on the election laws in Scotland*, Edinburgh 1827, states, " By the law of Scotland, the election of the representatives of the Royal Burghs in Parliament is vested in the Magistrates and Town Council in the respective burghs, either directly or through the intervention of delegates chosen by these bodies", p403.

21 - The acts of 1833 were *An Act to enable Burghs in Scotland to establish a general system of Police*, passed 14 August 1833, 3 & 4 William IV cap.46; *An Act to alter and amend the laws for the election of Magistrates and Councils of the Royal Burghs in Scotland*, passed 28 August 1833, 3 & 4 William IV cap.76; *An Act to provide for the appointment and election of Magistrates and Councillors for the several burghs and towns of Scotland which now return or contribute to return members to Parliament and are not Royal Burghs*, passed 28 August 1833, 3 & 4 William IV cap.77.

22 - 5 James III cap 30.

23 - Select Committee 17 June 1793, p24, "From a consideration of the different authorities and papers produced, it appears, that from a very early period after the year 1469, when a new mode of electing the Magistrates and Common Council was introduced, by which the Old Council was authorised to chuse the New, the administration of the affairs of the Royal Burghs appears to have been a matter of great and frequent complaint, in several of the Royal Burghs as repeatedly declared by the Parliament, and by the executive Government of Scotland, by the Union of Rights, by supplication of individual burghs to the General Convention, and by the Acts of the General Convention itself..."

24 - Eliza Dawson Fletcher, *Autobiography of Mrs Fletcher, with letters and other family memorials*, 2nd edition, Edinburgh 1875, p65.

25 - Select Committee of 17 June 1793, reprinted 23 April 1819, vol.vi.

26 - Select Committee 1819, p35.

27 - Select Committee 1821, p8.

28 - Select Committee Report 1821.

29 - 13 & 14 Victoria cap.33, *An Act to make more effectual provision for the Police of Towns and Populous Places in Scotland, and for paving, draining, cleansing, lighting and improving the same*, passed 15 July 1850.

30 - The burghs which had adopted local acts included 10 Royal Burghs - Glasgow (1800),

Edinburgh (1822), Inverness (1808), Dumfries (1811), Dunfermline (1811), Kirkcaldy (1811), Perth (1811), Dingwall (1824), Dundee (1824), and Aberdeen (1829); 7 Burghs of Barony or Regality, later to be Parliamentary Burghs - Greenock (1773), Port Glasgow (1775), Paisley (1806), Kilmarnock (1810), Peterhead (1820), Airdrie (1821), and Leith (1771); and 7 Burghs of Barony - Borrowstouness (1816), Calton (1819), Alloa (1822), Bathgate (1824), Dalkeith (1825), Anderston (1826), and Gorbals (1808).

31 - *At a meeting of the Committee of Heritors and Burgesses upon the Police Bill business, held on the 19 day of February 1790*, SRA C2/1/1/174, p176.

32 - *Answers for the Magistrates and Town Council of Glasgow to the Proposals of the Committee of Heritors and Burgesses dated 19 of February 1790 for making certain alterations on the police bill*, SRA C2/1/1/181, p185-6. It was argued that "A person who possesses or is proprietor of a house of forty shillings of yearly rent is as much interested in the amount and nomination of the commissioners as one who has a house of L.200 of yearly rent, because his forty shillings is as great a proportion of his income and is an object of equal importance to him as L.200 is to the other..."

33 - *ibid*, p190-1.

34 - *ibid*, p181-2.

35 - Glasgow Corporation, *Municipal Glasgow: its evolution and enterprises, with a preface by DM Stevenson*, Glasgow 1914, GUL Mu25-e.48, p287.

36 - *Scheme for regulating the Police of the City of Glasgow: suggested by the general sense of citizens that some such regulations are absolutely necessary; and which, it is hoped, may form the ground-work of a Plan of Police, as agreeable to the views of all parties, as the nature of that necessary establishment will permit*, Glasgow 1792, GUL Mu24-y.1., p4.

37 - *Heads of a Bill for regulating the Police of the City of Glasgow*, Glasgow 1792, GUL Mu24-y.1.

38 - *Remarks on the resolutions of the Committee of Heritors and Burgesses upon a Plan of Police, by A Citizen*, Glasgow 1792, GUL Mu24-y.1., p1.

39 - Theodora Keith "Municipal elections in the Royal Burghs of Scotland, from the Union to the passing of the Scottish Burgh Reform Bill in 1833", 266-278, *SHR*, 13, 1916, p277.

40 - 39 & 40 George III cap.88 *An Act for extending the Royalty of the City of Glasgow over certain adjacent lands; for paving, lighting, and cleansing the streets; for regulating the Police, and appointing Officers and Watchmen; for dividing the City into wards, and appointing Commissioners; and for raising funds, and giving certain powers to the Magistrates and Council, and Town and Dean of Guild Courts, for the above and other Purposes.*

41 - 47 George III (Sess.2) cap.39, passed 1 August 1807; 1 & 2 George IV cap.48, passed 7 May 1821; 11 George IV cap.43, passed 29 May 1830; 7 William IV cap.48, passed 8 June 1837; 6 & 7 Victoria cap.99, passed 17 August 1843.

42 - 47 George III (Sess.2) cap.39, passed 1 August.

43 - 6 & 7 Victoria cap.99, clause 283.

44 - 39 & 40 George III cap.88, clause 59.

45 - 7 George IV cap.43, clause 3.

46 - 3 & 4 William IV cap.46, clause 27.

47 - 6 & 7 Victoria cap.99, clause 28.

48 - 6 & 7 Victoria cap.93, passed 10 August 1843, clause 223.

49 - 3 Victoria cap.28, passed 14 April 1840, clause 9.

50 - 7 George IV cap.119, passed 26 May 1826, clause 3.

51 - 6 & 7 Victoria cap.105, passed 22 August 1843.

52 - 3 & 4 William IV cap.76, passed 28 August 1833, clause 1.

53 - 3 & 4 William IV cap.77, passed 28 August 1833.

54 - 2 & 3 William IV cap.65, passed 17 July 1832, clause 11.

55 - The Act of 1843 added the proviso that this penalty could not be incurred by the refusal or neglect of those who had already held office for one year, and if forfeiture was paid then the person was not liable to accept office for seven years.

56 - A bill was promoted for regulating police in the city of Glasgow in 1790, but the rating

powers caused so much opposition that it was not passed until 1800.

57 - All travelling merchants, auctioneers, hawkers, pedlars, and others who took up temporary residence within the limits of the act in Glasgow were liable to pay assessment, and if for more than six months due the full assessment under the 1821 Act.

58 - For every entire period of three months that a building was shown to be empty, a deduction of the annual assessment was allowed, except if used for temporary residence by travelling men, auctioneers, etc., they are liable to pay one quarter of the annual assessment if they stay less than three months, one half if less than six months, three quarters if six to nine months, and full amount if they stay for over nine months, under the provisions of the 1843 Act.

59 - 39 & 40 George III cap.88, clause 58.

60 - Penalties were L.2 for first offence, L.3 for second offence, and L.5 for third and subsequent offences, or confinement to jail for not exceeding two months.

61 - Contracting for gas lighting under the act 57 George III cap.41, passed 16 June 1817, *An Act for lighting the city and suburbs of Glasgow with Gas and for other purposes relating thereto*.

62 - Irene Sweeney, "The municipal administration of Glasgow, 1833-1912, public service and the Scottish Civic Identity", unpublished thesis, University of Strathclyde 1990, p831.

63 - 39 & 40 George III cap.88, clause 48.

64 - This included all members of the clerks office, and all members of the treasurers office, it was an offence to hold office in both.

65 - see Sweeney's "Municipal administration of Glasgow, 1833-1912", for a discussion on the role of the town clerk in the later nineteenth century.

66 - Lodging houses were given a set of regulations, including the number of lodgers allowed, and these were to be displayed in each room. Owners were also to register any illness amongst lodgers in order to prevent against contagious diseases (1843).

67 - As the period progressed the Commissioners took more control of the fire engines, appointing a Superintendent of Fire Engines in 1807, and taking the management of fire engines under their control in 1821.

68 - A series of provisions against vagrants and beggars and the harbouring of them were passed during this period, from 1821 may be sent from the limits of the city to the parish they come from, and also a penalty if seen to be harbouring such a person. This ties in with contemporary efforts to limit the pressure on poor relief systems.

69 - Anderston Act of 1843, 6 & 7 Victoria cap.105, and Gorbals Act, 6 & 7 Victoria cap.93.

70 - Gorbals Act passed on 10 August, Glasgow Act on 17 August, and Anderston Act on 22 August 1843.

71 - 13 & 14 Victoria cap.33.

72 - 48 George III cap.42.

73 - 7 George IV cap.119.

74 - This is found in clause 1 of both the Gorbals and Anderston Acts.

75 - 6 & 7 Victoria cap.105.

76 - 4 George IV cap.71.

77 - Gorbals had 12 wards in 1808, five districts and 17 wards in 1823, and 18 wards in 1843, whereas Anderston adopted the wards of the town council.

78 - Gorbals levied this tax from 1823, and Anderston from 1826.

79 - 48 George III cap.42, clause 37.

80 - 6 & 7 Victoria cap.93, clause 224, and clause 256 of 6 & 7 Victoria cap.105.

81 - Provisions to erect a bridewell passed in 48 George III cap.42.

82 - Provisions to erect a court house and gaol in 7 George IV cap.119.

83 - 59 George III cap.3, passed 23 March 1819.

84 - 3 Victoria cap.28, passed 14 April 1840.

85 - 3 Victoria cap.28, clause 3.

86 - Glasgow had two sets of elections, the General Commissioners elected on the last Monday in July and the Resident Commissioners on the second Monday in August.

87 - 10 & 11 Victoria cap.39, 21 June 1847, *An Act to amend an act to enable burghs in Scotland to establish a general system of Police, and another act for providing for the appointment and election of Magistrates and Councillors for certain burghs and towns of Scotland*. This act also allowed burghs who had already adopted a Police Act to retain their Police Commissioners, although they could decide to invest the powers in their local Town Council instead.

88 - The 1840 Act changed this to all buildings rated at L.3 upwards.

89 - 57 George III cap.41, 16 June 1817.

90 - 59 George III cap.3, clause 10.

91 - 9 & 10 Victoria cap.289, passed on 27 July 1846, *An Act to extend the Municipal Boundaries of the City of Glasgow; to amend the Acts relating to the Police and Statute Labour of the said city and adjoining districts; and for other purposes in relation to the municipality and police of the said City*.

92 - Glasgow Corporation, *Municipal Glasgow*, p289.

93 - Irene Maver, "Politics and power in the Scottish city: Glasgow Town Council in the nineteenth century", 98-130, in *Scottish elites*, ed TM Devine, Edinburgh 1994, p110.

94 - For the list of men elected for 1840-42, with professions; see Glasgow Police Minute Books, SRA E1/1/19, and E1/1/20.

95 - The positions of general and resident Commissioners were abolished, and instead three Commissioners were elected, one retiring each year in order of seniority.

96 - 3 & 4 William IV cap.76, passed 28 August 1833.

97 - Sir James Bell & James Paton, *Glasgow: its municipal organisation and administration*, Glasgow 1896, p13.

98 - Geoffrey Best, "The Scottish Victorian City", 329-358, in *Victorian Studies*, XI, 1968, p335.

99 - John Burnet, *The Glasgow Police and Statute Labour Act, 6 & 7 Victoria cap99 passed 17 August 1843: with an introduction containing a narrative of the previous Police and Statute Labour Acts for Glasgow; and an appendix containing notices of the present Police Acts for Gorbals, Calton and Anderston - the acts relating to Glasgow Court House and Bridewell - prisons and prison discipline - houses of refuge - poors' rate - the consumption of smoke in public works - and the income and property tax*, Glasgow 1843, p ixv, SRA DTC 14/3/2.

Chapter Three - General and private legislation in Scotland, compared to England and Wales.

In order to understand the general legislation which was passed reforming the municipal corporations in Scotland, England and Wales during the 1830s it is useful to look back to the eighteenth century, and to the early private legislation. A movement for the reform of boroughs in England and Wales was able to gain momentum because many boroughs had tried to reform themselves, in some form, prior to any directive from the centre. Private legislation was important, for it provided the framework from which the general acts grew. Boroughs could no longer deal with the new emergent problems of a changing society within their present structure. Growing urbanisation meant more people were living in areas which had not been designed to cope with a large influx of population. The new problems required specific solutions. Private bills were a reaction to the failure of Parliament to recognise the problems, and attempt to deal with them. In the eighteenth century no reform of borough authorities in England, Wales, or Scotland, came from the centre. Thus an investigation is required to evaluate how borough reforms in England and Wales differed from those introduced in Scotland, either through private or general statutes.

Private legislation was not merely an eighteenth century phenomenon, although throughout the eighteenth and nineteenth centuries this form of procedure came very much to the fore. In fact private legislation had been established for several centuries. Most private acts had been presented by individuals for a particular purpose, such as divorce, or naturalisation; but the first act passed by a locality outside London was an improvement act obtained by Calais in 1548.¹ This set a precedent for others to follow. Prior to 1548 municipal bodies had sought the sanction of Parliament to supply water to boroughs; the first being granted to Gloucester in 1541-42.² However, not until the eighteenth century did the use of private acts by boroughs become widespread. Between 1719 and 1845 more than 4100 Inclosure Bills became law,³ and from 1700-1835 over 1100 Turnpike Trusts⁴ were set up, more than twice the number of all other statutory authorities, and five times the number of Municipal Corporations. Improvement bills really began with Liverpool in 1748 when Commissioners were established, even though the borough already

possessed a municipal corporation. This set a precedent because no longer did an unresponsive corporation prevent reform, rather a new and separate body could instead be established.

The adoption of private legislation was not cheap, and the associated costs had to be taken into consideration. Most boroughs did not have a large amount of capital to outlay on such a project, and this was one reason why a large number of reforms were obtained by people outside the municipal corporation. One method of finance was to obtain a loan and repay it from the rates after the bill was adopted. Costs had to be kept low because high rates understandably tended to neutralise the support from inhabitants. John Prest has recently stated the average cost of an unopposed bill in the 1830s was approximately L.1627,⁵ but not all were unchallenged, and some failed to gain Royal Assent. Indeed, in 1846 Liverpool was reputed to have spent over L.100,000 on private legislation in the previous decade.⁶ All this helps to explain why some boroughs continued to resist calls from inhabitants to reform.

Compounding the problems which existed over the financing of bills, were procedures which had to be followed within Parliament. The difference between private and public acts was enormous. Whereas public acts originated with a motion from a member, a private bill started with a petition from its promoters to Parliament. Public bills did not have to satisfy officials that Standing Orders had been complied with, whereas private bills did; failure could delay the schedule for passing through the Houses, adding to the costs involved. A public bill was usually referred to the Grand Committee after its second reading; only in exceptional cases was it sent before a Select Committee, whereas all private bills were referred to the latter. Finally, no fees were charged on public bills, but they were on private legislation, and had to be paid by the promoters. Borough improvement bills had an added expense; because they involved taxation they started in the Commons, whereas other private legislation went straight to the House of Lords. In order to prevent further expenses a borough bill had to be watertight, which meant a lawyer had to be engaged. By the nineteenth century only a select few lawyers dealt with private borough legislation, and they knew what would and would not gain approval. However, this specialised knowledge came at a price. The expense of private acts meant many precautions were taken to ensure

that private legislation passed first time, although not all did.

By examining the development of the private bill it soon becomes apparent that there was no real evolution. The bills did not occur in any coherent manner, instead they were initiated in reaction to situations as they occurred. Spencer stated, "The normal local act was not any of those which formed an actual chapter of the statute book, but it was the set of provisions to which at any period the local acts tended to conform, but which for local or personal reasons they seldom did entirely conform."⁷ Just as the franchise did not develop a wider base within private acts over time, so the acts themselves did not necessarily evolve as expected. The reason lay in how the needs of a community were perceived by the promoters of private legislation. One aspect of private legislation which remained popular was the establishment of Street Commissions. These were frequently found in areas where a municipal corporation was already in place, but was viewed as corrupt. In such cases the population often preferred to create a new body rather than give more powers to the existing authority. This process occurred throughout England and Wales. Street Commissioners were usually named in the first act, and then added to by co-option; the franchise was not necessarily wider, if present at all. In Birmingham the Street Commission, set up in 1769 with 50 named officials, had a property qualification, to be co-opted onto the board, of L.1000 in property, and a yearly contribution of at least L.15 in rates.⁸ Private legislation did not automatically create a democratic system, but it could lead to improvements which might not have been forthcoming otherwise. This type of reform spread as a result of the perceived success of boroughs which had adopted an improvement act. Neighbouring towns adopted private bills if they appeared to work in other parts of the country, and travelling merchants were an important source of new information.⁹ Over 200 Improvement Acts were passed in Parliament between 1785 and 1800,¹⁰ as local acts and practical reforms were adopted throughout the country.

Development of the private act, however, meant Parliament became overwhelmed by the pressure of legislation. Between 1800 and 1884 private acts outnumbered public acts by 18,497 to 9,556,¹¹ and the problem was exacerbated by the passing of Railway Acts from the 1840s. Parliamentary time became swamped by demands for private bills.

Governing parties reacted to this quickly, and began to introduce Model Clause legislation. The first such act was passed in 1782, "An Act for the better relief and employment of the poor",¹² but three significant acts were passed in 1828,¹³ 1830,¹⁴ and 1833.¹⁵ A model clause act was permissive; it set out the basis of an act which could be adopted at no cost by boroughs, thereby saving Parliamentary time, and borough finances. A model clause act set out solutions to various problems, could be adopted in whole, or in part, and was acknowledged legally. Private acts were not recognised, and either had to include a clause relating to this, or be specially pleaded in court. The model clause acts, especially 1828 for Ireland, 1830 for England and Wales, and the 1833 Scottish Police Act have been described by Prest as being, "...grounded in the belief that all over the United Kingdom good and active men existed, whose desire to take a lead in the improvement of their localities was being frustrated by a sinister interest of lawyers intent on maximising their fees from private bill legislation."¹⁶ These three acts set an example for private legislation to follow, and occurred in England and Wales five years before general legislation on boroughs was passed. However, model clauses did not stop the growth of private legislation, and, as in Scotland, local acts continued to be sought, for instance by Leeds in 1841. Nevertheless, model clause acts were an important development on the part of Parliament, a compromise between locality and centre.

Many boroughs had specific goals they wished to attain through private legislation, and one can see forward-looking ideas contained within the clauses. However, for many the bridge between legislation in theory, and actually putting the concept into practice, was never crossed. The expense of implementation was one reason for the failure of boroughs to act upon more innovative ideas. Despite many aspects of private legislation never being implemented they were still placed on the statute book, which has led Spencer to comment "...it is noteworthy that, taking normal and non-normal clauses together, precedents for most of the powers now commonly enjoyed by urban authorities can be found in the local acts passed before 1835."¹⁷

By using private improvement bills, boroughs sought to create a better environment within their boundaries. Most of the earliest acts were concerned with paving, cleansing, and lighting the streets, which led to

their description as Street Commissioners. Watching had not been prevalent in local acts during the early eighteenth century, although the traditional obligations upon inhabitants to keep watch had long fallen into disuse. The first clauses concerning a watch appeared in the neighbouring parishes of St Paul, Covent Garden, and St Anne, Soho, in 1736.¹⁸ After this date provision of watches became far more widespread throughout private legislation, and developed as the century progressed.

Local acts also paid scant regard to sanitary regulations during the eighteenth century, primarily because legislators did not perceive this to be a pressing concern. No connection was made between sanitation and health until the nineteenth century. Sanitary legislation reacted to, rather than prevented problems, primarily for two reasons; failure to foresee problems, and lack of finance. Each borough or town may have sought solutions to their own problems, but circumstances ensured that private legislation throughout the country gradually became more similar in style and content. Local acts remained important because they allowed change to occur within the localities prior to any movement in Parliament. A framework for improvement was established, but financial constraints meant very little of the theory was put into practice. Indeed, some aspects were not implemented at all in the early period, one example being sewers. These were a nineteenth century innovation, and are rarely mentioned during the eighteenth century. Promoters of legislation had to ensure that what they provided tallied with the public perception of what was actually needed; as McLarty states,

There is only one dominant concern - the public interest. The promoters of any private bill have to satisfy the committee that their proposals are sufficiently beneficial to the public to justify the committee in entrusting them with the special powers necessary to carry them out.¹⁹

Without the support of ratepayers, local bills were ultimately doomed, as was the case in Glasgow 1790. Private legislation in England certainly started earlier, and there was much more of it, but the fundamentals were similar to that passed by Scottish burghs.

The Scottish General Acts of 1833 and 1850.

14 August 1833 saw the passing of "An Act to enable Burghs in Scotland to establish a general System of Police",²⁰ the first major general reform of burghs in Scotland, and a victory for reformers who had called for change

from the late eighteenth century. This was supplemented by two acts passed on the 28 August 1833 which related to elections of Magistrates and Councils in Royal, and Parliamentary Burghs.²¹ Mackenzie has claimed burgh reformers concentrated their attack on "...the self-electing power of the Town Councils as the original fountain from which all other grievances and abuses were naturally and necessarily derived.",²² which now seemed to be at an end. However, reformers argued the new powers were not enough, a claim which seemed to be supported by the Royal Commission on Municipal Corporations of 1835. No amendment was passed, however, until 1847.²³ Three years later "An Act to make more effectual provision for regulating the Police of Towns and Populous Places in Scotland, and for the paving, draining, cleansing, lighting, and improving the same",²⁴ was passed, which has been identified as the major influence on local administration over the second half of the nineteenth century.²⁵ But general police acts continued to be ignored by many burghs, and as late as 1860 Glasgow adopted a new local police act rather than accept the provisions of the general acts. Despite the financial advantages of adopting a general act some burghs still preferred to retain their independent legislation for a variety of reasons, but primarily because they felt they could better meet the needs of their own community.

Both the Scottish general police acts of 1833 and 1850 were enabling acts; they were not mandatory, thus they had to include methods for adoption. Whereas local police acts were sponsored by the burgh - or inhabitants, who wished to adopt them - general acts had to provide clauses detailing the steps which were to be followed. Both acts had a franchise of all male L.10 householders, who were also entitled to decide whether or not the act was adopted by the burgh, for this was by no means a foregone conclusion. Perhaps the biggest obstacle was the reluctance of inhabitants to pay for improvements by assessment, the higher take-up rate after 1850 could be explained by the fact that after 1845 people were assessed for Poor Law purposes. The problem of persuading people to accept local taxation had already been faced by areas which had pursued local acts.

Under the 1833 legislation 41 burghs accepted some aspects of the act, and this rose to 52 burghs undertaking some form of the 1850 Act (appendix 3). The 1833 Act stipulated that in order to adopt the

regulations seven or more L.10 householders in a burgh with a population not exceeding 3000, or 21 or more where it exceeded 3000, could apply to the Chief Magistrate to have this act put into operation. A meeting of those duly qualified was then to be held, and a majority of three quarters of all householders had to favour adoption. Rejection meant the issue could not be resurrected again until two years had lapsed. Under the 1847 Amendment Act, the majority required was cut to two thirds and the 1850 Act made adoption possible by a simple majority. The same act allowed for populous places of 1200 or more inhabitants to apply for police powers, and stipulated that every burgh which applied had to have its boundaries fixed, and a map drawn. As the century progressed the government decided to allow as many places as possible to adopt the provisions, and the 1860 Amendment Act²⁶ allowed towns and populous places to adopt the provisions without having to establish and maintain a police force.

Commissioners enjoyed similar powers under the 1833 and 1850 general acts, and the local acts already examined. Set powers and duties had been given to Commissioners, and because these had proved adequate, no further alterations were deemed necessary. One major difference of the 1833 Act, from other acts already discussed, was the method of deciding who should retire, as one third of the council were to do so annually. Whereas the local acts decided this by the number of votes cast, thus those with the highest stayed for three years, the 1833 Act was more arbitrary, and decided alphabetically. Obviously this affected only the first three years of elections, until a rotation was established, but the local acts did have a fairer method of deciding who should stay and who should go. Under the 1833 Act a penalty could be imposed if a meeting had not been properly advertised, a feature never adopted by any of the local acts examined. Central reformers were more concerned about the possibility of a small minority gaining control over the commission. Assessments were to be levied, but no particular level was set. Local acts were undoubtedly more attuned to the needs of a specific community, whereas general acts had to be able to provide for all, and of necessity had to be more flexible.

Already it has been seen that finance was very carefully legislated for in local acts, especially after the many problems experienced by town

councils during the early part of the nineteenth century.²⁷ This was a crucial aspect of any burgh act. Within the 1833 Act comparatively few clauses related to finance; but it did state that a clerk and treasurer could not be the same person, the treasurer and collector had to find sufficient security before taking up office, and books and records of finance were to be kept, and be open for public inspection. All these were found within local acts. However, the 1850 Act was far more detailed upon this particular form of legislation. Not only were the provisions of the previous act reiterated, but it went much further. All money belonging to the Commission was to be lodged in a bank account opened by the Commissioners, and money could only be withdrawn once signatures from the treasurer and clerk had been obtained. The Act also stated the accounts were to be annually balanced by two independent auditors, appointed by the Commission.²⁸ The 1850 Act provided greater scope for raising assessments. Not only were Commissioners entitled to levy a general assessment, Private²⁹ and District³⁰ taxes were introduced. These provided a new source of income for the authorities at a time when sanitary precautions were becoming more important. Government realised extra money had to be generated to enable burghs to meet their commitments, especially because supplements from the Common Good in many burghs had begun to dry up. Private and District assessments provided amenities in the area where they were raised in an attempt to offset criticism from proprietors that they never gained any benefits despite paying their taxes. By the 1850's one way of encouraging people to provide more money was to spend it within their own vicinity.

The provisions for lighting, cleansing, and paving, were dealt with briefly under the 1833 Act. Proprietors were responsible for making foot pavements; failure to do so resulted in a fine of double the expected cost, and Commissioners were to have the work carried out. No mention was made of street building; these provisions were primarily left to Statute Labour Trustees within the respective areas. Provisions for lighting and cleansing were similar to those enacted by local police acts; streets were to be lighted with gas, and common sewers and drains were created. Under the 1850 Act these provisions were extended, with the private and district assessments designed to provide better streets and sewers within the burgh. The 1850 Act contained 12 clauses which related specifically to cleansing streets, providing water closets, privies, and urinals, as well

as the erection of common sewers and drains. However, not all these aspects were undertaken by burghs which obtained the 1850 Act; indeed, only 22 adopted the whole act, 16 excluded some clauses, and 13 implemented only certain parts of the act (appendix 3).

One important aspect found in the general acts but not in local acts, were provisions relating to water (with the exception of Gorbals). General acts had to allow for all eventualities, thus they enacted for the provision of water because they could not rely on each area possessing an adequate supply. The need for general acts to be all-encompassing helps to explain why the 1850 Act is 391 clauses long. Under the 1833 Act, Commissioners were allowed to adopt clauses relating to water, only if provisions had not already been established by an act of Parliament. Water could be supplied to houses at the proprietor's expense; perhaps in an attempt to encourage greater cleanliness amongst inhabitants. The 1850 Act was far more detailed, but at the same time it prohibited Commissioners from constructing or laying down any waterworks if there was a company willing to provide water for the burgh. Thus, whilst Glasgow was moving towards establishing control of its own water supply from Loch Katrine,³¹ the government was legislating against this becoming a trend amongst burghs, possibly because they felt this could lead to burghs becoming financially overstretched.

Water was a most important feature of the acts because provision of clean water was central to the prevention of contagious diseases. The 1850 Act supplemented provisions with enactments relating to lodging houses which required the notification of any illness, and through clauses relating to the ventilation of burghs. No new buildings could be erected unless approved by the Commissioners. Local acts within the Glasgow Parliamentary boundary allowed the demolition of buildings in order to provide a better environment, and the general acts introduced building regulations to achieve the same end. It had been argued by men like Stevenson Macgill in the early part of the nineteenth century that environment affected the character of the population; thus, by improving the situation in which people lived one could improve the individual, and this concept influenced Police Commissioners, particularly those with Evangelical tendencies, throughout the period.

Undoubtedly the area of policing was one of the most important within the acts. The whole purpose of the reforms seemed to be to create a better controlled environment, but in order to do so crime had to be tackled. Not only were provisions made within these acts, but powers to make bye laws were introduced. Many features remained the same throughout the century, but the expense of keeping a police force dissuaded many smaller towns and burghs from adopting either a general or local police act. By 1860 burghs were able to incorporate their policing arrangements with those of the county, under the Police Forces (Scotland) Act 1857,³² which led to the Police of Towns Act being amended in 1860 to allow police provisions to be adopted without a watch. This meant government could stop the proliferation of small burgh forces. As the period progressed it became compulsory for Commissioners to appoint a paid group of officials, such as a surveyor, inspectors of streets, nuisances, etc., and a Superintendent of Police. Thus a new type of municipal situation was being established; no longer were Commissioners solely responsible, instead a new breed of municipal officials and employees became prevalent. General acts reflected local acts in many ways, but they were more wide ranging, because they dealt not with just the needs of one community, but attempted to appease all sections of society.

However, simply because the general acts were more wide ranging did not mean they were less effective than local acts. General acts did not have to be adopted in full, and elections as to whether an act should be put into force also decided which provisions should be undertaken (appendix 4). The form of these books, as shown by the appendix, allowed people to decide whether or not all aspects of the acts would be useful; they could mould the general act to meet the specific needs of the community. Attempts were made to create a better form of society for the community, in the hope that this would encourage the individual to improve himself. Dugald Stewart, wrote, in the eighteenth century, that "The possession of knowledge...must produce the same effect upon the working classes that the possession of wealth does upon the rich; it gives them direct interest in the peace and good order of the community.",³³ and these general acts were an attempt to stimulate the creation of a better type of society, for not only one class, but for all. This was not designed to be a class oriented reform, but one from which all would be able to experience the benefits.

Different outlook of General Legislation.

In response to the Municipal Corporations Act of 1835,³⁴ the *Westminster Review* stated "In legislating for the British Isles, it is generally a leading principle, that the laws of all portions of the Empire shall be made as nearly alike, as they can be without incurring sacrifices which might overbalance the advantage."³⁵ The significance lies in the fact that the 1835 Act for England and Wales established a system different to that created under the 1833 Act in Scotland. Despite persistently arguing that the Scottish acts had been "found to operate most beneficially"³⁶ the Government felt it could not justify the erection of the same type of system in England and Wales. A different emphasis was required in order to facilitate reform, despite this being contrary to the principle which had been established by the Act of Union in 1707.

General legislation was required for burghs in Scotland, and in England and Wales for a variety of reasons. Throughout the eighteenth and nineteenth centuries there had been a steady growth in the number of private bills presented to Parliament for reform of boroughs. This meant the House of Commons and Lords were tied up with private legislation, which had a detrimental effect on the time available for public bills. Other faults of this legislation included expense and accessibility. Not all boroughs could afford, or indeed desired reform. However, once the Reform Act was passed in 1832,³⁷ it became essential to create more open borough administrations, as people had to be able to participate in the election of councillors. The anomalous situation whereby a man could vote for his member of Parliament, but not his local council lasted in England and Wales from 1832 until 1835. General legislation was required to bring boroughs in the south in line with those north of the border, and to establish more open, and accountable local government in all areas. Reform in England and Wales did not occur until 1835 because the Whigs set up a Royal Commission to investigate abuses, and produce recommendations. The same Commission was to examine the management of burghs in Scotland, even though the Scottish Acts had already been passed. Obviously the various Select Committees which had been held on Scottish burghs, coupled with the 1469 Statute, persuaded the government that it already knew enough about the abuses within Scotland's burghs to tackle the problem without further advice,

whilst at the same time it acknowledged that change was required for England and Wales.

As already stated, the 1835 Act "...to provide for the regulation of Municipal Corporations in England and Wales" was not the first general act to be passed. Apart from the three Scottish Acts of 1833, the Duke of Wellington's administration had passed "An Act to make provision for the lighting and watching of parishes.." for England and Wales in June 1830.³⁸ This was repealed in 1833,³⁹ and a new statute enacted. General enabling acts had existed since the eighteenth century, and had been first established in Ireland. An act providing for lighting and cleansing cities and towns first appeared in 1765,⁴⁰ and was amended in 1773, 1785, 1796, and 1828.⁴¹ During 1828 an act was passed "...to make provision for the lighting, cleansing and watching of Cities, Towns Corporate, and Market Towns, in Ireland in certain cases."⁴² Thus, the concept of general legislation had been well-established in Ireland for many years prior to its introduction to the rest of Britain. Reasons for this may lie in the fact that Parliament believed more control was required in Ireland, than within the more 'stable' parts of the country.

General legislation varied significantly throughout the United Kingdom. The acts of 1828, 1830 and 1833 are important to look at, the first two being passed by Wellington's administration, whereas the third was brought in as a bill in 1830, but did not receive Royal Assent until 1833. John Prest has argued, "In the specialised world of central-local government relations [these] three Acts were subsequently cited as models of what such legislation should be."⁴³ A comparison of these acts is necessary. Perhaps most important were the requirements for adoption. In Ireland the support of 21 householders, with property worth L.20 or more per annum, was needed to request the Mayor, Chief Magistrate, or two Justices of the Peace to convene a meeting at which all people with property worth L.5 per annum were allowed to vote. In England only three householders were necessary in order to request the meeting, the outcome of which was decided by a franchise which allowed for plural votes. One vote was allowed for up to the first L.50 worth of property, and then one more for each successive L.25, up to a maximum of six votes. A similar system was allowed under the Irish act. A majority of three-quarters of the voters was required for the provisions to be

adopted. Under the Scottish Acts, seven householders could request a meeting in burghs with a population below 3000, rising to 21 householders where this figure was exceeded. All were required to have property worth L.10 per annum. A majority of three-quarters was also needed in Scotland.⁴⁴ However, the Scottish act, unlike its English and Irish counterparts, did not allow plural voting. The Scottish act also differed in that it stipulated one-third of the Commissioners were to retire each year, thus ensuring an annual election. In both the English and Irish acts all Commissioners retired at the same time, after three years in office. In theory this meant there was no provision in England or Ireland to allow experienced heads to help the newcomers settle in. The outlook of legislation in each country was different.

All three acts accepted the need to end corruption; the Irish and Scottish acts both stated the clerk and treasurer were not to be the same person, whereas the English act merely stated no person could hold two offices under the Inspectors. This shows the acceptance of the principle of separation of offices. Noticeably all three acts set out procedures which were to be followed by all those adopting the acts, from the first meeting, to the running of corporate affairs. The language of the acts varied, the English act provided for lighting and watching, whereas the Irish also included cleansing, and the Scottish act sought to create a system of police. Problems arose in England and Ireland because plural voting meant the government and running of administrations was concentrated in the hands of one particular class. As Spencer stated "It is obvious that where any function of government is placed in the hands of a whole class there may result, according to the definition of that class, the widest democracy or the narrowest oligarchy".⁴⁵ Although the reform of 1835 did not directly address this problem, it sought to go further than these general acts, and meet the needs highlighted by the Royal Commission.

Undoubtedly, the Municipal Corporations reform of 1835 was of great importance, for it meant problems of urbanisation were for the first time addressed in a coherent manner. The 1835 Act was based upon the findings from the Royal Commission on Municipal Corporations, which reported in 1835. The majority report of the Commissioners - four out of the twenty did not sign⁴⁶ - was forceful in its views; arguing "Even where the institutions exist in their least imperfect form, and are most rightfully

administered, they are inadequate to the wants of the present state of society."⁴⁷ Commissioners felt they lacked a wide enough remit to make suggestions on how the system might be improved. The report acknowledged "...that the terms of the said Commission do not authorise us to recommend specific measures for the improvement of the corporate system. We have therefore refrained from pointing out even the most obvious remedies..".⁴⁸ One of the most important differences between the general acts, was the abolition of exclusive trading privileges in England and Wales. These had been the cause of many complaints prior to the 1835 reform, whereas the 1833 act had allowed them to continue. Trading privileges were not ended in Scotland until 1846.⁴⁹ Another important aspect was the decision to allow Aldermen to continue in office in England and Wales, but only for six consecutive years, not for life, as the House of Lords had argued. Aldermen comprised one third of the councillors elected, and remained a powerful body, because they could not be removed from office, except by death, during their term. Within Scotland bailies existed, but these were not comparable to the Aldermen in England and Wales, because they were elected as councillors, and then chosen by the Council to act as bailies for their term of office. The Scottish bailies were not as powerful a grouping on the Council as the Aldermen, due largely to their small numbers.

Reasons behind the differences between the acts stemmed from the fact that they had evolved separately. In Scotland, as already mentioned in chapter two, burgh development had been affected by the Statute of 1469,⁵⁰ which had laid the basis for local legislation and provided burgh reformers with an easy target to highlight abuses. Perhaps more importantly, the statute meant Scottish burghs had evolved together, which meant the problems were easily identified. Within England, no such statute existed: "...laws relating to local authorities in England possessed neither unity nor solidarity."⁵¹ Reformers in England could not focus on a specific statute, and conversely government could not repeal one aspect of legislation and feel the worst abuses had been rectified. In England reform had to be tackled from a different viewpoint.

The acts sought to establish principles for watching, lighting and cleansing, which had been highlighted as problem areas due to the growth of urbanisation. Finance, and administration also had to be taken into

consideration. The real achievement lay in whether the legislators could persuade boroughs and towns to adopt the general act, instead of resorting to private bills. The creation of public enabling acts sought to end the increasing flow of private legislation clogging up Parliament. Indeed, the English act made 178 boroughs subject to its provisions (appendix 5), whereas the Scottish Police Act of 1833 was not made mandatory at all. It is interesting to note that of these 178 boroughs, 63% had already had at least one private act. The 1835 Act sought to make sure the proper procedure was followed with regard to the justice of the town, thus it concentrated on creating a court structure rather than specifying certain aspects of legislation, as had been the case in Scotland. In fact, in 1835 only two clauses related to lighting. The Act preferred to create a legislative basis for reform, rather than set out the form of improvement to be followed. By 1837 an amendment to the 1835 Act was passed, in order "to supply the deficiencies".⁵² The 1837 Act sought primarily to tackle faults within the electoral system. Problems within England were dealt with using a different approach than that previously used in Scotland.

Throughout the period reforms provoked varying reactions, and the acts of the 1830s were no exception. One of the strongest critics, especially over the lack of a coherent approach to Scotland and England, was the *Westminster Review*. This had been set up by Jeremy Bentham in 1824 to rival the Liberal *Edinburgh Review*, and the Tory *Quarterly Review*. In 1836 it argued:

It is pretty clear, that each of these systems is not the very best which can be devised for the internal regulation of cities; and a person viewing them dispassionately and apart from late political transactions, would naturally ask why the same men have made laws so very different for accomplishing similar ends, and gratuitously created one of those arbitrary distinctions between the Municipal regulations of the two portions of the island, which they profess to be busily abolishing.⁵³

The reforms were not greeted with universal support; but neither was the view that reform was required. Mr Thomas Jefferson Hogg, a member of the Royal Commission who did not support the conclusions, had his own views on the matter. He argued it was wrong to establish a universal system, because conditions varied across the country. Hogg asserted "It will be said, and truly, the occupiers of qualifying tenements in London or

Manchester, are persons of a very different description from the occupiers of York or Chester: so that nothing will be more unequal in practice than apparent equality...",⁵⁴ and this echoed the sentiments of some Scottish MP's who argued the L.10 franchise was more in keeping with conditions in England than Scotland.

The concept of a single standard throughout the country was good in theory, but provoked much debate in practice. The Royal Commission also came in for a good deal of criticism, and JW Croker in the *Quarterly Review* called the report "a tissue of fallacy and falsehood",⁵⁵ whereas Archibald Alison writing in *Blackwood's Edinburgh Magazine* stated of the Scottish act, "A more deplorable and absurd innovation never was carried into effect by any Revolutionary Government."⁵⁶ Both comments were made in Tory periodicals, but they were written at a time when the majority of Tories in the House of Commons had decided to follow Peel's lead, and accept the reform. It could be argued a more fervent debate occurred within the periodicals rather than the House of Commons.

Ultimately, reasons for the difference within the general legislation of Scotland compared to England and Wales had their roots in the Middle Ages. The statute of 1469 had a profound effect upon the burghs in Scotland as all possessed a similar starting point towards reform. Repeal of the statute would end the system of co-option, and create more open and responsible local government. Conversely, English and Welsh legislation lacked a statute similar to that of 1469, thus although co-option was the norm, there was no clear target for either reformers or Government to attack. The whole formation of English borough government was much more imprecise, and this prompted all sides to think a more comprehensive piece of legislation was required. The general acts of 1833 and 1835 had a different focus, but a similar aim. Reform was becoming increasingly necessary, as the existing local government structures were unable to meet the demands placed upon them by growing urbanisation.

Franchise.

The area of franchise was of great significance during the reform of municipal corporations because no uniform system existed until the general legislation of 1835 was passed. Corporations had evolved

haphazardly throughout the eighteenth century, primarily because there had been no general act to ensure standard development. Problems arose because a corporation could not be treated as a person in legal terms. Whereas a person could do anything which was not prohibited by law, a corporation could do nothing unless it was specifically permitted by statute. This led to the situation whereby a corporation had to obtain a local act from Parliament before it could alter any aspect of its constitution. The costs involved, particularly if a bill was opposed, meant many boroughs had no choice but to continue working within their existing administrative structures. Local acts contributed to the non-uniform development of boroughs. Within the area of franchise most corporations favoured co-option of members onto the board, but there was no set principle, a fact rectified by the government in 1835.

Already it has been shown that the franchise adopted by local acts in Scotland was brought in line with the Reform Act of 1832,⁵⁷ and the Burgh Reforms of 1833. Burghs with local acts obtained pre-1833 all introduced a L.10 franchise in acts adopted post-1833. The decision to set the franchise for burgh elections at the same level as that already established for Parliamentary elections was taken by the Whigs, who argued no deviation could be made. In 1833 the Whigs decided the franchise should remain at L.10, despite strong opposition, because, they argued, if it was lowered then it would open the floodgates for further enfranchisement. It was imperative to standardise which groups were entitled to participate in the electoral process. By 1835, when the English bill was being put through Parliament, this argument was turned on its head.

The main difference between reform in Scotland, and in England and Wales, was the Scottish Statute of 1469. This established the practice of self-perpetuating councils, the old council chose the new, thus the removal of this element would allow the system to recover. In Parliament on the 14 February 1833, the Lord Advocate, Francis Jeffrey, stated,

In the year 1469 the whole of the liberties and privileges of the burgesses of Scotland were struck to the ground. By the arbitrary statute of that year, the corporations of Scotland, which had before been liberal, were, by the single, unequivocal and baseful influence of that Act, converted into rotten Corporations.⁵⁸

People believed free elections had occurred prior to 1469, equally they felt

repeal of the statute would ensure reform. Of course, the L.10 franchise did not enjoy universal support, particularly because many burghs, including Calton and Gorbals, already possessed a wider franchise. The refusal of Whigs to consider a L.5 franchise provoked one MP, Mr John Maxwell, to comment "He thought the learned Lord had framed his bill in conformity to English notions of wealth."⁵⁹ A committee amendment to lower the franchise to L.5 was defeated by a majority of one.⁶⁰

The franchise in England and Wales did not merely follow the Scottish precedent. No direction was given on franchise by central government until the 1832 Reform Act set it at L.10 householders. Boroughs in many areas had sought to equip themselves with new forms of administration from the eighteenth century, and local acts were an accompaniment to the process of urbanisation. Spencer commented that local acts of 1700 - 1835 formed "...the largest mass of political experiment which has ever been carried out in a particular period of time within the limits of a single state."⁶¹ However, the same writer also noted that later private acts showed "...no greater democratic tendency than those of a comparatively early date."⁶² Local legislation was deemed necessary by many, but it was also expensive and time consuming, thus model clause acts were introduced which allowed boroughs to implement similar legislation. John Prest has described these as a "...ratepayers' do-it-yourself kit",⁶³ one of the earliest examples being Gilbert's Act of 1782. Noticeably in England, Sturge Bourne's Acts of 1818 and 1819⁶⁴ and the "act to make provision for the lighting and watching of parishes in England and Wales" in 1830, all allowed plural voting. The background of the franchise in England and Wales was less clear-cut than in Scotland, and this led to the different approach of 1835.

The franchise set under the 1835 Municipal Corporations Act appeared to be wider than that of the 1832 Reform Act. This was a remarkable turnaround for a government which had argued, during the Scottish debates of 1833, that this was unconstitutional. No L.10 limit was placed on electors under the 1835 Act, instead they were simply required to be males of 21 years or over who had occupied any house, shop, warehouse, etc. within the borough for the past three years. Lord John Russell stated on 15 June 1835, "...that species of franchise had been selected which was likely to give content in the incorporated towns, and produce good

municipal government."⁶⁵ Yet only two years previously, he had refused to consider a separate franchise for general and municipal elections. However, by 1835 the Whigs argued that the same franchise for both would cause one element of society to have too much control, and equally those who contributed to the rates were entitled to a say in governing the borough. Both these arguments had been rejected in 1833. Significantly, no amendment to the Scottish act was proposed in 1835, because it was felt the question had been settled in 1833.

The perception persisted that England and Wales had obtained a wider franchise than Scotland, but historians have subsequently argued over whether or not this was true. Certainly it appeared to be so on paper, which may explain the celebrations of Radicals when it was passed. Yet Brian Keith-Lucas, and others, have questioned just how far this franchise actually created a more diverse electorate.⁶⁶ Undoubtedly, "...the Municipal Corporation Act represented a much more immediate and substantial gain for the urban middle classes than the reform act had done",⁶⁷ but only the middle classes made any gain at this time. The new franchise was designed to replace co-opted councils which existed in many parts of the country. However, although the franchise allowed all rate-payers to vote, they had to have been resident in the same place for three years, thereby effectively excluding the lower orders.

Many contemporaries, including Peel, had expected the franchise to be wider. Generally the omission of the L.10 limit only increased the electorate by one quarter or one fifth, except in Leeds where it rose three-fold. Keith-Lucas has shown, by comparing 39 boroughs where parliamentary and municipal boundaries were roughly similar, that in the elections of 1837, approximately 15% more voted in the Parliamentary elections.⁶⁸ These figures take into account freemen who could only vote in Parliamentary elections (11,656), and Municipal voters who were ineligible at parliamentary elections (12,578). One explanation for this may lie in the practice of compounding. Edward Baines, MP for Leeds, had asked Lord John Russell in 1835, if a man could vote if his rates were paid through the medium of his landlord, and Russell had said yes, but this was over-ruled in 1858, by a House of Lords Select Committee. Indeed, even prior to 1858 compounding had occurred. Compounding was the practice whereby an overseer would accept less than the actual

rate due, if the landlord paid it at the required time. Thus, the full rate was not paid, and the occupier was not entitled to vote. Compounding was an important aspect of the English franchise, and explains why the number of people entitled to vote was not as great as it should have been in theory.

Despite the different franchise in Scotland compared to England and Wales, reactions were remarkably similar. Both portrayed an image of a wider franchise, and the end of corruption, but in Scotland many felt the voting requirement had still been set too high. Noticeably, debates concerning the Scottish bills of 1833 tended to concentrate on the 1469 Statute, whereas the English debates of 1835 covered a far wider range of abuses. Within England and Wales the overwhelming victory for the Liberals in the first elections held after the reforms helped end any lingering doubts over the franchise.

Certainly the franchise was of major importance in attempts to reform the administration of municipal corporations. Corrupt practices in many boroughs could only be ended by a system which replaced co-option with elections. A borough council had to be responsible to its rate-payers; if not, the oligarchical nature of local government was bound to continue. Keith-Lucas commented,

One of the most remarkable features of the decaying municipal institutions of the early nineteenth century was the extent to which nominal government of the town and the privileges of citizenship were exercised by men who neither lived nor owned property within their boundaries.⁶⁹

and this was the problem facing the Whig government. Franchise had evolved alongside other aspects of local government, but in most areas this growth had been arrested at an early stage. Thus, government was forced to create a general standard throughout England and Wales. However, not all unreformed, or reforming boroughs were necessarily corrupt. The Webbs highlighted Liverpool, which, "...whilst maintaining its rigidly exclusive oligarchy, showed itself, generation after generation, markedly superior in energy, dignity, integrity, and public spirit to any other Municipal Corporation in the land, not excluding the 'rate-payers' democracy' of the City of London itself."⁷⁰ An extension of the franchise could not guarantee good government, but it ensured the exclusive power of the oligarchy in boroughs was ended.

Case Studies.

In order to understand how reform progressed in England, compared to Scotland, an examination is needed of how local acts were put into practice. For this purpose Leeds and Birmingham have been chosen, to show the contrasts between a borough which possessed a municipal corporation in 1835, and one which did not. The amount of secondary work written on these areas also helped to decide in their favour. It is important to examine how legislation worked in practice, as not all statutes obtained by boroughs were implemented. A good example of forward-thinking legislation not being enforced was Gorbals, which failed in attempts to reduce the smoke nuisance from factories. As early as 1835 the Royal Commission into Municipal Corporations commented upon the problems faced by boroughs with private acts; "Many corporations have the power of enforcing their bye-laws by fine and imprisonment, but these powers are very little exercised."⁷¹ The principle of public legislation was also problematic. Many boroughs still relied on the practice of voluntary public service, even though this was outdated, even by eighteenth century standards. No longer could a borough expect to function effectively by reliance on voluntarism - the demands of urbanisation meant a more professional form of administration was required.

Leeds was an example of a borough which already had a corporation by 1835. It was founded by Royal Charter in 1626, and was heavily industrialised, dependant on the mercantile side of the textile industry. By 1838 Leeds had over 100 mills employing nearly 10,000 people.⁷² The Royal Commission estimated the number of inhabitants as 123,393 in 1835, which had risen to 172,270 by 1851.⁷³ Prior to 1835, Leeds had started to improve itself; local acts were passed in 1755, 1790, 1809, 1815, and 1824.⁷⁴ Indeed, the borough had been sufficiently reformed by 1835 that the only function imposed upon it was the establishment of a police force. Despite this, the inhabitants did not believe the general legislation had dealt adequately with the problems faced by the city, and in 1842 the Leeds Improvement Act was passed.⁷⁵ Although the borough obtained private acts from the mid-eighteenth century, it did not widen the franchise prior to 1835. There were no freemen in Leeds, rather all inhabitants were burgesses who elected the Aldermen to serve on the corporation. Despite having no formal residential qualification, in practice no Alderman would be elected if he were not a resident of the town.

However, Aldermen and assistants were appointed for life, thus the prospect of an election was rare. The Commissioner who examined Leeds in 1835 commented "The close constitution of the corporation is obvious; all vacancies in each branch being filled by the Select Body, gives to that body absolute and uncontrolled self-election."⁷⁶ Although the corporation had a fair reputation, the lack of a proper system of election was a frequent source of complaint. Significantly the corporation, prior to reform, had no debts, a rare occurrence which the Commissioner believed stemmed from the practice of levying a fine from each person who refused office under the corporation. Fines varied from L.100 to L.500. Leeds was financially astute from an early period, a fact reinforced by the annual audit of the treasurers accounts.⁷⁷

The perception existed during the early nineteenth century that Leeds was the model of a reformed borough. Various explanations were expounded for this. Leeds did not have the same trade restrictions as many of its contemporaries, and this helped to explain the great prosperity of the area. Responsibility for lighting, cleansing, and supplying water to the borough, and for providing poor relief lay with the Commissioners of Police. The Royal Commission of 1835 noted that no Commissioner of Police would be elected in Leeds, unless he was an opponent of the Town Council. Leeds was one of many boroughs which possessed two administrations. The decision of Commissioners to levy an assessment of not more than 4d in the pound meant they had insufficient funds to meet their commitments, thus not all the streets of the borough were lighted. Commissioners administered the supply of water jointly with the Justices of the Peace; each householder paid according to the amount used. The unpopularity of local taxation meant Leeds' Police Board sought to keep the level of assessments low, a decision which ultimately affected their ability to provide an efficient service.

The reaction of Leeds to the reforms of 1835, was significant, and this traditional Tory borough was transformed into a Liberal city. The new council consisted of 48 councillors and 16 Aldermen, of whom 51 were Liberals and 13 Conservatives; only six had been members of the unreformed corporation.⁷⁸ The reform ensured the old guard lost power in Leeds, yet the 1840s did not deliver the victories promised by the election triumph of 1835. Hennock stated, "Politically and administratively the

early years of the decade between the samples of 1842 and 1852 were dominated by economic crisis and the impact of Chartism on local politics, a harsh climate that was fatal to the promise inherent in the great Improvement Act."⁷⁹ Although the 1842 Improvement Act granted many new powers, and was far more all-encompassing than anything of an earlier era, both the Town Council and Police Commissioners lacked a sense of urgency to achieve new ideals. In the case of sewerage and drainage attempts to start work on projects failed in 1844, and nothing was achieved until the cholera outbreak of 1848 prompted action. Indeed, 1848 saw the passing of another Improvement Act,⁸⁰ and Leeds seemed to be at the very forefront of sanitary reforms, but this outbreak of activity was to prove short term. Leeds is an important example because it possessed an old structure which attempted to meet the problems of the new urbanised age. It achieved early successes, but failed to maintain its momentum.

By turning to Birmingham, it is possible to see a quite separate approach to problems during the eighteenth and nineteenth centuries. Unlike Leeds, Birmingham was not incorporated until 1838, and it retained a dual administration from 1838, until the abolition of the Street Commissioners in 1852. From its inception the council was determined to assume the Commission's powers. Although Birmingham lacked a Town Council, it still managed to procure local legislation during the eighteenth century. Its first act, passed in 1769,⁸¹ appointed 50 Commissioners by name, with powers to control cleansing, lighting, and keeping the streets clear of obstructions. An assessment, set at 3d to 8d in the pound, was levied to put the act into operation. Amendments were passed in 1773, 1801, 1812, and 1828.⁸² Birmingham was another good example of more being achieved in theory than practice. The 1773 Act allowed Commissioners to set up a body of watchmen, but financial constraints prevented this. Not only were most eighteenth century Commission members lethargic and uninterested, but one historian has claimed they achieved nothing of significance until the nineteenth century.⁸³ A Police Act was not passed until 1801, and Commissioners' finances prior to this meant effective, and widespread reform was impossible.

Birmingham's local acts of the early nineteenth century set the pattern which was later followed under the Civic Gospel of Joseph Chamberlain.

The acts of 1801 and 1812 showed a growing realisation that simply lighting and cleansing the streets was not enough. The 1801 Act was similar to the failed bill of 1790,⁸⁴ and included articles to set up a watch in the town, but only allowed L.1000 to be borrowed. The 1812 Act increased the credit limit to L.24,000 for borough improvements. However, the same act still named the 99 Commissioners; the move towards a more open form of administration had not yet begun. This act continued in operation until 1828 when the last improvement act prior to Birmingham becoming a corporation, was passed. This contained clauses for building a town hall, but in essence was little different to that of 1812. Although the town was incorporated in 1838, it was not until 1852, when the Street Commissioners were abolished, that the Town Council became the more powerful authority. Birmingham differed from Leeds in that it possessed only a single administration until 1838, and it continued to be actively involved in reform throughout the nineteenth century.

A comparison between Leeds and Birmingham allows one to see both similarities and differences within the systems adopted. It has been claimed "Any system can be made to work well, given goodwill. Whether a system works well or ill, responsibility must rest in large measure with the community as a whole."⁸⁵ One reason reform was required by 1835, despite the extent of private legislation, was because unenfranchised systems no longer commanded support, nor could they be defended, particularly after the extension of the Parliamentary franchise in 1832. Closed municipal units were regarded as inherently unfair, and electoral reform was necessary to prevent unrest occurring.

Although Birmingham and Leeds were roughly similar in size - in 1841 Leeds had a population of 152,054, compared to a figure of 182,922 in Birmingham - the rate of growth differed in the next decade. Whereas Leeds rose by approximately 20,000 people, Birmingham saw a rise of approximately 50,000 people.⁸⁶ This meant Birmingham had to adopt a different solution in order to meet the needs of its relatively faster growing population, and the 1850s saw the development of its civic tradition. At the same time Leeds experienced a period of lethargy. Both boroughs adopted five acts prior to 1835, and even though Birmingham did not possess a corporation, it still gained its first act in 1769, which seems early by comparison with Scotland. Friction between the Town Council and

Police Commissioners in Leeds helps to explain some of the similarities which occurred within the boroughs. Reforms may seem to be of a coherent nature, but investigation shows appearances were, indeed, deceptive.

To conclude, many corporate and non-incorporated boroughs in England underwent some type of reform at this period. Not all reforms were successful, indeed Manchester's Improvement Act of 1776 was described thus; "...there was improvement, or at least no regression.." ⁸⁷ Boroughs soon discovered that local acts could prove expensive to implement, thus the desire to keep assessments low meant innovative legislation got no further than the statute book. Public perception of corporations by the time of the Royal Commission in 1833-35 was very low, the majority were condemned for bad management, although some, such as Liverpool, were singled out for praise. Commissioners concluded "It has been customary not to rely on municipal corporations for exercising the powers incidental to good municipal government.", ⁸⁸ a sentiment which was echoed across the country. The principle of public obligation to render voluntary service had died out by the eighteenth century, and this prompted individual boroughs to obtain private legislation, in an attempt to fill the void left by lack of parliamentary example.

Contemporary Viewpoints.

Scottish and English general municipal legislation differed due to a variety of reasons, and this was highlighted by the debates which took place throughout the period. Arguments for and against reform had occurred from the late eighteenth century, but discussions were at their height during the 1830s. Some welcomed reform as being long overdue, but others regarded it as an unwarranted evil which would corrupt the whole constitution. Obviously many viewpoints were extreme, but they must be examined, for to ignore them would be to impose a twentieth century view upon a nineteenth century debate. Material from periodicals, newspapers, and *Hansard* provide a wide and varied assortment of contemporary ideas on the topic. The influence of periodicals at this time was wide; Meikle noted of the *Edinburgh Review*, "...its real importance lay in its appeal to a wider audience. Within a few years it was an acknowledged force, not only in Scotland, but in England, and brought about the founding of the *Quarterly Review*, and later of *Blackwood's Edinburgh Magazine*, in the

interests of the Tories."⁸⁹ Both reformers and anti-reformers established mouthpieces to ensure their views were disseminated to a wide audience.

But these were not the only organs for debate; the Royal Commission into Municipal Corporations, which reported in 1835, was very significant. The Commission was set up in 1833 to inquire into the state of the unreformed boroughs in England and Wales, and the reformed burghs in Scotland. Within Scotland the Commission reported on how burghs had been affected, and it was generally favourable. Problems still existed, primarily due to the continuation of trading privileges, which were not abolished until 1846. Commissioners accepted that reform within Scotland had proved beneficial to burghs; "In all towns, which have not already an elective municipal establishment, we have found unanimous and strongly declared opinion that such a constitution would be highly beneficial to them."⁹⁰ Whereas in Scotland it reported on how reform enabled burghs to progress, in England and Wales it exposed problems inherent within local government. The English report noted "Almost all the councils, named in these chapters, are established on the principle of self-election",⁹¹ a fact which proved to be a barrier towards effective government. Most complaints related to the privileges a borough possessed, which led Commissioners to conclude "The most flagrant abuses have arisen from this perversion of municipal privileges to political objects."⁹² Yet, the Commissioners' findings were not unanimous. One dissenter, Thomas Hogg claimed "...very few, if any of them, are productive of much positive evil, but that evil is always overbalanced by greater good; and that in almost every instance, they exist for some valuable purpose of general utility."⁹³ Despite an overwhelming desire for reform, and a recognition that changes had to occur within municipalities, the idea was not unanimously backed either by the Royal Commissioners, nor throughout the country.

The wide spectrum of opinion regarding reform was reflected within the parliamentary parties, and what could be termed their supporters. The best example of this was the opposing attitudes within the ranks of those classed as Tories. In Parliament, Sir Robert Peel and many of his supporters were prepared to accept reform, albeit with some amendments; but the mood amongst Tory periodical writers could not have been more diametrically opposed. Peel believed reform was

required, but argued it had to be administered by, "...those who from the possession of property have the strongest interest in good government, and, from the qualifications of high character and intelligence, are most likely to conciliate the respect and confidence of fellow citizens."⁹⁴ This contrasted sharply with views from Tory periodicals. In 1835 the *Quarterly Review* attacked the Royal Commission; "...it was reasonably thought that none could be found so fearless and so fit to sweep away all the old institutions of the country as those who knew nothing about them."⁹⁵ and similarly, Alison in *Blackwood's Edinburgh Magazine* claimed "If after such warning, both from history and experience, the English are deluded enough to swallow the bait of Radical Corporate Reform, they deserve to suffer all the incalculable evils which follow in its train."⁹⁶ Certainly, Tory periodical writers held more extreme views than leaders of the Conservative parliamentary party.

This is not to say the Liberal party and press were any more united, although here the main point of conflict lay over whether the franchise should be lowered to L.5 for municipal elections within Scotland. In 1833, it was set at L.10, because government argued that to reduce the municipal franchise would necessarily lead to the parliamentary franchise being lowered. This view was challenged and several amendments were proposed to enforce a change, but all were defeated. William Gillon MP for Linlithgow stated, "I oppose this monstrous limitation of the franchise, which will cause so much disaffection in Scotland, and which reduces the Burgh Reform Bill to mere mockery."⁹⁷ The argument over franchise remained an issue in 1835, when it was widened, in theory at least, for England and Wales. The *Westminster Review* stated that when John Hay MP for Peeblesshire proposed the franchise be extended to all L.5 householders, the Lord Advocate refused, because this would inevitably lead to a reduction in the Parliamentary qualification. This prompted the Review to note, "He may be right in the remark, without possessing the merit of having suggested an argument."⁹⁸ Ultimately Liberal debate on reform did not cause such frictions between party and periodicals. The Benthamite *Westminster Review*, attacked the Liberals' failure to make one piece of legislation for the whole country, but it conceded;

...the conflicting nature of the measures for reforming the Corporations of the two countries, may be turned to ultimate advantage. The Scotch are certainly entitled to a burgh franchise as extensive as that of England; and on the other

side, the English have precedents for supporting their claim to the abolition of the three years residence, the qualification for members of the common Council, and the extended tenancy of office by Aldermen.⁹⁹

The need for reform was accepted by the Liberals, it was only the form this should take which stimulated debate.

Contemporary views varied, but arguments for reform can be traced back to an earlier period; abuses were not new. Defoe, in 1714, had written of self-electing councils, "As the old ones drop off, they are sure to choose none in their room but those who they have marked for the purpose beforehand; so rogue succeeds rogue, and the same sense of villainy is still carried on, to the terror of the poor parishioners."¹⁰⁰ This view contrasted sharply with that expressed in the *Quarterly Review* over a century later, when it claimed, "...any responsible corporate body must in practice be self elected. Those who have any legal trusts or duties imposed upon them as a body must have the choice of their associates, or they cannot be responsible for the acts of the body."¹⁰¹ Many also questioned whether the population could be entrusted with the power to vote. Robinson did not believe the electorate would know enough to return respectable men, and argued;

The electors who returned O'Connell, who have just elected Hunt, and who on various occasions voted for Cobbett, were no doubt perfectly independent; but their use of independence is sufficient to convince most people that they ought not to possess it, if the constitution and public welfare be of any value.¹⁰²

The general mood of the country, during the early 1830s, was in favour of reform, but a significant number of people still existed who felt this would be detrimental to the nation's well-being.

Contemporaries were quite prepared to air their views, and because burghs in Scotland were reformed two years prior to those in England and Wales, both sides used this to show what reform could lead to. Whereas Lord Brougham declared of the 1833 General Acts that he had "...never heard one syllable or whisper of complaint against the measure..",¹⁰³ and Lord John Russell declared the 1835 Act was "...in strict accordance with the spirit and intention of the Reform Act..",¹⁰⁴ the Tories used the 1833 Acts as an example of the fate awaiting England and Wales. JW Croker claimed,

We need only, on this topic, respect what was so often urged in the course of reform discussions, that if the extraordinary and steadily increasing prosperity of a country be proof of a good political and municipal government, Scotland, of all nations of the earth least needed reform. We hope that she may be as happy, as prosperous, and as respectable - now that her Broughams and Jeffreys have at length overturned her institutions of four centuries old!¹⁰⁵

The response of some Tories was quite extreme, but had little effect on the outcome of debates in Parliament. The Conservatives, led by Peel, believed reform was overdue, thus the legislation progressed without too much trouble. Municipal Corporations reform, although not welcomed on all sides, signalled the end of the anomalous situation whereby a man could elect his member of Parliament, but not his local council.

The evidence examined shows there were differences between the Scottish, and English experiences. Government had to wait until after the report of the Royal Commission in England and Wales because it needed to know what problems existed, whereas within Scotland they simply attacked the 1469 Statute. Government did not order an investigation for Scotland, because a series of Select Committees had already looked at the issue in some depth.¹⁰⁶ Lord Jeffrey stated in 1833, "A similar committee was not necessary with reference to Scotland, because, for forty years passed, the state of the corporations of that country had been under discussion."¹⁰⁷ The Select Committees had brought many of the abuses prevalent within burghs to the attention of Parliament, and by 1833 this was deemed sufficient enough to frame a reform. These underlying reasons accounted for differences between the general legislation in the two countries. As regards private acts, the evidence shows that the success of a neighbouring town had more bearing than any national trend; although legislation did become more uniform during the nineteenth century. All in all, the different evolution of burghs between the two countries was important, as this determined the varying forms of legislation adopted throughout the eighteenth and nineteenth centuries.

1 - Calais improvement act, 2 & 3 Edward VI cap.38; this was mainly concerned with the paving of streets.

2 - 33 Henry VIII cap.35.

3 - Frederick Clifford, *A history of private bill legislation*, vol 1, London 1885, p14.

4 - KB Smellie, *A history of local government*, London 1947, p23.

5 - John Prest, *Liberty and locality: Parliament, permissive legislation, and ratepayers' democracies in the nineteenth century*, Oxford 1990, p6.

- 6 - *ibid*, p6.
- 7 - Frederick H Spencer, *Municipal origins: an account of English Private Bill legislation relating to local government, 1740-1835*, London 1911, p175.
- 8 - Conrad Gill, *History of Birmingham vol 1, Manor and Borough to 1865*, London 1952, p162.
- 9 - The homogeneity of private legislation was due to a variety of reasons, outlined by FH Spencer, *Municipal origins*, p318. These included a tendency to imitate neighbours and an insistence of uniformity by Parliamentary officials. C Gill, *History of Birmingham*, also notes that merchants travelling to and from London took new ideas on reform across the country and inspired emulation, p155.
- 10 - C Gill, *History of Birmingham*, p155.
- 11 - F Clifford, *Private bill legislation*, p vii.
- 12 - Gilbert's Act 1782, 22 George III cap.83.
- 13 - *An Act to make provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain cases*, 9 George IV cap.82, passed 25 July 1828.
- 14 - *An Act to make provision for the lighting and watching of parishes in England and Wales*, 11 George IV cap.27, passed 17 June 1830.
- 15 - *An Act to enable Burghs in Scotland to establish a general system of Police*, 3 & 4 William IV cap.46, passed 14 August 1833.
- 16 - J Prest, *Liberty and locality*, p9.
- 17 - FH Spencer, *Municipal origins*, p280.
- 18 - *ibid*, p193.
- 19 - MR McLarty, "Private Legislation Procedure", 3-14, in MR McLarty ed, *A source book and history of administrative law in Scotland (supplement to)*, London 1956, p13.
- 20 - 3 & 4 William IV cap.46.
- 21 - 3 & 4 William IV cap.76, and 3 & 4 William IV cap.77, both passed 28 August 1833.
- 22 - William Mackenzie, *The Scottish Burghs*, Edinburgh 1949, p184.
- 23 - 10 & 11 Victoria cap.39, passed 21 June 1847, *An Act to amend an act to enable Burghs in Scotland to establish a general system of police, and another act for providing for the appointment and election of Magistrates and Councillors for certain Burghs and Towns in Scotland*.
- 24 - 13 & 14 Victoria cap.33, passed 15 July 1850.
- 25 - RM Urquhart states in his book, *The burghs of Scotland and the Police of Towns (Scotland) Act 1850*, that it was the 1850 Act rather than the 1862 Act which was the pioneer Scots statute on burgh police and improvement.
- 26 - 23 & 24 Victoria cap.96, passed 13 August 1860, *An Act to amend the Police of Towns Improvement Act, so as to enable Towns and Populous Places in Scotland to avail themselves of its provisions, without at the same time adopting its provisions as regards the establishment and maintenance of a police force*.
- 27 - The Town Council's of Aberdeen, Dundee, Dunfermline and Edinburgh were all found, by the 1819 Select Committee, to have become bankrupt due to corrupt practices, see William Ferguson, *Scotland: 1689 to the present*, Edinburgh 1968, this edition 1990, p282-283.
- 28 - The 1860 Act allowed this to be cut to one auditor.
- 29 - Private assessments were imposed on occupiers to whose premises improvements were made on a repayment basis.
- 30 - District assessments were levied for the making of sewers and drains in the area of the burgh affected.
- 31 - The Act allowing the Loch Katrine supply was passed in 1855.
- 32 - *An act to render more effectual the Police in the counties and burghs in Scotland*, 20 & 21 Victoria cap.72, passed 25 August 1857.
- 33 - AC Chitnis, *The Scottish Enlightenment, a social history*, London 1976, p220.
- 34 - *An Act to provide for the regulation of Municipal Corporations in England and Wales*, 5 & 6 William IV cap.76, passed 9 September 1835.
- 35 - Anonymous, "Municipal Corporations in Scotland", 156-186, *Westminster Review*, xxiv, 1836, p156.
- 36 - *Hansard Parliamentary Debates, third series, xxviii*, 1835, p576.

- 37 - *An Act to amend the representation of the people in England and Wales*, 2 William IV cap.45, passed 7 June 1832, and *An Act to amend the representation of the people of Scotland*, 2 & 3 William IV cap.65, passed 17 July 1832.
- 38 - 11 George IV cap.27, passed 17 June 1830.
- 39 - *An Act to repeal an act of the eleventh year of His late Majesty King George the Fourth, for the lighting and watching of parishes in England, and to make other provisions in lieu thereof*, 3 & 4 William IV cap.90, passed 28 August 1833.
- 40 - *An Act for continuing, reviving and amending several temporary Statutes; and for empowering the Grand Jury of the County of Kilkenny, at the assizes, to increase the yearly salary of the Treasurer of the said county*, 5 George III (Ireland), 1765.
- 41 - *An Act for amending the laws relative to the lighting and cleansing of several cities, and for establishing of Market Juries therein, and for other purposes*, 13 & 14 George III (Ireland), 1773; *An Act for reviving, continuing, and amending several temporary statutes*, 25 George III (Ireland), 1785; *An Act to explain and amend several acts heretofore passed for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns*, 36 George III (Ireland), 1796; *An Act to continue for one year, and from thence to the end of the next session of Parliament, so much of certain acts of the Parliament of Ireland, as relate to the lighting, cleansing, and watching of Cities and Towns, for the lighting, cleansing, and watching of which no provision is made by any act of Parliament*, 9 George IV cap.7, passed 26 March 1828.
- 42 - 9 George IV cap.82, passed 25 July 1828.
- 43 - J Prest, *Liberty and locality*, p8.
- 44 - This was reduced to two-thirds by the 1847 Amendment Act (10 & 11 Victoria cap.39), and to a simple majority by the 1850 Police Act (13 & 14 Victoria cap.33).
- 45 - FH Spencer, *Municipal origins*, p161.
- 46 - The four members who did not sign were Mr Thomas Jefferson Hogg, Sir Francis Palgrave, Richard Whitcombe and Edward John Gambier.
- 47 - *First Report of the Commissioners appointed to inquire into the Municipal Corporations in England and Wales*, 1835, p49.
- 48 - *ibid*, p32.
- 49 - *An Act for the abolition of the exclusive privilege of trading in Burghs in Scotland*, 9 Victoria cap.17, passed 14 May 1846.
- 50 - 5 James III cap.30.
- 51 - Josef Redlich and Francis W Hirst, *The history of local government in England*, London 1970, p116.
- 52 - *An Act to amend an act for the regulation of Municipal Corporations in England and Wales*, 1 Victoria cap.78, passed 17 July 1837, clause 1.
- 53 - Anonymous, "Municipal Corporations in Scotland", p157.
- 54 - *Copy of the protest by Mr Hogg, one of His Majesty's Commissioners for inquiring into Municipal Corporations*, p11.
- 55 - JW Croker, "Municipal reform", 231-249, *Quarterly Review*, liv, 1835, p239.
- 56 - Archibald Alison, "Municipal and corporate revolution", 964-977, *Blackwood's Edinburgh Magazine*, xxxvii, 1835, p967.
- 57 - *An Act to amend the Representation of the people of Scotland*, 2 & 3 William IV cap.65, passed 17 July 1832, one month after *An Act to amend the Representation of the people in England and Wales*, 2 William IV cap.45, passed 7 June 1832.
- 58 - *Hansard*, third series, xv, 1833, p650.
- 59 - *ibid*, p1246.
- 60 - The Scottish act set the franchise at the same level as that under the Great Reform Act of 1832, 2 & 3 William IV cap.65.
- 61 - FH Spencer, *Municipal origins*, p115.
- 62 - *ibid*, p138-9.
- 63 - J Prest, *Liberty and locality*, p7.
- 64 - *An Act for regulation of parish vestries*, 58 George III cap.69, passed 3 June 1818; *An Act to amend the laws for the relief of the poor*, 59 George III cap.12, passed 31 March 1819.
- 65 - *Hansard*, xxviii, 1835, p841.
- 66 - See for instance Brian Keith-Lucas, *The English local government franchise*, Oxford

1952; J Redlich and FW Hirst, *The history of local government in England*; Sidney and Beatrice Webb, *English local government from the Revolution to the Municipal Corporations Act: The manor and the borough*, vol 3, London 1908; GBAM Finlayson, *England in the eighteen thirties, decade of reform*, London 1969; and Lady (Ernest) Simon, "The history of the municipal franchise", 373-387, in *Public Administration*, 14, 1936.

67 - GBAM Finlayson, *England in the eighteen thirties*, p31.

68 - B Keith-Lucas, *The English local government franchise*, p61. The boroughs looked at are:- Barnstaple, Bath, Berwick-upon-Tweed, Bury St. Edmonds, Cambridge, Canterbury, Carlisle, Derby, Devizes, Durham, Evesham, Gloucester, Guildford, Harwich, Hereford, Ipswich, King's Lynn, Liverpool, Newcastle-upon-Tyne, Newcastle-under-Lyne, Oxford, Poole, Portsmouth, New Sarum, Scarborough, Shrewsbury, Stafford, Stockport, Sudbury, Sunderland, Truro, Wells, Wigan, Winchester, Windsor, Great Yarmouth, Beaumaris, Tenby, Thetford.

69 - B Keith-Lucas, *English local government franchise*, p146.

70 - Sidney and Beatrice Webb, *The development of English local government, 1689-1835*, London 1963, p42.

71 - *First Report of Commissioners, England and Wales*, 1835, p22.

72 - Asa Briggs, *Victorian cities*, London 1963, p140.

73 - *ibid*, p81.

74 - *An Act for enlightening the streets and lanes, and regulating the pavements in the town of Leeds, in the county of York*, 28 George II cap.141, passed 1755; *An Act for better supplying the town and neighbourhood of Leeds in the county of York, with water, and for more effectually lighting and cleansing the streets and other places within the said town and neighbourhood, and removing and preventing nuisances, annoyances, encroachments and obstructions therein*, 30 George III cap.148, passed 1790; *An Act to amend and enlarge the powers of 30 Geo.III, and for more effectually lighting and cleansing the streets and other places within the said town and neighbourhood, and removing and preventing nuisances and annoyances therein, and for erecting a Court House and Prison for the borough of Leeds, and for widening and improving the streets and passages in the said town*, 49 George III cap.222, passed 1809; *An Act to amend and enlarge the powers and provisions of an act of His Present Majesty, for erecting a Court House and Prison for the Borough of Leeds in the County of York, and other purposes; to provide for the expense of the prosecution of felons in certain cases, and to establish a Police and Nightly watch in the town, borough, and neighbourhood of Leeds aforesaid*, 55 George III cap.142, passed 1815; *An Act for lighting, cleansing, and improving the town and neighbourhood of Leeds in the county of York*, 5 George IV cap.224, passed 1824.

75 - 5 & 6 Victoria cap.104, passed 1842.

76 - *First Report of Commissioners, 1835, Report on the Borough of Leeds*, by Fortunatus Dwaris, p1620.

77 - The treasurer's accounts in Leeds were audited annually by the Aldermen of the city.

78 - EP Hennock, *Fit and proper persons: ideal and reality in nineteenth century urban government*, London 1973, p180.

79 - *ibid*, p196.

80 - 11 & 12 Victoria cap.102, passed 1848.

81 - 9 George III, passed 1769.

82 - 13 George III, passed 1773; 41 George III cap.39, passed 1801; 52 George III cap.113, passed 1812; 9 George IV cap.54, passed 1828.

83 - Conrad Gill, in his article "Birmingham under the Street Commissioners, 1769-1851", 255-287, *University of Birmingham Historical Journal*, 1, 1948, p261, wrote "The Commissioners' work on later years was so much more important that it is not worthwhile to follow in detail their activities before the end of the eighteenth century."

84 - This bill was never adopted due to the riots in Birmingham during 1791.

85 - William Alexander Ross, "Early Scottish Local Government", 30-41, *Public Administration*, xxiv, 1946, p36.

86 - A Briggs, *Victorian cities*, p81.

87 - MC Buer, *Health, wealth and population in the early days of the Industrial Revolution*, London 1926, p84.

- 88 - *First Report Commissioners, England and Wales*, 1835, p49.
- 89 - Henry W Meikle, *Scotland and the French Revolution*, London 1912, p217.
- 90 - *Royal Commission into the Municipal Corporations of Scotland, General Report*, 1835, p98.
- 91 - *First Report of Commissioners, England and Wales*, 1835, p17.
- 92 - *ibid*, p34.
- 93 - *Protest by Mr Hogg*, p2.
- 94 - *Hansard*, xxviii, 1835, p571; Peel argued "...that no system of Municipal Government, however spacious in theory, will promote the object for which alone it ought to be designed, will ensure the maintenance of order, the pure administration of justice, or the harmony and happiness of the societies to which it is to be applied, unless its direct tendency be to commit the management of Municipal Affairs to the hands of those who from the possession of property have the strongest interest in good government, and, from the qualifications of high character and intelligence, are most likely to conciliate the respect and confidence of fellow citizens."
- 95 - JW Croker, "Municipal reform", p234.
- 96 - A Alison, "Municipal and Corporate Reform", p977.
- 97 - *Glasgow Herald*, 29 April 1833.
- 98 - Anonymous, "Municipal Corporations in Scotland", p186.
- 99 - *ibid*, p186.
- 100 - S and B Webb, *The development of English local government*, p44-5.
- 101 - JW Croker, "Municipal reform", p237.
- 102 - David Robinson, "Reform", 235-254, *Blackwood's Edinburgh Magazine*, xxix, 1831, p251.
- 103 - *Hansard*, xxx, 1835, p593.
- 104 - GBAM Finlayson, *England in the eighteen thirties*, p33.
- 105 - JW Croker, "The Reform Ministry and the Reformed Parliament", 218-271, *Quarterly Review*, L, 1834, second edition, p250.
- 106 - Select Committees on Scottish Royal Burghs were held in 1793, 1818, 1819, 1820, and 1821.
- 107 - *Hansard*, xv, 1833, p649.

Chapter Four - Private legislation in operation: the experience of Glasgow, Anderston, Calton, and Gorbals, 1800-46.

From the earlier chapters, it can be seen that local police acts were widely adopted throughout Great Britain, and the reasons behind obtaining this legislation were largely uniform. The fear of rising crime and the rapidly growing urban population made inhabitants aware of the limited nature of existing administrations; they were experiencing new anxieties, and new solutions were required. Police acts adopted before 1833 were all local, the initiative came from the individual community. Even after the 1833 general Police Act in Scotland¹ the reforms were not mandatory. Burghs could pick and choose whether they adopted some, or all of the act's regulations; alternatively they could ignore the act altogether. The situation was slightly different in England and Wales, where 178 boroughs were made subject to the provisions of the 1835 Municipal Corporations Act² (appendix 5). Even after 1833 and 1835, local acts continued to be passed in Parliament. The amount of local legislation produced was enormous, but there was no certainty that individual burghs would fully implement all the statutes which they had obtained.³ The local acts of Glasgow, Anderston, Calton and Gorbals have already been examined in some depth, now the emphasis will be placed on evaluating to what extent these were enforced.

As Police Boards established themselves within their own jurisdictions, so they increased their range of duties, and employees. More people became liable for the assessment, and property worth L.4 per annum or more was included in the lists. None of the four burghs examined here restricted the levying of assessments to those who were entitled to vote for Commissioners. However, the money raised was generally not sufficient to meet the financial obligations of the boards, thus Commissioners were unwilling to extend their jurisdiction, especially into poorer districts. The desire of Anderston to gain control over Woodside in 1844, an episode which heightened calls for full amalgamation, was because Woodside was wealthy and perceived to be a lucrative catch.

Financial concerns and a desire to improve conditions in the burgh were major influences on the new police establishments. Commissioners sought a

balance between achieving a stable financial situation whilst still retaining the more forward looking aspects of the legislation. But they struggled to meet more than simply the basic needs of society. Throughout the legislation certain clauses kept reappearing, perhaps because they had still to be implemented. Police authorities retained the services of a London solicitor, and police bills were subject to intense scrutiny by committees in Parliament. Legislation was undoubtedly altered to improve its chances of success, thus clauses may have been included which were not subsequently put into operation. Only an investigation of the minutes from the police authorities can throw light upon these questions.

Glasgow.

Throughout the first half of the nineteenth century, the experience of Glasgow was important, since it not only reformed itself, but influenced its neighbours. Glasgow developed and adapted itself to new problems. The rate of population growth in the city meant reforms would have been difficult to maintain if provisions had not developed. Glasgow accepted that the process of reform was continual, and that it had not produced the definitive police act. As early as 1807, when the second act was conceived, Commissioners acknowledged the need to learn from others as well as themselves; "...we have no hesitation in recommending the example of the English Police in this particular instance to your most serious consideration."⁴ Glasgow possessed a wealth of private legislation; but was this implemented?

Finance determined how much of the Police Acts were put into operation. The cost of obtaining a local act fluctuated, but could be an expensive process. Glasgow spent L.1288 4s1d on its first act in 1800,⁵ but the 1843 Act cost only L.723 4s1d.⁶ The expense depended largely on whether there was any opposition to the proposed act in Parliament; for instance in 1842 the Glasgow Police Commissioners spent L.2136 10s 4d in an unsuccessful attempt to have a new police bill passed, whilst at the same time opposing a police bill proposed by the Glasgow Town Council.⁷

Glasgow's Police Board sought a stable financial environment; to be viewed as incompetent would have been disastrous. The onus on the Glasgow Police Board to prove they were financially astute was perhaps greater than

on any of their contemporaries. Whereas Police establishments in other burghs, most notably Edinburgh, co-existed with town councils which had no tradition of book-keeping, Glasgow's Town Council had allowed burgesses to view its accounts from as early as 1748. Irene Maver has stated, "The best use of financial resources was also a concern of councillors..",⁸ and this was reflected in the actions of the Police Commissioners. The police assessment had to be sufficient to allow Commissioners to meet their commitments, without alienating tax-payers. A sound financial situation was achieved, with some success. As Glasgow expanded, and the Police Commissioners grew more active, they began to require a continuous supply of money, thus credit became necessary. On the 10 July 1823 a letter of credit was deposited at the Ship Bank of Glasgow for L.1000, to cover the establishment's expenses. Credit had been obtained as early as 1801 because, "As the funds of the police are at present nearly exhausted, the meeting requested Mr Gilbert Hamilton to find what money may be necessary till the collection of assessments commence."⁹ But it was not until after the 1823 letter of credit that this arrangement became frequent. Similar letters were used in 1824 and 1828-33, but from 1834 onwards multiple letters of credit became the norm; two in 1834, three in 1840, four in 1835-38, five in 1839, and 1841-43, and six letters in 1844. The credit obtained in this manner, for each letter, was usually L.1000. This indicates the weekly running costs of the establishment had increased, but so too had outside expenses. Total expenditure for the bills of 1842 and 1843 came to L.7994 4s 9d, to be paid in 1844.¹⁰ This figure excluded expenses incurred in obtaining the Inchbelly Road Bill.¹¹ Financial flexibility allowed Glasgow's Police Board to meet rising expenses.

Credit was drawn upon the assumption that the Commissioners would repay the money once the assessment was collected. This reflected the credibility of their activities; they could depend on public support. Assessment was the establishment's main financial income, and this varied throughout the period. Glasgow was never forced to exceed its stated rate, largely due to the continued growth of population within its boundaries. However, as with all taxes, payment was not obtained without some complaints. Petitions for abatement or relief from the tax were frequent. Usually petitions were refused, but they were occasionally upheld due to poverty, or if it was

discovered a person had been overcharged. As early as 20 March 1801, the Commissioners sought opinion as to the legal definition of a pauper. An entire area could gain exemption from the tax if it received no benefit from the act. Thus, the Board agreed to exempt wards 8, 23, and 24 from assessment on the 18 December 1800, on agreement that they put aside claims to be watched and lighted. This allowed reforms to be implemented gradually, but as a rule the Board preferred to oppose all claimants. Throughout the minutes cases can be found of inhabitants claiming exemption, and the Board attempting to prove otherwise.

Claims of individuals or groups against assessment were common, but of greater interest was who these groups were. One of the first claims for collective exemption came from the Professors of Glasgow College. This dispute lasted from 5 June 1801 until 18 January 1803. By the 15 July 1802 Commissioners had been threatened with a law suit, and they resolved to negotiate. Eventually a compromise was reached. The Professors refused to submit to the principle of assessment, but offered to pay a voluntary contribution of 30 guineas for the three years up to 1802, and then 15 guineas annually, plus an assurance that they would light their own lamps. The Police Commissioners welcomed this compromise, stating "The present professors, sensible of the advantages arising to them in common with the other inhabitants of this city, from the establishment of the police are not unwilling for themselves to contribute to its support..".¹² However, the question re-surfaced on several occasions, most notably during the Professor Muirhead dispute of 1817-18.¹³ Commissioners claimed that professors paid the King's taxes and therefore had to pay police taxes, only those residing within College bounds could be exempt. But this claim was dropped when counsel stated there was no basis for such an argument. The question over whether Professors were exempt if they lived outside the College bounds was revived in 1823, and in 1825 the Court of Session reached a decision which favoured the Commissioners.¹⁴ Despite this the issue of whether those who lived within the College bounds paid enough was revived in 1827.

This was not, however, the only group which claimed exemption. Schoolmasters sought abatement in 1801, and 1837,¹⁵ the Faculty of Physicians in 1821-2,¹⁶ and the Incorporation of Fleshers and Markets in

1810 and 1819.¹⁷ All were refused. Group applications for exemption tended to come from occupational associations which contributed specific services to the population. This contrasted with claims for relief, which were lodged on behalf of those unable to pay. Groups such as the College Professors were not concerned with the cost of assessment, rather they argued against the principle that they should contribute to local taxation. In order to defend their previously privileged positions they were prepared to entrust the matter to law. Commissioners were determined to make sure that no-one managed to avoid paying, and in 1818 surveyors were ordered to assess all houses, shops, warehouses, etc, which had become occupied during the year. The mode of collecting assessment was altered no less than 6 times because of the need to ensure a high collection rate.

One revealing feature was the Commissioners concern about paupers and the burden they placed on the establishment. This was obviously a problem despite the requirement that people had to live continually for three years in the same place before they qualified for poor relief. On the 7 August 1801 the meeting "...ordered five hundred printed certificates for warning away poor persons not having acquired a right to the charity of the city by three years residence so as to prevent their obtaining such..".¹⁸ By 30 May 1808 the surveyor was authorised to make a list of all the poor who had entered the city within the last three years "...so as they may be warned away."¹⁹ On the same day three constables were ordered to make a census of the population, paying particular attention to this group. The minutes show great concern about the perceived link between beggars, destitution, and the spread of disease from a very early period.

Financial accountability was further enhanced under the 1821 Police Act when the offices of Clerk and Treasurer became separate. In reality this had occurred from 14 November 1816 when James Tod was elected clerk in place of Robert Nimmo, who continued to hold the office of treasurer. Mr Nimmo had been ordered to balance the books daily in 1815, and he resigned in 1817, after a deficit of L.481 12s 1/2d was found in the police accounts.²⁰ This money was repaid by his retainers, but from 1821 the clerk and treasurer were required to find security before they could accept office. This legislation undoubtedly occurred as a consequence of this episode;

indeed Joshua Heywood found security of L.550 for the post of Treasurer in 1817.²¹ Thus legislation was introduced to protect the establishment from further financial abuses of this kind.

Elected Commissioners played an important role in shaping the establishment, and contributed to the welfare of the community. Prior to the act of 1807, Commissioners argued against altering the mode of elections;

We cannot perceive any propriety in the alterations suggested by the New Bill for vesting the election of Commissioners in the Board of Commissioners unless a certain number of electors shall have voted.- We have had experience of singularly useful Commissioners elected by a much smaller number than the minimum votes required by the suggested alterations upon the existing law.²²

Throughout the period, elections were important, and this continued to be the case for General Commissioners after the 1821 Act. This act created additional Commissioners. In place of one Commissioner for each ward there were now to be three; one General, and two Resident Commissioners. The General Commissioner remained the most important, he sat on the Board which made decisions relating to the whole burgh. The Resident Commissioners were responsible for the running of the Police Acts within the different wards, and reported to the General Commissioner. From 1821 when the election of Resident Commissioners first took place, the number of elections that attracted no voters, or too few to elect a candidate, grew rapidly. The election of 1821 saw all but four Resident Commissioners elected by wards, yet by 1823 all were selected by the Board. The pattern suggests one or two Resident Commissioners were elected and the rest co-opted. However, the election of the Police Commissioner with power, the General Commissioner, remained very important, only these elections were ever disputed.

It is difficult to discover who was actually voting in the elections even after analysing the minutes, as no voting lists were attached. Yet two cases of female voting are visible. The first occurred in 1825 during a dispute over whether or not the election was valid. In this case the minutes stated the vote of Catherine Carswell was upheld, but those of W. Wardlaw and Ann Harper were invalid.²³ This suggests the basis for selection depended not on

sex, but whether they possessed the correct property qualifications. The second occurred in 1840, eight years after the 1832 General Reform Act had established a male only franchise. The election was contested over whether the voting ticket was required to state the designation of the voter. The Board decided that "...laying aside the votes for Mr Lennie which were formally defective as not containing a specification of the designation of the voters, excepting in the case of females, the Board found of good legal votes a majority in favour of Mr Lennie."²⁴ Thus, it would seem reasonable to infer that female voting was not prohibited in Glasgow, and indeed, as the case of 1840 showed, was assumed to take place. Only under the 1843 Act was it specifically legislated against.

The cases of females voting for Commissioners serve only to further enhance the reputation of the Police Board as a democratic organisation. Throughout its existence elected Commissioners had to reside within the area they represented, thus the social profile of the Police Board differed from that of the Town Council, and reflected the electorate. As the period progressed, this social diversity within the ranks of the Police Board meant that Radicals and Catholics were prominent members. The profile of the Board was such that many contemporary right wingers, such as Archibald Alison, Sheriff of Lanark, were alarmed at the position of control they had gained. They were disturbed by "...the fact that the existing administrative framework had become structured in such a way as to allow the radicals a position of advantage."²⁵ The social profile and diversity of the Police Commission strengthened the determination of the Town Council to abolish it, and this eventually occurred in 1846.

Many inhabitants expected a person elected to office to pursue the best interests of the community, but not all Commissioners filled the role with the same enthusiasm. From the earlier minutes it appears some members were more concerned to criticise the employees of the establishment, than rectify underlying problems. The initial burst of enthusiasm eventually subsided, and in 1822 discussions were started to enforce regular attendance. In July 1822 the clerk was instructed to make up a list of all Commissioners who refused office so that fines could be imposed, a regulation introduced by the 1821 Act.²⁶ By August 1822 fines were to be implemented against men who

failed to regularly attend weekly meetings. Attendance was always noticeably higher immediately after elections, but this fell away, and was lowest in May and June, just prior to the election. The 1830s saw the Board become more politically involved, and numerous petitions were sent to Parliament in favour of reform bills. The Commissioners began to view themselves as not only local guardians, but protectors of Glasgow's interests in a national context.

One of the most important aspects of the acts concerned the watching of the burgh. This had existed since medieval times, and consisted of householders being required to perform a watch on a rotating basis. As the burgh grew, so this type of watch became less effective, and in order to try and increase efficiency an Inspector of Police was appointed by the Town Council in 1779,²⁷ but this was unsuccessful and the position was abolished in April 1781. Under the local police act of 1800 new regulations for watching the burgh were produced, which involved creating an actual police force, rather than reliance on householders. All this led to a far more efficient, and professional, police establishment being created. As the Police Board grew in status so the watch evolved further. For example, the system of gratuities for the apprehension of criminals was abolished in 1825, four years before the Metropolitan Police was set up by Robert Peel.²⁸ The move towards professionalism, and the changing nature of the Glasgow police force will be discussed in greater detail in chapter five.

But, the establishment of police meant more than an efficient watch, for as shown by private legislation, there were many other areas which required to be regulated. Briggs stated that "...as far as problems themselves were concerned...it could be argued that the concentration of people in cities directed attention to social failings and abuses which had been accepted without question in previous generations."²⁹ Within the statutes relating to cleansing, begging, and health legislation in general, one can gain an insight into the efforts made to create a healthier environment. Throughout the period the Police Commissioners sought to control the spread of disease, and help those who had contracted cholera, typhus, or other fevers. The desire to help was quite genuine, but Commissioners preferred to provide money and enforce legislation, rather than adopt a more 'hands-on' approach.

Although provision of a cholera hospital was accepted, the decision to site it next to the police office was followed by a hasty removal of the Commissioners, until such times as the crisis appeared to be over.³⁰ Despite this episode, the amount of time donated to the creation of a healthier environment for Glasgow was quite remarkable, and this will be discussed more fully in chapter six.

Another area of concern for the Police establishment was how to light the streets effectively. Until 1819 street lamps were lit by oil, but after this they slowly converted to gas. The decision to change from oil to gas was adopted by the Board against the recommendation of their committee.³¹ The committee believed that oil prices were decreasing each year, whereas the price of gas was uncertain; and the cost of conversion to gas, at around L.3000, was too high to be acceptable. Estimates from the committee put the cost of lighting the 1500 lamps of the city by gas at L.1725, whereas oil would cost from L.1244 to L.1462, if the price remained between L.28 and L.34 per ton.³² Undoubtedly the fact that other cities had their streets lighted by gas influenced Glasgow. After the decision to convert to gas, the clerk was instructed to write to Preston and London to obtain an estimate of annual costs.³³ To have gas lighting, it would seem, was progressive.

Despite Police Commissioners support for the establishment of the Gas Company, their relationship was not always smooth. Complaints surfaced in 1819 about the escape of gas, and the company was warned to be more careful in future.³⁴ Perhaps more serious were criticisms in November 1819 about the quality of light provided by the new lamps.³⁵ The honeymoon period had indeed been a short one. An explosion occurred in Hutchesontown in 1820, and the Gas Company placed the blame on pipes laid by the Police establishment.³⁶ Yet, after this the troubles appeared to be over. Not until 1837 did another dispute with the Gas Company arise, this time over claims from the Police Commissioners that they had been overcharged.³⁷ This came to a head in November 1837, when legal proceedings were entered into against the Gas Company.³⁸ After this episode, it came as no surprise to discover the Police Commissioners supported the creation of a new Gas Company from 1839. A petition sent to Parliament in favour of this venture, stated, "That your petitioners are

persuaded that the effect of establishing a second Gas Company in this district would be to reduce the price of Gas - to secure a better supply, both in quantity and quality and to cause greater attention to the wants of the consumer."³⁹ The Police Commissioners sought to create a market which favoured the consumer.

Other problems with lighting the city emerged and had to be tackled. Under the Police Acts people found guilty of damaging or removing lamps were fined, but the detection of offenders was not always easy. By 1814 they tried to solve this, unsuccessfully, by offering rewards for information which led to conviction.⁴⁰ The Police Board simply lacked the resources to protect every lamp. There also existed a legal 'grey-area' over whether the breakage was deliberate, or accidental. Contractors also faced fines if lamps went out early. Thus Alexander Drummond, the contractor in 1802, was fined 2d each for the 3015 lamps not lit between December 19 1801, and February 3 1802.⁴¹ However, most lighting contractors managed to find an excuse to avoid paying these fines. Overall, evidence suggests the lighting of Glasgow improved under the management of the Police Commissioners.

Local legislation also allowed the paving of roads and causeways throughout the police boundaries to be undertaken. The creation of a fully paved city was the ideal, but this was not achieved until after the act of 1837, which placed the Statute Labour Money of Glasgow under the Commissioners' management. In fact, it was 1841 before the new Statute Labour Committee had compiled a list of all streets which required to be recausewayed. Total expenditure on resurfacing streets was L.4139 10s.⁴² The Board refused to accept all responsibility for paving the roads of the burgh, and in 1842 proprietors in Blythswood received notices which required them to repair the streets, as stated in their property title deeds.⁴³ The Commission wished the streets to be kept in good condition, but it was not prepared to spend money when the cost could be borne by someone else.

During the 1840s the Commission looked into the possibility of renting the quarry at Inverary from the Duke of Argyll. This granite quarry provided much of the whin stone used on the streets of Glasgow. A recommendation from the Statute Labour Committee in December 1843 to rent the quarry was

rejected by the Board, who instead negotiated to buy stone for use in Glasgow.⁴⁴ The question of renting the quarry was resurrected in September 1844, and defeated by 26 to 3 votes.⁴⁵ Commissioners were unwilling to enter into a contract whilst they were able to acquire stones cheaply. A combination of economy and efficiency allowed the Police Board to carry out its paving commitments.

For most of the early nineteenth century the Board managed the streets and roads of the area quite efficiently. Complaints from inhabitants that roads were blocked by stall holders, or in a state of disrepair, occurred throughout the records, but in general complaints were quickly dealt with. At one incident in 1820, inhabitants threatened to stop paying their police assessment, if the Commissioners did not act against the numerous hawkers on the streets. Tax-payers were willing to take direct action in order to have their complaints addressed. A system of numbering houses, and naming streets was established to prevent confusion. This process began in 1802.⁴⁶ By 1803 the Master of Police informed all house owners that if defaced numbers were not repainted within 10 days, they would be liable to a fine.⁴⁷ By November this warning was extended to shops.⁴⁸ This remained in effect until 1826 when the streets were all renumbered, with odd numbers on one side of the street, and even on the other.⁴⁹ Thus, a more efficient system was created.

Obviously not all the police legislation had the same effect on the burgh. Although the establishment had a fire department, and a Superintendent of Fire Engines, this was plagued with troubles. Several attempts were made to end the involvement of the Police Board in this area. Weighing machines were also important. In 1809 the Commissioners stated that all coals coming into the city were to be weighed, and regulations were gradually developed.⁵⁰ Even as late as 1844 new machines were set up, as the Commission sought to regulate all produce sold by weight.⁵¹ The interest in weighing machines reflected the desire to create a uniform system of weights throughout the country. Indeed, a Town Council committee of 1826 had stated, "By the 17th article of the Act of Union it was fixed that all weights and measures should be the same and yet local weights and measures have continued to be used, but these are unfit for trade."⁵² The Dean of Guild Court had already

established an uniform set of weights and measures to be used within Glasgow to prevent "...erroneous practices..."⁵³ in 1821; thus Glasgow's Police Board accepted a standardised system had to be created, not only within its own boundaries but through the country as a whole. Police Commissioners adopted weights and measures of the Imperial Standard. Commissioners were influenced as much by commercial concerns, as any higher ideals.

Police Commissioners sought to improve society through a combination of paternalism and social control, and their attitudes to alcohol show this quite clearly. Perhaps one of the greatest contradictions of the Glasgow Police Board was that many members had links with the spirit trade, yet it sought to clamp down on drinking, particularly on the Sabbath. Parliament sought to ban men connected with the retail of spirits from office under the 1843 Act, but this met with fierce opposition in Glasgow, and caused the resignation of several commissioners, including John Forrester, and Alexander McDougall, both of whom held spirit licences.⁵⁴ Throughout the period, retailers who sold, or gave, alcohol to on-duty watchmen were punished. Advertisements reiterated this as early as 1804.⁵⁵ From 1820, 10 additional constables were employed to arrest those who contravened the specified opening hours.⁵⁶ Although the Police Commissioners did not issue licences to retail spirits, they sought to influence Magistrates. In 1823 the Board asked for the law to be tightened due to the "...evil existing from persons of immoral and bad character having licences for the sale of spirits, whose houses, cellars and taprooms are frequented by loose characters of every description."⁵⁷ Again, in 1839 Magistrates were asked to reduce the number of licences they gave out.⁵⁸ The Board was determined to prevent the spread of evil from alcohol.

Sunday opening remained a particular concern of the Police establishment throughout the period. In 1817 officers and watchmen were instructed to report all public houses which stayed open on the Sabbath, or late during the week,⁵⁹ and an additional force of men were employed. A year later the problem was no better, and yet another force was sent out to stop alcohol sales on Sundays.⁶⁰ By 1819 a list of taprooms and public houses open on a Sunday was made and sent to Magistrates.⁶¹ The desire of the Commissioners remained unattainable, and attempts to curb the popularity of public houses failed.

Glasgow's Police Board sought to implement the private legislation which it had obtained, during the first half of the nineteenth century. In many ways Glasgow was very successful. The Police Board put many ideas into practice, and adapted them to changing situations. Commissioners were not content to rest on their laurels, they were concerned that legislation should meet current public needs. The ability to respond to the demands of the community was one reason why Glasgow continued to adopt private legislation, rather than the general acts which became available.

The Suburban Burghs.

After the examination of Glasgow's records, the suburban burghs do not offer the same wealth of information. The problem lies in the minutes of these burghs being incomplete. Although Gorbals adopted its first Police Act in 1808,⁶² there are only records for 1815-22 and 1836-46.⁶³ For Anderston, only nine years of minutes have survived, from 1836-38, and 1841-46.⁶⁴ This allows the reader to gain an insight into the controversy of the 1840s, but not the problems of the earlier period. The lack of information is even more acute for Calton, as no Police Commission minutes have survived; instead a picture must be built up from Council Minutes. Although the Council records stretch from 1817-46,⁶⁵ the information is less coherent. Yet, these problems do not inhibit the comparative study of urban reform at this period. As Checkland stated, "...in one sense the study of each city is the same; yet in another each is unique. All are seeing the same primary aim by the reconciliation of conflicting considerations, yet each must find its own terms of compatibility."⁶⁶ However, it would be easy, and rather monotonous, for the investigation of the burghs of Anderston, Calton, and Gorbals to merely replicate what has already been explained in the context of Glasgow. Instead, areas will be examined which allow the burghs to show similarities, and differences, among themselves and with Glasgow.

Glasgow's close proximity clearly had a bearing on the challenges these burghs faced and how they were dealt with. The most obvious advantage Glasgow had over these burghs was wealth. A vivid illustration of this occurred in 1833 when Gorbals appointed a new Superintendent of Police, who immediately sought an increase in employees wages.⁶⁷ Captain

Jeffrey's reasoning for this was "...unless corresponding wages to those of our neighbours are paid to these classes of servants, that none but the refuse of the Glasgow Establishment will offer their services..".⁶⁸ But it was not merely watchmen and officers who were tempted. Both Captain Archibald Wilson, Superintendent of Anderston, and Captain James Richardson, Superintendent of Gorbals applied for the post of Superintendent of Police in Glasgow, when it became vacant in 1844, the former being appointed. The lure of more money, and greater prestige was a powerful attraction.

Although the example of the Glasgow Police was influential, the smaller police authorities did not merely follow its lead. In Calton, the Burgh Council obviously decided that to force watchmen to abstain from alcohol was asking too much, and instead stated that "No more than a glass of spirits to be allowed each meal when on duty and the Captain is prohibited from allowing any more to be brought into the room." By February of the following year, 1819, the patrol were allowed 5s each night for spirits.⁶⁹ These practices were in force prior to the Calton Police Act of 1819, and it would be of interest to know if they were continued. Undoubtedly this was an example of the old style of watch, the free alcohol was probably a sweetener to encourage men to accept the position.

Within Gorbals the most obvious difference occurred in July 1845 when Police Commissioners decided to adopt a graduated wage scale. Whereas Glasgow sought to create a professional body of men, Gorbals preferred to reward employees for longevity in service. William Crawford, commissioner for ward 14, argued against graduated pay: "...all officers of the Establishment who do the same work and are able to perform it to the satisfaction of the Board receive the same amount of pay without reference to the length of servitude."⁷⁰ However, Gorbals decided to reward longevity of service in order to prevent employees being enticed away by higher wages in adjacent Police establishments.

Finance was of importance to all the police establishments. Glasgow's Police had built up a system of credit, and this was followed by the other police authorities. Anderston, with its limited minutes, is difficult to examine, but it obtained credit in 1843 and 1844.⁷¹ The Police Board of Anderston

negotiated loans from the bank; worth L.5000 in 1843, and L.4500 in 1844, plus L.500 for Statute Labour purposes. In 1843 the loan was agreed at "...the usual rate of interest." This probably referred to the general rate at the time, which indicates the bank did not regard this as a particularly risky loan. On the other hand, Gorbals obtained credit from 1816, when sums of L.50, L.40, and L.25, were drawn to allow the Board to meet its contingencies. Only L.25 was required in 1817,⁷² but this rose to L.100 in 1818 probably due to problems connected with the Collector.⁷³ Further credit was obtained by the Board in 1819, 1830, 1832, and 1843.⁷⁴ This suggests the suburban Police Boards tended to use the credit system less than Glasgow; both Anderston and Gorbals negotiated bank loans. In contrast, Glasgow had enough financial clout to persuade the banks to accept letters of credit on the basis of anticipated income. The smaller police authorities were more adept at living within their means, they proved they were capable of economy, and more importantly, were not spendthrift. As Pryde stated about the Royal Burghs, the finance had "...become chaotic and dishonest, and the early nineteenth century brought the ludicrous spectacle of municipal bankruptcy in a setting of urban prosperity."⁷⁵ Police Commissioners could not afford to be seen as foolhardy in the sphere of finance.

Evidence from the minutes shows suburban Police Commissioners had fewer disputed elections. It would be misleading to say these never occurred, but they were less frequent, and pursued with less vigour. One possible reason for this, particularly in Calton and Anderston, was that men who had set up the Burgh played a large part in running the Police Establishment, thus the authorities had close links. Instead of poor relations with their own Magistrates, Police Commissioners were more likely to have disagreements with Glasgow Magistrates. Within Glasgow men tended to be either Police Commissioners, or Councillors, very few were members of both. In Gorbals the situation was different as there was no town council, the burgh's bailies being appointed by Glasgow Town Council. The stereotypical 'old power' versus 'new power' was more applicable to Glasgow.

Although Glasgow's Commissioners became very Sabbatarian, only Gorbals' Police Board followed this lead, probably due to the influence of Glasgow as its feudal superior. In 1832 disrespect for the Sabbath in Gorbals was

deemed to be rising. The Board ordered the Superintendent to take action against "...the gross profanation of the Sabbath by idle and disorderly boys.."; by June children were prohibited from playing on the streets at any time.⁷⁶ An additional man was employed in 1835 to patrol the streets to stop children playing, particularly on the Sabbath.⁷⁷ Commissioners in all the Burghs were keen to uphold the Sabbath, yet were reluctant to allow watchmen to attend church whilst on duty. The establishments faced the predicament whereby they wanted to enforce Sabbath observance, but they needed officers available to apprehend anyone who committed an offence, especially during the hours of the divine service.

One prominent aspect of the Glasgow police not undertaken by the suburban police boards, was the attempt to prevent crime through the use of iron gates. In fact iron gates were only mentioned in Gorbals. During 1818 a petition for an iron gate at Carlton Place was rejected on the grounds that it would be "...inconvenient and injurious to the public."⁷⁸ The matter was not raised again until 1846, when the Board decided to erect a gate between Crown Street and Thistle Street. This was locked from 10pm to 5am.⁷⁹ The very fact this failed to become an issue in Calton or Anderston, and that even in Gorbals it was not implemented to any great degree, suggests the burghs had fewer streets which the authorities felt were suitable for this type of deterrent.

Throughout the minutes of the various burghs lighting was almost ever present, yet it seldom varied. Commissioners in Gorbals received a lot of complaints about the poor quality of street lighting, especially after they switched to gas in 1819.⁸⁰ Minutes for Calton, and Anderston do not state when they converted to gas. Gorbals, like Glasgow, was enthusiastically in favour of the new Gas Company. Indeed, Commissioners went as far as to recommend "...to every individual concerned with the Barony to take an interest therein as Partners or Consumers or both."⁸¹ The Board obviously felt that greater market choice could only work to their advantage.

However, one aspect peculiar to suburban burghs, especially Gorbals and Anderston, was their almost obsessive concern over the state of roads and pavements. Throughout the minutes, particularly in Gorbals, there was a

willingness to take the matter to court if proprietors failed to implement the Police Acts.⁸² In Anderston too, the Commissioners were prepared to let Magistrates settle the matter.⁸³ The threat of court action was used by both authorities to persuade many owners to pave or repair streets and pavements. Because these smaller authorities had less finance available they were more concerned to make proprietors meet their responsibilities, thus freeing police funds for other purposes. All Police Boards numbered the streets and houses. The need for order coupled with an expanding population meant the existing anarchic system was no longer suitable for a modern society.

Gradually Police Commissioners accepted the need for a more standardised society, a fact highlighted by the deployment of weighing machines. Despite modernisation, different standards of weights were still being used within comparatively small areas. The growth of commerce on a large scale made the acceptance of weights and measures which conformed to certain regulations desirable. All three suburban burghs eventually accepted the standard adopted by Glasgow. Calton acquired standard weights from 1817, but Gorbals did not until 1836.⁸⁴ Noticeably, Gorbals discontinued its use of weighing machines in 1835, just one year after they were set up, only to re-establish them in 1836.⁸⁵ The reason for this was Gorbals felt they were too expensive and saw their abolition as a means to save money. The fact these were re-established within a year suggests this was false economy.

Therefore to conclude, although the suburban burghs had certain unique characteristics, they were unable to compete with the strength of Glasgow. Noticeably, when Calton set up the Police Burgh in 1819 it modelled its act on Gorbals, not Glasgow.⁸⁶ Calton Councillors obviously felt the Gorbals Act was based on an area of similar size, with more relevant solutions to problems. The size and wealth of Glasgow, even at this early stage, must have been a prohibiting feature. Although the suburban burghs created Police Acts which gave them the opportunity to undertake wide ranging reforms, they simply did not have the finances to attempt this, and more realistic targets were set. Almost inevitably the smaller suburban burghs were concerned to stay within their budget. Gorbals continually set the highest level of assessment that their legislation allowed. This contrasts with

the perception of contemporaries, such as Archibald Alison, who claimed "...the suburban police commissioners, being chosen by what amounted to almost household suffrage, had such a terror of their constituents, that they could not be induced to take powers for adequate assessment."⁸⁷ These areas had fewer, and poorer inhabitants in comparison to Glasgow, and relied on assessing public works. Calton condemned the Glasgow Bill of 1842, promoted by the Town Council, which wanted to exempt the latter from assessment. Calton stated they were,

...unable to perceive any principle for this exemption more particularly as such descriptions of property require and receive protection as much as any other and occasion much expense to a Police Establishment by collecting a class of population of a floating character and of irregular and frequently destitute habits.⁸⁸

This was one occasion where vested interests clashed. Although the suburban burghs' Police Commissioners ran themselves quite effectively and efficiently, they were perhaps not as progressive as the legislation had suggested.

The Police Commissioners and amalgamation.

From the police minutes of the four burghs, one can build up a picture of Commissioners' attitudes to the merger of 1846. The idea of extension was not new, in fact Glasgow's Police Board had made overtures to individual authorities from the late 1830s. Calton first discussed proposals from Glasgow in 1833, but decided they would be worse off under Glasgow's heavy taxation.⁸⁹ In 1836 Glasgow approached Gorbals, with plans to amalgamate the criminal departments. This met with a qualified acceptance, "...the proposed arrangement might be attended with advantage provided the interests of the respective Establishments and the jurisdiction of the Magistrates of the several suburbs are properly provided for and reserved."⁹⁰ This idea was subsequently presented to Anderston in 1838.⁹¹ Links between the criminal departments of the four burghs developed from the late 1830s. Undoubtedly this co-operation between the various watching departments was a response to criticisms of their effectiveness, although in 1836 the Merchants' House had argued,

...the indispensable principle of subdivision among the existing local Police Boards of Glasgow, and the incorporated suburbs

of Gorbals, Calton, and Anderston, is not inconsistent, but perfectly reconcilable with a well-combined general system of criminal Police for the detection of more serious offences...⁹²

Pressure was exerted from Government for the Police Boards to merge, and assurances were given that any amalgamated authority within Glasgow would be exempt from the proposed Municipal Corporations Reform Bill of 1836. However, although this bill was proposed several times during the late 1830s, it was never passed. Opinion remained divided over whether amalgamation should take place within the criminal, or civil departments of police, if at all.

No further movement was made on amalgamation until 1841, when a proposed new police bill for Glasgow was circulated, by the Town Council. Calton gave the most detailed response. The mistake of Glasgow's Town Council was to make the bill appear as a take-over, rather than a merger. Only the Council was perceived to gain from it. The extension proposed that Calton be linked with equally poor areas, whereas Glasgow was to gain Blythswood, which provoked the response; "...the Bill appears to proceed on the principle that the poor Districts should be united with the poor and the rich with the rich."⁹³ Calton petitioned against the bill in 1842, and the Town Clerk wrote to his Glasgow counterpart:

The Magistrates of Calton being unwilling to Squander the public money - I am further requested to ask, that supposing they conceded the principle of one municipality over the whole district, whether the Magistrates and Council of Glasgow would agree to the principle of one board on a common purse for civil as well as for criminal purpose.⁹⁴

Although Calton was still in opposition, it hinted that it would accept a compromise, but only on specific terms.

The 1841 proposals had also been examined thoroughly by Glasgow's Police Board, which decided amalgamation was not a suitable option. Rather the Police Commissioners of Glasgow, Anderston, and Gorbals all applied for, and obtained, separate police acts during 1843. A power struggle was developing between the Police Board, and Town Council of Glasgow. Irene Maver has argued the Council felt the Police Boards;

...could no longer be trusted to carry out their day to day affairs, because the elected Commissioners were deemed insufficiently

responsible to hold office. This was a perception rather than the reality.... nevertheless, from the 1830s alarm bells had been ringing among the elites in Glasgow about the penchant of the electorate to return representatives who seemed to be ideologically suspect.⁹⁵

The Town Council actively sought the abolition of the Police Commissioners, who fought back by arguing against:

...the breaking up without cause or necessity, of a system of police that has been established, and has wrought well in Glasgow for the last forty-three years - has been copied as a model for other towns - and so far at least, as it [Committee] writes, all matters of Police under one management, has not been complained of, but on the contrary, has been satisfactory to the inhabitants generally.⁹⁶

Petitions, including one which contained 15,300 signatures from Glasgow,⁹⁷ were sent to Parliament, appealing to the Government not to intervene, in what many regarded as a strictly local affair. Concessions accepted by the police authorities, coupled with the weight of opposition to the proposals of Glasgow's Town Council, ensured the new Police Acts for Glasgow, Anderston, and Gorbals reached the Statute Book in August 1843.

Extension was, however, back on the political agenda within a year, due primarily to the determination of Anderston to gain control of Woodside. The plan was immediately met with opposition from Glasgow's Police Commissioners and Town Council, and the concept of one police authority was revived. Anderston still opposed the merger in 1846, when the Board stated;

...they had been misled for they are unable to perceive any advantage that would be conferred upon the inhabitants by the proposed change, while they will be made to suffer a considerable extent, for not only will the Police assessment be greatly increased, but also all the local rates.⁹⁸

When it came to the crux, the most important aspect remained the cost. Gorbals Police Board resolved to oppose the bill, and this decision was supported by a public meeting held in March 1846,⁹⁹ which called for the bill to be delayed. By June this opposition had ended.¹⁰⁰ Perhaps Glasgow's Police Commissioners' acceptance of the inevitability of the new bill, influenced Gorbals decision. Undoubtedly, amalgamation became a reality largely due to the "...determination of the Government and municipality to

abolish the Board in 1846 and transfer its functions wholesale to the civic authority",¹⁰¹ for despite the opposition to the Police Bill, it became law on 27 July 1846. After all the arguments against the bill, which had centred on finance and who was best qualified to use this money, Gorbals was found to have spent L.1498 9s 4d on opposition to the bills of 1842-3, and L.1905 4s 6d on supporting the bill of 1843.¹⁰² This was the expenditure of only one police authority. Desire to defend their own independence eventually became more important than producing balanced accounts.

Despite all the arguments against amalgamation, it eventually took place, albeit some ten years after the first proposals were made. Evidence has shown the desire of Glasgow's Town Council to obtain control over the Police Board was the driving force behind this, but latterly the Government felt it would be advantageous to have only one administration within the Parliamentary boundary of Glasgow. Not only did amalgamation end the authority of the separate police establishments, it also abolished the Burgh Councils of Anderston, and Calton. The Burgh Council of Anderston had only been in existence for 22 years, and it was reported that the final dinner was even more sumptuous than the first; "The dinner was excellent and served with great decorum; champagne was in abundance, as well as the other necessities of life."¹⁰³ The Act of 1846 signified the replacement of multiple separate authorities with a new single Council responsible for the entire area within the Parliamentary boundary. Undoubtedly it marked the end of an era.

Conclusion.

Hart has stated that "...it seems probable that in most boroughs the reform of the police was gradual and not spectacular as in London, and that the level of efficiency was still low in the eighteen-fifties",¹⁰⁴ but the reality of the experience within the Parliamentary boundary of Glasgow contradicts this. The minutes examined show the various Police Commissioners striving for a greater level of efficiency. Perhaps this was a consequence of having a large neighbour which sought to create an environment beneficial to industry, as much as character. The desire "...of providing a thoroughly controlled environment in which their characters could be reclaimed.",¹⁰⁵ may have been true for some, but for the most part the creation of a more ordered society was a way of achieving the stability needed for advancement in

industrial and commercial spheres. The men who populated the Police Boards were from different occupations, but predominantly the same class. This reliance on the middle class meant they concentrated on aspects which they considered of greatest importance - crime, health and finance.

Undoubtedly, amalgamation in 1846 meant the idea of the larger unit being more effective had triumphed. The police authorities now became part of the new Glasgow Town Council. Control of the police was vested in the standing committee on Police and Statute Labour, which had four sub-committees for finance, lighting and cleansing, statute labour and paving, and watching and fire engines. The assets of the new establishment totalled L.51,751 17s 4d, but it also inherited debts of L.41,134 9s 1d, and this prompted the decision to put further extension plans on hold.¹⁰⁶

The ideas of the Police Commissioners remained intact, but they were now better co-ordinated. Petitions for abatement or exemption from assessment still continued and were dealt with in exactly the same fashion; they were usually refused. The case of handloom weavers in Bridgeton was worthy of note. In 1847 their application for exemption was rejected because "...while the Committee deeply sympathise with the condition of many handloom weavers they found they could not exempt any class or body of men whatever from assessment."¹⁰⁷ The principle of assessment had been accepted, and was not about to be conceded. This contrasts sharply with the decision by Gorbals in 1837 not to assess weavers premises.¹⁰⁸ Divisions between the separate institutions were ended by amalgamation.

Consequently, the smooth transition to one establishment was quite remarkable. The four different sets of Police Commissioners created a basis upon which the new Glasgow Council could consolidate. Differences were present, but these stemmed mainly from Glasgow having more access to financial resources. However, the Police Commissioners had not been without their critics, and these were not confined solely to members of the Town Council. In 1838, the directors of the Glasgow University Lying-in Hospital questioned the priorities of the Glasgow Police Commissioners when they wrote:

The bye-streets, lanes, and alleys of the city and suburbs of

Glasgow, are, with few exceptions, exceedingly ill-paved, therefore very difficult to keep clean, and very dirty. They are very badly lighted, and some of them altogether without lamps; while the attention of the police is directed chiefly to the main streets of the town, neglecting the poorer and more obscure districts. The state of Prince's Street, the Vennals, and that of the Wynds and closes in most parts of the town, will serve to explain what has now been said regarding the lighting, paving, and cleansing of those parts of the city and suburbs occupied by the labouring poor. The effect of such a state of matters on the health and moral habits of these people cannot be otherwise than highly injurious. The circumstances now mentioned certainly well merit the attention of the Police Commissioners, who have recently expended large sums on the lighting and paving of the principal streets and great thoroughfares of the city. The lamps that illuminate the arches of the Old Exchange would alone suffice to light a whole lane, and the money expended on Ingram Street would have served to pave a large proportion of the bye-streets in the city.¹⁰⁹

Thus, the Police Boards of the various burghs were not without reproach, clearly they were concerned to pave and light the principal streets of the burgh rather than concentrate on the poorer parts of the district. Commissioners justified their expenditure by arguing that most of the money raised by the assessments came from the wealthier areas of the city, therefore they were entitled to reap the benefits first. The Glasgow Police Board had operated a policy of not assessing poorer areas, thus relieving themselves of the financial burden involved in providing lighting, watching, and cleansing for these wards.

The legislation obtained by the suburban police authorities had given them greater powers than their financial resources could sustain. Perhaps, the burghs had been determined to insert the new 'model' clauses, or they may have been recommended to do so by their London solicitor to ensure the bill's parliamentary success. Indeed, fees charged by London solicitors were phenomenal. Gorbals owed Mr Graham, their London solicitor, L.1900 for bills in 1842, and 1843.¹¹⁰ Undoubtedly, London lawyers were one of the major forces backing the continuation of local acts over public acts. Yet, minutes show that legislation implemented by the Commissioners usually met with some degree of success. In fact, the only time the Police

Commissioners failed were in situations where they encountered strong vested interests. They could improve society, but only if this did not interfere with industrial profits.

- 1 - *An Act to enable Burghs in Scotland to establish a general system of Police*, passed 14 August 1833, 3 & 4 William IV cap 46.
- 2 - *An Act to provide for the regulation of Municipal Corporations in England and Wales*, passed 9 September 1835, 5 & 6 William IV cap 76.
- 3 - Frederick Clifford, *A history of private bill legislation*, vol 1, London 1885, p vii.
- 4 - 27 January 1807, SRA E1/1/4.
- 5 - Glasgow Sederunt Book, 1800-24, SRA E1/1/1.
- 6 - 2 May 1844, SRA E1/1/21.
- 7 - *ibid.*
- 8 - Irene Maver, "The guardianship of the community: civic authority prior to 1833", 239-277, in *Glasgow, vol 1: beginnings to 1830*, eds TM Devine and Gordon Jackson, Manchester 1995, p242.
- 9 - 23 October 1801, SRA E1/1/2. This was a letter of credit for L.200.
- 10 - 2 May 1844, SRA E1/1/21.
- 11 - *ibid.*
- 12 - 18 January 1803, SRA E1/1/3.
- 13 - December 1817 - January 1818, SRA E1/1/9.
- 14 - 8 May 1823, SRA E1/1/13, and 21 July 1825, SRA E1/1/14.
- 15 - 30 January 1801, SRA E1/1/2, and 20 April, & 10 August 1837, SRA E1/1/18.
- 16 - 2 November 1821, and 24 January 1822, SRA E1/1/12.
- 17 - 19 April 1810, SRA E1/1/6, and 11 February 1819, SRA E1/1/10.
- 18 - SRA E1/1/2.
- 19 - SRA E1/1/1.
- 20 - see the minutes for 1815-17, and 14 August 1817, SRA E1/1/9.
- 21 - 4 September 1817, *ibid.*
- 22 - 27 January 1807, SRA E1/1/4.
- 23 - 27 August 1825, SRA E1/1/14.
- 24 - 29 October 1840, SRA E1/1/19.
- 25 - Irene Sweeney, "The municipal administration of Glasgow, 1833-1912, public service and the Scottish Civic Identity", unpublished thesis, University of Strathclyde 1990, p113.
- 26 - 11 July 1822, SRA E1/1/12.
- 27 - Glasgow Town Council Act book, 1777-1781, SRA C1/1/36. James Buchanan was appointed Inspector of Police on 2 March 1779, and he held this post until it was abolished, 5 April 1781.
- 28 - *An Act for improving the Police in and near the Metropolis*, 10 George IV cap.44, passed 19 June 1829.
- 29 - Asa Briggs, *Victorian cities*, London 1963, p68.
- 30 - 9 February 1832, and 16 February 1832, SRA E1/1/17.
- 31 - 15 April 1819, SRA E1/1/10.
- 32 - *ibid.*
- 33 - 22 April 1819, *ibid.*
- 34 - 16 September 1819, *ibid.*
- 35 - 25 November 1819, *ibid.*
- 36 - 24 February 1820, SRA E1/1/11.
- 37 - February and March 1837, SRA E1/1/18.
- 38 - 24 November 1837, SRA E1/1/19.
- 39 - 27 February 1843, SRA E1/1/20.

- 40 - 11 February 1802, SRA E1/1/2. The reward was set at 10s 6d.
- 41 - 10 November 1814, SRA E1/1/8.
- 42 - 28 January 1841, SRA E1/1/19.
- 43 - 29 December 1842, SRA E1/1/20.
- 44 - 26 December 1843 and 21 March 1844, SRA E1/1/21. The negotiations were for 600 tons of whin stone, and 600 tons of noble stone.
- 45 - 26 September 1844, *ibid*.
- 46 - 15 April 1802, SRA E1/1/2.
- 47 - 9 August 1803, SRA E1/1/3.
- 48 - 1 November 1803, *ibid*.
- 49 - 13 April 1826, SRA E1/1/8.
- 50 - 23 February 1809, SRA E1/1/6.
- 51 - 3 October 1844, SRA E1/1/21.
- 52 - Report of the committee appointed by the Honourable Lord Provost and Magistrates, Dean of Guild and Deacon Convenor, of Glasgow, to construct and verify duplicates of Imperial Standards of weights and measures for that City, 1826, in James Cleland, *Tracts 1816-29*, GUL Mu26-d.5, p11.
- 53 - Robert Hood, James Hood, and Alexander Wood, *Act of Dean of Guild Court, relative to weights and measures, Glasgow December 20, 1821*, GUL Mu22-e.14, p1.
- 54 - 16 November 1843, SRA E1/1/21. Both resigned as they had held a licence to retail spirits when they had been elected, but had since given this up. Both were re-elected on 23 November 1843.
- 55 - 21 February 1804, SRA E1/1/4.
- 56 - 19 October 1820, SRA E1/1/11.
- 57 - 16 October 1823, SRA E1/1/13.
- 58 - 21 November 1839, SRA E1/1/19.
- 59 - 24 April 1817, SRA E1/1/9.
- 60 - 23 April 1818, SRA E1/1/10.
- 61 - 4 March 1819, *ibid*.
- 62 - 48 George III cap.42.
- 63 - Gorbals Police Minute Books, 1815-22, SRA H-GOR 2/1; 1830-36, SRA H-GOR 2/2; 1836-42, SRA H-GOR 2/3; 1842-46, SRA H-GOR 2/4.
- 64 - Anderston Police Commissioners Minutes, vol 1, 1836-38, SRA H-AND 1/1; vol 2, 1841-43, SRA H-AND 1/2; vol 4, 1843-46, SRA H-AND 1/4.
- 65 - Burgh of Calton Minute Book, 1817-42, SRA H-CAL 1, and Scroll Minute Book, 1841-46, SRA T-HB 315.
- 66 - SG Checkland, "English provincial cities", 34-54, in *Economic History Review*, 2nd series, vi, 1953-54, p202.
- 67 - 15 February 1833, SRA H-GOR 2/2.
- 68 - 1 March 1833, *ibid*.
- 69 - 28 October 1817 and 24 February 1818, SRA H-CAL 1.
- 70 - 24 July 1845, SRA H-GOR 2/4.
- 71 - 26 December 1843, and 13 April 1844, SRA H-AND 1/4.
- 72 - 12 August, 30 August and 11 October 1816, and 23 August 1817, SRA H-GOR 2/1.
- 73 - 4 September 1818, *ibid*. The Collector was suspended from office on 15 May 1818 due to irregularities found in his accounting, and a new Collector was appointed on the 28 August.
- 74 - 3 September 1819 (L.100), *ibid*; 3 November 1830, 11 May 1832 (L.300), SRA H-GOR 2/2; 23 October 1843 (L.3000), SRA H-GOR 2/4.
- 75 - George S Pryde, "Burghal administration", 1-12, in *A source book and history of administrative law in Scotland*, ed. MR McLarty, London 1956, p10.
- 76 - 13 April 1832 and 8 June 1832, SRA H-GOR 2/2.
- 77 - 22 May 1835, *ibid*.
- 78 - 7 August 1818, SRA H-GOR 2/1.
- 79 - 19 February and 5 March 1846, SRA H-GOR 2/4.

- 80 - 6 August 1819, SRA H-GOR 2/1.
- 81 - 19 April 1839, SRA H-GOR 2/3.
- 82 - Instances of this appear in 1815, 1816, 1817, 1818, 1820, and 1832.
- 83 - Cases of action being taken in 1837, 1842, 1843, and 1844.
- 84 - 3 October 1817, SRA H-CAL 1, and 8 April 1836, SRA H-GOR 2/2.
- 85 - The weighing machines were first introduced on 23 May 1834, and three had been bought for L.106 4s. The decision to discontinue them was taken on 11 September 1835, but on 29 July 1836 the Board decided to re-establish by the end of August. SRA H-GOR 2/2.
- 86 - 14 October 1817, SRA H-CAL 1.
- 87 - Archibald Alison, *Some account of my life and writings: an autobiography*, Edinburgh 1883, p420-1.
- 88 - 23 September 1841, *ibid*.
- 89 - 6 November 1833, SRA H-CAL 1.
- 90 - 26 February 1836, SRA H-GOR 2/2.
- 91 - 28 February 1838, SRA H-AND 1/1.
- 92 - *The petition of the Merchants' House against the Municipal Corporations Bill of 1836*, GUL Mu22-a.16, p3.
- 93 - 23 September 1841, SRA H-CAL 1.
- 94 - 18 February 1842, *ibid*.
- 95 - Irene Maver, "Politics and power in the Scottish City: Glasgow's Town Council in the nineteenth century", 98-130, in *Scottish elites*, ed TM Devine, Edinburgh 1994, p110.
- 96 - 13 March 1843, SRA E1/1/20.
- 97 - 15 May 1843, *ibid*.
- 98 - 17 February 1846, SRA H-AND 1/4.
- 99 - 5 March 1846, SRA H-GOR 2/4. The outcome of the meeting was that the principle of the bill was accepted, but not the bill in its present form.
- 100 - 19 June 1846, *ibid*.
- 101 - I Maver, "The guardianship of the community", p251.
- 102 - These figures are found in the minutes for 17 August 1843, and 20 June 1844, SRA H-GOR 2/4.
- 103 - quoted from the Glasgow Herald in Derek Dow and Michael Moss, *Glasgow's gain: The Anderston story*, Carnforth 1986, p54.
- 104 - J Hart, "Reform of the Borough Police, 1835-56", 411-427, in *English Historical Review*, lxx, 1955, p421.
- 105 - Martin J Wiener, *Reconstructing the criminal: culture, law and policy in England, 1830-1914*, Cambridge 1990, p132.
- 106 - 11 January 1847, Police and Statute Labour Committee of Town Council of Glasgow, vol 1, 1846-48, SRA E1/2/1.
- 107 - 29 November 1847, *ibid*.
- 108 - 2 June 1837, SRA H-GOR 2/3.
- 109 - *Fourth annual report of the Glasgow University lying-in hospital and dispensary, 1838*, GUL Special Collections q837, p3-4.
- 110 - 5 October 1843, SRA H-GOR 2/4.

Chapter Five - Police and crime: changing attitudes and developing ideas.

Attitudes towards crime and punishment were clearly changing during the first half of the nineteenth century. Although a watch had been a feature of burgh life from the Middle Ages, this had generally been performed by householders on a voluntary basis, the idea being that inhabitants had to protect their own property. By the 1790s there were increasing calls within Glasgow for a more efficient force, but these met with the well-entrenched view of many inhabitants; namely that a police force, and especially a national one, would be an extension of the power of central government, and an infringement of their liberties. This view remained predominant until the 1830s, when the experience of local police forces, and a perceived rise in crime made the concept of police more acceptable. It is these changing views which are of importance to this study. Obviously the notion of a watch had always been accepted within burghs, and although not all inhabitants performed their civic duty, (it was possible to send, or pay for a substitute), this practice continued until the end of the eighteenth century. Notably some larger burghs, including both Glasgow and Edinburgh, employed a few nightwatchmen prior to introducing Police Bills; indeed regulations in Glasgow in 1594 allowed for a watch of eight persons to "...gang up and doune the strettis of the towne".¹ The establishment of an effective watch was one of the prime objectives of both local and general police acts of the early nineteenth century.

New ideas were being developed, no doubt encouraged by the ever changing urban and social conditions, and circulated amongst the upper and middle classes, through the periodical press. The view of some was that only universal education of the population would secure the stability of the country.² There can be no doubt that the upper ranks of society were apprehensive about the growth of urban areas; "There was, indeed, a growing distance between the 'two Glasgows'- between the upper and middle classes, who managed to weather the post-war depression, and the labouring poor, whose precarious living standards of the past twenty years now suffered a devastating blow."³ The threat of revolution, as had recently occurred in France, and the anonymity of population in large urban areas, led many to feel there was an alarming increase in crime. The perception was

bound to have played a dominant part in the decision of Glasgow's inhabitants, to institute a Board of Police, and a watch, in 1800. Indeed, one contemporary writer claimed the new watch was so large, that inhabitants believed, "...it would drive iniquity out of the city as though by a hurricane."⁴ But the mere fact the citizens of Glasgow agreed to subject themselves to a tax, only ten years after having rejected this, proved that attitudes had altered; people must have believed there were problems which had to be dealt with.

However, for much of this period Police Commissioners responded to, rather than prevented problems occurring. There are certain notable exceptions to this, and perhaps the most interesting concerns Irish immigrants, considered by some to be the source of all urban problems. In 1816, the county of Wigtownshire decided to introduce a police constable to Portpatrick, in an attempt to halt the influx of Irish vagrants. In order to do this they sought contributions towards the salary of this officer from all areas who, it was felt, would benefit.⁵ There is no evidence to suggest the county received any outside financial help, but they obviously believed that by reducing large scale immigration the crime rate in other cities and towns would fall; thus they argued these areas should spend a small amount of money in order to prevent crime, rather than waiting for it to occur. This failure to take preventative action was due to the desire of Police Commissioners to keep tight control over their finances; spending money with no guarantee of a successful result was not a risk they were willing to take.

The nineteenth century was a period of alteration. No longer was a belief in reason alone enough, this had been tried and found wanting - the victory over the French was a triumph of Christianity over secular forces. But there was no opportunity for the country to rest on its laurels, the entire social fabric of society appeared to be falling apart. For some the impression that crime was now out of control in urban areas, meant a fresh attack had to be launched upon the nation's character, to improve the morality of society. Some areas seemed to have been forsaken by God, and new evils were apparent everywhere. Evangelicals sought to win back the people, and improve their characters and morals; only if they were moral could they be happy, and indeed, only then would the country return to the stability it had previously

enjoyed. Thus, many became involved in attempts to stop crime through the development of police, and to alter the system of punishment.

Police.

The nineteenth century would, if contemporary writing is to be believed, appear to be an age where crime was on the increase and in which attempts were made to try and halt this. The fear of crime and the apparent end of stability in the nation was a preoccupation for many, particularly at the beginning of the century; thus police forces, or watches, were established across the country. People began to realise that some form of action had to be taken. Clive Emsley sums up this feeling accurately when he says:

It seems that, from the middle of the eighteenth century what had been accepted, more or less, as a social phenomena - a degree of social disorder and a degree of crime - began increasingly to be perceived as a serious threat to the social order and a growing problem which required a solution. More and more, crime and disorder were regarded as things which should not exist in civilised society as it was beginning to be conceived by the articulate, and by the country's rulers. Whether or not the incidence of crime and disorder was actually increasing is of far less importance than the contemporary belief that it was increasing, and the growing demands that a new threshold of order and decorum be established.⁶

The local agencies seemed unwilling or unable to deal with the new problem, whether or not such a problem actually existed. The perception rather than the reality was important to contemporaries. Popular opinion demanded that some form of action needed to be taken, but it occurred to contemporaries that society was going out of control. Thus, to say merely that policing was a reaction to one specific occurrence, like the Gordon Riots, or Chartism, is nonsense; it evolved due to a variety of demands and circumstances.

Many historians have in fact suggested the police force, prior to the introduction of the Metropolitan Police by Peel in 1829, was not as inefficient as had earlier been claimed.⁷ Indeed, evidence would suggest the watch was common in all areas prior to the nineteenth century. It has been argued that:

The relative effectiveness of the constables as police officers is

further brought out when we remember that the eighteenth century theory of enforcement of the law and punishment did not rest on the modern idea of catching and prosecuting all offenders, but rather on the idea of catching, prosecuting, and punishing exemplary, a sufficient proportion of offenders to deter others. For this role, and for the general low-key peacekeeping within the village community, parish constables were quite adequate.⁸

The watches of the eighteenth century were generally held to be sufficient for the needs of the community, they provided some sense of security, whilst at the same time they did not infringe upon the concepts of liberty which were important for many at this period. Policing did not necessarily arise because of the ineffectiveness and inefficiencies of the existing methods of local policing, rather it was undertaken because of the growing feeling that something needed to be done.

Some form of watch had existed, even in the most primitive sense, in many burghs from very early periods, and these were based upon inhabitants participating in a night patrol at certain times throughout the year. There was a growth in the number of salaried constables and watchmen during the eighteenth century, but although many of these were subsequently employed by the new police authorities, the perception grew that they were inefficient. Considerable continuity has been shown to have existed between the make-up of the old watchmen, and the new police forces, which suggests the new authorities felt the men already employed were adequate for the new job. It could also be argued that poor rates of pay meant finding, and retaining men, especially more efficient ones, was extremely difficult. This problem became worse as the pressure to become more reliable grew. This paradox has been clearly summed up: "There was clearly an enormous gap between what was expected of policemen by authorities (and later the public) and what was realistic to expect of them given the field of recruitment, which was in turn circumscribed by the low level of pay offered."⁹ Watches were increasingly common in urban areas during the eighteenth and nineteenth centuries, but generally they existed only at the most basic level.

However, what was of great significance was the fact that watches evolved on a local basis, they were not a national creation. This neatly fits the

concept that the state was not prepared to take too active a role in the workings of society; but it also reflected the fear, felt by many in society, about the creation of any force which would be reminiscent of a standing army, or would possess powers deemed to be at odds with the widely held notions of liberty.¹⁰ Yet, it would be false to presume the state never attempted to create a more national force. Evidence suggests that calls for the government to take some form of action had come as early as the 1750's, but a bill to create a police force in London and the metropolitan area did not emerge until 1785. The Prime Minister, William Pitt, had been under pressure to do something since the violence of the Gordon Riots in 1780, when calls for some form of efficient police were at their height. However, by the time the bill was introduced, many of the fears raised by the riots had subsided, and people were more concerned about the supposed infringements of liberty which were contained within the bill.¹¹ Peel managed to pass his Metropolitan Police Bill in 1829, largely, it has been argued, due to the preoccupation of the country with Catholic Emancipation. Indeed, although it has been claimed the principle of police was accepted in 1829, public hostility forced Lord Melbourne's government to abandon attempts to bring in a bill extending this in 1832. The proposed 1832 Bill would have allowed the government to set up a national network of police agencies, responsible to the Home Office. Many deemed this unacceptable as it appeared to signal the beginning of a French type of policing, incompatible with British notions of liberty. After deciding to drop the bill, Lord Melbourne stated:

The success of such a measure would depend entirely upon the discretion, the prudence, the temper, the caution with which it was carried into execution; and no government would attempt to force an increased police establishment upon any city or district, without having first ascertained that it was necessary, and that it was desired by the more respectable or intelligent portion of the inhabitants.¹²

Within Scotland, the 1833 Police Act¹³ did not create a body of police agencies, it merely provided the framework for local areas to set up police burghs should they wish to do so. In this early period the creation of a national police force was incompatible with the traditional ideas of liberty.

With the growth of police forces scattered throughout the country, it soon

became apparent that this was not the most efficient method of preventing and detecting crime. Separate police forces had little or no contact with each other, even in neighbouring areas, the result of which was advantageous only to the criminal fraternity. Indeed, Glasgow and its surrounding burghs were recognised as an example of this before 1846: "Until the passing of a recent Act for uniting the criminal jurisdictions into which the city and neighbourhood of Glasgow were divided, it was no uncommon thing for a criminal to escape and to be able to snap his fingers at the police, by merely running across a bridge."¹⁴ But this problem was not confined to Scotland, and the concurrent situation in England and Wales was similar: "...as the various forces knew little of what the others were doing and did not co-operate in preventing and detecting crime, there was little chance of their learning from each other and raising the level of police work in this way."¹⁵ Lack of co-operation was one of the major drawbacks of the local system.

Many ideas were put forward to try and improve the efficiency of local police forces, one of which called for a national register to be set up, into which the names of all criminals could be entered. The theory behind this was that there were only a small number of criminals in proportion to the population, and also this would allow Magistrates across the country to take previous offences into consideration. It was believed this would end the practice of criminals travelling around the country, committing crime; "The small number of offenders is not inconsistent with the large number of offences, for in the same way as a great many hats are made by a single hatter, and a great many shoes by a single cobbler, so a great many thefts are committed by a single thief."¹⁶ But in the late eighteenth and early nineteenth centuries, attempts to set up a national police force were unlikely to succeed because it was not considered necessary, and for many it remained a threat to the liberty which had for so long been a part of the national consciousness. As one periodical writer stated;

...we put it to the candour of John Bull, whether his feelings and habits are likely to be jarred on the more frequently by a really efficient civil force established all over the land, or by maintenance of that despicable apparatus which, in cases of slightest importance, can do nothing without the backing of red coats and bayonets.¹⁷

The author suggests that by attempting to protect the liberty of the British

people, they are effectively destroying it.

Despite qualms over whether a police force was indeed the solution to rising crime, it was left to local areas to decide what action, if any, should be taken.

An advert placed in the *Glasgow Advertiser* in 1790 showed the Town

Council of Glasgow felt preventative action was necessary:

The Lord Provost and Magistrates of Glasgow, in order the more effectually to protect the persons and property of the Citizens, find it necessary and expedient to establish a NIGHT GUARD and PATROL, composed of the Citizens, in order to watch and guard the streets, and for the purpose, Do hereby ORDER and REQUIRE all male householders, Citizens and Inhabitants of Glasgow, under the age of sixty, and above eighteen, whose yearly rents are L.3 sterling or above, in rotation, to the number of thirty, every night as they shall be warned by an officer two days before mounting guard, to repair to the Laigh Council Chamber at ten o'clock at night, and to continue on guard and patrol till next morning, subject to such orders as shall be given by the Magistrates. - Such as cannot, or do not chuse to attend must send to the sitting Magistrate two shillings and sixpence sterling each, the day after being warned, that the Magistrate may provide a proper substitute; and in default thereof each absentee will be fined in five shillings sterling. No substitute provided by the person warned will be accepted of.

As an institution of this kind has become necessary, from the great extent and populousness of the City, it is expected by the Magistrates, that the Citizens will pay a ready obedience in discharge of a duty and service so essential and conducive to public safety.¹⁸

One aspect of note here is that the advert was placed in December 1790, after Glasgow had failed due to the hostility of citizens to the proposed assessment, in its attempt to procure a local and private act, which would have allowed it to set up a watch. Indeed, it was the control and expense of the police which was of greatest importance to the inhabitants of towns and cities. To combat the complaints about expense, some writers pointed out that money spent on ineffective forces could be better spent creating more successful ones; "Towards the maintenance of this efficient force, each parish should be compelled to contribute the same sum that it now annually raises and throws away upon an inefficient one."¹⁹ The major problem faced

by those who wished to see a police force erected was to convince the populace that it was required, it would not be too expensive, and the money would not be wasted.

As police forces were established, different ideas began to emerge as to how they should be run. Glasgow after 1825, chose not to reward members of its police force for catching criminals, as they felt such a policy would be unwise. Patrick Colquhoun, a former Lord Provost of Glasgow, had been very keen on this idea; "The main argument in favour of a reward system was that police officers on a fixed salary would not be motivated to do their job."²⁰ But he later qualified this by stating "...these extraordinary rewards should always depend upon the vigilance and exertion of the parties themselves."²¹

Conversely, it was argued that the creation of a fixed rate of pay, would ensure the men employed were fairly rewarded, thus they would be able to treat the job more professionally, and as such be more effective. Glasgow ended the system of rewards in 1825, and this coincided with a report in the *Glasgow Courier* which, quoting from the Report of Society in London for the Improvement in Prison Discipline, claimed in relation to Glasgow,

It is evident that crime is gradually decreasing here; and the following may be fairly stated as the chief causes viz., a greater diffusion of moral and religious instruction among the lower orders; improvement in trade, and a constant demand for all kinds of manual labour. A general improvement has also taken place in the police establishment: in most cases there is now almost a certainty of conviction following crime, and consequently a prompt removal of criminals from society.²²

To the editor of the *Glasgow Courier*, and his readers, this article proved that the situation in Glasgow was improving, crime was being contained, if not reduced. Crime statistics up until 1822, show that apart from a blip around 1819-20 (caused by the violence surrounding the Radical War), the numbers incarcerated were declining. The figures further show that from 1818-22 the number of people detained for less than 30 days fell (from 797 to 270), whereas during the same period, corresponding figures for sentences of two months rose from 127 to 636.²³ This would seem to have been due to a policy change on the part of local Magistrates. Overall though, total numbers had dropped up to 1822, and a continuation of this pattern would account for the positive outlook of the *Courier*.

From the late eighteenth century, and throughout the early nineteenth century, public perception believed crime was on the increase. Many felt offences were rising because the chances of a criminal being arrested, found guilty, and having to undergo some form of punishment were minimal. It was argued crime was perpetrated more frequently if a criminal thought he could get away with it. Only by altering the criminal code, by making punishments lesser, but more likely to be imposed, would any impact be made upon crime figures. Yet, before punishments could be enforced criminals had to be caught, which meant a more effective police force was required. One frequent complaint from those in charge of police, was that their attempts to crack-down on crime were not always supported by Magistrates when it came to passing sentence. In Glasgow it was felt Magistrates were unwilling to incarcerate vagrants. Thus, although the police could follow a tough policy with regard to the homeless, this did not mean they were kept off the streets, as Magistrates were likely to release them when they appeared in the Police Court. This problem was not confined to Glasgow alone, and Hart notes the same thing happening in London.²⁴ If this was true in two of the major cities in Britain, in how many other areas was it also occurring? For the police to be effective, help was required from other agencies dealing with the problems.

Despite perceptions that crime was increasing within the city, it is difficult to be sure just how accurate these were. Many of the crimes which took place throughout Scotland were alcohol related, and Andrew Coyle has shown that crime rates in Scotland were much lower than comparable figures for England and Wales.²⁵ Behind all the crime statistics for the late eighteenth and nineteenth centuries there lies a shadow which affects our understanding of them. How did reported crime match perpetrated crime, and how serious were the offences those arrested were charged with? These questions are important to keep in mind whilst examining this period, all that it is true to say is that contemporaries were concerned with what they perceived as an increase in crime across Scotland.

In other cases it seemed there was a sense of inevitability that crime was bound to rise. Frederic Hill, an Inspector of Prisons, wrote in the 1850s,

"There cannot, of course, be an increase in wealth in the country without an increase, other things equal, in the temptations to crime."²⁶ This feeling that an increase in wealth and crime went hand in hand, was not new; in 1787 a writer claimed,

In this age and country of increasing light, liberty and free inquiry, it is a deplorable consideration that our crimes and capital punishments have increased, and continue monstrously to increase with our wealth; yet such has ever been, and must ever in the same measure be, the fate of cities and of nations; But these necessary consequences of increasing wealth may in part be restrained, and should be carefully guarded against, by effectual criminal laws, by a proper, strict, and well-educated system of police.²⁷

This was yet another attempt to solve the question posed by eighteenth century Enlightened thinkers, of how to balance growing wealth with civic virtue. Many considered the only way to attack crime was by preventative means, by education, and an improvement in society. Only by improving the character of people, and increasing their awareness of what their contribution to society meant, would the eradication of crime be made possible. But was this successful? Glasgow employed detective officers throughout the period, and had links with other places, such as Belfast and Dublin.²⁸ Within the Metropolitan Police detective officers were reintroduced in 1842.²⁹ This suggests that in the major cities at least, prevention of crime alone was not enough.

Contemporaries' reactions to the forms of policing which were being introduced throughout the country were frequently negative. Apart from concerns over the cost of an effective police force, many were alarmed at what they saw as an infringement of their liberties:

It is important to realise that those who were unenthusiastic about the establishment of a preventative police were not objecting to the idea that it would be good if there was less crime. But a preventative police in contemporary terminology meant a police which prevented crimes by interfering with all sorts of people, like itinerant dealers in old clothes, or persons with stamping machines; a police which could arrest reputed thieves and vagrants, and clear the streets of beggars and prostitutes.³⁰

The possible use (or abuse) of such an organisation, by central government,

had the potential to strike at the very heart of the nation, and the liberties which had appeared to be guaranteed by the Bill of Rights of 1689 in England, and the Claim of Right in Scotland. This was why the *Daily Universal Register* launched an attack on the proposed bill of 1785:

Although many inconveniences arise from an excess of liberty in this country, yet they are so greatly overbalanced by the advantages, that we cannot be too careful to preserve a blessing which distinguishes us from all the world. And there is no cause in which greater skill is required in the formation of a new law, than in that of a police bill. Our constitution can admit nothing like a French police; and many foreigners have declared that they would rather lose money to an English thief, than their liberty to a Lieutenant de Police.

...To lessen as much as possible that protection which the constitution of this country has given to every man's home, has lately been an object of particular attention to our law-makers. This privilege is one of peculiar rights which distinguish England from arbitrary states, and no friend of liberty will wish to see it contracted.

...Mr Reeves bill intended to amend the police, if passed into law would have the tendency to destroy the liberty of the subject.³¹

This fear of executive control, and of the police becoming some new form of standing army was still being echoed almost fifty years later in *Blackwood's Magazine* by David Robinson, when he claimed:

The police officer is really a soldier in disguise, in some respects he is a more dangerous character than the soldier. What difference does it make in the eye of the constitution whether his coat be a blue or a red one; or whether he be armed with a staff or a firelock? He is as much the mercenary and slave of the Executive, as the soldier; and the latter is always in readiness to assist him, if the firelock or bayonet be necessary.³²

Throughout the nineteenth century the argument continued to be waged that police officers, if placed under central control, could become a network of government spies. Fears that police would be developed along the French model, were ever present.

Yet police were welcomed by some sections of the community. As the century developed and particularly, it may be argued, after 1829, the concept of establishing a police force no longer appeared to be as repulsive to the

notion of freedom. By 1839, it can be seen from table 5.1, the number of policemen in the four major cities was too large to be unnoticed by the majority of their inhabitants. Table 5.1 shows that despite London having a far smaller ratio of inhabitants to police officers than Glasgow, the proportion of offenders in both cities was roughly similar, which suggests the Glasgow force may have been overstretched. However, if the number of offenders has been calculated as the number of convicted, then the Glasgow establishment was achieving a similar clear-up rate to London, which had almost double its number of officers, in proportion to its population. Unfortunately, the table does not identify the actual offences committed, but Charles Baird, who compiled the table, suggests that they were generally of "a very light description", which suggests that in reality crime was of a less serious nature than contemporary accounts seem to imply. There had been demands to create an efficient police force from an early period - for some the fear of crime, and the threat this posed to society, outweighed the need to protect liberty. Many also felt that liberty would not be threatened by the establishment of reliable forces. It would seem however, that demands for government not to become involved in policing the nation, continued to be dominant until the late 1830s.

Table 5.1: A comparison of the state of police in major British cities, 1839.³³

| | Est Popn | No of persons charged | No of offenders in proportion to poulation | Est Police force | Ratio of population to police |
|---------------------------------|-----------|-----------------------|--|------------------|-------------------------------|
| London, metropolitan | 1,600,000 | 65,965 | 1:24.5 | 4500 | 355 |
| Dublin, metropolitan | 300,000 | 42,682 | 1:7 | 1170 | 256 |
| Liverpool & suburbs | 265,000 | 14,689 | 1:16 | 600 | 442 |
| Glasgow, within police boundary | 175,000 | 7,687 | 1:22.5 | 223 | 784 |
| Calton | 28,210 | 2,601 | 1:11 | 28 | 1000 |
| Gorbals | 65,000 | 4,009 | 1:16 | 41 | 1535 |
| Anderston | 16,000 | 1,600* | - | 16 | 1000 |

*300 of these were for dirty closes and ought not to be included in the returns.

Attitudes were changing. Policemen were not only involved in fighting crime, rather the local constable was a "...domestic missionary' charged with bringing civilisation and decorum: he was armed with a battery of legislation to achieve this end."³⁴ Certainly police officers and watchmen were

supposed to protect not only the property of citizens, but, in many cases, their welfare as well. Frequently private and local acts provided watchmen with duties which involved keeping public houses closed during the hours of the divine service, keeping children from playing on streets, preventing gambling and prostitution. A great deal of the activity of watchmen was to make sure that people were prevented from getting involved in any activity which might make them liable to perpetrate a crime. Yet people did commit crime, and when caught they had to undergo some form of punishment. The question of punishment, and the debate related to this, is another area where ideas and practice come into close contact.

By turning to examine the history of policing in Glasgow, one can see that although watching had been present prior to 1800, the general consensus of opinion was "...that more efficient police protection was absolutely required."³⁵ Regulations for the new organisation were first made in December 1800, when Commissioners set out the separate nature of the new force;

The establishment of a police for the city of Glasgow having introduced a new set of officers distinct from those who attend at the Council Chamber, it is of obvious importance that a line should be so drawn betwixt them that the duties or emoluments of the one may interfere as little as possible with those of the other.³⁶

These rules were altered and amended in 1804, 1812, 1815, and 1826.³⁷ Within the 45 years for which minutes are available, Glasgow had nine different Superintendents, or Masters, of Police: John Stenhouse 1800-3 (resigned), Walter Graham 1803-5 (replaced), James Mitchell 1805-21 (contract ended), James Hardie 1821-25 (dismissed), John Graham 1825-32 (died), Francis Donovan 1832-33 (resigned), John Watson jun. 1833-36 (died), John Miller 1836-44 (resigned), and Archibald Wilson 1844-45. James Hardie was the most harshly treated, as he was forced out of office by Commissioners who held him responsible for the rise in unacceptable behaviour amongst the establishment's employees. Despite a public outcry, Captain Hardie's re-election was defeated by 17 votes to 14.³⁸ James Mitchell also had a difficult relationship with the Commissioners, and was the subject of an investigation in 1820.³⁹ The conduct of the most prominent police officer in the city was obviously a matter of concern to Commissioners

who drew up strict conditions of employment.⁴⁰

The Superintendent may have faced scrutiny over his conduct, but so too did watchmen and police officers. Throughout the period, despite employees being prohibited from drinking whilst on duty, numerous men were dismissed for this offence. Other misdemeanours which could lead to censure, or even termination of employment, included being rude to a senior officer, Commissioner, or member of the public, failing to attend properly to duties, falling asleep whilst on duty, allowing prisoners to escape, etc. The efficiency of the service was not beyond reproach.⁴¹ The minutes show that the Board moved slowly to create a more efficient and professional force.⁴²

One persistent concern of Commissioners was the failure to achieve a stable workforce, and as early as 1806 ideas were put forward to halt the high turnover of employees; "It was also recommended to the said Committee to consider of some plan for making the situation of the watchmen more comfortable by raising their wages or otherwise, so as to entice good watchmen to come forward and to prevent so many vacant situations as at present appear to be."⁴³ This was echoed in 1825. The question over finance was contentious, and in 1822 Commissioners discussed whether the numbers of officers and watchmen could be safely reduced.⁴⁴ By 1825 the Board had decided to replace the system of rewards with a higher level of basic pay, thus they were moving away from the idea of performance related pay, and towards the creation of a more professional police force. At the same time as they were trying to cultivate the perception of the police force as a profession, the Police Commissioners were trying to cut costs. But the Police Board of Glasgow did embrace the concept of a professional force before many of their contemporaries.

However, the perceived success of the police establishment caused a backlash against it by some sections of society. Attacks against employees of the Board can be found noted within police minutes. The acts allowed penalties to be brought against those found guilty of attacking police officers etc., but offenders were not always apprehended. Rewards for information leading to a conviction, were introduced and reiterated throughout the period. Following the unrest of 1819-20, the nightly patrol, and watchmen on remote

beats were armed, and in 1822 extra expenses were given to watchmen who were prepared to accept difficult stations.⁴⁵ Moves towards the arming of watchmen were a reaction to the heightened mood of crisis. The Irish, and some English Police were already armed which suggests Glasgow was taking a lead from these areas.⁴⁶

Attacks on watchmen were not merely physical, written or verbal complaints against officers could result in dismissal, if they could not be proved to be false. The Board recognised this form of assault had been used, and in 1809 made a clear statement of their ideas:

The Committee are aware that the servants of the institution are received with a jealous eye by that part of the community who may have smarted from their exertions and every calumny is thrown out against them - In these general charges the Board know well how to discriminate and to give every encouragement to the men when they are in the proper discharge of their duty. The Police of this City was instituted for the preservation of good order in the community, for the protection of the peaceable inhabitant, and for apprehending and bringing to justice the disturbers of the peace. These objects kept steadily in view and pursued the end is obtained, But if instead of following out these praiseworthy ends, any of the people so employed and paid at such an expense by the public should be charged with the grossest outrages against all decency and morality, this proved and passed over, then might the enemies of the institution have cause to triumph, and had both Commissioners and Servants with every Epistol of reproach, the will disposed of the Community justly to complain that there money is laid out upon unworthy objects who instead of being a protection are nuisances and pests of society.

The Committee are led to these reflections from another anonymous letter received by one of the Commissioners charging Love, one of your officers, with being in bed with another man's wife in broad daylight...⁴⁷

The Commissioners' decision to discuss the contents of an anonymous letter shows a lack of confidence in their employees. This letter had been preceded by several others, all of which accused officers of misconduct. To have remained silent in the face of these accusations would, the Board believed, have damaged their integrity. Commissioners were supportive of their employees but they did not hesitate to dismiss any who proved

themselves unworthy protectors of the community.

The success enjoyed by the watching force of Glasgow simply highlighted the realisation that crime could not be eradicated in one area without the co-operation of others. As early as 1806 the Glasgow Police obtained copies of lists of stolen articles found in Manchester.⁴⁸ This was a recognition that criminals did not simply stay in the same place. Both people and stolen goods could travel. From 1810 the Board sought regular correspondence with other police establishments throughout the British Isles, "...with a view if possible of giving and receiving information respecting all kinds of depredations and those found guilty of them".⁴⁹ By 1816 the Board experimented with allowing prisoners from Bridgeton to be lodged in the police office for a trial period.⁵⁰ Another important advance was the decision of 1818 to obtain information about offenders who resided outwith the royalty whom police had arrested.⁵¹ No doubt this was to ensure any previous misdemeanours could be taken into consideration by the Magistrates whilst passing sentence.

Co-operation with other areas became more important as the period progressed due to advances in transport which meant travel and correspondence became more efficient. Glasgow sent a police officer to Belfast in 1821 to recover stolen goods.⁵² Initially this was intended only as a two month trial, but it proved successful and was extended. The Irish connection was revived again in 1835 when contacts were made with authorities in Londonderry, Belfast, and Dublin, in order to apprehend offenders.⁵³ This was followed by an exchange of officers between Glasgow and Belfast.⁵⁴ Within Scotland officers from Glasgow were sent, on request, to preserve the peace at certain occasions, such as a cattle show in Dundee in 1843;⁵⁵ but meaningful co-operation with the other major cities was not forthcoming until 1844. In this year Glasgow, Aberdeen, Dundee and Edinburgh decided to exchange officers and information in a bid to cut crime.⁵⁶

At the same time Glasgow was aware that co-operation with its neighbours was of perhaps greater importance. This was not a new concept and had been promoted for London at the end of the eighteenth century:

For the purpose of establishing a complete and well-connected system of detection, something is necessary, in a greater degree, more closely to unite the City and Police Magistrates, that they may go, hand in hand, in all matters regarding the general interest of the metropolis, so as to make the suppression of crimes one common cause, by permitting no punctilio, regarding jurisdiction, to prevent the operation of that united energy in the prompt detection of offenders, which, from the extended state of commerce and society, and the great increase of property, is now rendered a measure in which the whole of the inhabitants of the metropolis have a common interest, since a pressure is felt affecting all ranks, which calls aloud for the speedy adoption of some effectual remedy.⁵⁷

From 1820 Calton and Glasgow had discussions over exchanging information. The Glasgow Board argued, "...this will open what the Committee thinks a very useful co-operation and communication between the Calton Police and that of the City, and this co-operation it is thought is of the more importance as it will secure the apprehension of delinquents..".⁵⁸ The habit of criminals to run from Glasgow into Calton, and vice versa, to escape watchmen was one good reason for the two authorities to seek closer co-operation.

Not until the Royal Commission of 1835 did the pressure for greater links between the four separate police authorities within the Glasgow Parliamentary boundary really begin to grow. However, these proposals did not gain universal support, and in 1836 the Merchants' House argued that "By the existing subdivisions of central and suburban police, offenders are brought before persons to whom their characters are known, at a convenient distance for witnesses, who with the Magistrates and officers are enabled speedily to return to their usual duties or business."⁵⁹ However, over time the pressure for greater links grew, although not until 1844 was a register of offenders set up between Glasgow, Anderston, Calton, and Gorbals.⁶⁰ Pressures to amalgamate the separate police authorities served only to ensure that the Police Boards fought to retain their own identities.

Many areas of the watch were refined throughout the period under the Police Commissioners, but the Board constantly felt the Magistrates failed to back them up, and allowed offenders to escape without a severe enough

punishment.⁶¹ One historian has argued that "...the authorities concern with disorder was not simply paranoia, but based on a real and justified fear of the lower orders",⁶² which suggests that the Police Board saw their control as being under threat. Gradually, though, Commissioners realised there was little benefit to be gained in merely locking people away, without attempting to reform them. From 1812, Commissioners looked into the benefits of separate cells for female prisoners.⁶³ Although there was a rising concern over the need to keep first offenders apart from the influence of more hardened criminals, this was not implemented until 1835.⁶⁴ Commissioners were continually perturbed by the rise in crime, but they also accepted that they had a moral duty to protect the welfare of offenders.

Throughout the Glasgow Police minutes there were attempts not only to prevent crime, but also to make it more difficult for offenders to escape justice. One method of doing this was to erect iron gates in closes. Private acts obtained by Glasgow first legislated for the use of iron gates in 1821, but the idea first surfaced in 1814, when Commissioners "...suggested it might be of utility, if practicable, to shut up the thoroughfare closes at a certain hour at night by erecting gates..".⁶⁵ This idea had been implemented in a more primitive form in 1806, when a chain was put across the lane from Melville Street to Brunswick Street; and again in 1809.⁶⁶ In both cases the chain was ordered to be removed. Not until 1820 was the matter raised again,⁶⁷ and a committee was appointed to inquire into the matter. By March recommendations were put forward for the erection of 189 gates, although the Commissioners declined to pay for this. Instead, proprietors were urged to erect gates at their own expense. Committee recommendations that the Board pay the expenses were rejected.⁶⁸

However, once the 1821 Act was passed Commissioners pressed ahead with the erection of iron gates. The 1821 act was passed on the 7 May, and a month later the Board agreed to put up 175 iron gates in the city at a cost of L.800.⁶⁹ By November 1821, 41 gates had been put in place, at a cost of L.146 11s 6d, and the Board felt confident enough to state, "It was all along the ideal of your Committee to place the gates in situations combining public utility with comfort and convenience of the inhabitants and this they believe has been attended with success as no complaint has yet been made on that

head."⁷⁰ From 1821 onwards the Board were inundated with requests for iron gates to be erected all over the city. As late as March 1843 Commissioners received petitions for iron gates, which suggests they were deemed a successful deterrent to crime.⁷¹

Despite the attempts of Glasgow's Police Board to establish a professional police force, crime still continued to rise throughout the period. During 1819 Stevenson Macgill wrote of Glasgow, "Our town and all this neighbourhood are in a deplorable condition and I dread the consequences... Theft and robbery are also invariably on an increasing rise."⁷² This was a view which was subsequently echoed throughout the remainder of the first half of the nineteenth century. The ever-increasing growth of population in Glasgow meant that the police forces were constantly undermanned and under-pressure. This, coupled with the situation whereby there were four separate police establishments within the Parliamentary boundary after 1832, meant that offenders did find it easy to escape into another police jurisdiction with their spoils. Glasgow's decision to erect iron gates, a move not followed by Edinburgh, may indicate the sense of exasperation felt by the Police Commissioners. The police force established within Glasgow was gradually moving to become more professional, but the constraints it worked within, surrounded as it was by three inferior police forces, meant that it failed to reap fully the benefit of its more enlightened approach.

Punishment.

Already it has been seen, through looking at the police, that crime was perceived to be on the increase at this time. As more people were caught and convicted, so the question of punishment acquired a greater prominence. This prompted discussions upon why punishment was necessary, and what it should hope to achieve. From the work of Beccaria, a prominent enlightened Italian thinker of the eighteenth century, the answer to these questions was forthcoming:

The aim, then, of punishment can only be to prevent the criminal committing new crimes against his countrymen, and to keep others from doing likewise. Punishments, therefore, and the method of inflicting them, should be chosen in due proportion to the crime, so as to make the most efficacious and lasting impression on the minds of men, and the least painful

impressions on the body of the criminal.⁷³

Here then was the answer which had a great influence upon the minds of many throughout Europe, in the late eighteenth and early nineteenth centuries. Punishment had to be inflicted in order to persuade others that it was not worthwhile to perpetrate crimes, but it was also required to ensure that the offender would be reformed, and be able to re-enter society as a more useful member. Beccaria's theories, throughout the period which is under scrutiny, persuaded many that one way of preventing others from partaking in crime was to create a system whereby once caught, the offender was sure of being punished. This need was reiterated by a periodical writer in 1847;

Any thing is better than an uncertainty of obtaining convictions. A milder punishment certainly inflicted, is better than one which would be more effectual, if it cannot be inflicted at all; to say nothing of the demoralizing effect of the spectacle of juries deliberately violating one or other of two imagined obligations. In this point of view, any system of legislation must accommodate itself to the actual state of the people, nor presume to be in advance of those who administer it.⁷⁴

Throughout the period notions of what the most effective forms of punishment would be assumed an important role in discussions on crime and how it could be tackled.

Perhaps the first aspect which requires to be investigated are what notions of crime and punishment were held at this time, and indeed, earlier. It has been stated, "...originally the transgressor was simply a menace to be disposed of, incorrigible, an outcast. Those in authority had neither time nor wish to try and reform him into a 'useful member of society.'",⁷⁵ and this is important to remember. Only from the late eighteenth century had the notion of reforming the criminal begun to be accepted by some. Although there were calls to abolish capital punishment and torture on the grounds that they did not necessarily improve the system of justice, others still believed they were the only effective means at their disposal. Thus it is possible to see Samuel Romilly attacking the House of Lords for making statements such as, "Transportation for life is not sufficiently severe punishment for the offence of pilfering what is of 5 shilling value, and that nothing but the blood of the offender can afford an adequate atonement...".⁷⁶ From this one can clearly

see the ideas of reform were not universally held. One argument used by those who called for reform, was that the nature of the punishment should only be such that it exceeded any advantage which would have been gained, if the crime had been successful. Reformers were concerned that many punishments far exceeded the nature of the crime, which in turn led to the justice system becoming less effective, as criminals were acquitted rather than sentenced to death, which was the penalty for a large number of crimes. The need to reform the nature of the punishment, to better fit the crime, was felt by many to be of great significance.

Attitudes towards crime and punishment slowly began to change. At the beginning of the nineteenth century there was a move away from capital punishment for most offences, and the middle decades of the century saw the end of transportation as a means of punishment. As these punishments declined, so more offenders were incarcerated in mainland prisons. There were several reasons for this change in attitude, the most important being the need to make the punishment fit the crime, and attempts to reform offenders.

In relation to the first reason Beccaria had stated:

...when the extreme severity of punishments (though not immediately opposed to the public good and to the same purpose of preventing crime) can be shown to be useless, then in this case, too, such severity would not only be contrary to the kindly virtues born of an enlightened reason which would rather govern happy men than a herd of timidly cruel slaves, but would also contradict justice and the nature of the social contract itself.⁷⁷

For many the fault lay with the excessive severity of punishments. The death penalty remained the punishment for a whole series of offences, including stealing, which meant justice was not performed, because a judge or jury was more likely to find a defendant not guilty than send him to his death for a minor offence. As a contemporary wrote in 1788;

But what profit is to be derived to the state by corporal or capital punishment? What difference is there in point of criminality, betwixt the atrocious murderer, and him who the calls of nature, or the cries of starving children, prompt to steal a few shillings! And what shocking barbarity is it in us to take from the last the life which we cannot give, for depriving us of a small sum which, with continued life, the culprit might restore to us by the labour of a few days!⁷⁸

This outcry eventually led to a change in the number of offences for which capital punishment was inflicted.

In addition to changes within the criminal justice legislation, other sections of society sought to reform the convicted offender. Many believed that it was not enough merely to punish a man, it would be of far greater use to society if that person could renounce his former lifestyle and become a responsible member of society. It has been written of Patrick Colquhoun, "To execute criminals, he notes with what might be either Scots liberalness or an unsuspected vein of irony, was useless as a method of reforming them."⁷⁹ Colquhoun was one of those advocating the notion of the reformation of criminals. Many began to accept that it was not enough merely to remove criminals from society, some attempt to reform them was required.

It was this desire to give people another chance, to prove that it was not merely human failings, but also environmental factors which led to the fall into despair, which provoked Stevenson Macgill, in his plea to reform prisons, to write;

Are there not some, even among those who have been convicted of crimes, of whom some hope of repentance and reformation might be formed; who have only commenced the career of vice, feel the compunctions of returning principle, and, with some encouragement, and in favourable circumstances, might be induced to fly the fatal paths of the destroyer? But alas! they are abandoned to the society of the most profligate; where every virtuous and religious principle is laughed to scorn, where the minds are polluted with indecency, new acts of iniquity and wickedness taught them, and new temptations continually forced upon their thoughts. In such a situation surrounded only by vice, their reputation gone, their hopes in life blasted, no good sentiment awakened or encouraged, they give themselves up headlong to the direction of the abandoned; and issue from prison a thousand fold more depraved than when they entered its fatal walls.⁸⁰

The concept that a fallen man could be reformed, and made capable of contributing positively to society was popular, as was the theory that first time offenders should be kept separate from hardened criminals. These theories were very important because they emphasised the fact that the failure was not due to the individual alone, but had its roots in the wider environment.

Macgill, and others, attacked the failure of society to meet its responsibilities:

The hopelessness of the attempt to reform criminals is a favourite topic with persons who will not be at the trouble of making the trial. But why should it be hopeless? Have men who have fallen into vice, never been reformed? Have even great and habitual transgressors never been seen to undergo a change of character? But criminals: condemned criminals - what is to be expected of them? I might refer the objectors to the end and power of Christian dispensation: I might refer also to many illustrious facts, and show the grace of God, through the means which he has appointed, is powerful to bring down the strongholds of Satan, and bring even the chief of sinners to repentance.⁸¹

Macgill, and his fellow evangelicals, showed that enlightened progress and reform could be achieved through Christianity.

This viewpoint, however, was not universally accepted. Many were sceptical of the possibility of its success. Archibald Alison wrote in 1844:

...it has now been demonstrated by experience, that even the longest imprisonments, and the best system of prison discipline, have no effect, or scarce any, in reclaiming offenders; and that the only effect of the new system has been, to crowd the jails with convicts and the streets with thieves; to load the counties with assessments and the calendars with prisons; to starve New South Wales for want of compulsory labour, and oppress Great Britain by the redundancy of hardened idleness.⁸²

But this outburst from Alison was perhaps not unexpected. Alison was not an enlightened evangelical like Macgill, rather he was a traditional Tory and anti-presbyterian, who did not believe the ordinary man had the capability to improve himself. This scepticism, coupled with the lack of prominent reform successes ensured the critics remained vocal.

In this concern to reform offenders, rather than simply punish them, it was possible to see a link to the Evangelical and Enlightenment ideas about character. Attempts to give an offender a chance to alter his lifestyle, and make a fresh start, were linked to the concept that only if society was more moral could it prosper, and that sinful men could be redeemed and converted to a new way of life. It was important that reform opportunities were not confined merely to prison, but extended to include help after the prisoner's release. This meant that ex-convicts were helped to leave the area where

they had perpetrated the crime, and given good character references. The greatest fear of many reformers related to the attitudes of society, as these could lead to even the most penitent of offenders being forced to resort to crime in order to survive. The belief that reclamation of offenders would be beneficial to the health of society, increased the sense of disappointment over the number of recommitals;

We meet with persons who are continually wondering at the number of criminals who return to the Bridewell after their liberation. But if we were to attend to the combination of unfortunate circumstances which environ them, and the total want of any aid to assist them in their struggle, and to prevent their sinking in the depths of these billows upon which they are carelessly thrown, we will wonder only that any of them escape destruction.⁸³

The problem lay not in the attempt to reclaim offenders, but in society being unwilling to extend new opportunities once the prisoner had been released. Attempts were made to overcome this problem by Perth County Prison in the 1840s, which encouraged local men to meet with those about to be released. This project encouraged these men to find employment for ex-offenders and to continue contact with them once they had left prison. It was hoped that this would help prevent recommitals.⁸⁴

Whilst the offender was incarcerated there were many schools of thought as to how he should be treated. Some believed only the quiet contemplation of continuous solitary confinement would lead to the reclamation of souls and the improvement in morals. With hindsight, it has been claimed this system did nothing for the prisoner, rather "...the immured slowly went mad."⁸⁵ In Scotland this system of silent treatment and work with no useful product was not fully implemented until Frederic Hill was transferred south and replaced as Inspector of Prisons by John Kincaid.⁸⁶ Indeed it has been written of the system which was introduced that it was "a style of which Brebner would not have approved and which was to lead to reports of mental and illness among prisoners".⁸⁷ Contemporaries too were divided over the benefits of the system; some felt that keeping prisoners apart from all other human contact would not help them re-adapt to the needs of society, rather it would make them maladjusted individuals. Frederic Hill, an Inspector of Prisons, initially supported the silent system, but eventually came to oppose it, and wrote:

...this principle, though excellent, if employed judiciously, as part of a comprehensive plan of treatment, and with due regard to the age, sex, temperament, and general character and conduct of each prisoner, is quite insufficient, even if combined with the best possible provision for work, and for mental, moral, and religious instruction, to prepare an offender who was wanting in self control for restoration to society, that it greatly restrains the kinds of employment, impedes instruction even in what remains, and dulls the spirit of labour; thus obstructing the very means of getting an honest living, and increasing the difficulty in making a prison self supporting, and that when carried to excess, it enfeebles both the mental and physical powers, and tends to foster habits of deception; in fine, like all arrangements contrary to nature, the more fully the case is examined, the more numerous do the evils appear to which long periods of isolation give rise.⁸⁸

Indeed, a more favoured method of reform was to make prisoners work, and encourage them by allowing them to keep some of the money they made on their release. However, work had to be of a productive quality; it was argued that to work men on a tread-mill, or other useless employments, would do nothing to improve their morals, and character. The whole question of the reclamation of offenders rested upon the idea that once a person was made more useful to society, then this would help to make society a better place.

It is interesting to note that the views of Frederic Hill were influenced by William Brebner, the Governor of Glasgow Bridewell from 1808-45. Brebner had established a silent system within the prison several years before this was introduced in Philadelphia. However, perhaps the most interesting aspect about Brebner was that, "despite all the effort which he expended on introducing and developing the separate system of imprisonment, he retained a pragmatic understanding of the limited possibility of reform within the prison setting".⁸⁹ In this, like Macgill, he realised that before an offender could successfully complete the process of rehabilitation, the attitudes of society would have to change in order to afford him another chance. Brebner was influential throughout this period, and officers trained by him were sought after throughout Scotland.

One aspect which did concern reformers was whether the individual or society was to blame for crime. Robert Owen argued that "If the poor cannot

procure employment, and are not supported, they must commit crimes or starve."⁹⁰ Thus he believed Governments had a moral obligation to help the poorer members of society, otherwise they could not expect to successfully tackle crime. This viewpoint had been expressed earlier, when Macgill argued that society had created the conditions in which crime could flourish. No man was predestined to be bad, but circumstances could cause this to happen. He wrote about the effect on people of "...unhealthy occupations, damp and airless dwellings, crowded population, neglect of superintendence of education, and of religious instruction, and that general corruption of manners for which great cities, particular countries, places and professions, and in general all indiscriminate collections of persons are notorious", and further argued that it was, "...one of the highest duties incumbent on every man, according as God has given him the opportunity, to use every proper means to lessen or remove them; not merely with a view to the reduction of the maintenance of the poor, but for the sake of the general happiness and welfare of our fellow creatures."⁹¹ Yet, others argued crime was inevitable, due to the conditions for some in society coupled with their own characters, thus it did not matter what efforts were made, for crimes would continue to be committed. Certainly Alison did not perceive much hope of change when he wrote;

...still the great fountains of evil will remain unclosed; still 300,000 widows and orphans will exist in a few counties of England amidst a newly collected and strange population, steeped in misery themselves, and of necessity breeding up their children in habits of destitution and depravity; still the poor will be deprived, from the suddenness of their collection, and the density of their numbers, of any effective control, either from private character or opinion of neighbourhood; still the individual passion will be inflamed, and individual responsibility lost amidst multitudes; still strikes will spread their compulsory idleness amidst tens of thousands, and periodically array the whole working classes under banners of sedition, despotism, and murder; still precocious female will at once tempt parents into idleness in middle life, and disqualify children, in youth, for household or domestic duties. We wish well to the philanthropists: we are far from understating the importance or utility of their labours; but as we have hitherto seen no diminution of crime whatever from their efforts, so we anticipate a very slow and almost imperceptible improvement in society from their exertions.⁹²

This suggests that by the 1840s the optimism expressed by thinkers, like Macgill in the 1810s, was no longer justified. Punishment had to be inflicted, but until more fundamental problems were tackled, some felt the breakthrough on the fight against crime would not be forthcoming.

Quite clearly notions of how to tackle crime and punish offenders did change throughout the period. There was a move away from capital punishment, which could no longer be defended as a deterrent to others. Many had come forward to argue against its continuation, except for the most serious offences; as Elizabeth Fry had stated, "Punishment is not for revenge, but to lessen crime and reform the criminal."⁹³ It was these two objectives which came to be acknowledged as the criteria which any punishment was required to meet. Obviously not everyone was happy at this outcome, but the majority began to accept that an execution, or public murder, did not improve the morality of society. It was gradually admitted that Britain could no longer force other countries to accept criminals from its shores; the belief grew that transportation merely served to create societies which were false in relation to nature. Indeed it was argued whether or not, "...the English nation have any moral right, for their own supposed safety or convenience, to entail such a curse on their colonies and posterity?"⁹⁴ Many now believed that they were under obligation to try and create a society where people would possess good characters, as only then would the nation be able to tackle, and eventually eradicate, crime. The influence of the Enlightenment and Evangelical thinkers, and their emphasis upon the quality of the character, played an important role in the emerging penal theories in Britain, during the late eighteenth and early nineteenth centuries.

Glasgow - 1848 Riots.

One incident of significance in relation to how the police were able to cope with trouble, were the 1848 Riots which occurred in Glasgow on the 6 March, and lasted for several days. This riot was one of a number of similar incidents which broke out throughout Europe in this year, caused mainly by want, due to the lack of employment, and a shortage of food. In other countries, such as France, rioting had led to revolutions, and this was a major source of fear for those in power. Indeed, many in national government felt Glasgow to be a hotbed of radical agitation, and believed that riots there

could spark a series of similar outbreaks across the country. One contemporary wrote, "During the commercial distress of 1848-49, and the agitation consequent on the flight of Louis Philippe and the establishment of the French Republic, Glasgow had the bad eminence of going further in deeds of lawlessness and riot than any other city in the Empire."⁹⁵ This view of Glasgow as a particularly violent place appears at different times in its history, particularly since 1800 when it became the centre of Scotland's industrialisation. The 1848 outbreak was seen by many at the time as part of this revolutionary threat.

Glasgow had, in common with other industrialising areas, experienced a number of riots from the late eighteenth century. Prior to the establishment of the 1800 Police Act for Glasgow, a riot in 1787 by journeymen weavers in Calton, sought to establish higher wages. The military were called in, and the mob moved towards the city. This caused panic amongst those in charge, and more force was used, resulting in the death of three weavers, and the suppression of the riots. In 1837 the cotton spinners went on strike, to demand more money, and again this ended in violence, after a blackleg was shot in Anderston. Between these dates, the Scottish Radical War of 1819-20 took place. The latter came when calls for reform were repeatedly ignored by an intransigent government. The Tories, in power at this time, were continually worried about republicanism in the country, and the rioting in Glasgow did nothing to alter their opinion. The *Glasgow Courier* summed up the feeling of unease, when it claimed of the Radical reformers, "...the real objects of the unprincipled men who lead these meetings, is the subversion of the Government, of their country, and that they have made alarming progress towards the attainment of their aim, in so far as the debasement of the public mind is necessary to its accomplishment."⁹⁶ But later writers have claimed that those who were executed and transported after the events, were innocent dupes of government spies; and there does appear to be evidence to back this.⁹⁷ It is interesting to note that the Police Board paid very little attention to the Radical War of 1819-20 which suggests that they probably saw the build up to the rioting as nothing more sinister than general public interest, and that they were quite prepared to leave the suppression of the incident to the control of the military. What links all three incidents - 1787, 1820, and 1848 - was the fact that they were all suppressed by the military.

The main features of the 1848 riots seem fairly straightforward. On the 4 March 1848, a crowd of unemployed people gathered on Glasgow Green, and marched to the City Hall to demand greater attention to their plight. It was agreed that a soup kitchen for the destitute should be set up, and tickets for this handed out on the Monday. However, on the Monday (6 March), when the crowd gathered again, it was revealed that the tickets were not ready; the disenchanted crowd then split in two, and began to march through the city. Discipline soon deteriorated, and shops were looted, grain carts halted, and some guns stolen. The rioting spread to Calton and Bridgeton the following day, and after orders from Captain Smart to fire to disperse the crowds, several people were shot. Eventually the military, with the aid of the police and Special Constables who were enrolled during the crisis, managed to get the situation back under control, and threats that striking colliers from Airdrie would come to join the unrest proved unfounded. The greatest fear of the government had been that the rioting would be copied in other parts of the country, and thus police and military barracks were put on alert in cities such as Edinburgh and Manchester.

The first question which springs to mind was why did the riots occur, and secondly where were the authorities? The economic recession, and the fact that the Scottish Poor Law did not adequately assist the unemployed, meant that many more people were facing problems. Glasgow's Town Council had attempted to ease the suffering by offering food or money in return for labour, and men were set the task of breaking stones. This was the traditional response in times of need. The Council did not believe a man should receive indiscriminate charity, as this was beneficial neither to his character, or morals. The concept of something for nothing also failed to fit the philosophy of laissez-faire. Conversely, others believed that in a time of need, charity should be freely distributed, and these people were blamed with inciting the trouble. The *Glasgow Herald* claimed, "On Sunday, it appears that a large meeting was held on the Green where the multitude were addressed in inflammatory language by some of their leaders, and urged to demand food or money as a right, irrespective of paying for them in labour."⁹⁸ The conditions would appear to have played a large part in creating the atmosphere which preceded the riots.

Yet, the role of the police and authorities was also crucial, especially in the early stages of the riots. In many newspapers, the consensus appears to be that early on, the police were "...nowhere to be seen";⁹⁹ and that even when they were present, there was little they could do. *The Times* reported, "The police, although on the spot, with the superintendent at their head, were of little or no avail, so frantic and excited were the mob, who proceeded from one excess to another."¹⁰⁰ The police were unable to cope with the sheer scale of the riot, and many calls were made for an investigation as to why the Councillors took so long before calling out the military. The rioting started at 3.30pm, but the military were not called out until 5pm. At first, the *Glasgow Herald* claimed the civic rulers would be fully exonerated of any fault caused by the delay, but later it decided that a fuller investigation was required:

Now that the excitement and uneasiness are subsiding, people are beginning to ask what became of the police during the riot and plunder of Monday. This is a question we cannot answer. But we have reason to know that a most searching investigation will, in due course, be made into the matter. Till then we would ask our fellow-citizens to suspend their judgement. Neither the magistrates nor the police were ignorant of the wild work which was going on in the city from half past three till five o'clock. But it may be that the authorities or the superintendent did not consider themselves justified in sending out a party of men carrying only sticks in their hands, to resist a mob of ruffians armed with guns, swords, bayonets, and iron bars. It is only after the work is done that we know the contemptible character of the rabble which did the damage: but those that saw the head of their rebellious column feared that it might only be the advanced guard of a body of immense strength. As we have said, however, all will be investigated in due course.¹⁰¹

Despite calls for the public not to judge the police until all the facts were known, the perception was that the police were inadequately prepared to cope with this type of situation.

It is clear, that for the majority of inhabitants the riots were not only unwelcome, they posed a serious threat to the property of many. This may explain the large numbers of men who enrolled as Special Constables during the troubles. Estimates placed the number who joined at 10,000. This response was remarked upon by newspapers, "...the spirit of the citizens was

admirable. Thousands of them, including large bodies of decent workmen, flew to the Exchange, where they were sworn in as constables by the magistrates...".¹⁰² For many, this more than anything else, seemed to prove that the riots were an aberration, perpetrated by the minority. Indeed, many newspapers agreed the riots were not caused by the majority of the unemployed, but by a small minority, who took advantage of the protests. *The Northern Star*, anxious to distance Chartism from the violence of the rioting, stated, "We may mention that the violence was not partaken in by the unemployed directly, except in so far as the bread shops were concerned; but the thieves and blackguards of the town were the real depredators."¹⁰³ This view was echoed in both the *Glasgow Herald*, and *The Times*:

It seems to be the general impression that the principal parties concerned in the riots were not the bona fide unemployed, but persons who are too well known to the Police, and the scientific manner in which the shopbreakings were accomplished give very good grounds for believing that this supposition is pretty near the truth.,¹⁰⁴

and

It is not an insurgent population that has to be put down, but a contemptible band of thieves that have been apprehended and lodged in gaol. This is really the work to be done. The disposition to riot and outrage has hitherto been confined entirely to the 'rascal population'; it has met with no sympathy from the unemployed or the great body of the operatives.¹⁰⁵

The general consensus of opinion would appear to have been that it was not the decent population which had been involved in the rioting, but that segment of immoral characters, who had taken advantage of the situation to benefit themselves.

Undoubtedly, the situation in Glasgow had been deemed to pose a realistic threat to internal security. Although later reports attempted to play down the situation, initial reactions prove the authorities were concerned. On the 9 March, Lord Provost Alexander Hastie wrote to the Lord Advocate stating that two undercover policemen had been sent to Airdrie in order to gain accurate information regarding the situation there. The perception was that the danger was not yet over. The Sheriff of Lanarkshire, Archibald Alison, wrote concerning the incident in which Captain Smart ordered the Pensioners to fire in order to disband a crowd, and stated the deaths were "...not only perfectly

justifiable but in fact indispensable to prevent their being disarmed and killed on the spot."¹⁰⁶ But perhaps most telling was the letter from the Advocate's clerk, John Brodie, suggesting that either the Lord Advocate, or Solicitor General should attend Glasgow; and also complaining that the lack of communication from Glasgow was "...a serious evil and may be attended with embarrassing consequences..".¹⁰⁷ Brodie then goes on to make recommendations to avoid the same happening "...on all future occasions of public disturbance."¹⁰⁸

Overall, the evidence suggests the public accepted the view that a small minority had taken advantage of the situation. Throughout newspaper accounts of the incidents it appears that the police were not being blamed for their inability to deal with the riots. This suggests that by then the public had an idea of what the role of police should be. For example, everyone accepted that it was unrealistic to expect the police should be able to deal with extraordinary situations on their own without any resort to outside help such as the military. It is clear, too, that public opinion would accept the use of the military as a force to remove the evil from the city. "On the appearance of the military, the rioters with guns have fled into the wynds; and the general mass of the people offer no resistance, but, on the contrary, follow after the soldiers cheering and hurrahing."¹⁰⁹ Extracts like this reinforce the claim that the riots were opportunistic, rather than revolutionary in nature. The whole episode suggests that, despite the fact Glasgow had possessed some form of police from 1800, and that the police were becoming more advanced, and their duties were more clearly defined, the force was still unable to deal satisfactorily with unexpected incidents. Large scale rioting remained an area which the police were unequipped to face, and the military still had to be relied upon, in this respect, to keep the peace. The changing notions and conceptions of police, still left it unable to meet the challenge of unexpected urban unrest.

Conclusion.

From the information which has been looked at, it is evident that attitudes were altering in the early nineteenth century. Certainly, the influences of the Enlightenment were of great importance because these provided many of the concepts which were developed by the Evangelicals of this period. The

Evangelicals played a significant part in the debates of the nineteenth century, particularly in emphasising specific ways for curing society's ills. Education was believed by many to be the key to the problems of the new urban environment; the question was what form it should take. But, it may be argued that Evangelicalism was a significant force in providing the new outlook for the new century. Evangelicalism moved the emphasis onto individuals, and concentrated upon their morality, and the influence of this upon society. Religion was now more readily accepted as being linked to social morality. Evangelical ministers wanted a reformation in public morality. The urban context provided them with an immediate and obvious challenge. This was where their 'missions' should be located because this was where there existed a large group of people largely ignored by the church, and in a state of moral, and indeed physical, destitution.

The conditions in urban Scotland were unable to cope with the influx of migrants, both from the Lowlands, and the Highlands, of Scotland, as well as Irish immigrants. The fact that large groups of people now lived in an unordered society, made many feel the structures of the state were collapsing. The belief amongst many of the upper and middle classes, that lawlessness and vice were taking a grip of the whole country, and particularly the large urban centres, was terrifying. This belief led to the calls for a new form of internal security, and the setting up of police forces, or watches. As the clamour for something to be done grew, so too did the debate on the type of policing, and the nature of justice itself. For some, nothing less than the complete overhaul of society would be enough. The debate was sharpened by challenges to the notion that a person became a criminal from choice, instead it was argued people were forced into criminality out of need. JH Burton noted this in 1841:

It is proper also to observe, that many of the persons committed of theft were not habitual thieves. Some were wives deserted by their husbands - some were children deserted by their parents - and many of the persons belonging to this class of offenders, as well as to other classes, were led to the commission of offences by intemperance.¹¹⁰

He was pointing out that it was not merely a problem for the individual, but for society as a whole.

Throughout this chapter, it has become evident that there was an ongoing debate, on both policing and punishment. The fact that policing was enshrined in legislation by the end of this period would have seemed unthinkable to citizens in 1790. Despite this, police forces were still not able to cope with outbreaks of unexpected large scale unrest. The case of Glasgow in the 1848 Riots shows this clearly. Yet, the fact that the role of the police was extended, particularly in Glasgow, Calton, Anderston, and Gorbals, during this period, shows the public did accept the principle of policing. The concept of character and the part this had to play in the developing society was also crucial here. Burghs were adapting their models of police to meet the needs of the new urban environment.

1 - Corporation of Glasgow, *Municipal Glasgow: its evolution and enterprises, with a preface by Rt Hon Lord Provost DM Stevenson*, Glasgow 1914, GUL Mu25-c.48, p284.

2 - *Design of a society for improving the moral and intellectual condition of the poor, and promoting among all classes an attachment to national principles as deduced from the most prosperous times of British History*, [], [], GUL Mu22-b.1. This claimed that "...disseminating, through the medium of cheap publications, popular and attractive information, calculated to improve the intellectual and moral condition of the poor, to teach them the duties of their station, and to encourage their national attachments."

3 - Stewart J Brown, *Thomas Chalmers and the Godly Commonwealth in Scotland*, Oxford 1982, p96.

4 - Dr John Aitken, Police Commissioner, quoted in James Cruickshank, *Sketch of the Incorporation of Masons; and the Lodge of Glasgow and St John: with much curious and useful information regarding the Trades' House and Glasgow past and present*, Glasgow 1879, p289.

5 - Robert Renwick, ed, *Records and Charters of the burgh of Glasgow, x, 1809-1822*, Glasgow 1915, 15 October 1816.

6 - Clive Emsley, *The English police: a political and social history*, Hemel Hempstead 1991, p16.

7 - see for instance, Jenifer Hart, "Police", 177-219, in *Crime and law in nineteenth century Britain*, eds WR Cornish, J Hart, AH Manchester and J Stevenson, Dublin 1978; David Philips, "A new engine of power and authority: the institutionalisation of law-enforcement in England, 1780-1830", 155-189, in *Crime and the law: the social history of crime in Western Europe since 1500*, ed V A C Gatrell, Bruce Lenman, and Geoffrey Parker, London 1980, and Ruth Paley, "An imperfect, inadequate and wretched system"? Policing London before Peel", 95-130, in *Criminal Justice History*, x, 1980.

8 - D Philips, "A new engine of power and authority", p160-1.

9 - J Hart, "Police", p209.

10 - Standing armies had been banned by the Bill of Rights 1689, and the Claim of Right 1689 in Scotland.

11 - For more details see Clive Emsley, *Policing and its context, 1750-1870*, London 1983, and D Philips, "A new engine of power and authority".

12 - David Philips and Robert D Storch, "Whigs and coppers: the Grey Ministry's National Police Scheme, 1832", 75-90, in *Historical Research: the bulletin of the institute of Historical Research*, 67, February 1994, p90.

13 - *An Act to enable Burghs in Scotland the establish a general system of Police*, 3 & 4 William IV cap.46.

- 14 - Frederic Hill, *Crime: its amount, causes, and remedies*, London 1853, p134.
- 15 - Jenifer Hart, "Reform of the Borough Police, 1835-1856", 411-427, in *EHR*, lxx, 1955, p423.
- 16 - F Hill, *Crime*, p27.
- 17 - John Hardwicke, "Police", 489-504, in *The Quarterly Review*, xxxvii, 1828, p504.
- 18 - *Glasgow Advertiser*, 21-28 December 1790.
- 19 - J Hardwicke, "Police", p503.
- 20 - J Hart, "Police", p185.
- 21 - Patrick Colquhoun, *A treatise on the police of the metropolis, explaining the various crimes and misdemeanours which at present are felt as a pressure upon the community; and suggesting remedies for their prevention*, London 1796, GUL Special Collections 2570, p235-6.
- 22 - *Glasgow Courier*, 21 April 1825.
- 23 - Figures from James Cleland, *Statistical tables relative to the city of Glasgow, with other matters therewith connected*, Glasgow 1823, p88-101.
- 24 - J Hart, "Police", p192.
- 25 - Andrew Coyle, *Inside: rethinking Scotland's prisons*, Edinburgh 1991, p4-5. Coyle notes that the average number of executions between 1773-1793 was six, and that over a 20 year period at the end of the eighteenth century 134 Scots were sentenced to death and 97 were executed, compared to 1910 in the county of London and Middlesex alone, of whom 890 were executed.
- 26 - F Hill, *Crime*, p129.
- 27 - *Thoughts occasioned by the alarming increase of Justiciary Trials at Glasgow (Spring Circuit 1787)*. Fifth edition, Glasgow 1787, GUL Mu22-f.11, p3.
- 28 - see SRA E1/1/12, and SRA E1/1/18.
- 29 - C Emsley, *Policing*, p76 and p127.
- 30 - J Hart, "Police", p184.
- 31 - Quoted in D Philips, "A new engine of power and authority", p168.
- 32 - David Robinson, "The local government of the Metropolis, and other populous places", 82-104, in *Blackwood's Edinburgh Magazine*, xxix, 1831, p83.
- 33 - Figures from Charles R Baird, "Report on the general and sanitary condition of the working classes and poor in the City of Glasgow", in *Reports on the Sanitary condition of the labouring population of Scotland, in consequence of an inquiry directed to be made by the Poor Law Commissioners*, London 1842, p189. Baird actually wrote that "Robberies, thefts by house-breaking, and other crimes of a graver nature, are now, comparatively, of rare occurrence here." p189.
- 34 - C Emsley, *The English Police*, p70.
- 35 - George Macgregor, *A history of Glasgow from the earliest period to the present time*, Glasgow 1881, p381.
- 36 - 25 December 1800, SRA E1/1/2.
- 37 - 24 April 1804, SRA E1/1/4; 2 January 1812, SRA E1/1/7; 14 September 1815, SRA E1/1/8; 5 October 1826, SRA E1/1/15.
- 38 - The election took place on the 21 July 1825, SRA E1/1/14.
- 39 - 16 November 1820, SRA E1/1/11.
- 40 - These were passed on 19 October 1802, SRA E1/1/3, and amended on 27 April 1815, 1814-16, SRA E1/1/8.
- 41 - For instance in 1801 watchmen were called to be more vigilant after a series of thefts from cellars, 17 July 1801, SRA E1/1/2, in 1822 the Master of Police was told to suspend some men in order to increase the efficiency of others, 16 May 1822, SRA E1/1/12, and in 1842 police officers were reminded not to release drunks until they had appeared in court, 14 July 1842, SRA E1/1/20.
- 42 - The Board decided not to employ men with disabilities in 1811, 1 November 1811, SRA E1/1/7, but it was not until 1845 that the age limit for officers was cut to 40 years, 6 February 1845, SRA E1/1/21.

- 43 - 7 January 1806, SRA E1/1/4.
- 44 - 5 April 1822, SRA E1/1/12.
- 45 - The decision to arm watchmen was taken on 13 January and the 28 September 1820, SRA E1/1/11, and extra expenses were awarded on 1 August 1822, SRA E1/1/12.
- 46 - SH Palmer, *Police and protest in England and Ireland 1780-1850*, Cambridge 1988.
- 47 - 22 June 1809, SRA E1/1/6.
- 48 - 18 November 1806, SRA E1/1/4.
- 49 - 27 December 1810, SRA E1/1/6.
- 50 - Initially the trial period was only to last for one month, 8 August 1816, SRA E1/1/9.
- 51 - 12 November 1818, SRA E1/1/10.
- 52 - 27 September 1821, SRA E1/1/12.
- 53 - 28 August 1835, SRA E1/1/18.
- 54 - 9 October 1835, *ibid*.
- 55 - 3 August 1843, SRA E1/1/21.
- 56 - 18 July 1844, *ibid*.
- 57 - Patrick Colquhoun, *A treatise on the police of the metropolis*, p240-1.
- 58 - 23 March 1820, SRA E1/1/11.
- 59 - *Report on the bill for better regulating Municipal Corporations in Scotland. By a Committee of the Merchants' House of Glasgow. 23 June 1836*, GUL Mu22-a.16, p16. This bill had proposed the merger of the Town Councils and Police Commissions of Glasgow, with Anderston, Calton and Gorbals.
- 60 - 12 September 1844, SRA E1/1/21.
- 61 - 25 July 1811, SRA E1/1/6.
- 62 - Christopher A Whately, "Labour in the industrialising city, c1660-1830", 360-401, in *Glasgow, vol 1: beginnings to 1830*, eds TM Devine and Gordon Jackson, Manchester 1995, p391.
- 63 - 4 June 1812, SRA E1/1/7.
- 64 - 3 July 1835, SRA E1/1/18.
- 65 - Police officers were instructed to propose suitable streets in which the gates could be erected. 8 December 1814, SRA E1/1/8.
- 66 - 16 December 1806, SRA E1/1/4; and in Melville Place on 23 November 1809, SRA E1/1/6.
- 67 - 19 January 1820, SRA E1/1/11.
- 68 - 16 March 1820, *ibid*.
- 69 - 7 June 1821, *ibid*.
- 70 - 15 November 1821, *ibid*.
- 71 - 16 March 1843, SRA E1/1/20.
- 72 - Letter from Stevenson Macgill to Lord Henry Moncrieff Wellwood, 27 October 1819, in the Moncrieff of Tulliebole papers, NRA(Scot)/03330box 5/file 21.
- 73 - Cesare Beccaria, "Of crimes and punishments", trans. Jane Grigson, in *The column of infamy*, by Alessandro Manzoni, first published Pavia 1764, first translated into English 1767, this edition London 1964, p42.
- 74 - Henry Rogers, "What is to be done with our criminals?", 214-272, in *Edinburgh Review*, lxxxvi, 1847, p217.
- 75 - Joy Cameron, *Prisons and punishment in Scotland from the Middle Ages to the present*, Edinburgh 1983, p10.
- 76 - *ibid*, p45.
- 77 - C Beccaria, "Of crimes and punishments", p16.
- 78 - *An address and letters concerning the present mode of punishing criminals*, Glasgow 1788, GUL Mu22-f.11., p26.
- 79 - Norman Gash, "A Glaswegian criminologist: Patrick Colquhoun, 1745-1820", 139-152, in *Pillars of Government and other essays on state and society c1770-c1880*, by Norman Gash, London 1986, p148.
- 80 - Stevenson Macgill, *Discourses and essays on subjects of public interest*, Edinburgh

- 1819, p37-8.
- 81 - *ibid*, p100-101.
- 82 - Archibald Alison, "Imprisonment and transportation: the increase of crime", 533-545, in *Blackwood's Edinburgh Magazine*, lv, 1844, p543.
- 83 - S Macgill, *Discourses*, p143-4.
- 84 - A Coyle, *Inside*, p66.
- 85 - J Cameron, *Prisons and punishment*, p123.
- 86 - A Coyle, *Inside*, p73. Hill was replaced briefly by Donatus O'Brien before Kincaid was appointed.
- 87 - *ibid*, p73.
- 88 - F Hill, *Crime*, p235.
- 89 - A Coyle, *Inside*, p38.
- 90 - Robert Owen in evidence to the Select Committee on Police in 1816, quoted in Ian H Adams, *The making of urban Scotland*, London 1978, p141.
- 91 - S Macgill, *Discourses*, p417-18.
- 92 - Archibald Alison, "Causes of the increase of crime", 1-14, in *Blackwood's Edinburgh Magazine*, lvi, 1844, p13.
- 93 - J Cameron, *Prisons and punishment*, p43.
- 94 - H Rogers, "What is to be done with our criminals?", p258.
- 95 - Alexander Smith, *A Summer in Skye*, London 1866, p522-3.
- 96 - *Glasgow Courier*, The Radical risings in Glasgow and neighbourhood, 1819-20, cuttings, 14 September 1819, GUL Mu26-c.41.
- 97 - see for instance G Macgregor, *The history of Glasgow*, p407-410.
- 98 - *Glasgow Herald*, 10 March 1848.
- 99 - *ibid*.
- 100 - *The Times*, 8 March 1848.
- 101 - *Glasgow Herald*, 13 March 1848.
- 102 - *ibid*, 10 March 1848.
- 103 - *The Northern Star and National Trades Journal*, 11 March 1848.
- 104 - *Glasgow Herald*, 10 March 1848.
- 105 - *The Times*, 9 March 1848.
- 106 - Letter to the Lord Advocate from Sheriff Archibald Alison, 11 March 1848, SRO AD58\79.
- 107 - Letter to the Lord Advocate from John Brodie, 8 March 1848, SRO AD58\79.
- 108 - *ibid*.
- 109 - *The Times*, 8 March 1848.
- 110 - John Hill Burton, "Poor Laws and pauperism in Scotland", 381-403, in *Westminster Review*, 36, 1841, p400.

Chapter Six - Sanitation and health: the response of the Police Commissioners.

Between 1800 and 1850, the population of Glasgow and its suburbs rose from approximately 77,000 to 329,097, an almost four fold rise.¹ Indeed, under Webster's census of 1755 the number of inhabitants was estimated at only 23,546. Obviously the city and its surrounding suburbs experienced a population explosion in the early part of the nineteenth century. This influx of people undoubtedly created new problems for these areas, as it did across the country in manufacturing centres. An infrastructure which had been sufficient to meet the demands of the population was now put under enormous pressure, and in many areas it was found wanting. Increasing numbers of people within the city highlighted the inadequacies of the system. Glasgow's civic and police authorities faced the task of having to find solutions to the growing problems. The transformation of the city can perhaps best be shown by two descriptions over a century apart. In the early eighteenth century, Daniel Defoe wrote, that at the time of the Act of Union, Glasgow was "...one of the cleanliest, most beautiful and best built cities in Great Britain.";² whilst over 100 years later James Pagan claimed, "...perhaps no city affords more strikingly the contrast of wealth, splendour and refinement, and a degree of misery and debasement, which almost seems to exhibit that lower depth, which no human agency can elevate."³ Glasgow and its suburbs had changed; it was now predominately a manufacturing area, at the forefront of technological change, a magnet for migrants searching for work. Obviously the rapid urbanisation of Glasgow, Anderston, Calton, and Gorbals in the first half of the nineteenth century placed the respective Police Boards under considerable pressure. This chapter will investigate whether or not Police Commissioners responded to calls for action, and how effective these proved to be.

Water was of great importance to the inhabitants of the expanding towns, but out of the four authorities under discussion only Gorbals regulated water through its Police Acts. However, both the General Police Acts of 1833 and 1850 provided this type of legislation.⁴ Prior to 1806, when the Glasgow Water Company was set up, inhabitants of the four burghs relied on public and private wells to meet their needs. These were obviously not sufficient,

and one entrepreneur, William Harley, made L.4000 per annum by selling water to Glaswegians at 1/2d a stoup, from cisterns on the back of carriages.⁵ The foundation of the Glasgow Water Company, and the Cranstonhill Water Company in 1808, meant adequate supplies of water became available within the Glasgow area. Because both companies charged inhabitants for the water supplied, wells continued to be of importance, particularly for poorer citizens, and by 1816 Glasgow possessed 30 public wells, compared with only nine in Gorbals.⁶ Such were the improvements in the provision of water that one writer was moved to boast, "Pure water is, however, now abundantly supplied from the river by means of pipes, and has contributed much to the health, comfort, and cleanliness of the inhabitants."⁷ In fact Glasgow Police Commissioners had little to do with the provision of water, apart from supporting the establishment of the water companies. They, like the Town Council, had no wish to control the management of these companies, although they did possess shares, primarily to ensure the pursuit of profit did not interfere with the interests of consumers.

The separate water companies however, were not particularly profitable, and they sought to merge during the 1830s. This move was opposed by all the Police authorities who feared amalgamation would inevitably lead to price increases. The burghs could ill-afford rising water costs and their united opposition proved successful when the merger was blocked. But the alliance was not trouble-free, and in 1835 Gorbals refused to contribute financially to sending a deputation to Parliament, and was reluctant to even forward a petition due to the costs involved.⁸ Although the water companies had improved both the quality and quantity of water, they still faced criticism. Gorbals' Police Commissioners backed the take-over of Gorbals Gravitation Water Company in 1845, as they argued this would provide the burgh with pure water "...in place of the impure and filthy water which they are obliged to use, as sent to them by the Glasgow Water Company."⁹ But this occurred in 1845 at the height of attempts by the Glasgow Town Council to gain control of the various Police Boards within the Parliamentary boundary of Glasgow. Undoubtedly under these circumstances, this statement was designed to rally Gorbals citizens behind their own authority, against the notion that 'big is best', instead arguing that only a local administration could meet the needs of

the smaller community. Water was of the utmost importance to these urban areas, but individual Police Boards tended only to become involved when they felt the interests of their inhabitants were under threat.

From the evidence one can see the provision of water improved during the first half of the nineteenth century, and this supply of pure water was increasingly important during the fever epidemics which occurred throughout this period. Within Glasgow there were five serious outbreaks of fever and typhus, in 1817-9, 1826, 1836-7, 1842, and 1847-8, plus three cholera epidemics in 1832, 1848-9, and 1853-4. The first cholera outbreak claimed almost 10,000 lives throughout Scotland, of which over one third occurred within Glasgow and the surrounding burghs.¹⁰ Inevitably the various incidents of fever placed the Police Commissioners under considerable strain, as they sought to prevent disease spreading, whilst implementing plans to help the afflicted. Glasgow had introduced a programme of free vaccination against small-pox in 1801,¹¹ but very little was done to prevent disease; Police Boards tended to react to a situation, rather than develop contingency plans. Indeed, it has been claimed;

...there was little serious attempt to apply the lessons of 1832 to the control of other epidemic diseases and when in 1837 economic depression returned and 'fever' became once more virulent, the measures of prevention and alleviation in Edinburgh and Glasgow had to be built up again amid the same confusion of defective legal powers and ineffective legal prohibitions.¹²

Thus the general consensus of opinion was that Police Boards did very little with regards to health, other than during fever epidemics.

Whether or not this was true is of great importance to the historian, for the Police Acts contained many clauses relating to health, and Police Boards were potentially innovative authorities for social change. However, despite the wealth of legislation, reaction to health problems was rather fitful. Neither Glasgow nor Gorbals Police Commissioners paid much attention to health legislation prior to 1817, when the first major epidemic of the period hit the country. From April 1817 the Glasgow Board instructed its Superintendent of Police "...to use every exertion to have that part of the act, which relates to keeping the closes and lanes of the city clean put strictly into force",¹³ and a

year later the police minutes were noting weekly the number of people charged with this offence. Gorbals Police Commissioners followed the example of Glasgow, and from 1818 ensured closes were kept clean to prevent the spread of typhus,¹⁴ whilst Calton Town Council not only cleaned, but fumigated houses where fever had been present, and gave free health advice to inhabitants, from 1817.¹⁵ In contrast, Glasgow did not fumigate houses until 1838, some 21 years later.¹⁶ Noticeably this activity was confined to the period 1817-19, after which the typhus outbreak began to subside. Rather than continue to enforce legislation as part of the battle against disease, Police Commissioners decided they could better spend the money on other projects.

Not until the cholera outbreak of 1832 were the Police Boards again put under pressure. Prior to this, in 1831, some co-operation was attempted by the Glasgow and Gorbals Police Commissioners, the Town's Hospital, Glasgow Town Council, and various other interested bodies.¹⁷ Health committees were established by both participating Police Boards to put ideas, which arose from this liaison, into practice. By the end of 1831 a list of dirty closes had been compiled by the Glasgow committee. During 1832, Glasgow Police Board's health committee was empowered to burn the furniture, bedding, and clothing of any person who contracted the disease,¹⁸ and a cholera hospital was established with support from various bodies. Although Glasgow's Police Commissioners contributed financially, when the decision was taken to situate the hospital next door to the Police Office, the Commissioners quickly agreed to meet at an alternative venue, and continued to do so until the disease abated.¹⁹ Gorbals also put the advice of its health committee into practice, albeit not on such a grand scale as Glasgow. Within Calton, councillors decided it would be more effective to donate money to outside agencies, and allow them to deal with the problems. The Police Boards and Councils reacted in a variety of ways, no doubt influenced by anticipated costs of any proposed venture.

Although the smaller police authorities ceased their extra activities and donations after the cholera outbreak had passed, Glasgow's Police Commissioners retained their health committee, and this continued to play a role within the burgh. This was in marked contrast to the common perception

that Police Boards were only interested in health issues during epidemics. However, the period 1832-40 did include the fever outbreak of 1836-7. By summer 1836 the health committee began to supervise the cleansing of closes, and a year later it was decided that this should be paid for out of the police funds, and hoses from fire engines were used to maximise effectiveness.²⁰ But this was still not deemed sufficient, and fumigation of closes started in 1838. Also in this year the Glasgow Police Commissioners ordered all the inmates of St Enoch's Wynd asylum for the homeless to wash themselves every night.²¹ This decision was probably prompted by the belief, held by many, that cleanliness was next to godliness. As a leading Evangelical had written earlier in the century, "It is most truly observed, that the habit of cleanliness is not only conducive to health, but to decency, order, diligence, and good manners."²² This argument, combined with new ideas on links between dirt and disease throws some light upon the desire of Police Boards to create a healthier environment for inhabitants in their respective burghs.

From the early 1840s the Police authorities once again enthusiastically embraced the notion of health legislation. In 1840, after consulting legal advice, the Glasgow Police Commissioners agreed to provide funds to ensure that 150 fever patients were treated by Glasgow Royal Infirmary.²³ The board was forced to take this step after the Infirmary refused to accept any further inmates without patrons to finance their treatment. Anderston Police Commissioners also paid an annual subscription to Glasgow Royal Infirmary of approximately 10 guineas, to allow fever patients from that burgh to be treated.²⁴ Within Gorbals, the Police Board resurrected the health committee in 1844, and this was given the task of visiting the notorious parts of the burgh to see what action, if any, could be taken.²⁵ Undoubtedly, the individual Police Boards of Glasgow, Anderston, Calton, and Gorbals did try to meet the health needs of their communities, but with a variety of schemes all vying for financial assistance, it was perhaps inevitable that expensive health projects were not continued outwith periods of epidemic.

Sewers and drains were erected by the Police Commissioners throughout their respective burghs during the first half of the nineteenth century. Open sewers, which had been a feature of urban life, were gradually replaced by

covered ones. Prior to 1790 there were no covered sewers in Glasgow in public hands, but by 1832 these had been built in 45 streets, to a total length of 7 miles and 56 yards.²⁶ This activity was followed by the police authorities in Anderston, Calton, and Gorbals on a smaller scale. Sewer construction was deemed to be a sign of progress, but it was mainly confined to principal streets because of the high costs involved. It was easier to justify the expense in more affluent areas, than poorer ones. Obviously, Police Boards found it advisable to work on the principle that if an area contributed a lot in assessment, it should be the first to enjoy the benefits. Financial constraints were a dominant influence upon the sewer programme.

Finance, and the costs involved in undertaking steps to improve the health and sanitation of a police burgh, always played a significant role in deciding whether or not a project was embarked upon. Local Police Acts could legislate for the construction of sewers, but Commissioners could not always afford to carry out the work. Many inhabitants believed they never gained the benefit of the money they paid out in assessment, and in an effort to counteract these claims, the 1850 Police of Towns (Scotland) Act allowed participating burghs to collect a special extra tax. This money, known as Private Improvement Expenses, was to be spent improving the area within which it was levied.²⁷ Inhabitants were able to see tangible benefits from the tax thus raised. The same act allowed a special Sewer Rate to be set up, for the sole purpose of erecting and maintaining sewers within the burgh.²⁸ Both these extra assessments were an obvious reaction to the problems faced by many burghs in obtaining a regular monetary supply which could be directed to meet specific needs. This ensured finance was available, which was not the case in burghs with local police acts.

Smaller projects were undertaken throughout the century by the Police Boards; the area of health was never completely neglected. Regulations were enforced regarding stagnant water and lodging houses in all the burghs, as both were believed to be major contributors to disease; the former because it was recognised that dirty water could spread illness, and the latter provided perfect conditions for disease to incubate and develop. Not until 1843 did Glasgow Police Commissioners set up a separate Inspector of Cleansing, to ensure a healthier environment was created by the regular

cleansing and removal of dirt and filth from streets and closes,²⁹ although from 1800 this had been under the supervision of the Superintendent of Police. Despite these efforts, some continued to argue it was Scots attitudes which needed to be changed, until greater personal hygiene was acquired Scots would continue to negate the positive aspects of street cleaning;

That rapid amalgamation with England by railways which is now so near, while it may bring into Scotland, if not stoutly resisted, Sabbath desecration, with all its attendant evils, will, we trust, bring also a taste for English habits, and English cleanliness, and English attention to the external circumstances of the poor.³⁰

Ultimately the desire was not merely to create a healthier urban environment, but to ensure the individual too was cleansed, morally and physically, for "If he has not cleansed even the outside of the man, how shall we hope he has elevated the inner man."³¹ This belief remained widespread amongst the middle and upper classes throughout the nineteenth century.

One section of society affected most by the developing attitudes towards health and sanitation were the urban beggars and vagrants, who were perceived by many to be carriers of disease. This group had traditionally been associated with the spread of disease, a fact reflected in the Police Acts themselves. All of the local and general acts included clauses which allowed Police Commissioners to banish beggars who did not belong to a parish within the police boundary. This legislation was designed to prevent people acquiring the right to poor relief by residing in a place for at least three years. The effect of the overcrowded conditions in which these people lived was well documented, and appeared to change very little over the course of the early nineteenth century. In 1809 Macgill wrote, "Put up in the narrowest and dirtiest lanes, in houses damp, confined, airless, crowded and huddled together, more like places for cattle than for men; they breathe a foul and putrid air, and lose all spirit and desire for cleanliness, decency, and order."³² This view was echoed by Captain Miller, Superintendent of Glasgow Police, who noted in c1840;

The houses in which they live are unfit even for styes, and every apartment is filled with a promiscuous crowd of men, women, and children, all in the most revolting state of filth and squalor. In many of the houses there is scarcely any ventilation; dunghills lie in the vicinity of the dwellings; and from

the extremely defective sewerage, filth of every kind constantly accumulates.³³

Both of these quotes reinforce the apparent hopelessness of the Police Commissioners' task. With limited resources at their disposal they were only able to scratch the surface of the problem, rather than make any significant improvements. However, distress was not confined to Glasgow, it was apparent throughout the country; indeed, it has been written of Edinburgh that, "...in an environment of overcrowded and insanitary tenements, some of them of old-age construction, the churches, schools, relief institutions and dispensaries, seemed to exist ineffectively alongside spirit-shops, cheap lodging houses and pawnbroking dens."³⁴ Despite the predilection of contemporaries, Glasgow was not a unique example of the damning consequences of urbanisation, although it was successfully used as such in the propaganda battle by Edwin Chadwick and his followers.

Although vagrancy was a traditional town problem, Glasgow Police Commissioners first made attempts to stop public begging in 1802.³⁵ Throughout the period those not entitled to poor relief were banished from the police boundary if caught, but this could not be invoked against those who qualified under the three year residency rule. This meant if a person had lived continuously for three years in the same area, they were entitled to poor relief from that parish. From 1809 the Police Board joined forces with the Town's Hospital in an attempt to suppress begging, and this partnership lasted until 1841 when the jointly funded post of Vagrancy Officer was ended.³⁶ The Town Hospital continued to employ Robert Ross as officer after 1841, whilst the Police Board entrusted these extra duties to ordinary police officers.³⁷ At one stage the Glasgow Board offered premiums to officers who lifted the most vagrants in one week, but despite various efforts the problem continued. Many blamed the influx of migrants from Ireland for the increase in vagrancy, and this prompted Glasgow Commissioners to write to the Irish authorities requesting them to stop the practice of paying fares of paupers to come to Glasgow from their poor funds. Once this failed, a petition was sent to Parliament imploring Government to take measures against Irish migrants.³⁸ Concern over Irish poor was also expressed in Calton, during the typhus epidemic of 1818, when it was moved that "...the Irish beggars and vagrants should be sent home and that a subscription

should be set forth to collect money for the purpose."³⁹ All in all, Glasgow seems to have been most concerned about the influx of vagrants, of Irish descent or otherwise. Reasons why are unclear, but may have been because Glasgow possessed a more efficient police force than its neighbouring burghs, and it linked vagrancy to crime, as well as to the spread of disease.

As the nineteenth century progressed attitudes towards beggars changed as the idea that a person could influence their own character became more accepted. Although the notion that external circumstances played a part in personal development still carried some weight, people began to argue that the individual contributed as much to character development. Thus there was a move away from the concept that society should provide, towards one which placed greater emphasis on the moral value of self-help; indeed there appeared to be a move against "...the degrading nature of dependence and the social pretences which dependence demanded."⁴⁰ As these ideas became more popular, so the moves against beggars and vagrants were pursued with more vigour.

Attempts by the various police authorities to enforce smoke controls within their boundaries was one of the most interesting areas of health concern. This became a major issue for many Boards of Police, and demands for action evolved over a long period of time. An Act of Parliament acquired by Glasgow in 1814 stated, "...the furnace of every steam engine erected, or to be erected, within the City or Royalty thereof, or in the suburbs thereof, within one mile of the Cross of Glasgow, shall be constructed on the principle of consuming its own smoke..",⁴¹ but no action was taken by the Police Commissioners. A decade later complaints were still being made about "...the almost insufferable nuisance..", caused by smoke from factories within the city, "...to the great injury of health and comfort of the inhabitants, and the deterioration of their property."⁴² Possibly the whole issue regarding smoke control would have lapsed, if Commissioners had not gained inspiration from the success of boroughs south of the Border.

By 1825, it was argued that "Although there are local statutes in Manchester and other manufacturing towns in England...it is highly creditable to the trade,

that they have rendered instances of compulsion very rare, by regular compliance with the wishes of their neighbours."⁴³ This was held up as an example of responsible businessmen, they recognised they could still earn substantial profits, whilst retaining the good-will of the community. Despite calls for action against smoke, Glasgow Police Commissioners did nothing until the 1840s. By contrast Gorbals Police Board tried, and failed, to make a distillery on Muirhead Street erect a higher chimney during 1831; this was to be their only flirtation with the question of smoke pollution.⁴⁴ Although there is no evidence, due to the lack of available police minutes, it seems fair to suggest that Anderston Police Commissioners may also have had an interest in this area. Both Glasgow's and Edinburgh's Police Commissioners visited the factory of Mr Houldsworth in Anderston, which was fitted with a smoke consuming device.⁴⁵

Legislation for smoke controls was included in the 1843 Glasgow Police Act, and attempts to enforce this first occurred the following year.⁴⁶ An advert "...recommending and enjoining the consumption of smoke after the most approved method known or in use" was placed in January 1844, but by July appeals were made to Parliament for action on this matter.⁴⁷ Indeed, a revealing minute of September 1844 stated that despite numerous meetings with owners of factories there had been no "...beneficial effect..⁴⁸ Evidence that methods of smoke consumption could prove beneficial to manufacturers by reducing the amount of fuel needed whilst increasing steam production, led Glasgow Commissioners to note, "In such circumstances your Committee are decidedly of opinion that the owners of such works are without an excuse in refusing to abate the nuisance complained of; and they are therefore prepared to recommend to the Board to authorise them to try a case for compelling this."⁴⁹ Undoubtedly the decision to resort to law was prompted by the success of the Birmingham Street Commissioners in a similar case. The subsequent search for a suitable candidate to prosecute was a statement of how far Glasgow's Police Commissioners were prepared to put ideas into practice.

Ultimately both Glasgow and Gorbals Police Boards were unsuccessful in their attempts to enforce smoke controls. This was an area in which Commissioners enjoyed public support, many complaints were received from

inhabitants who lived near factories, but this had no effect on the outcome. The major reason why Police authorities failed to control smoke pollution was because they faced opposition from influential people who possessed a vested interest contrary to that of the Commissioners. Industrialists did not perceive any real benefits to their operations from the introduction of these controls, but they did believe it would involve them having to spend money. Even in Edinburgh, where the Police Board managed to negotiate the free use of the patent of Mr Charles Wye Williams for a year, it was only adopted by 41 furnaces, 32 made no effort to reform at all.⁵⁰ In Glasgow where no such agreement was made, it was doubtful that patents would be widely accepted, except if legally enforced. The attempt to curb the nuisance caused by smoke was always doomed to failure, because Commissioners were unable to compete against the powerful vested interests of the manufacturers.

Police Commissioners of the various burghs were, however, more successful within the sphere of street cleaning than smoke control. Indeed, Stephanie Blackden has claimed that cleansing is, "...probably the most neglected aspect of public health improvement in the nineteenth century",⁵¹ although she also noted that "Not until life in the back streets of the city had become a matter of public concern was anything concrete done to clean up the closes."⁵² Police Boards were responsible for the removal of dung and ashes from the streets, and this proved quite a lucrative sideline for Commissioners, as this waste was sold to farmers, and profits ploughed back into the establishment. The cleansing of roads within Glasgow remained under the direct control of the Police Commissioners from 1800-12, when it was contracted out.⁵³ However, this arrangement was ultimately unsuccessful, and in 1835 steps were taken to bring street cleaning back under Police control.⁵⁴ Throughout the period, all four police authorities enforced the principle that foot pavements should be cleansed, and made, by the proprietors of buildings which fronted onto them. All this was an attempt to make people more aware of, and responsible for their own environment. Undoubtedly though, it was also a means of ensuring the costs were met by someone else and were not paid for directly from police funds.

Not only were streets cleansed by the Police Commissioners, but in an

attempt to improve ventilation in the city, legislation was acquired which allowed the Police Boards to purchase, and demolish, buildings. This was another, and ultimately more successful means of improving air quality. Thomas Carlyle had complained of Edinburgh that "...the atmosphere - compounded of coal-smoke and more gases and odours than ever a chemist or perfumer dreamed of - were enough to make me loathe the whole concern."⁵⁵ whereas Nathaniel Hawthorne wrote that Glasgow managed to "...excel even those of Liverpool in the bad eminence of filth, uncombed and unwashed children, disorderly department, evil smell and all that makes city poverty disgusting."⁵⁶ Both these statements were written at the end of the period, thus despite the best efforts of Police Commissioners, they were unable to remove the stigma of urban deprivation from their respective burghs. However, the efforts of the Police Commissioners in the early half of the nineteenth century set a precedent which was continued after the Police Board and Town Council were merged in 1846. Indeed, Stephanie Blackden has commented that:

The whole field of local government administration in the Glasgow area was therefore dynamic and experimental. Many of the forms adopted were in response to new conditions within the city brought about by urbanisation, and though some were found inadequate, others were improved upon and brought to a point of efficiency which enabled all major reforms in all areas of municipal life to go through.⁵⁷

The ideas and innovations of the early period provided a platform for greater success within the area of sanitation in the later part of the century.

From the evidence one can see that the various police burghs did try and improve the sanitation and health of their inhabitants, but not all their efforts were successful. Police Commissioners set up extra facilities during fever epidemics, but this activity was not continued once the threat had passed. Indeed, this can be clearly shown by the action of Calton Councillors in 1843, when they moved;

...to consider the extreme state of destitution and disease at present prevalent amongst the poor in the Burgh, with the view of adopting such measures as the Council might deem advisable for bringing the matter now immediately under the attention of the Heritors of the Barony Parish and getting them to adopt steps for the amelioration of the state of the poor.⁵⁸

In fact they decided not to do anything, as the incidents of fever had started to decrease. Undoubtedly Police Boards in the various burghs were in an awkward predicament, they were responsible for the sanitation of the burgh, and yet with so many other aspects vying for their limited financial resources, it was only really during epidemics that large scale expenditure on sanitary matters was called for, or could be justified.

Throughout contemporary evidence there were calls for improved standards in health legislation. Stevenson Macgill claimed:

To fix for example, a certain width for the streets, and lanes, and passages of a town, within which they shall not be contracted; to oblige proprietors to set apart places for dunghills, and means of carrying off stagnant water from the houses they let, according to their number and population; and to appoint rules for keeping clean, not only the larger streets, but the narrowest lanes and corners of the city. These might all be objects of public police; and few objects, I am persuaded, would produce a greater effect on the comfort, health, and manners of the people.⁵⁹

But this desire to see the whole of the burgh improved was not always forthcoming, rather the wealthier parts of the city were targeted first for improvement, as these areas provided more assessment. Smout has argued that although the middle class sought new and improved facilities for themselves, "...they did not feel it was yet necessary to preach cleanliness to the poor, much less to make it possible for them to live in the poorest sections of the old town with adequate facilities for sewerage."⁶⁰ This was written about Edinburgh, but it could be applied to any Scottish nineteenth century burgh. In 1842 Charles Baird, one of the Sanitary Commissioners, complained:

That the Magistrates of Glasgow have not sufficient powers to do away with nuisances or things injuriously affecting the public health, must be evident to any one acquainted with the Police Acts, and who takes even a glance at the districts, or rather the crowded, filthy and unwholesome lanes, wynds and closes in which the poor reside.⁶¹

Ultimately financial constraints prevented the Police Boards achieving all they wanted, and when they did attempt to enforce legislation, as in the case of smoke controls, the strength of opposition from those with vested interests weakened their effectiveness. That the Police Commissioners acquired

forward-looking sanitary legislation, and failed to put it into operation, reflects that for many of the inhabitants the most pressing concerns lay in other areas. Throughout the period it was public order, and not health, which dominated the police agenda.

- 1 - J Cunnison and JBS Gilfillan eds, *The third statistical account of Scotland*, Glasgow, Glasgow 1958, p54.
- 2 - TC Smout, *A history of the Scottish people, 1560-1830*, London 1985, p356.
- 3 - James Pagan, *Sketches of the history of Glasgow*, Glasgow 1847, p105.
- 4 - *An Act to enable burghs in Scotland to establish a general system of Police*, 3 & 4 William IV cap.46, passed 14 August 1833, and *An Act to make more effectual provision for regulating the Police of towns and populous places in Scotland, and for paving, draining, lighting, and improving the same*, 13 & 14 Victoria cap.33, passed 15 July 1850.
- 5 - see George Macgregor, *The history of Glasgow from the earliest period to the present time*, Glasgow 1881, p386.
- 6 - James Cleland, *Annals of Glasgow, comprising an account of the public buildings, charities, and the rise and progress of the city*, vol 1, Glasgow 1816, p40, and 24 October 1834, SRA H-GOR 2/2. By December, after following the recommendations of this report the Board decided to erect four new public wells, but by March 1835, probably due to their financial situation, they revised this, and took the decision only to make one, in Norfolk Street.
- 7 - *Glasgow delineated, or a description of that city, its institutions, manufactures and commerce*, Glasgow 1824, GUL Mu26-f.37, p5.
- 8 - 13 March 1835, SRA H-GOR 2/2.
- 9 - 4 April 1845, SRA H-GOR 2/4.
- 10 - James Cleland, *Statistical facts descriptive of the former and present state of Glasgow; read in the statistical section of the British Association for the advancement of science, which met at Bristol, 22 August 1836*, Glasgow 1837, p6.
- 11 - LJ Saunders, *Scottish democracy, 1815-40: the social and intellectual background*, Edinburgh 1950, p115.
- 12 - *ibid*, p191.
- 13 - 10 April 1817, SRA E1/1/9, and 21 May 1818, SRA E1/1/10.
- 14 - 17 April 1818, SRA H-GOR 2/1.
- 15 - 10 October 1817, SRA H-CAL 1.
- 16 - 8 March 1838, SRA E1/1/19.
- 17 - 28 July 1831, SRA E1/1/17.
- 18 - 27 August 1832, *ibid*.
- 19 - 9 and 16 February 1832, SRA E1/1/17.
- 20 - 8 July 1836, and 11 May 1837, SRA E1/1/18.
- 21 - 12 April 1838, SRA E1/1/19.
- 22 - Stevenson Macgill, *Discourses and essays on subjects of public interest*, Edinburgh 1819, p19.
- 23 - 24 December 1840, SRA E1/1/19.
- 24 - 14 June 1841, SRA H-AND 1/2 and 14 June 1844, SRA H-AND 1/4.
- 25 - 29 August 1844, SRA H-GOR 2/4. The area examined was Cookes Land, but dunghills were also to be looked at in Chapel Close, and Main Street.
- 26 - J Cleland, *Statistical facts*, p20.
- 27 - 13 & 14 Victoria cap.33, clause 73.
- 28 - *ibid*, clause 74.
- 29 - 6 & 7 Victoria cap.99, clause 148.
- 30 - Anonymous, "State of Scottish Towns", 54-71, in *The North British Review*, 1847, vii, p70.
- 31 - *ibid*, p59.

- 32 - S Macgill, *Discourses and essays*, p12-13.
- 33 - quoted by John Hill Burton, "Poor laws and pauperism in Scotland", 381-403, in *Westminster Review*, 1841, 36, p390-1.
- 34 - LJ Saunders, *Scottish democracy*, p89.
- 35 - 1 January 1802, SRA E1/1/2.
- 36 - 27 May 1841, SRA E1/1/20.
- 37 - 9 June 1842, *ibid*.
- 38 - 7 March 1833, SRA E1/1/17, and 15 September 1825, SRA E1/1/14.
- 39 - 11 May 1818, SRA H-CAL 1.
- 40 - Stefan Collini, "The idea of 'character' in Victorian political thought", 29-50, in *Transactions of the Royal Historical Society*, 5th series, 35, 1985, p40.
- 41 - James Cleland, *Annals of Glasgow, comprising an account of the public buildings, charities, and the rise and progress of the city*, vol 2, Glasgow 1816, p344.
- 42 - James Cleland, *Letter to the Honourable Mungo Nutter Campbell of St Catherine's, Lord Provost of Glasgow, etc, etc, respecting the consumption of smoke, in the furnaces of steam engines*, Glasgow 1825, GUL Mu26-d.5, p3.
- 43 - *ibid*, p15.
- 44 - 21 January - 3 June 1831, SRA H-GOR 2/4.
- 45 - 25 July 1844, SRA E1/1/21, p376, and 27 March 1843, ECA ED9/1/10.
- 46 - 10 February 1842, SRA E1/1/20.
- 47 - 18 January 1844, and 25 July 1844, SRA E1/1/21.
- 48 - 25 July 1844, SRA E1/1/21.
- 49 - 5 September 1844, *ibid*.
- 50 - 11 October 1844, ECA ED9/1/10.
- 51 - Stephanie M Blackden, "The development of public health administration in Glasgow 1842-1872", 2 vols, unpublished thesis, University of Edinburgh 1976, p153.
- 52 - *ibid*, p19.
- 53 - 1 October 1812, SRA E1/1/7.
- 54 - 9 January 1835, SRA E1/1/18.
- 55 - Andrew Noble, "Urbane silence: Scottish writing and the nineteenth century", 64-90, in *Perspectives of the Scottish city*, ed George Gordon, Aberdeen 1985, p83.
- 56 - *ibid*, p87.
- 57 - S Blackden, "The development of public health administration in Glasgow", p48.
- 58 - Scroll minute book - Calton Council, 23 October 1843, SRA T-HB 315.
- 59 - S Macgill, *Discourses and essays*, p13-14.
- 60 - TC Smout, *A history of the Scottish people*, p344.
- 61 - Charles R Baird, "Report on the legal provisions available in Glasgow for the removal of nuisances", in *Reports on the sanitary condition of the labouring population of Scotland, in consequence of an enquiry to be made by the Poor Law Commissioners*, London 1842, p71.

Chapter Seven - Edinburgh: the anxieties of a capital city. A comparison with Glasgow, 1805-56.

From the evidence already looked at, it has become clear that ongoing developments in their police powers played an important role in relation to Glasgow, and its suburban burghs at this period. However, this was not confined to Glasgow alone, as the case studies relating to Birmingham and Leeds show. Within Scotland too, the use of local police acts was widespread; 33 burghs obtained acts between 1800 and 1850.¹ In order to put the changes occurring in Glasgow into context, a comparison with Edinburgh will be made. Edinburgh was, in many respects, very different to Glasgow; it had been the centre of Scottish Government prior to 1707, and it remained the capital city of Scotland. This placed it, in the eyes of its inhabitants at least, on the same footing as London and Dublin, which in turn led the Police Commissioners, and Town Council, to seek financial assistance from the government. This appeal for equal status, which will be discussed in more detail later, perhaps best indicates the different approach of Edinburgh to the common problems of the period.

Edinburgh had a more commercial and professional focus compared to Glasgow, which was an industrial city. Society in Edinburgh was far more middle class than Glasgow, and it possessed a higher percentage of resident aristocracy.² It is also noticeable that the population in Glasgow continued to rise more steeply than that of Edinburgh. In the decade 1821-31 the population of Glasgow rose by nearly 40%, compared to 17% in Edinburgh, whilst during the period 1831-41 the former rose by 35%, whereas the latter only increased by 2.8%.³ The growing industrial base in Glasgow ensured a far larger influx of people, which in turn contributed to the problems of urbanisation. Edinburgh itself seemed quite happy to stress its different character; one resident claimed "Edinburgh has no pretensions to be a manufacturing city....the establishment of a university and the highest courts of judicature appears to have diverted the attention of inhabitants from mercantile pursuits".⁴ Although the two cities had many differences, they also exhibited many similarities.

However, before a detailed discussion on Edinburgh and its attitudes to

police can be undertaken, a brief outline of the state of the city at the end of the eighteenth century is required. Edinburgh was described by contemporaries as containing three distinct districts; indeed one stated "...the Old Town, the New Town, and the Southern District, are each of moderate extent, and have no more resemblance to one another, than if they had been built by different nations, or in distant quarters of the globe."⁵ The erection of the New Town at the end of the eighteenth century, meant many of the more affluent inhabitants had been able to escape the filth of the Old Town, but both areas remained financially tied together as parts of the ancient and extended royalty of Edinburgh. Despite the Southern Districts having acquired a local police act in 1771, for the lighting, cleansing, and watching of the streets, a move subsequently followed by three other districts by the turn of the century, the fear of increasing crime led to a more effective Police Act being obtained for the whole Edinburgh royalty in 1805 (appendix 6).

Throughout the period 1805-56, Edinburgh passed 11 police acts,⁶ compared with only seven in Glasgow. Both ended the period with an amalgamation act, which joined the police commissioners of the city to the town council.

The first Edinburgh Police Act, passed in 1805, stated:

Whereas by the Extension of the City of Edinburgh, and the great Increase of Inhabitants therein, and in its Vicinity, it has become necessary to provide for a more steady and regular Administration of Internal Government and Police within the same, and to establish more effectual Regulations for Apprehending and Punishing Vagrants and disorderly Persons, Suppression of common Begging, removing Nuisances, lighting and cleansing the Streets and Passages, and, in general, for the Preservation of Peace and good Order within the said City and Places adjoining, for the Comfort of the Inhabitants.⁷

This act first allowed for the erection of a civic police force, to supersede the Town Guard, which had been in place throughout the eighteenth century.

The ineffectiveness of the Town Guard meant the new force was welcomed by many. Indeed, Henry Cockburn noted;

We had hitherto been so innocent or so poor, and so long accustomed to undetected or irregularly detected crime, that the City Guard, composed of discharged soldiers, and whose youngest member was at least threescore, was sufficient to keep us in what was then called order. But this drunken burgher force at last became too ludicrous; and its extinction

(which, however, did not take place until 1817), was further recommended by its abridging the dark jurisdiction of the magistrates, and creating a new office. It was then resolved that the capital should have the honour of a civil police, which I think no other town in Scotland then had upon a regular system.⁸

Undoubtedly Cockburn was wrong in his final statement, but the emphasis was clear; Edinburgh had cast aside the old remedies, and instead embraced the modern methods of solution. If this was true of the Police Act in relation to watching, it was also the case in other aspects.

In fact, Edinburgh had some difficulty in getting all the acts it wanted passed. This meant it was forced to rely on amendments to existing acts, primarily because failure to do so would have resulted in the expiry of their police acts. Thus, of the 11 acts passed, six were amendments, and one, 1834, was only to continue the previous act, to give Commissioners time to draft another. Of the six amendments⁹ three were used to continue the act of 1822, which was only due to last for ten years. From 1837 onwards, Edinburgh's Commissioners did not set a time limit upon their acts; obviously they felt it would be preferable, and ultimately cheaper, only to alter an act when they deemed it necessary, and not be forced into changes by default.

The acquisition of a local police act could indeed be a costly affair, and Edinburgh spent L.9315 19s 2d on Parliamentary expenses in the period 1822-36, including L.3691 18s 4 1/2d on the 1822 act, which the Town Council opposed due to objections over the proposed alterations regarding the appointment of the Police Superintendent. In addition to this, 1837 saw them spend L.1008 14s 7d on a new police act.¹⁰ The Royal Commission of 1835 stated the fees of passing local acts had cost Edinburgh L.12,156 in the period 1819-32;¹¹ but this figure may have included the improvement acts obtained by the Town Council in 1827 and 1831. Unlike Glasgow, where the Town Council drafted the Police Acts, within Edinburgh this responsibility lay with the Police Commissioners themselves. Undoubtedly the expense of adopting local acts did not deter Edinburgh, and amalgamation between the different administrations did not occur until 1856, despite being promoted by the Royal Commission in 1835;

It is difficult to find a sufficient number of fit persons willing to

undertake the offices of town councillors and police commissioners, and it will therefore be a relief to the community to conjoin these. We are further of the opinion that the Police Commission, as at present constituted, is considerably too numerous for efficiently discharging its duties.¹²

All this suggests the benefits of local police acts were deemed to outweigh the disadvantages of cost, and that the inhabitants of Edinburgh preferred the relative inefficiency of two separate administrations, rather than return to the system of only possessing one authority for the whole area.

Although there were inevitably many features common to both Edinburgh's and Glasgow's acts (all towns shared basic needs as regards cleansing, lighting, and watching) there were some differences in emphasis. Each city identified specific aspects which they wanted legislation to control, and these were included within the police acts. Thus Edinburgh legislated to allow an extra assessment of 1d in the pound, on all ratepayers, to pay off the expense of obtaining local acts. This occurred in the acts 1816-48, excluding 1837, but the last two acts, 1854 and 1856, saw the expense covered by money raised under the general assessments. No provision was made prior to 1816, which indicates the Commissioners faced difficulties in paying off debts incurred by adopting acts. No such system was undertaken by Glasgow. As the period progressed, local acts became more concerned with sanitary legislation, primarily in response to the outbreaks of fever, cholera, and typhus. Edinburgh's Commissioners donated money to the House of Refuge in 1832, and justified this by stating, "...it has been found by experience that nothing conduces more effectually to the Prevention of Crime and to the reclaiming of Offenders than the placing of Delinquents in an Establishment or House of Refuge where they may learn Trades or Employments, or follow out such Trades or Employments as they have already learned."¹³ In fact this principle was enshrined within the 1832 Police Act. Edinburgh's Commissioners obviously felt that by establishing institutions where transgressors could be rehabilitated they would be able to improve standards within society. Thus the redemption of one sinner would justify the money donated.

Both Edinburgh and Glasgow secured local police acts for the improvement of their cities, but neither considered itself to be exempt from any future

general legislation; both remained hopeful of a general act which would be fully compatible with their principles. Or did they? Instead, perhaps Parliament was unwilling to allow an act to pass, without containing this clause. Thus, any local act which wished to attain the Statute Book, with the minimum cost, would have to contain certain clauses to make it more palatable to the legislature. Local acts were important, but the need to compromise on behalf of the promoters, meant they were undoubtedly less original and inventive than they probably set out to be.

The constitutions of the local acts adopted by Edinburgh differed to those of Glasgow. Edinburgh decided in both 1805 and 1812, to name the Police Commissioners within the act, rather than wait for elections to be held. This practice never existed within Glasgow. Edinburgh varied the number of wards and Commissioners over the period; the 1805 act allowed for six wards with seven commissioners for each, plus 24 ex-officio members, making a total of 66. Under the 1812 act there were 26 wards, each returning one general and two resident commissioners; the general commissioner sat on the police board, the resident were responsible for looking after the ward. This was adopted by Glasgow under the 1821 act. However, the number of ex-officio members was cut to six, making a total of 32 on the Police Board. The 1817 act allowed for an extra ten ex-officio commissioners; and 1822 saw this figure remain at 16, but the number of wards was increased to 30, due to the growth in population, and another two were added in 1832, increasing the amount of general commissioners to 48. However, 1848 reduced the total to 39, by cutting ex-officio members to 7; whereas the 1856 amalgamation act stated the police committee was to have 41 members, 39 of whom were elected, plus the Dean of Guild, and Deacon Convener. Edinburgh was growing, and the increase in wards showed this, but it was ex-officio members who were of importance. Unlike Glasgow, where these were restricted to the Lord Provost, Bailies, Dean of Guild, and Deacon Convener, Edinburgh also included the Sheriff and deputies, plus members of the law faculty, advocates, company of merchants, etc. Because the Town Council was, until the reform of 1833, dominated by merchants, the Police Commissioners were used as a counter balance by many of the excluded. As one contemporary wrote:

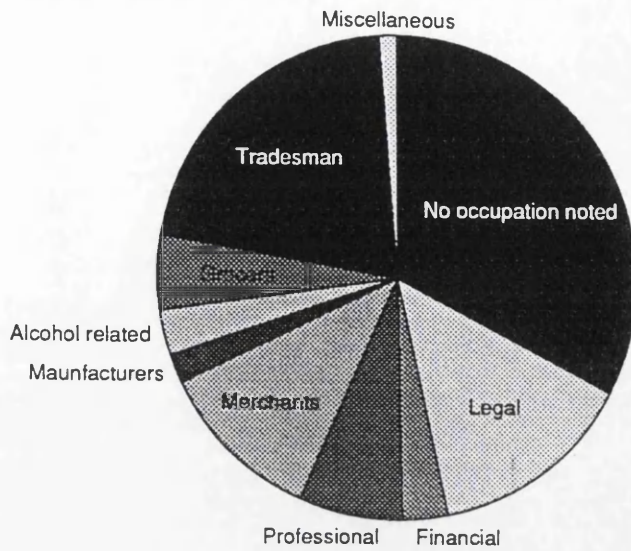
...as the members of the learned professions, especially of the

very wealthy and numerous profession of the law, together with the men of property who reside in Edinburgh, without devoting themselves to any particular profession, are all excluded from the rank of magistrates of Edinburgh; it sometimes happens that these magistrates possess less weight in the community than their situation might be expected to command. Their conduct and measures are frequently exposed to unmerited obloquy; and they find a difficulty in carrying into effect the most necessary measures.¹⁴

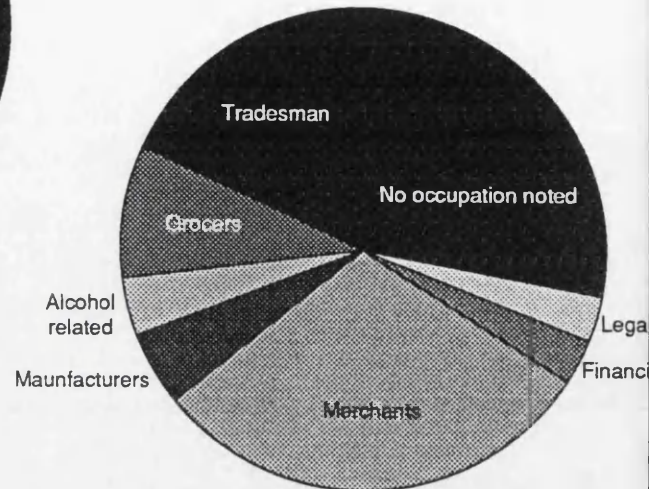
The greater proportion of professional men in Edinburgh, compared to Glasgow, highlighted the exclusive nature of the Town Council more vividly (charts 7.1 to 7.4). Despite this, members of the Town Council also sat on the Police Commission which led to friction.

Examination of the franchise indicates that only the better-off could be elected to the Police Board. All the Edinburgh Acts set the qualification for voters at L.10 householders, but the 1805 Act allowed an exemption for wards 4 and 6, which required them to be only L.6 householders; one can deduce these areas were less well-off. The requirement to stand as a Commissioner in 1805 was L.20 householders, or L.12 in wards 4 and 6.¹⁵ By 1812 Commissioners were elected from people with property worth L.30 or more, if there were over 15 of them in one ward, if there were not, then they could be L.25 householders, failing that, from L.20, then L.15, and finally, if there were not more than 15 of these, from anyone with property worth over L.10.¹⁶ The 1822 act restricted this to people who possessed property over L.30 per annum in wards 8-16, 18, and 30, but only L.20 in all other wards.¹⁷ Finally the 1837 Act decided that Commissioners should have property over L.15 per annum,¹⁸ and this continued until 1856. Yet, throughout the period, a debate on who exactly should gain the franchise was ongoing, especially in 1822, whilst Commissioners and Councillors battled for control of the police establishment. It was argued "Property is no criterion of integrity. On the contrary, among those who are placed above want, it affords perhaps nothing but a presumption of laxity of principle; and fashionable life still more so.",¹⁹ and further, "Nothing, besides, could be more wicked or detestable, than to represent the whole class of persons inhabiting homes rented below L.5 as indifferent to the peace of the city. They are, on the whole, the great sufferers from depredators."²⁰

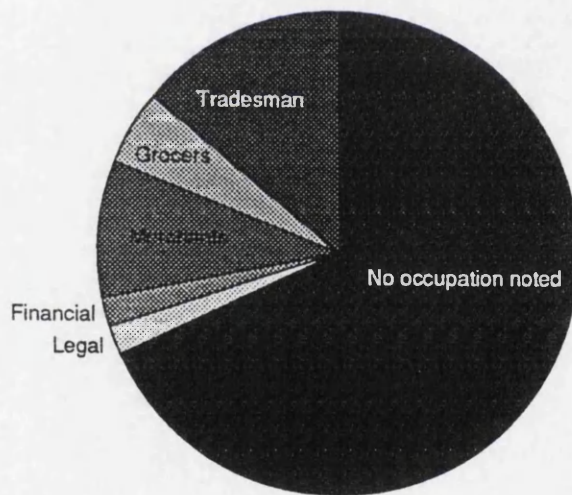
Pie -Charts relating to the occupations of Police Commissioners in Edinburgh, Glasgow, Gorbals and Anderston.



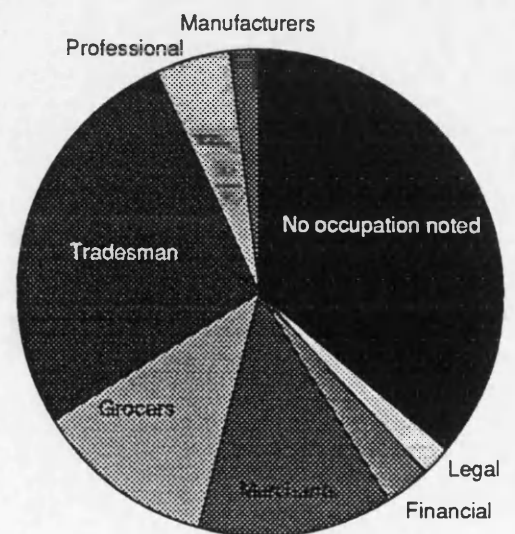
7.1 Edinburgh



7.2 Glasgow



7.3 Anderston



7.4 Gorbals

After the general acts of 1832 and 1833 had specifically legislated against female voting, the Police Commissioners considered whether the female ratepayer should be allowed to participate in elections, "...as at present..", under the proposed new act, but this was defeated by 16 votes to 3,²¹ as was a proposal that they be exempted from assessment if excluded from the vote.²² Thus, although there is no firm evidence, it would seem that female ratepayers within Edinburgh had been entitled to vote prior to 1832, if they met the property requirements. This was also a feature within Glasgow, and may have been common throughout Scotland. Despite this, no outcry was evoked in 1833 when Parliament decided to do away with this right, although arguments were made to retain the vote for L.5 male householders. Ultimately the Parliamentary decision ended the rights of ratepayers and instead established a male only franchise. Moves to allow all ratepayers the right of voting in elections were also defeated.²³ From this, it may be argued, that the early franchise expansion was not extended, and indeed the general act of 1833 allowed Commissioners to retain the system they had embarked upon.

A brief investigation of the men elected Police Commissioners may allow one to get a better insight into the policies they adopted. To compare Edinburgh and Glasgow was quite valuable; Edinburgh had more Commissioners over the period, due to them all facing annual elections, rather than the rotational system favoured by Glasgow. The figures show Edinburgh had 469 Commissioners over a 51 year period, compared to 263 over 46 years. This indicates a lack of continuity among personnel. The occupations of Commissioners were also important (charts 7.1 to 7.4), as they gave an indication of the variety of experience prevalent amongst members of the Police Board. Edinburgh had far more members of professions within its ranks, 25% compared to only 8% in Glasgow; but Glasgow possessed more merchants and manufacturers, 36% against 13%. Both the unreformed Town Councils of Edinburgh and Glasgow were dominated by merchants, but what makes the Edinburgh experience interesting were the large numbers of non-merchants who joined the Police Board especially in the period prior to 1833. The composition of the Edinburgh Police Board pre-1833 included 28% from professions, 31% trades, and only 13% merchants. This indicates that in

Edinburgh, more so than in Glasgow where merchants were already the largest grouping within the city, the Police Board was used as an alternative power base by those excluded from the Town Council. Both Edinburgh and Glasgow, throughout the whole period, had similar numbers of tradesmen on the board, 25% and 27% respectively, but they were dwarfed in this respect by Gorbals with 38%. Perhaps the only aspect of Anderston worth mentioning was the lack of information available on occupations, 67%, a figure roughly double that of the other areas. Overall the figures reflect the differing commercial/industrial profile of the two cities. Throughout the country Police Commissioners came from a wide variety of backgrounds, which affected their reactions to the problems they faced.

In the realm of finance some interesting comparisons can be made as to how Edinburgh raised and spent its money, with regard to other towns. The first Edinburgh police act allowed for an assessment to be levied on all property worth L.3 per annum and above, although some exemptions were given for buildings below L.5 per annum. The Commissioners also collected assessment from all property under L.3 if it was used for the sale of alcohol.²⁴ By 1822 all buildings worth less than L.5 per annum were exempt, except those selling alcohol; and 1832 saw the introduction of separate rates of assessment for property worth above and below L.10 per annum.²⁵ From 1822-56 the rate of assessments steadily increased, as the activities of the police establishment expanded (table 7.1). Edinburgh borrowed money for the establishment through bonds, signed by individual commissioners, rather than letters of credit as favoured by their Glasgow counterparts. All told the police establishment borrowed L.67,500 in the period; in 1805 (L.1000), 1807 (L.2000), 1812 (L.5000 twice), 1817 (L.3000 twice), 1818 (L.2500), 1820 (L.3000), 1823 (L.5000 and L.3000), 1832 (L.10,000), 1849 (L.15,000), and 1852 (L.10,000). Of these only five (1817, 1818, 1820, 1832, and 1849), came from banks, the first three from the Royal Bank of Scotland, 1832 from the British Linen Company, and 1849 from the Union Bank. Generally it would seem a loan was taken out after an act was passed. Edinburgh tended to use the loan system more sparingly than Glasgow, but this may be due to it being able to raise more through assessments, rather than careful management.

Table 7.1: Police Assessments, 1820-56.

The rate of assessment is the amount due, in the pound.

| | | |
|--------------|--------------|--------------|
| 1820 = 9d | 1821 = 10d | 1822 = 1s |
| 1823 = 12d | 1824 = 1s | 1825 = 1s |
| 1826 = 1s | 1827 = 1s 3d | 1828 = 1s 2d |
| 1829 = 1s 1d | 1830 = 1s 2d | 1831 = 1s 1d |

From 1832 there were 2 rates, for property above and below L.10 per annum.

| | | |
|--------------------------|--------------------|---------------------------|
| 1832 = 1s 2d & 8d | 1833 = 1s 3d & 9d | 1834 = 1s 3d & 9d |
| 1835 = 1s2 1/2d & 8 1/2d | 1836 = 1s 3d & 9d | 1837 = no data |
| 1838 = 1s 4d & 10d | 1839 = 1s 4d & 8d | 1840 = 1s 3d & 8d |
| 1841 = 1s 1d & 6d | 1842 = no data | 1843 = 1s 4d & 8d |
| 1844 = 1s 5d & 9d | 1845 = 1s 5d & 9d | 1846 = 1s 6d & 9d |
| 1847 = 1s 5d & 8d | 1848 = 1s 6d & 9d | 1849 = 1s 6d & 9d |
| 1850 = 1s 5d & 8d | 1851 = 1s 5d & 8d | 1852 = no data |
| 1853 = 1s 5d & 8d | 1854 = 1s 7d & 10d | 1855 = 1s6 1/2d & 1s 1/2d |
| 1856 = 1s 6d & 1s | | |

NB This information was based on the main assessment only.

Certainly, Edinburgh did experience its fair share of frauds during the early part of the nineteenth century. The state of the Town Council's finances in 1833 were such that trustees had to be called in, to enable the debts of L.400,000 to be paid off.²⁶ This incident persuaded many of the inherent corruption of the unreformed burghs, although this was not strictly true throughout the country. Many Police establishments were deemed to be financially inept due to the bad management of their local Town Councils. The stigma of financial irregularities was present throughout many of the unreformed corporations, and Police Boards had to be seen to follow more sound financial practices. Irene Maver has argued that within Glasgow, "...civic leaders took pains to maintain the city's financial credibility.." ²⁷ at a time when accountancy practices in other burghs were suspect. Indeed, during the Select Committee of 1819, Lord Archibald Hamilton noted, of Edinburgh's Town Council, "No book exhibiting an account of the debts of the city, or of its property, or of its nett revenue, or of the necessary annual charges on the revenue; or of the comparative account of annual expenditure and revenue, has ever been kept." ²⁸ This contrasted sharply with the experience in Glasgow which had published its accounts from 1818, and helps to explain the persistence of the belief that all unreformed burghs were corrupt. The Royal Commission of 1835 noted that some burghs did possess some form of debt, but this totalled 10s per head in Glasgow, compared to

L.5 per head in Edinburgh, where the Town Council had faced bankruptcy in 1819.²⁹ Police Commissioners in Edinburgh could not afford to adopt anything other than the strictest financial regulations.

Despite this several financial irregularities took place within the Edinburgh Police establishment. In July 1813 a deficit of L.3930 13s was announced, and an address made to the citizens, reminding them "...at what period of alarm for the safety of the Metropolis this system was proposed..", and that "...it was at this critical juncture that the constituted Bodies within the City of every description loudly called for an efficient Police at whatever expense..".³⁰ This related to the Tron Riot of 1812, and obviously Commissioners felt the populace would be unable to complain about the steps undertaken. However, another deficit in 1819, of almost L.3500, could not be as easily explained. The Commissioners accepted it had been due to imprudent cutting of the assessment rate in 1816, from 1s 6d to 1s 3d.³¹ Again one can detect an attempt to shift the blame; they had cut the assessment rate due to pressure from the citizens. But perhaps the major incident of the early period resulted in the resignation of the police clerk, an investigation into Superintendent Brown, and friction between the Commissioners and the Town Council. Basically, this fraud involved John Murray, the clerk of police, placing extra names on the police pay list, getting the Superintendent to sign it, and then keeping the money. Through the investigation it emerged that Captain Brown had allowed payments to be made to a fictitious man between 1814-17, in order to set up a fund from which to reward officers for "...extra exertions in the course of their duties"; and Mr Murray had continued to do this after 1817, plus he had invented additional men. The clerk claimed Captain Brown had known of this, but Brown argued he had signed the lists without properly examining them.³² This incident led to friction between the Town Council and the Commissioners, because the latter wanted to dismiss Captain Brown, but were unable to do so, as this power was vested in the Sheriff and Lord Provost alone. Captain Brown eventually retired in 1822. Ultimately this culminated in both sides producing rival police bills in 1822.

Throughout the rest of the period further incidents did occur. In 1834 it was decided that the Collector, Peter Brown, had been involved in "...gross and

blameable irregularities.." for keeping more than the specified amount (L.50), in his hands at any one time.³³ In fact this was only the beginning of the trouble between Brown and the Commissioners; after his resignation in August 1836, irregularities were discovered in the accounts. Eventually it was admitted Mr Brown had kept false books, and that up to L.2904 6s 8d had gone missing.³⁴ This case was not settled until 1840, when a compromise was reached; L.2000 was paid back, rather than legal proceedings being started.³⁵ Edinburgh Police Commissioners were the victims of several frauds over the period, and despite collectors and treasurers being required to pay a caution, or find referees for their behaviour, the system was not foolproof.

Edinburgh believed it had one major advantage over Glasgow; the right to governmental assistance. Throughout the period, Edinburgh sought government aid, along the same lines as that given to London and Dublin. Seven attempts were made to win a government grant, on the grounds that Edinburgh experienced extra problems, of a national character, due to its position as a capital city. The majority of applications occurred in the second quarter of the century, 1834, 1836, 1838, 1839 and 1846, all of which were notably after the establishment of the metropolitan police in London (1829). The first two claims were made in 1807 and 1809, whilst new police bills for the city were being drafted, although neither came to fruition.³⁶ The later attempts were of more importance. Both Dublin and London had government funded and controlled police forces, and Edinburgh was determined that it too should reap the benefits of its capital city status. The application of 1834 stated money was required to fund a Lock Hospital. Commissioners were confident of success, as L.2500 had already been given to a similar venture in Dublin; but they were unsuccessful.³⁷ This led them to try a different method of approach in 1836, and emphasis was now placed on the benefits the police of Edinburgh provided for the whole of Scotland. They noted, whilst they had received no aid, London and Dublin had gained L.58,000 and L.16,000 respectively. A memorial sent to Parliament stated;

That the burdens of the City of Edinburgh, are in many respects greatly increased by its Metropolitan character and situation which lay the community under a great amount of expense for matters not properly belonging to themselves; but of which benefit is reaped by the Country at large.³⁸

This echoed the view held by many inhabitants, and which had been present from an earlier period, "...while the Magistracy, from the Lord Advocate downwards, have the aid of numerous Police, paid exclusively by the inhabitants of Edinburgh, in detecting crimes and apprehending criminals."³⁹ The idea that Edinburgh provided a national police force was present throughout the period, a fact reinforced by the decision of Lord Advocate Rae to send Captain Brown, Superintendent of the Edinburgh Police, to investigate the causes of the 1819-20 uprising in Glasgow.⁴⁰

Further applications to the Treasury for government assistance were forthcoming, but none produced the hoped for results. The petition for a grant in 1839 was sent to coincide with a bill relating to the police of the major cities of the Empire, but even this astute piece of timing made no difference to the outcome.⁴¹ The last attempt to gain financial assistance from the government, came in 1846, when a memorial sent to Parliament commented, ...notwithstanding the inadequacy of the police force in Edinburgh, it has occasionally been employed with great advantage to the public in rendering assistance in other parts of the Country during periods of excitement, and it seems expedient that there should at least be one Police Establishment in Scotland properly organised, and sufficiently numerous to afford such assistance in seasons of emergency, without interfering with the due protection of the locality to which it properly belongs.⁴²

Yet, despite this eloquent plea, a grant was refused, and the reason for this probably lay within a statement made by the Commissioners, that aid should be applied for, "...provided Government did not interpose their authority as to the Police..⁴³ Edinburgh wished to gain financial parity with London and Dublin, but was unwilling to relinquish control over their police, as had happened in the other cities. This proved the stumbling block to any grant for Edinburgh.

Perhaps the major expense for the Police establishment was the payment of wages. Problems caused by enforced absenteeism of watchmen, and officers, due to injury sustained in the course of their duties, meant the board had to pay out money to the injured, plus employ an additional man to fill his place on the street. In some instances, they also provided for the family of

men who were killed whilst on duty.⁴⁴ This extra financial outlay could be greatly increased at times of unrest, or fever outbreaks; and this persuaded the Commissioners to set up a benefit scheme for its employees in 1842. The idea had actually first been mooted in 1839. The scheme started with watchmen, but was extended to include the lighting and watching departments in 1844. Men were required to contribute 6d a week to the scheme, the money being deducted from their wages.⁴⁵ However, employees were not happy with the arrangements, and argued they would gain more from their money by joining a friendly society. The scheme was abolished in 1846.⁴⁶ A proposal to resurrect it was rejected in 1853.⁴⁷ The motivation behind the Commissioners wish to have a successful scheme for workers was to ensure employees would be able to look after themselves financially during times of injury, and not be reliant on the establishment for aid. Unfortunately, the scheme was not as successful as had been hoped.

The most important aspect of the Police Commission was its reaction to watching, especially in a world where common perception held crime to be on the increase. Indeed, in the 1780s it was claimed "House-breaking, theft, and robbery, were astonishingly frequent; and many of these crimes were committed by boys, whose age prevented them from being the objects of capital punishment."⁴⁸ One consequence of the police acts was a reduction of the Town Guard to a minimal force, and eventual abolition, in 1817. Many of Edinburgh's inhabitants believed the Town Guard was not only inept, but corrupt, and they were known locally as 'The Toon Rottens'.⁴⁹ The old methods of watching were slowly replaced by a more efficient police force. Yet, Edinburgh's Police Board preferred to retain a system of rewards rather than move towards a more highly paid professional force. As already mentioned, Captain Brown used a bonus system in 1814-17, to reward watchmen and officers who performed their duties successfully. But evidence also shows that from as early as 1807, fines from offenders were divided up amongst officers. Commissioners quickly became aware that this system was open to abuse, and in order to protect employees from accusations of false charges, they introduced a bonus system which rewarded officers at the end of every month. This continued, intermittently, until the 1820s, when an investigation into its usefulness was made. At this time the reintroduction of rewards, 2s 6d for each offender, was implemented.

Commissioners argued;

...whether these officers ought to be stimulated to their duty by punishment or reward. Punishment seems however in this case impracticable and elusory; for a watchman if an offence is committed even under his eye, need only say that he did not perceive it, and who can punish a neglect that cannot be proved to have been observed by the delinquent? The only other method which the Committee have it in their power to recommend for inducing officers and the Public to observe the regulations especially where they are most improperly infringed in the outskirts of the Town, is by trying the method of reward *for a definite time*.⁵⁰

Commissioners believed they could attain an efficient police force, without increasing pay to more professional levels. But by 1826 it was decided to increase the salary of Lieutenants, and abolish gratuities, although this was continued for lower ranks.⁵¹ This was in sharp contrast to the experience in Glasgow, for by 1825 they had abolished a system of rewards, and moved instead to a higher basic salary and the creation of a more professional body of men.⁵²

The major advantage of the rewards system was the basic level of pay could be kept low, but this meant the establishment had difficulty in attracting better quality recruits, especially when wages in other occupations were high. As the period progressed, the argument shifted from whether rewards were the most effective way of motivating watchmen, to how to attract a decent standard of police recruit. Captain James Stuart, in 1836, recommended the reduction of numbers, and the increase of wages, believing that quality was more important than quantity.⁵³ This view was reiterated in 1843, when the board attempted to lower the basic rate of pay. Sheriff Speirs argued this would damage the effectiveness of the force, and the commissioners had failed to give "...due consideration of its injurious tendency on the public service..".⁵⁴ The whole nature of the police was now under discussion, and in 1846, Captain Haining produced a report into its physical and moral condition. Confidence was dented when it was acknowledged that up to 225 dismissals and resignations occurred in the force each year. The Superintendent argued "...nothing weakens or destroys the efficiency of a Police Establishment more than frequent changes amongst its members..",⁵⁵ and the Commissioners finally agreed to pay increases. Yet, the Edinburgh

rates of pay still lagged behind their counterparts (table 7.2), with London constables on L.1 2s 6d a week, compared to 19s in Birmingham, 15s in Glasgow, and only 14s in Edinburgh; whereas sergeants earned L.1 5s 6d in London, L.1 3s in Birmingham, L.1 1s in Glasgow, and a mere 17s in Edinburgh, which ranked below Dundee and Greenock.⁵⁶ The need to attract a good calibre of recruit, even at times when wages in other forms of employment were high, finally led the establishment to introduce superannuation. Captain Linton argued, that "...the force cannot be in a proper and efficient state until the principle of a superannuation fund is given effect to.", and "...the advantages offered would secure a sufficient number of well-qualified and respectable candidates..".⁵⁷ Edinburgh Police Commissioners finally accepted that in order to attain a better standard of policing, greater financial rewards had to be offered.

Table 7.2: A comparison of wages with other police establishments, 1848.⁵⁸

| District | Sergeants (class) | | | Constables (class) | | | | |
|----------------|-------------------|---------|------|--------------------|--------|--------|--------|--------|
| | 1st | 2nd | 3rd | 1st | 2nd | 3rd | 4th | 5th |
| London city | 1 5s 6d | 1 4s 6d | - | 1 2s 6d | 1 6s | 19s 6d | 18s 6d | 17s 6d |
| " metropolitan | 1 4s 6d | - | - | 1 1s | 19s | 17s | - | - |
| Liverpool | 1 5s | - | - | 1 | 18s | 16s | - | - |
| Bristol | 1 5s | 1 4s | 1 3s | 18s | 17s | 16s | 15s | 12s |
| Hull | 1 5s | 1 1s | - | 19s | 17s | - | - | - |
| Manchester | 1 5s | - | - | 18s | 17s | - | - | - |
| Birmingham | 1 3s | - | - | 19s | 18s | 17s | 16s | 12s |
| Newcastle | 1 2s 6d | - | - | 18s 6d | 17s | - | - | - |
| Leeds | 1 1s | - | - | 18s | - | - | - | - |
| Dublin | 1 1s | - | - | 16s 9d | 15s | 11s 6d | - | - |
| Bath | 1 1s | - | - | 15s | - | - | - | - |
| Glasgow | 1 1s | 18s | - | 15s | 14s | - | - | - |
| Aberdeen | 1 1s | - | - | 15s | 12s | - | - | - |
| Greenock | 1 | - | - | 15s | - | - | - | - |
| Dundee | 18s | 17s | 15s | 14 | 12s 6d | - | - | - |
| Edinburgh | 17s | - | - | 14s | 13s | 12s | - | - |

Ultimately though, the one issue upon which the effectiveness of the watching establishment was judged, was whether or not it was successful in combating crime. One viewpoint, perhaps accurately describes the feelings of the inhabitants at this period, "Crime increased vastly in the city after 1770 as the wynds became more and more the houses of the unfortunates of the Industrial Age."⁵⁹ Whether or not this statement was based in fact did not really matter, the belief amongst many was that crime was on an upward

spiral. How did the Commissioners react? The first police act allowed for a mounted officer to be present in each of the wards,⁶⁰ and the minute book noted the patrol were to carry "...good oak sticks..", and banks were asked if they wished the officers assigned to them to be "...armed as soldiers..".⁶¹ All this indicated a city at the apparent mercy of criminals. Indeed, immediately after the 1805 act was passed, the age limit for watchmen was increased to 48 years, as more men were recruited to the force. The new police established in Edinburgh were in stark contrast to the watching force which had existed within the city prior to 1805, which was a "...mixture of inefficiency and thoughtless severity..".⁶² The professionalism of the Police Board was a welcome relief from the interference of the Town Council.

But the early problems were quickly solved, and the police establishment ran quite smoothly, until the Tron Riot of 1812.⁶³ During celebrations at the Tron Kirk to mark the New Year, a disturbance occurred, and one watchman, Dugald Campbell, was murdered. This incident shattered the complacency of the Edinburgh Police, and caused a new police bill to be drafted. What worried the inhabitants even more was that the majority of those arrested were boys between the ages of 12 and 20 years, which indicated a deep-rooted problem within society. This "...revealed the existence of a demoralised population in the Old Town and the need of police and prevention.",⁶⁴ which stimulated the Police Commissioners to obtain a new Police Act, arguing "...the present system of Police is inefficient and inadequate to the protection of the persons and property of the inhabitants."⁶⁵ The 1812 Act was later deemed to have brought "...unity and efficiency.."⁶⁶ to Edinburgh, and its surrounding areas. The riot itself was a major turning point in the policing of Edinburgh, it had showed the failure of the existing system to cope with any extra-ordinary situations. But more than being a failure of police, the riot highlighted the problems faced by a growing urban society, where the influence of the Church was no longer strong enough to guard public morality.

However, the Police Commissioners believed the extent of crime within their boundaries was often exaggerated. When in 1819 newspapers claimed a criminal gang was at work in the city, Commissioners condemned reports as false, and retorted;

...such statements cannot go forth without giving encouragement to crime by inducing a belief that the perpetrators may escape detection - a belief which the successful exertions of the Police Establishment in bringing to light every real offence of any magnitude committed within its bounds has happily done much to efface from the minds of the evil disposed.⁶⁷

The credibility of the watching department was again under scrutiny in 1827-8, when a committee was appointed to inquire into the efficiency of the establishment, and the Superintendent, Captain James Robinson, was dismissed.⁶⁸ But this was merely a temporary aberration, and by August 1833 the new Superintendent, James Stuart, was reporting a decrease in crime. From this period onward, Edinburgh consolidated its watching force, and attempted to expand its jurisdiction. Morningside was incorporated within the watching remit in 1840, but other police duties such as cleansing were still not established in the area by 1854. Edinburgh Commissioners felt they could not leave Morningside outwith the watching area any longer, despite the cost of policing being more than the expected revenue, otherwise they risked the creation of "...a complete harbour, for disorderly and dangerous characters."⁶⁹ Priority lay with policing. A letter from the Governor of Edinburgh Prison, to Captain Haining in 1843, stated he believed the introduction of more modern methods of watching had improved the efficiency of the establishment:

...from various circumstances it appears to me that there has been a decrease of crime within the last six months, and especially of late; and within the last three months, I have reason to believe that several of the most noted thieves and housebreakers have lately left the town, - your people having made it *too hot* for them, and the manner in which several of those lately sent to Prison speak of the Police, convinces me that they feel themselves *narrowed* and *hindered* in their operations.⁷⁰

But, not all believed the watch was satisfactory; Captain AJ List, Superintendent of Mid-Lothian Police, argued the interference of Police Commissioners meant the Edinburgh police was "...not so as effective as it otherwise would be."⁷¹ Overall though, the police establishment, in regards to watching, increased in effectiveness as the period progressed.

Within other spheres of police provision, especially lighting, and repairing

streets, the Board followed the pattern set by others. Regulations were made to punish those found guilty of wilful, or accidental breakage of lamps; to prevent objects, such as outside stairs, from encroaching upon the streets; and to generally create a more ordered society. The 1812 Act was significant in that Commissioners recognised their responsibility to provide lighting within the bounds, but made proprietors liable for the provision of foot pavements.⁷² However, lighting was deemed most important. Complaints about defects in lighting occurred immediately after the 1805 Act, but this was probably due to initial problems faced by the Commissioners. From this date onward, the lighting of the district was generally quite efficient. Gas lighting was introduced by act, to Edinburgh in 1818, and by the end of April the first shops and streets were lit by gas; "This great improvement was hailed with much delight by the public, - the brilliancy of the lighting of the streets being so totally different from the old oil lamps."⁷³ By 1820, it was claimed the efficiency of gas lights was an important factor in reducing crime,⁷⁴ but, not until 1826 was a committee set up to examine the consequences of lighting all the streets with gas.⁷⁵ The benefits of illumination were quickly grasped by the Commissioners.

By the later period the practice of contracting out street lighting ended, and the Board assumed overall control, a move common in many areas. The growth of Edinburgh meant it was impossible for the control of the lighting department to be left with the Superintendent, and the position of Inspector of Lighting was created under the 1822 Act. Yet, an Inspector had already been appointed in 1821, the act merely regulated what had already occurred in practice.⁷⁶ The Inspector had power over his own department, but remained subordinate to the Superintendent. The actual lighting of the burgh changed very little, after the introduction of gas, and so more and more the Inspector concentrated on the cleansing side of his appointment. This was inevitable, due to the ever increasing concerns caused by outbreaks of typhus (1817), and cholera (1831 and 1848).

A brief examination of Edinburgh's local police acts, shows concern with sanitary legislation was prompted only by outbreaks of epidemics within the city. At no time could the Commissioners be accused of innovation. The first two acts sought only to ensure the streets were properly cleaned. This was a

significant advance in relation to health, as Edinburgh had an unenviable reputation as a filthy city. As early as the reign of James IV, the poet Dunbar had noted the streets were dirtier than any other city. A police committee in 1820 stated:

...that the police money could not be more properly applied than to improve the healthfulness of the city and to take off that public odium of filthiness under which Edinburgh has constantly lain, and still continues to lie in the opinion of all Foreigners and particularly of gentlemen from Holland and England. But it is proper here to observe, that unless the obligations of the Police for cleanliness printed on 12 April 1814 and which it is believed have not been reprinted, posted and circulated since that time, and have gone into much disuse, shall be kept in more rigid observance it will not be possible to wipe off this disgrace.⁷⁷

Obviously cleansing the streets was a great improvement, but it was not effective enough. Not until 1822, after the typhus outbreak of 1817, was the first sanitary legislation adopted; and lodging houses were regulated. Until 1817, only cleansing activities were discussed in police minutes. Advice was sought from the Royal College of Physicians, for steps to be followed during the typhus outbreak, and extra scavengers were employed to ensure all putrescent matter was removed from the streets as quickly as possible.⁷⁸ But, on the whole, very little was done, although it may have strengthened the argument for privies to be established in Edinburgh.⁷⁹

The complacency of the police establishment during the 1820s was shattered by the outbreak of cholera in 1831. Commissioners had obtained powers to establish drains and sewers under the 1822 Act, but these had not been fully implemented, and there were regular complaints about the insufficiency of drains. Although the 1832 Act provided many new powers in regard to sanitation, 1831 had caught them virtually unprepared. A committee of health, consisting of both general and resident commissioners, plus medical practitioners, was set up in November 1831, and was urged to "...see that all rules and regulations, regarding cleanliness be strictly enforced..", and that "...a constant supply of water should be allowed at the public wells for the better accommodation of the poorer classes..⁸⁰ By 1832, the threat was over, but a Board of Health was set up, followed by plans for a Lock Hospital in 1834. Throughout the 1830s there was far more activity in the sphere of health issues; this included the regular watering of streets, the setting up of a

Fever Board, and regular subscriptions to worthy causes. Commissioners also extended their legislative powers through successive acts, as they became more aware of how contagious diseases spread. From 1843 homes of the poor were whitewashed due to the prevalence of fever, and this continued intermittently. During 1847, the Commissioners approved "...that a thorough cleansing, whitewashing, with hot lime, and fumigation be commenced in all the poorer districts of the town..", and later stated 4700 apartments had been cleaned in 8 weeks, at a cost of L.135.⁸¹ Undoubtedly, as the understanding of disease grew, so the measures adopted to prevent it became more extensive. Despite the fumigation, cholera broke out again in 1848.

Perhaps one incident worth a brief mention, concerned Dr Glover, the police surgeon from 1847-54, when he was removed from office. Dr Glover became involved in the controversy over the 1854 Amendment Act, concerning the Water of Leith. Commissioners believed Dr Glover had been disloyal, because he refused to follow establishment policy, and instead supported the Board of Health. The report of the Board of Health criticised the Police Commissioners, and stated the city still contained areas which were prone to outbreaks of disease; a theme expanded by *The Scotsman*:

We have yet no general system of drainage in Edinburgh - the primary and essential element in all sanitary reform. We have only a patchwork of drains, old and new, which are being further patched and mended according to plans which the Police Commission pronounced to be incorrect and imperfect, and under the superintendence of an Inspector who has had no professional training, and no previous knowledge of the work he is engaged on.⁸²

But, the major indiscretion of Dr Glover was to acknowledge the flaws of the proposed bill. This criticism stated the new bill would provide no advantages for the Water of Leith village, and had been planned only to include wealthier areas:

It is to be apprehended that if the present bill be allowed to pass it will greatly tend to prevent the removal of the far greater nuisances which exist in the connection with the village - the inhabitants being almost entirely poor people, while the district proposed to be improved is extensive, and contains a large proportion of wealthy inhabitants and proprietors.⁸³

The Police Commission only wanted to include areas which could contribute to the police assessment. *The Scotsman* condemned the dismissal of Dr Glover, and claimed, "The Board is at all times an extremely arbitrary body, but in this case they have excelled themselves in offering so bold a defiance to common notions of justice and fair dealing."⁸⁴ The Commissioners admitted Dr Glover had been sacked for failing to follow the official line. Eventually the act was passed, without the proposed alterations. This incident shows that policies adopted by the Board did not always command universal support.

Certainly, one area in which the commissioners did gain support, was in relation to the problem of vagrants and beggars within the city. Through all the local acts, they were treated as nuisances; but with the outbreak of fevers within the city, so this group became more problematic, because they were perceived as partly responsible for the transmission of disease. Thus, the Act of 1848 stated:

...in order to prevent danger of contagion or infection and other evils from beggars and vagrants, all beggars, vagrants and idle poor found strolling or wandering or seeking relief, found lying in any outhouse, close, stair, or other place within the limits of the act, then all persons not convicted of vagrancy to be handed over to the Inspector of the Poor so that their claim as paupers may be investigated and disposed of according to law.⁸⁵

This attitude was no doubt influenced by the fear of cholera. Yet, begging had been prohibited in Edinburgh from 1801, and regulations relating to its suppression occurred throughout all the police acts. Under the police establishment, the concern to suppress begging was sporadic, depending on which other concerns were pressing at the time. The streets of Edinburgh in 1813 were described as "...infected with hordes of mendicants...at every hour of the day and in the most open, undignified and obtrusive manner."⁸⁶ A Society for the Suppression of Begging was set up in 1815, and the Edinburgh Police Board, like its Glasgow counterpart, experimented with rewarding watchmen for lifting beggars from the streets.⁸⁷ By 1815 Commissioners were confident enough to claim, "...the Police Officers no longer feel any scruples in apprehending, or the Magistrates in punishing any person found begging in our streets, and thus the whole tribe of beggars with which this City was so lately infected has now disappeared."⁸⁸ Unfortunately,

this situation did not last, and by 1824 police officers were in regular communication with the Directors of the Begging Society, to find the names of all those caught.⁸⁹

Commissioners had tried to discourage beggars by setting up notices at the entrance to the city, stating that begging was prohibited;⁹⁰ and punishing parents, or other relatives of children found on the streets.⁹¹ None of this was effective. For the authorities, the problem lay in wishing to help relieve the suffering of their own, without becoming a magnet for all poor. This attitude was apparent when Commissioners complained that English and Irish poor could gain relief in Scotland after three years residence, whereas Scots could not gain relief in England or Ireland.⁹² But the poor did receive help in times of great distress, soup kitchens were occasionally set up, and cell doors thrown open to provide a refuge for the destitute, when the night asylums were full, during fever outbreaks. Attempts at relief had their roots as much in the desire to alleviate unrest, than in compassion.

One incident of some note was the decision of Commissioners to relinquish control of coal weighing machines to the Sheriff, at a time when other areas were ensuring police control. Weighing machines were important in the detection of fraud within the police bounds. The 1805-17 Police Acts established weighing machines, but this was repealed in 1822, and control transferred to the Sheriff Depute.⁹³ However, 1837 re-established police control, and later acts extended provisions to straw and bread, which had previously been included under the 1805 and 1812 acts. After it relinquished control, the Commission advertised that there was no official police weight, as claimed by many coal carters.⁹⁴ The strength of public opinion was the main factor in restoring weighing machines to police control. Many believed that transference of control had led to lack of regulation, and a petition was raised in 1826. A committee of 1828 reinforced this view, claiming police regulation would be of "...the utmost advantage..".⁹⁵ By 1830, it was decided that two steelyards should be erected for this purpose, especially after the discovery that Glasgow police made a profit from their machines. Claims that coal fraud within Edinburgh, "...prevails to an extent which few people are aware of, and that many families are in consequence subjected to a greater annual loss than the whole amount of their police rates.",⁹⁶ also persuaded

Commissioners that a change was required. Despite fears that the Police Commissioners did not have the powers to re-assume control, public opinion favoured this option, and in 1836 the Sheriff relinquished control to the Board.⁹⁷ This episode proved the police were deemed the only establishment with resources to control fraud. Despite this, coal, and other frauds concerning weight, continued throughout the period.

Undoubtedly, certain policies were particular hobby-horses of the Police, and three of the most interesting were smoke consumption, sabbatarianism, and drunkenness. The first of these, smoke consumption, came to prominence in the 1840s, although the 1822 act had regulated, "...steam engines...are to be made to consume their own smoke, and if they do not do so, they will be made to construct the apparatus, plus forfeit L.50 for each offence..⁹⁸ This contrasted sharply with the 1848 Act, which stated, "...from and after the first day of January next every furnace employing steam engines are to be constructed to consume or burn the smoke arising from the furnace, and if anyone fails to do this they shall have to pay L.5 per week during which the furnace is used after a months notice..⁹⁹ How effective this was is questionable, for as shown in Glasgow, legislation and enforcement were two totally different things. A lot of activity occurred 1842-44, smoke committees were set up which sought to enforce regulations. During 1842 there were many complaints about smoke, and this information was passed to the Fiscal. By 1843, the Commissioners had altered their stance, and a trip was arranged to Glasgow, to show how effective consumption could be;¹⁰⁰ additionally the patent of Mr Charles Wye Williams was secured, to be used by manufacturers in Edinburgh, for one year, without cost.¹⁰¹ A report of 1844 stated the patent had been adopted by 41 furnaces, 23 used other methods of consumption, whereas 32 made no effort to reform.¹⁰² But delays in the production of the report meant precious time and momentum was lost; the Commissioners had become preoccupied with other problems. The issue did not resurface until the 1850s. Lists were drawn up in 1855, and proceedings instigated against the Sunbury Distillery in 1856, but the Commissioners amalgamated with the Town Council before this came to court. Edinburgh pursued the issue of smoke consumption with vigour, albeit only intermittently. Thus, they had little success. Yet, did Edinburgh really have a problem, or was this just an example of over zealous Commissioners?

At least one contemporary had written of the city, "Mercifully, it has almost no manufactures, - that is tall brick chimneys, - black smoke; - a population precariously fed, - pauperism, disease, and crime, all in excess";¹⁰³ but this was undoubtedly a biased view of the capital. In fact Edinburgh was known as 'Auld Reekie' due to the number of chimneys which emitted smoke into the atmosphere. Like Glasgow, Edinburgh's Police Commissioners were unable to enforce smoke controls due to the resistance of inhabitants and others with a vested interest in retaining the existing status-quo.

Concern with Sabbath observance was present throughout the police minutes, although this was enforced on some occasions more than others. Commissioners had allowed the cleansing of streets on Sundays from 1810 until 1827, and not until 1840 were day officers entitled to attend church, whilst on duty, albeit only every third Sunday. The fluctuating views of the Police Board were probably due to the rapid turnover in personnel, but Sabbath Observance was also popular amongst Glasgow's Police Commissioners at varying times. This suggests that ideas of morality within society were being expressed through the need to retain a strong religious hold over people. Police Commissioners merely expressed viewpoints held by many sections of society. As early as 1817, the Board stated, "The Commissioners are inclined to think, that to enforce the laws for the proper observance of the Sabbath is a branch of police..",¹⁰⁴ but this trend did not reach its peak until the 1840s. Attempts were made to ensure public houses remained closed on Sundays, to prevent "...many evils arising..",¹⁰⁵ which in turn, led to a clause in all ale licences stating they were to remain shut from midnight on Saturday, until 5am on Monday.¹⁰⁶ Commissioners also set up a Sabbath Observance Committee in 1841,¹⁰⁷ which tried to prevent trains running to and from Edinburgh on Sundays. Concern that trains would lead to an increase in crime, led the police clerk to write to Manchester, Newcastle, and Carlisle to assess the consequences of Sunday trains on these areas. All replied that Sunday trains did not aid the escape of criminals (these could be used at any time, not just on the Sabbath) and Newcastle also commented, that they had contributed to a reduction in drunkenness within the city on Sundays, as inhabitants were now likely to go to the coast, and get drunk there instead.¹⁰⁸ This incident effectively ended the concern of the Commission with Sabbatarianism, and an attempt to have Sunday

trains stopped in 1847 was defeated by 17 votes to 9.

However, of most concern to Edinburgh's Commissioners was the issue of drunkenness. From 1817 publicans faced losing their licence if they allowed disorderly behaviour on their premises. Commissioners were keen to enforce self-regulation in this sphere; especially as they believed there was a link between alcohol and crime. The act of 1822 prohibited the sale of alcohol to children under the age of 14, because, "...the encouragement of habits of intemperance in very young persons tends much to promote Vice and Crime..".¹⁰⁹ But the police minutes themselves give a better idea of the fight against drunkenness. Attempts were made to regulate the hours of public houses during the 1840s and 1850s, but as early as 1806, Commissioners noted they had "...no power to shut up shops where spirits are sold, at eleven o'clock, or any hour whatever.",¹¹⁰ although a year later they threatened to revoke licences of publicans who remained open after 11pm.¹¹¹ Not until the 1840s did drunkenness really become an issue; and the Public Houses Act of 1853¹¹² led to more prosecutions than ever being brought by the police. This activity was prompted by legislation passed in Parliament, and also the growth of the Temperance movement throughout Scotland, and Great Britain. The diligence of Lieutenant Miller in enforcing the provisions of the Public Houses Act was recognised by the Commissioners, just prior to their amalgamation with the Council.¹¹³ From this two aspects can be noted, firstly the police had developed enough to be entrusted with wider responsibilities, and secondly in some cases general legislation had to be adopted, and could prove more far reaching than a local act. Edinburgh had sought to control alcohol consumption largely through a licence system, which forced owners to adopt some form of self-regulation, but this proved inadequate. Thus the introduction of the Forbes Mackenzie Act in 1853 ensured the Commissioners obtained more effective legislation.

Edinburgh did not exist in isolation; prior to introducing new measures it took into consideration what was happening around it. As already shown, it felt it had to include Morningside within its policing area, or else it would create a haven for criminals. In this, shades of the problems Glasgow faced with its surrounding burghs can be detected. But, perhaps what was of more importance, was the relationship Edinburgh had with Glasgow, and other

areas. The fact that Glasgow already had a police establishment, prior to Edinburgh, was both a blessing, and a curse. On the one hand, Edinburgh could gain advice from Glasgow on the cost and effectiveness of various undertakings, ranging from great coats for watchmen,¹¹⁴ to coal weighing machines. Unfortunately, Edinburgh also faced the inevitable comparisons with Glasgow. The first occurred in 1807, when detractors claimed the cost of the Edinburgh establishment was far higher than that of Glasgow. Commissioners countered this by issuing a statement which noted Edinburgh's boundaries included the suburbs, whereas Glasgow's related merely to the city. The difference was reiterated in 1813, when Edinburgh's Commissioners felt compelled to react to a *Glasgow Chronicle* article comparing the two areas;

If there is any meaning in this publication it must be for the purpose of insinuating to the inhabitants of this City that our Neighbours of Glasgow with equal population, with equal bounds, and otherwise in similar circumstances with ourselves are lighted, cleansed, and watched at one third of our expense; and if such were consistent with the truth it would well become our fellow citizens to make a rigid investigation into so gross a malversation on the part of our Commissioners of Police...

The Board went on to note that Glasgow's police covered only half the area of Edinburgh, had only 78 compared to 200 watchmen, 1270 to 4160 lamps, and only 16 to 100 scavengers.¹¹⁵ Immediately after this incident, Edinburgh decided to tax the areas of Stockbridge, Canonmills, and Silvermills for the benefits they enjoyed under its acts.¹¹⁶ Obviously criticism was keenly felt in Edinburgh.

Not all observers believed that Glasgow was the better example of police efficiency, and a case was argued that in fact it was Glasgow who could benefit from the Edinburgh experience. A resident of the Glasgow area wrote, in 1820, that Glasgow should extend its police district to include its outlying areas, (those that lay within the Parliamentary boundary after 1832). He argued:

It is much better to have a strong united system of Police for the whole city and adjoining districts and environs, of the same kind as that with Edinburgh. These expenses ought to be laid, in an equitable manner, upon all who have the benefit of it; and the effect will be, to give much greater security to the whole.¹¹⁷

The decision of Edinburgh to include a much larger area within the remit of its Police Acts, but not to immediately assess and enforce legislation in all the outlying areas, prevented the establishment of small individual police authorities within a limited area, as occurred in Glasgow, thus allowing the establishment to grow more naturally.

Contacts between the Edinburgh Police and forces in other areas were established throughout the period. During 1815, the Superintendent was encouraged to correspond with other police establishments, in the hope of tracing offenders.¹¹⁸ Further evidence, in 1820, shows Captain Brown travelled to Dumfries, Glasgow, Newcastle, and London, on the trail of criminals; but latterly during his time in office, the Board wanted explanations as to why the Sergeant-Major had been in Ireland, and who was paying for him.¹¹⁹ Although trips were not sanctioned by the Commissioners, as they were in Glasgow, there is no doubt they did occur. Superintendents appreciated the value of shared information on offenders before their paymasters. Not all correspondence was welcomed by the Commissioners, especially not when it related to variations in wages throughout the country. The salary of the Superintendent of Police in Edinburgh (Captain Haining) was raised to L.350 per annum in 1847, despite the Commissioners having information which stated the average salary ranged from L.450 per annum in Bristol, to L.600 per annum in London and Glasgow, and L.650 per annum in Liverpool.¹²⁰ But establishments did not simply swap information on offenders, they also passed on innovations. Edinburgh decided to adopt clauses similar to Glasgow, regarding the non-payment of fines, because in 1846-7 they had imprisoned 1434 people for this, compared to only 6 in Glasgow.¹²¹

Correspondence also took place between Edinburgh and smaller forces; and during the 1850s it seemed to justify its appeal for extra government funds, by sending police officers around the country, for instance to Falkirk for markets, and Moffat for the annual fair. However, this also occurred with Glasgow; local forces applied to the nearest large establishment for help, because there was no national police. The need for a unified national force, rather than reliance on the haphazard system of applying for help when it was required, was eloquently noted by a correspondent to *The Scotsman* in 1856;

Until a general national system of police is established, I fear there will be neither cordiality nor utility in our police force. Unless the whole is put under one general management, having equal responsibility and actuated by one general motive, life and property will not have the protection which is desirable in a civilised Christian country.¹²²

Conversely, the very growth of relations within the separate police establishments from the 1840s onwards, highlighted the deficiencies of the system, and led to calls for integration.

Perhaps the best method of judging the efficiency of a police establishment was how it coped with the unexpected. Already, it has been shown, the Tron Riot of 1812 caused a crisis in public confidence, and led to a new police act. The Snowball Riot of January 1838, between students and police lasted two days, and occurred when police tried to arrest a student at the College buildings. This incident rapidly got out of hand, and the Magistrates had to call out the 79th Regiment from the castle to restore peace.¹²³ In the light of these disturbances, how did the establishment deal with the situation of 1848? Notably the police minutes make no mention of the Glasgow unrest, the only extraordinary happening concerned the ordering of 200 batons, at a cost of 2s 6d each.¹²⁴ Edinburgh did not experience the same trouble as Glasgow, but the Sheriff noted, "...the large meetings in London and Glasgow are always felt here, slightly after their occurrence."¹²⁵ *The Scotsman* described the rioting in Edinburgh as,

...of still worse and meaner origin. It was principally the work of a few scores of the lowest blackguards aiming at plunder, joined by a few hundreds of boys and lads eager for the fun of glass-breaking, and (as the police trials have shown) by a considerable number of ordinarily respectable but post-prandial persons, in a humour for having a 'row' about anything or with anyone.¹²⁶

The paper had previously claimed, "The accidents that occurred during the outbreak were not very serious. A man had his nose cut off by one of the dragoons, and another had his leg broken."¹²⁷ The perception of most, was that Edinburgh had only been a minor incident, especially compared to the major disturbances which they were led to believe had taken place in Glasgow. The Edinburgh Commissioners noted in the minutes, "...their opinion that the riot was in no respect identified with the working classes, and

did not in the least partake of a political character.."¹²⁸ They argued that this had occurred as a consequence of the rioting in Glasgow, the authorities did not take it as proof of a radical outbreak in Edinburgh; although the Magistrates did take the precaution of putting a local corp of soldiers on standby. Despite the strong police presence, soldiers were obviously deemed necessary in case the situation got out of hand.

A further incident took place during June, when a group of unemployed met on Calton Hill, and then proceeded to the City Chambers, where about 200-300 of them were allowed in to meet the Provost. Although this incident passed off peacefully, the apprehension of the Government to incidents of this kind could be detected in a letter from the Lord Advocate, to Sheriff Gordon;

The late disgraceful riots in Glasgow commenced by a meeting certainly of much larger numbers proceeding to the Council Room, and breaking into violence upon receiving an unsatisfactory answer from the Magistrates. If there had been any riot or disturbance in this instance I do not think the authorities would have stood justified even if they had been successful in repressing any outrage.¹²⁹

Over 100 police officers were on standby during the meeting. The extraordinary situations caused by these events, in both Edinburgh and Glasgow, led the authorities to adopt additional measures. The perception of the period was that this was a normal solution, to an abnormal problem. The inability of police to control events was not deemed to be a failure.

Although the 1848 incident may be used to show how effective the watching force had become, or not, other factors are required to show if the police establishment, as a whole, was successful. The evidence already examined, allows an insight into how Edinburgh dealt with the problems of the period, and it is noticeable that it tended to react to situations, rather than anticipate them, a feature which was also common of the Glasgow Police Board. Legislation may have been obtained, but implementation of more expensive aspects did not occur until circumstances demanded. This was clearly demonstrated in regard to sanitary legislation, but it was also true for smoke consumption, beggars, etc. Edinburgh did not know what problems lay ahead of it, and it may even have believed it was in a better position to deal

with any difficulties which did arise. Indeed, the New Statistical Account, for Edinburgh stated that although the city had begun to expand rapidly in the late eighteenth century, the increase had not been as great as expected;

It was now found, however, that the building of houses had gone on faster than the increase of population warranted; and since 1827, very little extension of the city or suburbs has taken place. As a necessary consequence, also, of over production, a considerable decrease of house rents had occurred; and thus a further discouragement was given to improvements, so that several of the newer streets remain yet incompletd.¹³⁰

The feeling of the 1830s was that the overcrowding problems of Glasgow could not occur in Edinburgh.

But this confidence in the ability of Edinburgh to cope with the problems of urbanisation was somewhat misplaced. Edinburgh was not untroubled by overpopulation, the Old Town continued as a source of many problems during the period. Edwin Chadwick wrote in 1842 that "[T]he most wretched of the stationary population of which I have been able to obtain any account, or that I have ever seen, was that which I saw in company with Dr Arnott, and others in the wynds of Edinburgh and Glasgow."¹³¹ Outbreaks of cholera, and other diseases, proved Edinburgh was not immune to health problems.

But this too was explained by the NSA, which argued,

From the great destitution of the numerous poor in Edinburgh, and from the intemperate and irregular habits of many of those who are employed in labour of various kinds, - from the crowded state of their homes already mentioned, and from the want of habits of cleanliness, fevers and other diseases are at all times very prevalent. The general health of the middle and higher classes, on the other hand, may be reckoned as fully equal to that of average towns in Britain, and perhaps above that of towns of equal or superior size, especially in the large and crowded manufacturing towns.¹³²

This statement makes it clear that many inhabitants believed Edinburgh possessed better standards of living than many of its contemporaries, and the Town Council, and others, were exhorted to retain this, "For though manufactures be indispensable, they need not be everywhere. Blight should be confined to as few parts of the field as possible."¹³³ All this makes the concern of the Police Commissioners with smoke consumption even more interesting.

Overall though, how did Edinburgh's establishment compare to Glasgow's during the early nineteenth century? Edinburgh had a much greater turnover in Commissioners, 469 in 51 years, whereas Glasgow had 263 in 46 years. This was due primarily to Edinburgh persisting with annual elections, whilst Glasgow had a three year rotation: Edinburgh also had far more ex-officio members. Because the Edinburgh Town Council was dominated by merchants, until its reform in 1833, the police commission was used as an alternative power base. Whether or not the ex-officio commissioners actually played a major role was difficult to examine, but they were presented with this opportunity. The number of unelected members meant that certain sections of society were always well-represented. Police Commissioners in Edinburgh, as in other cities, did not always get on well with the council, perhaps most notably in 1822. Both sides prepared separate police bills in this year. The problem arose because the Commissioners had no role in the appointment, or dismissal of the Superintendent, instead this power was vested in the Lord Provost and Sheriff alone. *The Scotsman* remarked:

It is strange, besides, that the Commissioners cannot be intrusted in Edinburgh with powers which are freely granted to them, and to a greater extent in Glasgow and Paisley! There the population is almost entirely manufacturing, and to a considerable extent Irish. Here, there is comparatively no manufacturing population; the citizens consisting chiefly of lawyers, physicians, clergymen, accountants and tradesmen and shopkeepers dependant upon the other three classes. We have moreover, the moral influence of great and elevated characters.¹³⁴

Edinburgh's inhabitants felt they were denied privileges the less worthy had acquired. Despite the picture Edinburgh painted of itself as a leading Scottish burgh, Glasgow for one, possessed a more comprehensive police establishment, during the first half of the nineteenth century.

One interesting aspect was Edinburgh undertook an amalgamation act, ten years after Glasgow. Both involved the Town Council and the Police Commissioners merging, with the former taking over responsibilities for the police, and setting up separate police committees, which were ultimately very powerful. Why was there such a difference? Basically, Glasgow's desire to have a single authority within the area of the Parliamentary boundary was a

major factor. Glasgow had been unable to achieve the expansion it wanted, due to it being surrounded by three separate police burghs; amalgamation with Anderston, Calton, and Gorbals would virtually ensure the end of multi-administrations within the Parliamentary boundary. Already the Town Council had been pushing to gain control of the police. In Edinburgh, there was no pressure for this to happen, principally because the early police acts had included a far larger area, than those of Glasgow, although not all areas were immediately included within the police budget. Instead, Edinburgh's police establishment slowly extended to fill the entire area. Eventually Commissioners merged with the council, largely due to the decision to end the anomalous situation of two administrations, with similar powers. Later it was claimed the 1856 act, "...was possibly an even greater reform than the Act of 1833, for it unified the government of the city and transferred to the Town Council the powers possessed by the Police Commissioners of assessment and collection for specific purposes in the burgh."¹³⁵ The different situations faced by Glasgow and Edinburgh, meant the latter could afford to wait longer before it was forced to alter its set-up.

Indeed, there were many spheres in which the two favoured alternative approaches. Although both were concerned with the increase in crime, Edinburgh never adopted iron gates, favoured by Glasgow, to stop the easy escape of offenders. Edinburgh was more concerned with reformation; and a good deal of money was donated to the House of Refuge, and other institutions which sought to reclaim people. Commissioners believed people could be shown the error of their ways, which indicates the presence of evangelical viewpoints on the Police Board. In 1829, the Chief Magistrate of the Council called for something to "...be done to prevent the rapid spread of wickedness and crime among children, especially in the larger cities."¹³⁶ This view was reiterated by donations of money to the House of Refuge, as this was designed to train, or retrain people with a trade, in order that they would become more useful members of society. Edinburgh Commissioners believed the best method of improving society, was to reform offenders, rather than to simply get rid of them; as *The Scotsman* stated:

If criminality is to be eradicated by terror, why not hang men up by the ribs on iron hooks till life be writhed out in the agonies of torture? And as the best of men have failings - not to say vices

- why not pass a sentence of death upon all, that all may feel themselves placed upon their good behaviour at the peril of their lives? We should then, no doubt, hold life at the discretion of the judge; but what of that? If dread of the law ensure obedience, - if terror prevent crime, it is weakness and folly to stop short of the gaol. Let us reach perfection in conduct by at once carrying this system of terror to its cause!¹³⁷

Both cities adopted legislation which complemented their evangelical leanings.

The evidence examined shows the local acts in Edinburgh helped it react to what it saw as the major problems of the period. Many clauses were similar to those of Glasgow, but this was perhaps inevitable in a situation where most local acts were passed within a few years of each other, and looked after by specialist London solicitors. The need to get an act on the Statute Book, at the least possible expense, meant it was likely to bear a striking resemblance to many others. If this was true of Edinburgh in relation to Glasgow, it was probably equally the case of both with regard to English cities. Ultimately, it was not the local acts, but how they were put into operation, which made the Police Commissioners distinct from each other. Edinburgh, like many of its counterparts, used the legislation to tackle specific problems, such as smoke consumption, and the provision of drains and sewers; it also provides an insight into how police authorities implemented the Forbes Mackenzie Act. Monthly returns showing the extent of drunkenness in the city were compiled. Earlier attempts to enforce such legislation had failed, only the extra powers provided by the general act were sufficient to ensure this could be dealt with effectively. Local acts provided a legislative framework for the burgh, but this alone was not necessarily enough.

Local acts were successful; the mere fact they kept being implemented shows this. The Burgh Police Acts of 1833, and 1850, were not considered to be wide ranging enough by some. Different burghs implemented acts to meet their own specific needs. But the acts had to be shown to be successful, otherwise the additional expense, especially after 1833, could not be justified. Both Glasgow, and Edinburgh achieved this. The cities had many differences, and this was, perhaps, best exemplified by the people who

sat on their Police Boards. Both believed they faced specific problems, but they were more closely related than they thought. The two cities had to deal with the difficulties of expanding urbanisation, and the public perception of rising crime. Ultimately, both Glasgow, and Edinburgh, moved towards more professional watching establishments, and enhanced living standards for many, by the more efficient use of the wider aspects of police. By 1846, and 1856, the two cities had begun to meet the challenges set by the nineteenth century.

- 1 - The burghs were Aberdeen, Airdrie, Alloa, Anderston, Ardrossan, Banff, Bathgate, Bilston, Borrowstounness, Bridgend, Calton, Campbeltown, Dalkeith, Dingwall, Dumfries, Dundee, Dunfermline, Edinburgh, Glasgow, Gorbals, Greenock, Helensburgh, Inverness, Irvine, Kilmarnock, Kirkcaldy, Leith, Monkland, Paisley, Perth, Port Glasgow, Pultney Town, and Rothesay.
- 2 - For further details see Stana Nenadic, "The middle ranks and modernisation", 278-311, in *Glasgow, vol 1: beginnings to 1830*, ed TM Devine and Gordon Jackson, Manchester 1995.
- 3 - TM Devine, "The urban crisis", 402-416, in *ibid*, p410.
- 4 - Henry Littlejohn, Edinburgh's medical officer in 1865, quoted in Richard Rodger, "Employment, wages and poverty in the Scottish cities 1841-1914", 25-63, in *Perspectives of the Scottish city*, ed George Gordon, Aberdeen 1985, p32.
- 5 - David Daiches, *Edinburgh*, London 1978, p176.
- 6 - Edinburgh's Police Acts were passed in 1805, 1812, 1816, 1817, 1822, 1832, 1834, 1837, 1848, 1854, and 1856.
- 7 - 45 George III cap.21, 1805.
- 8 - Henry Cockburn, *Memorials of his time*, Edinburgh 1910, p183-4.
- 9 - The amendments occurred in 1812, 1816, 1817, 1832, 1837, and 1854.
- 10 - Edinburgh Police Commissioners Minutes, ECA, ED9/1/8.
- 11 - *Royal Commission on Municipal Corporations*, 1835, p290.
- 12 - *ibid*, p306.
- 13 - 2 William IV cap.87, 1832, clause 24.
- 14 - Robert Forsyth quoted in D Daiches, *Edinburgh*, p186.
- 15 - 45 George III cap.21, 1805.
- 16 - 52 George III cap.172, 1812.
- 17 - 3 George IV cap.78, 1822.
- 18 - 7 William IV cap.32, 1837.
- 19 - *The Scotsman*, 19 January 1822.
- 20 - *ibid*, 2 March 1822.
- 21 - ECA ED9/1/7, 16 January 1834.
- 22 - *ibid*, 13 March 1834.
- 23 - ECA ED9/1/8, 13 March 1837.
- 24 - ECA ED9/1/1, 27 May 1805 and 17 February 1806.
- 25 - 3 George IV cap.78 and 2 William IV cap 87.
- 26 - John Anderson, *A history of Edinburgh from the earliest period to the completion of the half century 1850, with brief notices of eminent or remarkable individuals*, Edinburgh and London 1856, p431.
- 27 - Irene Maver, "Politics and power in the Scottish city: Glasgow Town Council in the nineteenth century", 98-130, in *Scottish elites*, ed TM Devine, Edinburgh 1994, p100.
- 28 - Lord Archibald Hamilton repeated this during a debate on Royal Burghs in Scotland, 20

- February 1822, *Hansard*, new series, vi, 1822, p530.
- 29 - This fact is highlighted by William A Ross, "Early Scottish local government", 30-41, in *Public Administration*, xxiv, 1946.
- 30 - ECA ED9/1/2, 6 July 1813.
- 31 - *ibid*, 5 April 1819.
- 32 - ECA ED9/1/3, 30 June 1820.
- 33 - ECA ED9/1/8, 1 September 1834.
- 34 - *ibid*, 2 December 1836.
- 35 - ECA ED9/1/9, 1 June 1840.
- 36 - ECA ED9/1/1, 13 March 1807 and 15 May 1809.
- 37 - ECA ED9/1/8, 19 November 1834.
- 38 - *ibid*, 10 August 1836.
- 39 - *The Scotsman*, 12 January 1822.
- 40 - Henry W Meikle, *Scotland and the French Revolution*, London 1912, this edition 1969, p227.
- 41 - ECA ED9/1/9, 12 July 1839.
- 42 - ECA ED9/1/11, 24 August 1846.
- 43 - *ibid*, 3 August 1846.
- 44 - as in the case of Sergeant George Horne who was killed during rioting on 5 June 1815, L.10 was sent to his widow, ECA ED9/1/2, 12 June 1815; and L.20 was granted to aid the daughters of the police surgeon Dr Black, on his death in 1851, ECA ED9/1/12, 23 June 1851.
- 45 - ECA ED9/1/10, 19 February 1844.
- 46 - ECA ED9/1/11, 1 June 1846.
- 47 - ECA ED9/1/12, 8 August 1853.
- 48 - *The Statistical Account of Scotland*, vol 2, *The Lothians*, ed Donald J Withrington and Ian R Grant, first published Edinburgh 1791-9, reprinted 1975, p52.
- 49 - WL Mathieson, *Church and reform in Scotland, a history from 1797 to 1843*, Glasgow 1916, p186.
- 50 - ECA ED9/1/5, 3 December 1824.
- 51 - *ibid*, 14 August 1826.
- 52 - SRA E1/1/14, 17 November 1825.
- 53 - ECA ED9/1/8, 11 April 1836.
- 54 - ECA ED9/1/10, 26 June 1843.
- 55 - ECA ED9/1/11, 22 April 1846.
- 56 - *ibid*, 14 August 1848.
- 57 - ECA ED9/1/12, 17 November 1851.
- 58 - ECA ED9/1/11, included in minute for 14 August 1848; and see TC Smout, *A history of the Scottish people, 1560-1830*, London 1969, this edition 1985, for a discussion on wages, p374 and p400.
- 59 - George Scott-Moncrieff, *Edinburgh*, London 1947, p81.
- 60 - 45 George III cap 21, 1805.
- 61 - ECA ED9/1/1, 27 May 1805.
- 62 - RC Primrose, "The Scottish burgh reform movement, 1783-1793", 27-41, in *The Aberdeen University Review*, xxxvii, 1957-58, p30. Primrose wrote, "In Edinburgh, for example, the town clerks absorbed the directing power over the police, and their personal enemies or even those who temporarily irritated them, were liable to find themselves 'shipped' to His Majesty's Navy or to the Colonies without trial."
- 63 - See AG Ralston, "The Tron riot of 1812", 41-45, in *History Today*, 30, 1980, for a full account.
- 64 - LJ Saunders, *Scottish democracy, 1815-40: the social and intellectual background*, Edinburgh 1950, p88.
- 65 - ECA ED9/1/1, 27 January 1812.
- 66 - *Royal Commission 1835*, p306.
- 67 - ECA ED9/1/2, 4 January 1819.

- 68 - ECA ED9/1/5, and ED9/1/6, 8 October 1837-10 March 1838.
- 69 - ECA ED9/1/9, 10 August 1840.
- 70 - Letter to Captain William Haining, from the Governor of the Prison of Edinburgh, 15 November 1843, p7-8.
- 71 - *Second report from the Select Committee on Police, together with the proceedings of the committee, minutes of evidence, and appendix, 5 July 1853*, GUL microfiche, 1852-3, vol xxxvi, p101.
- 72 - 52 George III cap.172, 1812, clauses 58 and 62.
- 73 - J Anderson, *A history of Edinburgh*, p336.
- 74 - ECA ED9/1/3, 30 June 1820.
- 75 - ECA ED9/1/5, 9 October 1826.
- 76 - James Logan was appointed Inspector of Lighting and Cleansing 29 August 1821, ED9/1/3.
- 77 - ECA ED9/3/1, 3 April 1820.
- 78 - ECA ED 9/1/2, 27 May & 5 June 1817.
- 79 - ECA ED9/1/4, 27 January 1823.
- 80 - ECA ED9/1/6, 8, 9 & 25 November 1831.
- 81 - ECA ED9/1/11, 10 June 1847.
- 82 - *The Scotsman*, 25 March 1854.
- 83 - *ibid*, 13 May 1854.
- 84 - *ibid*, 8 July 1854.
- 85 - 11&12 Victoria cap 113, clause 157.
- 86 - LJ Saunders, *Scottish democracy*, p226.
- 87 - Extra men were employed 1831, 1835, 1836, 1847 & 1849.
- 88 - ECA ED9/1/2, 2 January 1815.
- 89 - ECA ED9/1/5, March 1824.
- 90 - ECA ED9/1/9, 16 April 1841.
- 91 - ECA ED9/1/4, 29 October 1821.
- 92 - ECA ED9/1/9, 15 June 1842.
- 93 - 3 George IV cap 78, 1822.
- 94 - ECA ED9/1/4, 26 May 1823.
- 95 - ECA ED9/1/6, 15 December 1828.
- 96 - *ibid*, 5 April 1830 & 7 June 1830.
- 97 - ECA ED9/1/8, 31 October 1836.
- 98 - 3 George IV cap 78, clause 94.
- 99 - 11 & 12 Victoria cap 113, clause 230.
- 100 - ECA ED9/1/10, 27 March 1843.
- 101 - *ibid*, 20 June & 14 September 1843.
- 102 - *ibid*, 11 October 1844.
- 103 - Henry Cockburn, *Journal of Henry Cockburn, being a continuation of the memorials of his time, 1831-54*, vol 2, Edinburgh 1874, p317.
- 104 - ECA ED9/1/2, 6 October 1817.
- 105 - ECA ED9/1/9, 30 March 1841.
- 106 - *ibid*, 19 April 1841.
- 107 - *ibid*, 17 May 1841.
- 108 - *ibid*, 21 February 1842.
- 109 - 2 William IV cap 87, clause 32.
- 110 - ECA ED9/1/1, 8 December 1806.
- 111 - *ibid*, 18 May 1807.
- 112 - Also known as the Forbes Mackenzie Act 1853. This prohibited Sunday opening of public houses, but not hotels.
- 113 - ECA ED9/1/13, 27 October 1856.
- 114 - ECA ED9/1/1, 13 May 1805.
- 115 - ECA ED9/1/2, 16 November 1813.

- 116 - *ibid*, 4 April 1814.
- 117 - *Notes upon the present system of Police in Glasgow, by a gentleman residing near that city*, Glasgow 1820, Mitchell Library, Glasgow Room, C.46572, p13.
- 118 - ECA ED9/1/2, 3 April 1815.
- 119 - ECA ED9/1/3, 15 & 22 October 1821.
- 120 - ECA ED9/1/11, 25 October 1847.
- 121 - *ibid*, 20 May 1848.
- 122 - *The Scotsman*, 27 February 1856.
- 123 - see J Anderson, *A History of Edinburgh*, p462.
- 124 - ECA ED9/2/4, 24 March 1848.
- 125 - SRO AD58/78, letter to Lord Advocate from Sheriff John T Gordon, 7 April 1848.
- 126 - *The Scotsman*, 11 March 1848.
- 127 - *ibid*, 8 March 1848.
- 128 - ECA ED9/1/11, 13 March 1848.
- 129 - SRO AD58/78, letter to Sheriff John T Gordon from Lord Advocate, [nd].
- 130 - *New Statistical Account of Scotland, vol 1*, Edinburgh 1835, p646.
- 131 - Edwin Chadwick ed, *Report to Her Majesty's Principal Secretary of State for the Home Department, from the Poor Law Commissioners, on an inquiry into the sanitary condition of the labouring poor of Great Britain; with appendices*, London 1842, p23.
- 132 - NSA, vol 1, p736.
- 133 - Henry Cockburn, letter to the Lord Provost of Edinburgh, in *Journal of Henry Cockburn*, p317.
- 134 - *The Scotsman*, 9 February 1822.
- 135 - *Edinburgh 1329-1929, Sexcentenary of Bruce Charter, published by order of the Lord Provost, Magistrates and Council*, Edinburgh 1929, p316.
- 136 - J Anderson, *A history of Edinburgh*, p399.
- 137 - *The Scotsman*, 11 May 1822.

Chapter Eight - The legacy and effectiveness of Glasgow's Police Acts.

Throughout this thesis it has become apparent that local Police Acts were widely used across the United Kingdom during the eighteenth and nineteenth centuries. These acts became increasingly important as towns grew in size but still retained administrative units dating from the Middle Ages. The lack of initiative from central government encouraged burghs to adopt their own reforms, with varying degrees of success. Glasgow is very important in the study of the early nineteenth century; it sought a solution to the problems which arose, but was hindered in many respects by the growth of smaller authorities around it. Glasgow did not obtain control of its entire Parliamentary area until 1846; rather it shared this with Anderston, Calton and Gorbals, all of which possessed their own police authorities. Edinburgh, on the other hand, was more cohesive because it was a single Parliamentary constituency. From 1805, when Edinburgh's first Police Act had been passed, the whole of the Parliamentary area was designated as being within the Police boundary, although jurisdiction throughout this unit was only extended when circumstances demanded and finances allowed. Glasgow, however, had to acquire separate legislation and enter prolonged negotiations before it could increase the size of its police area.¹ But despite this handicap, Glasgow made encouraging progress throughout the first half of the nineteenth century.

The legacy of the Enlightenment, coupled with the growth of Evangelicalism played an important role in the development of the Police Acts within Glasgow, and across Scotland. Enlightenment theories alone were no longer enough to meet the needs of a society which faced new political, social and economic pressures. The growth and concentration of population highlighted the inadequacies which were present within the existing administrative units, and made people feel vulnerable. No longer did Britain possess an unchallenged dominance throughout the world, and many blamed this on the increase in secular habits and activities within the country. Only by improving the condition of society as a whole could the nation once more achieve its true status in the world. But within this movement to improve society there was a conflict over what required alteration, with some like the Evangelicals Stevenson Macgill and Andrew Thomson, and the economist JR McCulloch,

arguing that only by focusing attention upon the environment in which people lived could the character of the population itself be improved. This was countered by Thomas Chalmers, and supporters, who, by using the theories of Adam Smith and Thomas Malthus as a starting point, attempted to prove that it was an individual's character and activity which influenced society, rather than the other way round. Chalmers put his theories into practice through experiments at St John's in Glasgow, and West Port in Edinburgh.²

From the policies adopted by Police Commissioners within the various burghs, one can identify the Evangelical influence. In Glasgow and its surrounding burghs, and in Edinburgh, Police Commissioners were keen to introduce legislation which would not only improve the physical environment, but also influence the character of the population. Thus one can see attempts by Police Commissioners to regulate the width of streets (an aspect encouraged by Macgill),³ and latterly to improve the ventilation of the burgh through the demolition of buildings, and the introduction of smoke controls. However, although the physical environment was one in which Commissioners could be seen to be active, they were equally interested in attempting to improve the character of the population within the Police boundaries. Attempts to enforce legislation on alcohol, and the observance of the Sabbath were commonplace in all the Scottish burghs looked at, and this may have been the case across the country. For many of the men who participated as Police Commissioners, and they came from a variety of backgrounds (charts 7.1 to 7.4), it was not enough to simply be an active citizen, and thereby improve oneself; one also had to seek to alter society as a whole. Undoubtedly the influence of the Enlightenment coupled with the ideas of Evangelicalism played an important role for many Commissioners.

The idea of the civic tradition, as developed by many Enlightenment figures such as Adam Smith, David Hume and John Millar, was of great significance to the movement for reform in burghs. The ideas were not only used by those who called for general reforms, but also by those men who sought to extend the limited powers they already possessed. Many of the Police Commissioners, especially in Glasgow, mixed in the same social circles as Town Councillors, and the Town Council helped to create the Police Board. They embraced the concept of civic tradition because they believed in the

benefits of an active citizenry. The Enlightenment provided the tradition, and this was adopted by Evangelicals to suit their own needs.

Yet it is the existence of Police authorities themselves which is perhaps most significant. Within Scotland the move to create administrations which would provide an alternative power base to the existing Town Councils did not really begin until 1800, when Glasgow secured its first Police Act. A decade earlier attempts had been made in the same city to erect a police establishment without any success; thus what had happened to change people's attitudes? Undoubtedly the biggest influence came from people's perceptions of society. During the 1780s a movement for burgh reform had started in Scotland, and this received support from many sections of society, from advocates to skilled workmen. These groups welcomed the French Revolution of 1789, and in 1792 Societies of the Friends of the People in Scotland began to emerge to put their case more effectively. Tension between reformers and the government was heightened by Republican massacres in France during September 1792, and the declaration of war on Britain by the French Republic in 1793. At this stage in Scotland, and throughout the United Kingdom, to be associated with reform was to be deemed a traitor. Thus although there had been a strong movement within Scotland which called for Town Councils to be reformed, this was quashed until hostilities with France ended in 1815. At the same time Government itself was very antipathetic to the idea of reforming burghs, because it believed that this would eventually lead to calls for an overhaul of Parliament. Thus the wars with France provided the Government with an excuse to ignore both the reformers and their demands.

Problems caused by growing urbanisation, and the influx of people to towns, however, could not be as easily ignored. Within Glasgow the population had more than trebled from 1755 to 1800,⁴ due mostly to the increasingly industrialised nature of the city and surrounding areas.⁵ Many contemporaries believed that the growing urbanisation and industrialisation of the city had precipitated not only a rise in crime, but a decrease in the moral standards of the population. Undoubtedly these concerns were widespread across Scotland, and indeed the United Kingdom, and they provoked calls from inhabitants for some form of action to be taken. The hostility of

government towards reform meant burghs had only one option if they wished to gain new powers, the adoption of a local act and the creation of a separate authority with new powers. Glasgow's inhabitants agreed to accept the principle of local taxation and obtain a Police Act in 1800 largely because of fears over rising crime and decreasing moral standards. These factors brought the Police Commissioners into existence, and until their abolition in 1846 it was public order which continued to dominate their agenda.

The decision to adopt a local act and incorporate within it powers to deal with the emergent problems of the period was undoubtedly taken with the English example in mind. Cities and towns in England, with or without a Town Council, had begun to adopt local acts from the middle of the eighteenth century, and used them to provide powers for lighting, cleansing and watching. Local acts became a feature of English society before their emergence in Scotland principally because the Industrial Revolution was more advanced in England, thus they experienced the problems accompanied with population growth and industrialisation before the Scots. These local acts, adopted by towns throughout the United Kingdom, were very similar in content, and the reasons for this are twofold. Firstly, the powers sought by towns were roughly uniform, they desired legislation which would allow them to update their existing powers (which had been generally framed in the Middle Ages) and react to the problems in hand; for example a better system of drainage and the removal of dirt from the streets was required because the present method was unable to cope with the greater demands put upon it. Secondly, all local acts were vetted by a specialist London lawyer who knew what would and would not pass. All this made it inevitable that local acts would contain similar clauses, but until the general acts of 1833 in Scotland, and 1835 in England and Wales,⁶ towns and cities had the choice of either ignoring the problems or adopting a local act.

It is of interest, however, to note that even after the general reforms, local acts remained popular. In Scotland the general Police Act of 1833 was not made mandatory, although its counterpart in England was, but only for 178 boroughs (appendix 5). Undoubtedly throughout the United Kingdom towns saw local acts as a means of exerting their individual authority and independence from the power of Parliament. Many felt that only a local act

could best meet the needs of their particular area, and despite the similarity of the 1833 Police Act in Scotland to the local acts, burghs still preferred to go to the expense of passing their own act. Government tended to pursue a policy of non, or minimal intervention - a feature which the separate police authorities highlighted during the amalgamation of Glasgow and its suburbs in 1846⁷ - and this allowed the development of local acts throughout the United Kingdom. The increasing number of local acts led Government to seek a reduction in Police Act numbers, especially from the 1840s when Railway Acts became important. The perception grew that local acts were too time-consuming for Parliament to the detriment of national legislation. Concerns over the efficiency of small police forces also prompted a change in policy. However, local acts continued to be passed in Parliament and remained an important feature of local government.

The evidence examined has shown that there were numerous Police Acts adopted with wide ranging powers, but just how effective were the statutes? At least one prominent historian has argued that Glasgow's local acts presented an unique opportunity to create a powerful and innovative body, which was wasted by the Police Commissioners who chose to pursue public order at the expense of sanitation and health issues.⁸ However, for contemporaries it was concern over rising crime, and the decline of moral standards which was most important. Other areas were dealt with, Glasgow and its surrounding burghs built up a system of lighting and cleansing streets, but lack of available finance meant priorities had to be made. Undoubtedly, throughout the first half of the nineteenth century, the population of Glasgow, or rather those with most influence upon the Police Commissioners, were most concerned about crime.

By examining attitudes towards the Police Commission, both within Glasgow and across the country, it soon becomes clear that they were not without their critics. Both Glasgow's and Edinburgh's Police Boards faced the charge that they spent too much time improving the centre of the city to the detriment of the outlying areas.⁹ However, finance was tight for these authorities, particularly because they sought to keep their assessment as low as possible in order to retain the goodwill of the citizens, thus they tended to provide improvements to those streets which were most widely used, or contributed

most in taxes, first. Both the major Scottish cities faced a quandary over whether or not to expand, Glasgow into Blythwood in 1830, and Edinburgh into Morningside in the 1840s,¹⁰ primarily because they calculated the outlay on these areas would exceed the assessments they could raise. The Police Boards in Glasgow and Edinburgh were determined to remain financially accountable, thus any growth had to be justified.

It has become evident through the course of this study that watch forces became more efficient and professional during this period. Glasgow Police Commissioners ended the practice of rewarding watchmen for apprehending criminals in 1825, long before its contemporaries, although it did continue the sporadic practice of offering bonuses for the number of beggars and vagrants detained by police officers. Attitudes towards police forces gradually altered during the first half of the nineteenth century; their existence was accepted by the end of the period, albeit still grudgingly by some. The more professional urban police of Edinburgh and Glasgow attended events across the country, such as local fairs in Moffat and Dumfries, and the markets at Falkirk, to organise the existing smaller local forces. However, by the end of the period examined, police forces were still unable to deal with large scale unrest, such as the 1848 riots in Glasgow, and army reinforcements had to be called in to restore the peace. But this was an exceptional circumstance, the international situation as a whole was tense, and the authorities may have used excess force to ensure a swift conclusion. Indeed disturbances during March 1848 were not confined to Glasgow. Evidence shows there was also unrest in Edinburgh and Falkirk, whilst yeomanry were put on standby at Kilmarnock and Leith.¹¹ In June of the same year, the authorities were concerned about Chartist activity in Motherwell and Dundee,¹² whilst trouble occurred at Airdrie in August, although this was blamed on members of the Irish community, whom the Chief Magistrate described as, "...the most vicious, turbulent and disaffected characters..".¹³ The existing police forces were not equipped to deal with unrest on a large scale, but the various establishments, especially those in Glasgow and Edinburgh, had evolved into more professional and effective units by the late 1840s.

Although it is quite evident that in terms of maintaining public order the efficiency of the Police Commissioners improved over the course of the

period, just how successful were they in other areas? Local acts may have provided the opportunity for wide scale reforms to take place, but Police Boards preferred to keep their assessment as low as possible, thus they never had the finance to enable them to implement more innovative statutes. In the case of both Glasgow and Gorbals no sanitation issues were addressed until the typhus outbreak of 1817 because there had been no need. Only when the city was hit by an epidemic did the authorities come under pressure from inhabitants to take positive action. Police authorities throughout Scotland failed to implement preventative measures after the typhus outbreak of 1817, and during the fever and cholera outbreaks of the period they simply reacted to problems as they arose, because they possessed no contingency plans. The financial constraints faced by Police Commissioners meant they chose to spend money on maintaining public order rather than improving the health of the population. Noticeably in any health project it would have been the poorer inhabitants who would have benefited, not necessarily those who contributed most in terms of assessments.

Initiatives on health was one area in which the Police Commission only reluctantly became involved. In the case of smoke controls, pressure from inhabitants who lived closest to the mills and factories ensured action was taken. Interestingly, both Glasgow and Edinburgh Commissioners sought to enforce smoke regulations during the 1840s, although this had previously been an issue for Glasgow's Town Council during the 1810s and 1820s. What is perhaps most significant about the experience of Glasgow was that the Police Board only began to take a serious interest in the issue of pollution from chimneys during the 1840s, at a time when it began to be dominated by tradesmen and the lower middle class, men who actually lived in the areas most affected. As Sidney Checkland has stated, "By the 1820s every man of substance had moved to the new areas to the west and north-west of the former centre, upwind from the smoke of the new engines, and on the opposite side of the town from the masses of Calton and Bridgeton, and north of Anderston.",¹⁴ which suggests that only when Police Commission members themselves experienced directly the nuisance of smoke was the momentum provided for action to be taken. Equally, in the case of the Town Council, once the majority of members lived in, or had moved to, areas

unaffected by smoke the issue was no longer of importance. Unfortunately the strength of the Board could not match that of the industrialists, and Glasgow, like Edinburgh, failed to enforce regulations.

Overall though, the Police Commissioners did experience some success during the first half of the nineteenth century. In many respects it was the activities of the Police Commission within Glasgow which helped lay the groundwork for the municipal revolution of the later nineteenth century, in a similar way as the Street Commissioners in Birmingham laid the basis for Joseph Chamberlain's Civic Gospel. Hamish Fraser has stated that, "The pattern of municipal activities in the 1880s was largely a question of pushing forward from foundations that had already been laid.",¹⁵ and many of the later innovations had roots in the Police Board pre-1846. Although the Police Commissioners had been unable to enforce all the statutes contained within their acts due to financial considerations, they had included many clauses which were implemented by the Town Council as the century progressed. One can argue that although Glasgow's Town Council was already more open than many of its contemporaries in the late eighteenth century, it was the establishment of the Police Commissioners which helped to enhance this reputation. Although the Town Council's accounts had been available for inspection in Glasgow from 1748, it was not until 1818 that the decision was taken to publish the accounts, some 18 years after the practice was started by the Police Board. Both authorities within Glasgow could learn from each other, and frequently did, despite relations between the bodies being often strained.

However, the existence of two separate administrations within Glasgow and, from 1826, seven within the Parliamentary boundary (as set in 1832), could not last, and from the 1830s both the Government, and Glasgow's Town Council sought to create a single authority. This move was not universally supported, and amalgamation did not take place until 1846, but the fact it did eventually occur is due to the determination of Glasgow's Town Council, and the collusion of the government. In fact this process set a trend, and the creation of single authorities began to occur throughout the United Kingdom. In Edinburgh this took place a decade after Glasgow, largely because there were only two administrations within its Parliamentary boundary, although a

merger had been called for as early as 1835 by the Royal Commission on Municipal Corporations. Two years after Edinburgh, Birmingham followed suit, although the Town Council had been pursuing this end since it was created in 1838. With the establishment of directly elected Town Councils from 1833 and 1835, the existence of alternative administrations became more and more of an anomaly, and despite the resistance of Police Commissioners, and many inhabitants, their disappearance became inevitable, although their powers were transferred and enhanced under the new single authorities.

Local Police Acts were undoubtedly an important aspect of the late eighteenth and early nineteenth centuries, as they presented individual burghs with the opportunity of establishing new powers at a time when these were not forthcoming from central government. The acts also allowed the creation of bodies which could be directly elected, and thus stood in marked contrast to the self-perpetuating, closed Town Councils of the period. In fact the Police authorities provided an alternative power base for those excluded from the Town Council pre-1833, and this can be seen most clearly in the case of Edinburgh which possessed a large number of men who were involved in the professions, whereas the Town Council was dominated by merchants. The fact that Police Commissioners continued to exist, and many had their powers extended post-1833, shows just how popular they had become, and how successful they were perceived to be. Local acts allowed the problems of individual areas to be addressed, but they were also an expression of pride in the independence of the burgh - it could dictate its own terms without guidance from the centre. Indeed, the decision of Glasgow's Police Commission, and others, to concentrate primarily on maintaining public order, and attempting to set standards of decent behaviour, a feature which became more pronounced as the period progressed, shows that this was the issue of greatest concern to inhabitants of the major cities and surrounding areas.¹⁶ Undoubtedly the Police Commissioners were not completely successful, they faced setbacks relating to issues where they met powerful vested interests, and in the case of enforcing statutes on alcohol, the experience of Edinburgh shows that this was only effective after national legislation had been introduced.

Thus, the Police Commissioners did have their limitations, and in many areas local acts were obtained with clauses which were never introduced due to the financial costs involved. In many areas legislation remained more far reaching in theory than in practice. However, the acts did create more efficient watch forces, and by the end of this period police officers and constables were an accepted part of everyday life, a fact which would have been unthinkable to men at the end of the eighteenth century. Indeed, returns for 1852 show that Glasgow spent L.23,041 on a force of 601 men, compared to L.19,259 for 315 men in Edinburgh, L.47,150 for 327 men in Birmingham, L.25,413 for 454 men in Manchester, L.6731 for 147 men in Leeds, and L.11,892 for 886 men in Liverpool.¹⁷ Thus in the major cities large forces of men were employed in an attempt to reduce the crime figures, and a considerable amount of tax-payers money was spent on this. Evidence points to the fact that a reduction in crime remained a high priority for the public. That these separate authorities were eventually incorporated within the framework of Town Councils shows how successful they had become within their own sphere of influence. Many Town Councils perceived themselves to be under threat from the Police authorities, which in many cases, including Glasgow, were based on a wider social composition and were controlled by men from backgrounds which the traditional Councils deemed to be suspect.¹⁸

However, the basis set by the Police Commissioners within Glasgow ensured that the developments of the later century had a solid foundation, and this alone may prove how successful the Police establishment had been. Within Glasgow the emphasis of the Police Commissioners, and later the Town Council, rested upon the creation of a healthier environment within its boundaries for all of its citizens. Attempts were made to not only improve the physical condition of the city and its inhabitants, but also to enhance it morally. The Police board itself did have some notable successes. It provided the basis for the establishment of a professional police force within its boundaries at a time when the concept of such a force was still the subject of intense debate. The Board also ensured the streets were swept daily and kept clear of obstructions, street lighting was introduced, and health initiatives were adopted during epidemics, although these were generally allowed to lapse once the crisis was over. The Commissioners also introduced

regulations for smoke controls and the demolition of buildings to improve ventilation. Both these aspects remained important within municipal Glasgow, although the latter was more successful. John Lindsay wrote in 1909 that, "...we can never fully realise and appreciate the debt and obligation that we lie under to those good men who, in years past, laid the foundation of the present satisfactory municipal existence",¹⁹ and although he may have been over-enthusiastic in his praise, the contribution of the Police Commissioners to the development of municipal Glasgow was very important. The Police Commissioners themselves may not always have been the progressive body of men which, with hindsight, one might have hoped for, but nevertheless they sought to react to the needs of a changing society, and left a valuable legacy upon which the Town Council of Glasgow in the second half of the nineteenth century was able to build.

1 - For instance, when the Glasgow Police Commissioners extended their powers to Blythswood in 1830 they had to pass a new act, 11 George IV cap.43, which was proposed by the Town Council, and opposed by the Police Commissioners from October 1829 until April 1830, when another petition was sent against the proposed bill. The major objection of the Police Board lay in the fact that assessment in Blythswood would bring in only L.2000 per annum to their coffers, whereas they estimated they would need L.10,000 per annum to implement all the aspects of police. 8 October 1829 to 1 July 1830, SRA E1/1/16.

2 - For further details see Stewart J Brown, *Thomas Chalmers and the Godly Commonwealth in Scotland*, Oxford 1982. The experiment in Glasgow ran from 1819-37, although Chalmers himself had left in 1823 to take up the post of Professor of Moral Philosophy in St Andrews. The Edinburgh project began in 1844, and was on a much smaller scale to allow Chalmers to become better acquainted with individual families. The West Port Church was opened on 19 February 1847, but Chalmers died soon afterwards, and the work was continued by his followers. For more information see William Hanna ed, *Memoirs of Thomas Chalmers*, vol 2, Edinburgh 1854, p679-697.

3 - Stevenson Macgill, *Discourses and essays on subjects of public interest*, Edinburgh 1819, p13.

4 - The population rose from 23,546 estimated by Webster's census of 1755, to approximately 77,000 in 1800. These figures can be found in James Cleland, *Statistical facts descriptive of the former and present state of Glasgow; read in the statistical section of the British Association for the Advancement of Science, which met at Bristol, on 22 August 1836*, Glasgow 1837, p5.

5 - James Cleland claims that in 1794 there were 40 power looms in Glasgow, which had risen to 200 in 1801, and by 1831 there were 15,127 steam looms and 18,537 hand looms in Glasgow and its suburbs, *ibid*, p16. Also see RH Campbell, "The making of the industrial city", 184-213, in *Glasgow, volume 1: beginnings to 1830*, eds TM Devine and Gordon Jackson, Manchester 1995, for an in-depth examination of the developing nature of Glasgow in the late eighteenth and early nineteenth centuries.

6 - Three acts were passed in Scotland in 1833, two reformed the elections of Town Councils in Royal and non-royal burghs, and the third, *An act to enable burghs in Scotland to establish a general system of police*, 3 & 4 William IV cap.46, allowed separate authorities to be set up to run the lighting, cleansing and watching of the burgh. Two years later in England and Wales the government passed, *An act to provide for the regulation of Municipal Corporations*

in England and Wales, 5 & 6 William IV cap.76.

7 - A petition was sent to Parliament appealing for the government not to intervene, 15 May 1843, SRA E1/1/20, which contained over 15,000 signatures; Anderston Police Commission agreed to send a memorial to Parliament against government interference in what they considered to be a local affair, alongside those from Glasgow, Calton and Gorbals, 20 March 1843, SRA H-AND 1/2.

8 - This was argued by TM Devine in his essay, "Urbanisation and civic response: Glasgow 1800-30", 183-196, in *Industry, business and society in Scotland since 1700*, essays presented to Professor John Butt, eds AJG Cummings and TM Devine, Edinburgh 1994.

9 - Glasgow was criticised in the *Fourth annual report of the Glasgow University lying-in hospital and dispensary*, 1838, GUL Special Collections q837, for concentrating on the centre rather than the poorer parts of the town; whereas Charles R Baird, one of the Sanitary Commissioners complained that the Glasgow authority lacked the powers to adequately deal with nuisances, *Reports on the sanitary condition of the labouring population of Scotland in consequence of an enquiry made by the Poor Law Commissioners*, London 1842, p71.

Within Edinburgh, during the 1850s Captain AJ List, Superintendent of Mid-Lothian Police argued the interference of the Police Commissioners reduced the effectiveness of the Edinburgh force, *Second report from the select committee on police together with the proceedings of the committee, minutes of evidence, and appendix*, 5 July 1853, GUL microfiche 1852-3, xxxvi, p101; whereas *The Scotsman*, 25 March 1854, complained that the city still lacked a proper general system of drainage. These complaints are still faced by the two cities today, whose respective bids to become City of Architecture 1999 were accused by critics of focusing on the city centres, rather than their less salubrious parts.

10 - Edinburgh decided to extend the watch over Morningside, but not the other aspects of police, because the watch alone would cost the Commission L.360 per annum and the income would only be L.250 per annum. ECA ED9/1/9, 10 August 1840.

11 - For evidence see the papers of the Lord Advocate; for Edinburgh SRO AD58/78, Falkirk SRO AD58/74, Kilmarnock and Leith SRO AD58/67.

12 - Evidence of this is found in the Lord Advocate's papers, SRO AD58/71.

13 - Letter from Mr McCallum, acting Chief Magistrate of Airdrie, to the Lord Advocate, 9 August 1848, SRO AD58/68.

14 - Sidney G Checkland, "The British industrial city as history: the Glasgow case", 34-54, in *Urban Studies*, 1, 1964, p43.

15 - Hamish Fraser, "Municipal socialism and social policy", 258-280, in *The Victorian city, a reader in British urban history, 1820-1914*, eds RJ Morris and Richard Rodger, London 1993, p264.

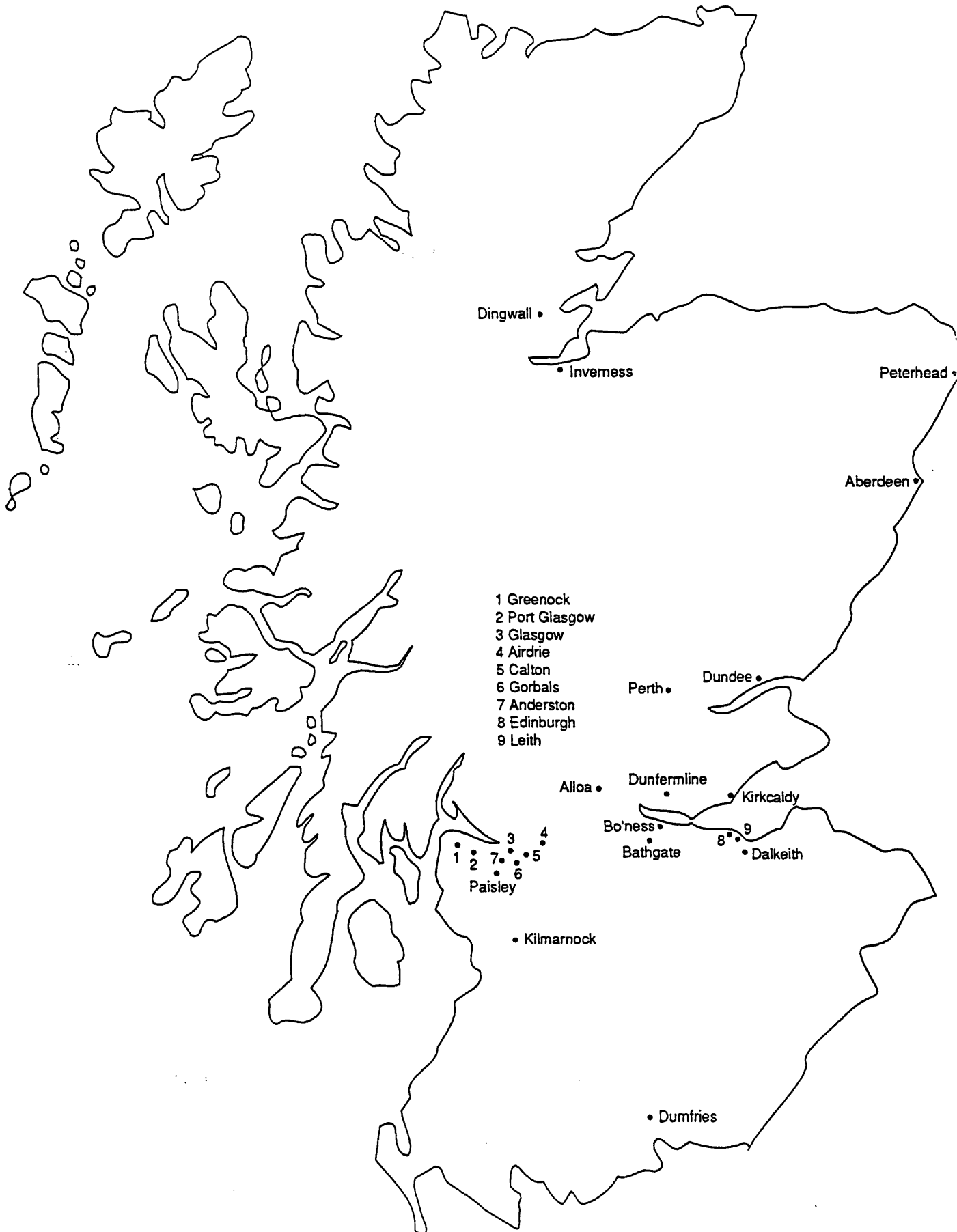
16 - Within Anderston, Calton and Gorbals it is possible to see concerns over the rise in crime, and many blamed this on their close proximity to Glasgow.

17 - All these figures are found in, *A return setting forth the expense and cost of maintenance of the police force in the year 1852, in the following cities and towns: Bath, Birmingham, Bradford, Brighton, Bristol, Leeds, Liverpool, Manchester, Sheffield, Wolverhampton, Edinburgh and Glasgow*, London 1854, p598-601. The figures for Liverpool include those officers who worked for the dock force (301 men) as well as those in the town force (581 men).

18 - For more details see Irene Maver, "Politics and power in the Scottish city: Glasgow's Town Council in the nineteenth century", 98-130, in *Scottish elites*, ed TM Devine, Edinburgh 1994, also EP Hennock, *Fit and proper persons: ideal and reality in nineteenth century urban government*, London 1973, and EP Hennock, "The social compositions of Borough Councils in two large cities, 1835-1914", 315-336, in *The study of urban history*, ed HJ Dyos, London 1968, this edition 1976.

19 - John Lindsey, *Corporation of Glasgow. Review of municipal government in Glasgow. Lecture*, Glasgow 1909, p32. John Lindsay was a Solicitor and Town-Clerk Depute of Glasgow.

Appendix 1 - Map of the 24 Scottish Burghs which adopted a local Police Act prior to the General Police Act of 1833.



Appendix 2 - Map of Glasgow and its surrounding burghs, 1832.

This map is contained within a pocket at the rear of this thesis.

Appendix 3 - A list of burghs which adopted the provisions of the 1833 and 1850 General Police Acts.

1) A list of burghs who adopted the 1833 Burgh Police Act, 3 & 4 William IV cap.46, either in whole, or part.

| BURGH | TYPE | DATE OF ADOPTION | ASSESSMENT |
|---|-----------|---|------------|
| Abbotshall, Linktown of Alyth (Perth) | barony | October 1835 - lighting, cleansing | 6d |
| Anstruther Easter | royal (p) | October 1834 - watching, paving, lighting, cleansing. | 8d |
| Arbroath | royal (p) | July 1841 - paving, lighting, cleansing | 6d |
| Blairgowrie | barony | August 1836 - watching, paving, lighting, cleansing | 10 1/2d |
| Burntisland | royal (p) | November 1833 - watching, lighting, cleansing | 8d |
| | | November 1833 - water | not fixed |
| | | January 1835 - water | 6d |
| | | February 1838 - rest of act | 6d |
| Carluke | barony | February 1836 - watching, lighting, cleansing | 6d |
| Castle Douglas | barony | November 1845 - whole act, excluding clauses 125-30 | 4d |
| Coldstream | barony | December 1833 - paving, lighting, cleansing, water | 6d |
| Cupar | royal (p) | December 1833 - lighting | |
| | | February 1848 - watching, paving, cleansing | 6 1/2d |
| Dingwall | royal (p) | January 1834 - whole act | 1s 6d |
| Dumfries | royal (p) | December 1833 - whole act excluding clauses 35, 115-126 | |
| | | February 1840 - clauses 35, 115-126 | 1s |
| Duns and Crumstane | barony | April 1842 - whole act | 9d |
| Dysart | royal (p) | January 1834 - lighting, cleansing | 6d |
| Elgin | royal (p) | October 1833 - paving, lighting | 6d |
| | | October 1836 - watching, cleansing | 6d |
| Forres | royal (p) | October 1836 - lighting | 6d |
| | | November 1839 - watching, cleansing | 6d |
| Fraserburgh | regality | February 1840 - lighting | 1s |
| | | January 1850 - rest of legislation | 1s 6d |
| Hawick | regality | December 1845 - watching, paving, lighting, cleansing | 6d |
| Huntly | barony | January 1834 - whole act | 9d |
| Inverary | royal (p) | October 1833 - water | 1s |
| Kelso | barony | September 1838 - whole act excluding clause 105 | 8d |
| Kilrenny | royal (p) | October 1841 - lighting, cleansing | 6d |
| Kilsyth | barony | April 1840 - whole act | 6 1/2d |
| Kinghorn | royal (p) | October 1833 - whole act | 6d |
| Kirkintilloch | barony | May 1836 - watching, lighting, cleansing | 1s 2d |
| | | June 1839 - paving | 1s 2d |
| Kirkwall | royal (p) | December 1838 - whole act | 6d |

| | | | |
|---------------------------|-----------|---|--------|
| Kirriemuir | barony | November 1834 - whole act | 1s |
| Langholm | barony | October 1845 - lighting, cleansing, water | 4d |
| Lerwick | barony | October 1833 - paving, cleansing, water | 6d |
| | | November 1857 - watching, lighting | 1s |
| Leven | barony | November 1833 - whole act | 1s 8d |
| Maxwelltown (Dumfries) | barony | September 1833 - whole act excluding clauses 115-125 | 9d |
| Montrose | royal (p) | September 1833 - watching, paving, lighting, cleansing | 1s 5d |
| Nairn | royal (p) | October 1841 - lighting | 6d |
| | | November 1844 - watching, cleansing | 6d |
| Newmilns | regality | July 1844 - watching, paving, lighting, cleansing | 6d |
| Pittenweem | royal (p) | January 1842 - whole act | 3d |
| St Andrews | royal (p) | August 1838 - lighting, water | 5d |
| | | September 1849 - rest of act | 6 1/2d |
| Thurso | barony | October 1841 - whole act | 1s |

2) Burghs which adopted the 1833 Act, after the Amendment Act of 1847 (10 & 11 Victoria cap.39)

| | | | |
|-------------|---------------|--|-------|
| Cromarty | parliamentary | October 1848 - whole act | 1s 6d |
| Jedburgh | royal (p) | December 1847 - whole act | 7d |
| Kilrenny | royal (p) | October 1848 - paving, lighting, water, cleansing | 6d |
| Musselburgh | parliamentary | February 1849 - whole act | 1s |
| Stranraer | royal (p) | December 1848 - whole act | 9d |

3) Burghs which adopted the 1850 Police Act (13 & 14 Victoria cap.33), either in whole or in part.

| | | | |
|----------------|---------------|---|-------|
| Aberdeen, Old | barony | April 1860 - whole act excluding clauses 85-92 | 9d |
| Alloa | regality | January 1854 - whole act | 1s 6d |
| Annan | royal (p) | January 1858 - police, lighting | 6d |
| Ayr | royal | November 1850 - whole act | - |
| Brechin | royal (p) | September 1857 - whole act | 9d |
| Burntisland | royal (p) | March 1862 - whole act | 1s 1d |
| Castle Douglas | barony | January 1862 - whole act excluding clauses 85-92 | - |
| Coupar Angus | Pp | January 1853 - police, lighting, improvement | 8d |
| Cupar | royal (p) | February 1861 - whole act | 1s |
| Dalbeattie | Pp | April 1858 - whole act excluding clauses 85-92 | 5d |
| Dingwall | royal (p) | March 1855 - whole act | 1s 6d |
| Dumbarton | royal (p) | May 1855 - whole act | 9d |
| Dundee | royal (p) | March 1851 - whole act excluding clauses 294-303 | 1s 3d |
| Falkirk | parliamentary | 1859 - whole act excluding 85-92, 136, 295-302 | 4d |
| Forfar | royal (p) | August 1857 - whole act | 6d |

| | | | |
|--------------------|---------------|---|-------------|
| Forres | royal (p) | January 1854 - whole act excluding 294-303 | 6d |
| Galashiels | barony | October 1850 - whole act excluding clauses 294-303 | 1s |
| Gatehouse-of-fleet | barony | March 1852 - whole act | 6d |
| Gourock | Pp | April 1858 - police, lighting, improvement | 4d |
| Haddington | royal (p) | October 1857 - police February 1863 - improvement | 6d |
| Hamilton | parliamentary | August 1857 - police | 3d |
| Hawick | regality | November 1861 - whole act excluding police and improvement | 11d |
| Jedburgh | royal (p) | November 1850 - whole act | 11d |
| Johnstone | Pp | December 1857 - whole act excluding clauses 294-303 | 10d |
| Kelso | barony | December 1853 - whole act | 1s |
| Kirkcaldy | royal (p) | February 1858 - police | 2 1/2d |
| Lanark | royal (p) | 1855 - whole act | 6d |
| Lochgilthead | Pp | April 1859 - whole act excluding clauses 85-92 | 1s 6d |
| Lochmaben | royal (p) | August 1858 - lighting | 4 1/2d |
| Lockerbie | Pp | January 1852 - police, paving, lighting, improvement November 1855 - whole act | 4d 1s 2d |
| Macduff | barony | March 1853 - whole act | 9d |
| Maryhill | Pp | May 1856 - whole act | 1s |
| Maxwelltown | barony | May 1854 - whole act | 9d |
| Maybole | barony | May 1857 - whole act | 1s |
| Montrose | royal (p) | September 1850 - whole act | 10 1/2d |
| Newburgh | royal | February 1858 - police, paving | 4d |
| Newton Stewart | Pp | July 1861 - whole act excluding clauses 85-92 | 6d |
| North Berwick | royal (p) | December 1860 - police, paving, lighting, improvement | 1s |
| Partick | Pp | July 1852 - whole act | 7 1/2d |
| Peterhead | parliamentary | August 1860 - whole act | 1s 10d |
| Pollockshaws | barony | February 1858 - police, paving, lighting, improvement | 5d |
| Portobello | parliamentary | November 1850 - whole act excluding clauses 294-303 | 7d |
| Prestonpans | Pp | April 1862 - police, paving, lighting, improvement | 8d |
| Renfrew | royal (p) | 1855 - whole act excluding clauses 215-216, 294-303 | 1d |
| Stirling | royal (p) | August 1857 - whole act excluding 215-216, 294-303 | 7d |
| Stromness | barony | December 1856 - police, paving, lighting, improvement | 6d |
| Tain | royal (p) | May 1854 - police | - |
| Thurso | barony | November 1852 - whole act | 1s |
| Tranent | Pp | December 1860 - police, paving, lighting, improvement | 10d |
| Turiff | barony | September 1858 - whole act excluding police, improvement | 1s |

| | | | |
|----------|----|---|-------|
| Whitburn | Pp | January 1862 - whole act excluding clauses 85-92 | 2s |
| Wishaw | Pp | August 1855 - whole act | 1s 4d |

NB Royal (p) means a royal burgh which is also a parliamentary burgh.
Pp means populous place.

Appendix 4 - The form of books used in the elections to adopt the 1833 and 1850 General Police Acts.

1) Form of books used in elections under the 1833 Scottish General Police Act (3 & 4 William IV cap.46).

| Adopt or not, the provisions of the Act in as far as respects | | | | | Signatures of Voters | Designation of Voters | Residence of Voters |
|--|----------|----------|-----------|-------|----------------------------|-----------------------------|---------------------------|
| Paving | Watching | Lighting | Cleansing | Water | | | |
| | | | | | | | |

2) Form of books used under the 1850 Police of Towns (Scotland) Act (13 & 14 Victoria cap.33).

| Adopt or not, the provisions of the Act in so far as respects | | | | | | Qualification of Electors | Signatures of Electors |
|--|-------|-------|---------|-------|------------|------------------------------|---------------------------|
| Pave | Watch | Light | Cleanse | Water | Sewers etc | | |
| | | | | | | | |

Appendix 5 - List of the 178 English and Welsh Boroughs made subject to the provisions of the Municipal Corporations Act, 1835.

NB: the figure in brackets represents the number of Private and Local Acts previously adopted by the borough.

| | |
|------------------------|-----------------|
| Aberystwyth | Colchester |
| Abingdon (1) | Congleton |
| Andover | Coventry (1) |
| Arundel (1) | Dartmouth (1) |
| Banbury (1) | Daventry (1) |
| Barnstaple (1) | Deal (1) |
| Basingstoke (1) | Denbigh |
| Bath (4) | Derby (2) |
| Beaumaris | Devizes(2) |
| Beccles (1) | Doncaster (1) |
| Bedford (1) | Dorchester (2) |
| Berwick-upon-Tweed (1) | Dover (3) |
| Beverley (1) | Droitwich |
| Bewdley | Durham (1) |
| Bideford (1) | Evesham (1) |
| Blandford Forum | Exeter (4) |
| Bodmin | Eye |
| Boston (4) | Falmouth |
| Brecon (1) | Faversham (1) |
| Bridgewater (1) | Flint |
| Bridgeworth | Folkestone (1) |
| Bridport (1) | Gateshead (1) |
| Bristol (10) | Glastonbury (1) |
| Buckingham | Gloucester (5) |
| Bury St.Edmonds (1) | Godalming (1) |
| Caernarvon | Godmanchester |
| Calne | Grantham |
| Cambridge (2) | Gravesend (3) |
| Canterbury (1) | Grimsby |
| Cardiff (1) | Guildford (2) |
| Cardigan | Harwich (1) |
| Carlisle (2) | Hastings (2) |
| Carmarthen | Haverfordwest |
| Chard | Helstone |
| Chester (2) | Hereford (2) |
| Chesterfield | Hertford (2) |
| Chichester (2) | Huntingdon (1) |
| Chippenham (1) | Hythe (1) |
| Chipping Norton | Ipswich (5) |
| Clitheroe | Kendal |

Kidderminster (1)
 Kings' Lynn (1)
 Kingston-upon-Hull (6)
 Kingston-upon-Thames (1)
 Lancaster (1)
 Launceston
 Leeds (4)
 Leicester
 Leominster (1)
 Lichfield (1)
 Lincoln (1)
 Liskeard
 Liverpool (6)
 Llandovery
 Llanidloes
 Louth (1)
 Ludlow
 Lyme Regis
 Lymington
 Macclesfield (3)
 Maidenhead
 Maidstone (3)
 Maldon
 Marlborough
 Monmouth (1)
 Morpeth
 Neath
 Newark (1)
 Newbury (1)
 Newcastle-under-Lyne (1)
 Newcastle-upon-Tyne (3)
 Newport, Monmouth (1)
 Newport, Isle of Wight (1)
 Northampton (3)
 Norwich (2)
 Nottingham (2)
 Oswestry (1)
 Oxford (4)
 Pembroke (1)
 Penryn
 Penzance
 Plymouth (2)
 Pontefract (1)
 Poole
 Portsmouth (4)
 Preston (1)
 Pwllheli
 Reading (1)
 Retford, East

Richmond
 Ripon
 Rochester (1)
 Romsey
 Ruthin
 Rye
 St.Albans (1)
 St.Ives
 Saffron Walden
 Sandwich (1)
 Sarum, New (2)
 Scarborough (1)
 Shaftesbury
 Shrewsbury (2)
 Southampton (2)
 South Molton
 South Wold
 Stafford (1)
 Stamford
 Stockport (1)
 Stockton (1)
 Stratford-upon-Avon
 Sudbury
 Sunderland (3)
 Swansea (1)
 Tamworth
 Tenby
 Tenterdon
 Tewkesbury (1)
 Thetford
 Tiverton (3)
 Torrington
 Totnes
 Truro (1)
 Wallingford (1)
 Walsall (1)
 Warwick
 Welshpool
 Wells (2)
 Wenlock
 Weymouth & Melcombe Regis (2)
 Wigan
 Winchester (2)
 Windsor (1)
 Wisbech (1)
 Worcester (1)
 Wycombe, Chepping (1)
 Yarmouth, Great (1)
 York (2)

Appendix 6 - Map of the Edinburgh Police Boundary, 1832.

This map is reproduced overleaf.



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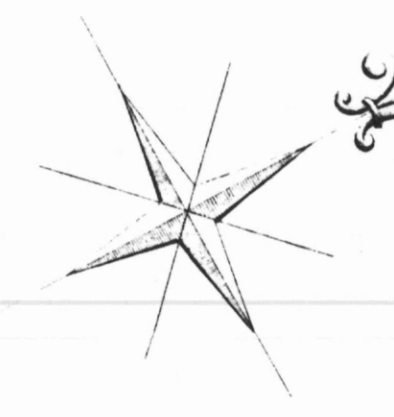
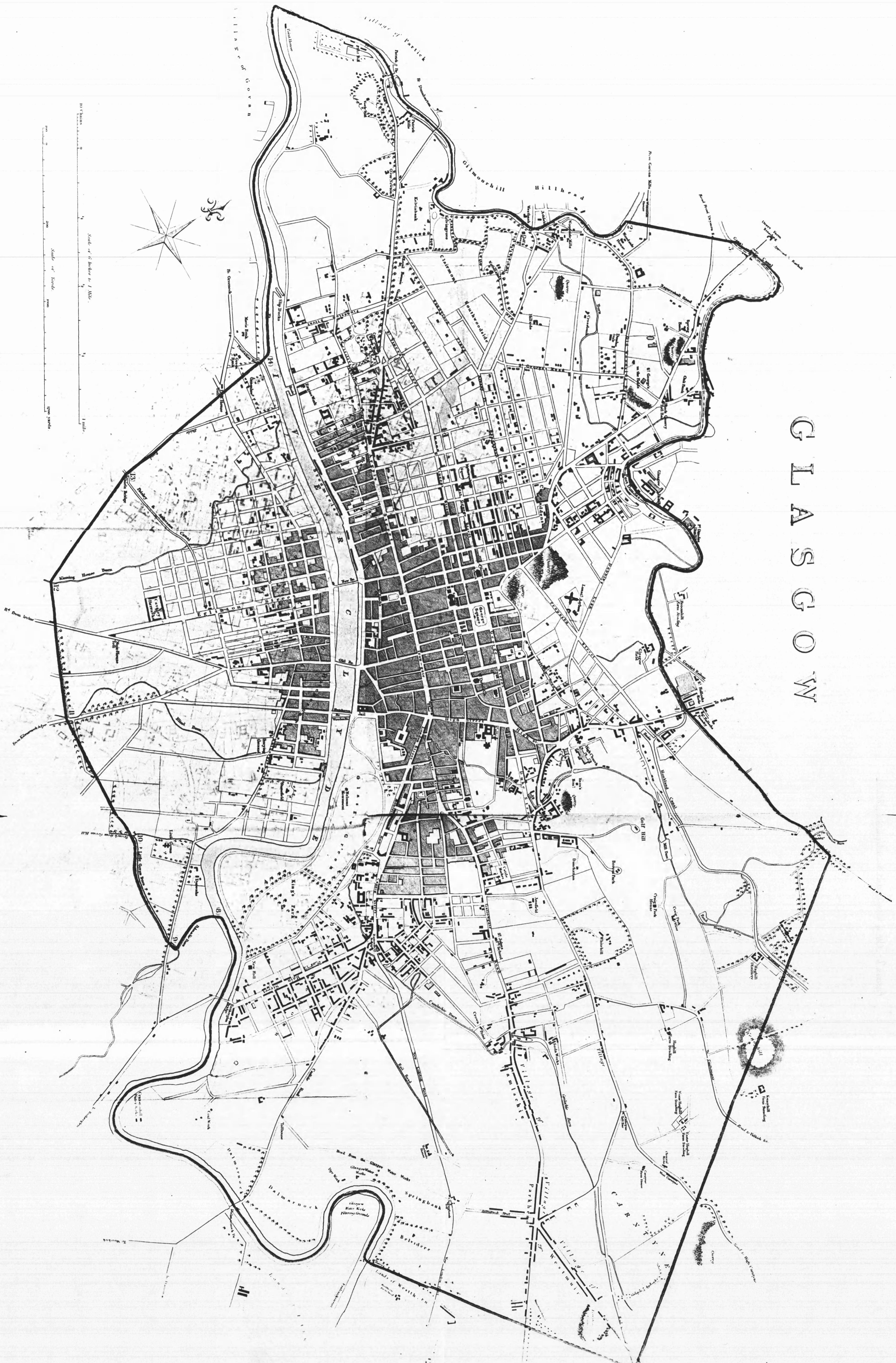
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Appendix 2 - Map of Glasgow and its surrounding burghs, 1832



GLASGOW



Scale of 1 inch to 1 mile.

Scale of 1 inch to 1 mile.