

Minutes of Evidence

Taken before

The Select Committee

-Of-

The House of Lords

To whom is referred the

Falkirk Police and Improvement Bill

Die Jovis 4^o Augusti 1859

The Lord Churston in the Chair

**The Counsel and parties are Ordered to be called in
M^r Mundell hands in Copies of a Table shewing
The effect of the Rating Clauses
M^r. Robert Henderson called again
Re Examined by M^r. Mundell**

LIST OF WITNESSES

	PAGE
<u>Mr Robert Henderson</u>	2
<u>Mr Thomas Keir</u>	3
<u>Mr William Morrison</u>	15
<u>Mr Alexander Black</u>	17
<u>Mr Thomas Keir (Recalled)</u>	34
<u>Mr William Hamilton Burns</u>	35
<u>Dr David Hadden</u>	49
<u>Mr William Park</u>	65
<u>Mr William Drummond</u>	66
<u>Mr James Neilson</u>	84
<u>Adam Smith, Esq.</u>	90
<u>Robert Adam, Esq.</u>	99

M^r Robert Henderson

With regard to the Stint [sic] Masters debt – whatever be the debt your Books and Records shew that that debt was contracted for public purposes

Entirely for public purposes

(By a Lord) Were the inhabitants of Bainsford and Grahams Town cognizant of the Meetings to which you referred yesterday and did any body attend from there?

They were cognizant

Did any of them attend?

Yes

At one Meeting you only gave one days Notice

The time was drawing on for depositing the Bill and we had no more time - as soon as it was in our hands we laid it before the public and then we sent it off to London

M^r. Mundell You receive the Bill on the 9th and the Meeting was for the 10th – Was the Bill to be deposited upon the 23rd of that month?

Yes

M^r. Morrison who was Councillor for Bainsford is a Witness in favor of the Bill - I believe.-

Yes

M^r. Loch states that he proposes to shew [sic] to a certain extent that the indication of opinion afforded by these meetings was other than that spoken to by Witnesses for the Bill

The Witness is directed to withdraw

M^r Thomas Kier is called in and having been sworn is examined by M^r Mundell as follows-

You are the provost of this Borough of Falkirk

I am

I believe you have been Provost since June 1858

I have

And you have been also I believe Chairman of the parochial Board since 1857

I have

I believe you have carried on business in Falkirk for 24 years

I have

I believe you have been in your own premises a sufferer from depredations consequent upon the bad state of the Police and lighting of the Town

Three or four times

They are situated in the Centre of the Town

In the Centre of the Town

As to the state of opinion of the Town Council with regard to this Bill I believe the Town Council consists altogether of 12 Members

It does

How many are in favor of this Special Act

Eight have always been in favor of it

Are there two Dissentients?

There are two Dissentients

Who are they?

The Praeses of the Feuars and the Clerk to the Feuars

They are only two – M^r. Russell and M^r. James Wise

Yes

Who are the other two who stand neuter.-

Two belonging to Grahams Town, M^r. Anderson and M^r. Towers. The one voted the approval of the Committee who got the Bill

Who is that ?

M^r. Anderson

And the other one has never interfered at all

He has never interfered at all either for or against he has expressed himself to me as being favorable to the Bill but did not like to take part in it

Was there any understood object in electing you as Provost ?

My understanding was and it was not supposition merely but it was every one said to me that they Elected me for the purpose of trying to get the Improvement for the Borough in the shape of a Special Act

In the shape of a Special Act.

At the last Municipal Election was M^r. Morrison a Candidate and was he elected?

He was

There were four Members voted into the Council on that occasion

Yes

Were those four so elected in favor of this Special Bill?

They were and it was that that made the cry at the Election

Therefore they were Elected for the very purpose of carrying this Bill

Decidedly so

I believe you have heard what has fallen from the other witnesses as to its being desirous to concentrate, in the Council of the Town, the authority in those Police matters. Is that your opinion also?

Decidedly

Going through this Bill as far as you, as a Civilian, are able to speak to it – does it carry out the objects of the Town Council?

So far as I am able to Judge, it is what the Town Council want and what the public generally requires

You have spoken of a Committee - I believe that Committee was appointed in August 1858

It was

Did that Committee consist of four Members of the Town Council - Two Feuars and two Stint Masters?

It did – and so many from the public

As far as those three bodies were concerned that was the number

Yes

Did the Committee meet and was it under the sanction of the Committee that this Bill was prepared?

It was

Was M^r. Russell also a Member of that Committee?

He was

Did he not continue to act upon that Committee to as late as about the middle of October 1858?

I do not recollect the time.-

Somewhere about that time

He was in the Committee for some time

He then went out from the Committee and the other Feuar went out – those were the only people on the Committee from the Feuars.-

M^r. Wise - the Praeses of the Feuars - he never attended a meeting - M^r. Russell I think attended a meeting

The Feuars left –

They left

You have heard what has been said about the condition of the Town - the lack of Water, the dirty nature of the Streets and so on. Does your experience bear out all that has fallen from the other Witness.-

I certainly bear out all I have heard stated

I believe you have been instrumental in having a Petition presented to their Lordships house from Electors and others in favor of the Bill - Of your own knowledge do you know how many Electors have Petitioned in favor of the Bill - of your own knowledge.-

I know 80

Have you reason to believe 15 other Electors have also petitioned in favor of it though you do not know it actually.-

I know that there is a number more.-

But 80 you know of your own knowledge

Of my own knowledge

That Petition is on your Lordships table

Yes

Have you examined the Petition which has been presented against this Bill? - the Petition of Electors and others to which are appended 689 names

I have

Have you gone through those names in order to arrive at the result (speaking from your local knowledge) of who they are?

I have

Have you prepared any paper which enables you to follow me when I put the figures to you.-

I have

First of all about the Electors - how many Electors names do you find upon that Petition - do you find 122 Electors upon that Petition.-

122 and a few more that I have some doubt about

M^r.Loch 122 Electors

Yes

M^r. Mundell Of those 122 how many are Feuars?

I think there are 30 feuars

You have said that there are some few more Electors – about whom there is some doubt - I believe upon the Petition those people are described as Electors

Yes some of the signatures nobody could make out

You have used your diligence to make them out

Yes

James Wilson is described as an “Elector”. Is he an Elector?

There is only one James Wilson on the Roll and I know that James Wilson signs our Petition

Has he Petitioned both ways?

I do not think so – he is one of the Promoters

William Nimmo Carter, is he an Elector?

He is not on the Roll

John Stevens, is he an Elector?

There is a John Steane who is an Elector. Perhaps that is the name

There is no John Stevens

Not on the Roll but I understand it to be the same

Thomas Kirkland, is he an Elector?

I find no such name on the Roll

Robert Rennie -

I find no such name on the Roll

D. Fuller

I find no such name on the Roll

Thomas Alexander Smith

There is no such name on the Roll

James Ferguson – that name appears twice

Yes

John Smith - there is only one John Smith I believe

There are two - one signed for us - I was given to understand that the other had not signed either Petition

John Pearson

There is no such Elector

Thomas Wyse – he is no longer an Elector – is he?

He is no longer an Elector - at least he was out of his place and living at Lodgings

There are one or two other names so that in fact there are 8 or 9 names not on the Roll

Yes

(By a Lord) Still they are inhabitants of the Place

Kirkland – I do not know whether he is or not

Generally speaking I suppose they are the signature of persons resident in Falkirk

Yes.-

M^r. Mundell states that the value of this evidence is to combat the allegations of the opponents, that the number of those Electors is so much larger than the number of Electors which the Promoters bring in support of the Bill.-

M^r. Mundell Do you find that the Bulk of those people are as follows –
170 Mechanics 169 Laborers and 129 Moulders.-

Yes

About 460 of small people

Yes

Knowing them as you do and knowing the locality, are not the bulk of the other signatures, signatures of people who would be under £4 rating?

I believe they are

You have gone through this Petition and I believe there appear to be several names all written in the same handwriting. -

I think so

They are not at any rate genuine signatures of people who have signed for themselves

They do not look so - That is my opinion

I believe you are also aware that there has been presented in favor of this Bill a Petition from the Justices of Peace and Gentlemen resident in the Eastern Division of the County of Stirling. -

I am

Was that signed by all the Justices of the Peace except M^r. Wilson and M^r. McFarlane of Thornhill?

It was

Those two are opponents of this Bill

There is a M^r. Russell who has not signed it

The Brother of the Clerk of the Feuars

The Brother of the Clerk of the Feuars. It was a Majority of the Acting Justices

Though there are 80 Electors to your own knowledge to the Petition I first spoke of and perhaps more is that Petition also numerous signed by the Inhabitants

It is

You have not counted them

No it is signed by other respectable householders

Cross Examined by M^r. Loch

Without occupying to [sic] much time in reference to those Petitions - Are those Gentlemen who signed as Justices of the Peace any of them resident in Falkirk.-

None of them are resident in Falkirk but two of them are in Falkirk every other day – but not resident in Falkirk.

Therefore they would not be liable to any if the rates or expences connected with the Bill

No

There are 689 signatures to the other Petition

Yes

A large portion of those are described by you to be the signatures of founders and workpeople occupying houses under £4 -

Yes £4 or £5

A house under £5 would be liable to assessment

Yes

It would not be liable below £4, would it?

£5 is the limit

Those are people working for the Great Iron Works in the neighbourhood

Principally so

An Industrious, well to do class of people, are they not?

Yes

Is it not the fact that in addition to being occupiers of the Houses they are also in a great degree Owners of the Houses which they live in.-

I know that some of them are

Are there not a great many who own the Houses they live in. -

I do not think so. -

Is it not the case that in Bainsford they are, in a great degree, owners of their own houses. -

I would say so

Is there any large number of them who are owners of their own Houses. -

There are some

Will they not as Owners be liable at any rate to the rate whether they are under £4 or not

Certainly

The Exemption in the Act for a House under £4 is in favor of the Occupier. -

Yes

The Owner becomes liable

Yes

To the extent that those workpeople are owners they are liable to the rate

Yes

Those are Owners who are Petitioners against this Bill

Oh yes

You say that the Committee was formed in August 1858 with a view to the preparation of the Bill

Yes

What was the number of that Committee?

Four from the Council. 2 from the Stint Masters - 2 from the Feuars - and I think 4 from the community

There were no other Stint Masters on the Committee who were elected for the purpose of representing that Body. -

It was the Preses and the Clerk to the Feuars that were appointed

Are any members of the Corporation of Stintmasters?

There is one M^r. Johns who is in the Council – I am not a member of the Stint and therefore I do not know them very well

You stated that, so far as you are able to judge, this Bill is what the Council and the Community of Falkirk want. Has this bill been ever submitted to the Council [sic]?

Yes it has

In extenso

In extenso - I did not submit the different acts – the nuisances Removal Act and those other acts – but the Bill prepared by the Committee which embraced those

What was the form you went through in submitting the Bill to the Council? Was it read to them or explained to them?

I produced the Bill itself and laid it on the table and read all the clauses through. I read all the clauses indeed

To the Council

To the Council – and it was unanimously approved of
When did that take place?

I could not say the date

About - was it after or before the Committee in the House of Commons?

Before the Committee in the House of Commons

How long before?

It would be when we came down from London. I called a meeting of the Council and read the Bill over to them

But you only read the Bill – you did not refer to the clauses in the Acts to be incorporated with this Bill

I read the clauses where those acts are referred to

Did you read all the clauses incorporated with the Bill?

I read all the clauses in our Bill where those clauses are referred to

In the Bill upon their Lordships table a great many clauses and a great many acts of parliament are incorporated

Yes

Did you read to the Council and make them aware of the contents of all those acts of parliament so incorporated in the Bill submitted to their consideration

I do not

You are aware that a very large proportion of the Rating powers, which would be conferred upon the Corporation by this Bill, are contained in the clauses of those General Acts. -

I believe so. I look to the Rating Clauses in our special Bill as all which we would ever require for Falkirk

You would be content with the special Bill without the incorporation of the General Acts.

I believe it is necessary to have them but I do not think we require any of the Rating Clauses in them would be sufficient for our purposes.

But, at the same time you must be aware, that the larger portions of the powers of rating which would be acquired by the Corporation should this Bill pass, is contained in those clauses of the General Acts.-

I know that there are Rating Clauses, but I also know this, that those who are to administer the affairs will not vote a penny more than what is wanted for the necessities of the place.

We are speaking of the opportunity of consideration by the Council of the measure. Submitted to them, were they or not made aware of the Rating powers in the general acts incorporated in the Bill.

I have stated that I did not read those clauses. I read the clauses in our own Bill referring to them and they could have got the General Acts for themselves and read them.

In fact the Council, so far as the submission of the measure to them went, had no opportunity of considering any thing but the Bill upon their Lordships table and not the acts incorporated therewith -

They might have provided themselves with them. I did not read them. -

As to this state of things in the Town you say that you confirm all which the previous witnesses have stated.

Generally

Do you make any exceptions?

I make no exceptions but to the extent that it is a matter of opinion. I do not take things so strong as some of the other Witnesses but I see many offensive places in the Town, and I think that it is very desirable to have a proper system of cleaning it, better than what we have now.

You think that some of the statements are a little over colour

In my opinion they are strong enough

Re examined

Re examined by M^r Mundell

I suppose you have never visited, like M^r Irving has, those abodes of wretchedness which he referred to. You have been occupied with your own business .-

I have not given the same attention to the subject as the other witnesses have
You have not seen the things they have described

I have seen things bad enough which would be a disgrace to any community
You remember this temporary Hospital being erected, do not you?

I do

Do you remember that fatal result of the Fever in the Town?

I do

So though your experience is not so great as that of those other witnesses, you think the Town is badly watered for instance.

I know that from my boyhood

The Town is badly lighted you know that

Yes.

Badly cleaned

Yes

Badly paved

Yes, except the High Street, which I had to pay for

As to what the Town Council have done with reference to the Bill, was not there a copy of the General Police Bill so that any member of the Town Council who liked light reading might read it -

Perfectly - I did not read it to them. I had not time to read it in fact.

However there was a copy for them to read if they would

Those who liked might have done so

The Falkirk papers, after the meeting in the Commons, teemed with all that had taken place here - all about heavy rates and that sort of stuff was in the papers. -

Yes. -

Was that matter discussed in the Town Council as to the true effect of this Bill. -

Frequently -

Therefore after the Committee in the House of Commons though you had not a formal meeting the effect of the Bill was discussed among you

Yes.

And since the Committee of the House of Commons there was no Resolution proposed to withdraw the sanction of the Town Council to the measure

None

(By a Lord) How long is it since the Committee of the House of Commons sat on this subject

They sat in April.

Since that the Town Council have not objected to the Bill

They have not

What police is there now within the legality of Falkirk?

The County police, though there is not one of them specially for the Town, yet there are a number of them resident

It is the County police that look after Falkirk.

Yes.

In reality you have no police of your own

No and in this Bill by Lord Redesdale's wish the police is struck out of it

How are you lighted – what body lights you?

The Stentmasters and the Feuars pay it mutually

Are the Gasworks under their control?

No. They pay for the Gas which they consume.

It is a Gas Company-

We have two Gas Companies in the Town

M^r. Mundell - I believe the Gas Companies are Competing Gas Companies are not they?

Yes. -

And they find the lamps and posts, the meters, and every thing else.- and the Gas consumed is paid for between the Stintmasters and the Feuars.

No. The Stintmasters provide the Lamps and posts and they also pay for the Gas consumed

(By a Lord) The Gas is provided by the two Companies.

Yes.

And the body controlling the Town pay for the Gas.

Yes

By the number of lights

By so much Gas consumed by measure.

Those 56 lamps which we have heard of are Gas lights

Yes, Gaslights measured and paid for accordingly

You mentioned M^r. McFarlane, the owner of Thornhill. That is on that map, is it not?

Yes.

Does he object to the Bill?

Yes.

Upon what ground?

He is in the Burgh – he does not live in the Town – it will bring a portion of assessment upon him. He does not live in the Town

He objects to the Bill as rating him for property for which he would get no advantage

He comes on business in the Town

Mr. Mundell (through the Committee) Did not you hear M^r. McFarlane examined in the House of Commons?

I did

Against the Bill

I did

Did you not hear him admit that he had been obliged to complain of a nuisance existing in the immediate neighbourhood of his own residence. -

He did

He was obliged to complain to the Inspector of Nuisances

M^r Thomas Kier

He was obliged to complain of the Nuisances and ask that they might be removed

The Witness is directed to withdraw

M^r William Morrison

Mr. William Morrison is called in and having been sworn is examined by Mr. Mundell as follows

You are one of the Town Council are not you?

Yes

Were you one of those Town Councillors elected at the last Election with the view of supporting this measure?

Yes

And you have supported it

Yes

Where do you live?

In the neighbourhood of Bainsford

Having an intimate knowledge of that locality, do you agree with the other witnesses as to the Sanatory state of Bainsford?

Some parts of it are very bad.

Do you think that Sanatory measures should be extended to Bainsford?

It would be a great improvement

Both to the health and to the comfort of the people

Yes

Eventually do you think that it would enhance the value of property there. -

I should think so

We have heard about this Bill being before the Town Council. I believe that there were copies of these acts referred to for the use of the Town Council at the time that the Bill was submitted to them, the police acts and the other Acts

Yes I had a reading of it at the Town Council

Do you agree with all that has fallen from Mr. Kier with reference to the expediency of this measure?

I do

As to the lighting of Bainsford - it is not lighted at all, is it?

No there are no lights. There is a private lamp at the Inn at the Canal

Is that the only light in the place?

Yes, that I am aware of

(By a Lord) Is that a Gas light?

Yes. It is at the Innkeepers

Where is the Gas light supplied from?

The Companies

From which Company?

One of the Companies makes it immediately beside the Canal and the other does it at the edge of the old Town

The Gas is brought from the edge of the old Town into Falkirk

Both ways

The Carron works are just beyond, are they not?

Yes

Do they employ light enough?

They give a glaring light. You have it bad one way and better the other

This one Gas light is almost superfluous, is not it?

Yes, it is the Innkeepers for his own use

The witness is directed to withdraw

Mr. Alexander Black is called in and having been sworn in is examined by **Mr. Mundell** as follows

I believe you are a Land Surveyor and a Civil Engineer in Falkirk

Yes

You have been in business there for some 27 to 30 years –

Yes

You are intimately acquainted with the locality I believe and you have been also much employed in works about the Town

Yes

First as to the supply of water, their Lordships have heard that it is obtained from Old Coal workings, where the water accumulates to the South of the Town is that so?

Yes

Is there some Coal there that is occasionally worked?

Yes - in connection with the Coal waste

Have you attempted to make an arrangement with Mr. Wilson the owner so as to buy up the Coal so that the working of it may not influence the goodness of the supply of water. -

Yes

Has he agreed to let you have that coal for £120?

He agreed at one time for that

About the quantity of water desirable from the source, is there a sufficient quantity of water derivable from that source to supply both the Burgh of Regality, Grahams Town and Bainsford -

Yes

As to the pipe at present existing, what is the diameter of the present existing pipe?

Two and a half inches

Has that pipe been laid down many years to your knowledge?

Between 30 and 40 years

Does it indicate that it is in a bad state and wants cleaning?

Yes

You are aware of the supply of Water at present into the Cistern. Does that indicate that the pipe must be partially stopped? You heard what Mr. Irving said

Yes here must be a stoppage in the pipe. I saw some of it taken up and it was very much clogged

By a Lord - It is a lead pipe

An Iron pipe – I am speaking of the Iron pipe

Mr. Mundell You have said that you saw a piece of that pipe taken up and the state it was in from corrosion shewed that there must be obstruction generally in the pipe is that so?

Yes. -

Will you state what sized pipe opening (you were only going to supply the Burgh of Regality only) would be sufficient to supply that District

A four inch pipe.

Supposing that Grahamstown and Bainsford were to be supplied, what sized pipe would then be necessary?

A five inch pipe – a six inch pipe would be better.

You are aware that under this Bill it is proposed only to supply Grahamstown and Bainsford if the majority of householders above the rental of £4 agree that the supply should come.

That is the case.

Are you aware what is the amount of the present supply of water per head for the Inhabitants of the Burgh of Regality?

About three gallons

Your experience in matters of this sort probably enables you to say that that is a very inadequate supply. 10 gallons is a fair supply is not it?

Yes

By the improvements you have described what would be the supply then available for each Inhabitant?

About 13 gallons could be got for the Burgh of Regality

Is not it 15 Gallons?

By extending the works still further you could get that.

From the present existing source of supply you could get 13 Gallons. By increasing the works you could get 15 gallons

Yes

You were present when Mr. Irving gave his evidence and you agree with what he said - that there was running to waste the quantity of water which he described

Yes

I will first ask you whether the amount of taxation under the Bill was not a subject of anxious consideration before the Committee of the House of Commons -

Yes it was

Did [Mr. Elliott Yorke](#), the Chairman of that Committee, require you to prepare two papers which were afterwards printed?

Yes

Are those the two papers? (handing the same to the Witness)

Yes

Those were prepared in conformity with the wish of Mr. Elliott Yorke, the Chairman of that Committee.

Yes

If you look at the paper of the Capital account with reference to the water, it appears to be this, that the cleaning out of the Old Coal workings would be an expense of £50 Capital necessarily expended.

Yes. Yes

Does that mean cleaning out the Old Coal workings or taking away more coal?

To clear away the present existing reservoir.

That is in order to give 13 Gallons to each inhabitant.

Yes.

Laying down Pipe to the Town £190 - that is a small pipe for the Burgh of Regality.

Yes.

Making additions to the pipes in the Streets £165 is that correct

Yes

Compensation to Mr. Wilson Lessee of the Coal Workings £120

Yes

Does that mean that there is to be a Capital expended upon this water for the Burgh of Regality of £525?

Yes

Then you carry out in the next column what would be the annual charge for interest upon that capital sum to be raised under the Bill –

Yes —

Then you have carried out on the next column the amount to be raised Annually and carried to the Sinking Fund. Is that correct?

Yes

Do these figures in red represent what would be required in the event of Grahamstown and Bainsford electing to be supplied –

Yes –

So that those are alternative sums ---

Yes –

Going to the Income Account – I believe you have estimated that you have estimated that besides those sums upon the Capital Account the Annual expense necessary to keep the Water works in a proper state of repair, if it only goes to the Burgh of Regality, would be about £80

Yes

Then you have got £26.5. for interest so that the two sums to be raised at interest and Capital would be £106.5. Is that so?

Yes

Have you then put the Rateable property within the Borough at £10,214 -

Yes

Would a 3^d rate suffice to raise these sums —

Yes

Therefore for water for the Borough of Regality a 3^d rate would be sufficient in your judgement?

Yes

As the amount to be raised annually and carried to the Sinking Fund would gradually absorb the debt - so the interest and principal would cease to be exacted and the Rate after 30 years would become less. -

Yes

The same would be the result in the alternative as Grahamstown and Bainsford elect to be supplied and that appears upon the paper in red and that would require a 3½^d rate.

Yes

In your Judgement as a Surveyor and a man of experience, you have stated in this account such sum as would be all-sufficient for the purposes of the Act -

Yes. -

Having regard to the present value of the existing Cisterns and other things at present in the Town. -

Yes

As a Surveyor are you able to put any appropriate value first of all upon the existing pipes as laid down in the Town

No, I have made no estimate

Mr. Wilson asks £120 for further Coal – have you put any value upon the water for the supply of the Town - the easement of drawing water from there.

I put no value upon that at all

As to the lighting, how many Lamps are there in the Burgh of Regality

56.

Do you estimate that 10 new Lamps within the Burgh of Regality would give a sufficiently good light?

Yes.

Shifting the places of the present ones and adding 10 additional

Yes

Do you estimate the cost of that at £35?

Yes.

Do you propose 50 new Lamps for Grahamstown and Bainsford

Yes

Will that cost £120.

Yes

That is a total of £155.

Yes

Will that necessitate to raise a sum as for interest of £7.15. 0. For a Sinking Fund .

Yes

Going to the income Account upon the same head do you estimate £190 to be necessary for the Gas for those Lamps and for keeping them in repair.

Yes

That with the interest account which is £7.15.0 annually is £197.15.0 – is that so?

Yes

For the Sewers of Falkirk there is already a Main Service in the Centre Street -

There is-

Is the Capacity of that Sewer sufficient for the locality?

Yes quite

It would be available if there were water to flush it and keep it clean

Yes

Have you turned your attention as to what would be necessary as far as Capital account for making and constructing sewers in other parts of the Burgh of Regality

Yes

Does it amount to £400

Yes

Will you explain to the Committee what sized main drains you calculate upon – what size for the larger and what for the smaller drains

The present Street is sewered with 12 inches and 9 inches for short distances, there would be six and eight and nine inches for the other places.

That would be ample

Yes for those short distances

Will the 400 enable you to bring a main sewer into all convenient places, so as to be available to the houses -

Yes

That is joining each house to the sewer –

Yes

So that the sewer will be in all convenient and necessary places

Yes

For Grahamstown and Bainsford you have Estimated the like works at £502

Yes

That is a total of £902 with an interest account of £45.2.0 and the sinking fund is £45.2.0

Yes

Now the sewage. - Do you Estimate to keep that in repair for £12

Yes

That added to the interest makes £57.2.0 –

Yes

As to paving and repairing the streets as to the Capital account that would be £213 - that would be sufficient for repairing and paving the pavements in the Burgh of Regality

Yes

And £632 for Grahamston and Bainsford

Yes

Does that include the footways along the public road leaving from the northern part of the Burgh of Regality to the Canal

Yes the footway on one side of it

You have not carried this into the Income account because this is to be paid by the owners -

Yes

(By a Lord) are there houses on both sides of the street which you refer to –

Yes

Mr. Mundell It is in the nature of a public road of communication rather than a place occupied as residences is not it?

There are residences on both sides

There is a footpath on both sides

There is a footpath on both sides

Is that included in the £263

In some places it is formed already

So far as the residences extend it is formed. Where no residences are there are there breaks in it is that so

There are residences the whole way on both sides except a little bit at the further end

There is to be a footpath on both sides .

(A) Yes

Do you estimate the cleaning of the Streets at £100 a year –

(A) Yes

At present I believe the cleaning of the Streets is paid for at £45 or £50

(A) Yes

So that you are going to double the outlay

Yes

Adding that annual charge there is £394.17.0 which is to be distributed over a rateable value of £16064 is that so?

Yes

That would require a 7^d rate

Yes

To be added to that 7^d Rate there is the amount of the Water Rate

Yes

That makes a total of 10%

Yes

Then there is a sinking fund to pay off the Capital of the debts that would require a 2^d rate

Yes

Then there is also the sum to of 3^d to be raised to pay off the Stintmasters and Feuars debts is that so under the Bill?

Yes

Does that require as a whole a rate of 1.3½?

Yes for the whole

Then from the Stentmasters fund and from the customs it is estimated that that would come to about equal to a 1^d rate

Yes

So you would only think it necessary for all those purposes and setting aside paving footways for the moment that a rate of 1^s 2^d should be levied

Yes it would come to that

That would be subject to this general observation that it would be a diminishing rather than an increasing rate. Because the debt would be extinguished

Yes

The other Account, the Stentmasters Account, shews that is to be done with the Stentmasters money

Yes

The Stent is £2112

Yes

£66.18.7 is the amount of a 1^d rate –

Yes

So that the abolishing of the Stent is equal to abolishing a 2½^d Rate if it were distributed equally

A 3^d rate

The 3^d rate is £200.16.9

Yes

The Stent is equal to a 3^d rate

Yes

Rent of premises is £22

Yes

Half goes to the general fund and half to the sinking fund

Yes

Then the Feuars Account £1600 is the existing debt – Customs are £120 - Rents not touched are £44 the probable proportion of debt you calculate to be £1014 as the approximate amount of the debt which the promoters were to take.

Yes

Half of the Customs go to the general fund and half to the Sinking fund -

Yes

The result of taking this large portion of debt off their hands and taking the Customs with it would be to leave the valuable property of the Market House of course in their hands free from this portion of debt.

Yes

The debt of £1600 was contracted in building the [Corn Exchange](#)

Yes

It is proposed that the promoters of this Bill should take £1014. If that is taken from that Building, they will get that building less that debt - is not that so? If you take away £1014 as the probable Amount of debt which the promoters are to assume, is not the effect of that that the Corn Exchange goes to the Feuars with only a debt of something like £600 upon it?

You take away a proportion of the debt at the same time

Cross examined by Mr. Loch One word as to these figures - In the first place the Customs are put down at £120 - They have been proved in this Room to be £164 a Year have they not

They have been since that was made out

So that the correct amount is larger than what is put down here

It is larger -

The amount of which the Feuars are to be deprived

Yes

What compensation do you give to the feuars for taking away that £164 a year?

We take away a portion of the debt

You take away a portion of the debt – how do you secure that debt?

That is a legal question

Are you aware of this clause in the Act - the 21st Clause “In order to form a fund for paying off the debt of the said Stentmasters and Feuars to be paid by the Commissioners under the provisions of this Act and the Costs Charges & Expences of this Act, it shall be lawful for the Commissioners and they are hereby required annually to lay on and levy in equal proportions upon and from all Owners and Occupiers respectively of premises within the Burgh an Assessment at the rate of 3^d in the in the pound of the yearly rent or value of such premises, and which assessment shall be assessed levied and recovered in the same manner as the general assessments authorised to be levied under this and the recited Act”

I was not aware of that Clause

You prepared these tables did not you?

No

Bringing this Clause to your attention for the first time that the debt is to be provided for by that assessment and recovered in the same manner as the general assessments the result will be that the debt which is assumed by the Commissioners from the Feuars will be charged generally upon the Rate payers of the Town

I cannot say exactly, for I cannot understand the Clause distinctly - I never heard it read before.

As to the amount of the Assessments, I should like to deal with the power that the Commissioners will acquire, of levying rates under the Bill - do you know anything of the Rates they will have power to levy.

Not the extent of it

Your evidence merely goes to the extent to which you think they would be required to levy the rates

Just that – to see the amount required in order to pay for these things

You do not come to tell the Committee what power of levying rates will be acquired under the Bill?

No

Taking this Table, how much will be required in your opinion as an Annual rate in the pound upon the property (within the Regality) we will take first for what you anticipate will be required

For the Water it will be 3^d

For lighting how much?

For lighting sewerage paving and cleansing 7^d altogether

Will that cover everything?

According to my calculation it will

10^d will suffice for the objects you have in view

As far as I have gone

Do you look upon this as a sufficient estimate for all the expenses you contemplate?

Yes

3^d for water & 7^d for lighting paving and sewerage

Yes

You think that is enough

Yes

Does that include everything

No there is no Sinking fund allowed for there

What do you put for a sinking fund?

An Annual Rate of 3^d.

For all these purposes, or only a portion of them

For all those purposes

May I take it then that according to you 1^s/1^d will be a rate sufficient to meet the expenditure for water, lighting, sewerage paving and a sinking fund

Yes

That is in the Regality

No over the whole - it is printed here in the red 3½^d

As to that halfpenny ought not it to diminish the rate when diffused over a large space rather than to increase it if you go to Grahamston and Bainsford you have a large number to assess and a larger surface over which to levy the rate

No, the expense comes to be more

The level of Grahamston & Bainsford is below that of Falkirk is it not?

Yes

It would be all descending

Yes

And therefore very easy work

Yes

But still you think that an additional $\frac{1}{2}^d$ would be required for those places

Yes

The construction of works for Grahamston & Bainsford is optional as regards those places -

Yes

Why was it made optional?

I cannot tell

What is the state of the water supply in those places – have they not a great deal of water now from wells and other sources?

They have a good many wells but it is not a good supply of water

What is the quality, or the quantity can you state?

The quality is not good

How deep do the wells go?

Some of them are deep bores but the generality of them are 12 or 14 feet - I have examined the whole of them

Are not the people of those places well content upon the whole with the supply of water which they have at present?

I can speak for myself, personally that I am not content with the water and a great number are the same.

Do you live in Grahamston?

Yes

Are your neighbours anxious for the passing of the Bill?

Some of them are and some of them are not

Are they not universally opposed to it?

I cannot say

Is not it the case that Grahamston & Bainsford are you may say unanimously opposed to the Bill?

They seem to be from the Petitions that come from that quarter
Grahamston is lighted, is it not at present

Yes partially

And Bainsford is, as we have been told, lighted by the light derived from the Carron Iron Works

Yes there are no lamps

That light is a glaring disagreeable light

Yes it is not a pleasant light

That would not be got rid of supposing you put on your Gas lights there

The Gas Lamps won't help to do away with it in a great measure

There is no period of the night in which Street of Bainsford is entirely obscure - you can always see to go along the street cannot you

The same as any other place in going through a dark town

There is a light from these works

It is a little light

What is the length of the Street of Bainsford?

700 yards or thereabouts

From the Canal to the boundary of the Burgh do you mean?

Somewhere about – no, it is not so much as that. It is 15 chains – 15 times 22 yards

It is about half what you said

Yes

Are the people at Bainsford and Grahamston very discontented with the present state of the lighting?

I cannot say

As regards the Town of Falkirk itself I believe there have been considerable improvements made in the High Street

There have been

Within a few years past I believe

Within a few years past

Were you not employed as a Surveyor to carry out those improvements?

I was

Did you prepare the plan and the Estimates and so on?

Yes

Was there any exhibition of false economy in restricting you in carrying out the works which you thought necessary

Oh no

Were you permitted to carry out the works you thought requisite for the paving and sewerage of the main street

Yes

And the drains leading from the main street

No I had no lanes at all - only the main street

Can you state to the Committee that the work was well and faithfully done?

Yes it was

You look upon it do you, that the High Street of Falkirk is now properly sewaged

Yes

Were you in the room yesterday?

Yes

Did you hear Mr. Girdwoods evidence?

No

If you had heard him say he could not alight from a gig in the High Street of Falkirk, without pitting his foot in filth do you think that would be accurate?

That would be going too far, I think if he did say so

You prepared the plans for the Corn Exchange Buildings did you not?

Yes

Do you conceive that the erection of that building was useful for the town and neighbourhood?

Yes and very useful

Both for the farmers and for the people of the town who have to purchase corn

Yes

Taking it all in all, is it your opinion that the Feuars have done their duty by the Town in the expenditure of their funds

I cannot say otherwise

I think you yourself have no property in the Burgh

No

You carry on your business there but you have no property

Yes

I put a question to a witness yesterday whether or not a large proportion of the customs which the Feuars levy are not levied actually in the Corn Exchange and on the Callander Riggs - are you able to say whether that is so or not?

No, I cannot answer that question

Is it within your knowledge that a considerable proportion is levied in those places?

I believe they get a good deal from the [Callendar Riggs](#) and the Corn Exchange

Would not the result be an awkwardness, supposing the property of the building remained in the Feuars, and the customs levied in the Corn Exchange were levied by the Corporation

It would not work so well

The owners of the building would have nothing to do with the revenue which was levied in the building would they.

Not unless they levied it outside the building

The way to escape from that dilemma would in your judgement be that they should levy outside the Corn Exchange

Yes

That would do away with the advantage of having built a covered market place

The people could use it after they had paid

As to the slaughter houses you know Mr. Learmonth and his killing premises

Yes

They are extensively used are they not?

Yes

Has there not been lately a large building erected for concerts and so on, looking directly into his premises

Yes

You were the architect of that building

Yes

Has any nuisance been complained of as arising from those premises to the occupiers, or the people who use that building.

I am not aware of any

(By a Lord) I see that in this account you charge £50 for cleaning out the old Coal workings

Yes

That is necessary for securing a large supply of water

It is a conduit at present and it is for cleaning and enlarging that in order to get a better supply

I understood you that in order to have a sufficient quantity of water you find it necessary to clear out some more of the coal foundation was not that so?

No, That is not to be disturbed at all

How long do you calculate that this work will take to accomplish?

It will be done in a very short time

How long?

A month or two

During the whole of that time, would the water supply be affected?

It would to a certain extent

This is the only source from which the Town is supplied

[Start of original document Page 27]

Yes

And during the two months that you are clearing out the old coal workings the inhabitants must have muddy water

Not so much as would appear – there is a cistern that holds about 7000 gallons and that could be filled to supply them

That would not give them anything like 13 gallons a head

Not for that short time- certainly not but the water could be carried on so that the water could be purified as it went through the workings – the sediment is so very light that it settles soon

But it appears that the present pipes that deliver the water are half stopped up

The new pipes would be the first thing that would be done

Supposing that you put down new pipes, according to the evidence we have had there must be for two months a supply of muddy water, if any, to the Town

It might be occasionally dirty, but it would not be so very much so

If you purify it at all that must be an additional expense of course

We have done works of the same kind and have not dirtied the water much

What was the great advantage to the Feuars of having the Corn Exchange left in their hands when the customs were taken away from them?

They might use it as a market place and charge so much for the use of the building

But what would become of the tolls, if they got a second toll what is to become of the second toll they are going to collect?

They charge a penny now – above the other tolls

You are going to leave them the property of the 1^d toll from every person entering the Corn Exchange- what are they to do with the 1^d

It goes into the customs

Re Examined by Mr. Mundell

When you calculated the amount of customs at £120 you excluded this 1d which they get from the Market

[Start of original document Page 28]

Yes

Do you not know that the other £44 is made up of this 1d you calculate in your account of £120?

Yes

You heard it stated in evidence yesterday that the value of the customs was £164

Yes

Do you not know that the true value of the customs is £120 and that this £44 arises from the 1d and other things?

No this £44 arises from the right to the land

You understand that the whole value of the Feuars property is £164 and that the other £44 is the rent of land

Yes

Therefore the true value of the customs is £120 as you have put it

It has arisen in value since this calculation was made

I think all this work in the High Street of the Town was done by private subscription entirely

No it was partly done by the Feuars money

The Feuars subscribed and others subscribed

Yes

There was no rate for it

No

You have said that Grahamston was partially lighted - those are private lamps in Grahamston are they not?

Yes

You heard what was stated by Mr. Girdwood, that they are always put out at 11 at night

Yes

So that after 11 there is no light at Grahamston

No

As to the additional ½d for Grahamston and Bainsford, is the necessity for that caused by the greater length which the pipe has to travel from Falkirk to Grahamston

Yes

So the increased length of the pipe makes the Rates heavier pro tanto

Yes

In this account you have carefully considered the subject and so far as those accounts go and touch the leading

[Start of original document Page 29]

matters comprised in the Bill, they are correct accounts of what sum will be actually required – is that not so

Yes

The witness is directed to withdraw

M^r. Thomas Keir

Mr. Thomas Keir called again and examined by

Mr. Mundell Some 30 years ago where was it within your knowledge that these customs were collected

On the High Street of Falkirk

After the Corn Exchange was moved they were collected at the Corn Exchange for convenience only were they not

Decidedly

The Witness is directed to withdraw

Mr. Mundell hands in the Act with reference to Lanark passed in 1854

Mr Hope Scott is heard in opposition to the Bill

Mr. William Hamilton Burns

is called in and having been sworn is examined by **Mr. Loch** as follows

You reside in Falkirk

Yes

Your profession is that of a Writer there

Yes

Have you lived in Falkirk all your life?

Yes

And have practised as a Solicitor for many years

Yes

For 20 years

Yes

Are you Clerk to the Road Trustees of the Eastern District of the County of Stirling

Yes for the District of Stirling in which Falkirk is situated

You know the District well I believe

Yes

Have you given your consideration to the special Police Bill now before their Lordships?

Yes, I got a reading of it

[Start of original document Page30]

What is your view of its necessity?

I think it is quite uncalled for

Is that feeling shared in by the inhabitants of Falkirk?

I believe it is very general

Could you state of your own knowledge that a large majority of the Inhabitants of Falkirk are opposed to this Bill

I believe they are

To the best of your belief that is the case

Most of the people I have spoken to are against it, the majority of those I have talked to

Have you taken the trouble to ascertain what the Public opinion may be?

Not particularly

The majority of those with whom you come in contact with are opposed to the Bill

Yes

Was it at any time within your recollection in consideration to adopt a portion of Lord Rutherfords Act either in whole or in Part

[Start of original document Page 31]

Yes I think it was attempted to be adopted

By a Lord Do you know that it was?

Yes

Mr. Loch Were meetings held with a view to the consideration of the matter?

Yes

What was the result of these meetings?

I think the majority disapproved of the adoption of it. I believe it would have been adopted had the majority been favourable

Mr. Mundell Did you attend the meetings?

I was at one

Where?

At the meeting held in January 1858

Mr. Loch Was that meeting summoned to consider a Special Police Bill.

Yes I believe it was

Was it numerous or not

It was not numerous

How many persons were present?

Less than 100

Were there 100 or not?

I think when the shew of hands was taken altogether there were less than 100 votes given

Did the majority of that meeting affirm the Bill or was it opposed to the Bill?

I left the meeting a little after 10 o'clock. before I left two thirds of the meeting had voted against the adoption of the Special Police Bill

Before you left did the division take place before you left?

There were three motions the number for the motion for the Special Police Bill was the lowest of the three

The divisions took place after you were there

I learned so afterwards

Have the public expressed an opinion upon the Bill now before their Lordships in public meeting

Yes

On what occasion you are aware that a meeting did take place

Yes

When?

I forget the exact date but after the Bill was introduced

Were you present at that meeting?

Yes

Was it a fully attended meeting?

Yes

How many persons were present?

Between 1,000 and 2,000 people

At which you were present

Yes

Was this question of a Special Bill or no Special Bill referred to that meeting?

[Start of original document Page 32]

It was called to consider the propriety of a special Bill

A vote was taken

No, they did not divide, it was almost unanimous

In favor or against the Bill?

Against the Bill

You know Falkirk well

Yes

And you know the people of Falkirk well

Yes

As you were present at that meeting were a large proportion of the persons present Householders?

Yes I saw a large proportion of Householders

That meeting was nearly unanimous against the Bill

Yes

The Burgh of Falkirk is a Burgh of Regality

It is supposed to be so. I am not aware of any charter.

In 1832 it became a Parliamentary Burgh.

Yes and in 1835 it had power to elect Councillors and Magistrates

The Parliamentary Reform Bill was applied to it in 1832

Yes

It was under that Bill that the villages of Bainsford & Grahams Town became part of Falkirk

Yes

The body of Feuars are a body holding property, both land and customs

Yes

They having become theirs under an arrangement between them & Mr. Forbes of Callendar, confirmed by the Court of Session

Yes

Mr. Mundell submits that **Mr. Loch** should put in **The Decree**.

Mr. Loch states that he will have no objection to do so

According to the Law of Scotland each Feuar interested in the commonalty was entitled to share in the Common

Each Feuar was entitled to the right of servitude in his Title deeds

He might have claimed a portion of the Common

Yes

But in place of that an arrangement took place, so much property being set aside for the behoof of all in Common

Yes

The Customs forming part of that

Yes

As an Inhabitant of Falkirk have you reason to express satisfaction with the way in which the Feuars revenues have been expended

Yes

Have they been expended for the benefit of the Town?

Yes for the benefit of the Town

And the Inhabitants approve of the manner in which the trust has been discharged

I believe they do

They contributed to the pavement of the High Street and other public works of that description

Yes

By the building of the Corn Exchange they incurred a debt of £1500

So I understand

The Stint Masters are as we have heard a Body that from immemorial usage have a right to levy certain dues *[Start of original document Page 33]*

They have been in the habit of levying dues but as to the right I do not know

The expenditure of those dues have reference only to the old Regality

Yes

It has never gone beyond to Grahamstown or Bainsford

No

About the facts which have been stated before their Lordships what in your opinion is the condition of Grahamston Falkirk as to lighting?

I think Falkirk is very well lighted and so is Grahamston and I think Bainsford requires no lighting because the Carron works are so close to it

Can you state from personal knowledge that the light from those works does illuminate the streets of Bainsford so as not to need any other lighting

Yes I have passed through at night and found it perfectly light

Would it be going too far to say that you could see to pick up a pin from the ground?

I never look at the ground to see if I could do that

Have you ever heard complaints of the Inhabitants of Grahamston or Bainsford as to the want of water there?

No

Have you lived all your life in Falkirk?

Yes

What within your knowledge is the fact as regards the sanitary condition of Falkirk? Is it healthy or unhealthy?

I believe it is a very healthy Town. It is situated upon a hill

Is it more liable to epidemics or diseases than other towns of the same kind?

No

You heard Dr. Girdwood who was called on the other side speak of the deposit on the roadside going to Bainsford. What does that arise from?

The men scrape the mud from the road in wet weather and it is allowed to remain on the side of the road

[Start of original document Page 34]

It is the road scrapings?

Yes

Not the mass of filth described by Dr. Girdwood

No

They cannot carry it away while it is in a liquid state

No

And therefore they allow it to dry before they cart it away

Yes

Could that be in any way obnoxious to health?

I am not aware of it being obnoxious to health at all

The Stint Masters have a debt

It is generally understood so in the Town

Are you aware that the Bill provides for the adoption of that debt by the Town?

Yes

No portion of that has been expended for any benefit conferred upon Grahamston or Bainsford

No

Yet they would become liable for that debt

Yes

Would you think that an equitable arrangement?

Scarcely

Do you think that the powers conferred by the Nuisances Removal Act are sufficient for the Sanitary objects contemplated by the Bill?

Quite sufficient

If properly enforced

Yes

Do you think there would be a better chance of matters of that sort being enforced by the passage of the present Bill?

No I do not think so

Is there a drain in Grahamston?

Yes a common sewer

With gratings to admit the water to run down into it

Yes

Have you ever seen that drain opened?

Parts of it

Was it in an efficient condition?

It is a regularly formed sewer, several feet deep

Quite capable of carrying off the superfluous water

From one side of the road

Is it within your knowledge that the road thro' Grahamston & Bainsford is kept in order by workmen employed by the [Statute Labour Trustees](#)

[Start of original document Page 35]

Yes

That is within your knowledge

Yes

And in the same way the jurisdiction of the Statute Labor Trustees extends over Kerr's lane, Silver lane, Banks street & other lanes within the Burgh – all being Statute Labour roads

Yes

Those are macadamised roads

Some are, some paved, they are mostly macadamised

I believe you have been in the room during the enquiry which has been going on

Yes

You heard the statements made as to the amount of disease which has existed in the Town and the amount of evil of all sorts

I have heard the most of them

Do you think them exaggerated or not?

I think them exaggerated

You have no knowledge of such a state of things existing

At the time of the Cholera there might have been epidemics

As regards the general state of things, you consider they are exaggerated?

I do not know as to the time of the Cholera- but as regards the present time they are exaggerated

Looking at the general condition of things in Falkirk at ordinary times

Yes

If such a state of things as has been described existed would there be in your opinion any disinclination in the Inhabitants to adopt the Police Act?

I think not

In your view the Nuisance Removal Act would be quite sufficient to abate the Nuisances if they existed to the extent stated

That and the other Acts together- The Road Acts

What is the total valuation of the Burgh?

Something under £20,000 including the Highway & the Canal

Cross examined by Mr. Mundell

Where do you live yourself?

In the Old Town, in a Court of the High Street

Have you always found that Town in a wholesome state

Yes

Is not there a Nuisance board, "Commit no Nuisance" in the very Court you live in yourself as a warning to put an end to Nuisances?

In the road off the court some people attempted to put down ashes & so on - it has been stopped since

How many years has that been up What is it?

A printed Bill, I put it up last Winter

M^r. William Hamilton Burns

[Start of original document Page36]

You said that you were of opinion that the statement made here has been exaggerated, you have not turned your attention to the state of the Inhabitants except casually

Only as an Inhabitant. I have devoted no special attention to it

Would you set your opinion against that of Dr. Girdwood and Mr. Irving who have made it their special business to look into the sanitary condition of the Town?

Yes that is my own opinion

Asking your attention to this Meeting of Jany 1858 - you heard Mr. Henderson examined

Yes I heard the greater part of his examination

Have you not fallen into a little inaccuracy as to the first division that was made was not the general Police Bill the one that was thrown out as the lowest in number

Not when I was in the Meeting

Was Mr. Henderson in error when he said that the Special Act was carried by majority of 87?

After I had left the Meeting the motions were brought forward

Was not there some doubt when you left the meeting?

No

Do not you know as a matter of common knowledge in the Town that the Special Act was carried by a majority at that meeting?

The Special Act was put up against no Act at all

Do not you know that the Special Act was carried by a majority?

I was not present. I may have heard of such a report – if it had been fairly put it would not have been so carried

You say you were not present but about this public meeting in favor of the Bill - were there 2000 present?

I did not say that there were

You said that a public meeting was held after the Bill was introduced of from 1000 to 2000

The meeting held against the Bill

Will you pledge yourself that there was 2000 people – or more than 800

Between 1000 and 2000- there were more than 1000 as far as I could judge

Was that a meeting presided over by Mr. Wise

Yes

The Preses of the Feuars

Yes

Did you see many Feuars there? Were they very zealous at that meeting?

I saw some of them amongst the other Inhabitants

Were there any Resolutions moved?

Yes

Moved by the Feuars

I do not think they were, some of them may have been

Mr. Adam Smith the Writer, did he move a Resolution?

Yes

Is he here today?

Yes

Is he going to be examined?

I do not know - I saw him in the room today Do you know that he is the Mandatory of the Feuars- I am not aware you saw the Feuars and it was presided over by the Preses

I saw some Feuars

The Preses of the Meeting was the Preses of the Feuars---

Yes

You have spoken about certain roads which we have heard are in a very bad state which the Statute Laborer Commissioners have jurisdiction over

I do not know that they are in a bad state

Are they good roads -----

Pretty well kept

All that was stated was exaggerated in that particular, was it?

It appeared to be so

Have you always been of opinion that Grahamston has been well drained?

I merely spoke to the Drain being on one side of the road

You said it was well drained – did you not say that Grahamstown was well drained – is that your opinion?

It is not drained with an underground sewer except on one side

Have you ever had any complaint of that drain -

Yes

Let me call your attention to a process that was issued to yourself as Clerk to the Trustees in 1848 when the Cholera was coming by the Procurator Fiscal – had not that reference to the state of the road at Grahamston & the Drains

Not the drains – to the road- it is a long time since

Here is a letter in your own handwriting dated the 9th December 1848 in which you say- I shewed the letter to Mr. Dawson the manager of the Carron Ironworks Company and one of the acting trustees on the Road & Mr. Dawson stated (reading the letter) at that time were you not of the opinion that the sewerage was very bad & that it would require a heavy outlay to put it in a fit state

It has been improved since

Were you not of opinion at that time that the sewerage was very bad

At that time it was worse than it is at present

One of your body insolvent now

No the Trustees are not insolvent

Are you in debt -

Yes

Considerably -

Yes the outlay exceeds the income

Yet you say you are not insolvent – is that so -

Yes

Do you give instructions? are you responsible for keeping these roads clear?

No

Since this Bill was introduced has not the manager of the Carron Ironworks Company, who seems to be enacting trustee, giving orders to have these roads especially cleansed?

No - I do know that he has given orders since this Bill was introduced.

You have not been unduly active The Bill passed the House of Commons

I took no part for or against it except attending that meeting

[Start of original document Page 38]

I mean as to the Road – has not there been more done with the Road since we were in the House of Commons?

No it had no effect upon the maintaining the Roads

Under that process which has been referred to, you never paid a farthing of the costs of it did you?

I am not aware that any decree of costs was pronounced

Will you pledge yourself to that, that no decree for costs was made against you -

I am not aware of it

Have you ever paid a farthing for the costs of the repairs & the doing of the work Will you look at the Decree (handing the same to the Witness)

I am not aware of it - it is the first time I have heard anything about the costs

You are a writer - and that is a law paper. Will you look at it - look at the last page - here is another paper in which you crave more delay

In this paper it does not say anything about money -

Have you paid anything under it –

There were not expences decerned [sic] for

Have you ever paid any money -

No

There is no decree you say -

There is nothing about paying money – if there had been a decree here for costs we would have paid them.

Do you know that the Procurator Fiscal entered upon your works, and did these repairs at an expence of eight guineas - I see by this paper that if the order is not complied with he is to enter upon the premises and do all such things as may be necessary for causing the order into effect according to the Statute - Do you not know that he did the works in your default –

If he did so I never heard of it till this moment

You have never paid anything for doing it –

No I never paid anything to him

And you never did it

No the men were told it was their duty to scour the drains & keep the road clean

Do you not know Mr Gow the Procurator Fiscal entered upon the premises and did the work-

No

Do you know whether he did or not -

My belief is that he did not- if he did I never heard of it

You have spoken your impression of the general feeling of the Town have been about canvassing at all for names to the petition –

No

You know nothing about getting up the Petition

I got no name – that was my Fathers

Is Mr. Robert Adam here today?

I saw him today

He is a strong opponent of this Bill

I believe he is

Did you ever attend any of those meetings which were held in 1848 and 1850

M^r. William Hamilton Burns

[Start of original document Page 39]

When it was produced to introduce the Police Bill and at the making [sic] in 1852

I think I may have been at one of them

As to what took place at the others you don't know any thing about it yourself

No

Re examined by Mr. Loch

This paper that has been put into your hands is in fact an order on the part of Mr. Gare [sic] as Procurator Fiscal that the roads should be cleaned

Yes

An order of the Sheriff

Yes

Is it not a fact that the road has been set right since then?

It is according to the power contained in the Act of Parliament as to cleaning the roads

There is a power by the Act of Parliament vested in the Sheriff to call upon the Trustees to set the roads right and that has been done here

Yes there is a proceeding under the nuisance act of 1848

That preceded the act of 1850 which is now in operation in Falkirk

Yes

And a similar proceeding might take effect under the Nuisances Removal Act of 1850 The Sheriff may issue directions to clean the road

I am not sure about that

At any rate this is no decree calling upon you for the payments of costs

I was not aware that it was

You are not aware of any such work having been done by the Procurator Fiscal at the expense of the Witness

I am aware that nothing of the sort was done at the expense of the Trustees - he may have done it at his own expense but my belief is that it is nothing of the sort was done

You know that it was not done at the expense of the Trustees by the Procurator Fiscal

[Start of original document Page 40]

Yes

You say the men were told that it was their duty to do the work. Who do you mean by that?

The Labourers

People in the pay of the Road Trustees

Yes

Mr. Dawson is the Manager of the Carron Iron Works is he not?

Yes

In what capacity is he a Trustee for the Roads?

He is qualified - any one is qualified who is owner of lands of a certain value

What is the qualification?

Owning two thirds to the amount of one hundred pounds scots

Owners of land to that amount are qualified to be Trustees

Yes

And Mr. Dawson having property above that value as being Manager of the Company is a Road Trustee

(a) Yes

And he is also a Trustee on his own (own) account privately

2. He takes an active part in the management in the Road

Yes

The traffic from the Carron Iron Works passes along this road

A large portion of it

By a Lord You have spoken as to the general cleanliness of this street of GrahamsTown when you say "Road Scraping" you do not mean only the surface of the road do you?

Yes the mud

Only the mud

The mud scraped from the road and brought to the side

There is no filth carried out of the houses

There may be at times

In this long road here, are their privies attached to all the houses?

There are gardens behind them and something of that sort in the garden

To all of them

To most of them - I did not examine them especially

Many Witnesses have described that those roads are in a filthy state. Are there privies attached to each of those houses?

Whether there is one actually to each I cannot say, but there is a good number of them behind the houses

Then the collection of filth is not at all necessary if it is there

No

M^r. William Hamilton Burns

It is voluntary on the part of the inhabitants

If the police did their duty they would take cognisance of these parties who put the filth there

Are you sure that most of those houses are provided with privies?

My belief is that most of them are

The Witness is directed to withdraw

Dr. David Hadden is called in and having been sworn in is examined by Mr. Loch as follows

You are a physician practising in Falkirk, are not you?

I am

And you have practised there for five years have not you?

Fully so

And previous to that where was your practice?

I was not in private practice. I was resident physician in the Glasgow Royal Infirmary

As a physician you are constantly about in all the Districts spoken of before their Lordships

Daily

You are intimately acquainted with Falkirk Grahamston and Bainsford

Yes

Have you been in the room while this enquiry was going on?

Yes, during a greater portion of it

Did you hear Mr. Girdwood's evidence?

Yes

Do you take the same view as he does as to the unhealthiness of this district?

No

Do you on the contrary think that it is a healthy situation?

Yes. Falkirk is a healthy place

Would you extend that remark to Grahamston and Bainsford under ordinary circumstances?

Yes under ordinary circumstances

Is it the fact that the Inhabitants are a healthy population?

Yes they are

Has your own health improved since you have resided in Falkirk?

Very materially improved

Can we measure the amount of ill health in Falkirk by the number of Druggists shops there?

We have only two public dispensaries

You mean Druggists shops

We had a third but he had to retire

There are no public Dispensaries

No

That does not include only the district which we have been speaking of but it goes to a much greater distance

[Start of original document Page 42]

Much greater

It includes Larbert and Carron and other places

Yes

Falkirk is upon rising ground is not it

Yes

It is a sandy soil I believe

Yes

There is no opportunity for any stagnation of water in the drains

No

We know that the gutters in the High Street are in good condition in the lanes leading from the High Street. What do you say as to them?

They are cleaned out regularly – I have seen men doing so

And they conduct the water that falls into them into the main sewer do they not?

Yes or into those leading in other directions

Can you state as a medical man that the condition of these lanes is not one injurious to health either from filth or any other cause?

I can

Those observations have reference to Falkirk but taking Grahamston and Bainsford, are the districts of Grahamston and Bainsford in a worse condition as regards cleansing, paving, lighting, sewage and so on, than other districts of a similar kind?

I do not think so

Do you practise among the people living in Grahamston and Bainsford?

Exclusively

Founding myself on your knowledge arising out of that practice, would you say that they are as healthy a people as are to be found in similar towns elsewhere?

They are

Have you a paper stating the percentage of deaths in Falkirk?

Yes

Can you also give from the paper the percentage of mortality or the number per thousand of deaths in Falkirk compared with other towns in Scotland The population is what?

[Start of original document Page 43]

8.752

Take the year 1856, what is the mortality?

1873 [sic]

Stirling, what is the mortality of that?

20.87

Alloa

18.01

Dunfermline

16.83

Airdrie

That is higher 21.82

The occupation of the people in Airdrie are similar to those of the people in Falkirk

Much of the same - it is an iron district

Campsie, what was the mortality of that?

18.93

Is that an agricultural district?

Yes

Therefore Falkirk is better than Campsie which is an agricultural district

Yes

Kirkintilloch, what is the mortality of that?

21

That is worse than Falkirk

Yes

Forfar

18.62

Lanark

24.99

Take Stirlingshire altogether in 1856

18.58

Take the whole of Scotland

20.22

Therefore Falkirk is within the averages of the whole of Scotland

Yes

You heard the house described yesterday by the witness as having 50 cases of fever in it

Yes

It was a house inhabited by Mrs. Shanks

Yes

It is in Wooers street

Yes it looks into Wooers Street

Did you take the trouble before you came to London to call at that house?

Yes I did

What did Mrs. Shanks state to you?

She said that she had been resident nearly 13 years there

Mr. Mundell I am told that it is not the same house that you are speaking to

This house is at the corner of Wooers Street

Mr Loch. Did she say that during the whole of the time she had been resident there had been no such case

There were 5 cases when she went to live in the house first and there had been none since

Did you make any enquiries at the houses adjacent?

I enquired at several of the houses and they had never heard of disease existing there as an epidemic

You made enquiries in the neighbourhood and you found that they did not remember any such case as that which has been spoken to by witnesses on the other side occurring there

(By a Lord) Did you enquire at every house?

No I did not go over the whole row

Mr. Loch You took the trouble to enquire at a great many

Yes and they could not mention one house to me wherein such a case occurred

Touching the Church yard of which we have heard, what is the character of the gutter that runs along the side of the Church Yard?

It is a made gutter

Of stone

It is a stone gutter and the side distant from the houses is built up as a retaining wall for the burying ground and from off that, at a still further distance from the houses very nearly three feet, is the nearest of the interments.

It would be inaccurate to describe that place as a ditch – it is a gutter

A stone gutter cut out

What is the object of the gutter?

To carry off the water from the dwelling houses

From the eaves of the houses.

Yes or from the sinks supplied to the back parts of the houses

[Start of original document Page 45]

There are no interments nearer to that gutter than 3 feet

On the average they are 3 feet off some are still further

And some within a less distance

There may be some

We have heard that [Dr. Hamilton](#) has a residence close to the Church yard

Yes

On the East side

Yes

Does any other medical man reside near there?

On the South side Mr. Cubrie

Did you communicate with Mr. Cubrie on the subject of this Church Yard

Yes

What is his view as expressed to you?

Mr. Mundell objects to the question

I got a paper from him expressing his opinion

Is Mr. Cubrie's health such as would render him unable to come here?

He is a man in years. I do not see any difference in the man's health since I came to Falkirk

In one word you entirely dissent from the evidence which has been given by Dr. Girdwood as regards the sanitary condition of this district

I entirely differ from him

Cross examined by Mr. Mundell

Of what university are you Doctor of Medicine?

The Glasgow University

When did you graduate

In 1854

So the experience you have as a medical man is of 5 years, you have been in practice 5 years in Falkirk

Yes I had experience formerly

What capacity did you fill at the Royal Glasgow Infirmary?

I was resident physician in the Fever Wards

But you graduated after that

I graduated in 1854 - but we had the entire charge of the patients during the physicians absence, it is a name given by courtesy to the Resident Medical Man

[Start of original document Page 46]

In other words to strip it of its tinsel you were resident medical man there

Yes

Among what class of patients do you generally practise in Falkirk?

Amongst the whole of them. I have patients from the lower classes to the better classes

You hold no public appointment there. I believe that you do not visit the poor at the Poorhouse

No

Who is the resident medical officer of the Poor?

Mr. Espey

Do you find any peculiar type of disease prevalent in Falkirk?

No

There is none peculiarly prevalent

The only disease which I remember as peculiarly prevalent, what you would call an epidemic

No of what do people chiefly die in Falkirk?

I have had a great variety of cases more chest and fever complaints than any other thing else

What class of fevers?

The continued fever - that is typhus without eruption

The typhoid fever - is that a common complaint?

No very uncommon

What is the common complaint?

Chest complaints are more common

Lung diseases

Yes

Do not lung diseases commonly have their rise from an impure air and bad drainage?

They may but there are many other causes

Is not that a constant cause?

No it is not a constant cause

Do not you attribute the prevalence of that disease to bad drainage and unwholesome smells?

Not in Falkirk

Is there any other cause to which you attribute it?

Yes

What

Too cold

Is it a very cold place?

[Start of original document Page 47]

The majority of the people are workmen in the ironworks

Is that in Falkirk Proper?

Not in Falkirk

I am asking about Falkirk proper, the Burgh of Regality

I was taking the whole burgh

I ask you now with reference to the Burgh of Regality what is the common cause of death in that burgh?

I do not remember that any particular disease is more prevalent than another

Do you come to give the result of your experiences as a Medical man and cannot tell what class of diseases you generally attend

I attend chest complaints, and fever and diseases of the head and of the nervous system but I do not know that there is one disease more particularly fatal in Falkirk than another

You say that diseases are equally distributed in the Burgh

So far as my experience goes

You have told us the extent of your experience – do you think that your experience is as extensive as Mr. Girdwood's

No

Would you give me an idea of the ratio of your own practice as compared with his as it was 1 to 15

It is impossible to give any idea. I know that Mr. Girdwood's practice is very extensive

Do you come here to say that you do not think typhus fever and that type of disease are a common class of diseases in Falkirk Proper?

I do not know when I saw a pure case of typhus fever

I am asking you of cases of that type

I have only seen two cases of typhus fever since I have been in Falkirk

Inflammation of the lungs and chest diseases - have you seen many of them in Falkirk proper?

I think that I have seen some

How many?

I cannot give the number

Within a hundred

I have not paid particular attention to that

Have you had 100 chest complaints?

No

[Start of original document Page48]

Half that number

I would like to go to the number

About the state of the town - do I understand you to say that this town is as well kept as any town in Scotland?

Yes as a rule I do say that

You heard it stated that there are three gallons of water for each person in the Burgh of Regality – is that a fit and proper supply?

Yes taking into account the nature of the water – it is not used for every purpose

Taking the quantity into consideration is that a sufficient supply?

If it is to be used for every purpose it is not sufficient but it is not used for every purpose

What is it not used for?

It is not used for washing people with

What else is it not used for?

They cannot wash anything with it

Why?

It is so hard - It is principally used for drinking

There is no other water in the town

There is abundance of rainwater

Are there large cisterns of rain water?

In the great majority of houses they prepare themselves for rain water

By tubs

By barrels

For washing

Yes

Do they get anything like an adequate supply for a town?

I have not heard an complaint

In your judgement do they get sufficient for all their purposes?

I think they do

Have you observed that there is no water to flush the sewers in the High Street?

I have never seen them in a condition to require more than they have

Do you think there is sufficient water in the Town to flush the sewers?

I have never seen the sewers in a condition to require more than they have

[Start of original document Page 49]

(By a Lord) Is there sufficient to do it supposing that they required it?

I would not condescend upon that

Mr. Mundell Have you thought anything about it? You have rashly hazarded the statement that there is an ample supply of water

I have had sufficient for my own purposes – I have never heard people say that they wanted more than they had

The absence of complaint has led you to infer that there is a sufficiency

People have told me that they have always had sufficient

Have you examined the sewer personally?

I only remember seeing the sewer once I do not know what condition it is in underground

What was it taken up for?

I do not know what condition it was taken up for but I saw the thing taken up - it was being cleaned as I have seen others in larger places

Did it not strike your mind as an inference that they took it up because it was clogged?

It must have been for something

You never drew that inference from it

No

[Start of original document Page 50]

You have spoken about other drains. You say that the sewage from the lanes comes sometimes into the main sewer and sometimes goes into sewers another way is there a single other sewer in the town except the one in the High Street. I am speaking of the Burgh of Regality – you said that the sewage from there was brought into the gutter in the High Street over the High Street

Sometimes there are some places in the lanes where it goes through the grating before it comes to the sewer in the High Street

Are there any sewers with which Drains communicate other than in the High Street in any part of the Town?

In some parts - take the South - it goes towards the South

Into any Sewer

There are covered Drains if not sewers

Where?

There is one at the back of the High Pleasance that is covered in till it gets to the How Gate that is covered in

Then it rushes into the open air

Yes

That is what you meant the Committee to understand that there were open sewers to carry off the surface water – Is that what you wish the Committee to understand?

Yes

When did you first have your attention directed to this state of the town?

I have always looked over it

When? You were not examined in the House of Commons

No

When were you specially asked to bring your ingenuity and intelligence to bear upon this question?

Nearly a fortnight ago

Since that have you been about the town inspecting these things?

I have been looking over the different parts

Why?

In preparation for all this

You are speaking from the cramming which you have had during the last fortnight rather than from general experience

[Start of original document Page 51]

I have taken that along with it, but I know Falkirk very well

About this particular house - Mrs. Shanks; tell me at how many houses on each side of Mrs. Shanks's, you enquired about the whereabouts of the house where the 50 cases of fever occurred

I went to one in [Muir] [sic] Street next, immediately beside, Mrs. Shanks's house

Did you inquire at the three houses on the one side and at the three houses on the other?

No I only confined myself to Muir [sic] Street

You only made enquiries in Muir [sic] Street and did not go into [Back Row](#)

Mrs. Shanks's is the corner house. I went there
Is Mrs. Shanks the second house from the corner of Wooer Street?

It is the corner of Wooer Street
Did you go into the next house to that upon either side?

In Wooer Street I went into the next entry
In Back Row did you go into the next house?

No
Do you know that that house is the house which was inhabited by Mrs. Gardner - the very next house to Mrs. Shanks?

I do not know that
Therefore you have come here to say that you could not hear anything about these cases of fever and yet you did not ask next door

The parties said
(By a Lord) Did you ask at the next door?

I asked at no house in the Back Row proper
Mr. Mundell You did not ask at any other house having only gone into the House at the corner

No
Where did you go together?

What day?
Yes and where did you go?

I think it was the Thursday of last week that I went. I am not exactly sure which day it was. Was that the last day you went

[Start of original document Page 52]

Not the first day I went
Who was it that instructed you to go to Mr. Adam? Mr. Russell?

Yes
The agent for the Petitioners

Yes
Now only one question more about this gutter in the Churchyard, do you mean the Committee to understand that the sinks there are the only means of outlet from those houses do not go into this Drain

They do
Do you mean to say that as far as the exuding into that drain is not an offensive nuisance?

I do not say that

But assuming the kind of complaint that you have heard it has received do you consider it likely to engender a nuisance or not

If properly clean I do not think so

(By the Committee) But is it at all times properly cleaned

I have never examined the Gutter but I have frequently been told that it was cleaned

Cross examined by Mr. Mundell

You know if that locality is limited to these few [sic]

Yes particularly

When did you see it before?

When I was in the Graveyard

Accidentally

No I have been there several times

And that is within your knowledge

Yes

Do you mean to say that there is any wall between the Gutter and the houses?

Betwixt the Houses and the Gutter

Yes

No it has a wall between the Graveyard and the Gutter

[Start of original document Page 53]

The very wall of the House the one side of the gutter

The stones in which the gutter is laid out are laid against the houses

Had you any object when you framed this return in excluding the mortality of the last quarter of 1859? You have had your attention directed to this rate of mortality

Yes

Re examined by Mr. Loch

Now about this Gutter, you stated that the Gutter was to catch the water that falls from the eaves of the House

And from the sinks at the back of the House abutting on the Churchyard

Therefore that must be close to the site of the House

Yes

You did not mean to convey an impression that it was otherwise

No

Now as to the preparation, it was intimated to you a fortnight ago that you would be asked to come and give evidence upon this question

Yes

And you went about the place so as to be able to speak to facts

Yes

But your general knowledge of the locality and of the district and of its health are founded upon an experience of 5 years residence

5 years residence

This House which we seek to connect with the House spoken of yesterday is it at the corner of Back Row and Wooer Street

Yes

It's the corner house

Yes

And has it a well in front of it

It has

It is the corner house of Wooer Street and the Back Row

[Start of original document Page 54]

Yes

Well now about the water - is the water that comes from the Coal measures very hard?

Yes

Would it, if the quantity were increased to any extent, be a water applicable to washing

I do not see that the quantity would interfere with the quality

But could it be used for washing

No, you cannot wash with it

By the Committee Have you ever analysed it?

No but I cannot wash my hands with it

You do not know what degree of hardness it has got

No

Mr. Loch You can speak of the fact that it does not lubricate the soap

I can

That you speak to

Yes

Of your personal experience

Yes

And the people have to supply themselves from the Roofs by means of Cisterns and eaves and tubs

Yes

Do you know the arrangements that exist for flushing out the sewers by means of the Union Canal?

No

You cannot speak to that

No

There are only two wells, one called Maryons well & the other Enkins(?) well where the people go to wash

Maryons well I know & I know another where they go to wash

That is a softer water than the water that comes from the Coal measures

Yes

And the people go there & collect there for the purpose of washing their Clothes

Yes

I think you stated that in the lower part of the District down at Grahamston and Bainsford, chest complaints prevail

Yes

In your opinion is that due to the character of the occupation of the people living in those Districts?

From what they tell me

That they become heated at the works

They become heated, they perspire very much and catch cold. That is also a cause of the fever

By the Committee I will just ask you this, is it not necessary for the Health of the persons living in these crowded houses that the rooms should be washed down as well as their clothes?

Oh yes certainly

[Start of original document Page 55]

Do you imagine then that an allowance of 3 gallons of water a day for each person is sufficient to clean the rooms?

They have abundance of soft water – rain water - I do not think 3 gallons sufficient for all purposes

But there is no means in the Town of Falkirk

They have these soft wells at each end of the Town and then they have the rainwater

How far off are they?

At each extremity of the Town

How far off from this house of Mrs. Shanks?

It is somewhere about here (pointing to the map) where the house is, there is a well

How far off is that?

About 350 yards

Falkirk is on the top of a hill. That well is at the bottom

This is the bottom

Therefore every occasion upon which they have to use soft water they must go up and down this hill

Yes

They must bring water up and down

Yes

Now let me ask your opinion upon this - We had evidence yesterday from a gentleman whom I think you will allow to be qualified from experience to speak to it – you are acquainted also with - - - Grahamston

Yes I am

This gentleman has given evidence “I went into two of the houses and they said that they could not keep the windows open” – this is just opposite to that sewer which you have been speaking about - “They could not take food in those rooms - they could scarcely get the Scavenger to remove the filth – one man told me that he was obliged to entreat & prevail on them to do it.

There is only the dwelling house so far as I remember close to the Gutter

Do you believe that Gutter to be in such a state that they cannot keep the window open - that they cannot keep the food in their rooms – and if you do believe it to be in that state - do you believe it possible that the people living in that condition can be healthy?

They cannot be healthy if the Gutter is allowed to remain uncleaned – If the refuse is allowed to remain there it will become unhealthy -

Do you admit in the present instance that the statement of a Physician who has given evidence is correct?

Yes I believe so

You believe it is

Yes

Then following up that as an inference if it is correct, it is possible where people neither open their windows nor take food in the rooms in consequence of this open drain under them that those people can be healthy -

No they cannot

You think they cannot

No

Mr. Loch Let me be quite sure that he has not misunderstand [sic] the question

The Chairman states that the evidence of the Witness has been the same all the way through - namely that if the Gutter were clean the place would not be unhealthy but that he had never asserted that it had been cleaned -

Witness I beg pardon. It has been cleaned

By the Committee You cannot say that it is always kept clean

Mr. Wm. Park is called, Sworn and Examined by Mr. Loch as follows

You have in your hands a table of Mortality which has been placed before their Lordships

Yes

That was prepared by you was it?

Yes

And from what source did you obtain that information?

From the Registrar Generals Returns

And the calculations are wrought out from the figures contained in the Registrar Generals Returns

Yes, I reckoned them very carefully

Cross- examined by Mr. Mundell

Lanark, which is the last of the 9 in your return, I see that during the Year 1856 it seems to be 24.99?

Yes

Then it diminishes gradually 22.20 in 1857 and as low as 13.21 in 1858 is that so?

That is so

The returns of the last quarter you were not instructed to make up

I had not time

They were in Scotland but not with you?

No

They would get to the office in Edinburgh more readily than here?

I suppose so

[start of original document Page 57]

Mr. William Drummond is called, Sworn & Examined by Mr. Loch as follows

Your employment is that of a Blacksmith I believe at Carron

Yes

For the Carron Company -

Yes

You live at Bainsford do you not

Yes

You have lived at Bainsford for six & twenty years I believe

Upwards of six and twenty years

Now have you made yourself acquainted with the provisions of the Bill upon their Lordships Table, the Special Police Act?

I have paid some attention to them

And do you think it necessary with a view to the objects of Bainsford?

No I do not think we will advantage in the least by it

You do not think it to your benefit?

No

Now is that a feeling which is shared by the other people at Bainsford

Unanimously – I never met one of a contrary opinion

And is that the case with the people of Grahamston too?

Yes I believe to a very great extent

And can you also say any thing as to the opinion of Falkirk as regards it?

I cannot say that I believe the great majority of the Falkirk people are against it

But with Grahamston and Bainsford you are better acquainted and you say that their feeling is against it

Yes

What is the population of Bainsford?

1500

Is it that row of houses extending from the Canal down to the limits of the Borough?

Yes

A double row of houses and a Street between

Yes

Well now, have the houses, generally speaking, Gardens attached to them?

With one or two exceptions every one of them on both sides & a great portion of Bainsford

Are the Ashpits in those Gardens?

In every one of them

And do they deposit in those ashpits the refuse and the manure & the filth from the houses

The whole, every particle

They do not throw it away

No they are very careful of it - they take it into their gardens & plant potatoes with it

And that is the practice of the people of Bainsford

I know it well

And is that also the case with the people of Grahamston?

Yes I think much the same

But in point of fact the material is too useful to be thrown away upon the roads

They consider it so, they take great care of it, in addition to that the children are often occupied in our street in taking up the droppings from the horses that pass & they take great care of it for their gardens

Adding it to their heap

Yes

An occupation that one sees the children in Scotland occasionally engaged in

Yes

Now behind these houses is there a ditch or is it open Agricultural land behind these houses?

For miles

You say that for miles it is open Agricultural Ground

Yes open to the winds of heaven in every direction

It is a single row of houses

Yes

Now at the lower end of Grahamston there are some lanes extending backwards

Yes there are cross lanes

But none of great length

No

Therefore the general character of the whole district from the beginning of Grahamston down to the limits of the Borough is a road with a row of houses on either side & the open country beyond

Yes there are some cross streets in Grahamston - but there is none in Bainsford they are all built on a plan laid down by the proprietor

All right angles

Yes and they are very healthy

There are no narrow crooked lanes in which Air could stagnate and create disease

None

It is a single row of houses

Yes

Grahamston and Bainsford - are they supplied well with water?

They are remarkably well supplied at Bainsford. It is built at the top of a reservoir of water - and within four or five feet of the surface - we come to a bed of sand which is entirely full of water - We have nothing to do but to go down ten feet and we have plenty of water of the best quality, all superior to the Falkirk Water

That is as regards Bainsford

Yes and almost every one of us keep the drippings from our roofs. We have barrels for that purpose. I have a barrel myself and so has every one of my neighbors.

For the purpose of catching the rain water?

Yes and it is seldom that we run out

It is not at all likely that under those circumstances you would avail yourselves of the power of this Bill to obtain Water from the Coal Works of Falkirk

We are perfectly satisfied with the arrangement with regard to that, that is to say we can get the Water if we only want it but we are pretty certain we shall never ask it

You do not mean to say that the road way as a road is very well kept from Bainsford

It is a misfortune but the road is just a common trustee road - the whole of the street.

In your opinion it might be kept better

It is difficult to keep it in very good order because the Carts are very heavily loaded and a great many of them pass every day, upwards of 60 carts pass there twice a day which makes 120 passages every day

The fault you find with the road is not that it is covered with human ordure & filth of that description but that it is badly kept as a road

It is mud

Nothing but mud

Nothing but mud

It is the ordinary mud that you find in the common road

Yes there is no manure on it, we do not require it

Have you ever before heard Bainsford as being so unhealthy a village as it has been described in the course of this enquiry before their Lordships

No, I have lived here 27 years & in my boyhood I have lived in it & I went away when I was married - I was in the village in 1832 at the time of the Cholera and there was no cases about me

Have you children of your own?

Yes

Are they healthy?

Perfectly

There [sic] it is no crowding of the population at Bainsford, the houses stand open & there is no crowding?

They are generally only one storey houses, & there is no crowding

There is no crowding of Inhabitants or streets or houses. It is wholly occupied by working men I think?

Almost

And men who work for the Iron foundries round this?

Yes

Now, is there a more independent class of people in the world than the Scotch workmen of that description who work for these Works? Is it likely that these people would be swayed in the opinion they give upon a subject of this sort, by any opinions but their own?

No, they are many of them very intelligent men

Are they not in a great number of cases owners of the houses of which they are also occupiers?

Yes in Garrets Lane almost everyone is

How should you like, as an Inhabitant of Bainsford, to be made liable to a share of a debt made by the Stint Masters?

We should not like it

You think it would be very hard?

Yes

You have no connection with respect to Falkirk beyond the fact that it is a Parliamentary Borough

We are about a mile removed from Falkirk - no other connection

And your business connections are all in the other direction

Entirely

There are other villages near Falkirk as close as Bainsford that might have been linked in this measure - Is there a village called Cameron [sic]?

Yes

Within a mile west of Falkirk?

Yes it is nearer

And Lauriston in the other direction & so on

Yes

Now, one word about light - Is it the case that the Carron Coy Works do light the streets of Bainsford very sufficiently

Yes it is - the illumination is very strong

And you live there at night

The darker the night the greater the illumination - If the clouds are lowering the illumination is greater & at all times of dark nights it is illuminated so much that I believe a Gas Burner would be like the Moon when the Sun is shining

Are there as many as 30 or 40 Wells in Bainsford?

Yes

Footpaths on both sides of the public road

Yes

One of them being retained by a Kerbstone?

From end to end

Where is the greatest nuisance in Bainsford?

It is not easy for me to say

Is there no one place that you look upon as worse than another?

I should think there are

Can you name one?

If any particular question is put to me

Do you know Baillie Morison's farm?

Yes, he does not reside in the Boro'

It is a farm steading

Yes

Then it is not within Bainsford

No, it is 200 or 300 yards away

Now about St. David Lane that has been spoken of – Have you some property adjoining there?

Yes

How far do you reside from there?

About 40 or 50 yards

Now is the connection of that Lane & of the ditch belonging to it so great a nuisance as has been described?

If I may use the word "aristocracy" I would say that it is the aristocratic part of Bainsford - It is occupied by that part of Tradesman that are the best pay men from 20 to 30s a week occupy houses there

How many houses are there?

20 or 25

Cottages are they?

Yes the most of them are

But occupied by these people of a better class

Yes

It is the approach to a number of farms which lie out to the north east in that direction

It is a country lane - There was not a feu to be got & the Proprietor fenced down a few sides of that lane & there is not another feu to be got

Is the nearest occupier to this sewer that has been spoken of a tenant of your own?

I have several tenants near to that sewer

Is he a tenant of your own?

Yes Tenant of mine

Has he ever complained to you of its condition?

Never

What is your knowledge of its condition? Is it as filthy & unhealthy as people say here?

[Start of original document Page 62]

I know what it is

Well what is it?

It is just the level for taking away the waste water from the roadway – there is a declivity of 20 yards on each side of it and it takes the water from each side and there is a Gutter immediately below – It is obliged to be 3ft deep so as to take away the Water from the other side for 10 or 12yds. There was no communication to one side & the carriages went down & came up again & they brought up both sides to a level & the Water is brought under the road & it goes away thro' this ditch away down into the country - There is no nuisance put into it, it is merely the level of the road - In my memory it was there before there was any thing of this

Is it a ditch running at the side of the road

There is no other water than the water that comes from the road runs into it

It is not a sewer for the houses

Some of the waste water of the houses goes into it but no other, only a very few houses because the shoring of the road is only within a few yards on each side.

There are no water closets in the houses

They do not require them

They are Privies?

Yes

The water that runs between is water that is used for washing up anything in the kitchen?

Yes

And that sort of thing?

Yes

Nothing else?

Nothing else

Is the condition of this ditch very offensive?

The Road Trustees take away the Waste Water & their men clean it occasionally & where it goes down it is on the opposite side to the Lane – my property is 24ft wide - it goes down open for maybe 20 yards or thereabouts & it is then covered in

In what length of distance is it open?

I could not condescend to that about 20 yards open

By the Committee Is the condition of the ditch very offensive?

It cannot be. There is no pollution put into it

But is it so

But it is not so

[Start of original document Page 63]

Then why did you not say so at once. You have a second question put to you & you give a second answer before you condescend to give an answer to the question-

I thought I had done so

Mr. Loch You mean to say that it is not filthy

If I had considered you asked me distinctly the question

But that Ditch is not filthy

It cannot be when nothing is put into it to make it so

But it is not filthy

No

By the Committee Nor offensive

Nor offensive, it is a water level

We do not care about that, the question is whether it is offensive or not

I never heard that it was so

Mr. Loch The houses in this row, like the houses in Bainsford, have their necessities in the gardens attached to them

Yes most of them

And they collect all the filth & the manure with a view to their Gardens in the same way

Yes

What is the length of the Black Close, that is another place has been spoken of?

Well I gave it a rough measurement it was 75ft long by about 30 broad

And how many houses are there there?

There is one small house on the south side occupied by an old widow woman & and on the north side there are two houses occupied by tenants

In fact there only 3 houses

Just that

You have found that there was some filth there, have you not?

It was not often so tidy as it ought to have been

And that was owing to what?

For a number of years I have been in the habit of passing along there. The waste water bores & the conductors from them have been allowed to go entirely to decay – there were two outside stairs there. It used to be conducted along a channel, and from the want of that from the Proprietor, a factor not paying attention to the bores, the waste water runs once & that makes a nuisance

Owing to the non repair of these Waste Water Bores the Water had escaped?

Yes

[Start of original document Page 64]

Who does it belong to?

Mr. Watt

But this place though, called a close, is not a close properly speaking - it is open to the Heaven & Airs is it not?

It is no close, it is just the ground that the other proprietor appropriated to a garden, this proprietor has thought fit to have no gardens there – the front there was this is one of the exceptions.

Do you recollect the Cholera last appearing at Bainsford?

Yes

And was it severe, or was it felt in its visitation?

I do not think there was any thing particular about it at Bainsford
How many cases were there do you recollect?

I could not condescend to that, but there was nothing particular
Was there other epidemics? measles & so on

There were particular cases in the district but near Carron it is very healthy
there is nothing particular at Bainsford

Cross examined by Mr. Mundell

From what you say this seem to be a sort of Garden of Eden - Bainsford, is it kept in a good sanitary state?

Not in a very good state.

Is it kept in an excellent state?

Of course, we are not to blame for the road

I will allow that it is cut up by the carts but I will first ask you, do you think that the state of the sewerage & Drainage of Bainsford is in the best possible condition

It lies on a great incline

Answer the Question. I know in Scotland - I am a Scotchman myself – you always ask a question when a question is put to you - Answer the question - Do you consider that Bainsford is in a good condition as to Drainage?

There is no covered drain - There is a kerbstone & a drain on each side

That is the only drain there is?

Yes

That we do not call a drain in this country. That is what we call a gutter - Besides those Gutters there are no drains at all

There are Gutters on both sides

I ask you, do you mean the Committee to understand that Bainsford is one continuous street with no Branches – what do you say to Davids Lane is not that a back lane.

[Start of original document Page 65]

That is a Back Lane

Do you mean to say that the houses in Davids Lane face to the Main Street that you have been speaking of with a gutter on each side?

I will trouble you to repeat that

Do you mean that the houses in Davids Lane face to the Main road which had a gutter on each side of it

The houses in Davids Lane do not face the Main Street at all

How came you to put upon the Committee that all the houses in Bainsford stood on one main street when Davids Lane is a street running in this direction?

I made that an exception

No you said that all the houses in Bainsford stood in the Main Street. Do you mean to say that the Black Close is there no other

I explain that the Black Close was the Garden ground built upon by 2 houses
How many families in those two houses?

6 families

6 families

They are the poorer class of families

First of all how many houses are there

Two

How many families?

6 on the one side & one on the other

Now in Davids Lane how many houses are there? Are there 24 or 25?

I could not condescend to the number I never counted them but I think it would be about that

Do you mean to say that the Waste Water & the dirty Water from the houses does not all go into that ditch in Davids Lane

No it does not

Do you therefore mean the Committee to understand that in order to improve their Garden stuff they keep it wet with his ashes & muck & filth - Do you mean to say that they empty the water there so as to make it all reek & stink together? Do you mean that they empty in the ashpit all the dirty water that comes from the houses?

In a great number of houses but I will give you the reasons for not putting it in the ash pit

Do they put it in the ash pit?

They do in some cases

In the bulk of cases do they

This is the level of my house but I do not put it there

Where do you put it then?

We have a level down thro' a field & the whole of the tenants in that house & a number of my neighbours in fact the whole range of the property it all goes down through a tiled drain which is made into this field and it takes about 200 or 300 yards

[Start of original document Page 66]

Now do many of the 1500 inhabitants of Bainsford enjoy the convenience through your drain

I could not say how many

Would you say a 100?

A hundred people

Yes

Hardly

How many? 50

There would be

I do not tie you to 10 or 12 - say a hundred

Yes

Where does the dirty waste water go to?

This is the drainage only for a small portion on each side of the main way - It inclines down to this drainage, there may be 30 yards on each side of it - beyond that it drains away in the opposite direction

I am quite sure you are not stupid and that you wish to answer not directly – you have stated where they put their ashes and dirt. Where do the bulk of the inhabitants put their water - It is a pleasant question - where do they put it?

Some of them put it into the gutter as you call it in the front but it does not come in this direction of Diggetts Lane

Where do they put the dirty water? Is it put into the gutter invariably?

Principally

Where do the gutters run to?

Into the drain

At Davids Lane

Some few do

Where do the people in Davids Lane put their dirty water? Having this ditch convenient do they not put it there?

Yes

Do you mean to say that this ditch is quite a pleasant ditch and not at all offensive

It is covered in by the houses

But it is open for the 20 houses you have spoken to – Is it a pleasant ditch? Is it a ditch which is not at all offensive?

No I do not think it is

I understand you are satisfied now with the provision which is introduced into this Bill as to Grahamston & Bainsford with respect to the Water

[Start of original document Page 67]

Yes

Was there any other particular provision in the Bill that you very much objected to at one time?

We objected to the Bill in total

Was this drainage the one particular provision that you objected to?

We objected to be assessed for what we did not want - We objected to be assessed for what we never contracted

Did you attend a meeting on the 30th of Aug 1858 when a Committee was proposed to watch this Bill & to take charge of it?

Yes I did

Does this represent something that fell from your Mr. Gair had made a motion there and did you say that you thought Mr. Gair had gone ahead & that the meeting according to the advertisement read by the Provost was convened for the purpose of considering whether the coming session Parliament was to be applied to for a Bill. That question had been decided, consequently it was premature to appoint a committee to frame a Bill. The motion was a good & necessary one but it had come on too early. Do you mean to say that you were always opposed to the Bill after hearing that?

Yes

You do?

Most distinctly, he was wrong most distinctly in bringing on his motion at the time as far as he should have acted he was wrong

You have always in fact opposed the Bill generally have you?

Yes I have

Never on any particular ground?

Particular ground

Yes particular ground

I have opposed it on general grounds

Have you ever opposed it on any particular grounds?

No I cannot say that I have never approved it on any one particular ground.-

How many houses do you hold in Bainsford in distinct tenements?

Well I have come into occupation of property in Bainsford within the last twelve months.-

You are fencing with my question I must have a direct answer. How many houses do you own?

I had only house previously to that.

But after that

Previously to that after the Bill

[Start of original document Page 68]

Then I will ask you after 1859 how many houses have you got now -

I have got a number of hands [sic] since then

How many?

I can hardly say- I could say something about the number of tenants

But have you 20 ~~tenants~~ houses?

I have two or three. They are so connected that I can hardly state. If you ask me how many tenants I can tell you

Well how many tenants have you got?

I have about 8 or 10 I think

And how much rent does each of these tenants on an average pay you above £5 or below £5?

Some below and some above

Is the bulk of them about £5 and below £5? Is not the bulk of them below £4?

They generally run about £4. The rents are very low

Had you that property before January 1859?

I have only drawn six months rent of them

COMMITTEE When did you purchase them? Did you purchase the property or did you inherit it?

I purchased it

When did you purchase it?

I purchased it 3 months – I had six months rent at Martinmas. I got the right to draw the rent

Mr. Mundell You did that before January 1859

I draw the rents at Martinmas. I only got the rights to draw them from purchasing and that was 3 months after

Now did you not petition the Town Council that if they would get the Bill altered so as just to make the difference that a £4 owner instead of a £5 owner was to be liable for the rate that you would assent to the Bill?

No

You never did

I never did

Do you mean to say that you did not petition the Town Council upon that point? Are you one of those who signed the petition?

Yes I am. I took the principal hand in it

Have you any time had any other objection to the Bill?

I made a statement to the Town Council but I made no other statement connected with it. It is with reference to the 67th Clause

Would not you have been quite content if they had made the occupiers of the £4 houses pay?

[Start of original document Page 69]

I considered that always a very objectionable clause because in Bainsford there is hardly—

I do not want a long story. Did you not just tell me that you never had any objection to any particular clause?

I think it wholly objectionable so far as we are concerned but I consider it most objectionable as the level —

Are these 80 Gentlemen whose names appear here, do they reappear here today as petitioners? They petitioned the Town Council and tried to get it altered. You are an Elector

Yes

You do not know whether these 80 have petitioned

Some of them

The whole

I could not say that

The bulk

A good number signed the petition against the Bill generally

Have you lately purchased a house somewhere very close to Davids Lane which you have put in repair - a house that you have, lately put in repair and cleaned out the ditch?

Yes

Was not that ditch in a most offensive state?

I did not clean the ditch. I had nothing to do with the ditch. My property is on the other side

Do you not know that offensive matter has been allowed to fester in that ditch and that complaints were made by your tenants of your having cleaned it out and left it to fester

I had never anything to do with cleaning it — it is the Road Trustees

Did you ever get your own people to clean out this ditch?

Never. I have nothing to do with it in the world

You did not cause them to do it. Have you noticed the offensive matters taken from that ditch festering by the road side lately

I never heard about it before

Can you say whether it is there or not - you go round this place

The last time that the Road Trustees cleaned it out the materials is still lying there

Till it gets into a solid state is that so to be carried away

Yes

[Start of original document Page70]

Where does the fluid matter from that solid matter go?

It finds its level away into the country

Thro' this nice ditch in Davids Lane

Of course

At the end of that ditch is not the level so flat that there is no escape whatever? On your Oath upon that point, do you mean the Committee to understand that the Country is favourable to fall so as to let this nuisance matter go away towards the Country?

When you get away about 20 or 30 yards it takes a very rapid descent

Is there not a dead level that stops it all?

No there is no dead level. It is a regular incline the whole way after you get 30 yards - The property is built upon that side that was all covered in. Sometimes they may neglect to clean it out but that is the only thing

Because it is not cleaned out it sometimes does lie there it deadens back

It is cleaned by the Road Trustees. They are obliged to keep the level clear

(BY THE COMMITTEE) You say that you have two houses on the one side and one on the other side at Davids Lane

No I did not say that – that was with regard to another Lane

Which Lane was that?

Blackclose

The Black Close you alluded to then

Yes

How many stories have those two houses? Direct your attention to those two

One of them is a storey & there is a 2 storey house

In the one storey house how many rooms are there?

I think each tenant has only one room. I think it is a single room

And in the other house how many rooms are there there?

Two above and two below

Four

Yes

So that altogether in these 2 houses with 5 rooms you have got 10 families is that so?

No

RE EXAMINED BY Mr. LOCH

Now there is a place called Black Close

Yes

It is 75 feet long

Yes

[Start of original document Page71]

Am I right now – this is a Black Close?

Yes

It is 75 feet long and so many feet wide?

Yes it is at the opposite end of the property altogether

In this place there are two houses, one on one side & one on the other side?

Yes

Those are inhabited collectively by 6 families

Seven if you take the one on the other side, a widow woman occupies one

In the first place are any of those three houses your property?

None

Have you nothing whatever to do with them?

Nothing in the world

You merely spoke of this Black Close as being a place that has been referred to by previous Witnesses as an unhealthy place

You asked me some questions about it but I had no intention of mixing it up with my property

It is not your property?

No

You had nothing to do with it?

No

Now as to these houses, in order to make the matter right, you are not the owner of these houses?

No

Those 2 houses that contain the 6 families are the houses of two stories

One is a two storey & one is a one storey

They contain how many rooms?

Six rooms that is altogether the 2 houses, 4 in the one & 2 in the other

There are two houses on one side & one on the other?

Yes

Now I will speak of those two houses. One is a two storey house & the other a single storey house?

Yes

And there are 6 rooms in the two

Yes 4 in one & 2 in the other

Each room being occupied by one family?

Yes

Permit me to read this Memorial to you – this is the Memorial that you & 80 others of your fellows signed “To the Provost Magistrates & Council of the Burgh of Falkirk. The Petition of the undersigned landlords & the representatives of those who have tenants occupying premises of the yearly value of £5 & under Humbly sheweth that whereas by the 67th Sec of the General Police Act of 1850 which section it is proposed to incorporate with the Falkirk Police Improvement Act – It is Enacted that all tenants within the Burgh occupying premises of the yearly value of £5 & under shall be entitled to deduct from their Landlord when paying their rent the whole amount of the general assessment under the above named act that may be levied

[Start of original document Page 72]

upon & paid by them That your Petrs. are convinced that this enactment will press upon them with great & unjust severity & that they consider it wholly wrong in principle in so far as it will entirely relieve from all assessments under this act many tenants who are much more able to pay their rates than their landlords – That your Pers., having maturely considered the matter can see no proper reason for nor good end to be gained by such a mode of assessment – your Pers., therefore pray your Honble., Council to take the case into your consideration so that you may adopt the necessary step to have the above section deleted or so amended as to relieve Pers., from this obnoxious tax & at the same time enact that every one may pay their own assessment that are able & exempt them that are not able as it is the case under the Poor Law Act in the Burgh which works well & to the satisfaction of all parties and your Pers., will ever pray “That is the Petition that you signed to the Town Council?

Yes

You prayed the Town Council to omit a clause that you thought would be obnoxious to your interests?

Yes

You did that ?

Yes & they promised to do so

Is there a single word in that petition that conveys a promise to support the Bill in the event of that Clause being omitted?

No nor is it intended-

You simply pray the Town Council to remove a clause?

Yes it is entirely confined to the 67th Clause

Mr William Drummond

BY THE COMMITTEE Be good enough to tell me how many living souls there are in this house of 4 rooms?

I could not answer that question- I think an average of 5 in a family
But you do not know it?

No, I might make a guess of it but I could not state it with certainty

Mr. JAMES NIELSON is called, SWORN & EXAMD. By Mr.,LOCH as follows

You are an auctioneer & Land valuer?

Yes

You are treasurer to the Feuars of Falkirk?

Yes

You have held that office for some years I believe?

Nearly 10 years

We know the rights of the Feuars to land & therefore we will not ask any questions about that, also the manner in which it was settled, we will not ask you any questions about that.

Mr. Mundell Prove the rent of the land held by the Feuars & just mention the acreage & the land?

Yes

Is it £41.1.11?

Yes

For 10 acres & 20 acres

Yes

Let on Lease for 19 years

Yes

Well then, you have the acres called the Callendar Riggs & the right to levy customs?

Yes

What is the value of the customs ?

Mr.Mundell What is the Rent under the Lease?

[Start of original document Page 73]

Mr. Lock What is the annual income from the customs?

£164

(Q) Is that let?

It is let £164

Does that include the rent of the Corn Exchange?

No £40 besides that £204

Does that £164 include the penny charged upon the entrance of people into the Corn Exchange?

Yes, there is a compounding of 70 of them for 5 years -

Now out of that £164 how much is collected in the Corn Exchange upon the Callendar Riggs? –

The greater part of it

Can you take it?

There is the exception of £10 to £15

The whole amount collected?

Yes in Callendar Riggs

With the exception of about £10 or £15

Yes

The Customs had been levied for a period of 40 years?

Yes

And never disputed?

Never disputed

The Revenues of the Feuars have been expended for the whole Royalty of Falkirk

Exclusively

As far as your knowledge goes then, distribution has been satisfactory to the people of Falkirk?

Entirely

Tell me how much have the Feuars expended since 1857 in improving the streets & roads in the Old Royalty

£1013.4.11

£1013, We will leave out the pence & farthings?

Yes

And for lighting the Town with Gas they have expended?

£279

How much in endeavouring to obtain an increase of supply of Water to the Town?

£108

How much have they paid to the Clerk of the Corn Market?

£46

How much for repairing fences & draining the Feuars lands?

£58

What are the little debts? £22.11 it is put down here

Yes it is rather more now since I gave that in.

Then law expenses have amounted to how much? - £65.13.0 and taxes? - £108.16

The whole amount being how much?

The whole amount being together £1572.3.9

That amount has been expended by the Feuars since 1857 in Public works in Falkirk?

Entirely in public Works & improving the Town.

In addition to that they have borrowed £1500 for building a Corn Exchange

Yes

Have they spent any more money upon the Corn Exchange besides from their own funds?

They have spent just now upon the Corn Exchange £1527.13 besides we have a number of accounts still to pay it is £1527.13 besides a number of accounts. -

What is the amount of accounts outstanding?

[Start of original document Page 74]

I do not know – under £100

Have the Feuars managed this business without any expense to the Public?

Without one farthing- I have done all the work and paid away every farthing - I never took a farthing - I never asked for it - I have done it without one farthing & every one of the Feuars does the same thing - he acts without fee or reward

And of course they can manage more economically

Yes managing our own property. It is requisite we should do it for nothing

Now is Falkirk at present badly supplied with water?

I do not think that

Do you think that for all ordinary purposes the supply at the present moment is sufficient?

It is very good

Do you know those two Wells at either end of the Town Maryons Well & the other one?

Yes there is Maryons Well here (pointing to the plan) & the other is there & they keep at the end a pipe

And the people fetch water from there

Yes all the water that is used in Falkirk & we have no supply of water that will wash well except the rainwater from the houses

Is the water from the Coal Measures an excellent water?

It is an excellent water but it does not wash well

It is a good water to drink?

Yes

But it will not wash [with]

No

It will not lubricate soap?

No

Are you the Auctioneer who sold the House near the ChurchYard to Dr. Hamilton

Yes

Did that house sell at an advance of from £100 upon upset price?

Yes I never had such a competition for a house in my life I never saw anything like it sold for £200 about [sic] its value

Can you from your knowledge of the Town reconcile the difficulty about the house - You heard Dr. Hadden speak just now of the House at the corner of Wou [sic] Street

That belonged to Mr.Walker of the Mumbles – We sold it to the late Mr. Garner & he sold it to Shanks

Can you say that it is the same House of which Dr. Girdwood spoke yesterday?

It is the same house

[Start of original document Page75]

Cross Examined by Mr. Mundell

But whether it be the self same house or not has no influence upon the question whether there were 50 cases of fever there or not

I do not know that

Now we know how much the Town is indebted to you for the mode in which you have managed these matters but as an Inhabitant of the Town do you think it is in a wholesome sanitary state?

The Main Street of Falkirk is the cleanest street I ever saw in my life. If his Lordship were to telegraph it could be proved. You might collect all the matter lying about & put it on that Book

Does that remark which you have so energetically enforced apply to the rest of the Town?

The streets are so narrow if you were to put pavement down

By the Committee. Don't waste our time in that way. Is the rest of the Town of Falkirk as clean as the High Street ?

No

Mr. Mundell Is it in a clean or a dirty state?

It is in a clean state

Now you have attributed an enhanced value to the house on account of its proximity to the Churchyard so that it would appear that the cesspool enhances the value of it

I went in and examined it before I came here. I do not think any Architect could put a better drain down

Was it very clean when you saw it?

Yes it was a flat cut stone. The Church yard is not more [sic] than another Church Yard

Be good enough to answer the question. When you saw the Sewer was it in a very clean state?

Particularly clean – very clean

Perhaps it was cleaned for your inspection

Not for my inspection for no human being knew I was going there

Now is there not a wall & a garden & stables between this house that sold at such an enhanced price & the Church Yard a stable & a yard between this house that sold at this great price & the church yard?

No there is no yard

There is no stable? –

There is a little house

May I take it generally from you that Falkirk is a Town excellently supplied with water & superlatively clean? Is that your answer?

Yes

Now about these customs which are let at £164 a year. What were they let at before they had a right to take the 1d toll? Was it not £120?

[Start of original document Page 76]

Yes £120

Therefore the addition of 1d toll to come into the Market place enhances the value £44

The addition to the house

The convenience of the house and the 1d toll

We spend the money for the benefit of the Town, formerly for the benefit of the Inhabitants

I am not imputing any motives to you. I know you too well. To do that have the costs increased in lettable value because they have in addition the right to levy the 1d upon going into the Corn Exchange?

So far but the great increase is the building of the house & the bringing people to the Falkirk Market that never came here before, making it a respectable market

Now you have spoken about some other little debt to pay. What is the sum which the Feuars have paid for this opposition? How much have you paid out of the funds for this opposition?

I have never paid one farthing

Has not your Agent?

He has not called upon me to pay one farthing

Have you not retained the Feuars accounts to oppose this Bill?

At a general meeting of the Feuars there were 37 to 3 or 4, something like that. The Feuars book will tell you when we were instructed by the general meeting of Feuars to oppose the Bill in Parliament in protection of the Feuars own property & rights. The Feuars will not pay one farthing expense to this opposition more than refers to their own property

The Feuars alone appeared in the Commons, did they not & it is the Feuars opposition substantially?

We came here to oppose the Bill the Inhabitants since the Feuars

Mr. Mundell (To M. Lock) Is Mr. Adam Smith going to be examined

Mr. Lock He is

Mr. Mundell Then I will put a question that I was going to put to this Witness

Adam Smith Esq. is called sworn & Examined by Mr. Lock as follows

You are a Writer in Falkirk

I am

You were born & brought up in Falkirk ?

Yes

Are you Clerk to the Subdivision Meetings of the Lieutenancy for the Falkirk District of the County of Stirling

I am

And as a Writer you have carried on business in Falkirk for a great many years I believe?

About 25 years

Well now about this Bill thro' which we will take you as shortly as we can, have you considered the provisions of this Bill -

I have read the Bill carefully when it was brought into the Commons. I have not read it since with any care

But you made yourself master of it at that time

At that time I did make myself Master of it

Was it in your opinion a most unnecessary Bill

A most unnecessary & uncalled for Bill

Now we will take it upon the ground that it is supported upon, upon the sanitary ground, what in your view is the condition of the health of Falkirk & the district that would be included within the operation of this Bill

My opinion with respect to Falkirk & the district to be joined is that in a sanitary point of view they are equal to the most of Towns & superior to very many

Equal to most & superior to very many towns

Yes

That is as regards Falkirk

Yes & in reference to large towns I refer to those that have large populations as well as small ones

Can you speak to the health of Grahamston & Bainsford?

I see a great many old people there & in no place in England since my visitation here have I seen in a limited locality an equal number of old people, very old people

You have no reason to suppose that Falkirk is less healthy than other places

I believe it stands preeminent

Can you speak to the general opinion of the Committee as regards this Bill?

I would say that generally almost unanimously there is a very strong feeling against this application of that there can be no doubt

Are you cognizant of these Meetings that have been held with reference to the Bill?

I forget how many meeting I have attended but I did attend one in Wilsons building about the beginning of 1858 & Mr Henderson, who I understand has been examined as a witness, made a statement with a view of drawing the Meeting into a Resolution to promote a Bill in Parlt. I was not aware that any such statement was to be made but the statement is so highly colored that I felt it my duty to make a counter statement & having a few miles to travel that night I left the Meeting hurriedly, but under the impression that the Meeting was decidedly adverse to the Bill – but that Meeting could not be looked upon as a Meeting reflecting the sense of the community because I do not think there was any thing in point of numbers to warrant it. It was in a Room of no great dimensions & the Room was filled.

That is the small Meeting.

Yes

Were you subsequently present at another Meeting?

Yes at the Exchange

Was the feeling unanimous in opposition to the Bill?

Yes with the exception of a few & Mr Henderson among them.

Have you at all looked into the rating Clauses of the Bill?

I did at the time the Bill was before the House of Commons

Did you take out the minutes that the Public body would have the power to levy under the authority of this special Act?

I did & reading from my Notes the Assessment was at that time the power to assess was 6/7d in the pound besides private improvement expenses 6/10d. Under Section 74 there is a special Rate of 6/10d. 30 years assessment – sinking fund 5 per cent. There are a number of other acts adopted under it but there are other things immediately leaving upon the community.

In your Bill founded upon careful examination and analysis of the Bill & Acts there would be a specific power of changing 6/7d in the pound & various unlimited powers besides

Decidedly

Would you consider it desirable, looking to the permanent advantages of the Community of Falkirk, to intrust powers of that description to any public body?

My opinion formed at the time previous to the introduction of the Bill, & when the Bill is there & now is that the whole thing is a burlesque upon the Municipal Corporations Act. It is perfectly uncalled for by the existing state of the Town. I would not be disposed to entrust such powers to a Municipal body but with respect to a Community like Falkirk it would be perfect madness

Adam Smith Esq.

Let us suppose possible recklessness in the management of this trust would not the levy of rates amount to the positive confirmation of the property of Falkirk

I said so at the time and I am of that opinion still

Cross Examined by Mr. Mundell

Now when you made that statement as you say from your Notes in the presence of Mr. Elliott York, did he not show you that you had fallen into a mistake and did not the Chairman expressly state that the declaration of Mr Adam Smith that the taxation, if it were enforced according to the Schedule, would be confiscation seemed to compel the Committee before coming to any conclusion upon the preamble to require that the several minutes of the maximum & minimum taxation should be prepared in a tabular form – did he not require that?

In a conversation between you & the Chairman there was some such thing, but there was no such conversation between the Chairman & me

I did not say in a conversation with you – but after you had made that startling statement did not the Chairman require tables to be prepared to show whether that statement of yours was founded or not

I think there was some tabular statement prepared in consequence of what passed between you & the Chairman

Chairman It was after the Meeting of the Committee they had some little conversation & Mr. York wrote down on paper what he required

Witness The Chairman took notes of some part of the Evidence. What, I cannot say. I had no access to his papers

Was not the result that 2 papers were prepared & handed into the Committee -

I have not seen them to day I saw them previously. I forget

Now you live out of the Town altogether do you not - Your private residence is some few miles from the Town

By the Committee Where do you live now?

I live between 4 & 5 miles out

Mr. Mundell Is your office in the High Street?

Yes it is

Now I do not put this offensively to you – although your office was in the very Street so improved, did you subscribe one penny to its improvement?

I have subscribed many pennies to the improvement of Falkirk

My question is distinct with reference to the improvements of High Street at the time they were required.

What do you refer to?

The improvements some years ago when the Streets were paved & the Sewers laid down to which the Feuars subscribed largely in 1851 or 1852

I have spent money in improving the Streets & pavements but there was a general Causeway paving of the High street. I did not contribute to that. It was when I found that the entire Street should be paved instead of casemated the party in charge of the Streets improperly objected to that and hence I would not subscribe – It was from no want of will

My friend may have from you your reasons for withholding your bounty if he likes, but in point of fact did you subscribe one penny?

No

Not one farthing

No

Although you had at that time your offices in the High Street

That special improvement of the High Street proper I did not give anything to.

Now are you of opinion that the Town is in such a good state that it does not need any improvement at all in a sanitary point of view.

I do not know but that something might not be added to it

I shall be obliged to call your attention to something which occurred in the Commons in order to test the truth of that evidence which you had now given. Did not this occur – Did not the Committee put this question to you “Supposing they were to come and to drain Falkirk without any expense to you, put sewers in and make the whole place in a good sanitary condition would you reject that offer because you did not want it? And did you not answer “Certainly not”?

My answer to this meant to convey that

First of all did you not answer “Certainly not”?

I answered in this sense

Answer my question

My Answer was this, that I would not object to any improvement conferred upon us however far beyond our means

I must have an Answer to that question. Did you not answer “Certainly not”?

That was the answer. I gave no other

Did not the Chairman of the Committee then say “Then it is a question of money”.

The Chairman did use those words

Now Sir were you not asked by me either by the Committee there was a sum of $\frac{3}{4}$ in hand and were you not asked would you expend the whole $\frac{3}{4}$ and you said “Yes and something more” Did you not answer that ? Were you not asked whether you would not expend in improving the town $\frac{3}{4}$ and whether the Town Council was not in a very bad state and did you not answer that that was a question of degree?

My answer was that for my own satisfaction I would expend $\frac{3}{4}$ but I never meant to say that the whole $\frac{3}{4}$ should be spent in –

You said "It is a question of degree" If the town were your own you would lay out the whole of the $\frac{3}{4}$. Does not that show that it is in a very bad state? If the town were my own and I wished to give it all the amenities of a private house fitted for a genteel family I would make it different from what the $\frac{3}{4}$ would make it, but with reference to the Inhabitants I think the $\frac{3}{4}$ is too much "Now did you not answer that"

I did say that. I mean to say that if it was my own house and the circumstances justified it I would spend as much as that to give all the amenities possible. –

Do you mean to tell the Committee now that it requires nothing? Now I will just call your attention to one thing you have said, that we proposed to raise $6\frac{5}{7}^d$ in the pound

Yes

Our part of that is made up of a sum of $\frac{3}{4}$ being a fifth part of a certain expense leviable for 6 years not exceeding the one year's Back rent. Has it entered into your mind that $\frac{3}{4}$ at all events can only last for 6 years. –

Necessarily that identical assessment must only last for that time the assessment would be exhausted but another would be repeated and so interminably –

That is your Opinion –

Yes

If the Town is in this Condition of good drainage it would not be wanted then why do you assume that it would be wanted toties quoties ?

In every well regulated Establishment a first Expenditure may be incurred and extravagance may induce another expenditure afterwards. Do you contemplate that the necessities of the Town are so great that they would require this a perpetual charge the $\frac{3}{4}^d$

I think so if the same spent dictated the Managers as the Promoters of this Bill The people are also to be elected by the taxpayers – has that entered into your head It has

Did you observe running through the whole General Police Act a Statutory limit consequent upon the borrowing powers? You seem to have examined it and you come here to speak to confiscation. How far have you examined it –

My examination was previous to my coming here. Refer me to any particular clause and I will answer you

I will do so – look to the General Act Section 340

I have it not in my hand

Section 340 is the borrowing power

I see the clause –

The words “for the making and constructing the Common Sewers” I dare say your examination of the Act enables you to say it is now out of this Clause by the Nuisance Amendment Act. You see these words in the 4th line “for making or constructing the Common Sewers”

Yes

Do you not know that the Nuisances Act repeals that Clause as to that part constructing Sewers?

The Nuisances Act repeals certain portions of it but unless I had the Nuisance Act in my hand I could not say what portions –

For all these purposes the Commissioners may borrow sums – is there not this proviso “That in all cases where it shall be necessary to borrow any sums for the purposes of this Act they shall be liable to assess all occupiers for an amount equal to 5 per cent upon the sum borrowed “and then so much for interest and then comes the proviso (The learned Counsel reads the Proviso) You know that by our Act we are restricted to a shilling – did it not occur to you that that borrowing power limited the assessment under this Act

I may labour under a mistake

Your examination of these Bills has not enabled you to say whether there is any Statutory limit of the power of rating before

I believe (and I speak with all the confidence I am capable of) that there is an assessment to the extent of 6^s/7^d in the Bill as it came into the Comment besides the other things I have indicated

And you say that according to your judgement you see no power of limitation whatever

Independently of anything I see in the Act these powers existed when the Bill came into the Commons.-

Your reading of the Act does not enable you to say –

I say that that is my opinion still that share is an assessment power of 6s/7d specially besides other things unlimited. That is my opinion – I may be wrong –

That the borrowing powers confer an unlimited power of rating, that is your opinion

I am speaking of the assessment.

You have read the Act and it has not occurred to you that there is any check upon this rating at all –

There is no check whatsoever with reference to this 6^s/7^d

And all those other sums are also in your judgement equally unlimited

Some of them are limited and some of them are unlimited

Now under the Nuisances Act you say that the General Sewer Rate is unlimited

Sections 75 and 76 as I read them

Is not the object of the 70th Clause simply for the making enlarging and constructing of Sewers?

Adam Smith Esq.

There is an assessment power in the Nuisance Act to the extent of 6^d but I decline to go into the Clauses of such a very voluminous Act

But there is no limit whatever

No limit to the 70th Section

But all those Sums that you speak of as amounting to contribution is there any limit to them

There is no limit with regard to Clause 70

You did not favour the Committee of the Commons with how much you would lay out if this had been your own property, you would say you would lay out $\frac{3}{4}$ and more what limit would you go to

If I was the fortunate Owner of all the houses in the Town I would have them nicely carpeted and adorned

You say you would do that if you were the fortunate Owner of all the houses in the Town but concerning yourself as you are now Mr Smith the Writer the Writer of Falkirk. How much would Mr Smith the Writer of Falkirk, how much would you lay out? what limit would you go to?

They are as small as can be and they do not want anything else

How much would you lay out upon the Town?

As an Inhabitant, not a penny

You say that you would lay out $\frac{3}{4}$ how much more would you lay out?

I cannot say

Re examined by Mr Loch

About this rate power you went over the Bill as it was in the Commons

I did

And you derived from the Clauses of the Bill the conviction in the specific powers conferred upon the Commissioners – the general assessment of yearly rent is 1^s/-

The general assessment 1^s/-

Where is that power given?

Clause 3 in the Bill, I am speaking of the original

Clause 3 in the Bill gives the power of levying the general rate of 1^s/-

Yes 9^d

That is for Water supplied

Yes

Clause 21

Clause 22, I have it, gives 3^d

That is for the payment of Stint Master and Feuars debt

Yes

That is in Clause 21 of the Bill it gives a power of levying a rate of 3^d for the Stint Master and Feuars debt is that so

Yes

Clause 27

That gives 6^d for water used for domestic purposes

That is now Clause 21

It is a rate of 6^d

That is not a compulsory rate

It is not a compulsory rate, it is a contingent upon the parties taking the water in

But if the people took the water which they are represented to be so much in need of they must pay 6d for it

Yes

Where do you get the $\frac{3}{4}$ from?

That is the general police rate there is a power for levying a rate for constructing drains and doing that sort of thing

And 6d under the Nuisances Removal Act for special sewer rate

Yes

Under Clause 60

Yes

Your meaning was that although $\frac{3}{4}$ will terminate with the repayment of the sum originally expended at the end of 6 years the governing body may impose a fresh rate?

Yes with respect to House property of which I have some it would require at the end of 6 years what it would require at the beginning

You would not like to trust the discretion of people

The first spending would necessarily occasion the spending of another $\frac{3}{4}$ to keep up a state of repair. The extravagance of the Commissioners after they had had a first outlay would induce them to keep it up and further add to their extravagances

You do not mean to say, nor has anyone said that this money will actually be spent but that you do not like to entrust such powers to a Governing Body such as you have in Falkirk?

I do not like to trust such powers. It is not needed

But you do not like to trust such powers, whether needed or not, to any governing power in Falkirk?

I would willingly give such power in a municipal community but not in such a community as Falkirk

Adam Smith Esq.

Now founded upon the examination in the House of Commons you of course would not object to any amount of improvement of your property that is given you free of expense

No one ordinarily would object to give it.

Now let me read the answer that you gave to which my Friend has alluded, "If the town were my own and I wished to give it all the amenities of a private house fitted for a genteel family I would make it different from what the $\frac{3}{4}$ would make it but with reference to the Inhabitants I think the $\frac{3}{4}$ is too much." Your answer was meant to convey this that you did not think the expenditure of $\frac{3}{4}$ necessary?

Decidedly so.

Mr Mundell - read to him what he said before

Mr Loch - Would you expend the whole of the $\frac{3}{4}$ ^d "Yes and something more" "That shews that it is in a very bad state does it not" "It is a question of degree." That answer is qualified then – your opinion stated shortly is that it is not necessary

It is not necessary

You do not believe in all this horror of filth in the lower part of the Town in the lanes of the Town and that there is any necessity whatever for this

They are all extravagances and mere ex parte statements without any foundation in fact

You mean to say they are imaginary

They are imaginary: there is more dirt in George Street opposite Messrs Maclarens office than in the streets of Falkirk

Robert Adam Esquire is called, sworn and examined by Mr Loch as follows

Are you a Banker at Falkirk?

I am

You have resided there 38 Years

Yes

For 27 Years you have been agent for a Bank there

Yes

And for 15 Years prior to November 1857 you were provost of the Town

Yes

Now have you at various times taken steps for the purpose of bringing these questions of a police act under the consideration of the town?

It was during that period

What has been the result?

On both occasions the adoption of the Act was rejected by a majority

You are now alluding to the proposal to adopt Lord Rutherford's Act

Yes

Are you also cognizant of measures having been taken to consult the town with reference to a special Act

Yes

What was done about that?

Measures were taken

Yes, what happened upon the occasions which were employed to consult the town about the special Act?

A public meeting do you mean?

Yes

Resolutions were passed condemnatory of the Act and the public meeting approved it

Approved of what?

Approved of the resolution condemnatory of the Act

Without going into it a great length is the opinion of the Town of Falkirk adverse to or in favor of this Act?

I should say most decidedly adverse

Is Falkirk a healthy or an unhealthy place?

A most healthy place

Would you extend that remark to Grahamston and Bainsford?

I would

Have you heard the evidence in this case as to the condition of things existing there?

Yes

Is it exaggerated or is it true?

I think decidedly exaggerated

The Town of Falkirk itself, is that in a state of Cleanliness?

It is indeed

Even the back lanes which lead into the main street?

They are all swept

Where do you live?

I live without the Town but within the Parliamentary boundaries

Where is your place of business?

In the High Street

You spend your days in the High Street?

Yes my business hours

Cross Examined by Mr Mundell

Do you mean the Committee to understand that you think the supply of water sufficient for the Town, namely 3 Gallons per head for an inhabitant?

Three Gallons in any family, 12 I should think, 36 Gallons quite sufficient and for sewage and other purposes more than sufficient

You may find it sufficient but do you mean to give an opinion that three Gallons is an adequate supply – you have Carpets; the poor have no Carpets

I can scarcely give an opinion

Do you put the sanitary conditions of Falkirk as high as other neighbouring Towns?

The High Street is in as perfect a condition as any Town I have seen and the little lanes are equally so

Do you ever go into the little back lanes?

Yes, they are swept and cleaned

Is the Churchyard drain in a wholesome condition?

It is not at all unwholesome, it is in a high elevated position

Have you formed any opinion whether it is desirable to unite the Government of the Town Council, the Stentmasters and the Feuars all in one body.

I think it is not necessary that it should be so

Have you ever been of a contrary opinion?

No

Never? I will call your attention back to 1852 when there was a meeting for the Special Bill; were you not then of opinion that the Stentmasters and the Feuars property should be taken from them and vested in the Municipal body

That Special Meeting called by me

Yes

I stated that if it was the wish of the inhabitants that all the matters connected with the Town should be transferred to the Magistrates I would be most happy to go along with them but not without the concurrence of the Stent Masters the feuars and the other parties interested

Now I am going to read something and you will tell me whether it is correct or not. "I have heard much talk about getting a special Act for ourselves and cutting out those clauses which are obnoxious and substituting those which would be more beneficial for the Town and I believe there is in the town only one opinion namely that if we had a suitable act it would give great satisfaction." Your very elaborate speech was met with cheers – Is that true?

Yes, if we had a suitable Act, I have no doubt it would be satisfaction, but such an Act as this gives dissatisfaction

At that time you thought you wanted some Act

These Police Acts will not suit our purpose & if it is wished to be all one Act that is the only way of doing it

At that time did you not think you needed an Act of Parliament?

I did not think so

Referring to these Accounts of these things were you not the Provost of the Town at that time?

I was

Did you not appear there advocating a Special Bill & saying that it was suitable to the necessities of the Inhabitants?

A special Bill if it embraced every thing & had the concurrence & approbation of the Inhabitants

Do you object to this present special Bill because it does not include every thing?

Yes I do

Do you think it ought to include the Feuars land?

Not without their consent

If the Feuars would consent would it be desirable in your opinion that it should include their land?

If they would consent it would not matter – I do not say it would be desirable any more than that

Was not in 1852 your chief objection to the Act & why you wanted the special Act because the Agricultural lands would be assessed too high under the general Act

I am not aware of it

I will read it to you because you do not seem to recollect anything “Now Gentr, this is one point for consideration should the Agricultural lands be assessed or should they not – In my opinion they should not be fully assessed & they should not be wholly unassessed, say to the extent of $\frac{1}{5}^{\text{th}}$ or $\frac{1}{6}^{\text{th}}$ of the property assessment – “Was not that your opinion at that time

That is the general foundation on which we supposed the Bill ought to be founded.

Did your opinion go along with that or not?

I should think so

You were advocating your own opinion

I think that would be judicious

Did you not say this – “that the expense of an unopposed Act would amount to about 5 or £600 and I am sure from the great anxiety for sanatory [sic] improvement there is at present that opposition

1859 Police Act notes

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

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

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

BEAN ROW: A lane running west from Cow Wynd.

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

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

BOLL: A measure of dry volume.

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

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

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

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

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

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

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

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

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

COW WYND: The road running south from the east end of the High Street, originally to the Town Muir, later to what is now Falkirk High Station.

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

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

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

HADDEN, DR DAVID: born Paisley 1833, medical doctor, died Falkirk 1887. ([Back to text](#))

HAMILTON, DR. G: Falkirk medical practitioner educated at Edinburgh University. Published "Rudiments of Animal Physiology, for use in Schools, and for Private Instructions" in 1840. ([Back to text](#))

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

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

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

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

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

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

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

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

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

LORD CHURSTON: title created in 1858 for Sir John Yarde, Baronet. ([Back to Start](#))

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

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

MACFARLANE, ALEXANDER: born Alloa 1789 and died Falkirk 1863. Agent in Falkirk for the Bank of Scotland, Deputy Lieutenant for Stirlingshire, JP. Built Thornhill House 1851-2.

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

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

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

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

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

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

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

POUND SCOTS: By 1600 this was worth 1/8d, a twelfth of an English pound. It remained at that value. ([Back to Page 25](#)) ([Back to page 46](#))

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

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

PRIVATE LAMP AT THE INN AT THE CANAL: This is likely to be the Red Lion. ([Back to text](#))

PUBLIC ROUP: Sale of property by public auction.

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

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

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

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

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

THIMBLERIGGERS: Operators of a sleight-of-hand trick where bystanders are asked to bet on which of three thimble-shaped cups conceals a pea or pellet.

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

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

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

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

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