

Alfred John List, the Architect of Policing in the Counties of Scotland.

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The Haddington rural force was soon regarded as the model for the establishment of county police in most of the other shires of Scotland.

Alfred John List's Obituary, *The Scotsman*, 22 March 1883.

Alfred John List was the most influential writer on the establishment of the rural police in Scotland. He articulated the purposes of the rural police and specifically stated how these aims should be achieved. He is a significant figure because more than anyone else he set the agenda for the way that the counties of Scotland would be policed. The establishment of the Metropolitan Police in 1829 and the perceived need for an improvement in police all over Britain, left thinkers and writers unsure of how this new arm of law and order should be applied in rural Scotland, an environment completely unlike the rapidly expanding metropolis of London. List took elements of the practice and methods that he had learnt in London and added his own refinements for the counties of Scotland. His contribution was important because he realised that the section of society that the landed classes of the Scottish shires feared the most, was the wandering poor. He articulated this fear and proposed that the new police should directly address the perceived problems that the roaming population caused, by a system of surveillance. The new police were to target vagrants in a system of official harassment that was not always grounded in common law or statute. His system of rural policing, refined whilst he was in charge of Haddingtonshire and Edinburghshire, was adopted throughout Scotland but particularly in the border counties.¹ Few historians have acknowledged the contribution made to policing by Alfred List. Reith mentioned him mainly because of his contact with Chadwick but believed him to be a 'humane and kindly man'.² In contrast Carson and Idzikowska's study of policing in Scotland between 1795 and 1900 led them to conclude that he was by far the most influential senior officer in Scotland during this period.³

¹ Haddingtonshire was also known as East Lothian, and Edinburghshire as Midlothian. East Lothian and Midlothian were used more frequently as the nineteenth century progressed.

² Charles Reith, *A New Study of Police History*, London: Oliver and Boyd, 1958, p 210.

³ Carson, and Idzikowska, 'The Social Production of Scottish Policing', in Douglas Hay and Frances Snyder, eds, *Policing and Prosecution in Britain, 1750-1850*, Oxford: Clarendon Press, 1989, p 290.

Alfred John List was an unlikely police reformer for the Victorian Scottish shires. His father was Hungarian and his mother Welsh, who despite living in London could only speak Welsh. His father ran a sugar-refining business in London and he dropped the letter z from his name to Anglicise it.⁴ In List's obituary, he is described as having 'interested himself at an early age in criminal law and police matters', and for this reason he joined the fledgling Metropolitan Police on 21 September 1829 as an original 'Peeler'.⁵ Police constable 1316 of E division of the Metropolitan Police must have greatly impressed his superiors because on 28 April 1830, he was promoted to the rank of Inspector.⁶

At this time the Commissioners of Supply of the county of Haddington were seriously considering reforming their system of police. In 1774 they had issued instructions to their constables urging them to discourage vagrants from entering their county and to arrest all 'vagabonds, Sturdy Beggars and Egyptians'.⁷ The instructions were typical of those issued by many counties in the lowlands in the second half of the eighteenth-century, but by 1830 other events including a series of fire-raising in farm steadings and serious disturbances at elections, galvanised the Commissioners into seeking a new form of policing.

In that year, the eighth Marquis of Tweeddale, a friend of Col. Charles Rowan, enquired of the founding co-Commissioner of the London force, if he could suggest a suitable candidate from the London police to fill the role of Superintendent of the county police of Haddingtonshire.⁸ List was chosen and became the first Superintendent of a new police force in the counties of Scotland.⁹ He became part of the exodus of officers from London to the 'provinces'. Policemen from London,

⁴ Reith, *A New Study*, p.206.

⁵ *The Scotsman*, 22 March, 1883, p.4.

⁶ Metropolitan Police Service, Records Management Branch, MEPO 4 Joiners Index, and MEPO 7 Police Orders.

⁷ National Library of Scotland. ESTCT223439. Instructions to constables for executing the police scheme in the county of Haddington.

⁸ The Marquis and Rowan had met in Sicily during their army service.

⁹ Martin Stallion and David S. Wall, *The British Police, Police Officers and Chief Officers 1829-2000*, Gateshead: Atheneum, 1999. Haddingtonshire was the first county to introduce the new police in 1832, followed by Kinrossshire in 1836, Wigtonshire in 1838, and Ayrshire, Dumfriesshire, Kirkcudbrightshire and Perthshire in 1839. In 1857 Lanarkshire was the last of the 34 counties to establish a police force.

schooled in the methods of Rowan and his fellow Commissioner Richard Mayne, took up posts, usually as senior officers in many counties in Scotland, from Caithness to Roxburghshire.

List's initial organisation of the new police in Haddingtonshire involved the division of the county into seven districts, each with a full-time, paid district constable, assisted by part-time parochial constables who were paid retainer fees.¹⁰ By 1841 this force had grown to nine full-time officers and 24 parish constables.¹¹ These officers operated an apparently successful system based on the regular patrol and the gathering of intelligence in the forms of reports and returns. List's men operated a system of surveillance with regular checks on known thieves, vagrants, prostitutes, second-hand dealers, lodging houses and public houses. In this he borrowed ideas from the Metropolitan Police, but he also introduced a patrol book, carried by constables and signed by the respectable members of the community. This was a practice that had been used by the Marechaussee and their *journal de service* in eighteenth-century France.¹² It is not known if List copied the French example or if he developed it independently. This practice ensured that the constables patrolled their districts and possibly more importantly it continually reminded the respectable that the police were out and about protecting their property. Miller, a friend of List praised him as a 'zealous and talented officer', who had removed and discouraged the 'numerous bands of gipsies and low Irish' from returning to the county. He described these groups of travellers as 'nurseries of crime'.¹³

In 1838 List was interviewed by Edwin Chadwick in Edinburgh. Chadwick was gathering evidence for his report on the Royal Commission on Constabulary forces which was published in 1839. It seems that it was a meeting of minds. Chadwick was a Benthamite Utilitarian by inclination and he was obsessed with the belief that crime and vagrancy were almost synonymous.¹⁴ The resulting report argued for the

¹⁰ Various police officers, *The Police Force of East Lothian*, Tulliallan: Scottish Police College, 1970, p.5.

¹¹ National Archives of Scotland. GD302/27. Pay List of East Lothian Police, August to November 1841.

¹² Clive Emsley, *Gendarmes and the State in Nineteenth Century Europe*, Oxford: Oxford University Press, 1999, p.27.

¹³ James Miller, *Lamp of Lothian: The History of Haddington*, Edinburgh: James Allan, 1844, p.506.

¹⁴ S.E. Finer, *The Life and Times of Sir Edwin Chadwick*, London: Methuen, 1952, p. 168.

establishment of a national police force, set up in the image of the seemingly successful Metropolitan Police. Chadwick saw this report as an extension of his work on the Poor Laws and List's answers to his questions echoed Chadwick's attitude to vagrants. The language of the inquiry speaks volumes as to Chadwick and List's attitudes. Chadwick asked List:

Q. Do you believe that Scotland, considering the circumstances of the country, is much infested with vagrants?

A. Yes, I do. I consider it very much infested.¹⁵

The terminology used in the report implies that the vagrants were a dangerous social group, a form of pest to be eradicated. List and Chadwick were not exceptional in expressing such views and other contemporary writers used the same analogy. In 1838, a George Turnbull wrote in a report into pauperism in Berwickshire that 'in former times this county was infested by numerous bands of mendicants, who wandered about without fixed homes or occupations – hordes of vagrants.'¹⁶

The answers that List gave to Chadwick's questions reveal that, having been a policeman in London and in Scotland, he preferred the Scottish system, and throughout the interview he implied that Scotland and the rural counties in particular, did not have the same volume of crime as the English cities and counties.¹⁷

List extolled the virtues of the Scottish legal system, particularly the fact that the police investigated crime and then presented a report to the Procurator Fiscal, the public prosecutor. He also favoured police procedure in Scotland that dictated that once an accused person was in custody, he was not allowed to see anybody until he had been interrogated, cautioned and charged and committed for trial. List argued that the English system allowed the accused's attorney to tutor their client and encouraged them to make false defences.¹⁸

¹⁵ Minutes of evidence taken at Edinburgh before the Commissioners appointed to inquire as to the best means of establishing an efficient Constabulary Force in the counties of England and Wales. Cited in Charles Reith, *A New Study of Police History*, p. 208.

¹⁶ George Turnbull, *Report on the Progress and Present State of Pauperism in Berwickshire*, p. 7.

¹⁷ Minutes of evidence taken at Edinburgh. Cited in Reith, *A New Study*, p.208.

¹⁸ *Ibid.* p.209.

List added that the sliding scale of punishment in Scotland contrasted with the severe sentences meted out in the English courts. In Scotland, first convictions were generally dealt with leniently. If there were further convictions, then the previous convictions were taken as part of the offence and the prisoner would be labelled as a person, ‘by habit and repute a thief’. On reaching this end of the scale of punishments, a convicted habitual criminal would almost certainly be transported.

Throughout his writings, List was keen to emphasise the success of the methods that he had introduced. In reply to a question regarding the efficiency of the police in Haddingtonshire, for example, he stated:

When I came into the district, I obtained a return of persons known as thieves. There were fifty- two of them, of whom nine have since been transported; twenty three have left the county; and the rest still remain. Several of these are now honest men and are believed to be reformed. Nine are still under the surveillance of the police. They have been previously convicted and cautioned that, if they are again caught they will probably be transported.¹⁹

It is hard to assess how much influence List’s evidence had on the final report. He was only one of ‘nearly two hundred important witnesses’ that had been interviewed and Chadwick’s Benthamite views on policing had been in place since 1829.²⁰ In that year his article on ‘Preventive Police’ was published and established his principles of a full-time paid police preventing crime, which was mainly committed by vagrants as a career choice, and not because of poverty.²¹ The article addressed the establishment of a police system in London, but was transposed to a national force in the 1839 Report. Chadwick was the main contributor to the report and the interchangeable use of the terms ‘criminal’ and ‘vagrant’, bear his hallmark.²² Section VII of the report,

¹⁹ Ibid. p.210.

²⁰ University College London, Chadwick Papers, Item 1733/III. Letter from Chadwick to Russell, 3 May 1838. Cited in David Philips and Robert D. Storch, *Policing Provincial England, 1829-1856*, London: Leicester University Press, 1999, p.119.

²¹ Edwin Chadwick, ‘Preventive Police’, *London Review*, no.1, (February 1829) pp. 252-308.

²² *PP 1839 (169)* First Report of the Commissioners appointed to enquire as to the best means of establishing a Constabulary Force in the counties of England and Wales, Section II.

however, concerning the subject of well-appointed rural constabulary forces, echoes List's claims of success.

The districts in which such force has acted have been kept free from vagrants and mendicants, and from migratory depredators: and that habitual depredations on agricultural produce and crimes in general against property have been repressed.²³

Both Chadwick and List can be classed as 'moral entrepreneurs'. Philips described a moral entrepreneur as:

someone who makes a career out of rousing public alarm on some particular issue (especially crime), advocating certain necessary reforms and measures (such as establishing a police force) to deal with the problem, and putting forward himself as the appropriate person to carry out these reforms and measures effectively.²⁴

This definition is a perfect description of Alfred List. His career as a policeman was greatly helped by his writings on addressing the problem of the perceived rise in crime in East Lothian, Midlothian and the border counties. Within the context of the dominant view of the 1830s and 1840s that crime was not the result of poverty but of weakness of character, he managed to demonize the vagrant in his writings and present him as a likely criminal. List followed the example of an earlier moral entrepreneur, Colquhoun, and conducted an, 'alarmist campaign' and a, 'strategy of exaggeration'.²⁵ The reforms he proposed included the establishment of a new police system along his guidelines and the constant surveillance of vagrants and travellers. Empirical evidence was then gathered by the constables to show the extent of vagrancy and their diligence in dealing with it. He successfully promoted the fear of criminals migrating from counties with new police forces to the unreformed areas.

²³ *PP 1839 (169)*, Section VII.

²⁴ David Philips, 'Three moral entrepreneurs and the creation of a criminal class in England, c.1790s - 1840s', *Crime, History and Societies*, 7 (2003) p.82.

²⁵ Victor Bailey, 'The fabrication of deviance: 'dangerous classes' and 'criminal classes' in Victorian England, in Rule J., Malcolmson R. (eds), *Protest and Survival. The Historical Experience. Essays for E.P. Thompson*, London: Merlin Press, 1993, p. 227. Cited in Philips, 'Three moral entrepreneurs', p.80.

The alarm he caused to the ‘respectable’ public was then assuaged by the evidence of his new police combating the problem.

The experience that List had gained commanding a rural police force and in meeting and giving evidence to Chadwick was put to good use in June 1839 when he entered a competition that had been advertised in the *Edinburgh Evening Courant* newspaper. A meeting of the Commissioners of Supply of the county of Forfar had decided that the best way of obtaining a scheme of police for the county was to set a competition with a prize for the winner. The competition was announced as:

One hundred pounds, to be paid as a premium for the best essay, or Practical Treatise, pointing out the most effectual mode of suppressing vagrancy, and containing a scheme of police suitable to the County of Forfar, the expense of which in operation, not to exceed £500 per annum.²⁶

List duly entered his *Practical Treatise on Rural Police*, won the competition and laid out a blueprint for policing in the rural border counties.

List’s *Treatise* set out how the force should be organised and the social group that should be targeted by the police. It was also a self-congratulatory piece in that the examples of the effectiveness of the system were all drawn from the practices he had introduced to his force during the years 1832 and 1839. His entry in the competition was simply a description of his system.

In his Preface List acknowledged that the new police were not universally popular. Nevertheless, he asserted that ‘public opinion is gradually, but surely, becoming favourable to Rural Police Establishments’.²⁷ He continued with this optimistic claim believing that the new police was an inevitable component of progress. ‘A Rural Police’ he explained, ‘is essential to the comfort and security of the respectable part of the community’.²⁸

²⁶ *Edinburgh Evening Courant*, 22 June 1839.

²⁷ A. J. List, *Practical Treatise*, p 3.

²⁸ *Ibid*, p 4.

In 1839 Chartist activities had resulted in legislation being rushed through Parliament to assist in the formation of police forces in the English counties.²⁹ During 1839 and 1840, 16 of the 34 counties in Scotland adopted new police forces. Chartists criticized these new forces believing that they had been formed to oppress the ambitions of the working class. List assured them that they were not to be the target of the new police since ‘the main duty of the Rural Police is the prevention of crime and suppression of vagrancy’. He confidently stated that his system worked in his force area and encouraged other counties to adopt it. He offered empirical evidence of vagrancy being suppressed: ‘In the first week of the Establishment, no less than 100 vagrants – were turned out of the County of Edinburgh. In the week ending the 23rd of November 1840, the number had dwindled to fourteen’.³⁰

The first section of List’s *Treatise* identified and classified exactly the class of people against whom the new police should be deployed. He asserted that, in the rural counties of Scotland, criminals migrating from the cities and the larger towns committed most of the crimes against property. His theme of optimism continued and he maintained that ‘local thieves frequently leave the county, upon an organised system of police being introduced’. Criminals from urban centres were listed as the first group to be watched and there were two further groups. List characterised vagrants as a class that travelled the county, usually in the better weather of the summer, apparently in distress and seeking assistance. He complained that it was often the poorest sections of rural society that encouraged the vagrants by providing them with food and relief. The poor in the counties similarly encouraged the third group that he identified. ‘Muggers and gipsies’ wandered the country and were seen as useful ‘owing to their vending small wares’ and providing services to remote areas.³¹ List believed that many people bought goods from, and used the services offered, because they were worried about the possible consequences of turning them away.

²⁹Philips and Storch, *Policing Provincial England*, p. 139. Philips and Storch argued that the idea that fear of Chartism lead to counties adopting the new police is too simplistic. Some industrial counties including Lancashire cited Chartism as their spur to forming a new police system, but the neighbouring counties of the West Riding, Cheshire and Derbyshire did not opt for the new Acts. Other predominantly rural counties adopted the new police. Philips and Storch cite Staffordshire as the clearest case in which the fear of Chartism and serious disorder played a major part in their decision to form a police force, p.201.

³⁰List, *Practical Treatise*, p.9.

³¹Ibid, p.11.

List considered that all people on the tramp in the counties had to be watched by the police, whether they be a travelling criminal, a vagrant feigning distress, a mugger or gypsy trading with locals, or a person genuinely looking for employment. The clear implication in his writings is that most of the crime committed in the rural counties, was carried out by people passing through. The types of crimes he believed that they committed included trespass, pulling down fences for fuel and the theft of animals and crops. In Haddingtonshire the farmers were encouraged not to interfere themselves when they saw an encampment of vagrants ‘but to send immediate information, either to me or the nearest Constable’. The new police were directed to prosecute the travellers for any offences that were revealed, particularly under the Turnpike Acts. Heavy fines were imposed and if they were not paid, horses and carts were pinded until money was forthcoming. List’s system was official harassment of these groups. This kept them on the move, pushing them into a different, and by implication, an unpoliced county. ‘This method of suppression’, he believed, ‘spread – and deterred the muggers and gypsies from venturing within my jurisdiction’.³² List wrote at length about the organised harassment of vagrants. The instructions he gave were clear and unambiguous: ‘The constables in their perambulations will turn out of the County all vagrants, sturdy beggars and suspicious characters, who have no apparent means of obtaining an honest livelihood.’³³ He also recommended that beggars should be jailed and kept on bread and water to encourage them to find an honest occupation when released.³⁴

The next section of List’s *Treatise* considered the problem of recruiting men to the new police. He considered that ‘strangers to the county’ were preferable to locals. List believed that if a constable was appointed to his native county, then he might encounter problems of loyalty, particularly in thinly populated areas, where he or his wife may be related to accused persons. He explained that if a constable was related to an accused person, ‘they either neglect apprehending, or using proper means in collecting the necessary evidence to prove the case.’³⁵

³² Ibid, p. 13.

³³ Ibid, p. 27.

³⁴ Ibid, p. 35.

³⁵ Ibid, p. 11.

List proposed the two-tier system of policing which he had put in place in Haddingtonshire. District constables were to be employed as full-time police officers and stationed at strategic points throughout the county. Parochial Constables, who were part-time police officers, were to be stationed in every parish in the county. It was a system that acknowledged the practical difficulties of covering a large sparsely populated area and incorporated the established post of parish constable to aid the full time new police. They were to be the eyes and ears of the new police and the District Constables would call upon and visit the Parochial Constable to learn any new local intelligence. List described the Parochial Constables as officers who ‘do not devote their whole time to Police duty, but act when they are called upon’.³⁶

List explained his use of the patrol book as a tool for supervision of the rural constables. To ensure that the men patrolled as directed and were active in their duties he arranged with ‘ministers, schoolmasters and respectable tenants in different parts of each district, to sign the officer’s route-book’.³⁷ This practice had some unexpected consequences as the constables took shelter and gossiped with the respectable people’s servants; cadging drink or food and taking advantage of the glamour of the uniform. In February 1864, Constable Kinsman of Roxburghshire Constabulary was discharged ‘for passing himself off as an unmarried man and making improper advances to a servant at Eckford Manse’.³⁸

The intelligence gathered by both Parochial and District Constables, was to be gathered in ‘Returns’ that would provide the names and descriptions of the wide selection of society that List considered worthy of the watchful attention of the new police. He believed that the benefit of his system was that ‘characters of every description come under the direct surveillance of the police’.³⁹ This surveillance, he maintained, would prevent crime, but if an offence had taken place, then a detection was likely to follow. This led to a predictable table of those to be watched. Top of this league were convicted thieves, persons with no visible means of livelihood and known vagrants. Vagrants obviously included associated wanderers that had entered the county including ‘gipsies, tinkers and muggers’. Other groups and establishments

³⁶ Ibid, p. 12.

³⁷ Ibid, p. 12.

³⁸ Roxburghshire Constabulary, Constables Register No.1, 1858-1868, p. 80.

³⁹ List, *Practical Treatise*, p. 13.

included in List's league were prostitutes, reseters, dealers in old metal, lodging houses, brothels, houses frequented by thieves, poachers and 'cadgers'.⁴⁰

List concluded his *Treatise* by emphasising the benefits of his system and insisted that if counties adopted his system, they would save substantial amounts of money, a consideration that was never far from the thoughts of the Commissioners of Supply of all the Scottish counties. In the final section, List also paraded a series of letters from the good and the great of the county of Haddingtonshire, complimenting him on the improvements in the county since he had taken office. The following from Mr Aikman of Gifford being typical:

You have extirpated the hordes of gipsies and muggers and also the sturdy beggars; or if they are found in any part of the county, they are instantly brought to justice, and receive their due reward.
(24 August 1839).⁴¹

The *Treatise* had a significant impact on the rural counties which were debating the issue of establishing a new police and it subsequently became a template for the new forces in the Border counties. Moreover, the impact on List's career was hardly less important for in 1840 he left his post as Superintendent of Haddingtonshire to take up the position of Chief Constable of the neighbouring county of Edinburghshire. The Commissioners of Supply in Edinburghshire believed that they had appointed a man with particular talents, and who could deal with their acute problem of vagrancy. The county was wrapped around the city of Edinburgh from where the Town Guard and the new police regularly pushed vagrants outside the city boundaries. The authorities in Haddingtonshire apparently appreciated the impact that List had made on their county and they appointed his brother, George Henry List as Superintendent to replace him.⁴²

⁴⁰ Ibid, p. 27.

⁴¹ Ibid, p.35.

⁴² Reith, *A New Study*, p. 208. There is no record of George List being a London policeman, but he is believed to have worked in the new police in Aberdeen and he had been the Chief Officer of Musselburgh Burgh Police throughout its short life between 1835-1840. In 1840, this small burgh police force amalgamated with the county force of Haddington. He obviously pleased the Commissioners and suited his role because he served as Chief Officer of Haddingtonshire from 1840-1893. In 1862 he was also appointed as Chief Officer of Berwickshire Constabulary. George List was, in effect, a Chief Constable for a period of 58 years.

Immediately upon this appointment, Alfred List was confronted with another group of people who were not native to the county, or settled in Scotland. The rapid expansion of the railways in the southern counties of Scotland had introduced a group of mobile male labourers, the navvies. These men were drawn from all over the British Isles but mainly from Ireland. It was during these early years of the county police that the navvies came to regard the new police as their natural enemy.

In June 1840, on learning that Midlothian Constabulary was to be formed with List as Chief Constable, the navvies on the Edinburgh to Glasgow line marched on Dalkeith to demonstrate their indignation. They viewed the establishment of this force as a reflection on their characters and thought that the constabulary was being introduced with the single purpose of confronting them. A riot ensued, and in an action that displayed to the navvies and the general public, that the new police would act resolutely, two navvies were arrested. The impact of the new police was emphasised when other navvies tried to rescue their work mates. This action prompted the raw police recruits, aided by local people, to make three further arrests.⁴³ This was a scene that was to be repeated on the length of the railway lines throughout Scotland. List further infuriated the navvies by banning them from keeping their mastiffs and fighting dogs, or indeed any dog.⁴⁴

Alfred List carried forward the principles articulated in his *Treatise* into his new role. In his *Preface to Instructions to Constables within the County of Edinburgh*, the influence of Mayne is clear. The Chief Constables of newly formed county forces in both England and Scotland often copied Mayne's *Instructions* when they were compiling rules for their own constables to emphasize the importance of prevention.⁴⁵ In the instructions issued to the new police of London in 1829, Mayne wrote: 'It should be understood at the outset, that the principal object to be attained is the Prevention of Crime'.⁴⁶ In his *Instructions*, written in 1840, List adopted Mayne's words and added his own to suit the needs of the county: 'The Constables must clearly understand that the principal objects to be obtained are the "Prevention of

⁴³ James E. Handley, *The Navy in Scotland*, Cork: Cork University press, 1970, p. 291.

⁴⁴ *Ibid.*, p. 33.

⁴⁵ Emsley noted that there had been a succession of leading figures arguing for a preventive police, including the Fieldings, Colquhoun and Peel. Clive Emsley, *Crime and Society in England 1750-1900*, London: Longman, 1987, p.233. Chadwick could also be added to this list.

⁴⁶ Reith, *A New Study*, p. 135.

Crime” and the “Suppression of Vagrancy”; to these objects their especial attention must be directed.’⁴⁷

Further, more specific instructions followed on from his ideas in his *Treatise*, and included the need for District Constables to visit Parochial Constables and the completion of a route-book with signatures of local dignitaries verifying the constable’s patrol. Uniformed officers patrolling to prevent crime was List’s vision.⁴⁸

The issue of vagrancy exercised List’s thoughts throughout his career and from 1840 Midlothian Police maintained statistics of the extent of vagrancy in the county. In 1842 and 1848, he wrote to the Justices of the Peace of the county on the subject. He wished to have a uniform law across Scotland for vagrancy but his experiences had made him aware that some of the population were in desperate straits and had to resort to begging and vagrancy. List wrote to the Justices that ‘I should be sorry to see all who are found begging apprehended and liable to be so’. He thought that there should be a clearly defined law that enabled the police to target vagrants that were not looking for employment but used it as a cover to steal and obtain a living without working.⁴⁹ He went on to describe the four classes of vagrant:

1. Those who give baubles to children in exchange for articles which the children probably stole, encouraging a life of crime.
2. Those pretending to be shipwrecked sailors.
3. Those who pretend to sell but really pilfer.
4. Those who intimidate people living in lonely places and money is given through fear.⁵⁰

In this memorandum List expressed concerns that the provisions of the Edinburgh Police Act resulted in all types of con men being ejected from the city and into his county. He lamented the fact that county law did not control ‘Thimblers, chain-

⁴⁷ A. J. List, *Preface to Instructions to Constables within the County of Edinburgh*, Edinburgh: Fraser and Crawford, 1840, p.42.

⁴⁸ In 1850 Rowan suggested that rural police officers could not possibly be as effective as a city beat system in preventing crime by their presence. In the countryside he believed that the police could ‘prevent crime by detecting offenders’. *The Times*, 15 October 1850.

⁴⁹ NAS. AD58/63. A. J. List, Memorandum to the Justices of the Peace of Edinburghshire, 1842.

⁵⁰ *Ibid.*, 1842.

droppers, ring-droppers or any persons pretending to have articles representing them as greater value than they really are for the purposes of fraud or imposition.⁵¹

The navy population in the southern counties continued to be a source of confrontation for all of the new police forces. In the county of Midlothian in 1846, there were 5,065 navvies working on the Caledonian and North British Railways. This navy population was comprised of 60% Irishmen, 38% Scotsmen and 2% Englishmen.⁵² During the night of Saturday 28 February 1846, an incident occurred which influenced the way that the new police would henceforth deal with the navvies. On that Saturday payday, Irish navvies were in a public house in Gorebridge, Midlothian. A pedlar was trying to sell his wares when one of the navvies stole two watches from him. The pedlar contacted the police and two of the navvies were arrested and locked-up in Gorebridge Police Station. Approximately 300 navvies, arrived at the police station armed with ‘bludgeons, pickaxes, hedgebills, etc’, intent on liberating their workmates.⁵³ Two policemen attempted to hold onto their prisoners, but were overpowered and the men were released from the cells. The mob then went to nearby Fushiebridge where they met District Constable, Richard Pace, returning from his patrol and unaware of the riot. He was attacked and received numerous blows from various weapons. Pace was later found in the roadway and taken home where he died from his injuries.

List learnt of the riot and assembled a force of Midlothian constables and officers borrowed from Edinburgh City together with a body of English and Scottish navvies. During the course of the next day, thirteen of the rioters were apprehended and later a further nine were captured. The police were unable to establish who had actually killed Constable Pace. The murder affected the local population deeply and a mob of over a thousand people, comprising English and Scots navvies, and miners from nearby coal pits, marched on the Irish encampment. Most of the Irish navvies had made off to Edinburgh and so the mob set fire to their huts. Twenty constables stood

⁵¹ Ibid, 1842.

⁵² *Scottish Railway Gazette*, 25 July 1846, cited in Handley, *The Navy*, p. 39. In July 1846 the Caledonian Railway had 1,204 Irish, 812 Scots, and 59 English navvies working on the lines. The North British Railway had 1,856 Irish, 1,101 Scots, and 33 English navvies.

⁵³ *Kelso Chronicle*, 6 March 1846.

by and did not intervene.⁵⁴ A reward of £50 was offered for the capture of two named Irish navvies and a description circulated, however they were never apprehended.

In the same year List witnessed the ineffectiveness of his police when outnumbered by rioting Irish and Highland navvies. The navvies in Midlothian set fire to, and destroyed the huts provided for the workers. The county police, unable to stop them, were seen to be running around in all directions, apparently acting in blind fear and panic. Sheriff Jamieson asked List, where the police were and what were they doing. He replied, ‘taking care of themselves’.⁵⁵ The police were so few in number compared with the rioters, that all they could do was defend themselves.

These experiences appear to have hardened List’s attitude towards the navvies and in later dealings, the county constabulary was extremely robust. Saturday paydays followed by heavy drinking often led to confrontation. In July 1848, on hearing that the navvies in the village of Stow in Midlothian (where I live) were determined to riot, List sent a body of twenty constables to the village. Significantly, they marched into Stow at midday, well before the navvies had started drinking, and were quartered in the schoolroom, ‘to the delight of the inhabitants’. Later that day a riot erupted in an inn. The police under List’s command cleared the inn. The action was described in a local newspaper: ‘A general attack was made on the police, who charged with such resolution and effect as to put their opponents to flight’.⁵⁶ No arrests were made and none of the police suffered any injury. List had learnt to meet any navy threat with resolute police action that included baton charges.

In June 1853, List gave evidence to the Select Committee on Police. In his interview he returned to his familiar topics including vagrancy, the lack of constables and dealing with riots. He did not lose the opportunity to promote his *Treatise* as a plan for rural forces. Asked about the rural police in Scotland, he replied to the effect that his system was the one that all of Scotland should adopt. In a rather unfortunate phrase he added:

⁵⁴ Handley, *The Navy*, p. 287.

⁵⁵ *Minutes of Evidence Taken before the Select Committee on Police*, 23 June 1853, p. 107, (3988).

⁵⁶ *Border Advertiser*, 21 July 1848.

In our Scotch counties we have an advantage over the English counties in not having our men so thick; I do not see the use of having beats for patrolling a rural district in the same manner as you would in town.⁵⁷

According to List, his system had resulted in the value of property in Midlothian going up and it had become an attractive place to live. He explained in evidence:

A few years ago a gentleman bought a property in that part of the county called the Gala Water, towards Roxburghshire, and he told me he was induced to buy the property in consequence of looking at the annual table of crime – Heriot was so free from crime and vagrancy.⁵⁸

The Lord Advocate asked List if a rural police act should be made compulsory, and if so, did he have any suggestions. He agreed that it should be compulsory and added in typical fashion, ‘I prepared a plan a short time ago’. He had put the plan to the Commissioners of Supply in Midlothian. It proposed a uniform system of county police and even more radically it was to be an amalgamated police force for all of rural Scotland.⁵⁹ He argued that his system would cost less than the present organisation because it would require less administrative staff. It would offer consistent policing across Scotland, and it would take cognisance of local Commissioners of Supply but would not be interfered with by local worthies. He was not asked if he had a candidate for the role of Chief Constable of all the counties of Scotland. Probably the question was unnecessary.

At the end of his interview List returned to his favourite subject when he advised greater inspection of lodging-houses to check vagrancy and so prevent crime. He cited an example of his old force, Haddingtonshire, which under the command of his brother, had maintained his system and dedicated six constables to remove vagrants.

⁵⁷ *Minutes of Evidence 1853*, p. 104. (3937).

⁵⁸ *Ibid.*, p. 104. (3938).

⁵⁹ *Ibid.*, p. 105. (3962).

I am assured by the Superintendent there, that since the plan has been adopted there have been scarcely any cases of crime at all, showing that the petty crime has been uniformly committed in that county by travelling vagrants.⁶⁰

List remained as Chief Constable of Midlothian until he retired in 1877. He did not realise his ambition of becoming Chief Constable of the Scottish counties, but on his retirement the police committee of the county considered that he had rendered valuable service to both Midlothian and Scotland. He was entertained to a public dinner and bequeathed the sum of £2,000. List died at his home in Edinburgh six years later at the age of 85 years.

Alfred John List was the most influential thinker and writer on policing the Scottish counties in the nineteenth-century. In his writings, the influence of Rowan, Mayne and Chadwick can be found, but he adapted their ideas for the rural situation and particular problems that he found in Haddingtonshire and Midlothian. He adopted a two-tier system of a small core of full-time officers augmented with a larger number of part-time parish constables. This truly allowed a gentle transition from the old police to the new police and his system remained in place particularly in the border counties of Berwickshire, Roxburghshire and Selkirkshire from the early 1840s until the middle years of the 1850s when the Police (Scotland) Act of 1857 demanded 'efficient' forces of full-time policemen. His use of the patrol book along the lines of continental gendarmeries is more problematic. He may have had knowledge of foreign police forces or he may have developed it independently as a tool to ensure proper patrolling and to reassure the respectable folk of the county. He borrowed from Rowan and Mayne for his *Treatise* and for his *Instructions to Constables*. He borrowed from Chadwick in his plan for a centralised police force for the Scottish counties. To understand policing in the Scottish counties in the nineteenth century, it is essential to understand the writings of List. The composer of his obituary did not understate his importance when he wrote:

⁶⁰ Ibid., p. 108. (4005).

It was to the deceased gentleman, who was for nearly half a century connected with constabulary in Scotland, that the rural police system, in this country, in a great measure, owed its original organisation.⁶¹

⁶¹ *The Scotsman*, 22 March 1883.