

**CONSTABLE
DAVID McDONALD,
LEITH BURGH POLICE
1875 -1882**

by

Patrick W. Anderson

It is always sad when any young Police Officer is cut down so early in life, with his whole life ahead of him. Hopefully Police Scotland in Edinburgh remembers these two brave Constables.



During 1966 I visited Constable Robert J. Owen, Inverness-shire Constabulary at Nethy Bridge Police Office. He said, that on Tuesday 20 December 1898, Constable Thomas King, of Inverness-shire Constabulary had been shot and fatally wounded whilst executing an arrest warrant on a poacher. Constable John MacNiven, who had gone to execute the warrant with Constable King, survived the shooting. I remembered this story during my thirty years police service.

Just weeks before my retirement from the West Yorkshire Police, I read in the media of the re-dedication at Abernethy Cemetery on Saturday 20 December 1998 at the grave of Constable Thomas King. Relatives of Constable King attended. I heard recently that my friend retired Constable Owen attended this event just before his death a few months later.



During 2012, I received a communication from Mandi Munro who

told me about a headstone bearing this inscription in Latheron Churchyard :

Erected by the Leith Police in Memory of DAVID McDONALD who was fatally stabbed while in the discharge of his Duty Leith on the 24th May 1882 and Died in the Royal Infirmary Edinburgh 22nd June 1882. Aged 26 years

My research found that David McDonald was born on ..day 30 June 1855 at Latheron in Caithness-shire, although I noted that the spelling of the surname in the Register is MacDonald. The 1861 Census records that John McDonald and his wife Christina resided at Latheron with their family, Elizabeth aged seven, David aged five, and three younger children. The 1871 Census lists John McDonald, a crofter with his wife and then six children, including David McDonald aged fifteen and listed as a scholar. But ten years later, the 1881 Census records that at 67 North Fort Street, North Leith, Edinburgh, was living a certain Margaret McSwan, a lady's nurse, with her daughter and two lodgers, one of these lodgers being David McDonald aged twenty-four years, of Latheron in Caithness, and listed as a Police Constable.

Leith Burgh Police had been formed in 1859, with Superintendent James Grant as its first Chief Officer. The initial strength was just thirty officers, but by 1870 the force strength was sixty-four. Constables and Sergeants of the Leith Burgh Police wore helmets, but senior officers wore caps (kepis). Edinburgh had its own City Police and in 1870 the City Police had 341 officers.

The publication *Scottish Police Roll of Honour* has the entry :
'Police Constable David McDonald, Leith Burgh Police: died 20th June 1882 aged 26 - fatally stabbed by a man he had warned regarding his conduct'.

The Scotsman of Thursday 25 May 1882 reported 'Leith-A Policeman stabbed', with the story that the previous

day at the Leith Police Court, before Bailie Wilson, Patrick Smith, a labourer, residing at Burgess Street had been remanded until Friday, on a charge of 'having yesterday morning, on the Shore, stabbed David McDonald, a Constable, on the leg'. It was reported that the accused had been making a disturbance, and while the Constable was waiting for assistance to apprehend him, Smith took out a knife and stabbed him. The wound was reported in the media as not being serious. Smith appeared in Court with his head cut and bleeding.

The Leith Herald and General Advertiser of Saturday 27 May 1882, reported 'A Policeman Stabbed with a knife'. The article said that a Special Court had been held on the previous Wednesday, before Bailie Wilson, so that Patrick Smith, residing in Burgess Street, could be charged with :

'having that morning, at the Shore, assaulted David McDonald, a Constable in the Leith Police establishment, and stabbed him in the left leg with a knife, while the policeman was in the execution of his duty'.

The report went on to say that the knife used by Patrick Smith, the prisoner, had broken, but that as the wound in the leg had not been probed, it had not been ascertained whether or not the point of the knife was still in the policeman's leg. The prisoner appeared to be severely injured about the head, the injuries being the result of blows from the policeman's baton. Smith was remanded in custody until the following Friday.

And on that Friday, 26 May, at Edinburgh Sheriff Summary Court, with Sheriff Rutherford presiding on the bench, Smith pleaded guilty to butting with his head and stabbing on the leg with the knife, David McDonald. The report stated that the prisoner 'bore traces of the fray', his head being cut and swollen in several places. It was stated that the policeman had inflicted the wounds with his baton when the prisoner attacked him. Sheriff

Rutherford said that the most serious part of the charge against Smith was that he had used a knife. The Sheriff went on to say that the prisoner had received very cruel treatment from the policeman, and that being so, the Sheriff was disposed to view the charge as an ordinary breach of the peace. Smith was fined five shillings with the alternative of three days imprisonment. The Sheriff remarked that policemen would require being more judicious in the use of their batons, as some of them were disposed to apply these weapons too freely.

Less than one month later, *The Scotsman*, in its issue of Monday 19 June 1882, reported on the 'Serious result of a Stabbing case at Leith'. The newspaper repeated the story about Patrick Smith's first court appearance on Wednesday 24 May 1882, before Bailie Wilson at Leith Police Court, charged with stabbing the Constable in the left leg after creating a disturbance. The newspaper also related the story of Smith's appearance at the Edinburgh Summary Court on Friday 26 May, where the Sheriff decided to regard the case as breach of the peace.

The Scotsman repeated the evidence that Smith had accosted the Constable, and that after some words between them, Smith stabbed Constable McDonald (the newspaper used the spelling MacDonald) in the left leg, whereupon the Constable struck the prisoner on the head with his baton, wounding him rather severely. The newspaper reported the sentence of the fine or imprisonment, and also recounted the Sheriff's 'advice' to the Policemen on the use of their batons in future. The report added that since the occurrence, McDonald had been off duty because of the wound developing serious symptoms, and he had been taken to the Royal Infirmary eight days previously.

On the Thursday his condition was considered so critical that the authorities deemed it necessary to take his deposition. He has since gradually become worse and early that day it was stated that he was quite delirious. The

newspaper went on to say that the Constable was suffering from the effects of blood poisoning and his condition was recorded as 'sinking rapidly'.

The Scotsman Tuesday 20 June 1882, reported :

'The Stabbing case at Leith. Policeman MACDONALD (*sic*) was in the Royal Infirmary in a serious condition having taken a serious turn and he was in a hopelessly delirious condition. It would appear that more facts had come out about the matter and that Constable MacDonald was passing along the Shore when Patrick Smith called out to him that he had seen his like before, and pulled out a penknife and asked if he would care to touch it. The Constable warned Smith and passed on but Smith it would seem followed, running at the Officer, butting him on his head, catching hold of one of his legs and stabbing him at the same time with the knife. Constable MacDonald had his police lamp in his left hand at that time and striking Smith with it but with no effect. Smith again was bent on upsetting the Officer and stabbing him again the Constable then used his baton and dealt the other several blows before he let go of his hold on the Officer. The Constable then blew his Police whistle and eventually two of his colleagues arrived to secure the prisoner. Both the Constable and the Prisoner received medical attention. The point of the Penknife blade was found to have broken off. The Doctor opened up the wound in order to remove it but there was nothing found it was supposed to have dropped out and the leg allowed to heal. On 6th June 1882, Constable MacDonald went to the Royal Infirmary for advice and the wound was then in a 'Suppurating condition', and on

its being opened, the piece of knife blade was found to be embedded in or near the bone of the leg below the knee. This was of course, removed immediately but on the 12th June 1882, Constable MacDonald returned to the Infirmary with his leg in very inflamed condition with signs of Blood poisoning. From the beginning of these symptoms the Constable was occasionally delirious. Professor Annandale advised amputation if the feverish symptoms abated as the only way to save the Officer's life but as the fever increased Constable MacDonald became very weak and that operation could not be done. The blade of the knife which was used to cut tobacco was reportedly very black. Constable MacDonald joined the Leith Burgh Police in 1875 and was looked upon as a trustworthy and discreet officer. A few weeks previously he had been raised to the position of FIRST CLASS CONSTABLE in the Force'.

The death certificate recorded : David McDonald; Police Constable; single; 26 years; 20th June 1882, 5.50am at New Royal Infirmary, Edinburgh; usual residence 67 North Fort Street, Leith; parents John McDonald, fisherman and Christina Sutherland or McDonald. Cause of death is recorded as Punctured Wound to the left Tibia, 26 days, Osteomyelitis and Pneumonia, as certified by H. P. Hallows, LRCSE. Informant of death, Elizabeth C. Henderson, deceased's sister, 64 Bristo Street; and recorded by Wm S. Sutherland, Assistant Registrar. There is a correction entry re death by Professor Annandale and Dr Littlejohn, Edinburgh, recording 'Blood Poisoning'. This correction was accepted by the Procurator Fiscal's Office and 'Wm. S. Sutherland, Assistant Registrar'.

The Scotsman dated Wednesday 21 June recorded 'Fatal Result of the Leith

Stabbing Case', and reported that Police Constable David McDonald, who had been stabbed in the left leg on Wednesday 24 May, had died the previous morning in the Edinburgh Royal Infirmary. Blood poisoning resulting from the wound was the cause of his death, and it mentions the portion of knife that had been extracted from the leg. The report said that a Warrant had been issued for the apprehension of Patrick Smith.

But, the newspaper said, that :

'as a person cannot be tried twice on the same charge, doubts were expressed as to whether Smith could be again taken into custody'.

However, the report went on to say, it is understood that this difficulty has been got over by the Procurator Fiscal's Department saying that Smith had pleaded guilty to the charge of breach of the peace, and it was for *this* offence that he had been punished. And so it seems the authorities consider themselves free to hold him still answerable for the more serious offence. The newspaper also reported that at the meeting of the Finance Committee of Leith Town Council the previous day :

'it was agreed that the expenses of MacDonald's funeral should be paid by the town, and that the Magistrates should attend the funeral on behalf of the Council'.

The Scotsman of Friday 23 June 1882, reported that the previous day :

'the body of Constable MacDonald had been removed from Edinburgh Royal Infirmary to the steamer *St Magnus* at Leith, to be conveyed to Caithness. Constable MacDonald was a native of Caithness and his friends wished that he should be buried there. Fifty officers of the Leith Burgh Police met the hearse drawn by two Belgian horses at Pilrig Church and walked four abreast in front of the hearse to the Albert Docks. Two mourning coaches followed with some of the friends of the deceased, while a

number of persons walked behind. Bailies McIntosh and Garland and Councillors Clark and Grant represented the Council and Superintendent Grant was also present'.

It would appear that although it was raining heavily, there were a large number of people who lined the streets in Leith on the route of the procession.

The Scotsman of Saturday 24 June reported that about 8am the previous day, Patrick Smith walked into the Police Office and surrendered himself to Sergeant MacAndrew. A special court was arranged for 10.30am, where Smith was placed at the bar on a charge of Murder. The Complaint was read by the Town Clerk and the newspaper reported that there was no sign of feeling shown by Smith when the charge was read out. He was formally remitted by Bailie Garland to the Sheriff of the Lothians, and was then conveyed to Edinburgh in a cab by Mr Lindsay, Sheriff's Officer.

It would appear that some of Smith's friends on hearing of the death of the Constable, advised Smith to go down to Leith and give himself up, and it was said that Smith himself after witnessing the funeral of the Constable on the Thursday, decided to surrender himself the next day. Smith was said to be thirty years old, a native of Ireland and had been in Leith for many years. There were ten convictions recorded against him in the police books from 1868 but since that date he had been in the army. Two of the convictions were for assault, two for theft and four for breach of the peace. He had for some time been employed as a seaman.

The Leith Herald and General Advertiser for Saturday 24 June 1882, covered in great detail the death of the Leith Policeman. The report goes on to say that :

'on Thursday afternoon the remains of David McDonald were conveyed from the Royal Infirmary to the Albert Docks for transit to

Caithness. The Coffin was enclosed in a full mounted horse hearse, which was drawn by two Belgian horses'.

And the *John O'Groats Journal* for Thursday 29 June 1882 records the funeral route to Leith docks, and the conveyance to Caithness of the body of Constable McDonald aboard the steamer *St Magnus* on the previous Thursday. The paper pointed out that because of the circumstances surrounding the policeman's death, the case could become one of culpable homicide as :

'a question may arise as to whether the wound had been skilfully treated, seeing it healed up and again broke out, through the blade not being properly removed'.

Strangely enough, I cannot find any outcome of any case against Patrick Smith, and so the disposal for this case remains a mystery.



Headstone of Constable David McDonald at Latheron Old Churchyard.

Note the date of death on the headstone 22nd June 1882 but he died on 20th June 1882.

Sources :

Scottish Police Roll of Honour edited by David Acheson (Police Roll of Honour Trust 2013)

The British Police : Police Forces and Chief Officers 1829-2000 by Martin Stallion and David S Wall (Police History Society 1999)

Scottish Insignia - as used by Old Police Forces by John C Green (2008).

www.ScotlandsPeople (website) for certificates and census returns

www.warmemscot.s4.bizhat.com (website) Scottish War Memorials Project re Leith Burgh Police war memorial.

The Scotsman editions of May and June 1882

The Leith Herald and General Advertiser editions of May 1882

The Edinburgh Evening News editions of June 1882

The John O'Groats Journal edition of Thursday 29 June 1882; and the article of Friday 4 January 2013 'Caithness policeman met a grisly end in Victorian Edinburgh'.

Caithness Monumental Inscriptions - Latheron old churchyard (Scottish Genealogy Society 1992)

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Author :

Born in Arbroath, and he was told by an elderly neighbour that when he was six, he told her that he wanted to be a 'policeman, but if not, a lawyer like his Dad'. He joined the West Riding of Yorkshire Constabulary in May 1966 due to being well under the height requirements for all the police forces in Scotland who required a height of 5'10". West Riding Constabulary had a minimum height of 5'8", and he got in by an eighth of an inch.

Later transferred to the Lanarkshire Constabulary in 1970, which became Strathclyde Police after the merger in May 1975. Transferred back to West Yorkshire Police and had spells on cars and as a community beat constable.

Promoted in February 1984, and as a Sergeant served in Bradford, Shipley and Bingley and then Central Cells in Bradford. Then went to HQ Prosecutions, before retiring in January 1999.

The author is interested in police history and military history, especially the Scottish Regiments and the Royal Flying Corps/Royal Air Force during the Great War.

He recently had his Uncle (Lieutenant Patrick Wright Anderson, Black Watch, RFC and RAF) added to the Scottish National War Memorial at the Edinburgh Castle Black Watch Roll. His uncle was studying at University and was an OTC cadet at St Andrew's University when war broke out in 1914. He later died of wounds received on active service.

During the author's policing years he lost a friend and colleague Constable George Taylor, Strathclyde Police, Carstairs, during November 1976; and a colleague and Course friend Sergeant Michael Hawcroft, West Yorkshire Police, Bradford, during March 1981. Both murdered on duty.



HOPKER'S SUMMONS HEADINGS



The little book *Hopker's Summons Headings* was well known to generations of police officers. It did exactly what it said on the cover, it provided the precise words to be put on the summons for any offence.

John Hopker joined the Metropolitan Police in September 1903, and was posted to X Division. By 1911, he was a Sergeant, and was involved in the Acton Police Educational Class. Realising the need for a concise guide to the wording of summonses, he produced a series of duplicated sheets.

So many requests for these were made, that in 1919, a booklet was produced. The rest is history.

Although Hopker retired in March 1930, his book carried on, being constantly updated, and eventually was taken over and printed by the Police Review Publishing Company. When the *Police Review* ceased publication in 2011, *Hopker's* went with it.

Despite enquiries to the present parent company, no information about