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PRIVATE PROPERTY, PUBLIC INTEREST, AND THE ROLE OF THE STATE IN NINETEENTH-CENTURY BRITAIN: THE CASE OF THE LIGHTHOUSES*

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ABSTRACT. *Until 1836, many of England's lighthouses were privately owned. The owners levied tolls on all merchant shipping which made use of the lights, and in many cases grew rich from the proceeds. After 1815 these profits became increasingly contentious, and, under pressure from shipowners, merchants, and the radical MP Joseph Hume, the whig government abolished private ownership of lighthouses and made Trinity House the sole lighthouse authority for England. The choice of Trinity House as the central administration from a range of alternatives made a UK-wide authority impossible, however, due to the unwillingness of Irish and Scottish MPs to see their national boards replaced by an 'inferior' English one. The reform process sheds light on contemporary perceptions of the relationship between private property and public interest and suggests that alongside the process of post-war retrenchment, the state was acquiring a new role as guardian of the public interest, often positioning itself against certain forms of private property. Behind the 'old corruption' rhetoric which characterized the demand for reform lay the conviction that certain resources should be excluded from the realm of private property by the state, and that private profit made at the expense of the public interest was morally wrong.*

In 1836, the whig government reformed the semi-private lighthouse system of England.[1] Private profit was removed from the system, lighthouses were established as a public service, and the surplus revenue hitherto raised by the

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[1] This reform has received little attention. For exceptions see Roger Prouty, *The transformation of the board of trade* (London, 1957), pp. 46–9; R. H. Coase, 'The lighthouse in economics', *Journal of Law and Economics*, 17 (1974), pp. 357–76; Douglas B. Hague and Rosemary Christie, *Lighthouses: their architecture, history and archaeology* (Dyfed, 1975), pp. 42–60.

lighthouses in the form of tolls was eventually reduced. This process of reform gives an insight into the limits contemporaries believed should be placed on private property, and indicates that, even in an industrializing, expanding economy, private profit was not always seen as desirable: some services, it was held, should be non-profit making. Private profit from lighthouses came under attack as it was understood to be a result of 'old corruption', and also because it was thought to be against the public interest. The way in which this interest was defined – primarily in economic rather than 'safety at sea' terms, and characterized by a blending of a narrow business interest with notions of a broader national interest – reveals much about the nature of the reform. The public interest was violated when profit was made by those who did not contribute to the trade of the country at the expense of those who did. To eliminate these failings, the demand grew that lighthouses should be centralized under a single public authority. Public ownership would eliminate profit and surplus collection, and centralization would lead to economies in the costs of management. The state and Trinity House had caused the problem by granting rights to levy light dues to individuals, but both came to be seen as the solution to the problem: the state was the only agency capable of redefining property rights and redistributing property from private to public control; Trinity House was considered the most responsible and efficient public body to manage the English lights. By the 1830s, both bodies had come to be viewed as capable of defending the public interest against corrupt forms of private property. The transferral of property rights involved amounted to a nationalization of the private lighthouses, but reform stopped short of the creation of a lighthouse authority for the United Kingdom, due to the refusal of Scottish and Irish MPs to contemplate the swallowing up of their boards by an, as they believed, inferior English one.

This appropriation of private property raises important questions about the role of the state in nineteenth-century Britain. It is best viewed alongside other instances where post-1815 and particularly post-1830 governments used state power in order to reform varieties of private property which had come to be seen as corrupt or antithetical to the public interest. Notable cases include the charity commission of 1818–37,[2] the dispossession without compensation of borough proprietors by the 1832 Reform Act,[3] the dispossession with compensation of West Indian slave owners in 1833,[4] the abolition of the East India Company's monopoly of the China trade the same year, with compensation in the form of guaranteed dividends to the Company's shareholders,[5] the 'confiscation of private property rights and their dedication

[2] Richard Tompson, *The charity commission and the age of reform* (London, 1979).

[3] John Cannon, *Parliamentary reform, 1640–1832* (Cambridge, 1973), pp. 209–10; J. R. M. Butler, *The passing of the great reform bill* (London, 1914), p. 247.

[4] Izhak Gross, 'The abolition of negro slavery and British parliamentary politics, 1832–1833', *Historical Journal*, 23 (1980), pp. 63–85.

[5] C. H. Philips, *The East India Company, 1784–1834* (Manchester, 1961), pp. 287–98; Timothy L. Alborn, *Conceiving companies: joint-stock politics in Victorian England* (London, 1998), pp. 36–8.

to public use' associated with reform of municipal corporations in 1835,[6] and the commutation of tithes in 1836, the year of lighthouse reform.[7] From 1825 the state was also enforcing the substantial redistribution of land to facilitate the rail network by granting powers of compulsory purchase to railway companies, bringing about what has recently been described as 'the most dramatic infringement of private property rights in England since the Civil War'.[8]

Whigs and radicals were not the sole forces behind the wide-ranging re-evaluation and redistribution of property in this period. In 1829 the *Quarterly Review* celebrated Britain's international pre-eminence, but warned against assuming that the 'progress of improvement' was inevitable:

> If we are to keep our place ... it is indispensably necessary that every incumbrance should be removed which clogs the activity and energy of individuals or the government. Every part of the machine of society must be adapted to the increased exertion it is called upon to make. If this be so, every branch of our public and private economy; – the administration of the affairs of parishes and counties; – the state of charities, corporations, public schools, colleges, the law, the church, and the whole management of our foreign dependencies, must successively submit to examination and amendment. Wealthy as the country is, and attached to ancient institutions as it has always been, it can no longer support the burden of places or proceedings which can be simplified or dispensed with.[9]

While 'ancient institutions' had their supporters,[10] there was a widespread perception that old forms of property were in danger of holding back 'improvement'. George Poulett Scrope, a whig writing in the tory *Quarterly*, made the case for interference in property rights, insisting that 'there is a limit to the principle of legalized appropriation', which was reflected in many of the nation's laws. Direct interferences with the right of private property were 'sanctioned by their conducing to the general welfare, which is itself the only foundation of that right'. Scrope argued that the right of property was therefore a limited rather than an absolute one. The problem he posed was 'what are its just limits?'[11] Determining where private rights ended and public rights began was a key political issue in this period. The task facing reformers was to build a convincing case that a particular form of private property was

[6] W. Ivor Jennings, 'The municipal revolution', in Harold J. Laski et al., eds., *A century of municipal progress – the last hundred years* (London, 1935), p. 55; K. B. Smellie, *A history of local government* (London, 1946); Derek Fraser, ed., *Municipal reform and the industrial city* (Leicester, 1982).

[7] Eric J. Evans, *The contentious tithe: the tithe problem and English agriculture, 1750–1850* (London, 1976), pp. 115–60.

[8] R. W. Kostal, *Law and English railway capitalism* (Oxford, 1994), p. 144.

[9] 'State and prospects of the country', *Quarterly Review*, 78 (Apr. 1829), p. 517, probably written by Robert Southey, *The Wellesley index to Victorian periodicals, 1824–1900* (Toronto, 1966), I, p. 708.

[10] See for example 'a true tory', 'On the innovations of Lord Brougham', *Fraser's Magazine*, 19 (Aug. 1831).

[11] George Poulett Scrope, 'The rights of industry and the banking system', *Quarterly Review*, 94 (July 1832), p. 415.

sufficiently harmful to the public interest in order to justify government interference in property rights.

The trajectory of government policy after 1815, as historians from Halévy, through Roberts, to Harling and Mandler have highlighted, was to retrench expenditures. This process was driven by demands from taxpayers for economical reform in reaction to the big, obtrusive, heavily taxing government that had emerged during the wars with France.[12] The public interest was therefore most commonly defined in this period as what was cheapest. This was the case with reform of the poor laws, as it was with the lighthouses. Crucially, in both cases centralization was seen as the best way to secure a reduction of the burden on the public. The choice of centralizing authority was also important: with the poor laws and lighthouses alike, the aim was 'public' control in order to secure retrenchment, but at one remove from central government.

I

Political economists in the nineteenth century did not give lighthouses much thought, beyond assuming that they were the proper responsibility of government.[13] This was regarded as indisputable and common sense. For example, J. R. McCulloch wrote that 'No one doubts the propriety of [government] interfering to render navigation secure, and to obviate the chances of shipwreck, by enacting regulations as to lighthouses, pilotage, &c.'[14] John Stuart Mill later held in his *Principles of political economy* that 'it is a proper office of government to build and maintain lighthouses, establish buoys, etc. for the security of navigation'.[15] McCulloch and Mill appear not to have realized that private ownership of lights had existed for centuries in England before it was abolished in the 1830s. To understand the complexity of the concept of private property in lighthouses, a brief survey of the history of lighthouses is essential.

Such lighthouses as existed in medieval England were privately owned. Those desirous of constructing a lighthouse would arrange for the dispatch of a petition to the crown from local merchants and shipowners, which had to include a demonstration of willingness to pay light dues to cover the cost of erection and maintenance. If the crown consented to the request, letters patent were granted to the individual nominated in the petition, permitting the levy of light dues to cover construction costs, and the lighthouse could be erected. These dues were collected by private agents working on behalf of the lighthouse

[12] Elie Halévy, *A history of the English people, 1815–1830* (London, 1926), pp. 116–23, 194–201; David Roberts, *Victorian origins of the British welfare state* (New Haven, 1960), p. 35; Philip Harling and Peter Mandler, 'From "fiscal-military" state to laissez-faire state, 1760–1850', *Journal of British Studies*, 32 (1993), pp. 44–70; Philip Harling, *The waning of old corruption: the politics of economical reform in Britain, 1779–1846* (Oxford, 1996), pp. 136–96.

[13] This was first noted by Coase, 'The lighthouse in economics', pp. 357–60.

[14] J. R. McCulloch, 'On the frequency of shipwrecks', *Edinburgh Review*, 60 (Jan. 1835), p. 348.

[15] John Stuart Mill, *Principles of political economy* (Harmondsworth, 1970), pp. 342–3.

owner, or sometimes by customs officials working for a fee, from the masters of ships when they reached harbour: it was known from the route a ship took which lights it had made use of, and it was charged for each one. The level of dues payable was decided by the tonnage of the ship, and there were different rates for vessels engaged in the coasting trade, in overseas trade, and for foreign vessels. Rates were fixed with the granting of letters patent and could not be altered. As trade expanded in the Elizabethan period, however, even when the rates were fixed at a relatively low level, the large volume of trade taxed meant that lighthouses became lucrative possessions. Speculators became involved, and there was strong competition for the rights to erect lights. The grant of these rights became an important form of crown patronage.[16]

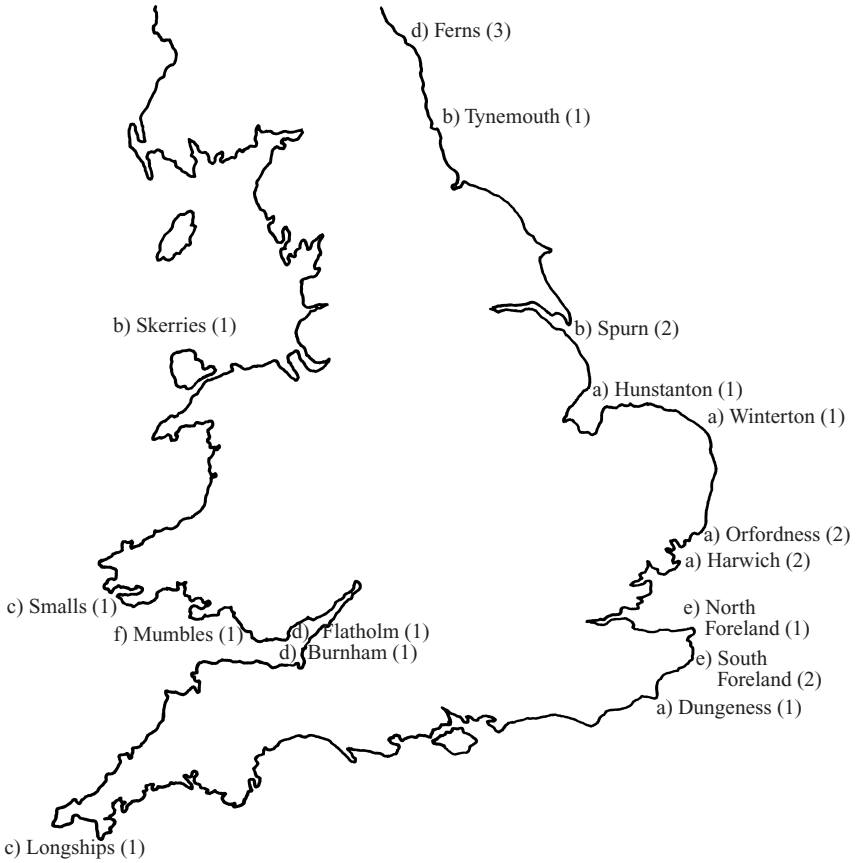
Private ownership of lighthouses was ended in 1836, but it might have ceased much earlier than this were it not for the initial disinclination of Trinity House, which after 1836 controlled all lighthouses in England, to invest in lighthouses: it was this reluctance which made the existence of private lighthouses on a large scale possible. Trinity House of Deptford Strond was a seamen's guild which had been incorporated in 1514 by Henry VIII. It had traditionally dispensed alms to retired or destitute seamen and their dependants, and as such was similar to guilds in other places such as Hull, York, and Newcastle.[17] While the guilds at Newcastle and Hull were also incorporated as Trinity Houses during Henry VIII's reign, the Trinity House at Deptford accumulated more extensive powers through the sixteenth century, including the regulation of pilotage, and the provision and regulation of navigational aids on land and at sea, setting it apart from the other corporations. These powers made it the logical body to provide lighthouses, but it largely left this function to private enterprise, and even opposed private construction of lights.[18] By the 1690s, as the value of lighthouses to shipping became undeniable, the corporation's attitude to lighthouses softened, but it was still unwilling to take on construction itself. Instead, when demand for a lighthouse in a particular spot was sufficiently high, Trinity House itself applied for a patent from the crown, then leased the rights to the light for a long fixed period to a private individual, who constructed the lighthouse with his own money and, paying an annual rent to Trinity House, kept all the profits from light dues for himself.

Thus private ownership of lights was perpetuated. A decisive change in policy came much later, towards the end of the eighteenth century. Industrialization and the consequent expansion of trade, combined with the development of the more reliable argand lamp in the 1780s, meant that lighthouses had become more profitable and low risk to their owners, and useful to shipping, than ever before. Trinity House was fully aware of these

[16] G. G. Harris, *The Trinity House of Deptford, 1514–1660* (London, 1969), pp. 180–1.

[17] Ibid., pp. 19–23.

[18] Reasons may have included the desire to protect the skill of pilotage, reluctance to risk the charitable fund on speculative lighthouse construction, and the fear that illuminating the coastline would jeopardize national security by guiding enemy fleets into harbour. Ibid., pp. 213–14.



Map 1. Privately owned lighthouses, 1820.

Key:
a) lights leased to individuals by the crown, purchased by Trinity House after 1836 act
b) lights vested in individuals by acts of parliament, purchased by Trinity House after 1836 act
c) lights leased to individuals by Trinity House, purchased after 1836 act
d) lights leased to individuals by Trinity House, purchased after 1822 act
e) lights leased to Greenwich hospital by the crown, transferred to Trinity house in 1832
f) light maintained by Swansea harbour trust from 1834 as a harbour light at no charge to shipping

developments. As the leases previously distributed began to run out, rather than renewing them, Trinity House took on the lighthouses itself. It also started construction of lights on a scale it had never before undertaken. The change in policy was probably due more to self-interest than public spiritedness, but the result was a transformation of the lighthouse infrastructure: by 1820, twenty-five lighthouses were controlled by Trinity House, leaving twenty-two still in private hands.[19] These private lights are indicated on Map 1.

[19] Trinity House also possessed eight floating lights making a total of thirty-three public general lights under its control.

As a result of this complicated history, there were three types of private ownership of lighthouses. First were those lights which had been leased to private individuals by the crown in the seventeenth century, during Trinity House's period of inactivity. Second were lights which had been granted to individuals in perpetuity by acts of parliament in the same period. Third were the lights which had been leased to individuals by Trinity House in the eighteenth century, and which had not yet reverted to the corporation. Furthermore, the Scottish and Irish lights were operated under different systems. Every lighthouse in Scotland was controlled by the commissioners of northern lights, a public body set up by an act of 1786. There were twenty-five commissioners, who included the lord advocate and solicitor general for Scotland, and provosts of the main cities and county sheriffs.[20] All Scottish lights were established after 1786 and had thus always been under the control of the commissioners. In Ireland, however, the lights had been under various authorities including the commissioners of customs until an 1810 act vested them in the ballast board of Dublin, created by an act of incorporation in 1786 for improving the port of Dublin. It had twenty-three members, including the lord mayor and sheriffs of Dublin, three aldermen, with the rest of the board made up of merchants, bankers, and other members of the corporation of the city of Dublin.[21]

Trinity House had a very different constitution. It was made up of thirty-one elder brethren: of these, eleven were honorary members – naval men, MPs and others – who had little or no influence on the policy of Trinity House, and the remaining twenty, who were in charge of the corporation's business, were retired shipowners from the merchant service. The brethren formed themselves into seven committees each dealing with an aspect of Trinity House's duties. The committee for lights consisted of three members, each serving for three years.[22] While there were no private lights in either Ireland or Scotland, complications of a different nature arose due to the fact that both authorities operated very different systems of charges from Trinity House, which levied fixed rates on each light passed. In Scotland the commissioners charged for the first light passed, but there was no extra charge for making use of further lights. The Irish lights, on the other hand, were maintained by a tonnage duty levied on all ships entering Irish ports, which had to be paid even if a ship had not passed a single light.

Shipowners and merchants found this mixed economy of private lights and multiple public authorities highly unsatisfactory. After 1815, despite the depression, most lighthouses were still generating large surpluses. Trinity House's income from lights after collection costs was £51,951 in 1815.[23] In

[20] *Select committee* [hereafter *SC*] *appointed to inquire into the state and management of lighthouses* (Parliamentary Papers (PP), 1834, xii), p. 60.
[21] Ibid., pp. 70–1.
[22] Ibid., pp. 24–6, 249.
[23] *Accounts relating to the Trinity-House of Deptford-Strond, 1805–1815* (PP, 1816, xix), pp. 2–3.

1819, the private lights at Longships and Flatholm generated net incomes of £3,384 and £2,481 respectively, while the Milford and South Stack lights, two of Trinity House's most profitable light establishments, made profits of £7,041 and £6,361.[24] Domestic shipping was commonly charged between 1/2*d* and 1*d* per ton, and foreign shipping usually paid between 1*d* and 2*d*.[25] These charges attracted much criticism both from merchants, who argued that high light dues inhibited foreign trade, and shipowners, who complained that in a period when shipping was 'dull and unprofitable', the high fixed costs of light and other dues prevented them from cutting back their expenditure.[26] These appeals should be seen in the wider context of demands for retrenchment after 1815 by numerous interest groups. The economic difficulties of British business inspired the appointment in 1820 of a select committee to consider 'means of improving and maintaining the foreign trade of the country'.[27] The committee was given such a broad brief that it reported to parliament frequently over the next four years on a variety of subjects, regularly finding in favour of freer trade. One of the committee's reports was dedicated to the subject of lights, harbour dues, and pilotage.

The committee recognized the 'various burdens that appeared to press upon the navigation of this country', and saw reduction of charges on shipping, including light dues, as an 'indispensable preliminary' to the expansion of the foreign commerce of the country.[28] Lighthouse charges were so heavy due to the expansion of trade since the times when the rate of dues were fixed, and also because of lack of uniformity in the lighthouse system: private ownership of lights led to inefficiency in management, high collection costs, and wide variation in charges for lights. It was argued that surplus collection was contrary to the purposes for which dues had been originally permitted, namely to build and maintain the lights, and this afforded 'a fair claim to relief' on the part of the commercial interests.[29] The increased volume of trade taxed had also inflated Trinity House's charitable fund beyond original intentions. The number of pensioners relieved in 1815, 7,012, had almost doubled since 1800, and over this period £11,930 was added to the annual pension list. In 1815, £23,134 was being spent on pensioners, and the figure was still rising.[30] The committee recommended that the fund be subjected to a 'progressive reduction' (as mariners died, new ones were not to be placed on the books, until payments had fallen to around £13,000), which would create a surplus to enable Trinity House both to cut dues and buy out private owners.[31] In addition, the government should refuse to renew the leases of the lights issued by the crown which were due to expire in the 1820s, and instead transfer them

[24] *SC appointed to consider means of maintaining and improving the foreign trade of the country, as far as relates to lights, harbour dues, and pilotage* (PP, 1822, v), pp. 340–3, 394. [25] Ibid., pp. 340–3.
[26] *House of Commons Journals*, 76, p. 100, 22 Feb. 1821; ibid., 77, pp. 230–1, 3 May 1822.
[27] PP, 1820, ii. [28] *SC … [on] foreign trade* (PP, 1822, v), p. 3. [29] Ibid., p. 8.
[30] *Accounts relating to Trinity-House* (PP, 1816, xix), pp. 2–7.
[31] *SC … [on] foreign trade* (PP, 1822, v), p. 19.

Table 1 *Returns of the collection, costs, and surplus from Trinity House's lighthouses, 1820 and 1832*

	Gross collection	Cost of collection	Cost of maintenance	Net surplus	Net surplus per light
1820 (33 lights)	£91,039	£10,859	£28,300	£51,880	£1,572
1832 (33 lights)[a]	£64,364	£4,996	£27,658	£31,710	£961
1832 (55 lights)[b]	£83,041	£6,670	£35,904	£40,467	£736

[a] The same thirty-three lights controlled in 1820, to allow a direct comparison between 1820 and 1832.

[b] The fifty-five lights controlled by Trinity House by 1832.

Source: *Select committee appointed to inquire into the state and management of lighthouses* (Parliamentary Papers, 1834, xii), p. 7.

to Trinity House. In this way, the aims of economy, uniformity, and centralization would be realized.

The government responded to some, but not all, of the committee's recommendations. The year 1822 saw the passing of a local act enabling Trinity House to reduce dues, and to enter into negotiations with private operators with the aim of purchasing their leases, using its own funds.[32] Crucially, the act did not oblige private owners to sell: it merely permitted Trinity House to offer to purchase their rights. Three sets of lights were obtained under this act by Trinity House in the 1820s.[33] The corporation also initiated a major programme of toll reduction in the 1820s: this was made possible by the revenues it obtained from the lights it was purchasing, from the lights whose leases had expired and therefore reverted to Trinity House, and from the new lights it was building. In 1820, Trinity House controlled twenty-five lighthouses and eight lightships, a total of thirty-three, while by 1832, this had increased to forty-two lighthouses and thirteen floating lights, a total of fifty-five, twenty-two more than just twelve years previously. Table 1 demonstrates the extent to which Trinity House was able to reduce the tolls it charged.

Trinity House also proved its willingness to make sacrifices for the greater good in 1823 when it waived the payments it was entitled to arising from the government's reciprocity treaties with other nations. Huskisson's Reciprocity of Duties Act[34] allowed the government to sign treaties with foreign nations to secure a mutual reduction of trade barriers. On the British side this involved reducing light, harbour, and pilotage dues charged on foreign vessels to the levels paid by home ships. The policy, designed to crack open for British

[32] 3 Geo. iv c. 111.

[33] *SC appointed to inquire into the state and management of lighthouses* (PP, 1845, ix), p. 3.

[34] 4 Geo. IV c. 77.

merchants hitherto protected foreign markets, was a costly one for the state, as it undertook to compensate all local authorities for loss of income. In 1832, £23,859 was paid out in this way, £12,857 of this for light dues, including £1,406 to the commissioners of the northern lights, £4,301 to the ballast board, and £5,993 to private owners of lighthouses. Trinity House, on the other hand, reduced the rates on foreign vessels without charge to the consolidated customs as part of its programme of toll reduction.[35] In this way, Trinity House joined with the state in sacrificing revenue in order to strengthen the position of British merchants, considering this to be in the public interest.

But in several important respects, the changes fell short of the hopes of the reformers and the shipowners. First, it was clear that permissive powers were not sufficient to bring an end to private ownership of lighthouses. The lessees of the Smalls light, whose lease still had over fifty years to run, agreed to sell, but only on terms considered extortionate by the elder brethren, who declined to buy, while one of the lessees of the Longships light refused even to enter negotiations.[36] Worse, ignoring the recommendations of the 1822 select committee, the lords of the Treasury in 1828 and 1829 renewed for a further twenty-one years the expired leases of six private lights – at Dungeness, Harwich, Winterton, and Orfordness – rather than hand them over to Trinity House. The terms were renegotiated to favour shipping, with the dues to be levied on four of the lights halved. But the revised terms also benefited the crown: the new leases gave the commissioners of woods and forests half of the profits from four lights and 60 per cent from the other two, arrangements which by the mid-1830s had netted the commissioners £96,843.[37] Despite the reduced tolls, it seemed to reformers that the twin aims of centralization and economy had been sacrificed for the revenues of the crown. By 1835, there were still ten private lighthouse establishments in England exhibiting thirteen lights. In addition, the pension fund of Trinity House remained untouched by reform: in 1820, Trinity House's expenditure on pensioners was £32,035; in 1832, it was £32,861.[38]

Light dues therefore remained a controversial subject in the 1830s. An 1833 select committee on the state of manufactures, commerce, and shipping gave shipowners and merchants an opportunity to air their grievances at a time when, one shipowner and merchant claimed, rates of freight were 'very much lower than they have ever been at any former period'.[39] The testimonies of a number of witnesses showed that light dues were still resented.[40] The same year, Joseph Hume, the radical reformer and son of a Montrose shipmaster, managed to secure the appointment of a select committee to investigate the

[35] *SC … [on] lighthouses* (PP, 1834, xii), p. 20. The cost to the government of reciprocity payments, 1823–44 was £503,766. Sarah Palmer, *Politics, shipping and the repeal of the navigation laws* (Manchester, 1990), p. 51.

[36] *Papers relating to the Trinity House light dues* (PP, 1833, xxxiii).

[37] *SC … [on] lighthouses* (PP, 1834, xii), pp. 46–54.

[38] Ibid., pp. 11–12.

[39] *SC appointed to inquire into the present state of manufactures, commerce, and shipping in the United Kingdom* (PP, 1833, vi), q. 6227.

[40] Ibid., qq. 6677, 8116, and 8229.

lighthouse system. He successfully presented reduction of light dues as a means of soothing shipowners' resentment of the relaxation of the navigation laws in the 1820s and furthering retrenchment. The government had a duty to act

> now when so many complaints were daily made of the distress felt by the shipping interest … whether that class was distressed or not, he considered that where an annual expense of nearly 200,000*l*. was incurred on lighthouses alone, it behoved Government not to pass it over without inquiry, and without giving every possible relief to the shipping interest.[41]

Later in parliament, Hume was even more explicit in selling lighthouse reform as a quid pro quo for the earlier reform of the navigation laws:

> it was surprising that while the shipping interests in the country were complaining of the distress which they stated they suffered from the competition with foreign ships, no steps should have been taken by the Government of the country to relieve them from the exactions to which they were so long exposed by the [light] tolls.[42]

Hume's line of attack focused very much on private ownership of lighthouses and the resultant high dues. By contrast, the shipowners before the 1833 select committee on manufactures, commerce, and shipping had not mentioned private lights, but instead complained of the high rates in general. The absence of criticism of private ownership in 1833 may have been due to widespread ignorance of the details of the ownership and administration of lighthouses. This is suggested by two articles on lighthouse reform written by David Brewster which appeared in the *Edinburgh Review*.[43] The first, in April 1833, concentrated on the deficiencies of the three lighthouse boards and the inefficiencies deriving from a multiplicity of authorities. But the second, published in April 1835, singled out private ownership as the main abuse, admitting that before the report of Hume's committee, '[t]he nature of our lighthouse system had been long concealed from general observation, and the best informed of our public characters were entirely ignorant of its rules and its practices'.[44]

In February 1833, Hume moved for returns to be made of the gross and net revenues collected by private lighthouses since 1822, and the accounts of Trinity House, material which was used in the select committee on lighthouses chaired by Hume the following year. Table 2 summarizes these returns, which were used to indict private ownership as they highlighted the enormous gap which had opened up by 1832 between the rates charged by private lights on one hand, and public lights on the other. The committee's aim was to determine whether, by any alteration in the management of lighthouses, light

[41] *Hansard*, 3rd ser., xv, 1069–70 (21 Feb. 1833). [42] Ibid., xxvii, 247 (25 Mar. 1835).

[43] Brewster, a fellow of the Royal Society and a pioneer in the field of optics and light who applied his findings to lighthouses, was a regular contributor to the *Edinburgh Review*. *Dictionary of national biography* (*DNB*), ii (Oxford, 1921–2), pp. 1207–11.

[44] Brewster, 'British lighthouse system', *Edinburgh Review*, 57 (Apr. 1833); idem, 'Parliamentary report on lighthouses', *Edinburgh Review*, 61 (Apr. 1835), p. 221.

Table 2 *Returns of the collection, costs, and surplus from all UK lighthouses, 1832*

	Gross collection	Cost of collection	Cost of maintenance	Net surplus	Net surplus per light
55 Trinity lights	£83,041	£6,670	£35,904	£40,467	£736
26 Irish lights	£42,061	£1,960	£18,505	£21,596	£831
25 Scottish lights	£35,526	£3,261	£11,314	£20,051	£802
14 private lights	£79,676	£10,244	£9,109	£60,322	£4,309
(3 leased by TH)	£23,678	£3,413	£3,769	£16,496	£5,499
(7 leased by crown)	£24,862	£3,139	£2,072	£19,650	£2,807
(4 owned outright)	£31,136	£3,692	£3,268	£24,176	£6,044

Source: *Select committee appointed to inquire into the state and management of lighthouses* (Parliamentary Papers, 1834, xii), pp. 38–9.

dues could be 'further reduced for the relief of the shipping of the country'. The report endorsed the principle that light dues should be reduced to the minimum amount required to maintain existing lights and construct whatever new lights were required by shipping. Toll reduction being the committee's principal aim, diversity of management and private dues were the two grievances given the most stress. The committee's report was unequivocally hostile to any continuation of private ownership, and reported that it was 'a matter of reproach' to the nation that 'a considerable portion of the establishments of lighthouses have been made the means of heavily taxing the trade of the country, for the benefit of a few private individuals, who have been favoured with that advantage by the ministers and the Sovereign of the day'.[45]

Hume wanted the private lights along with all other lights to be placed under a new public board, but he was outmanoeuvred by the sheer size of the committee,[46] and was outvoted: a majority argued that Trinity House was a suitable public body.[47] All private lights were to be transferred 'without delay' to Trinity House; the owners were to have no say in the matter, and compensation was to be paid out of Trinity House's reserves and the money obtained by the commissioners of woods and forests from the renewal of the leases in the 1820s, the balance to be made up by an advance from the Treasury.[48] This would achieve uniformity and centralization of management for the English lights, but the committee went further: it wanted uniformity throughout the United Kingdom.[49] The large surpluses levied by the Scottish and Irish lighthouse authorities were criticized, and the committee proposed that their lights should all be placed under the control of Trinity House in order to secure economy in collection and administration, and to facilitate rapid

[45] *SC … [on] lighthouses* (PP, 1834, xii), p. 4.
[46] The committee had forty-three members.
[47] *Hansard*, 3rd ser., xxxi, 167 (8 Feb. 1836).
[48] *SC … [on] lighthouses* (PP, 1834, xii), p. 56.
[49] Ibid., p. 23.

reduction of dues. Finally, the committee urged the winding up of Trinity House's charitable functions, to be achieved by no longer adding any new names to the pension lists, thus allowing dues to be further reduced by natural wastage.

In March 1835 Hume initiated a debate in the Commons on the report, and obtained leave to bring in a private bill based on its findings.[50] The bill provoked much opposition, mostly from Irish and Scottish members who did not want their lighthouse authorities to be abolished in favour of an English board, and lacking government support, the bill failed.[51] Complaining in February the following year that the government appeared unwilling to pursue lighthouse reform, Hume brought in another bill, this time leaving out of consideration the Scottish and Irish lights, and concentrating on the cessation of private ownership in England, and the abolition of Trinity House's pension fund. Charles Poulett Thomson, the whig president of the board of trade, induced Hume to drop his bill on the promise that the government would introduce a similar one of its own, and this government bill, which left Trinity House's charitable fund intact, became law the same year.[52] The ten remaining sets of private lighthouses were taken from their owners, who received compensation totalling £1,182,546.[53]

II

Lighthouses pose a problem for those desirous of competition at all levels of the economy as they are inherently monopolistic: the idea of competing lighthouses is plainly absurd. It was the status of the private lights as local private monopolies which precipitated reform, as these monopolies were considered to be injurious to the 'public' interest. What made these private monopolies even more objectionable was that they had been created by the state (and by Trinity House). Thus it is possible to view the case of lighthouse reform in terms of the broader struggle against 'old corruption' and state patronage. For Hume, private ownership 'constituted one system of jobbing and plunder'.[54] The Conservative MP George Robinson (also, incidentally, a merchant and shipowner) claimed that 'under all governments, the lighthouse system had been made one of gross jobbing'.[55] David Brewster condemned a system which allowed individuals to tax commerce for private benefit: 'it is in England only, among all the civilised communities upon earth, that such acts of monstrous

[50] *Hansard*, 3rd ser., xxvii, 246–63.

[51] Trinity House itself was not enthusiastic about absorbing the other two lighthouse authorities. *Observations addressed to the lords of the Treasury by the corporation of Trinity House, on the report of the select committee of the House of Commons on lighthouses* (PP, 1835, xlviii), p. 2.

[52] 6 & 7 Will. IV c. 79.

[53] *SC … [on] lighthouses* (PP, 1845, ix), p. 7. The purchase was facilitated by £150,000 of government money in the form of a Treasury loan. The rest of the money came from Trinity House's reserves, and from a loan raised by the corporation by the issue of 4 per cent bonds.

[54] *Hansard*, 3rd ser., xxvii, 247.

[55] Ibid., xv, 1072.

rapacity are perpetrated in open day, and under the sanction, too, of royal grants, corporation leases, and Parliamentary enactments'.[56]

These claims were not just about government policy in the distant past: they were also concerned with the renewal by the crown of several of the lighthouse leases in 1828–9. These renewals, against the explicit recommendations of the 1822 select committee, not only perpetuated private ownership, but meant that the government (specifically the commissioners of woods and forests) now benefited economically from these private monopolies, at the expense of the community. This situation provoked a typically robust condemnation from Hume, who declared the renewals 'little short of high treason … If ever there was a case calling for the impeachment of a Ministry, this was such a case.'[57] Sir Robert Peel strenuously denied accusations of corruption,[58] but the renewals proved a handy stick with which to beat the tories. Poulett Thomson skilfully distanced his party from the policy previously pursued by the tories: he 'could only say, that the renewals had not been granted by the administration of which he had the honour to form a part; and he had always maintained that these advantages ought not to have been conceded'.[59] Attention was drawn in parliament to the whigs' exemplary behaviour in transferring control of the Foreland lights from Greenwich Hospital to Trinity House when the former's lease expired in July 1832, thus facilitating an instant quartering of dues. Interestingly, less was made of the same government's renewal of the private lease on the Hunstanton lighthouse in February the same year on terms remarkably similar to the controversial renewals of the 1820s, an action which would appear to indicate that the whigs were not wholly convinced in 1832 that centralization was the right course.[60] Nevertheless, lighthouse reform enabled the whigs and radicals to pose as crusaders against local monopolies which the tories sought to perpetuate. By the early 1830s, the tories' stance on the issue was sufficiently unpopular for Peel to break with previous party policy and support lighthouse centralization.[61]

Private ownership of lighthouses, though tainted with old corruption, was not criticized solely because it had arisen through government patronage: it was attacked more fundamentally because private property in lighthouses was held to be morally wrong and antithetical to the interests of society. The morality of reform was expressed in terms of the 'public' interest. The definition of this public interest was crucial to the success of lighthouse reform. Arguments used to justify reform sometimes touched on the issue of safety: shipwrecks were thought to be due in part to the inadequacy of lighthouse coverage, and this inadequacy could be blamed on decentralized management, flaws within the various lighthouse authorities, and the high level of tolls, which was thought to discourage shipowners from petitioning for more lighthouses. But examination of the language of reform reveals that when protection of 'the

[56] Brewster, 'Parliamentary report', p. 222.
[57] *Hansard*, 3rd ser., xxvii, 252.
[58] Ibid., xv, 1075.
[59] Ibid., 1073.
[60] *SC … [on] lighthouses* (PP, 1834, xii), p. 57.
[61] *Hansard*, 3rd ser., xv, 1074.

public' was invoked as justification for change, economic motives were paramount. The privately charged tolls were an unjust 'charge on the public'.[62] Leases granted to private individuals afforded them the opportunity of 'plundering the public'.[63] The large surpluses levied did not go towards new lights, but were 'to enrich individuals'[64] at the public expense. The system involved 'culpable prodigality of the public money'.[65]

It was the shipowners who had to pay the tolls, but to reformers, this toll money was 'public money'. This notion of 'the public' was employed both to isolate private owners and to broaden the issue beyond the narrow one of lighthouse owners versus shipowners into the more general one of private interest versus public good. The private interests of the lighthouse proprietors could then be contrasted with the broader public interest which private ownership was said to damage. Shipowners, merchants, producers, and, importantly, consumers were all held to share this public interest.[66] Reformers followed the Ricardian principle that 'Any tax which may be imposed on the cultivator … will increase the cost of production, and will therefore raise the price of raw produce … A tax on raw produce would not be paid by the landlord; it would not be paid by the farmer; but it would be paid, in an increased price, by the consumer.'[67] Brewster was particularly keen to highlight the stake consumers had in reform, asserting that, in reality, the tolls were not paid by the shipping interest but by 'every consumer of foreign and domestic produce carried coastwise: every child that sucks an orange, and every dandy that smokes a cigar, is a contributor to the lighthouse revenue'.[68] That the interests of a section of the business community and the national interest had become mixed up together in the rhetoric of reform is suggested by the argument of Robert Dow Ker, a merchant and shipowner, and chairman of the Greenock chamber of commerce: 'the principle of private lighthouses is highly objectionable, as committing a trust affecting life and public property in the hands of private individuals. It is a manifest disregard of public rights, and, in practice, the system has been most injurious to the shipping interest.'[69] This blending together of business and public interests was a crucial means of winning support for change.

With private and public interests defined by reformers in this way, the surplus collection which was the key to private profit was presented as an unmitigated evil, 'a great waste of the public resources'.[70] Any sum levied over what was required to maintain the lights was 'entirely thrown away'.[71] It was thus in the public interest that 'public resources' (light dues) should not be 'wasted' by going to private owners. The tolls drew money away from

[62] Hume, ibid., xxvii, 247.
[63] Hume, ibid., xxxi, 167.
[64] Hume, ibid., xxvii, 248.
[65] Brewster, 'Parliamentary report', p. 224.
[66] *SC … [on] lighthouses* (PP, 1845, ix), p. 19.
[67] David Ricardo, *On the principles of political economy and taxation* (Harmondsworth, 1971), pp. 173–4.
[68] Brewster, 'Parliamentary report', p. 229.
[69] *SC … [on] lighthouses* (PP, 1834, xii), q. 2629.
[70] Hume, *Hansard*, 3rd ser., xxvii, 251–2.
[71] Hume, ibid., xxxi, 167.

commerce: lighthouses 'being for the protection of commerce, and commerce being for the general benefit of all',[72] it was unjust for private owners to continue to receive tolls which were not for 'the general benefit of all'. The tolls drained money away from commerce into the pockets of lighthouse owners and pensioners. Reform of this system was therefore in the public interest as it would redistribute economic resources from lighthouse owners and pensioners to shipowners, and by implication, to the public as a whole.

The advocates of lighthouse reform were thus not merely attacking corruption, they were attacking the very existence of private property in a public service. It is striking that in the 1830s there were no proposals for reforming private lighthouse ownership as a strategy for its long-term preservation, such as state-enforced reduction of private toll rates, such as had been imposed in the 1820s on the lighthouses operators whose leases had expired, or competitive tender for lighthouse contracts. The demand was for the abolition, not reform, of private lighthouse property.[73] Private property, in lighthouses as in everything else, arose from decisions made by government about which resources should be appropriated by individuals and which resources should not. Government, as the authority which created and enforced property rights, also had the power to *exclude* resources from the realm of private property. Underpinning lighthouse reform, therefore, was a criticism of the willingness of government to make private property out of a public resource. According to Hume, neither the state nor Trinity House had the *right* to allow the private appropriation of the lights.[74] Importantly, however, the state was viewed as capable of correcting its past behaviour and acting in the public interest. Doing this entailed reforming private property in what was construed as a disinterested way. This was true not only of lighthouse reform, but of charity, borough, corporation, and tithe reform. In the case of lighthouse reform, putting an end to old corruption meant moving lighthouses from the private to the public sphere by the state: in effect, a nationalization of the lighthouse property. Lighthouse reformers were quite conscious that they were replacing private with national ownership. Thomas Wyse, a Liberal MP, referring to lighthouse centralization, spoke in parliament of 'the nationalising of the business',[75] while the reformer Robert Cutlar Ferguson argued that 'the whole of the lighthouse establishment should be a national establishment … the establishment should be national, the expense national'.[76]

Nationalization redistributed the property of the light tolls within the private sector from the lighthouse owners to shipowners. This transfer could only be effected by state power: the grant of voluntary powers of purchase to Trinity House in 1822 had failed to eradicate private ownership. Voluntary

[72] Christopher Fitzsimon, ibid., xxvii, 262.

[73] Retaining private property in lighthouses would also have thwarted that other central aim of reformers, uniformity of management. See the memorial of the General Shipowners' Society to the 1834 select committee, *SC … [on] lighthouses* (PP, 1834, xii), p. 225.

[74] *Hansard*, 3rd ser., xxxi, 167; ibid., xxvii, 249–50.

[75] Ibid., xxvii, 260.

[76] Ibid., 257.

powers would have been insufficient in 1836 too, for the owners and lessees of the Tynemouth, Spurn, and Smalls lighthouses repeatedly petitioned parliament to protest against the proposed legislation.[77] The petitioners discovered that there was nothing sacred about property rights when altering them was thought to be in the public interest.

Once it had been decided to abolish private ownership, there remained a choice of administrative bodies: a new government department which could be established for the purpose of managing the lights; the Admiralty; either of the Scottish or Irish boards; or Trinity House. Trinity House was not an automatic choice, for it had plenty of opponents. In 1816 Joseph Birch, a whig MP, merchant, and shipowner called for a select committee to investigate Trinity House, complaining that the tax levied by Trinity House on shipping was 'extravagant' and compared the corporation unfavourably with the commissioners of northern lights. The surpluses 'had been uselessly and reprehensibly squandered for the gratification of a taste for show, or purchase of articles of luxury: he alluded to the splendid establishment of the Trinity-house, the Trinity-yacht, the entertainments given by the brethren'.[78] In 1823, a leading article in *The Times* indicated the level of dissatisfaction with Trinity House in the business community: 'The Merchants, whose letters by hundreds are before us, and whose murmurs against this Company are deep and universal, exclaim, that its charter ought to be withdrawn; that its powers have been abused; its duties overpaid and neglected; its funds swollen beyond their lawful bulk, and diverted from their honest purposes.'[79] Significantly, though critical itself of the 'neglect and prodigality' running through Trinity House's management, the newspaper thought that satisfactory results could be obtained by reforming rather than abolishing the corporation: 'let the abuses be redressed, and the services contemplated by the [founding] charter be fairly performed; and then let the Brethren invite their friends, and enjoy their annual venison and Burgundy unmolested'.[80] Trinity House, clearly stung by such public criticism, did reform itself after 1822, reducing dues, buying out private lessees, building new lights, and waiving its claims to government compensation resulting from the reciprocity treaties.

But in the 1830s, radicals continued to oppose vesting the lights in Trinity House. They objected to 'defects' in the constitution of the board, a self-constituted, self-perpetuating body which they thought must not be given extra powers. It should be remembered that both charitable and municipal corporations were under attack in this period as public institutions which were primarily concerned with serving their constituents' private interests. Therefore it was perhaps unsurprising that radicals should highlight the flaws of this particular corporation, which contained no naval or scientific men but was

[77] These petitions were received on 19 Aug. 1835, and on 2 Mar., 7 July, 12 July, 25 July, and 26 July 1836: *House of Commons Journals*, 90, p. 569; ibid., 91, pp. 104, 634, and 652; *House of Lords Journals*, 68, pp. 741 and 747.

[78] *Times*, 22 May 1816, p. 2, col. c.

[79] Ibid., 7 Jan. 1823, p. 2, col. d.

[80] Ibid.

made up solely of the captains of merchant vessels, who could not be expected to understand or protect the public interest.[81] Radicals also doubted that the government could exercise sufficient control over lights through the corporation, and argued it was necessary to impose more direct government authority. Hume was never happy with the prospect of Trinity House control. He wanted the government to take up the question and establish a separate board, imploring, 'What was the Board of Trade for, if not to undertake the management of such matters as this?'[82] This appeal did not move the board, and by the time of the committee stage of the 1836 bill, the radicals had changed tack, now somewhat surprisingly proposing that the Admiralty be placed in charge of lighthouses. William Ewart, a radical MP, argued that it was necessary to 'bring the lighthouses of the country under the control of a body which would be subject to greater responsibility than at present existed. It was idle to suppose, that a body such as the Trinity Board constituted out of the House, having no representatives in the House, could be so responsible as the Admiralty.'[83] Significantly, Admiralty control would also be a means of transferring the financial burden of maintenance on to the state. Hume thought that as his majesty's ships derived the same advantages from lighthouses as traders, but were exempt from tolls, it was fair that 'the expenses of the light-houses of the country, ought to be placed on the same footing as the Consular charges, and those expenses ought to be defrayed as part of the public burthens, out of the public purse'.[84]

The radicals pushed their Admiralty plan to a division in the committee stage of the 1836 bill, and lost heavily, by sixty-eight votes to seven. But Hume, a keen advocate of retrenchment, did not give up his campaign for even greater government control of the lighthouse system. An 1845 select committee, chaired by Hume, was established to consider the extent to which the recommendations of the 1834 committee had been carried out, and to determine whether further reforms were required. It called for the abolition of light dues, for the whole lighthouse establishment to be paid for out of public revenues, and for the Treasury to take on Trinity House's debts. Again, these proposals failed to gain significant support.[85] These failures can largely be explained by the fact that, due to its policies after 1822, Trinity House had come to be widely viewed as a responsible and competent public body which rendered the creation of a new government department to run lighthouses or the burdening of an existing one unnecessary. By reducing light dues, and by waiving its right to reciprocity compensation payments, the corporation had shown it would willingly and effectively carry out national objectives set by the government: the state could effectively control the lighthouse system and

[81] *Hansard*, 3rd ser., xxxv, 139–40 (12 July 1836); Brewster, 'British lighthouse system', pp. 172–4. [82] *Hansard*, 3rd ser., xxxi, 166–8. [83] Ibid., xxxv, 146.

[84] Ibid., xxvii, 253.

[85] The committee also made by now familiar recommendations that all UK lights be placed under Trinity House, and that the corporation's pension payments be phased out with the lives of the existing pensioners.

legislate on lighthouses through this existing body. The 'defects' in Trinity House's constitution could be overlooked as the corporation's recent conduct had won it substantial political support.[86]

In debates in the 1830s, the lights controlled by Trinity House were referred to as 'public lights' in contrast to the 'private lights' owned by individuals. It can be argued that Trinity House provides another example of the type of institution which, Timothy Alborn argues, indicates the anachronism of imposing clear distinctions between public and private spheres on this period. Like the East India Company and the Bank of England, Trinity House was nominally a private corporation, but performed a public role which would otherwise have had to be performed by a central government agency.[87] Its success in doing so, like the other institutions, depended on its ability to revise its administrative strategies 'to keep up with the changing needs of industry and commerce', in other words its ability to be seen to be acting in the perceived public interest.[88] It passed this test, and so was able not only to survive attacks on its constitution, but emerged with its responsibilities enhanced. Yet it did not manage to defend its autonomy from encroachments by the state. The 1836 act made all three lighthouse boards literally accountable: henceforth they were required to submit annual accounts of income and expenditure, and make annual reports of improvements and alterations to lighthouses to parliament.[89] Accountability gave way to direct control under the terms of the Merchant Shipping Law Amendment Act of 1853 which merged the funds of all three lighthouse boards to create the mercantile marine fund, and stipulated that all expenditure from this new fund had to be approved by the board of trade.[90]

Outright nationalization, by vesting the lights in the Admiralty, did not receive wide support, but quasi-nationalization, with Trinity House as the uniform authority, was backed by both whigs and tories. Trinity House therefore became the sole lighthouse authority for England. But for many reformers, nationalizing lighthouses meant more than the abolition of private ownership: it also meant putting an end to the multiplicity of public boards and creating a single authority for the whole of the United Kingdom. By the 1830s, the imposition of UK-wide uniformity of lighthouse management was a popular demand. But this was opposed by Irish and Scottish interests, with the result that, in practice, reform meant nationalization for England rather than for the UK. John Wilson, the Scottish tory, writing in *Blackwood's Magazine*, defended the commissioners of the northern lights from the attacks of the *Edinburgh Review* and others, arguing that as the commissioners were 'unconnected with the shipping interest' they were 'at all times unbiassed by local predilections; their sole object was steadily to keep in view the general benefit

[86] Two notable supporters were Poulett Thomson and Peel: Hansard, 3rd ser., xxxv, 141 and 144. [87] Alborn, *Conceiving companies*, pp. 1–8. [88] Ibid., p. 7.
[89] 6 & 7 Will. iv c. 79, section lxii, though the commissioners of northern lights already submitted annual accounts. [90] 16 & 17 Vict. c. 131.

of the trade of the country'.[91] Irish MPs rushed to the defence of the ballast board. Frederick Shaw, the Conservative MP for Dublin University, objected to 'the consolidation of the Irish with the English management' due to the 'excellent conduct of the Ballast Board' and the resultant satisfaction of 'the shipping and trading interests of Ireland' with the existing management.[92] Daniel O'Connell agreed, praising the 'admirable arrangements of the Ballast Board', which had managed to cut the charge on shipping while simultaneously improving lighthouse coverage so that there had been no shipwrecks on the south coast of Ireland for eight years.[93] Viscount Sandon supported the Irish members, stating that he 'disliked the spirit of monopoly, and would be glad to see each country administering its own proper department of the public service'.[94]

Yet most advocates of centralization wanted Trinity House to be the single lighthouse authority for the United Kingdom: adopting the Scottish or Irish boards as the sole authority was never seriously contemplated. Henry Warburton, the radical, who opposed Trinity House control, remarked that he 'did not know why the members of the Trinity Board should not be under the Commissioners of Northern Lights, as the latter be under the control of the former'.[95] But this was intended to illustrate a point rather than represent a serious proposal: Warburton favoured Admiralty control. The choice of Trinity House, while facilitating English nationalization, vitiated the chances of UK nationalization, for this alienated even those Scottish and Irish MPs who were otherwise sympathetic to the principle of uniform management. It was too much for these members to bear to see their boards abolished in favour of an existing English board which they believed to be inferior to their own. Christopher Fitzsimon, MP for Dublin County, after recording that he was 'a declared enemy to another union', stated that 'here was proposed one of the most extraordinary legislative unions he had heard of … Here it was proposed to unite an admittedly well-conducted Irish Board, against which no charge was made, with a most faulty London Board, against which great and expensive mis-management was proved.' Fitzsimon told Hume that if he proposed to abolish all the boards and light tolls and to support lighthouses from the general revenues of the country, he would back him, but he would oppose any scheme which privileged the English authority over the Irish.[96] The Scottish lord advocate, speaking 'on the part of the people of Scotland', told the House that he 'would have no objection to see the whole light-house system of the United Kingdom placed under the Board of Admiralty, but he did object to having it under the control of the Trinity Board'.[97] Such appeals forced the abandonment of the proposal to make Trinity House the sole lighthouse

[91] John Wilson, 'Northern lighthouses', *Blackwood's Magazine*, 34 (Sept. 1833), p. 364.
[92] *Hansard*, 3rd ser., xxvii, 259. [93] Ibid., xxxi, 173. [94] Ibid., 175.
[95] Ibid., xxxv, 139.
[96] Ibid., xxvii, 262. See also the similar argument of Thomas Wyse, ibid., 260–1.
[97] Ibid., 263.

authority in the United Kingdom and secured the continuation of the Scottish and Irish boards. This indicates that there were political limits to the extent to which centralization could be imposed, as national loyalty (that is, to Ireland and Scotland) was stronger than loyalty to the idea of Britishness. However, the 1836 act did render the other boards subordinate to Trinity House: they were no longer allowed to erect new lights, or remove or alter existing ones without Trinity House's permission, and Trinity House employees were given the power to inspect the Scottish and Irish lights.

With the creation of a central authority for the United Kingdom blocked, the principal achievement of the reform was the nationalization of the English lighthouses, which was understood to mean a transferral of lighthouses from the private to the public sphere, carried out by the state, representing the public, and involving another public institution, Trinity House. This process was rendered slightly more complicated by the fact that when the five private lights leased by the crown to private individuals were transferred to Trinity House, the crown had to be compensated for its loss of property. A figure of £300,000 was arrived at by the government and this was to be paid to the crown by parliament: the land revenues of the crown were released from a debt of £300,000 previously advanced by the consolidated fund. In this way, the crown's rights could be compensated without burdening shipping with the debt.

Interestingly, compensation for the private interests in lighthouses, in cases where terms could not be agreed between Trinity House and private owners, was decided not by the government but by local juries. In such cases, the matter would be referred to a local jury within five years of the passing of the act. The inquiry would take place in the county in which the light was situated, and the sheriff of the county would be responsible for summoning twelve 'sufficient and indifferent Men',[98] who were not to have any economic interest, direct or indirect, in the lighthouse in question.[99] The sheriff would call all relevant witnesses, then the jury would give a verdict 'for the true, fair and just Value' of the lighthouse, 'having regard to the Rights, Benefits, and Advantages resulting to the Proprietors from the Enjoyment thereof'.[100] Compensation for the two most profitable lights, Spurn and Skerries, were settled in this way because Trinity House found the demands of the owners to be 'extravagant'.[101] The local juries were a device to ensure the public interest while at the same time being scrupulously fair to private interests: the decision of a local jury would be less objectionable to the parties involved than if a figure for compensation had been imposed by the government. In this way, the public interest was guaranteed under the guidance, but without the direct interposition, of central government.

The compensation bill was so high that reductions in charges to shipping resulting from the 1836 act only began to be made in 1849, once Trinity House

[98] 6 & 7 Will. IV c. 79, section VII. [99] Ibid., section IX. [100] Ibid., section VII.
[101] *SC* ... [*on*] *lighthouses* (PP, 1845, IX), p. 6.

had paid off the bulk of its debt. The benefits felt in the long term by shipping though were substantial: shipping paid £434,216 in dues in 1845 to all UK authorities; this had fallen to £281,202 by 1861.[102] This reduction was also facilitated by the 1853 reform which signalled the end of Trinity House's pension fund. This reform had been blocked by the whigs in 1836, and was not taken up by the Conservatives in the 1840s despite agitation from Hume. But the climate had changed by the time the Aberdeen government came to power. Edward Cardwell, the new president of the board of trade, began a substantial reform of the mercantile marine, which culminated in 1854 with the lengthy Merchant Shipping Act.[103] In 1853, the government signalled its intention to bring the funds of the three lighthouse authorities under the control of the board of trade, and to phase out pension payments, which would allow dues to be reduced to cover the costs of administration only. This provoked a letter to Cardwell from Prince Albert in his capacity of master of Trinity House. He pointed out the traditional rights of the pensioners to this money, and hoped that these rights, if ended by the government, would not go uncompensated. He compared these ancient rights with those of the recently appropriated private owners, reminding Cardwell 'that Parliament has, within a comparatively short period, recognised the claims of wealthy and influential individuals holding revenues from lighthouses; and which claims were founded upon precisely the same grounds as those which apply to the poor and helpless class whose interests are now in jeopardy'.[104] The elder brethren also opposed the proposed redistribution, asserting that 'the lighthouses and light dues belong to them, for the purposes of the Corporation, and are, in the strictest sense, their property', and that Trinity House should be able to decide what it did with its own property. They were quite aware that reform meant redistribution:

> Now, the proposal of Her Majesty's Government appears to be that the use of the whole of this vast mass of property shall be given to the shipowners, without any charge beyond the expense of maintaining the lights. It is, as affecting the Corporation's charities, an alienation of property, devoted to the benefit of the decayed masters and seamen of the merchants' service, and their families, and a gift of that property to the shipowners.[105]

The government's response indicated the extent to which Trinity House, though having gained responsibilities, had lost its independence. The property vested in Trinity House was 'held … in trust for public purposes, and liable, therefore, to be dealt with upon considerations of public policy'.[106] The

[102] *Royal commission on the condition and management of lights, buoys, and beacons* (PP, 1861, xxv), p. 105; *Return showing the total amount received for light dues in the United Kingdom for the years 1856–1861* (PP, 1862, liv), p. 1.

[103] 17 & 18 Vict. c. 107.

[104] *Letter from his royal highness Prince Albert to the right hon. Edward Cardwell* (PP, 1852–3, xcviii), p. 2.

[105] *Representation from the corporation of the Trinity House to her majesty in council* (PP, 1852–3, xcviii), p. 3.

[106] Ibid., pp. 5–6.

lighthouses and the tolls they generated were plainly viewed as public property by the government, and as far as this government was concerned, the claims of the shipping interest to this property were stronger than those of the pensioners.[107]

III

Lighthouses were just one form of property which was investigated and reformed after 1815. Lighthouse reform is best understood alongside contemporaneous interferences in charities, corporations, tithes, the monopolies of chartered companies, and other species of property. The process of reform provides a particularly striking example of the way in which traditional institutions and forms of property came to be viewed as problematic in this period. Private ownership of lighthouses, which had existed for centuries, came under increasing attack, due to the burdens high tolls and decentralized management were said to impose on the public. Lighthouse reformers insisted that high tolls affected not only shipowners, but merchants, producers, and consumers as well. The toll money was therefore 'public money' which was being unjustly siphoned off by private owners, and, to a lesser extent, Trinity House pensioners. Private ownership was thus held up as a blatant example of 'old corruption' which had to be replaced by public control. By the mid-1830s, there was broad consensus across the parties and within the government that public control was desirable, but there were a number of ways to achieve this. Despite criticism of Trinity House's constitution and past conduct (largely from radical quarters) and the contemporary attacks on the established rights and privileges of corporations, Trinity House was selected as the sole lighthouse authority for England, as a means of securing public control of lighthouses without burdening the Admiralty or creating a new government department. Both the state and Trinity House were acquiring new roles as guardians of the public interest. While the rhetoric of old corruption condemned these bodies as the problem, lighthouse reform showed them as the *solution* to the problem. Both bodies, it was believed, were capable of acting in the public interest, though in 1836 and even more in 1853, Trinity House's freedom of action was curtailed by greater government control.

Lighthouse reform is significant because the state intervened to redistribute over a million pounds worth of property in order to create more freedom for trade, pursuing a policy of nationalization to secure retrenchment. The state had to determine the legitimacy of the competing claims of lighthouse owners, pensioners, and shipowners to the property of the tolls. In 1836 and in 1853, the shipowners were the only group successfully to claim that their interest was the public interest. Once it became generally accepted that there was a conflict between the property of the lighthouse owners and the pensioners on one hand, and the public on the other, the state stepped in to transfer the property of the tolls to the shipowners, and therefore, so reformers argued, to the public.

[107] 16 & 17 Vict. c. 131, section XII.