

# The Battle for the Green

John Taylor Caldwell

1988

THE SUMMER OF 1931 was a riotous season in Glasgow. There were demonstrations involving anything from forty-five thousand to one hundred thousand angry protesters, in scenes which Police Superintendent Sweeny of the Central Division described as “a disgrace to any civilised community”. The focal point of these demonstrations was Glasgow Green. Much of the disturbances took place just outside the Green, in the space called Jocelyn Square, but traditionally and persistently called Jail Square by Glaswegians, because of the proximity of the High Court and its incarceratory facilities. To most of those who took part in these demonstrations the issues were unemployment, the Means Test, and the Right to Work, but these popular causes were developments from the original grievance, which was the right to hold public meetings in the Green without a permit from the Parks Department.

This traditional right had recently been taken away by a Labour Town Council.

The Glasgow Green lies in the heart of the City, on the north bank of the River Clyde. It is the oldest of the city’s parks, and is rated more than a park. It owes its origin to the common lands of the Burgh. A historian of the Green, writing in 1894, notes a civic function of this Open Space:

*One of the old customs of the Green remains almost as vigorous as of old... From time immemorial it has been the custom for all classes of preachers and debaters to air their eloquence upon the masses who frequent the Green; and on the Saturday and Sunday afternoons numerous knots of people are to be found listening to discussions on all varieties of topics.<sup>1</sup>*

Another writer of the eighteen-nineties declares:

*But there are other shows which have long characterised the space between the Court Houses and Nelson’s Monument, and which still continue with unabated vigour. From time immemorial it has been classical ground to the east-end controvertionalists. There Orangemen and Romanists fought bloodless battles by the thousand... There the stupid Tory, and the lofty-souled socialist...annihilates with ease all shades of orthodox political opinion. On the Green the atheist readily confutes the arguments of the earnest*

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<sup>1</sup> See *Glasgow Public Parks* (John Smith, 1894); by Duncan McLellan. (Mitchell Library).

*Salvation Army; while the total abstainer has it all his own way in preaching the mission of temperance... Let it not be thought that the whole matter is bubble and froth, the phenomenon represents a vast aggregate of serious purpose, if not of deep thought, and it forms a most efficient safety valve for blowing off social, political, and religious sentiments, which might otherwise attain explosive force.*<sup>2</sup>

The records of Glasgow Green are among the oldest existing records of Glasgow. The earliest known document is the Notitia, or Inquest of David, attested before the judges in the year 1120. It contains the result of the inquiry made by the command of David, Prince of Cumbria or Strathclyde (afterwards David the First of Scotland) as to the lands which had formerly belonged to the Church of Saint Mungo, and which he proceeded to restore to the new bishop of Glasgow. The bishop's property probably included the present Broomielaw, the old Green, or Docal Green of Glasgow, from present-day Jamaica Street eastwards, and the present Jail Square.<sup>3</sup>

After the Reformation these lands became civic property administered by the City Council. They were used for the cutting of peat, the pasturing and slaughtering of cattle, the execution of malefactors and martyrs, and for playing, strolling and talking. In the People's Palace, centrepiece of the Green, there is a painting which shows a crowd around a Glasgow character of Victorian days, Old Malabar. A later hand has painted into the crowd a little Charlie Chaplin, familiar in his bowler hat, cane, and big boots.

On April 13, 1916 the Glasgow Corporation repealed a bye-law passed on April 25, 1896 for the regulation of the City Parks and Open Spaces, and replaced it with the controversial Bye-law 20, restricting the right of free assembly. It was this which led to the riotous scenes of the twenties and thirties; and it was this that Guy Aldred challenged in the Green, on the streets, and finally in the High Court. The Bye-law, passed in 1916, was not invoked until 1922, when a Labour Council was in office. It read:

*20. No person shall, in any of the parks, sing, preach, lecture, or take part in any service, discussion, meeting, or demonstration, or hold any exhibition or public show, for any purpose whatsoever, or play any musical instrument, except with the written authority of the Corporation, or the Superintendent, and then only on such places as may be from time to time set aside by the Corporation or Superintendent, by Notice, for such purpose.*

On July 30 1923 this Bye-law was amended to make an exception of the space outside the gates of the Green, known as Jail Square. This concession was a recognition of the traditional usage of the Square. Meetings were being cleared from the gates of all other parks. Aldred was contesting the right to speak outside Botanic Gardens. But he considered Glasgow Green as a special case because of its historical associations. On July 6<sup>th</sup> 1924 he addressed an Open Letter, in the columns of *The Commune*, to the Lord Provost, Magistrates, and Council of the City of Glasgow in respect of the right of unlicensed liberty of speech on Glasgow Green, "as secured by long tradition, and respected by the Common Law of Scotland..."

The letter read in part:

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<sup>2</sup> *Glasgow: Its Municipal Organisation and Administration*; Sir John Ball, University Publishers 1896. Woodside Library, Glasgow.

<sup>3</sup> *The Council*; ed. Guy A. Aldred. July/August, 1932.

*Sirs and Citizens,*

Today I shall be one of seventy speakers participating in a quiet and orderly meeting, duly advertised, which will be held at 3pm at the monument, Glasgow Green...

At the present moment Edward Rennie is serving a sentence of fifty days as an ordinary criminal in Barlinnie Prison for speaking in Glasgow Green without a permit. Peter Marshall, Peter McIntyre, John Ball,<sup>4</sup> are waiting arrest for not paying fines. Seventy cases are pending... Meantime, a Labour Government being in power – for the offence of addressing a lawful meeting Rennie is being treated as a criminal...

These Bye-laws were passed in 1916. Were they advertised as required? If so, how comes it that neither police nor public regarded them as applying to the Green? So much is this the case that in 1921, Mr Adamson, the present Secretary of State for Scotland, spoke on Glasgow Green without a permit. During the following years Maxton, Kirkwood, and Robertson<sup>5</sup> all did so. I submit that it is contrary to law to lapse Bye-laws, and then capriciously reimpose them.

But the Glasgow Parks Act of 1878 confers no power on you to prohibit meetings... Section 37, the very section under which you act, concludes with this provision: Provided that such Bye-laws shall not be repugnant to the laws of Scotland.

...I submit that Bye-laws which send men to prison as common criminals for exercising the lawful right of assembly on a highway – and Glasgow Green is a highway as well as an Open Space – are repugnant to the laws of Scotland...

This Meeting was held as advertised, and meetings were held for several weeks thereafter. At all of them names were taken and charges made. The speakers were either from the *Antiparliamentary Communist Federation* or from the *Scottish Workers' Republican Party*, which had been founded by John MacLean. The *Communist Party* sneered at the “anti-pantis”, and the “Claymore Communists” – reference to MacLean’s attempt to form a *Scottish Communist Party*. In *The Worker* the free speech campaign was described as a “stunt, pure and simple”, and the Green described as a “bedlam of racing tipsters, medicine men, religious fanatics and political oddities.”<sup>6</sup>

At a meeting of the *Glasgow Parks Committee* a report was read from the Town Clerk’s Office, detailing complaints from the *Magistrates' Committee*. This referred to the abuse of Jail Square by racing tipsters, and other undesirable persons who had, since the speaking ban had been lifted from the Square, crowded into the place, attracting a rowdy and troublesome element, making “the place like a fair”. The Magistrates’ Committee recommended that steps be taken to prevent the use of the Square by such persons. The motion was therefore put to the Parks Sub-committee that the proviso exempting the Square from the restrictions which applied to the Green should be repealed, and that therefore unlicensed speaking on the Square should be an offence. There was an opposing amendment that ‘no Action’ be taken on the Magistrates’ Report.’ The vote showed eleven for the motion and eight for the amendment.

Guy Aldred was spending much of his time in London where he was conducting a campaign for the right to sell socialist literature, and to take collections at meetings in Hyde Park. In the

<sup>4</sup> Rennie, Marshall and McIntyre were members of the Scottish Workers’ Republican Party.

<sup>5</sup> Guy Aldred, Rose Witcop and Margaret Sanger addressed a crowd of two thousand on Birth Control in the Green in 1922.

<sup>6</sup> *The Worker*; Aug. 9 & 16 1924 and July 25 1925.

course of this activity he had a brush with the police because he said disrespectful things about God. On Sunday 15<sup>th</sup> 1925 he was arrested from the platform and charged with blasphemy and sedition. Considerable press publicity was given to the charges, and Aldred was featured as an outstanding blasphemer. He conducted his own defence at a trial which ended on March 10<sup>th</sup>, and was found not guilty on all counts, except a minor one for which a fine of £2 was imposed.

These and other activities kept him away from the Green, but when he heard that the Glasgow Corporation had made application to the Sheriff Principle A. O. M. Mackenzie for deletion of the clause in the Bye-law which exempted Jail Square from the restrictions which applied to the Green, he lodged notice of objection. The date of the Hearing was advanced a week and on March 29<sup>th</sup> 1925 Guy Aldred appeared in person to state his objections. The Corporation was represented by Mr R. J. Campbell of the Town Clerk's Office.

Aldred quoted Acts of Parliament and legal authorities to support his view that the Bye-law was repugnant to the laws of Scotland and *ultra vires* of the Corporation. It was a gross abuse of terms to place tipsters in the same class as public speakers. In London the authorities had extended certain laws which prevented tipsters from going into Hyde Park, but public meetings still went on. Glasgow Corporation had no right to close down the Green unless they were prepared to provide another meeting place. The Corporation's proposal was contrary to the good government of the city, for this act of regulation was in reality an act of prohibition.

He was interrupted while he was drawing a distinction between tipsters and public speakers by the Sheriff-Principle who remarked (amid laughter) – “You mean that free speech is more important than free tips.”

Mr Campbell said that it was not within the contemplation of the Corporation that the repeal of the proviso would interfere with free speech as far as it was enjoyed in 1916. If a meeting was conducted in an orderly manner, and there was no suggestion that it would lead to disorder, or obstruction, in all probability permits would be granted to speakers.

The Sheriff: “The question is whether it is reasonable to cure an evil by depriving citizens of their power of free speech except with permits from the magistrates.”

Mr Campbell said there was no complaint in 1916, and right up until 1923, or at the passing of any other Bye-laws. Sheriff Mackenzie took the matter to *avizandum*. On April 1st 1927 he confirmed the reverted Bye-law. Guy Aldred's statement was reported at length in the Glasgow Press, and on April 2<sup>nd</sup> *The Glasgow Herald* in a lengthy editorial approved the Sheriff's decision, concluding:<sup>7</sup>

*The Bye-law in question, however, only applies to parks, and it can be made applicable to this Jail Square pitch because it is technically part of Glasgow Green, which is a public park. Having established the principle that this area is to be subject to the control of the magistrates, we hope the Corporation may be stirred up to make use of such powers as they may have, or if they have them not, to take steps to get such powers as may be necessary to enable them to regulate street-corner oratory anywhere within the City.*

The Reverend Richard Lee, then minister of Ross Street Unitarian Church, in the East End, and sometime Glasgow Labour Councillor, and active public figure in the city, wrote to the *Glasgow Evening News* for March 31<sup>st</sup> 1927 –

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<sup>7</sup> Press reports, summarised in *The Council* July/August 1932.

*It is lamentable that the citizens of Glasgow should treat so lightly the passing away of the freedom of Glasgow Green. How strange it is that the main defence of free speech should be left to a Sassenach, Mr Guy Aldred, who made such an impressive case on Tuesday from the point of view of ancient usage, legal right, and public interest!*

*... When Socrates laid down the foundations of the philosophy of rational research he had no official caucus to back him up. When Jesus established the principles of spiritual religion, he had no support from official ecclesiasticism. Today there is little hope from any body of hidebound ecclesiastics or politicians.*

*This proposal of the authorities means the choking up of the foundations of rational liberty and social justice.*

The *Daily Herald* for the same date carried the headline:

### **SILENT GLASGOW GREEN**

#### **All Meetings banned on Jail Square**

The letter-press concluded:

*The ban on meetings takes immediate effect, so that tomorrow the Green will be silent, almost for the first time in many years.*

And for several years it remained so. Then it was broken by the worn boots and holy voices of the *Brotherhood of the Way* who arrived with wooden crosses and evangelical zeal on the forbidden ground of secular dictate in the June of 1931. The *Brothers* tramped through the United Kingdom – and were therefore known more commonly as *The Tramp Preachers* – as they conceived Jesus to have tramped through ancient Judea, preaching the Gospel of Brotherhood and Love. They lived only on the collections gathered at their meetings, usually of the poor and unemployed, and had – always in theory, sometimes in actuality – nowhere to lay their heads. They were not much concerned about Caesar's Bye-laws. They were arrested, lodged in police cells, brought before the magistrate, and fined £5 – two weeks' wages. As they were persons of no fixed abode, no time was allowed to pay the fine – which they didn't intend to pay anyway. They were therefore sent to prison for thirty days in a city the motto of which was 'Let Glasgow Flourish by the Preaching of the Word' – for doing just that.

John McGovern, I.L.P. Member for Shettleston, raised the matter in the House of Commons. He asked the Secretary of State (W. Adams, Labour) if he would release these men. Mr Adamson said he "would make enquiries" which meant he would do nothing. McGovern pressed the point till "disgraceful scenes ensued" according to the press. The *Daily Express* for July 3<sup>rd</sup> 1931, playing on the fact that there had been a championship boxing match the previous evening, gave a witty heading:

### **LAST NIGHT'S BIG FIGHT – IN THE HOUSE**

#### **Glasgow Member dragged out.**

Space does not allow us to enjoy the full account, but we may have a snippet from the heart of the story. McGovern refused to leave the Chamber as ordered by the Speaker, and refused to go quietly when asked to do so by four stout, but elderly, doorkeepers, in morning dress, with white shirt fronts and golden chains. So:

*One attendant took Mr McGovern's hands. Mr Becket, M.P., pulled the hands off. Others arrived and seized Mr McGovern by the legs and shoulders. Messrs Becket and Kinley threw themselves on the attendants. Mr Maxton, sitting immediately behind, leaned forward, his long locks dangling over his face, and joined in.*

*...Slowly the struggling heap moved towards the door. As each successive pillar supporting the gallery was reached Mr Maxton was dislodged, but renewed his hold on the other side of the pillar. Mr Becket, seeing that his side was losing, took a leap on an attendant's back. Down they went in a heap on top of the others. Miss Jenny Lee, hardly a couple of yards away from the ring, shrank back a little. Messrs Brockway and Campbell Stephen (I.L.P.) played an unhappy part. They were neutral. They neither moved out of the way of the attendants, nor attempted to obstruct them...and were thoroughly ruffled by the wave which swept over them...*

So the struggling mass reached the door and John McGovern was ejected, and was suspended for the remainder of the session. He had received nation-wide publicity and made it known to the press that he would speak on Glasgow Green without a permit. Guy Aldred and Harry McShane were among others who were taking up the matter of free meetings in the Green. A *Free Speech Council* had been set up and Guy Aldred, Harry McShane, Tom Pickering (*Tramp Preacher*) and Edward Rennie (*Scottish Workers' Republican Party*) had been fined (but not paid) £5.

Two days after his ejection from the House, Sunday 5<sup>th</sup> July, McGovern arrived at the Green where a crowd of six thousand had gathered. The police allowed the meeting to proceed, but took the names of the speakers. These were Aldred, McGovern, McShane, Pickering, John Heenan (*I.L.P.*), Willie MacDougall (*Antiparliamentary Communist Federation*), Andrew Reilly (*Irish Workers' Party*) and Joseph McGlinchly (*Distributist*). These made two Court appearances. Guy Aldred gave notice of appeal on behalf of all the accused, and asked for a Stated Case.

Harry McShane was a member of the Communist Party, but at this stage the Party was not involved in the protests. McShane had to "drag them in".<sup>8</sup> This is not surprising when it is remembered that Moscow did not think much of free speech, and would not have welcomed a Report in which the Party not only campaigned for free speech but did so in association with the bourgeois I.L.P., the anarchist Aldred, and the evangelical Tramp Preachers. But when the demonstrations began to spill over into protests against the high level of unemployment, and the introduction of the Means Test, the Party had to take an interest. But the national figures stayed away, leaving McShane to organise the Communist Party activity. His interest in free speech was genuine and he refused to soft-pedal it in conformity with Party policy. His work for the unemployed was equally serious. He was Secretary of the National Unemployed Workers' Movement and, later, Secretary of Glasgow C.P.

Aldred was not greatly interested in demands for the Right to Work. That wage slaves should demand burdens for their backs in no way matched his definition of socialism. The more youthful members of his group, the Antiparliamentary Communist Federation and of the group founded by John MacLean (then deceased), the Scottish Workers' Republican Party, used to answer the slogan shouters, crying *WE WANT WORK* with the counter-cry *WE WANT NOURISHMENT*, and to calls for a shilling more on Parish Relief they would add sardonically: *AND A BAG OF COAL AND WOOLLY DRAWERS!*

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<sup>8</sup> *No Mean Fighter* by Harry McShane. Pluto Press 1978, p. 173.

To meet this new dimension of the demonstrations the *Free Speech Committee* was turned into a permanent *Council of Action* at a meeting of two hundred delegates from several organisations held in Central Halls on Saturday September 19<sup>th</sup> 1931. The Council passed a resolution by the APCF delegate that the Council evolve the necessary machinery to cope with the “chronic economic condition which is the normal state of capitalist society”; and to promote the transfer of political power to representative Councils of Action.

It would be a naive historian who saw in this gathering of honest upright proletarians in revolt the beginnings of an age of brotherly love, the germination of a new society. The general atmosphere was of disharmony. Every Group hated and villified every other. Antagonisms abounded. Agreements were reached with ill-natured reluctance, not in sympathetic understanding. Only the Tramp Preachers hated nobody (actively) in private; loved everybody in principle, and defied everybody in practice. In Court they raised high their wooden crosses, and bawled forth ‘Onward Christian Soldiers’, confounding the raucous-voiced ushers, and nonplussing the Stipendiary Magistrate.

It was the confused motives and fragmented leadership that led to the riots of the First of October 1931. Aldred maintained that continued mass confrontation would get nowhere, except hospital or jail. He was in favour of meeting the Corporation on their own ground, in the Court of Law. They had violated a principle of the Laws of Scotland. He would prove it, and force the removal of the offending Bye-law. Then, with the right to meet in public assembly in the public parks, the people should use that right to meet in concourse and debate the next moves in the struggle against the system which bred unemployment and exploitation. McShane thought that Court action would meet with failure, and that no further advance could be made along that road.

McGovern, writing thirty years later, said that the Communists (i.e. McShane) wanted to take over the unemployed movement,<sup>9</sup> and that he (McGovern) wanted to prevent them from staging a riot. A laudable motive, but his method of doing so was curiously inconsistent. He and Harry McShane had, the very afternoon of the evening debate on the matter, addressed a meeting in North Hanover Street, at George Square, the municipal heart of the city, urging the audience to rally to the Green that evening. The previous evening McShane had led a procession of unemployed from Warwick Street, in the south side of the city, in the direction of the Green, but had stopped short of forbidden ground on Albert Bridge where, mounted on the parapet, he had urged his followers to gather on the Green the following evening, and to “bring your sticks”. The crowd took up the cry.<sup>10</sup>

So on the first of October McGovern led the East End contingent of unemployed to Glasgow Green, where a hundred thousand persons were gathered (police estimate, 40,000). But there were no Communist Party leaders, because the police had sent word to the Party Headquarters earlier in the day that no marching to the Green would be allowed, but the Communists had not passed the information on to McGovern, hence his arrival with the East End demonstrators. The police sergeant later confirmed that such a warning had been conveyed, with the concession that the leaders could organise those who had unknowingly gathered on the Green into small companies and lead them away. Thus Harry McShane who had urged his followers to gather on

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<sup>9</sup> *Neither Fear Nor Favour* by John McGovern. Blandford Press 1960, p. 73 & 75.

<sup>10</sup> *Glasgow Evening Times* Jan. 18 1932. Guy Aldred’s press cutting books in Mitchell Library give wide coverage of the Glasgow Green campaign.

the Green did not arrive there himself till it was (as he later described it) “pitch dark, and we couldn’t see a thing”.<sup>11</sup>

He, and his comrade, Bob McLellan, were getting a section of the crowd into marching order for the return journey, as suggested by the sergeant earlier in the day, when McGovern “appeared from nowhere” and put himself at the head of the demonstration — and that decided the police to act.<sup>12</sup> Police evidence at the trials which followed, said that there were “several thousand evilly disposed persons, armed with chisels, bottles, hammers and sticks, organised by the National Unemployed Workers’ Movement — (McShane’s adherents, as distinct from his communist comrades) and two hundred policemen”.<sup>13</sup> McGovern was assaulted by the police and arrested at once. McShane found himself behind the charging police. He met a crowd which wanted to “have a go at the police”. He told them they would be slaughtered, and led them through the Green, over the suspension bridge into the Gorbals and safety.<sup>14</sup>

McGovern later accused the Communist leaders of deliberately withholding the police information,<sup>15</sup> of not having arrived at the Green themselves, leaving it to McShane, who arrive only to run away.<sup>16</sup> The representative of the Comintern who was in Glasgow, monitoring the actions of the Communist Party, was not pleased. He sent for McShane and ordered him to go and get arrested “because McGovern had been arrested”. In abject obedience, characteristic of the Communist Party leaders of the time, McShane was putting on his shoes to go out and get himself arrested, when the Representative heard that two policemen had been thrown over a bridge into the Clyde and killed. The Representative thought that under such circumstances it would be better if Harry did not get himself arrested but went to Moscow instead. Fortunately the rumour proved false, and Harry was allowed to stay at home.<sup>17</sup>

The rioting and general disturbance which had started on Jail Square on the Thursday continued over the weekend. The doctor who examined McGovern’s bruised back in a police cell told him: “The city is in a grip of terror. The boys are smashing windows and stealing in every street. They are playing merry hell.”

On the Monday Guy Aldred held a meeting in the Green, once more defying the authorities. He trounced both McGovern and McShane. They had stirred up the people, he said, for no other reason but to lead them, or to seem to lead them. There was doubt in the I.L.P.’s Selection Committee as to McGovern’s suitability as parliamentary candidate at the forthcoming election. His behaviour in the House had embarrassed the Party. Now McGovern wanted to establish himself as a heroic public working-class champion, so that to replace him would be unwise. McShane was using this occasion to establish himself as the leader of the unemployed. There had been no logic in their actions, the purpose of which was blatant self-aggrandisement.

Harry McShane was at this meeting and heard Aldred’s denunciation. He asked to mount the platform. He said to the great crowd assembled at this illegal gathering: “We have had the

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<sup>11</sup> *No Mean Fighter* p. 175.

<sup>12</sup> *ibid*, p. 176.

<sup>13</sup> *Glasgow Evening Times* Jan. 18 1932.

<sup>14</sup> *No Mean Fighter* p. 176.

<sup>15</sup> *Neither Fear Nor Favour* p. 73.

<sup>16</sup> *ibid*, p. 75.

<sup>17</sup> *No Mean Fighter* p. 176.



demonstration. A number of people are in hospital, a number of people have been arrested. The casualties are all on our side. Next time we will be better prepared.”<sup>18</sup>

Aldred said that this was the kind of rabble-rousing he had condemned. Having induced a hundred thousand persons to assemble on the Green — when it was “almost pitch dark” neither McGovern or McShane had any idea what to do with them, or with themselves. A violent confrontation with the authorities may be desirable and necessary, and would most likely be a part of the ultimate confrontation, but this ill-timed violence was self-defeating. It only resulted in men being taken to hospital, or landing in jail. Several days later McShane was arrested.

It was not till January the following year, 1932, that McGovern, McShane, and ten others were brought before the Sheriff charged with assault, mobbing and rioting — McShane was excluded from the assault charge. Superintendent Sweeny of the Central Division confirmed that he had sent word to the Communist Party headquarters that a demonstration would not be allowed to march through the streets, but that persons gathering at the Green would be allowed to return home in separate processions.

McShane was acquitted, for evidently it had been his intention to conform to this arrangement. McGovern was acquitted because he had been in custody when the violence erupted. The ten others, rank and filers, who had “brought their sticks” were each sentenced to three months’ imprisonment. There is no firm statement as to the number of demonstrators injured. Four policemen were hurt. Seventy-seven plate glass windows were smashed.<sup>19</sup>

Meantime Aldred continued with his own line of action. The Appeal by Stated Case against the convictions of Aldred, McGovern, McShane and others for speaking in the Green on July 5<sup>th</sup> 1931, came before the High Court of Justiciary on October 17<sup>th</sup> 1931.<sup>20</sup> The Appeal was unsuccessful, but observations made by the Lord Justice General in disposing of it were brought to the notice of the Parks Committee, and on March 3<sup>rd</sup> 1932 the offending Bye-law was repealed, and replaced with an amended Bye-law. This gave right of public speaking, literature sales, and collections on such places as would be set aside by Notice for that purpose.

Sheriff Principle Mackenzie confirmed this amendment of the Bye-law on June 8<sup>th</sup> 1932. He explained the difference in a note to his interlocutors:

...After the right of holding meetings in the portion of Glasgow Green situated in Jail Square (even he did not call it by its official name: Jocelyn Square) without a written permit, had been taken away, largely attended protest meetings were held in the Green without permits having been obtained and a number of prosecutions followed. In one of these the accused, a Mr Guy Aldred, after convictions, appealed to the High Court of Justiciary. The case — Aldred v Langmuir — is reported in The Scots Law Times Reports for 1931, at page 603. The Appeal was unsuccessful, but certain observations made by the Lord Justice General in disposing of it were brought

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<sup>18</sup> *ibid*, p. 176.

<sup>19</sup> *Glasgow Evening Times* Jan. 18 1932.

<sup>20</sup> Aldred stated objections to relevancy and competency of Complaint in respect that 1) Species facti libelled do not amount to a contravention of the Acts and Bye-laws libelled. 2) Written authority of the Corporation or the Director of Parks *ultra vires* and do not conform to the Statute. 3) Bye-laws, and amended Bye-laws repugnant to the Laws of Scotland. 4) Amended Bye-law not confirmed by the Sheriff of Lanarkshire. 5) Form of application and conditions of permit *ultra vires* of the Corporation. 6) No Bye-law exists specifying conditions under which persons may speak in Glasgow Green; and 7) Complaint involved questions of civil right which cannot be disposed of in a Court of Summary Jurisdiction.

to the notice of the Parks Committee, and that Committee had these observations in view in passing the Bye-law which I am now asked to confirm...

The existing Bye-law prohibits all preaching, lecturing, or holding of meetings without leave of the Corporation, or Director of Parks. The Bye-law proposed impliedly authorises the Corporation to set aside by Notice places where preaching and lecturing may proceed and meetings be held without permits being first obtained. It seems to me that this provision constitutes a very material distinction between the two Bye-laws.”<sup>21</sup>

The part of the Green set aside for public meetings was known as the Old Bandstand. The Council of Action accepted this arrangement, except for the Communist Party. Evidently forgetting that the Party had not officially taken part in the campaign, and had described the gatherings in the Green as a “bedlam of tipsters and medicine men”, they now said that *they* would have demanded the “right to speak from Jail Square to Nelson’s Column”, which would have increased the “bedlam of tipsters and medicine men”, and curtailed the right of the young to stroll, and the elderly to sit in the Green.

The Council of Action broke up. John Meenan went into the Town Council, McGovern was re-elected to the Commons, McShane went, obediently and reluctantly to Moscow. His heart was in Glasgow with the unemployed. Aldred continued the struggle for free speech. He maintained that the amended Bye-law applied to every city park, and that the Corporation was failing in its duty if it did not set aside by Notice an area in every park where the citizens might freely meet and freely discuss.

Now that the right to speak at a selected site in the Green had been established, nobody wanted to do so. The new site — the Green itself — lay deserted once more. The new attraction was the Hunger March. The Green was forgotten. Everybody with daring and adventurous propensity and little else felt the urge to join the threadbare horde on the great trek to London. Aldred went against the stream in condemning this exploit. It was a ruse of the leaders to confirm their alleged leadership, and advance their careers. They were *mis*-leading the workers. To march to London was to acknowledge the authority of London. To stand and shiver in rags before the House of Commons, begging for work, was to accept and affirm their status as wage slaves. He wanted places to be set aside in the parks where the people could gather and discuss social problems and gather strength to defy their exploiters not, like the marchers, acknowledge them. But he was asking too much common sense from common people. Banner-waving and sloganshouting were more glamorous, so free speech was forgotten, and the Hunger Marchers tramped their way into the mainstream of history, where their abjection is held in high regard.

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<sup>21</sup> Quoted from *The Council* July/August 1932.

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The late veteran Glasgow anarchist JT Caldwell tells the story of a struggle to defend the right of open air speaking on Glasgow Green during the early 1930s. As well as legal conflicts, the events included rowdy mass demonstrations of up to one hundred thousand people. Source; *Workers City*; ed. Farquhar McLay, Clydeside Press, Glasgow 1988.

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