

THE 1845 NEW POOR LAW FOR SCOTLAND A FUNDAMENTAL CHANGE

Graham Hannaford

Federation University

THERE is an old Gaelic proverb (or so I am told) that translates roughly as ‘Two things that should not be empty: the stomach of the old and the hand of the child’.¹ The 1845 new Poor Law for Scotland is an attempt to provide for these vulnerable people in Victorian age Scotland—the elderly, children, and the destitute. A piece of legislation is unlikely ever to be sexy but this one, the 1845 Poor Law (Scotland) Act, *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland* is nonetheless remarkable. It marked the shift in support for the poor in Scotland from being provided as charity to one of assistance supplied as an enforceable right under the direction of the State. It gave the lowest in society rights they had not had before.

The new law was ‘followed by other legislative changes ... [which] ... gave Scotland a modern system of government with some degree of representation’.² It has even been claimed that the establishment of the Edinburgh-based Board of Supervision under the act ensured that ‘administrative devolution was bound to grow ... [once] ... there was a body to which further powers could be

¹ M. Newton, *Warriors of the Word: The World of the Scottish Highlanders* (Edinburgh: Birlinn, 2009), p. 157.

² These previous poor laws in Scotland, and conditions for paupers before 1845, have been exhaustively studied by Rosalind Mitchison who is acknowledged as the pre-eminent authority on the old poor laws in Scotland. Her *Old Poor Law in Scotland* involved the study of the records of over 300 parishes and is generally taken as the outstanding work in this field. See R. Mitchison, *The Old Poor Law in Scotland: The Experience of Poverty 1574–1845* (Edinburgh: Edinburgh University Press, 2000), p. 215.

added'.³ While it would be misleading to claim that this single piece of legislation is the birth certificate for the present Scottish Parliament, it certainly forms an important part of its DNA. The act was developed in the wake of new poor laws for England (1834) and Ireland (1838) but differs markedly in its approach. What is usually called the 'old poor law in Scotland' was in reality a compendium of laws passed over the years, to which the 1845 law added.

But why was a new law thought necessary when there already existed poor laws dating back centuries? Those who were promoting it produced heartrending accounts of conditions for paupers before this new poor law came into being and which were continued long after. Typical is Rev. Archibald Clerk, minister of the parish of Kilmallie (which is centred on the town of Fort William, in Inverness-shire). Rev. Clerk was commenting on his previous parish, that of Duirinish on Skye. While he was casting his mind back some forty-odd years, he said he had to hand reports he had contributed to the 1841 *Statistical Account of Scotland* and which served to prompt his memory. He had also had first hand experience of the new poor law, having been a member of the Kilmallie Parochial Board at its creation under the terms of the new poor law. He said that

The dwelling-houses were dark, damp, and very filthy. The main door led into the byre, where the cattle—some of them tied in a very primitive manner, others running at large—were kept. There was no drain to carry off the liquid. All the manure was allowed to accumulate for four or five months, until it was carried out to be laid on the land. It sometimes rose close to a height of two feet above the level of the next apartment, the kitchen, which often formed the only one for the family. On descending to this apartment very little furniture was to be seen. The seats generally consisted of two or three stools made of wood; round stones, and pieces of dried turf. There were two openings in the wall. In these I have occasionally seen panes of glass. Generally, however, one of them was stuffed with straw or ferns, while the other was kept free

³ J. F. McCaffrey *Scotland in the Nineteenth Century* (Basingstoke: Macmillan, 1998), p. 43.

for the admission of air and light, this being regulated by the direction in which the wind blew. The rafters forming the roof were always laid on the inner, instead of the outer edge of the wall; consequently, the rain, entering the top of the wall, was continually oozing through, keeping the house in constant damp.

The food of the crofters was scant and poor. Some of them had a small supply of oatmeal, and their cattle gave them milk; but their chief dependence was on potatoes and fish, often on potatoes and salt. Their clothing was very coarse, and personal ablution was not much practised by them.⁴

Urban poverty was stressed in a pamphlet by Dr William Pulteney Alison, physician and poor law reform campaigner, entitled *Observations on the management of the poor in Scotland, and its effects on the health of the great towns* (1840). A couple of extracts will set the tone. The first concerns conditions in the Old Town, Edinburgh, while the second indicates that conditions in Glasgow—the so-called second city of the empire—were no better:

from the evidence given by the Rev. Dr Lee, Minister of the Old Church, before the Commissioners of Religious Instruction, 18th Feb. 1836, on the state of another portion of the Old Town: I have seen a mother and five daughters with another woman, in a house where there was neither chair nor table, stool, bed, or blanket, nor any kind of implement for cooking. She had the largest allowance given by the Charity Workhouse, 2s. 6d. a-week.

For Glasgow:

I have been in one day in seven houses where there was no bed, in some of them not even straw. I found people of eighty years of age lying on the boards. Many sleep in the same clothes which they wear during the day. I may mention the case of two Scotch families living in a miserable kind of cellar, who had come from the country within a few months, in search of work. Since they came they had had two dead, and another apparently dying. In the place they inhabit, it is impossible at noonday to distinguish the features of the

⁴ Rev. A. Clerk, statement of 24 October 1883 to the Napier Commission: *Her Majesty's Commissioners of Inquiry into the Conditions of the Crofters and Cottars in the Highlands and Islands of Scotland*, Appendix A, p. 29

human face without artificial light. There was a little bundle of dirty straw in one corner, for one family, and in another for the other. An ass stood in one corner, which was as well accommodated as these human creatures.

Observations made by one of the Assistant Commissioners on the Handloom Inquiry include:

The wynds in Glasgow comprise a fluctuating population of from 15,000 to 30,000 persons. This quarter consists of a labyrinth of lanes, out of which numberless entrances lead into small square courts, each with a dunghill reeking in the centre. Revolting as was the outward appearances of these places, I was little prepared for the filth and destitution within. In some of these lodging-rooms (visited at night) we found a whole lair of human beings littered along the floor, sometimes fifteen and twenty, some clothed and some naked; men, women, and children huddled promiscuously together. Their bed consisted of a layer of musty straw, intermixed with rags.⁵

So, why were the existing poor laws not working? Partly it was because the need for expenditure just was not matched by the funds available to fix the problem. There was also a question of differing attitudes towards the poor often affected by religious beliefs—those who classified some as ‘the deserving poor’ while others regarded as idlers, as well as those who were the responsibility of their own families, or were the victims of their own fecklessness, including drunks, fornicators and such like.

Dr Alison was far from the only one to recognise the problems in the cities. A growing ground swell of public opinion, fanned by work such as *Tait’s Edinburgh Magazine*, a publication described as having ‘a penchant for politics’⁶ was putting pressure on the

⁵ W. P. Alison, *Observations on the Management of the Poor in Scotland, and its effects on the health of the great towns* (Edinburgh: W. Blackwood & Sons; London: Thomas Cadell, 1840), pp. 6–7.

⁶ See *Tait’s Edinburgh Magazine*, ‘Condition of the Labouring Poor, and the Management of Paupers in Scotland’ (2 part article) Nos. LXXXIII and LXXXIV, Vol. VII (November and December 1840); *Tait’s Edinburgh Magazine*,

government to do something. Fundamental to many of the issues surrounding management of assistance to the poor is the fact that the administrative unit for supplying relief to the poor had for many centuries been the parish. For a thousand years or more throughout Europe the Christian church in its various manifestations had been responsible for charitable care. The role of the state was always ambiguous. Brown suggests that in a 'vacuum of secular government, the Established Church [had become] a vital instrument of civil power, having in its parish churches, schools, officials and ethos of popular participation the most sophisticated machinery available to impose stability in society'⁷ Mitchison writes that the parish was, in reality, 'the effective instrument of local government'.⁸ This is to look backwards from a position which sees secular government as the only legitimate form of authority. Before the nineteenth century this was hardly so.

In 1839, a Committee of the General Assembly of the Church of Scotland, taking for granted the legitimacy of its position, had reported to the General Assembly and identified some of the issues. It was generally believed that, being local, the parish was in the best position to understand local conditions and needs and the Court of Session had acknowledged this in 1772.⁹ The parish even had a system to licence beggars. It was also where each person might be considered to have contributed to the local community, through work, church contributions, and by supporting others in need. This involvement earned the person a right of 'settlement', the place to which he or she belonged and which had the obligation to provide support when necessary. Determination of a person's settlement was vital when it came to deciding which parish had the responsibility to

'Relief of the Poor in Scotland'. At: <http://www.electricscotland.com/history/articles/poor2.htm>. Accessed 31 March 2014.

⁷ C. G. Brown, *Religion and Society* (Edinburgh: Edinburgh University Press, 2007), p. 68.

⁸ Mitchison, *Making of the Old Scottish Poor Law*, p. 69.

⁹ 'Extract from Report to the General Assembly', Supplement to the *Poor Law Report*, pp. lxxiii–lxxiv.

provide the funds needed to help a pauper. Much depended on this local administrative unit.

Raising the money required for the Kirk Session's poor relief activities was undertaken by collection at the church door, door-to-door visitation, special collections for particular circumstances, pew rents, mortcloth fees, and fines for a range of matters contrary to church teaching such as sabbath breaking, swearing, drunkenness, blasphemy or fornication.¹⁰ Perhaps a financial windfall was obtained by the church following a good Saturday night out or whatever constituted the equivalent of a win by the local shinty team. Occasionally a bequest or donation may also have been available to the parish for poor relief, such as the Kilmallie Kirk Session record in May 1845 of a bequest from Samuel McKechnie, Planter of Tobago, of the sum of £23/8/5 'to be used in consideration of the poor of his native parish'. Its cash book had earlier recorded on 31 January 1843 a donation of £5 from (Cameron of) Lochiel which was specifically to be used 'for the poor on his own estate'.¹¹ Charity began at home.

When it became clear to a Kirk Session that there were insufficient funds to cover expenses, including for poor relief, then the Session could resort to a system of assessments on the local heritors, in effect the rate payers in the parish. The problem with assessments is that the level of assessment was set by the Kirk Session, which was made up mainly of local heritors—the very people who would be taxed to raise the money needed for poor relief. So, the funds available to disburse among a parish's paupers would be only those which were raised by the means already described and coming mostly from among the poorest in the parish,

¹⁰ 'Extract from Report to the General Assembly', pp. lxxiii–lxxiv. There is also a record of money for the poor being raised in Annan in Dumfriesshire by public drinking bouts 'but this was not an option commending itself': M. Fry, *A New Race of Men*, Scotland 1815–1914 (Edinburgh: Birlinn, 2013), p. 169.

¹¹ CH 2/719/1 Minutes of the Kirk Session of Kilmallie April 1844 to July 1845 including the cash book of the Kirk Session of Kilmallie January 1842 to July 1845. The emphasis was in underlining in the original hand written record.

many barely one step ahead of pauperism themselves. Although the Disruption in the Church of Scotland is dated to 1843, by this time attendances at the established churches had often plummeted with a resulting reduction in collections at the church door and in other ways, and it was clear to anyone with foresight that the existing arrangements could not continue.¹²

So, on 26 January 1843 and in the sixth year of Her reign, Queen Victoria signed a commission which ‘for divers good Causes and Considerations Us thereunto moving, ... a diligent and full Inquiry should forthwith be made into the practical operation of the Laws which provide for the Relief of the Poor in Scotland.’ The seven Royal Commissioners appointed were Viscount Melville, Lord Belhaven, Henry Drummond, James Campbell of Craigie, Edward Twistleton (of whom more shortly), and two ministers of the Church of Scotland—Patrick M’Farlan from Greenock and James Robertson from the county of Aberdeen. Once appointed, the serious work began. The commissioners prepared a list of some seventy questions which were printed and sent to the Ministers of every parish in Scotland.

At least some of the questions reflected the personal interests of some of the Commissioners. Royal Commissioners then, as now, often had their own barrows to push. There were at this time some 880 separate parishes in Scotland each receiving a request for information. The list starts with a request for the numbers of ‘single women mothers of illegitimate children’, then the numbers of ‘such women relieved with their parents’, and proceeds to seek information on numbers of orphans, foundlings, vagrants, able bodied women without children but relieved on account of casual failure of work, and proceeding eventually to questions such as ‘is the desertion of wives and children by husbands on the increase or decrease in your parish’ (#57), ‘are early marriages more frequent in your parish than formerly, or the reverse’ (#64) and finishing up with the loaded question at #70 ‘Are there any children in your

¹²Mitchison, *The Old Poor Law*, pp. 192–3; J. D. Mackie, *A History of Scotland* (Harmondsworth: Penguin, 1954), p. 335.

parish who, you have reason to believe, are suffered to grow up, either entirely destitute of religious instruction, or with a religious and moral education wholly imperfect; and if there are children left in this state of destitution, what is the number of them?"¹³

Sorting and tabulating all this information from the majority of 880 parishes and trying to get it into a more or less standardised format resulted in a Royal Commission report that makes fascinating reading.¹⁴ The Commissioners travelled and investigated widely, talking to all strata of society and the several volumes of detail which underpinned its report contain a wealth of detail. The Queen's warrant allowed any two or more of the Commissioners to act as the Royal Commission itself and this allowed the seven men to work throughout the country in pairs or more. Occasionally, some Commissioners even took evidence alone when their 'partner' was called away by other business. They started taking evidence on 2 March 1843. They took evidence from 121 witnesses in Edinburgh, 80 in Glasgow, 24 in Greenock, 25 in Paisley, 22 in Ayr, and 15 in Kilmarnock. All of these 287 witnesses were men. By the end of May, they took advantage of the summer to travel to the more remote districts of the northern and western Highlands and Islands. The report claims that 'the witnesses examined may be considered as representing every class of society—members of Parliament, clergymen, country gentlemen, lawyers, doctors, farmers, manufacturers, tradesmen, artisans, and labourers, differing in education, feelings, habits and interests and exhibiting a great variety of opinions upon many parts of the subject.' The Commissioners also personally visited the houses of many of the paupers in one or more parishes in each district of the country to ascertain the condition of

¹³ Poor Law Inquiry (Scotland). Appendix, Part VI. Containing answers to questions.

¹⁴ Viscount Robert Melville et al, *Report from Her Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws in Scotland*, to which is appended an 'Extract from Report by a Committee of the General Assembly on the Management of the Poor in Scotland, 1839' (Edinburgh: Her Majesty's Stationery Office, 1844).

the inhabitants and their means of subsistence. This is probably the only time that the enquiry had any benefit of the views of women, paupers or otherwise although I wonder whether most of these paupers might have been intimidated by the appearance of the gentlemen of the Commission.

The Commissioners' task of trying to deliver a balanced report was crucial. Just on the question of assessments, there was a great disparity of views. Apart from those already mentioned—Dr Alison, and *Tait's Edinburgh Magazine*—supporting compulsory assessment, there were also eminent figures like the Rev. Dr Thomas Chalmers, Professor of Divinity in the University of Edinburgh, who was about to lead the Disruption that fundamentally altered religious life in Scotland. He had managed poor relief in his Glasgow parish of St John's by voluntary contributions only and opposed any form of rating or assessment to raise funds for poor relief. Chalmers said also that abstaining from drink and other wasteful habits could do much to allow paupers to support themselves.¹⁵

On 2 May 1844 (significantly after the Disruption which had largely undermined the social role of the Scottish church), the Commissioners presented their report. It was not unanimous. Edward Twistleton, who had been a Poor Law Commissioner in England, submitted a dissenting report because he believed it was deficient in its recommendations for how to raise the money needed to provide poor relief, and some of *his* views were subsequently reflected in the legislation. It was then up to the Government to make of the report what it might. Nearly a year later, in March 1845, questions were being asked of the Home Secretary about progress on a response, and Sir James Graham undertook to bring soon to the House (the British House in Westminster remember) a definitive statement of the Government's intentions. This he did and introduced the Bill on 2 April 1845. It was debated in the House of Commons on 2 April and 12 June, then in Committee of the

¹⁵ See T. Chalmers, *Tracts on Pauperism* (Glasgow: William Collins, 1833); T. Chalmers, *On the sufficiency of the Parochial System, without a poor rate, for the Right Management of the Poor* (Glasgow: William Collins, 1841).

House on 3, 11, 14 and 17 July, and reported and finally passed with amendments on 21 July 1845 before being considered by the Lords on two days—28 and 29 July—the following week. *Hansard* runs to some 65 pages and shows there were strongly held views expressed by a number of speakers on both sides of the debate.¹⁶ Very early in his opening remarks to the House, Duncan McNeill the Lord Advocate, put his finger on a central issue. He said that ‘the quantum of relief given [to paupers] is not measured by the necessities of the pauper, but by the sum which the Kirk Session may happen to have in hand for distribution.’ The £5 donated by Lochiel for the poor on his own estate shared out among the, 109 paupers in 1849 on that estate, would give each, less than a shilling.

One Irish Member wanted to know why the Government was not acting towards Ireland as it was towards Scotland. There were questions asked about lunatics and their treatment and the discussion touched on the practice of farming out lunatics, in appalling conditions, on the island of Arran. Another question was asked about whether Roman Catholic priests would be excluded from poorhouses and whether means would be found to provide for the spiritual wants of the poorer classes of the Catholic population of Scotland. Debate ranged over how long a person needed to be resident in a parish before earning the right of settlement and hence the right of support from that parish—three, five or seven years (in the end the compromise of five years was reached). Needless to say, the Highland clearances were dragged into the debate, with one Member reading into the record the report in *The Times* of the episode that found people sheltering in the graveyard behind Croick church.

Mr Loch, the MP for Wick, spoke up to defend the treatment of the people of Sutherland by that county’s landowners. The names of James Loch and Patrick Sellar, well known ‘villains’ in the infamous Sutherland clearances were reinstated. In testimony to the Royal Commission, it had transpired that the Duke of Sutherland

¹⁶ *Hansard* records of debates. At: <http://hansard.millbanksystems.com/1845>. Accessed 31 March 2014.

felt it his duty to contribute to the poor funds in each of the parishes in which he had an interest and gave each such parish the grand sum of £6 annually. There was debate over whether the same law should apply to Highlands and Lowlands and the cities, because of the differing conditions in each. Some Members wanted to put any changes back by at least a year, others railed against ANY delay. Some wanted the Bill referred to a select committee rather than debated in the House, a move resisted by the Government which wanted full transparency in all that was said and done.

The Royal Commission report had claimed that a system of publishing reports, what I refer to as ‘name and shame’, would be enough to make sure every parish was supporting its paupers sufficiently. One Member of the House called this ‘one of the most astonishing propositions ever laid before the House ... [and] ... one of the most simple and delusive imaginations that ever proceeded from so learned a body of men’. I am pleased to say that in effect the Government agreed with him. The House of Lords had, of course, the final say and that went to that old war horse, the Duke of Wellington who regretted that an ‘abstract legal question should have been mixed up a little with party views’.¹⁷

The Act became law on 4 August 1845, almost exactly one hundred years to the day after the start of the Jacobite rising of 1745.

THE ACT

The act contained 92 clauses and the powers it provided to those authorised under it were enormous. It first established a nine-member Board of Supervision for the Relief of the Poor to be based in Edinburgh. These nine initially were the Lords Provost of Edinburgh and Glasgow, the Solicitor-General of Scotland, and the Sheriffs-Depute of the counties of Perth, Renfrew, and Ross and Cromarty, and three others. In 17 clauses, the Act dealt with a number of administrative matters concerning the functioning of the

¹⁷A. Wellesley, 1st Duke of Wellington, *Hansard*, 29 July 1845.

Board but it also gave the Board effective ability to enforce its Rules and operations. Later, other powers were added to form the start of modern devolved administration of Scotland.

The Act established a Parochial Board of managers of the poor in every parish in Scotland but allowed for combinations of parishes for practical reasons for better management. In the early years of operation of the Act, of the 880 parishes, however, only three were combined. The act required every parochial board to appoint a paid Inspector of the Poor and specified his duties. The funds for paying the Inspector were to be raised in the parish. Interestingly, although Parochial Boards could appoint Inspectors, only the Board of Supervision could suspend or dismiss them.

Section XXXIII gave parochial boards the power to raise funds by assessment of the property owners and others in the parish. The act deals in great detail with the assessment process and management of the funds raised, even down to stipulating how canals and railways were to be assessed, and making clergymen liable to have their stipends assessed for poor relief. Parochial Boards were required to make up rolls of persons liable for assessment, and the amounts payable, and to appoint one or more fit and qualified persons to be collector/s of the assessments. This of course set up a system of appeals by rate payers against the assessments levied, another process to be followed. The Act specifically abolished certain privileges enjoyed by members of the College of Justice and the Queen's household.

Clear instructions were provided for dealing with lunatic paupers who were to be promptly conveyed to and lodged in an asylum or establishment certified to receive them. There was to be no repetition of the scandal on Arran.

Parochial Boards were permitted to establish poor houses but were not compelled to. This was a major divergence from the English and Irish practice where the willingness to go into the workhouse was the first criterion for eligibility to receive poor relief. The Scottish practice instead was founded on the principle of out-doors relief—allowing paupers to remain in their own homes or that of relatives or friends. Parochial Boards were permitted to apply funds for the relief of the occasional poor, although this did not confer a right to demand relief by able bodied persons temporarily out of work.

EXTENSION OF AUTHORITY

The act established important new rules that assisted the poor. When a person applied for Parochial aid and was assessed as destitute, the Parish to which she or he applied was required to provide it immediately, even if there were uncertainty over which Parish was responsible. In a process which established rights for the first time, significant provision was made for simple, direct appeals against either a refusal to provide relief, or the provision of what a pauper considered inadequate relief. Earlier appeals processes had been so complicated that it had been virtually impossible for a pauper to bring an appeal to court. This new Act established channels for appeals to the sheriff of the county and to the Board of Supervision in Edinburgh. In its first five years of operation, the Board of Supervision dealt with 3,738 appeals, and in 27% of these, was able to achieve a negotiated outcome satisfactory to both the pauper concerned and the relevant Parochial Board. In many other cases, the Board of Supervision after investigation did agree with the Parochial Board's decision, but in a small number of cases, the Board of Supervision authorised a case to be taken to the Court of Appeal, providing a clear statement of reasons for that Court's guidance. This was probably the key to the effectiveness of the law. No longer could a parish respond to a need for poor relief by claiming it did not have the money needed. It had to go out and get it, and if the heritors and others in the parish did not provide the cash by voluntary assessment, then there were provisions for compulsory assessments.

Even more significantly, the Boards were required to make provision for the education of poor children who were, or whose parents were, receiving parochial relief. How all these rules were applied locally varied. Parochial Boards, for example, were required to provide for medicines, medical attendances, nutritious diet and clothing for paupers as necessary. Some but not all Parochial Boards appointed their own medical officers.

The Act was passed just in time to play a vital role in the 1846 famine. On 10 September 1846, the Board of Supervision recognised its responsibility to respond to the unfolding crisis by using the discretion contained in Section LXVIII of the law to assist the occasional poor. It directed the issue of a circular letter to parochial boards concerning 'the measures recommended if additional allowances to paupers should be necessary in consequence of the

failure of the potato crop.¹⁸ It followed this on 11 February 1847 with a resolution to check that in the distressed districts the local Inspectors were relieving the wants of paupers in cases of urgency and visiting them in their homes. On 1 April 1847, the Board considered the report of one of its clerks, Mr Peterkin, who had been sent to Barra and South Uist to check on the situation there and had found a total absence of anything approaching relief of the poor in terms of the act and that some paupers on Barra had starved to death.¹⁹ The Board took immediate action to enforce the law, dealing swiftly and firmly with the agent and the factor of the sole heritor on Barra and South Uist, Colonel Gordon of Cluny. It called for copies of the Sheriff's precognitions resulting from the deaths, called for the resignation of the local Inspector of the Poor and threatened to dismiss him if he failed to resign, and ensured that Cluny was aware of the situation and the views of the Board that matters were intolerable.²⁰ While the men on the Board of Supervision were members of the ruling class—there was no solidarity there—they were determined to do their job as best they could. When the Central Board of Management of the Fund for the Relief of the Destitute Inhabitants of the Highlands finally withdrew its publicly subscribed relief efforts from the Highlands in the autumn of 1850, the Scottish poor law authorities had to accept

¹⁸ NRS: HH23/1 Records of the Board of Supervision.

¹⁹ NRS: HH23/2 Records of the Board of Supervision.

²⁰ NRS: HH23/2 Records of the Board of Supervision. It has been noted in Florence MacAlister, *Memoir of Sir John McNeill* (London: John Murray, 1910), p. 295 that many heritors had expended sums in providing work for those on their estates between 1846 and 1850, including £4,834:7s by Gordon of Cluny. Obviously, that expenditure on providing work had not prevented deaths from starvation. Devine claims that Gordon had, by 1848, spent nearly £8,000 on famine relief. See T. Devine, *Clanship to Crofters' War* (Manchester: Manchester University Press, 1994), p. 77. However, James Hunter's assessment of Gordon's behaviour is far less charitable and more widely based. See J. Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh and London: Mainstream Publishing, 2005), pp. 276–7 and pp. 280–2.

responsibility for famine relief in the area, again exercising the 'discretion' in the legislation in an attempt to avoid any repetitions of these deaths from starvation or a repeat of the situation in Ireland.²¹

The poor-law responsibility for medical services was both new and important. The Board obviously used this authority to take the initiative to do whatever it could to minimise the consequences of cholera. There is clear evidence that, in October 1848, when the first case of cholera had reached Scotland, the Board took it upon itself to start preparations for dealing with an epidemic. This is probably the first clear evidence of the start of government medical services in Scotland. There are records of Parochial Boards like Morvern having issued instructions about such matters as cleaning up the houses of the poor, lime washing inside walls, removing dung heaps, digging drains and so on.

CONCLUSION

Close examination of the parochial boards at work contributes to our understanding of key political figures and their attitude towards social stability.²² Those two villains of the Clearances James Loch and Patrick Sellar had another side to them. Loch, was, however you view him, a man of considerable intellectual stature and political importance. His private intervention in the act was important.²³ In the Lochaber Archives in Fort William and on the

²¹ J. Hunter, *Making of the Crofting Community* (Edinburgh: Donald, 1976), p. 75.

²² James Hunter's new book about the Sutherland clearances, *Set Adrift Upon the World* (Edinburgh: Birlinn, 2015) paints a very black picture of the characters of James Loch and Patrick Sellar, and this is the generally accepted view of these men.

²³ 'Loch, James (1780-1855), of 23 Hart St Bloomsbury, Mdx', *The History of Parliament: The House of Commons 1830-1832*. At: <http://www.Historyofparliamentonline.org/volume/1820-1832/member/loch-james-1780-1855>. Accessed 6 December 2017.

very first page of the minutes of the Parochial Board of Morvern is found the signature of Patrick Sellar by then owner of the Ardtornish estate, and that parochial board's first chair. Sellar is shown in that context as very proper, hard but fair. The new act had given him a different authority and he observed the requirements it made until his death in 1851.²⁴

²⁴ Philip Gaskell, *Morvern Transformed: A Highland Parish in the Nineteenth Century* (Cambridge: Cambridge University Press, 1980 [1968]), pp. 37-9, 48, 113-4.