

THE OLD SCOTTISH POOR LAW:
THE PRACTICE OF STIRLINGSHIRE, 1790-1845

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The Scottish system of poor relief had its origins in legislation passed in the sixteenth century. Its principles remained relatively unaltered until formally amended by legislation in 1845. But in the interim, as Rosalind Mitchison (1974) has shown, there was considerable diversity of administrative operation between areas of the country and changes in practice over time. By the period immediately preceding the Poor Law Amendment (Scotland) Act of 1845 the variation, as Levitt and Smout (1979 p173) describe it, was 'from a non-existent or rudimentary poor law in the North west to a highly organised English poor law in the south east'. Such a diversity in operation underlines the need for studies of local practice.

Drawing on a variety of national and local sources it is the purpose of this paper to describe the system of poor relief as it operated in the parishes of Stirlingshire between the end of the eighteenth century and the middle of the nineteenth.

The fabric of modern industrial Scotland can be said to have been laid within that period and Stirlingshire was not exempt from the acceleration of technological and economic change which historians have labelled the Industrial Revolution. Indeed with the establishment in 1759 of the Carron Ironworks near Falkirk an important forerunner of industrial activity is closely linked with the county. Not only were other ironworks established in various parts of Stirlingshire, but subsidiary industries also developed. These included nail making at Bannockburn and St. Ninians and coal and limestone mining at Kilsyth and Airth. In a considerable number of parishes therefore, the nature of the economy was undergoing significant change in the period with which this paper is concerned. But the changes in Stirlingshire parishes were not all those associated with heavy industry. In the West of the county, in places such as Campsie and Balfron, the nature of the change was primarily that associated with textiles — linen, calico and cotton. Other textiles — plaids and shawls — were being produced at the same time in the far east of Stirlingshire, in Alva. Changes associated with heavy industries and textiles, however, were occurring concurrently with agricultural improvements especially in drainage and ploughing techniques which made the Carse of Stirling into one of the most fertile farming areas

in Scotland. Each of these developments also had an effect on the position of the burgh of Stirling itself. Finlay McKichan (1978 p69) has pointed out that

'in the nineteenth century the numbers of bankers, land surveyors, auctioneers, medical practitioners, grain merchants and many types of tradesmen and shopkeepers grew in proportion much more rapidly than did the general population of the town, and reflected the business brought to Stirling from the surrounding area.'

It is against such a background of change that this consideration of the care of the poor is set. What changes did the administrative practice of poor relief undergo between 1790 and 1845?

WHO ADMINISTERED POOR RELIEF?

One of the distinctive features of the system of poor relief in Scotland was the agents by whom it was administered. Like the English legislation with which it was contemporaneous, the Scottish Acts of 1572 and 1579 also envisaged the operation of poor relief as a duty to be undertaken by the civil authorities. While it maintained that feature in England, in Scotland it had become before the end of the sixteenth century a responsibility of the Established Church, by whom informally it was being exercised in some parishes as a Christian duty. The fact that poor relief was already being offered as 'one of the social obligations of a Christian community' (Mitchison 1974 p63) is undoubtedly part of the explanation for the legalising of this practice in the 1590s. But it has also to be seen as part of 'the social impact of the Reformed Church' (Smout 1969 p72). Implicit in the *Book of Discipline* of 1560, drawn up by John Knox and some other Calvinist Reformers, were not only plans for a spiritual reformation but also a 'wider vision of a Godly Commonwealth' (Smout *ibid*) in which the administration of poor relief and education were to be of considerable importance in the creation of a Scottish theocracy. Though the strategy envisaged in the *Book of Discipline* was a national one, the policy was to be carried out primarily by the parish which had been 'the Cinderella of the ecclesiastical institutions of the Middle Ages' (Burleigh 1960 p53).

In terms of the Presbyterian polity which the Reformers had devised, parochial responsibility meant that the care of the poor was entrusted to the Kirk Session, an executive committee of the local congregation consisting of the ordained minister of the parish and an unfixed number of laymen described in the *Book of Discipline* (Dickinson 1949) as 'men of best knowledge in God's word and cleanest life, men faithful and of the most honest conversation that

116 can be found in the Kirk'. A contributor to the *Edinburgh Review* (Monypenny 1834 p431) contended that those who fulfilled these requirements came 'invariably from the most respectable classes'. In Stirlingshire heritors or landowners were often among its members, with the parochial schoolmaster, himself usually an appointment of the Kirk Session, serving as clerk.

In addition to their religious duties the Kirk Session exercised a significant social discipline over both public and private life in the community. This is shown especially well in the description of St. Ninians (Stirling) Kirk Session given in NSA (i.e. New Statistical Account of Scotland, 1845) VIII, 318-9

'From 1653 to 1750 there were from 24 to 30 meetings of Session in the year. The ministers and elders exercised most extensive powers both in passing Acts and in punishing delinquents. Besides licentious persons, drunkards, Sabbath breakers and slanderers they took cognisance of those guilty of theft, prevarication or perjury, of scolding and railing. Severe enactments are made against those that haunt public houses, that do not keep the Kirk and the examinations but idle persons such as vagrants and vagabonds and sturdy beggars and also those that 'reset' them are objects of their highest displeasure.

The elders were exhorted to see that worship was maintained in every family, and great attention was paid to those who sought for baptism for their children or admission to the Lord's Table. The education of the young was an object of peculiar care and they seem to have exercised an unlimited authority both over the teacher and his scholars. They appoint the parochial schoolmaster and allot him his salary — they instruct him what he is to teach and fix his hours of teaching, when dis-satisfied call him before them, admonish, reprove or dismiss him at their pleasure.'

The administration of poor relief, therefore, was but one among a variety of other duties undertaken by the Kirk Session. Given the involvement in poor relief of the members of these parochial committees across the county however, it was no doubt not only in Alva that elders on admission to the Kirk Session were enjoined to be 'faithful and active in collecting the funds belonging to the poor and distributing of those funds to the most needful' (Scottish Record Office CH2/10/3, 1799, 1830).

The fact that such work was 'a labour of love' as the minister of Kilsyth described it in OSA (i.e. 'Old' Statistical Account 1790-7) XVIII, 255 may have been contested by some of its administrators as well no doubt as some of its beneficiaries. But that it was 'a great labour too' is shown by the following account for the parish of Balfron (NSA VIII, 300) in the late 1830s where

'besides exercising a minute and daily care over all the paupers on the roll, on the first Monday of every month the minister and Kirk Session met when all the paupers who could attend were expected to make their appearance and personally to receive their monthly allowance. Those who could not appear from ill health were waited upon by some member of the Session and their condition reported. Thus was the case of every individual brought monthly under the view of the whole Session. The effects of this system of watchfulness were abundantly apparent. None were admitted on the roll who were not proper objects of charity. None were continued upon it who did not require relief. The poor were well attended to and contented'

Not in every parish, however, did the Kirk Session meet so frequently, make such thorough investigation of its poor nor such regular distributions of its funds. In Gargunnoch for example (OSA XVIII, 114) when an old woman who 'had for many years every appearance of extreme indigence' applied to be admitted to the poor's roll she was at once given four shillings per month as 'no doubt was entertained of her poverty.' But when she died

'on examining her bed clothes one purse (of gold and silver) was found after another till the sum amounted to upwards of £40 Sterling. . . It is evident that the poor woman had lived in great affluence'

Local administration meant not only the possibility of some assistance being granted to those recognised by local knowledge to be in need, but in the absence of central control, carried with it also the possibilities for the exercise of petty tyranny in a situation where the Kirk Session was also an agent of social discipline. Isobel Thomson 'who has a monthly allowance from the Poor's Fund and has been observed again in the house of liquor' was threatened with the refusal of admission to the sealing ordinances of baptism and the Lord's Supper by the Kirk Session (Kirk Session Records Gargunnoch, 1790). In Campsie (Scottish Record Office CH2/5/2,1810) when one of the recipients of relief gave birth to an illegitimate child she was ordered to be struck off the poor roll at least until further investigation was made of her case.

It should not be assumed that in the exercise of their duties as administrators of the system of poor relief the members of the Kirk Sessions in Scotland acted entirely independently and devoid of any central control. Theoretical supervision by an Act of 1600 was placed in the hands of Presbyteries consisting of ministers and elders from a geographically defined area. As Nicholls (1856 p36) pointed out, however, they

'would naturally have a fellow feeling with the inferior body, each

118 of its members being likewise a member of some of the Kirk Sessions within its boundaries and all necessarily acting under similar influences.'

In practice more active supervision could be exercised by the heritors or landowners especially after judgements in the Court of Session in 1751 and 1752. However, in spite of this theoretical power, to assert that the heritors 'controlled poor relief' (Smout 1964 p218) may be something of an overstatement. While the pattern of landowners' involvement was considerably diverse, the general pattern that emerges from the records of Stirlingshire parishes is of a system administered by the members of the Kirk Session with the landowners' role being that of general oversight of the system. The minister of Strathblane (OSA XVIII, 574-5) provided an assessment of the role of Kirk Session that had more general applicability beyond his own parish

'To their discretion is left the apportioning each person's supply and they keep regular books for the inspection of the heritors.'

Such a system could as easily imply satisfaction with the composition of the Kirk Session as it could apathy or indifference on the part of the heritors. I will refer below, however, to the often changed relationship between the heritor and the Established Church which was a factor of some significance, not least for the operation of poor relief in the period with which this paper is concerned.

In the years immediately preceding the reform of poor relief in Scotland in 1845 statistics collected for the General Assembly Report on the Management of the Poor (British Parliamentary Papers 1839, XX) indicated that just over 80 per cent of those involved in the administration of poor relief were members of Kirk Sessions. In Stirlingshire this proportion at 74 per cent was slightly lower than the Scottish average. Of the 52 agents who were classed as other than members of the Kirk Sessions of the county, the largest number was to be found in Stirling itself with its distinctive Poor's Scheme created in 1780. This operated alongside the provision made by individual Kirk Sessions and the clergy were required to share the exercise of their power with members elected annually from among its voluntary subscribers. As in Stirling so too in four of the other five parishes agents other than representatives of the Kirk Session were involved. It was as a supplement to the ecclesiastical administration and not as a replacement for it. It was only in Denny, however, because of a dispute between the heritors and the Kirk Session, that complete control was exercised by a group other than the Kirk Session.

Much more usual at the end of the period with which this paper is concerned, just as at its beginning, was the situation described by a

minister of the Church of Scotland in the early nineteenth century. For the Rev. Robert Burns the Kirk Session was 'equally despotic in the affairs of the poor as the Czar of all the Russias' (Scottish Record Office CH1/2/184, 1841).

WHERE DID THE FUNDS COME FROM?

Since the main agents responsible for the administration of poor relief were the Kirk Sessions it is hardly surprising that one of the main sources of revenue for the scheme came from church collections and other specifically ecclesiastical fees. They were part of a system (British Parliamentary Papers 1839, XX)

'the object of which is to provide the necessary supplies for the poor (by placing) its main reliance on the voluntary contributions of the public and never imposes a compulsory assessment so long as hopes can be reasonably entertained of procuring without it the needful assistance.'

Assessment — or a regular tax — for the relief of the poor in Scotland according to Nicholls (1856 p106) formed 'an exception instead of being the rule as in England'. That this was so, in spite of the fact that discretionary rating powers were in existence, was attributed by Alison (1840 p22), one of the main protagonists in the campaign to reform the Scottish poor laws in the 1840s, to the fact that

'the general impression and belief amongst the most influential persons who have presided over the public charities of Scotland (is) that all legal provision for the poor is a great evil . . . The fear of weakening the prudence and foresight of the poor by teaching them to rely on legal relief has been probably not the sole motive but certainly the most ostensible plea of the characteristic distinction of the system established in Scotland for the maintenance of the poor.'

The 1839 General Assembly Report (British Parliamentary Papers 1839, XX, 8) expressed what it saw as the benefits of a system of voluntary contributions rather than a reliance on regular rating

'the poor are led to be industrious and provident; their relatives and neighbours are encouraged to assist them, a spirit of independence is cherished . . . the burden to the industrious part of the community is lessened.'

Within the voluntary system church collections formed a source of revenue for the poor in every parish. But the amount that was collected was conditional on several factors. Of these, the first was the provision of public worship which required the services of a

120 trained clergyman. Between his death or removal to another parish the congregation was 'vacant' and dependent on the supply of visiting clergy. In Alva for example, between the death of one minister on March 27 1808 and the induction of his successor in April 1809 there were 31 Sundays, or almost half the period in question, on which there was no sermon and from the Treasurer's Account Book for the period (Scottish Record Office CH2/10/6, 1808-9) no collection for the poor. This occurred at times other than the death of a minister or his translation to another parish. In 1796 in the same parish (*ibid*) 'the minister from home' accounted for ten Sundays and included his attendance at the meetings of the General Assembly in Edinburgh, the Synod of Perth and Stirling, and his assistance at the observation of the Sacrament in neighbouring parishes.

Church collections were also dependent on whether an assessment had been levied in the parish. In Balfron, where from 1831 an assessment had been levied on every individual whose earnings were supposed to be in excess of ten shillings a week, the minister (NSA VIII, 301) drew attention to its effect on church collections

'The springs of charity are dried up, in consequence the collections at the church door are, we may say, almost nothing.'

Two further factors need to be taken into account in considering the amount collected for the poor. First of these is the residence or non residence of the landed proprietors of a parish. The custom of heritors spending increasing periods away from their estates in either Edinburgh or London or their increasing allegiance to the Episcopal Church after the repeal of the penal laws in 1792, all removed from the parish those best able to contribute to the parochial poor fund. 'Your want of funds' the Kirk Session of Campsie was informed in 1823 (Scottish Record Office CH2/51/3, 1823) 'is entirely owing to the non resident heritors not making payment of their subscriptions.' In nearby Kilsyth, 'where most of the heritors do not reside', the minister stated (OSA XVIII, 257) that the sums collected for the poor 'have been collected literally from the poor or from the lower orders of the people.' In the person of George Moir of Leckie, however, who in 1788 donated the sum of 100 guineas to the Poor's Fund of the parish, the Kirk Session of Gargunnock had what their minister considered a model worthy of emulation (OSA XVIII, 113)

'Being of the Scotch Episcopal Communion he seldom attended the Established Church. He saw, however, and had the humanity to acknowledge that the poor of the parish suffered a loss by his absence and when he gave the sum . . . he said he was only paying what he owed them.'

The final factor which conditioned the amount given in the church collections was the extent of Dissent from the Established Church

'The first occasion of the Church collections proving permanently inadequate in any parish for the maintenance of the ordinary poor was the rise and progress of Presbyterian secession from the Established Church' (British Parliamentary Papers 1818, V).

Not without its relevance to Stirlingshire, since Ebenezer Erskine the leader of the first such Secession in 1733 had been one of the ministers of Stirling, the extent of Dissent had obvious implications to a scheme of relief that relied principally on church door collections. In at least one Stirlingshire parish according to the returns made to the Royal Commission on Religious Instruction in Scotland (Scottish Record Office HH37/60, 1835) those belonging to other denominations outnumbered those who were members of the Established Church.

In a situation of this sort what provision for the poor was made by the Dissenting congregations? In Balfron the minister complained (NSA VIII, 300) that the Dissenting congregations did not, in spite of frequent requests, contribute anything to the funds under the management of the Kirk Session for the relief of the poor though the poor members of those congregations retained the right to parochial relief. In Campsie the Rev. James Lapslie expressed the view (OSA XV, 363) that

'the mode of provision by collections at the Church door has been considerably hurt by a Relief meeting house which hath lately been erected in the parish. The collections made at these houses being employed to pay the debts incurred in building their chapels, none is given to support the regular poor: such houses, therefore, upon their present footing are extremely prejudicial to the Scottish mode of providing for the indigent.'

David Monypenny (1834 p65) usefully summed up the situation in the mid 1830s

'The Secession constituted one of the causes of a very great diminution of the collections made at Established Churches while the burden of this fund is by no means diminished in an equal proportion by the number of paupers withdrawn from the Establishment.'

In addition to church door collections, however, there were also other sources of ecclesiastical revenue available to finance the system of poor relief. These included the customary dues paid for the services of the church at birth, marriage and death and by those who were brought before the Kirk Session in its role as a disciplinary body. There were also capital sums available to most of the Stirlingshire parishes. Of these the last three warrant some additional discussion.

In the 1820s a practice developed in some of the Stirlingshire

122 parishes of using a hearse without a mortcloth or pall the fee for which had traditionally been an additional revenue to the poor fund (Acts of the Kirk Session of Logie 1829; Kirk Session Records, Polmont 1826, 1835). And in Alva a Burial Society was formed in 1826 whose intention was to procure a mortcloth of their own. This led the Kirk Session to apply for legal opinion and ultimately to secure from the Sheriff an interdict preventing the use of any but the mortcloths owned by the Kirk Session in the parish. It may not be without its significance however, that at a subsequent meeting of the Kirk Session a reduction in the hiring charges for mortcloths was ordered (Scottish Record Office CH2/10/3, 1826). Several other Stirlingshire parishes did likewise at this time (e.g. Scottish Record Office CH2/51/3, 1822, 1829, 1831; Kirk Session Records, Polmont 1826, 1835).

The Kirk Session still remained in the early nineteenth century an agent of social and moral discipline. The most usual penalty for those who incurred its displeasure was that of 'appearing on the stool of repentance and being rebuked from the pulpit' (Graham 1969 p244) in front of the congregation. The wealthier classes however, were often able to escape this public rebuke by payment of a fine and from the end of the eighteenth century fines imposed in lieu of public rebuke became not only a more frequent entry in the Kirk Session records of Stirlingshire but also constituted a significant augmentation of their income (e.g. Scottish Record Office CH2/400/12, 1794; Kirk Session Records Logie 1800; Polmont 1801; Scottish Record Office CH2/51/3, 1815).

Capital sums donated or bequeathed to the parish for its poor, or resulting from the excess of collections over expenditure, constituted one of the main points of difference between parishes in the amount available from accrued interest to be distributed to the poor. The Kirk Session of Alva, for example, had in the 1830s a capital sum of £50 that had been bequeathed to them in 1764 (NSA VIII, 190). The not too distant parish of St. Ninians, by contrast, had accumulated by various bequests a sum in excess of £2000 (NSA VIII, 338-9; Scottish Record Office CH2/337/10, 1833, 1834, 1837). The most common methods of handling such funds used by the Stirlingshire Kirk Sessions were bank deposits or investment in the property or road developments of the period (e.g. NSA VIII, 59; Kirk Session Records Lecropt 1793; Scottish Record Office CH2/479/2, 1813, 1842, 1844; CH2/51/3, 1813). In these ways therefore, often involving significant commercial dealings, the Kirk Sessions sought to provide a regular income for discharging their responsibility as managers of the Poor Funds.

Emphasis has been laid upon the continuing importance of

specifically ecclesiastical sources of revenue for the provision of poor relief. But the pattern in Stirlingshire, as in many other parts of Scotland in the period with which this paper is concerned, was one in which new sources developed alongside the traditional methods.

Nationally by 1839 legal assessments for the relief of the poor were levied in one third of Scottish parishes which tended to be concentrated in the South East, Lanarkshire, South Dumfries and the large towns. Much of the increase in the total funds available for the poor by the time of the General Assembly's Report in 1839 was to be explained by the increase in the amount raised by legal assessment. By that date in fact, almost one half of the total revenue for the poor came from such sources.

Much more common in the changing patterns of raising revenue in Stirlingshire was the development of what were known as voluntary assessments. They represented an intermediate category between the purely voluntary system on the one hand and a statutorily raised rate for the poor on the other. Their basis was a voluntary collection made by the heritors without legal sanctions against those who declined to pay. 'The heritors' as the minister of Fintry expressed it 'assessed themselves voluntarily in a small sum according to circumstances' (NSA VIII, 47). Such voluntary assessments, in the context of the traditional Scottish system, possessed the advantage noted by a contributor to the *Edinburgh Review* (1834 p435) that, 'the poor are not so much disposed to regard it as a certain resource and that it is consequently easier got rid of when the pressure has subsided' Levitt and Smout (1979 p210) have shown in their analysis of returns made to the Poor Law Commission Inquiry in 1843 that such a method of raising revenue for the poor was in operation in up to 60 per cent of the Stirlingshire parishes. In each of the parishes where some form of assessment had been introduced between the time of the Old and New Statistical Accounts (i.e. 1790 and 1845) — Balfron, Campsie, Denny, Fintry, Kilsyth, Kippen and Muiravonside — there had also developed some form of industrial activity. Principally, in the parishes referred to, this was in textiles; but in Muiravonside, where the main employment was in agriculture, the minister also referred to the recent settlement of some 25 families of colliers and 'an unusually large proportion of masons' (NSA VIII, 212). It was to be for the industrial poor 'thrown suddenly idle by depression of trade' (Cockburn 1874 II p2) that the inadequacies of the existing — primarily voluntary — system were to be shown by Alison and his supporters in the campaign for reform in the 1840s.

WHO WERE THE POOR?
HOW WERE THEY RELIEVED?

The emphasis so far in this paper has been upon the administrators of the system and the sources from which they raised their funds. But in considering the operation of the system of poor relief it is also necessary to refer to those who were entitled to receive relief and to the ways in which they might be assisted.

Fundamental to the Scottish system was the denial of the right to relief to the able bodied unemployed. That 'no legal recognition was given to the right of the able bodied to support' (Macdonald 1937 p103) was an inevitable consequence of fifteenth and sixteenth century legislation based on the duty of every citizen to work. But even the reforming legislation of 1845 'was vitiated', according to one assessment (Mitchison 1970 p388) 'by the old Scottish principle that the only qualification for relief must be disability added to destitution'.

Regular relief, paid usually weekly, monthly or quarterly, was to be provided only for those permanently 'disabled from procuring a living by their own labour either by old age or by some permanent bodily infirmity or mental incapacity and who have neither separate means nor any relative who are bound and able to support them' (*Edinburgh Review* 1834 p428).

But in the majority of parishes a further class — that of the occasional poor — was also recognised. Since the final decade of the seventeenth century the authorities responsible for poor relief in Scotland had been permitted to set aside one half of the Church door collections to benefit those experiencing some particular but temporary and exceptional misfortune. The records of the Stirlingshire Kirk Sessions refer to a considerable number of disbursements of this sort, usually denoted by the recipient's name and with the reason for the relief appended. In Gargunock (Kirk Session Records Gargunock, 1790) occasional relief of five shillings per month was given to two sisters 'who are at present in very poor circumstances not having received their usual remittance from the West Indies'. Nearly 50 years later in the same parish (*ibid* 1837) a sum was given to a woman whose husband had recently died 'leaving her in embarrassed circumstances'. An ability to respond to sudden emergencies in the form of occasional relief can be said to have been one of the chief advantages of a system of local management, and it is interesting that the Poor's Fund of the parish of Stirling was criticised in the OSA (VIII, 289-90) because its officers met too seldom 'to give incidental aid, the most useful and necessary of all charity'. Entitlement to occasional relief however, was not — as in

the case of the regular poor — a legal right but 'at the discretion of the Kirk Session during the pressure of want'.

It is not surprising therefore, that there was considerable inter parochial variation in the numbers of occasional poor recorded in both the 1818 and 1839 General Assembly Reports. More interesting however, are the relative proportions of regular and occasional poor referred to in those Reports. In 1818 the occasional poor constituted two-thirds of the total number of those in receipt of poor relief in Stirlingshire. By 1839 the number of occasional poor was almost identical to what it had been twenty years earlier but as a proportion of the total number receiving relief, the occasional poor had declined to just over one third. Within a twenty year period, both nationally and locally in Stirlingshire therefore, the trend was away from the pattern of occasional relief to that of permanent allowance. The General Assembly Report sought to explain the increase in the number of regular poor by reference to the fact that the figures for 1839 included dependants. But it is perhaps also possible to see in the increase the result of the practice in parishes in rural areas 'of giving little or nothing to their own legitimate paupers and rigidly keeping out those from other parishes' (Alison 1840 p6) which tended to cause migration to the more generous and usually assessed urban areas which by 1844 had nearly half of all those in receipt of relief (Levitt and Smout 1979 p175).

Entitlement to relief in Scotland did not only depend on the criteria defining the regular or occasional poor: the responsibility of the parish to provide relief applied to those who had a settlement there, determined either by birth or by three years continuous residence. There is evidence of considerable inter-parochial migration and its effect on the system of poor relief in the records of the Stirlingshire Kirk Sessions from at least the 1820s. Prior to removal back to the parish of origin of an individual claiming relief who had not fulfilled the terms of settlement in the parish from which he was claiming, the Kirk Session generally made enquiries about the individual's legal settlement and of the willingness or otherwise of the poor relief authorities in that parish to defray the expenses that might be incurred in granting relief (e.g. Scottish Record Office CH2/51/3 and 4, 1815, 1820, 1822, 1844; CH2/479/2, 1843; CH2/400/13, 1820). Such a system not only began to generate considerable investigation and correspondence but had led, by the beginning of the 1840s from those in the towns, to pressure for a longer period of settlement and a formal law of removal.

The extent to which the able bodied unemployed may have been relieved as occasional poor in the period with which this paper is concerned is difficult to estimate, not least as Levitt and Smout have

126 recently pointed out (1979 p175) because of the different criteria being used by parish authorities to distinguish between regular and occasional poor. Nor is it possible from the documentary material available in the Kirk Session records to give accurate numbers of those who may have been receiving occasional relief at a time of unemployment since the reason given in the list could well describe some other temporary misfortune such as sickness. On the basis of data from the Poor Law Commission Report of 1844 however, Levitt and Smout (*ibid* p207) have suggested that up to 20 per cent of Stirlingshire parishes were relieving able bodied men from the poor law. And in the records of two parishes in the county there is also evidence of special measures being introduced by the Kirk Session at a time of trade depression. In Kilsyth in the 1820s when the handloom weaving — on which the parish relied — was significantly declining, the Kirk Session decided that the collections were to be used in aid of the fund established for the relief of unemployed operatives; and in Campsie at the same time the Kirk Session provided outdoor labour for all who were able and willing to work, in what appears to have been an early form of public works scheme (Scottish Record Office CH2/216/6, 1826; CH2/51/3, 1826).

These schemes however, are somewhat outside the usual methods by which the Kirk Sessions sought to provide assistance to those on their poor roll. In a system that was predominantly non-institutional, the main methods of making provision for the poor were by the grant of money and of relief in kind. The total of money available to the Kirk Sessions for distribution was one among several factors that determined the amount of relief that any individual might be paid. The Royal Commission of 1844 (British Parliamentary Papers 1844, XX, xv) concluded that in many parishes

'the quantum of relief given 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.'

But to such economic considerations was added the moral judgement of the Kirk Session. According to the 1818 General Assembly Report (British Parliamentary Papers 1818, V, 33)

'the consideration of the character and known habits of a pauper has influence with Sessions in regulating the quantum and the kind of allowance bestowed on the respective applicants.'

A third determinant of the amount given as relief was the conception of poor relief as a supplement to what it was expected the poor would have available from other sources. 'The English system is to support the poor' the Rev. James Lapslie of Campsie affirmed (OSA XV, 363), the Scottish to assist them

'It was assumed that family obligations would be fulfilled; that the

industrious would be able to save against sickness and old age; that the meagre monetary grants would be supplemented by personal services and private help; that the treatment of the poor would recognise them as persons and that their circumstances would be known to those whom they trusted as their spiritual guides; that they would continue to live with their relatives or in the neighbourhood where they were known' (Saunders 1950 p199)

There is certainly evidence within the period of this study of attempts by the Kirk Sessions of Stirlingshire parishes to re-assert the pattern of family responsibility especially of children caring for their aged parents (e.g. Scottish Record Office CH2/51/4, 1841; CH2/216/5, 1790; also OSA XV, 363; British Parliamentary Papers 1844, XXII, 830). But it has been pointed out by Coats (1973 p6)

'this simple social system could not survive the growth of efficient large scale commercialised agriculture in the eighteenth century, and it was even more helpless in the rapidly expanding urban communities of Glasgow and Edinburgh.'

It is not surprising, therefore, that the amount paid to the poor in Scotland — in contrast with other countries — was to play an important part in Alison's proposals for a revised system of poor relief in the 1840s. At the time only the almost completely assessed area of South East Scotland approximated to the £3 to £4 which those who allied themselves with Alison considered necessary for adequate maintenance. In Stirlingshire, on the basis of the figures presented to the 1839 General Assembly Report, the average amount of relief paid to all the poor was approximately £1 16 shillings per year. That figure however, conceals the very important differences in the amounts being paid to the regular and occasional poor. Payment to the former in the Stirlingshire parishes at £2 10 shillings was some 12 shillings above the Scottish average. Payments to the occasional poor, which averaged approximately 10 shillings, were however, almost one third less than the Scottish average.

The details of money allowances however, do not tell the whole story about the method of maintaining the poor in Scotland in the period before reform. In Fintry for example (OSA XV, 378), 'besides the stated distribution, attention is paid to clothing the most destitute and supplying them with fuel'. In Strathblane (ibid XVIII, 574)

'In addition to their allowance the regular poor were supplied with coals in the winter and for some of them their house rent is paid.' During the winter at Bothkennar (NSA VIII, 204) there was in addition to the weekly allowance 'an occasional supply of coals and clothing'; while in Drymen (ibid p114) where the distribution of money relief was quarterly, the poor received in addition, 'coals,

128 cordials and extra help when in sickness or destitution'. The payment of fees for medical attendance and the education of orphans and the children of poor parents were also forms of relief in kind for which the Kirk Session bore a financial and social responsibility (e.g. OSA VIII, 278-9; Extracts from the Logie Parish Minutes 1795, 1803; Parish of Logie Cash Book 1832-6; Scottish Record Office CH2/51/3, 1833). So too were the boarding out of orphan children and the care of the elderly without dependants (Scottish Record Office CH2/51/4, 1842; Kirk Session Records Gargunnock 1833). In this respect therefore, the system of poor relief developed not only as a (usually part) provider of financial resources but also as a local agent concerned with a wider range of welfare services.

IN CONCLUSION

I have tried within this paper to provide some indication of the principles and practice of poor relief in Stirlingshire in the period between 1790 and 1845. The theme has principally been one of considerable local administrative continuity. But it cannot be considered in isolation from the broader social, economic, demographic, political and religious changes of the period, each of which, in their own way, created the pressure for national reform and determined the revised administrative structure that was created. Writing of legal assessments in his contribution to the New Statistical Account (VIII, 200) the minister of Polmont reflected

'I trust the day is yet distant when such a mode of providing for their (the poor's) wants must be resorted to because of the manifold evils which it brings in its train.'

That day, in fact, was to be nearer than he thought.

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REFERENCES

- ALISON, W.P. 1840. On the Management of the Poor in Scotland and its Effect on the Health of Great Towns. Edinburgh.
- BRITISH PARLIAMENTARY PAPERS 1818. volume V. Third Report from the Select Committee on the Poor Laws with an Appendix containing Returns from the General Assembly of the Church of Scotland.
- BRITISH PARLIAMENTARY PAPERS 1839. volume XX. Report by a Committee of the General Assembly on the Management of the Poor in Scotland.
- BRITISH PARLIAMENTARY PAPERS 1844. volumes XX-XXII. Report from Her Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws in Scotland.
- BURLEIGH, J.H.S. 1960. A Church History of Scotland. Oxford University Press.
- COATS, A.W. editor. 1973. Poverty in the Victorian Age. volume IV. Gregg International.
- COCKBURN, HENRY. 1874. Journals. Edmonston and Douglas, Edinburgh.
- DICKINSON, W. CROFT editor. 1949. John Knox's History of the Reformation in Scotland. Nelson.
- GRAHAM, HENRY GRAY. 1969. The Social Life of Scotland in the Eighteenth Century. 5th edition. A. and C. Black.
- KIRK SESSION RECORDS: GARGUNNOCK, LECROFT, LOGIE, POLMONT.
- LEVITT, IAN and SMOUT, CHRISTOPHER, 1979. The State of the Scottish Working Class in 1843. Scottish Academic Press, Edinburgh.
- MACDONALD, D.F. 1937. Scotland's Shifting Population, 1770-1850. Jackson, Glasgow.
- McKICHAN, FINLAY. 1978. A burgh's response to the problems of urban growth: Stirling 1780-1880. *Scottish Historical Review* LVII no. 1, 68-86.
- MITCHISON, ROSALIND. 1970. A History of Scotland. Methuen.
- MITCHISON, ROSALIND. 1974. The making of the Old Scottish Poor Law. *Past and Present* 63, 58-93.
- MONYPENNY on the Scottish Poor Laws, 1834. *Edinburgh Review* LIX, 425-438.
- MONYPENNY, DAVID. 1833. Remarks on the Poor Laws and on the Method of Providing for the Poor in Scotland. Edinburgh.
- NSA — NEW STATISTICAL ACCOUNT OF SCOTLAND. 1845. Blackwood, Edinburgh.
- NICHOLLS, GEORGE. 1856. A History of the Scotch Poor Laws. 1967 edition. Augustus M. Kelly, New York.
- OSA — 'OLD' STATISTICAL ACCOUNT OF SCOTLAND. 1790-7. Edinburgh.
- SAUNDERS, LAURANCE J. 1950. Scottish Democracy. Oliver and Boyd, Edinburgh.
- SCOTTISH RECORD OFFICE
- CH1/2/184. Church of Scotland General Assembly Papers, 1841.
- CH2/10/3. Records of the Kirk Session of Alva.
- CH2/10/6. Accounts of the Parish of Alva.
- CH2/51/2,3,4. Kirk Session Records, Campsie.
- CH2/216/5,6. Kirk Sesson Records, Kilsyth.
- CH2/337/10. Kirk Session Records, St Ninians.
- CH2/400/12,13,14. Minutes of the Acts and Proceedings of the Session of Falkirk.
- CH2/479/2. Minutes of Baldernock Kirk Session and Cash Book.

- HH37/60. Royal Commission on Religious Instruction in Scotland, 1835.
Returns from Stirlingshire.
- SMOUT, T.C. 1964. Scottish landowners and economic growth, 1650-1850.
Scottish Journal of Political Economy XI, 218-34.
- SMOUT, T.C. 1969. A History of the Scottish People, 1560-1830. Collins.

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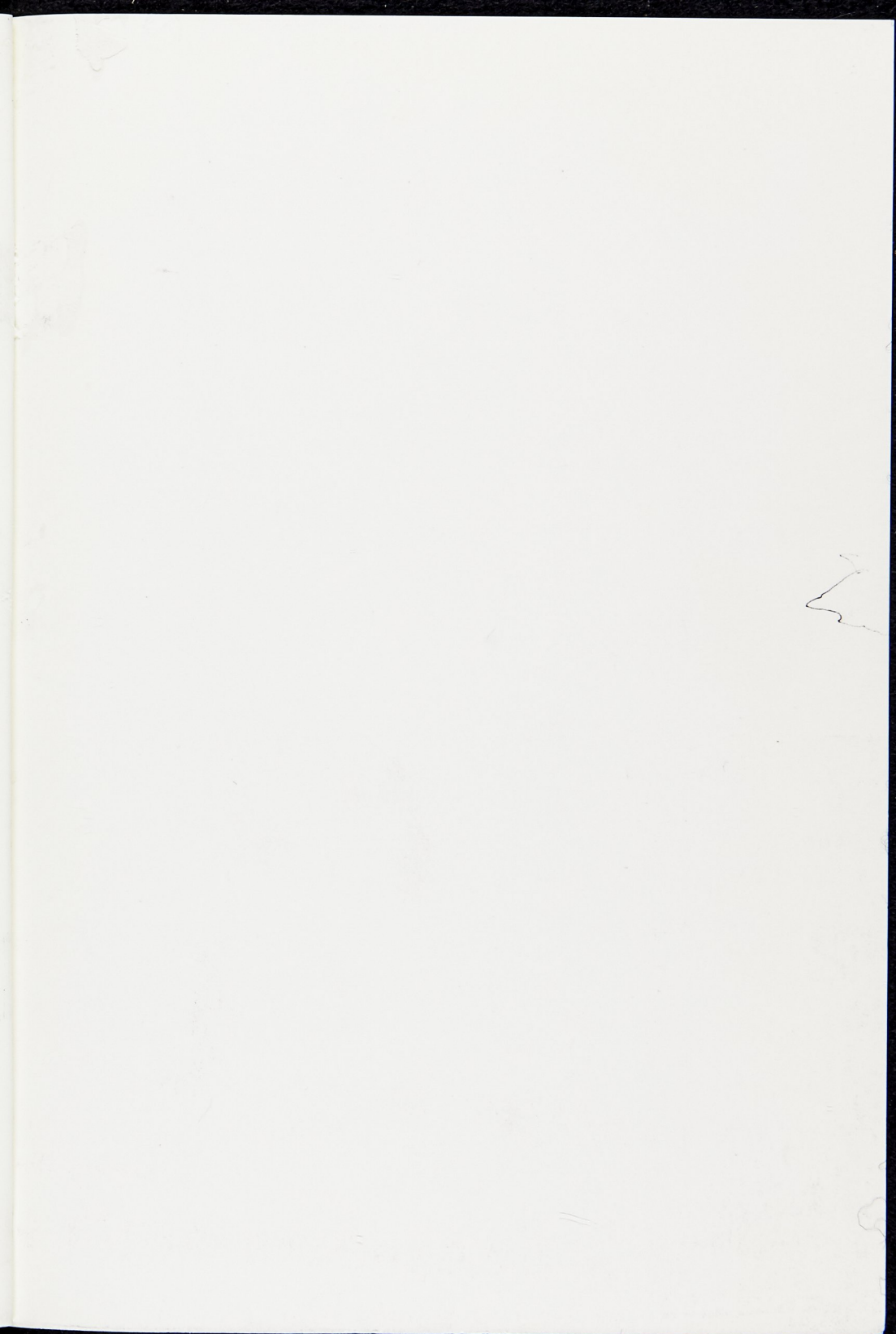
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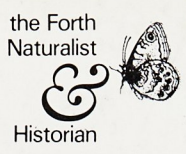
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