Introduction

The historiography of welfare in the British Isles has developed rapidly but unevenly over the past thirty years. Of all the home nations, England has been particularly well served by scholars who have not only sought to add to our understanding of the institutional context of welfare, but who are increasingly turning their attention to the experiences of the poor themselves at the level of the parish and (for the post-1834 New Poor Law) the union. As Tim Hitchcock recently suggested, in England “poor law studies”, broadly defined, is at the forefront of a “new history from below.” Despite these advances we are a long way from realising a truly British “welfare history” for the eighteenth and nineteenth centuries. This is an important gap. In Wales, for example, the little work that has been done suggests that the universal application of the tenets of the law came very late and that local application of the poor law was often quite distinct from that of England even though they shared a statutory framework. But arguably the greatest area of neglect relates to the experience of the poor in Scotland. There are studies that address, directly or indirectly, the poor law in eighteenth- and nineteenth-century Scotland but Scottish welfare historiography has tended towards a rather descriptive approach, concentrating first and foremost on the intentions of legislators and how these were reflected in official discourse between central and local administrators.
As Rab Houston has noted, Scottish historians have so far neglected the experiences of paupers themselves and the administration of relief in individual parishes and regions.\(^6\)

Of course, the legislative framework was very different in England and Wales versus Scotland and it could be argued that any attempt to apply the same, or even broadly similar, historiographical criteria to the two systems is misplaced. Scotland’s Old Poor Law was founded on similar principles to that of England and Wales, and had similar early-modern foundations, but it retained a separate welfare system even after the Act of Union in 1707 with, crucially, no mandatory tax-funded relief until at least 1845.\(^7\) Even after reform in 1845, and unlike the post-1834 situation in England and Wales, the Scottish Poor Law was centred on the parish rather than on the larger administrative unit of the union. Moreover, at least initially, workhouses were neither encouraged nor adopted in Scotland in any number so that the relief of those paupers who were admitted to the “poor’s roll” took place in their own homes.\(^8\) To this extent, the New Poor Law in Scotland, revised following a major commission of inquiry in 1845, had more in common with the Old Poor Law in England and Wales than it did with its reformed counterpart.\(^9\) But even this is a misleading comparison. For example, the lack of workhouse provision in nineteenth-century Scotland was in large part due to what contemporaries saw as the system’s enduring success in an area of policy and practice where the English had singularly failed under the Old Poor Law. At no point in the history of the Scottish poor laws was provision made for relieving the able bodied poor – that is, anyone theoretically capable of maintaining themselves through paid employment – and it is still the orthodox view that this rule was almost uniformly adhered to from the

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\(^7\) For the differences between the old and new systems in England/Wales and Scotland, see Cage, *The Scottish Poor Law*, Chapters 1 and 8, 1-18, 140-51.

\(^8\) Paterson, “The Poor Law”, 178.

sixteenth century to the end of the poor laws in the twentieth. In other words, there is little doubt that, despite similarities, the architecture of the Poor Law in nineteenth-century Scotland was quite different to that in England and Wales, something that Scottish historians in particular have been keen to emphasise.

But these broad-brush distinctions, based on national identities, are far from the whole story, especially if we shift our focus away from the administrative intention of the law, and on to its local application. The central lesson from the burgeoning stock of local studies in England is that, whatever the practical and ideological intentions of legislators and administrators, poor law practice varied widely, not only from region to region but intra-regionally too. If anything, it was this variation that characterised the poor laws in England, rather than their administrative uniformity, and much of this has to do with the local environment within which welfare was negotiated. That the Scottish poor laws have suffered from a virtual absence of local studies, despite the huge geographic, economic, and cultural diversity of the country, represents both a significant gap in our understanding of Scotland’s welfare history and a great opportunity for social historians. I would still make the point here that the article has wider implications for the understanding of the whole welfare system in the British Isles. These regional disparities were, of course, many and marked, with clear fault lines running between the industrial epicentre of greater Glasgow and the rest of the country, as well as between the vast acres of pastoral and agrarian land and the growing central urban belt. But without doubt, the greatest cultural and economic contrast in nineteenth-century Scotland was (and, arguably, still is today) between the Anglophone Scots-speaking lowlands and the then Gaelic-speaking Highlands. As scholars have long emphasised, the lives of ordinary Highlanders were almost completely hidden from the Anglocentric administrators of public policy in Edinburgh, let alone from law makers in London, except insofar as they represented a “problem”.

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poor across the whole of this complex and highly differentiated landscape. Yet quite how these differences played out in practice, in poor law terms, is almost entirely unknown. In this sense, there is a greater need for micro-studies to enhance our understanding of local welfare practices in Scotland than there is in England or, arguably, even Wales.¹⁴

The remainder of this article takes up these core issues. Focusing on the remote parish of Tongue we use contemporary accounts, parish records and a particularly fruitful demotic source, pauper letters, to explore the culture of welfare in a single, and singular, location in Scotland’s north-west Highlands. Valuable in its own right, given the emphasis we have placed on the need for detailed micro-studies in order to understand the regional and intra-regional dimensions of welfare in Scotland, this study also resonates with a much wider agenda. Challenging an ingrained sense of English exceptionalism in terms of the structure and practice of welfare, and creating a unified picture of similarity and difference across the British welfare canvas, requires detailed local analysis of the practical operation of welfare structures in Scotland. Moreover there is a real sense in which both the structures of welfare and the experience of being poor in Scotland have much in common with wider northern European welfare regimes, such that any attempt to conceptualise these European systems in a British context demands more research on Scotland.

Most importantly, this article focuses on the experiences of the poor themselves. As English and European welfare historiography move inexorably to a consideration of questions of pauper agency, the nature of rights, entitlements and obligations, and to understandings of the pauper ‘voice’, so we bring this agenda to bear on a parish which might be said to epitomise the Highland experience in the nineteenth century. As we make clear in Section 1, below, Tongue was typical, even archetypal, of Highland parishes in a number of crucial ways: it experienced some of the most brutal and highly publicised clearance activity in the early-nineteenth century, and its population of crofters (smallholding tenants) and landless poor was forced from the interior of the country onto inadequate plots on the overcrowded coastal fringe. Yet despite the hardships and disruptions they were subject to, the relationship between paupers and parish officials in the half of the century remained rooted in traditions of deference and a strictly enforced social hierarchy. Only in the last years of the century were these traditions significantly challenged and the relationship between paupers and the parish redrawn, something which becomes clear, in the final sections of this

paper should be article in a discussion of the formal and rhetorical shifts in their appeals for relief between the middle of the century and its last two decades.

Analysing a significant cache of pauper letters – the very discovery of which is a useful corrective to a so-far decidedly anglo-centric reading of such documents – we argue that, notwithstanding the hardships and structural difficulties they faced, when it came to navigating the formal and informal precepts of the Scottish New Poor Law the parish poor of Tongue were both astute and rhetorically sophisticated. It is clear that they were far from complaisant is this an Americanism or do you mean complacent? or passive in their appeals for relief; but it is also clear that they recognised very well the limits of their entitlement and the interlocking obligations of parishes and pauper, and adjusted the register of their written appeals accordingly. This register changed significantly in the last three decades of the nineteenth century as paupers (like Highland crofting communities more generally) shed much of their traditional deference and built on a newly emerging rhetoric of entitlement and desert. This clear chronological periodization in the letters is something we consistently emphasise, and in doing so we consciously blur the conventional boundaries that define the development of welfare systems in Scotland, England and Wales. These boundaries have arisen because of lacunae in the comparative literature (there has after all been little work on pauper agency under the English and Welsh New Poor Law outside the work of David Green for London and a few local studies for the rest of England15) and because obvious chronological comparisons between the English and Welsh New Poor Law of 1834 and the new Scottish Poor Law of 1845 are, as we have argued above, misplaced.


The parish of Tongue is situated on the far north coast of the county of Sutherland, in the Scottish Highlands. In the eighteenth and nineteenth centuries it experienced many, if not most, of the challenges and disruptions endured by Highland society more generally during this period. The majority of its population were crofters, smallholders who eked out an
inadequate living from parcels of land let to them first by tacksmen (sub-tenants of the large Highland landholders), and later by estate managers (known in Scotland as factors). By the later eighteenth century, most of the population was clustered into small communities hard by the coast. Tongue was, in many ways, an archetypal Highland crofting parish. In the second half of the eighteenth century the population grew by almost a third, leading to the subdivision of already inadequate smallholdings into even smaller units. The land was poor, the climate intemperate, and as a result scarcity was the norm and near-famine conditions were not uncommon. In addition, Tongue’s poor still suffered the last remnants of feudal obligation, and crofters were required to work for their tacksmen landlords “to the almost utter neglect of their own small farms”. Being a coastal parish, the population had access to a ready supply of fresh fish and seafood, particularly important during periods of agricultural hardship, and the widespread adoption of potatoes as a staple foodstuff had alleviated some of the worst effects of other types of crop failure. But life was hard for Tongue’s poor parishioners at the beginning of the nineteenth century, and it was set to get even harder.

By the time the General Assembly of the Church of Scotland compiled the second national Statistical Account in the 1840s, the fate of Tongue’s poor had declined steeply. The population or the parish had risen to over 2,000; the herring fisheries (hailed by many as the salvation of Highland coastal communities) had failed along the whole of the north-west coast of Scotland; and sheep farming, the bane of established Highland communities, had been introduced to the parish on a substantial scale. The introduction of sheep to traditionally farmed land was at the heart of the much-debated clearances of the Scottish Highlands. From the mid-1700s onwards, whole communities were displaced by extensive sheep farms which, more often than not, were tenanted by farming entrepreneurs with little connection, and even less affinity or sense of obligation, to the indigenous population. Strathnaver, the historic territory of the clan McKay in the north and north-west of Sutherland which includes Tongue parish, witnessed some of the most brutal evictions of the Highland

16 Statistical Account of Scotland, 1791-99 (hereafter First Statistical Account, available at: http://stat-acc-scot.edina.ac.uk/link/1791-99/, accessed 24/07/2015), Vol.3, 523-4. A survey conducted by Alexander Webster in 1755 put the population at 1,093. By 1791, when the incumbent reported for the First Statistical Account, the population was 1,439. The first and second Statistical Accounts of Scotland were compiled on a parish-by-parish basis by Church of Scotland ministers between 1791 and 1799, and 1834 and 1845.


18 First Statistical Account, 1791-99, 529.

19 First Statistical Account, 526, 524.


21 Richards, The Highland Clearances, 92-105.
clearances between 1813 and 1820, sanctioned by the Countess of Sutherland and implemented by her notorious sub-factor, Patrick Sellar. The direct result of the clearances in Tongue was not so much the emptying of the landscape (so often lamented in Highland literature) as the further concentration in the coastal areas of still more crofters and their even more marginal counterparts, landless cottagers, or “cottars”.

In his account of the parish in 1841, the minister, Hugh McKay MacKenzie, stated that “The general standard [of living] is...wretchedly low. No doubt a few of [the residents] are comfortable, but the generality seldom can rise above the commonest necessities of life”. By this point, 244 crofting families had been joined by 116 landless cottars with no other form of subsistence but “the kindness of their neighbours”. MacKenzie was in no doubt that the distress of the parish poor was due, in large part, to the “victory of the sheep”:

Some [of those evicted] wandered to Caithness, others sought an asylum in the woods of America, but most, clinging with a passion to their native soil, located themselves by permission in hamlets near the shore. In these places the land, already occupied by a few, but now divided among many, was totally inadequate to the maintenance of all...The consequences were such as might be expected. Poverty soon overtook them, tending to keep alive their lacerated feelings, and rents, which became gradually extravagant, accumulated into a mass of arrears.

Inevitably, many landless cottars and hard-pressed crofters sought alms from their neighbours and the community at large. In 1792, the number of parish poor in Tongue was put at 50; by 1841, it had risen to 70. Given the wretched circumstances of the post-clearance population, this latter figure seems remarkably low, but when we look again at the evidence it is clear that this is far from the whole story.

In the early 1790s, those described as the “parish poor” were supported by church collections, but also by large private charitable donations. In 1841, the 70 listed were only those who appeared on the “poor’s roll”, the list of those deemed entitled to poor relief from church collections on a regular basis. Many more, perhaps even a majority of crofters and cottars, were in receipt of occasional relief in the form of charitable donations, not least from

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22 For the best account of the ‘Strathanver Sensation’, see Ibid., 177-235.
23 Second Statistical Account, 177.
24 Ibid., 177.
25 The phrase is Eric Richards’. Richards, The Highland Clearances, 92.
26 Second Statistical Account, 185.
27 First Statistical Account, 526; Second Statistical Account, 183.
28 First Statistical Account, 526.
the landowners, the Duke and Duchess of Sutherland. Even those entitled to “official” relief were inadequately catered for by voluntary church donations, as McKay MacKenzie freely acknowledged. “There is no duty more unpleasant than that of distributing money to the applicants for relief in Tongue,” he told to the 1844 *Scottish Inquiry into the Poor Law*:

> The funds are so limited, and the cases of distress are so urgent and so numerous, that it is extremely difficult, if not impossible, to deal with the cases with satisfaction...I am intimately acquainted with the distress of the people, and yet I have no money to relieve it adequately.

These welfare structures, funding routes and contemporary sentiments would not have looked out of place in many continental northern European communities at the same date, and contrast with much of the established historiography of the English and welsh poor laws, Old or New.

Clearly, pressure to relieve the impoverished post-clearance population in Tongue was great, but so was resistance to address the problem in any more systematic way. Despite the further devastation of a widespread potato famine in the later-1840s, landowners and their representatives in Sutherland remained firmly against any extension or further formalisation of poor relief. In particular, they resisted any relaxation of the principal of excluding the able bodied from the poor’s roll, reflecting a wider negative sentiment towards the entitlement of this group which was common across European welfare regimes. Evander McIver, the Sutherland estate’s factor in the neighbouring region of Scourie, believed (as did most Highlanders in his position) that the answer to the impoverishment of the crofter class was emigration, and he predicted that a formal requirement to relieve the able bodied out of the poor’s fund would “annihilate Highland proprietors”. But by the mid-1840s, even before the potato blight took hold, many others who were directly concerned with the fate of the poor felt that the old methods of collecting and distributing relief – donations in church supplemented arbitrarily by personal charity, allocated piecemeal according to the current state of funds – were inadequate to meet the needs of a growing and increasingly

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30 Ibid.  
32 Tindley, “Actual Pinching and Suffering”, 238.  
34 Quoted in Richards and Tindley, 48.
impoverished population, and it was the urgent situation of Scotland’s poor more generally which resulted in the *Scottish Poor Law Inquiry* in 1844.\(^{35}\)

The result of this debate was the formulation of new laws governing the administration of relief in Scotland. The Poor Law Amendment (Scotland) Act of 1845 made a number of important changes at every level. A national Board of Supervision was established to oversee relief provision throughout Scotland, while parochial boards and paid inspectors were appointed annually for the better management of welfare in individual parishes.\(^{36}\) An important result of the establishment of the Board of Supervision was that external pressure was brought to bear on parishes to ensure that levels of relief were “adequate”, something which in Tongue was clearly not the case before 1845. This, in turn, increased local pressure to establish viable methods for raising funds for relieving the poor. Under the Old Poor Law, Scottish parishes had always had the option to impose a local tax for the relief of the poor, but unlike in England and Wales, few chose to do so.\(^{37}\) Following the passing of the 1845 Amendment Act many more Scottish parishes recognised the necessity of levying a local rate for the poor. Nonetheless there was still a discrepancy between rural Highland parishes, which generally resisted the compulsory assessment of occupiers of land and property, and lowland parishes, which were more likely to adopt assessment.\(^{38}\) It is therefore important to note that Parish Board of Tongue took the decision to levy a compulsory assessment for the support of the poor at its very first meeting, in November 1845.\(^{39}\)

This, then, was the background and the context for the administration of poor relief in Tongue after the passing of the Amendment Act in 1845. Real “pinching and suffering” (to borrow Annie Tindley’s phrase) was mitigated by a reformed system of relief raised by local taxation on landowners and occupiers of rented property worth more than two pounds (sterling) per annum.\(^{40}\) Relief was to be given half in cash, half in oatmeal.\(^{41}\) For those who were deemed sufficiently deserving, relief in Tongue was neither especially generous nor particularly parsimonious in comparison to its immediate neighbours. According to the official returns for 1847, the average amount of relief given to each pauper in Sutherland

\(^{35}\) Mitchison, *Old Poor Law*, 156-60, 185-90.
\(^{36}\) Paterson, “The Poor Law”, 174-5.
\(^{37}\) Paterson, “The Poor Law”, 178.
\(^{39}\) Highland Archive Centre [hereafter HAC] GB0232/CS/6/12/1: Tongue Parochial Board Minutes, 8th November 1845.
\(^{40}\) *Ibid*.
\(^{41}\) *Ibid*.
overall was three pounds and four shillings: in Tongue, this figure was three pounds, seven
shillings and ninepence. These observations notwithstanding, and despite a more formal
and reliable foundation for financing welfare after 1845, there is no doubt that those who
were in the best position to provide assistance – landowners and factors (their wealthy,
influential representatives) – still resisted the extension of entitlement to any but the most
needy and “deserving” cases. Who was entitled to this relief, how they established that
entitlement, and how it was experienced under the Scottish New Poor Law are the questions
which will be addressed in the remainder of this article. Initially, however, it is important to
turn to the key source for this analysis, the pauper letter.

PART 2: Pauper Letters and the Scottish New Poor Law in Tongue

Essentially, pauper letters were produced to solicit aid (in the form of poor relief) in times of
particular hardship. They were usually written in the first person, are typically embedded in a
range of parish correspondence from and about paupers, and often contain detailed
information about the poor who wrote them, or in whose name they were written. But, as
historians have noted, they are far from simply a reflection of the needs of those whose
poverty they describe. In the sense that they were produced at the junction between the needs
and expectations of paupers and those the bodies who were charged with dispensing relief,
they also represent a unique lens through which to view local negotiations for scarce
resources. Up to now, scholarly attention has focused on letters from England. In part, this
is because those who have looked at them in detail have tended to assume that they were a
particular product of the English settlement laws. Modified regularly between their inception
in the 1660s and their effective abolition in the 1860s, these laws established the criteria by
which a pauper might claim to “belong” to a parish or community. A combination of these
laws and the wider statute and local law of the English and Welsh Old Poor Law meant that
paupers could only apply for relief in their place of settlement, establishing a de facto
citizenship and a means for gaining and changing its locus. For those paupers out of their
place of settlement at the time they fell into poverty – an increasing number in England and

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42 Return, “showing the Population; the Annual Value of Property rated to the Poor’s Rate, the Gross Amount
of Assessment...and the Average Amount of Actual Relief to each pauper so relieved, in each Parish in Scotland,
for the Year 1847...” (1849), 54-5.
44 J.S. Taylor, “Voices in the Crowd: The Kirkby Lonsdale township letters, 1809-36”, in Hitchcock et al,
Chronicling Poverty, 109-26; Sokoll, Essex Pauper Letters, Introduction, 3-75; King, “Pauper Letters as a
Source”.

Wales given economic development and associated migration – applying for relief either meant returning “home” or writing to settlement parishes requesting they be relieved in their parish or community of residence. The consequent “out-parish” system of relief generated extensive numbers of pauper letters, letters from advocates of the poor and between officials in host and settlement parishes. The peculiarities of this system have led to the view that, whilst there is the possibility that they may be found elsewhere, pauper letters are a particularly English phenomenon. While a few recent studies have emerged to challenge English poor law exceptionalism more widely, none has yet challenged the notion that pauper letters are a mostly English phenomenon.

On closer inspection, however, this clearly is not the case. We now know that pauper letters exist for every region of mainland Britain, from Cornwall to Caithness and from Cardigan to Cromer. Certainly, they are found in greater numbers for some parishes and regions than others and, in part, this may well reflect local economic conditions and the operation of settlement rules. Yet large collections of letters have been found in some surprising places. For example, the greatest number of remaining letters so far discovered for a single parish (496) belong to Kirkby Lonsdale, a township in the modern county of Cumbria in the far north-west of England, which is otherwise one of the most parsimonious and least “document rich” regions of the country in poor law terms. This suggests that the survival of pauper letters has at least as much to do with the clerical culture of particular parishes and welfare bodies as it does with the social and economic conditions (or the legal framework) that prevailed at the time; and it raises the likelihood that those pauper letters which have been uncovered so far represent only the tip of the iceberg in terms of the total number that were produced historically. Clearly, pauper letters were an important form of appeal across a range of parish and community types, and even national statutory frameworks.


Such are the findings of the project whose archival work underpins the research for this article. See n.1, above, for details.


Although we do not yet have a clear picture of the true number of pauper letters remaining in Scottish archives, it is clear that they were a crucial part of parochial welfare negotiations here, just as they were in England. For example, substantial collections have been found for Kirkudbright and Sanquhar in the south, and for the city of Perth in the central lowlands, and many appear in the substantial collection of applications for relief in the Inspector’s Books held at the Mitchell Library, Glasgow.\(^{50}\) However, one of the richest collections of pauper letters for a single location in the whole of Britain comes, somewhat surprisingly, from Tongue. Here, officials kept relief correspondence from the beginning of the New Poor Law, in 1845, through to the end of the century.\(^{51}\) In all, 165 letters from paupers themselves are contained in a collection of around 290 pieces of correspondence relating directly to the welfare of paupers. The letters in the Tongue collection are concentrated in two main periods, 1846-52 and 1889-99, with a handful of letters dating from 1854, 1863 and 1887. Although there is no way of knowing for certain, the most likely reason for this chronological concentration is simply that these were the periods when officials were most fastidious in their record keeping. Certainly, there does not appear to have been a “tailing off” of pauper letters during the earlier period, or a gradual increase in the later years, which might suggest that these were the only times when letters were written.

One important feature of the Tongue letters is that all those written in the initial decades of the new Scottish poor law, from between 1846-52\(^{52}\), were from paupers who were resident in the parish. It has already been noted that parish letters in England appear to have been almost exclusively the product of the “out-parish” relief system which developed in the last years of the Old Poor Law.\(^{52}\) Essentially, this system reflects the fact that it was often advantageous for both paupers and parishes to maintain their relief relationship at a distance. Paupers who lived away from their parish of settlement and who were temporarily in need of relief appealed by letter and requested that it be sent to their place of residence, and parishes very often (perhaps more often than not) agreed to this arrangement. Clearly, there was a

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50 Dumfries Archive Centre, CB848/5/1/12-39 Sanquhar Parochial Board Vouchers, Reports and Correspondence, 1867-1896, and CB848/5/5/22 Sanquhar Parochial Board Correspondence, 1845-1866; Ewart Library, Dumfries, K7/15/14-18 Kirkudbright Parochial Board, Record of Applications, 1883-1901; Perth and Kinross Council Archives, B59/24/12 Documents Relating to the Administration of the Burgh of Perth, 1634-1850; Mitchell Library, Glasgow, general classification D-HEW.

51 Highland Archive Centre, Inverness (hereafter, HAC) GB0232/R/31/1/1 and GB0232/CS/6/12/61: Petitions to Tongue Parochial Board. The very fact that a remote Highland parish has so many extant pauper letters further suggests that it was clerical culture, rather than specific relief regimes, which led to certain parishes being better represented than others in this sense.

52 See n.43 above.
logic to such an arrangement in a rapidly industrialising economy, which required a flexible and highly mobile workforce.\textsuperscript{53}

However, this is a practice which is unlikely to have been tolerated in an environment where the able bodied (those most likely to claim temporary relief, and also those most likely to remain at a distance as a result of enhanced employment opportunities) were disqualified from claiming relief in the first place, and there is little evidence so far that it was a common practice in Scotland for most of the eighteenth and nineteenth centuries.\textsuperscript{54} In the context of the north Highlands, this is further emphasised when we consider that there is abundant evidence of large-scale seasonal migration of Tongue’s residents to other parts of Scotland, yet none appears to have written back to the parish board to request relief at any time.\textsuperscript{55} On the other hand, it is hardly surprising to find that paupers or applicants for relief wrote to the parish authorities from within Tongue, given that the parish comprised of approximately 140 miles of rough terrain, with less than 40 miles of road or track in total in 1841: maintaining regular face-to-face contact with the inspector or members of the parochial board would have been extremely difficult, especially as most paupers were (as we shall see) elderly, infirm or burdened with other physical misfortunes.\textsuperscript{56} Yet if considerations of distance and terrain are a proximate explanation for both the number and locus of the Tongue letters, they do not offer a sufficient explanation in themselves. After all, many northern English, Cornish, Welsh and Welsh border parishes were extremely large and could boast equally difficult terrain poorly bisected by transport links, but there is little evidence of letters written to officials or ratepayers from within these places. On the other hand, the practice of pauper applicants from within the parish addressing their appeals to the parochial board in writing has very considerable resonance with wider continental approaches to establishing entitlement. German paupers in particular seem to have used written appeals to officials and others they felt could help their cause even if they lived in the same street or district.\textsuperscript{57}

\textsuperscript{54} See \textit{n.10} above.
\textsuperscript{55} \textit{Poor Law Inquiry (Scotland)}, 1844: ‘Appendix II, Minutes of Evidence’, 1628.
\textsuperscript{56} \textit{Second Statistical Account}, 165, 180.
\textsuperscript{57} For an overview, see A. Gestrich and S.A King, “Pauper letters and petitions for poor relief in Germany and Great Britain, 1770-1914,” \textit{Bulletin of the German Historical Institute}, 35 (2013), 12-25.
A consideration of the rhetorical form of the Tongue letters and the nature of the parochial social order which informed their authors is revealing. The most striking thing about these Tongue letters is that 134 (or 81%) of them were written in the form of petitions, the most formal variant of written appeals by paupers and one which, though rare in English
collections, was the dominant form in Northern European until at least the 1860s (Figure 2). In fact, until the later period (1898-99) 133 out of 139 Tongue letters were written in the form of petitions. The shift away from the petitionary form later in the century is something we discuss in detail in Section 4 below, but its predominance in the period between the 1840s and 1860s is important. Thomas Sokoll describes the petition as “a written plea for assistance addressed to a higher authority”, which obeys “strict formal rules” and is essentially “an act of rhetorical subjection in writing.” However, as Sokoll also points out, “it cannot be emphasized too strongly that in stylistic terms and from their overall scriptural habitus, most [English] pauper letters do not normally follow the contemporary model of the formal petition.”

The preponderance of petitions for relief in Tongue in the first half of the nineteenth century appears to confirm that the relief relationship between paupers and parish authorities was far more formal than it was in other parts of Britain at the time. It also suggests that what many have identified as a culture of “residual deference” among the Highland poor in the nineteenth century towards landlords and their representatives is closely reflected in the relief relationship. It has been argued that this attitude was a hangover from traditional clan loyalties which, though perhaps misplaced in an age of widespread clearances and rampant economic and agrarian rationalism, was nonetheless deeply rooted, culturally entrenched and remarkably long-lasting. Indeed, appeals from tenants to the landowners and managers on the Breadalbane estate from until at least the middle of the nineteenth centuries were also written almost exclusively in the form of highly stylised petitions. This again invites direct comparison to work which has been done on the European Continent. The German experience cannot be explained by clan loyalties, but the shared form of appeal points very strongly to an ingrained sense among many of the European poor (including those in the Scottish Highlands) that they did not have rights to relief, that local elites had an expectation that formal support would be residual, and that law and welfare practice was only contestable at the margins. The contrast with English paupers of the same period, who expected to

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59 Sokoll, Essex Pauper Letters, 59 (original emphasis).
60 Hunter, Making, 136-142.
62 Houston, Peasant Petitions, 77 passim.
contest welfare, and for whom statute law and local practice were always fluid, is clear and forceful.

A consideration of the relationship between pauper letters and official decisions allows us to elaborate this argument further. The parochial board in early nineteenth century Tongue was a place where parochial business and the priorities of the Sutherland estate inevitably came together. One of the most influential members of the new board, which was established in October 1845, was the local factor, Robert Horsburgh. He and the local Minister, Revd. Hugh McKay McKenzie appointed the first Inspector of the Poor, constituted between them the Cash Committee to oversee all financial affairs, and decided upon admission to the poor’s roll. As Annie Tindley recently pointed out, it was the factor – the Highland estate’s “man on the ground” – who bore almost total responsibility for the welfare of tenants, large and small, on Ducal lands; and as the subsistence crises deepened from the 1840s onwards, factors were brought into ever more frequent contact with even the smallest tenants, whose worsening fate became a major preoccupation. But Tindley also demonstrates that factors were, on the whole, kept aloof from their charges, both by their excellent salaries and employment benefits and by the conscious decision to employ men from outside the area in order to forestall undue influence and familiarity between them and their tenants. The Tongue letters appear to confirm Tindley’s conclusions, both in terms to the centrality of the factor to the fate of the local poor, and in the sense that the relationship he maintained with his poorest tenants was one of strict formality. The social and economic distance between those in authority in Highland parishes on the one hand, and small tenants on the other, is likely to have been exacerbated by the erosion and, finally, the loss (with the clearances and resettlement) of older community structures, and inevitably it had far reaching consequences for the treatment of the poor.

Another important consideration is that none of the Tongue letters was written by able bodied paupers. Even in the case of the very few letters that were obviously from the heads of nuclear households (that is, households containing parent(s) and children) applicants were

64 HAC GB0232/CS/6/12/1: Tongue Parochial Board Minutes, 24th October, 8th November and 26th December 1845.
65 A. Tindley, “‘They Sow the Wind, They Reap the Whirlwind”: Estate management in the Post-Clearance Highlands, c.1815-c.1900”, Northern Scotland, 3 (2012), 68; Tindley, “Actual Pinching and Suffering”, 239-242. See also Houston, Houston, Peasant Petitions, 234.
66 Tindley, “‘They Sow the Wind, They Reap the Whirlwind”, 68,70.
67 This, of course, confirms what we have already been told about the application of the Scottish poor laws overall, and how they were applied in the Highlands in particular. See “Introduction”, above; Houston, Peasant Petitions, 230-34, 237-44; Mitchison, Old Poor Law, 185-215; Paterson, “The Poor Law”, 171-93. For a still excellent general discussion of the situation in the Highlands, see Day, Public Administration, 91-120.
anxious to emphasise either their total incapacity for work or some other misfortune which rendered some or all of them impotent. So, George MacKay wrote that “in consequence of the Petitioners state of health, his weak numerous family, consisting of eight persons...the age of his children, [and] his other [sic] destitution and helplessness”, he required an addition to his monthly allowance”; John Munro applied for assistance, not because of destitution alone (he being able bodied), but because of the plight of his son who “at the age of Twenty years...are clean destitute of his rational sences”; and Charles McKay, after mentioning his own unemployment, went on to state “that his eldest child...a girl of 8 years of age is a helpless object dumb and unable either to walk or stand on her feet.”68 In other words petitioning paupers were clearly aware that their appeal was unlikely to get beyond the first hurdle if unemployment was used as a first point of leverage.

If the pauper petitioners of Tongue were rarely, if ever, the unemployed or able bodied poor, then who was applying for relief using this method? Predictably, the great majority of petitioners were the aged, the widowed, and those who were burdened by severe sickness or disability, or had a family member who was so burdened. Obviously, the needs represented in the letters do not fall quite so easily into one or other of these categories, so that the same letter may contain complaints of more than one of these conditions and, on occasion, of all three. Nonetheless, the status of applicants by letter in Tongue does reflect in just about every case this narrow range of misfortunes. In terms of those letters that seek to establish explicit or implicit grounds for deservingness, only 65 (or 39%) actually point directly towards age as a reason for making the application. In many others (85 letters, or 51% of the total), the attendant condition of “infirmity” or “incapacity” (very likely the result of advancing years) is at the heart of the appeal. This makes good strategic sense when one takes account of the fact that, even when an applicant was at a relatively advanced age, the Tongue Board was keen to establish whether or not they were in a position to make shift for themselves in any way at all, so that descriptions of those in their sixties and even seventies on the poor’s roll often list their trade or occupation, give details of what they can do (“can knit a little”, “can knit and spin”), or categorise them as only “partially disabled” from working.69 Has to be 2 sentences surely?! Other explicit reasons for seeking admission to the poor’s roll, or for an increase of existing relief, include disability, temporary or permanent sickness, the presence of an “idiot” child or relative, and loss of land and/or stock.

68 HAC GB0232/R31/1/1: George MacKay to the Parochial Board, 15th April 1847; John Munro to the Inspector of the Poor, 27th June 1848; Charles McKay to the Parochial Board, 8th February 1847. 69 HAC GB0232/CS/6/12/58: Tongue Parochial Board, Register of Poor, 1845-64. English vestry books much more rarely focus on capacity as opposed to incapacity.
All but the last of these reasons for applying for relief will be very familiar to those working on pauper letters from England. Yet given the formality of applications from mid-nineteenth century Tongue when compared to those made in early-nineteenth century England, it is possible to suggest that applications founded on sickness, old age and disability were framed quite differently, and carried very different meanings, under the two regimes. In England, until at least the advent of the New Poor Law, paupers had a clear sense that such categories of need conferred an almost unanswerable entitlement to relief, and parishes found it difficult to counter these expectations given the potent mix of customary precedent and legal obligation which surrounded the implementation of relief at the local level. In Tongue, however, there is very little sense in the early years of the Scottish New Poor Law that incapacity or infirmity in themselves conferred an automatic entitlement to relief, even when they had been clearly established. Such petitions were most commonly made on the basis that “it [would] indeed be an act of charity” for the board to consider them, or in the hope that a pauper’s case may “be taken into consideration” or that the board will simply “look into [their] case”. Nonetheless, despite the very different linguistic registers used by paupers in England and Scotland to emphasise these categories of misfortune, there is no doubt that they were shared as some of the most fundamental markers for establishing deservingness under the two regimes. I would put this sentence at point X above so that we end up the para with the difference and not the similarity.

If the conditions and experiences of infirmity or incapacity were ubiquitous in pauper appeals the loss of land and/or stock spoke directly to local conditions in the Highlands of Scotland, particularly in those areas which were subject to clearance in the eighteenth and nineteenth centuries. In all, the loss of land or stock is mentioned in 27 letters (or 16% of the total), and frequently (more often than not) it occurs in letters from the aged or otherwise infirm. It is rarely advanced as a primary means of establishing deservingness, but is often mentioned in passing, as though to emphasise that this particular means of making shift is no longer available. So, for example, Bell Reid first states that she is “a sickly woman not able to support herself by her labour”, but then goes on to say that “she is quite out of stock (save a two year old Heifer, which she is to sell for the purpose of cleansing herself out of debt)”, and is “now deprived of the small Lot of land she formerly occupied, [which was] her only

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70 S.A. King, “Negotiating the Law of Poor Relief”, 412-3.
71 HAC GB0232/R31/1/1: Hugh MacKenzie to the Parochial Board, 4th February 1851; Charles McKay to the Parochial Board, December 1846; Catrin McKay to the Parochial Board, 6th April 1847.
support.” Land occupation was, of course, the primary means by which individuals, families and communities would have been expected to subsist in the Highlands in the nineteenth century and beyond. The clearances challenged this basic fact of Highland life by replacing the ancient system of runrig and the apportionment of land by the clan chief with crofting; but, as the Tongue letters demonstrate, it did not fundamentally alter it. Applicants for admission to the poor’s roll, as well as those who sought an increase in existing levels of relief, were anxious wherever possible to emphasise that they had lost the land they had been allotted, or that the land they retained was inadequate for their subsistence.

As Tindley points out (and as we saw from the evidence of the Revd. McKay MacKenzie earlier) the allocation of land to crofters in Sutherland was kept intentionally inadequate for subsistence in order to encourage them to seek alternative employment. It was the failure of such alternatives to absorb the excess population which compounded the problem of “poor land [and] small plots.” Hunter’s seminal work on crofting communities is punctuated by accounts from contemporaries who pointed out that the land allotted to newly settled communities was wholly inadequate for their subsistence. In particular, he quotes critics of the Strathnaver clearances, where tenants were “thickly settled along the sea coast of the parish, in some instances about 30 lotters occupying the land formerly in the possession of 12”, and around the Kyle of Tongue, where land which had been “occupied by a few” was “divided among many”, making it “totally inadequate for the maintenance of all.”

Importantly, evidence from elsewhere in the parish records makes it abundantly clear that the poor were still expected to remain largely independent of relief as long as they had access to any land at all. The minutes of the parochial board in the 1840s and 50s frequently record the refusal of applications on the grounds that an individual “has land”, or even that a close family member had land and was therefore bound to support them. Such was the case of Alexander Campbell of Braekirkiboll who was “Rejected, being able to work and his father [a] tenant of a good lot of land.” It should also be noted that access to land (direct or indirect) was often sufficient evidence in itself to deny an application, even if the applicant themselves was incapable of working it effectively. Oftentimes, a refusal was made on the grounds that an applicant was “in the occupation of land, and [has] sons able to assist her”, or

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72 HAC GB0232/R31/1/1: Bell Reid to the Inspector of the Poor, 26th June 1848.
73 Hunter, Making, 41-2 passim; Richards, Highland Clearances, 44-47 passim.
75 Tindley, “Actual Pinching and Suffering”, 255.
76 Unattributed critics of the crofting system quoted in Hunter, Making, 64.
77 HAS GB0232/CS/6/12/1, Tongue Parochial Board Minutes, 13th March 1846.
because the “son with whom she lives [occupies] land & [is therefore] bound to support her.” 78 In sum, if an applicant to the Tongue Board was able to demonstrate conclusively that they had no direct or indirect access to land or stock, or that their land holding had diminished to a point where it was incapable of supporting them, the Board might be persuaded to admit them to the relief roll (assuming they had no other means of supporting themselves). If, on the other hand, the Board could not be persuaded of this then the very fact of occupying, or even having indirect access to, land and/or stock was likely to have been sufficient grounds for disqualification regardless of the ability of the applicant to make good use of it.

The continuing assumption that access to land should equate to subsistence, which is clearly demonstrated in the Parochial Board Minutes, illustrates the “double-bind” in which the Highland poor found themselves after the clearances. Even though they were often settled as tenants on small crofts, and were therefore effectively disqualified from adequate parochial assistance as occupiers, such land was more often than not physically inadequate for their needs. Furthermore, without the support offered by the extended social network which had finally been destroyed by forced removal such allotments of land were effectively useless if poor crofters were unable to work it on their own behalf. Clearly, few subjects in Scottish history are as contentious as the impact of the clearances and changing social relations on the health and wellbeing of Highland communities, and particularly that of the Highland poor. This is explicitly acknowledged in Eric Richards’ rejoinder to the work of Robert Mathieson in the most recent edition of seminal work on the clearances. 79 Nonetheless, even Richards himself acknowledges that “a peasant society and a distinctive culture were, in many places, razed from the land”, and part of this “distinctive culture” involved both the means and the willingness to care for the aged, the infirm, and the otherwise incapacitated within traditional community structures. 80

Time and again, applications were made to the Board for financial assistance to pay for a carer, either for the applicant themselves (in the case of the elderly, disabled and infirm) or for an incapacitated family member. Traditionally, close-knit Highland communities had cared for their own, as James Hunter points out, not “as a beggar, but as someone ag iarraidh a’chodach, seeking or asking his portion” of the common weal. 81 In the disrupted and

78 Ibid., 4th August 1846; 13th March 1846.
80 Richards, Highland Clearances, 418.
81 Hunter, Making, 120.
impoverished communities that the clearances left in their wake, even if close neighbours and the wider community were minded to provide assistance, it is unlikely they would have been able to do so because of their own hardship. So, George MacKay and his wife were close to starvation, having had “no food whatever for some days except what they were getting from the neighbours”, and this despite the fact that they were already receiving a (clearly inadequate) allowance from the parish; and the friends of Mary McKay of Clashaidy wrote to state “that she is absolutely dependent upon the kindness of her neighbours for what keeps herself and 5 children from utter starvation”, but that this was now totally inadequate for their support.82

The problem for the poor of Tongue under the Scottish New Poor Law was that the parish continued to insist on the operation of those obligations as a means of limiting relief. Yet even the obligations of family members and good neighbours, upon which the majority of the Parochial Board’s decisions was predicated, could no longer be relied upon in the post-clearance world as brothers, sons and parents either found themselves too impoverished to assist, or left to seek a better life elsewhere. It was a reality which was too often ignored by landowners in the Highlands, who continued to “sentimentalise aspects of the familial relationships” which supposedly kept the poor from needing relief.83 But it was a harsh reality nonetheless for the likes of Christy McKay Down, destitute and blind, who appealed for relief as her daughter “has left for service and cannot attend upon her”, and widow Cathrine McKinzie, 72 years of age, who “lives separate from her sons who have families of their own and have enough to do to support them.”84 Furthermore, by the 1840s the largesse of friends and neighbours was often no more than cold comfort. Barbara McKay claimed that she “has no means of subsistence but solely depending on Parochial support”, not least because “in former years she had a piece of ground granted her by the neighbours...(which was of great help in maintaining her) but which is this year taken from her.”85 Catharine McKay complained in 1851:

82 HAC GB0232/R31/1/1: George MacKay to the Inspector of the Poor, 17th April 1847; HAC 0232/CS/6/12/61: Donald McLeod, William Ogilvie and John Ogilvie to the Inspector of the Poor, 13th March 1863.
83 Houston, Peasant Petitions, 245.
84 HAC GB0232/R31/1/1: Christy McKay Down to the Inspector of the Poor, 9th April 1847; Cathrine McKinzie to the Inspector of the Poor, April 1847.
85 HAC GB0232/R31/1/1: Barbara McKay to the Tongue Inspector of the Poor, 17th May 1847. The fact that the land was “granted her by her neighbours” suggests that Barbara McKay was likely to be a landless cottar rather than a crofter, another aggravating factor in her poverty. Cottars and squatters were a significant underclass in crofting communities. Geoffrey Baggott recently calculated that they made up almost 25% of the Melness townships on the Kyle of Tongue in 1893, and [Name deleted to protect the integrity of the review process] (in private correspondence) has suggested a ballpark figure of 20 per cent overall. G. Baggott, “Melness Farm, Sutherland: The Land Question and the Congested Districts Board, c.1866-1911”, Journal of Scottish Historical
the Petitioner is 80 years old; that she is much troubled with the rhumatism and is on that account unable to work or to provide anything for herself – That she has no means and is a burden upon her neighbours – Her husband John McKay alias Downes is receiving 3/- per month which is too little for a man of his age who is upwards of 70 years old – They are both old and are unable to work and are supported by the public – But the people are getting so poor now that they are unable to give to poor people.86

While the clearances may not have been the only reason for the impoverishment of the Highland poor, they were undoubtedly instrumental in loosening the ties of kinship and obligation among displaced communities, so that even though the Board continued to insist on the poor “seeking their portion” from kith and kin, the poor of Tongue were only too aware that, in the 1840s and 50s, few had any portion to give.

PART 4: Pauper Letters and Changing Parish Relations in the Later-Nineteenth Century

In the previous section it became clear that pauper letters can be of great use in illuminating aspects of the relief relationship, particularly in poorly documented regions such as the Highlands of Scotland where that relationship has yet to be explored through other means. Nonetheless, what one finds in pauper letters and petitions is rarely, if ever, simply a description of the needs of the applicant or of the expectations of the poor law authorities. Peter Jones has noted in an English context that “that the poor were highly self-conscious and discriminating in their requests...filtering their material and practical needs through a fine rhetorical mesh so that such requests to a greater or lesser extent fulfilled, or corresponded to, the expectations” of parish authorities. Notwithstanding the very different cultural and legal context, evidence for the same kind of “filtering” can be found in the Tongue letters.87

Clearly, applicants were keen to emphasise those aspects of their hardship that were likely to be considered favourably (such as the loss of or lack of access to land, advanced age and infirmity, and a lack of family or “friends” who might support them) and they were just as conscientious in downplaying those aspects which would disqualify them (access to land if they had it, family or community support, and, above all, fitness for work). But the Tongue

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86 HAC GB0232/CS/6/12/61: Catharine McKay to the Parochial Board, February 1851.
87 Jones, “I Cannot Keep my Place”, 31.
letters also demonstrate some of the more subtle rhetorical devices and strategies noted by historians from pauper letters elsewhere. These include the culturally-charged motif of nakedness and lack of clothing (“the Petitioner has neither night or day clothing”; “the small sum she is getting it will hardly put on her a pair of shoes...and she is as needfull of clothing and bedcloth as that”); references to a possible appeal should an application be refused, and a self-conscious demonstration of an understanding of the law as it related to relief (“thus render an appeal to the Central Board unnecessary”; “I pray the Board...will be Pleased to provide me with such things as are alowed by acts of Victoria + Chapt. 83 Page 79 [sic]”); and the most pervasive device of all in pauper letters, the threat to leave the object of an application entirely in the Board’s care if the application is unsuccessful (“if this is not attended to I will be obliged to use other means and cast [his “idiot” son] upon the Board”; “the Petitioner will be obliged to cast the Boy entirely upon the Board”). Despite the fact that almost all of these early letters to the Parish Board were constructed as formal petitions, as early as the first decade after the Scottish New Poor Law the Tongue poor appear to have been rhetorically sophisticated within the confines of a rigid supplicatory form.

Nonetheless, the petition is undoubtedly limited in terms of the scope it affords for the expression of grievance and, in particular, for the development of reciprocity. It necessarily conforms to an inflexible formula which emphasises the humility of the appellant and the generosity of those to whom the appeal is made. As a result, the overall tone of these petitions is one of subjection and, notwithstanding the subtle threat to leave the fate of the appellant entirely to the parish, only very rarely does a note of assertion, let alone of outright defiance, creep in. Widow Gunn’s closing salvo, that “I am destitute enough as to meat & clothing, and other necessaries of life [and] therefore Expect that the present allowance may be continued”, is especially notable (and unusual) for its commanding tone. Importantly, her appeal is one of only five examples from the earlier period which appear in the form of a familiar letter rather than a petition. In the early Tongue petitions, the sense of entitlement


89 Houston, Peasant Petitions, 77-8. See also [Remainder of footnote deleted to protect the integrity of the review process].

90 HAC GB0323/CS6/12/61: Widow Gunn to the Inspector of the Poor, 14th August 1850.
and, often, defiance that characterised many late Old Poor Law letters in England is notable by its absence.

However, by the late-1880s paupers in Tongue had abandoned the petition as a supplicatory form and almost all written appeals for relief thereafter took the form of familiar letters. Consistent with Widow Gunn’s early example, many of these letters were familiar to the point of being perfunctory. William MacKay, for example, wrote that “I am very ill after the influenza and Dr. MacDonald told me that medicine would not do me any good that I would need nourishment and I have no means to get it.” He signed off his letter with a curt, “we are all unwell and you can place it before the ‘Board’.”91 The widow of George Sinclair wrote simply: “Dear Sir, Would you please give me 3 ½ yards of Flannel also a pair of Boots no.9 I shall feel obliged if I get the above before the cold weather comes on.”92 Betsy MacKay, having expressed the hope that “you will be as good as supplie [sic] me with warm clothing for the winter,” closed her letter: “with great Confidence that you will discuss the matter and allow me some-thing.”93

All of these letters date from the 1890s, and the shift in both their form and content is striking: within forty years of the passing of the New Poor Law the deference and supplication that characterised the early petitions had disappeared, to be replaced by a clear sense of entitlement and an expectation that these appeals would be favourably heard. In the narrow context of parish relations, it possible that this shift had something to do with the extensive charitable response in the Highlands to the famine of the late-1840s, which was extended to all those affected, whether impotent or able bodied. Certainly, Sir John McNeill blamed this response for encouraging the poor to develop “exaggerated notions...of the extent of [their] rights” to relief.94 It is also possible that it was influenced by a series of mid-century scandals in the Highlands which brought the often brutal treatment of crofters by parochial officers to a much wider public.95 But the scale of the shift in the tone and texture of these letters invites a far more detailed contextual discussion about social relations in the Highlands during this period.

In Part 3, above, it was noted that historians of crofting and the clearances have consistently sought to explain the apparently deferential nature of crofters for most of the nineteenth century, and their reluctance to protest openly against the hardships they suffered

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91 HAC GB0232/R31/1/1: William MacKay to Mr. MacDougall, n.d. [1899];
92 HAC GB0232/R31/1/1: Widow Sinclair to Mr. McDougall, 1899.
93 HAC GB0232/R31/1/1: Betsy MacKay (recipient not named), 21st August 1899.
94 Sir John McNeill’s report to the Board of Supervision, Edinburgh, 1851, quoted in Day, 103.
95 These included infamous cases of maltreatment from Knoidart in the north west Highlands in 1853, and Strath on the Isle of Skye in 1854, which were widely reported at the time. Day, Public Administration, 107-8.
at the hands of landowners and estate managers. Something missing in this sentence – sought
to explain how? The famine years of the 1840s and 50s dealt a further blow to already
demoralised and unstable crofting communities in Sutherland. Hence, there was neither
widespread appetite nor cultural precedent for an assertion of “rights” among Tongue’s poor
residents at this time.96 The 1860s and 70s were, to an extent, years of recovery for the
Scottish Highlands, and though they were still subject to the social and economic
inadequacies of post-clearance conditions, “in comparison to what had gone before and with
what was to follow [it was] a prosperous period.”97 What did follow was yet more hardship.
A combination of poor harvests and the collapse of wool prices led to “a decade of severe,
occasionally chronic, agricultural depression.”98 But the Scottish Highlands in the 1880s was
a very different place to that of 1840s or 50s, and its relationship with the world beyond its
borders had changed significantly, too. On the one hand, crofters themselves were more
aware than ever before of similar battles to their own which were being played out, for
example, in Ireland. On the other, those from further afield who were engaged in agitation for
reform (either of land tenure or social reform more generally) had begun to take a keen
interest in the Highlands as a potential battleground in the fight for improvement.99 Finally,
there was a concerted effort among radical opinion formers to raise the profile of the crofters’
plight, most notably in the press.100

The results of this combined agitation were many, but in particular it led to the
formation of the Highland Land Law Reform Association (later more familiar as the
Highland Land League) and to the creation of the Napier Commission which sat to consider
both the plight and the growing demands of crofters as a body.101 By the 1870s and 80s
crofters had found a voice of their own, albeit one which reflected, to a greater or lesser
extent, the political and rhetorical register of reform movements elsewhere. In the early
1880s, crofters protested openly and with increasing vigour for a raft of reforms, including
security of tenure, reasonable treatment by landlords and, to an extent, land reform in the
shape of larger holdings. The Crofters’ Holdings (Scotland) Act of 1886, though largely

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96 Hunter, Making, 136.
97 Ibid., 173.
98 Ibid., 187.
99 E.A. Cameron, ‘Poverty, Protest and Politics: Perceptions of the Scottish Highlands in the 1880s’, in D.
Broun, M. MacGregor (eds.), Mioran Mor nan Gall, The Great Ill-Will of the Lowlander? Lowland
Perceptions of the Scottish Highlands, Medieval and Modern (Glasgow, 2007), 218-9, 224-6; Hunter, Making,
188-93. See also A. Newby, Ireland, Radicalism and the Scottish Highlands, c.1870-1912 (Edinburgh, 2007),
85-116.
100 Cameron, ‘Poverty’, 218-20.
101 Cameron, ‘Poverty’, 226-8; Hunter, Making, 201 and passim.
silent on the subject of land reform, addressed the first two concerns directly, guaranteeing security of tenure and the right to bequeath a holding to a family member, and establishing a land court to oversee and administer the Act and, crucially, to fix fair rents.  

Agitation did not end with the 1886 Act, but it is clear that crofters and the Highland poor more generally had by then moved some distance from the overarching influence of landlords and their once all-powerful estate managers. It is to this, more than to any other single factor, that we must attribute the dramatic shift in tone of the pauper letters from Tongue: the voices we hear in them by the end of the century are assertive, self-assured and confident that they should, indeed must, be heard. Hugh MacKay did not so much request the parochial board’s assistance as demand it, when he wrote that “my house is in a very bad condition and some thing will have to be done about it”; and Robert McLeod was even more forthright when explaining that he could get no-one to carry his fuel for him: “I did offer them 3d. a day but could get no one. So you must look into it.” Far from the supplicatory and apologetic tone of the petitions sent in the 1840s and 50s, these letters demonstrate a keen sense of entitlement and an altered belief that the welfare of the Highland poor was not merely their own affair or that of their immediate kith or kin, but was a matter of civic duty on the part of the parish as a whole. When James McKay wrote that he could no longer support his elderly father, despite having a croft of his own, there was no hint of resignation or apology. Instead, his message was clear and unambiguous: “I am unable to support him any further, and if the Board refuses to give him some aid they are to be held responsible for the consequence.”

It is true that this new linguistic register of entitlement, civic obligation and defiance was still written largely by or on behalf of those who were no longer able to support themselves, either by farming the land or any other means. In common with most Highland (and, indeed, Scottish) parishes, it remained common practice in Tongue to relieve only those who were unable to make shift for themselves: the elderly, infirm or otherwise impotent. Nonetheless, it was a register which mirrored very closely the newly assertive tone of crofting communities more widely, not least in evidence to the 1883 Crofters’

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102 Hunter, Making, 224-5.
103 HAC GB0232/R31/1/1: Hugh MacKay to Mr. MacDougall, Clerk of the Parish Council, 25th August 1899; Robert McLeod to Mr. McDugal [sic], n.d. [1899].
104 HAC GB0232/R31/1/1: James MacKay to John Murray, Inspector of Poor, 4th October 1887.
Crofters used their newfound voice to good effect over the next twenty years, ratcheting up the pressure on landlords, not only for fairer treatment as tenants, but for a complete overhaul of the nature of land settlement in the Highlands. Highland paupers, on the other hand, appear to have been less successful in their newly assertive demands for relief. In fact, despite the defiant tone of the later Tongue letters, they appear to have fared little better in the last years of the nineteenth century than they had in the 1840s and 50s. Yet there is evidence that this had less to do with the antipathy of an austere Presbyterian board (or parish council, as it had now become) than it did with the continuing poverty of communities across the Highland region.

It is an unhappy irony that one of the results of the escalating agitation of crofters for fundamental reform in the Highlands was that rent often went unpaid and that this, in turn, led to non-payment of rates – including poor rates – by landlords and other occupiers. Although there is no specific evidence for this in Tongue, there is also no doubt that the finances of the parish council were in a permanent state of crisis by the end of the century, and that the pursuit of ratepayers for non-payment was a routine aspect of parish business. Despite the unambiguous demands of the elderly and the impotent for civic assistance in the 1880s and 90s, Tongue remained a poor parish packed with struggling crofters and impoverished cottars, and it simply did not have the means to make its paupers more comfortable at this point. In the end, it is almost certainly a recognition that growing need was outstripped by available resources, rather than any great reforming zeal, which led the parish council into an unlikely alliance with crofters in their demands for reform at the end of the century; for in its minutes for the 28th of February 1899, its chairman recorded that:

Knowing that applications are being made by crofters and cottars in this parish to His Grace the Duke of Sutherland to form in conjunction with the Congested Districts Board and the Crofters Commission into fairly sized Holdings to suitable tenants that part of Strathnaver at present out of lease, the Council in view of the congested state of the parish agrees to support the applications for such an arrangement or any other that may be found better.

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106 See, for example, the evidence of Adam Gunn, crofters’ representative for five townships in Strathy, in the parish Farr, immediately to the East of Tongue. Evidence Taken by Her Majesty’s Commissioners of inquiry into the Condition of the Crofters and Cottars in the Highlands and Islands of Scotland, Vol.1, 1610-12.
107 Hunter, Making, 252-78.
110 For example, HAC CS/6/12/9: Parish Council Minutes, 26th August 1897, 5th July 1898, 24th September 1898, 1st November 1898, 13th December 1898, 7th February 1899.
111 HAC CS/6/12/9: Parish Council Minutes, 28th February 1899. For information about the Congested Districts Board, and its role in Highland land reform, see Hunter, Making, 251-3.
CONCLUSION

The Tongue letters demonstrate a number of interlocking themes that in some ways reinforce, and in other ways challenge, our view of how the New Poor Law operated in Scotland after 1845. On the one hand, they seem to strengthen the long-standing view of contemporaries and historians that the authorities in Scotland upheld a strong aversion to subsidising those who, they believed, should be able and willing to look after themselves. Nowhere was this more marked than in the Sutherland Highlands, where crofting communities were deliberately engineered in the first half of the nineteenth century so as to be independent within a mixed economy of smallholding and industrial endeavour – theoretically, at least. On the other, they indicate that those who were considered eligible for consideration under the new laws were far from passive, and were able to navigate both the statutory rules and the customary expectations governing entitlement to relief, even in the early days, with some success. Overall, it seems that they were rhetorically sophisticated, albeit within a very constrained and hierarchical welfare tradition. To an extent, this indicates that paupers in the far north of Scotland in the 1840s and 50s did have a degree of influence over negotiations for relief rather than simply being the victims of administrative procedure or authoritarian (Presbyterian) dogma. Nonetheless, the relationship between paupers and parish officials in Tongue immediately after the implementation of the Scottish New Poor Law was defined by a strict formality and stratification which mirrored wider social relations and precluded any close familiarity.

By the end of the century, however, things had changed dramatically in terms of the epistolary relationship between paupers and the parochial authorities in Tongue. The deference and stiff formality of earlier appeals all-but disappeared, to be replaced by assertion, familiarity and a clear sense of entitlement. This is forcefully illustrated in the shift away from the rigid supplicatory form of the petition, and towards the less formal, more flexible familiar letter. To a large extent, this rhetorical relaxation mirrored the erosion of deference elsewhere in crofting communities and it was almost certainly related to the growth and success of crofters’ movements for reform from the 1870s onwards. In the 1880s and 90s, paupers clearly expected their voices to be both listened and attended to, and they conveyed a sense of entitlement and expectation in their written appeals which was almost entirely absent earlier in the century. Despite the newly assertive tone of the letters, however, neither paupers nor parochial authorities appear to have subscribed at any point to the belief...
that the customary principles governing who should and should not be entitled to relief should be relaxed.

Parish officers, on the other hand, were constrained by both custom and a lack of adequate resources in their responses to paupers’ appeals for relief. There is little in the written records of the parish council to suggest how the changing tone of the letters was received by its officers, but there is no doubt that they were frustrated by their inability to provide further funds by the poor, largely because of the recalcitrance of wealthier ratepayers to fulfil their pecuniary obligations. The parish’s support for crofters who campaigned for more adequate landholdings from the Duke of Sutherland can therefore be read in a number of ways. It could be that it was largely expedient, a recognition that a crofting community with sufficient land could reduce pauperism itself by adequately supporting its own aged and infirm members. It might be that it was a mark of frustration with landowners and others who hampered its work by inadequately attending to their duties as ratepayers. It may even be that those who now constituted the parish council felt a degree of sympathy with crofters and cottars who, despite 50 years of promises following the bleakest days of clearance and famine, still faced hardship and penury without sufficient support from their wealthiest neighbours. The most likely explanation is a combination of all three. Much more work needs to be done on other parishes in Sutherland and across the Highlands to determine whether these conclusions hold true across time and space; but the very fact that written appeals for relief in Tongue appear to have shifted so quickly, between 1845 and 1900, from supplications by petition to assertive demands by familiar letter, suggests that, whatever the end result, these negotiations were far from one-sided.

112 It is notable that crofters who were eligible, but unable, to pay parish rates were specifically exempted from further action by the parish council. HAC CS/6/12/9: Parish Council Minutes