



Farquharson, L. (2017) A 'Scottish poor law of lunacy'? Poor law, lunacy law and Scotland's parochial asylums. *History of Psychiatry*, 28(1), pp. 15-28.

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Deposited on: 16 February 2017

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[HPY28(1)]

*Article*

**A 'Scottish Poor Law of Lunacy'? Poor Law, Lunacy Law and Scotland's parochial asylums**

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## **Abstract**

Scotland's parochial asylums are unfamiliar institutional spaces. Representing the concrete manifestation of the collision between two spheres of legislation, the Poor Law and the Lunacy Law, six such asylums were constructed in the latter half of the nineteenth century. These sites expressed the enduring mandate of the Scottish Poor Law 1845 over the domain of 'madness'. They were institutions whose very existence was fashioned at the directive of the local arm of the Poor Law, the parochial board, and they constituted a continuing 'Scottish Poor Law of Lunacy'. Their origins and operation significantly subverted the intentions and objectives of the Lunacy Act 1857, the aim of which had been to institute a public district asylum network with nationwide coverage.

## **Keywords**

Asylum, Board of Supervision, legislation, Poor Law, Scotland, 19th century

## **Introduction: parochial asylums and a 'Scottish Poor Law of Lunacy'?**

Social, political and medical spheres in Scotland were forever altered by Victorian legislation on pauperism and lunacy. The changing role of government, trending towards greater centralization and away from local and familial spheres, led to both the 1845 Poor Law (Scotland) Act and the 1857 Lunacy (Scotland) Act. The two Acts created different sectors of activity which developed their own distinctive cultures and ideologies, each – in the guise of national inspectorates, the Scottish Board of Supervision (BoS) and the Scottish Lunacy Board (SLB) – possessing its own legal instruments, administrations and mechanisms for exerting control (Andrews, 1998; Cage, 1981). Tensions and negotiations in the overlapping oversight of these two authorities contributed to the creation of a hybrid asylum system in the shape of what became known as 'parochial asylums': six full-size lunatic asylums containing both chronic and acute patients, under BoS control and with somewhat reluctant sanction from the SLB.

Arguably, these asylums should never have existed and for some time they endured a curious *de facto* but not *de jure* existence: factually, they were there, solid accretions on the Scottish landscape, but legally they were without foundation or justification and, in practice, legal instruments and mechanisms had to be reshaped around them. They also represent a significant lacuna within scholarship on the history

of Scottish psychiatry, despite existing for up to six decades in some cases and arguably comprising a distinctive Scottish phenomenon. There were a few instances of direct English parallels at Bristol, Norwich and Northampton, but nothing akin to the parochial asylum mini-system, and nothing with such a clear identity as suggested by the very name 'parochial asylum', developed south of the border, despite one in five English workhouses possessing lunatic wards in the 1860s (Philo, 2004: 262).

Scholars have explored lunacy history through the Poor Law (see Andrews, 1996; Fessler, 1956; Pelling, 1985; Rushton, 1988; Suzuki, 1991, 1992; Thomas, 1980), but Bartlett's (1999) more concerted shift of approach to care for the insane – beyond psychiatric specialists and institutions towards the history of poverty relief – provide the chief historiographical foundation for the present paper. Bartlett argues that, properly to comprehend lunacy after 1834 in England, one must examine what he terms the 'Poor Law of Lunacy'. He investigates the legal and administrative context in which pauper lunacy – the condition of individuals too poor for their lunacy to be serviced from their own finances or that of relatives and friends – was managed in Victorian England, with his empirical enquiries focusing on the Leicestershire and Rutland County Lunatic Asylum. The crux of Bartlett's work is that certain types of lunacy provision came to exist as an arm of the Poor Law (*Bill, 1834*) for England and Wales, itself manifesting a deep-reaching modernization and rationalization of much older Poor Law relief procedures. This led to key aspects of decision-making about pauper lunacy – to do with admissions, discharges, treatments, surroundings, sites and situations – being both dictated by central Poor Law guidance and inflected by local Poor Law contingencies. For Bartlett, the asylum and its medical professionals are repositioned on the periphery of a landscape in which the legal and practical administration of the Poor Law is now central, and where the history of law is of similar importance to the history of psychiatry (and medicine): 'Wherever there is law, there is lunacy' (Bartlett, 1999: 9).

In the case of the Scottish parochial asylums, an equivalent perspective is arguably warranted: on one hand, there were the Poor Law, parochial boards and poorhouses; on the other, there were the Lunacy Law, district boards and the new district asylum system. Occupying a strange in-between space were the parochial asylums, straddling the domains of Poor and Lunacy Law, established by parochial boards which 'worked substantially under their own steam in setting up alternative establishments [the parochial asylums] to provide more economically for their pauper insane' (Andrews, 1999: 214). This paper analyses what is revealed when the Scottish

Poor Law and Lunacy Law 'national' archives are read in tandem,<sup>1</sup> tracing the criss-crossing of evidence, interpretation and assertion from one to the other, and the claim is that it was here – in this limbo-land between Scottish Poor and Lunacy jurisdictions – that a space was opened from which the parochial asylums were born and inflected.

### **Scottish Poor Law 1845**

The old Scottish Poor Law was organized around contributions collected and disseminated via the kirk and heritors' sessions of individual parishes. These sessions, consisting of elected Presbyterian Church members and local landowners, could choose to provide relief for their pauper lunatics by paying to accommodate them in a charitable royal asylum (seven of which were in existence by the early-nineteenth century in large population centres); in a private madhouse; or in the early, non-formalized, network of poorhouse lunatic wards or Town's Hospitals which dotted the country (Blackden, 1986; Houston, 2000).<sup>2</sup> The new Scottish Poor Law took this parish system of poor relief as its basis. It was created following an inquiry by Royal Commission in 1844, an investigation which promised to make 'diligent and full Inquiry' into the 'Practical Operation of the Laws which provide for the Relief of the Poor in Scotland; and whether any and what Alterations, Amendments, or Improvements may be beneficially made in the said Laws, or in the Manner of administering them, and how the same may be best carried into effect' (Poor Law Inquiry, 1844a: i). The Inquiry's recommendations were realized by the 1845 legislation, which instituted a national Board of Supervision (BoS) to oversee Scotland's 880 parochial boards through which effectively to administer poor relief at a parish level. The BoS was not to interfere with parochial boards, 'except by representation or advice' (Poor Law Inquiry, 1844a: xix). The 'overriding social and economic imperatives of the Scottish towns' (Walsh, 1999: 180) manifest in parochial boards, as well as the distinct nature of Scottish poor relief provision as legitimized in 1845, were all due to a number of factors coalescing. These included: a separate legal system originating from concessions in the Act of Union 1707; an historic kirk and parish based system of poor relief; suspicion of outside intervention and resistance towards central control; and a belief that the design of the Poor Law for England and Wales encouraged dependency and pauperized poor families (Cage, 1981; Lindsay, 1975). The effects of the 1845 Scottish Poor Law were different from those south of the border following the 1834 Poor Law, and there was markedly less emphasis on indoor relief. Purpose-built or adapted/co-opted poorhouses were less common than

in England, where every new union (a grouping of parishes) was compelled to build a workhouse.<sup>3</sup>

Arguably, the BoS held little 'real' power, possessing limited resources to regulate provision. Members of the BoS were often reliant on persuasiveness to bring about change, depending 'on the ability of their officials to win over local interest groups who were often highly distrustful' (Forsythe, Melling and Adair, 1999: 69). They had powers of regulation and discipline which they rarely wielded, usually being happy to delegate to the parochial boards and letting them decide the best course of action. This strategy was notable when the BoS initially abstained from impressing upon parochial boards the advantages to both the poor and the rate-payer of constructing a poorhouse:

We do not doubt that experience will lead them to the same convictions that have forced themselves upon our minds; and, in any event, we are satisfied that it is more advisable to leave them to pursue the course that may to them appear the most expedient, than to press upon them measures involving a considerable present expenditure, to remedy evils which they have either not yet experienced, or not fully appreciated and for which it will not be too late to provide a remedy when they have become urgent. (BoS, 1847: xv)

The Scottish Poor Law hence afforded considerable autonomy to parochial boards, now charged with the shaping of poor relief in their local communities and typically seeing themselves as 'defenders of the ratepayers' (Andrews, 1999: 214). This high level of sovereignty was recognition that country-wide uniformity in poor relief was impractical and undesirable. Differences between parishes were most stark between urban and rural areas, which typically provided indoor or outdoor relief, respectively. Indoor relief was characterized by the building of a poorhouse, either singly or in combination with adjoining parishes; outdoor relief took the form of payments enabling paupers to manage their affairs outside the walls of an institution.

The Scottish Poor Law was not designed to cater for lunatics, although it was acknowledged that increased provision for the pauper insane was probably necessary. Deep in the appendices of the 1844 Inquiry, solutions were proposed for the increasing 'problem' of pauper lunacy: 'it would be better to adopt the seven [royal] asylums already in existence ... it would be more cheaply done in that way; it would save additional staffs of managers' (Poor Law Inquiry, 1844b: 362). Alternatively, due to the exhaustion of private benevolence, 'the community [could] be assessed, and either new asylums erected or the old ones enlarged. By enlarging the old ones, little expense comparatively would be incurred, as [new] accommodation would only be required for

one class of patients, the incurable' (p. 362). In the 1845 legislation, it was stated that lunatics were to be 'conveyed to and lodged in an asylum or establishment legally authorised' (*Bill*, 1845: 21). In effect, it was supposed that the voluntary/charitable sector, in the shape of the extant Scottish royal asylums, could mop up the problem of pauper lunacy. These asylums were 'monuments to the mobilisation of urban coalitions as well as civic virtue and a professional ethos' (Melling, 1999: 8). While being principally for individuals and families of means who might wish an asylum-based management of their mental ill-health, they also took some pauper lunatics who were subsidized by these more well-to-do admissions.

The BoS tended towards pragmatism, accepting that they could not – try as they might – achieve an instant turnaround in the fortunes of Scottish paupers, and especially pauper lunatics. The existence in 1847 of 1621 recorded pauper lunatics not housed in a royal asylum or licensed private madhouse was treated with typical candour, accepting that it would be 'impracticable to enforce the removal of even a tenth part of those cases' (BoS, 1847: xviii). The BoS and the parochial boards were nonetheless the sole 'official' guardians of pauper lunatics in Scotland until the Lunacy Act of 1857 (*Bill*, 1857b), and during these 12 years there existed no other legislation 'which made any mention of the insane in this country' (BoS, 1858: 12). During this period, the parochial boards were instructed to send insane paupers to the royal asylums, and even then the BoS accepted that parochial boards were vulnerable to being swayed by more economically expedient solutions than boarding their insane poor in such places. The 1844 Inquiry considered the possibility of a penalty for any parochial board concealing the existence of a pauper's lunacy to circumvent the requirement to board them in a royal asylum: 'it may be feared that, in any legislative measure which may be brought forward, unless a penalty may be imposed for non-compliance, some difficulty may be found in enforcing obedience to the law' (Poor Law Inquiry, 1844a: xxxi). This penalty was not imposed – with alarming consequences later revealed in the Lunacy Inquiry of 1855–57, when 'abundant evidence' emerged to prove that parochial boards 'have, in many instances, been tempted to forego the undoubted advantages offered by the [royal] asylums; and solely from motives of economy, have retained their paupers in lunatic wards attached to poorhouses, or removed them to private licensed houses' (Scottish Lunacy Commission, 1857a: 76).

The lack of credible Scottish asylum accommodation apart from the royal asylums certainly did not make matters easy for local parochial boards, nor the BoS,

which in 1849 was forced officially to authorize 'harmless' pauper lunatics as being suitable for accommodation in a poorhouse. The BoS had endeavoured to improve 'the condition of this the most helpless class of Paupers' (BoS, 1849: v), but severe lack of accommodation elsewhere made it necessary to admit and retain pauper lunatics within the poorhouse – an occurrence which the BoS was clear it could not ameliorate: 'We have no power to interfere in this matter' (BoS, 1851: vii). The BoS further stated that a poorhouse which was well-maintained could afford the harmless lunatic a place of refuge advantageous both to themselves and to the community, and duly justified its stance regarding accommodating the pauper insane in poorhouses: 'certain classes of incurable lunatic and fatuous paupers might advantageously be placed in Poorhouses ... every case in which advantage from curative treatment can reasonably be expected or hoped for, ought, in the first instance, to be sent to an Asylum' (BoS, 1851: vii). The inferred distinction between curable and incurable was to prove highly significant later, particularly with reference to the parochial asylums.

Following the 1849 BoS decision to authorize poorhouse accommodation for harmless pauper lunatics, it became increasingly common for *all* categories of pauper lunatic to be housed in the poorhouse and not in the royal asylums. This fact can be starkly illustrated for Glasgow at the time of the Lunacy Inquiry 1855–57, when the Glasgow Royal Asylum at Gartnavel was not used by any one of the city's three parochial boards (Barony, City and Govan). The three Glaswegian parochial boards instead – using a measure of ingenuity, resourcefulness and necessity – accommodated their pauper insane elsewhere. City parish had

... recently fitted up the old [royal] asylum<sup>4</sup> ... for the reception of the pauper lunatics belonging to the parish. Lunatic wards have also been attached to the poorhouse of the Barony parish; and the parish of Govan has removed all its pauper lunatics to the licensed house of Langdale, near Bothwell. Thus three of the most populous parishes, in the immediate neighbourhood of the Glasgow [Royal Lunatic] Asylum, no longer send any cases there, unless in exceptional circumstances, when they are required to do so by the Sheriff. (Lunacy Inquiry, 1857a: 77)

Furthermore, the lunatic wards of the poorhouses of Greenock and Paisley were to be 'considered as hospitals for the treatment of insanity' (Lunacy Inquiry, 1857a: 132). Parochial authorities held a particular dominance in the West of Scotland, as exemplified by the actions of Barony, City and Govan parishes of Glasgow, Abbey and Burgh parishes of Paisley, and Greenock parish. Preliminary thoughts about the reasons behind the



dominance of these urban-industrial parishes centre on their confidence as economic motors of the country: they were densely populated and enjoyed myriad industries and related wealth. In these six jurisdictions, the resistance to central authority manifested in many ways, not least in how they approached the problem of dealing with their pauper lunatic charges. This approach, as already hinted, laid the foundations for the institutional solution of parochial asylums. Indeed, the parochial asylums thus stemmed from the poorhouse lunatic accommodation which – as explained earlier – these troublesome parochial boards had instigated as one arm of their overall struggle against central authority, whether in the shape of Poor Law, Lunacy Law or any central-state directed requirements.

### **Scottish Lunacy Law 1857**

As mentioned above, between 1855 and 1857 an Inquiry into the state of lunacy provision in Scotland was completed. Four men were appointed for this purpose – Alexander E. Monteith, James Coxe, Samuel Gaskell and William George Campbell – and they visited every institution which accommodated lunatics and judged these places on their locality, medical attendance, level of crowding, ventilation and warming, clothing, bedding, personal cleanliness, diet, restraint and seclusion, exercise, occupations, amusements, and results of treatment. The Inquiry broadly applauded the seven royal asylums and contended that ‘no country, proportionately to its population, has voluntarily done so much for this class of sufferers’ (Lunacy Inquiry, 1857a: 60). Nonetheless, it was still clear that ‘great difficulty is experienced in obtaining admission for pauper patients ... and extensive districts in the north are left without any accommodation whatsoever’ (p. 247). Twenty-four Scottish private madhouses – largely used by urban parishes in Glasgow and Edinburgh – were found totally unfit for the purpose of discharging their ‘highly responsible and delicate duties’, and 16 poorhouses were identified as housing lunatics. Intriguingly, some of the latter were considered to possess ‘the character of an asylum [but] seldom possessing the advantages of a hospital for the treatment of insanity’ (p. 128). It was noted that City and Barony poorhouses each possessed their own ‘medical man’ whose presence enabled the number of pauper lunatics to exceed 100.

The men of this Inquiry believed strongly in the therapeutic benefits of asylums and their capacity to ‘break the chain of morbid thought [with] judicious guidance, [and] with proper regimen’ (Lunacy Inquiry, 1857a: 238). However, in assessing the

prevailing situation as it stood, their 'unavoidable conclusion' was that 'in Scotland, asylums do not fulfil, to the extent of which they are capable, their purposes of curative institutions' (p. 240). Specifically with regards to the lunatic poor, removal to an asylum was the optimal solution, 'for poverty and its concomitants are evil influences which, in their homes, it is almost impossible to neutralise' (p. 241). The Inquiry concluded that legislative intervention was needed: Scotland required a proper public asylum system, necessitating 'the erection of district or county asylums for pauper lunatics, including accommodation for the insane belonging to the labouring classes, who are not strictly paupers' (p. 255). Additionally, it was recommended that 'all pauper lunatics, not in asylums, shall be bought under proper visitation and care, and periodical reports made as to their condition, by medical men; so as ... to afford a safeguard against abuse and ill-treatment, and secure the ready and careful transmission of all proper cases to asylums' (p. 256). The Inquiry also called for the creation of a national Scottish Lunacy Board (SLB) to consist of Commissioners and other staff 'invested with due authority, and to whom the general superintendence of the insane in Scotland shall be entrusted; including powers to license houses for the reception of the insane; to visit all asylums, licensed houses, poorhouses' (p. 257).

The wholesale removal of the pauper insane from private madhouses and poorhouses into a newly-proposed public district asylum system formed the backbone of the 1857 Lunacy Law, and in this legislation the SLB was empowered to oversee the creation of district asylums. The first SLB consisted of an unpaid and honorary Chairman, four Commissioners (two salaried medical and two unpaid legal), two Deputy-Commissioners, a Clerk, a Secretary and a Messenger (Andrews, 1998: 9). Scotland was to be divided into 21 district boards, each of which was to construct a district asylum. District boards were amalgams of counties, themselves amalgams of the 880 Scottish parishes as ratified by the Poor Law legislation. It was envisaged that, quite rapidly afterwards, pauper lunatics would be 'released' from poorhouses and other inappropriate – in effect now illegal – sites of detention to the new district asylums as they were gradually founded, built and opened (Ross, 2014).

### **When Boards collide**

The SLB's sphere of activity intersected heavily with that of the BoS, leading to substantial conflict between them. This conflict is spectacularly exhibited by text contained within the Twelfth Annual Report of the BoS (1858), its first public

documentation after the Lunacy Inquiry was published. Here the authors composed a point-by-point rebuttal of claims about the state of pauper lunacy in Scotland pre-1857, as itemized in the Lunacy Inquiry; they were rejected for lack of evidence, 'allegations so general' and inadequate case studies, 'unaccompanied by any specification of the cases on which they are founded, or the evidence on which [they] may have relied' (BoS, 1858: 83). The Inquiry had counted more pauper lunatics than the BoS had been reporting annually since 1845, although the difference was subsequently proved to be due to categorization differences rather than wilful under-reporting by the parochial authorities and the BoS. There followed a gesture of shedding power, or delineating responsibility, by the BoS, which decided to leave it to the new SLB to ascertain who was to be classed as 'lunatic', leaving all those deemed such to be under SLB jurisdiction (BoS, 1858: xvii).

A particular objection was to the role of Sheriffs in determining which cases were received into poorhouses in Scotland, the manner in which they did so varying across the country. In Aberdeen the Sheriff would place incurable and harmless lunatic paupers into the poorhouse if the BoS was in accordance with its decision (BoS, 1851: vii). The Inquiry rejected this 'divided responsibility' on the grounds that the Sheriff is 'naturally apt to consider the granting of a warrant to place a lunatic in a poorhouse, as a matter wherein the Board of Supervision have already ordered investigation' (Lunacy Inquiry, 1857a: 129). Therefore the Sheriff would not scrutinize the case too closely, or make too probing an inquiry into its circumstances. There is the suggestion that, by allowing the BoS such prominence in the categorization of pauper lunatics, it became the true authority in this sphere when it should have been the Sheriff. The Inquiry could not see 'upon what grounds it should be held necessary to have the concurrence of the Board [of Supervision] in placing an insane pauper in a poorhouse any more than it should be deemed requisite for placing him in an asylum or licensed house'; and that, even if the parochial board was operating a space for the reception of insane poor, it was 'nevertheless the function only of the Sheriff to determine in which cases a warrant for admission shall be granted' (Lunacy Inquiry, 1857a: 130).

The main contention of the BoS, in response, was that it had been markedly more successful in giving due care to pauper lunatics than had been true of the Poor Law authorities in England. The 13 case studies used by the Inquiry to 'indicate a singular disregard of the law in Scotland' (BoS, 1858: 19) were deemed insignificant, and therefore inadmissible, in comparison with the English situation. These cases were

instances in which a lunatic had been received into a poorhouse without a Sheriff's warrant, amounting to an illegal detention. The BoS was scandalized that these cases were condemned so strongly, when in England it was illegal for *any* lunatic to be detained in a workhouse, and yet there were still 6800 such instances recorded that very year (BoS, 1858: 18).<sup>5</sup> The BoS challenged anyone to find 'in any poorhouse in the country, a pauper, ascertained to be insane or fatuous ... who has thus been received and *permanently* detained without a legal warrant' (p. 19, original emphasis). Moreover, it insisted that English public asylums housed 'cruelty so revolting' as the practice of chaining and locking up inmates, a practice continuing even 'after more enlightened views had begun to prevail' (p. 11). The BoS indicated that it had no wish to conceal the state of lunacy provision in Scotland, but had indeed called attention to it, being 'the first to specify and to point out' (p. 51) the pressing issue. Despite maintaining no fondness for criticizing and reproaching their southern neighbour, holding 'no inclination to retort upon England the attempts that have been made to heap opprobrium upon Scotland, her institutions, and her people' (p. 51), it is telling that the administrators of the Scottish Poor Law were harsh in their defensive or reverse criticisms and, indeed, so thorough in their comparisons. The Lunacy Inquiry had been instigated by the American reformer Dorothea Dix and undertaken by two Englishmen and two Scots. Despite this presence of two Scots, the BoS regarded the Inquiry's findings as the English 'heaping ... opprobrium upon Scotland': '[it] was seen to contribute an excessive English influence on its findings, and an unsympathetic, over-critical judgement of conditions in Scotland' (Andrews, 1998: 8).

The pervasive power of the parochial boards was another issue, and the BoS itself struggled with the latter on numerous matters. One was parochial authorities not putting contracts out to tender, leading the BoS to fear that contractors were chosen to carry out work or provide supplies as 'inducement to seek for a seat at that [parochial] board' (BoS, 1853: iv). There were also occasions when paupers with friends on a parochial board received allowances 'many times exceeding what other paupers who had no friends [received]; and ... cases have [occurred] in which members of the board have been so wanting in self-respect, as to use their influence to have their relatives placed on the roll' (BoS, 1853: 14). Unsurprisingly, the BoS attempted to get parochial authorities 'onside' *against* the claims of the Lunacy Inquiry and by extension the new SLB: 'these allegations ... affect the whole of the parochial authorities in Scotland, including nearly ever proprietor in the country, every parochial minister of the

Established Church, and a large proportion of the magistrates of burghs who are members of parochial boards' (BoS, 1858: 83). Invoking the membership of the parochial authorities as concurrent with kirk membership was a subtle line of persuasion, appealing to a sense that their very make-up was bound into existing Presbyterian power structures. By mobilizing nationalist and religious sentiments, the BoS played on a latent feeling that a centralized Poor Law/public asylum system was very much of English origin and conception, as opposed to Scottish, with all the anti-English implications that this move carried. These anti-colonial implications were deeply felt in the more rural parts of Scotland, where centralized control was an often unwelcome intrusion into communities historically unused to outside influence – excepting perhaps the kirk (Donoho, 2012).

### **Parochial asylums: origins, naming and early years**

It soon became apparent after the 1857 Lunacy Act that many parochial boards had no intention to act quickly, or at all, in creating a district asylum. Parochial boards continued to accommodate pauper lunatics in poorhouses, as reported in the findings of the Lunacy Inquiry which had 'no hesitation in saying that in providing accommodation for insane paupers the parochial authorities have more consulted the interest of the ratepayers than the wellbeing of the patients' (Lunacy Inquiry, 1857a: 135). Scotland's district boards were not as entrenched in community life as parochial boards, and there were many instances where the latter ignored pleas from the SLB for the construction of district asylums, as in the legislation. Some parochial boards suffered criticism of their monetary focus, the SLB stating that 'economy obtains from parochial boards more than its due share of consideration' (SLB, 1859: lxxv).

The resistance to creating district asylums was strongest in the urban-industrial belt of Glasgow, Paisley and Greenock, where, as indicated, parochial boards continued to favour in-house solutions for dealing with their pauper lunatics. The Renfrew District Board, already possessing three poorhouses between Paisley and Greenock, held a desire to exhaust 'every means for rendering available the accommodation at present afforded by the poorhouses for the wants of the district' (SLB, 1859: xxiv). The Renfrew Board's lethargy was likely due to a latent hope that poorhouse lunatic wards would be sanctioned as permanent accommodation for the pauper insane. This hope was not baseless, since some poorhouse lunatic wards would be sanctioned and dubbed parochial asylums within a short period of time. The SLB was unsurprisingly hostile to

such a move, given the extent to which it was wedded to the public asylum solution for all pauper lunatics, as apparently decreed in the 1857 legislation: 'But the question here arises, [w]hether it is politic to leave the management and treatment of the insane poor directly in the hands of parochial boards?' (SLB, 1859: xx). In its early reports, the SLB was unequivocal about the erroneousness of attaching insane wards to poorhouses, where they served 'not only to check progress, but to produce positive retrogression in the treatment of the insane' (Lunacy Inquiry, 1857a: 149). The SLB used Barony Poorhouse in Glasgow as a case study to explain its fears of continuing 'excessive mortality ... great mismanagement [and] a want of harmony between the parochial board and their medical officers' (SLB, 1859: xx).

The district boards had the immediate task of determining whether existing accommodation was sufficient and, consequently, what additional accommodation should be created. There was uncertainty as to whether private madhouses and lunatic wards of poorhouses should be recognized as 'existing accommodation'. Following debate and legal counsel, the Lunacy Amendment Act (Bill, 1858) was 'empowered to grant licenses for the reception of pauper lunatics into wards of poorhouses, for a period of five years, from 1st January 1858' (SLB, 1859: viii). This verdict, confirming it possible for poorhouse lunatic wards to be considered 'public asylums' (SLB, 1859: vii), troubled the SLB. It meant that parochial boards, provided they sought and were granted a license, would continue to be entrusted with the management and treatment of pauper lunatics. Indeed, the Amendment merely confirmed something which had not been made explicit, but arguably had lurked between the lines of the 1857 Lunacy Act: namely, that poorhouse lunatic wards counted as public asylums until such times as true public asylums, epitomized by district asylums, could come into being. From its inauguration, then, the Lunacy Act and its administrators could not peel themselves away from the mechanisms of the Poor Law, whose poorhouses were now being used as a 'temporary expedient to provide accommodation until the district asylums are erected' (SLB, 1859: lxiv). The institutions of the Poor Law would endure, lingering as provision for the pauper insane, while the Lunacy officials yielded to pragmatism due to pressures for space.

In 1859 the SLB reflected that the Abbey, Barony and City Poorhouses were successful at taking steps to 'entitle their lunatic wards to be considered in the light of true asylums' (SLB, 1859: lxv); the reference to 'true asylums' meant the effort to become establishments that not only accommodated the docile mad, but even sought to

effect cures of the more unruly acute (recently) mad. Such a move really did contravene the spirit and purpose of the 1857 legislation, since these separate spaces for pauper lunacy were now being conceived as akin in every way to a proper asylum set up with genuinely curative ambitions. Further to their attempts to engender a curative agenda, the 1862 Lunacy Amendment Act (*Bill*, 1862) legitimized as 'parochial asylums' these and other (Greenock and Burgh) poorhouse lunatic wards which made an effort at not just caring for but even curing their residents. The five parochial asylums recognized in 1862 represented the entirety of pauper lunacy provision in the towns of Paisley and Greenock and the city of Glasgow, other than what was made available to paupers at the Glasgow Royal Asylum. These newly named parochial asylums continued to exist in the same physical buildings as their poorhouse accommodation antecedents until such times as the parish authority could raise funds to build a new asylum elsewhere. The SLB attempted to justify this aspect of the 1862 legislation by stating that no other poorhouse lunatic ward would, in future, be licensed as a parochial asylum (SLB, 1863: xlvi).<sup>6</sup> The parochial asylums were still to be directly controlled by their attendant parochial boards, but now found themselves answerable to both the BoS and the SLB.

Parochial asylums were therefore legitimized and titled as such by retroactive legislation, a piecemeal approach to the law wherein legal instruments were created to fit the situation on the ground rather than the reality adapting to fit the law. Arguably, this is another example of mental health legislation demonstrating 'a history of cut-and-paste law-making over periods of considerable change' (Bartlett, 1999: 5), the very existence of parochial asylums encapsulating a sense of pragmatism and inevitability. The Amendment Acts were a clear signal that the 1857 Lunacy Act was too ambitious, flagging that the envisaged relocation of pauper lunatics to an emerging network of district asylums was not going to plan. The dozens of other poorhouses which were not re-classified as parochial asylums in 1862 were those performing a more custodial role: 'warehousing' their pauper lunatics and not attempting treatment, such as Dunfermline Poorhouse's lunatic wards, 'in a condition we cannot commend' (SLB, 1863: liii).

### **From poorhouse lunatic wards to parochial asylums: pernicious evils and reluctant sanctioning**

The parochial asylum started out as essentially a conceptual space with limited physical expression: merely rooms, corridors and furnishings spatially separated from the rest of a poorhouse by a wall, a door or another arbitrary signifier. Only later was its reality

noticed and acted upon, given a name, a status of sorts, hedged around with exceptional legislation (in the sense of statements with legal force about why such apparent exceptions from what the Lunacy Laws otherwise demanded could, after all, be tolerated). The SLB was nonetheless aggrieved that Poor Law authorities were now permitted control over not just harmless and incurable lunatics, but also potentially curable lunatics:

We think it our duty to take steps to check the growth of an evil which, if allowed free development, would render the lunatic wards of poorhouses open to most of the objections which have been urged against the maintenance of pauper lunatics in private asylums ... we will not sanction the unconditional reception of the pauper lunatics of other parishes. To do so would be to encourage the growth of an inferior style of asylum accommodation. (SLB, 1863: xlix–l)

In effect, a distinction initially grudgingly allowed by the lunacy authorities between chronic pauper lunatics, as just about acceptable occupants of the poorhouses, and acute pauper lunatics, properly residents of the district asylums, was now restated in terms of different spaces of the Poor Law system – albeit only where the parochial asylums existed. Elsewhere, the expectation remained that acute pauper lunatics would either never enter the ordinary poorhouses at all or be quickly decanted from them to a district asylum. The SLB regretted having to draw a distinction between the two types of site, parochial asylums and poorhouses, compounded by having to draw a distinction theoretically about who should be contained within. They believed that this distinction was deeply ‘pernicious to the welfare of the insane’, there really being ‘no difference between the so-called dangerous and non-dangerous classes, or between the curable and incurable’ (p. xlvii). Poorhouse lunatic wards distinct from parochial asylums seemed to encourage the ‘deplorable’ idea that the incurable insane in such accommodation were ‘beyond the pale of humane and enlightened treatment’ (p. xlvii). The SLB remained suspicious of places where the therapeutic agenda that, in their eyes, should have been afforded to all lunatics was replaced with one of simple containment of harmless and incurable lunatics who were now legally to remain in stasis, untreated. Just five years after the 1857 Lunacy Act, a large swathe of the insane population remained torpid, inert and lingering in a poorhouse which would not attempt



restorative treatment. In a curious way, the sanctioning of the parochial asylums led to precisely this outcome for lunatics in the remainder of the poorhouses.

Housed in nationally-important population centres, the SLB hoped that parochial asylums would begin to provide 'accommodation more in accordance with modern views of management and treatment' (SLB, 1865: xxi), but their physical situation – remaining part of city poorhouse complexes for many years after being reclassified as 'asylums' – caused locational problems. The significance of the parochial asylums being positioned so unapologetically in the tumult of urban areas was all the starker due to the ideal asylum location being posited as a 'rural idyll' (Philo, 2004: Chs 6 and 7). Their site failings were mentioned in most of the early annual reports of the SLB: Barony possessed a 'vicious structure' which 'retards improvement' (SLB, 1866: liii); City was deprived of 'advantages of pure air and cheerful views, and of the means of adequate exercise and occupation' (SLB, 1868: lvii); and Burgh was restricted due to its confined location, the SLB 'condemn[ing] the building as unfit for its present purpose' (SLB, 1869: lx).

In the face of these failings, the parochial boards mustered a determination to enlarge, improve, or move site, in order to negate the necessity to erect a district asylum in their vicinity – after all, 'how keen parochial boards had been for a long time to provide for their own pauper insane' (Andrews, 1999: 214). The SLB, these 'watchdogs of the law' (Andrews, 1998: 33), manoeuvred the parochial authorities into a situation where they had to improve their delivery of care to the insane poor. In Greenock's case, the SLB used little-wielded powers temporarily to revoke their parochial asylum's unrestricted licence, thereby compelling Greenock Parochial Asylum to admit only the harmless and incurable. Improving the nature of parochial asylums was ultimately in the local parochial authority's interest, to prevent handing a large portion of their authority away. Four of the six parochial asylums hence enjoyed later physical manifestations as purpose-wrought spaces, closely matching the template of district asylums. The new Barony Parochial Asylum, opened in 1875 at Woodilee, near Lenzie, was larger than any district asylum and possessed more land than all but the Inverness and Argyll District Asylums. The SLB considered it to be a 'complete and independent establishment', and yet, despite this recognition of its modernity and spaciousness, they restated their opposition to parochial boards operating asylum facilities due to the 'instability' of annual membership elections (SLB, 1875: XXXVII).

Newly-built (relocated) parochial asylums flourished: Govan Parochial Asylum opened at Merryflatts in 1872; Burgh Parochial Asylum opened at Riccartbar in 1876; and Greenock Parochial Asylum opened at Smithston in 1879. Between two and three decades later, five of the six parochial asylums began to 'phase out' in what was a significant reconfiguration of asylum provision in the West of Scotland. In 1896 Govan Parochial Asylum's residents were transferred to the new Govan District Asylum at Hawkhead. In 1898 Barony and City parishes amalgamated and all residents of City Parochial Asylum relocated to Barony Parochial Asylum at Woodilee, subsequently renamed as a District Asylum. In 1909 Abbey and Burgh parishes merged and all residents of Abbey Parochial Asylum transferred to Burgh Parochial Asylum at Riccartbar, subsequently renamed Paisley District Asylum. By 1914, the only one left was Greenock Parochial Asylum. Despite the institution being commandeered by the Admiralty during the Great War 1914–18, in the interwar years it continued its ethos as a Parochial Asylum through its reconstruction as a Poor Law Hospital and a Public Assistance Hospital, until the dawn of the National Health Service in 1948.

## **Conclusion**

Scholarly appreciation of the role and importance of parochial asylums in the Scottish Poor Law of Lunacy has been overshadowed by contemporary and historiographical preoccupation with the grand charitable royal asylums and the great reforming network of district asylums. It is nonetheless important to state that the district asylum network was never fully realized as first envisaged (Ross, 2014). Indeed, the parochial asylums were never brought under the control of the Lunacy Law apparatus installed in 1857. Instead, they remained resolutely parochial: owned and operated by parish boards, which belonged to Poor Law structures ultimately more than they ever did those of the Lunacy Law. The fundamental role of the parochial authorities 'was [therefore] at least as vital a role as central and medical authorities in negotiating policy towards pauper lunatics' (Andrews, 1999: 201), with the shaping of Scottish pauper lunatic provision spanning 'from economic to medical rationales and from *parochial authorities* to the family' (Andrews, 1999: 217, emphasis added). Yet, despite power often rebounding from the local to the national, with parochial boards defying legislation and directives by tactics of non-cooperation and obstinacy, there was not a simple, defined conflict between central authority and local interest. Rather, there was a 'subtle interplay in which local and central elements formed alliances or came into conflict, whilst such

factors as availability of local resources and agendas of regional interest groups interacted with central bodies and purveyors of professional discourse to bring about outcomes' (Forsythe et al., 1999: 87). Parochial authority over pauper lunatics remained a residual presence in the 'gaps' that resulted from this interplay, a presence that, perhaps surprisingly, succeeded in allowing a strange if fleeting hybrid Scottish asylum form to emerge, the parochial asylum, as the space, symbolic and material, emblemizing the reality of a Scottish 'Poor Law of Lunacy'.

## **Acknowledgements**

This work was supported by the Economic and Social Research Council grant number 1516474. I would like to thank Chris Philo and Jonathan Andrews for their help in revising this paper for publication. I would also like to thank the three anonymous referees whose incisive comments were very much appreciated.

## **Notes**

1. Poor Law records, specifically those documenting the bulk of local administration as handled by the Law's local arm, the parochial board, provide significant detail related to pauper lunacy. Parochial board minutes contain the details of local goings-on and the decision-making processes leading to funding, constructing, staffing and running parochial asylums. These local archives are almost wholly untouched by historians of poverty or lunacy, and will be the focus of further work by the present researcher.
2. Some lunatics also ended up in the Scottish prison system, and there is a history to be written of Scottish 'criminal lunatics' in both 'mixed' and 'separate' penal-institutional provisions; Cameron, 1983: Ch. 7.
3. Sixty-five poorhouses eventually appeared in Scotland, compared with 246 in England and Wales. In Scotland the 1845 Poor Law respected existing parishes, but in England and Wales parishes were re-configured into unions.
4. The 'old royal asylum' meant the original Glasgow Royal Asylum, opened in 1814, in inner-city Glasgow; it was vacated by the institution in 1843 when it moved to a more salubrious suburban-rural location beyond the West End.
5. One thrust of Bartlett's work is precisely to acknowledge the volume of pauper lunatics remaining under Poor Law control in England and Wales.
6. However, Govan was classed as a parochial asylum when opened in 1872 at a purpose-built site at Merryflatts.

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