Policing the Poor
in Eighteenth-Century London:
The Vagrancy Laws
and Their Administration

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The treatment of vagrancy in eighteenth-century England has conventionally been seen as amateurish, arbitrary and corrupt. This paper argues that, even in London, vagrancy was shaped by local discretionary code that recognized the diversity and complexity of vagrancy and the requirements of a capitalist economy for male, mobile labour. It was only as the metropolitan labour market contracted that the defects of the vagrancy laws became apparent. In this context, local administrative policies gave way to broader, interventionist strategies as new kinds of "moral entrepreneurs" persuaded ratepayers that more expensive, carceral alternatives were necessary to police London's wandering poor.

Le vagabondage dans l'Angleterre du XVIIIᵉ siècle a été assujetti, estime-t-on généralement, à un traitement fantaisiste, arbitraire et malhonnête. Pourtant, soutient l'auteur de cet article, Londres faisait preuve d'une grande souplesse à cet égard, dans le respect des particularismes locaux et des exigences de l'économie capitaliste en matière de main-d'œuvre masculine et de mobilité. Ce n'est qu'au moment où le marché du travail s'est rétréci que les carences de la législation sur le vagabondage devinrent manifestes et que, aiguillonnés par les « entrepreneurs en moralité », les contribuables poussèrent les administrations locales à recourir à l'incarcération pour contrôler les clochards et les errants.

> Notwithstanding the vast sums of Money annually rais'd for supporting the Poor, two Persons cannot converse together in the streets but they are instantly encircled with a crew of beggars; and a Man that hath occasion to pass in haste, hath need to hire a lusty Fellow to go before him with a Truncheon to clear the way of those vast Bodies of them that obstruct the Passengers with their Brooms, Brushes and Crutches, all invoking you in the Name of Heaven and Earth to relieve their real or pretended Necessities.[1]

Vagrancy was one of the most persistent symbols of social irregularity in early modern England and one which consistently drew the ire of the authorities. The spectre of men and women refusing to work, choosing rather to eke out a casual living, was intolerable to a society that placed so much emphasis upon the morality of work and an ordered, disciplined

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1. Erasmus Jones, *Luxury, Pride and Vanity. The Bane of the British Nation* (London, 1736), p. 2.

commonwealth whose members could live of their own. In the Tudor era, when the pressures of population and the social dislocations of the countryside generated long marches of hunger and the alarming phenomenon of the masterless man, the repression of vagrancy was draconian. Vagabonds could be whipped, branded and burned through the right ear; incorrigible rogues could be enslaved and suffer death as felons. Even after the disappearance of this bloody code in the late sixteenth century, aggravated offenders could be transported, conscripted, or suffer lengthy imprisonments with hard labour in a house of correction. As Richard Burn later remarked, "almost all severities had been practised against vagrants except scalping."[2]

Historical inquiry into the problem of vagrancy has tended to focus upon the early years of this statutory code, in particular upon vagrancy as a symptom of the transition to agrarian capitalism and the role of the state in its inception. Relatively little work has been devoted to the question of vagrancy in later centuries. Yet, as many as 28 statutes were passed between 1700 and 1824 on the subject of vagrancy, and the issue absorbed the attention of most of the social commentators of the period as well as magistrates and grand juries. Indeed, since the vagrant laws were inextricably bound up with the old Poor Law and the broader responses to charity and welfare, its history illustrates some of the central complexities of eighteenth-century social administration.

In addressing these complexities, we must begin with the Webbs who devoted one chapter of their extensive study of the old Poor Law to the problem of vagrancy.[3]

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2.   Richard Burn, *The History of the Poor Laws* (London, 1764), p. 120.
3.   Sidney and Beatrice Webb, *English Local Government*, 11 vols. (London: Longmans, 1927), pp. viii, chap. 6. According to their account, the vagrant laws epitomised the central defects of eighteenth-century social administration. They argued that the autonomous character of eighteenth-century institutions, administered by unpaid parish officials, private contractors and local justices, compromised the efforts of Parliament to control the problem of vagrancy, even to the point of bringing the law into disrepute. In particular, they pointed to two areas of policy where the law had been systematically perverted. First, they showed that the system of rewards designed to encourage constables and private citizens to arrest beggars and tramps led only to a trade in vagrancy, subjecting innocents to the unscrupulous activities of mercenary officials and private bounty hunters. Second, they suggested that the sentences of whipping and imprisonment, the staple punishment enshrined in the laws of 1713, 1740, 1744 and 1792 were only sporadically enforced, working against Parliament's intention to repress idleness and irregular modes of living. Instead, local justices resorted to the practice of simply passing vagrants to their place of settlement at great public expense, delegating county contractors to assume the task. This proved a boon to habitual wayfarers and migratory workers, especially those from Ireland. It also benefited those parishes that wished to rid themselves of the casual poor. In effect, it reduced the vagrant laws to a simple passing-out operation, undermined their punitive intentions, and exposed the genuinely destitute to a thriving vagrant sub-culture. Far from suppressing vagrancy, the administration of the vagrant laws served to encourage it. It was only with the abolition of passing in 1824, with the rise of the penitentiary and the emergence of the police force that the problem of vagrancy was brought under some semblance of control.

This interpretation of eighteenth-century policy rests firmly upon the official inquiries of the early nineteenth century; in particular, the Select Committee reports of 1815, 1822, and to a lesser extent, the famous Poor Law Commission of 1834. In the first two inquiries, politicians assembled a formidable array of experts to comment upon vagrancy, including magistrates, constables, vagrant contractors, city officials and philanthropists, and together, they marshalled many examples of the iniquities and scandals of the current system. But this evidence should be read with caution. Often, the Select Committee led their witnesses, posing questions that were designed to highlight the abuses of the law and the moral turpitude of the vagrant. For example, Samuel Plank, a policeman at Marlborough Street, was asked to describe the vagrants received by his office. He replied that "the greater proportion of them" were "very distressed individuals". To which he was asked, "Do you think more distressed than impostors?" To which he conceded, somewhat ambivalently, "The same faces come round into the office again."[4] Cross-examinations like this make one sceptical about pillaging the reports for historical evidence, especially when so much of the testimony is contradictory. Although the Select Committees found what they wanted to substantiate their recommendations, they did so by ignoring a sizeable amount of inconvenient evidence, both about the nature of the vagrant population and the abuses of the law.

The selective and sometimes contradictory testimony in the parliamentary papers, then, should make us wary of accepting the Webbs' forthright indictment of the vagrant laws. In fact, it is impossible to determine the efficacy of those laws, or the extent of their degeneration, on the basis of the parliamentary evidence alone. Rather, one must test the allegations of the inquiries against the records of the courts and parish authorities, supplemented where necessary by the miscellaneous information contained in the parliamentary papers.

Much of the evidence found in the quarter sessions records is unfortunately fragmentary, but it does suggest that the Webbs' portrayal of the way in which the vagrant laws were adminstered is one-sided. Reward- mongering was one of the purported results of the laws which the Webbs most criticised. Although there were instances of this abuse, particularly following the implementation of the 1744 Act, when the reward for apprehending vagrants was increased from two to five, even ten shillings, there is little evidence that the system ran out of control. Rewards were issued solely at the discretion of magistrates; they were not obliged by statute to issue them automatically, a point clarified in 1822.[5] Furthermore, the main recipient of the rewards, the constables and beadles, were often reluctant to press for renumeration for fear of attracting public opprobrium. As William Fielding reported in 1819, "The

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4.   British Parliamentary Papers (hereafter B.P.P.), 1821, iv, 208; also B.P.P., 1814-1815, iii, 238-239.
   5.   3 George IV, c. 40, clause 5.

constable had rather give up the expectation of receiving such a sum than hazard the consequences of the indignation of the mob in prosecuting such a person, or bringing him before a Justice."[6] Consequently, the proportion of rewards to apprehensions was rarely more than 20 percent. Where it exceeded that figure, as in 1756-57, the bench advised its colleagues against a "too liberal distribution" of rewards and even recommended a reduction in the sum to the former level of two shillings.[7] To be sure, the crack-down against vagrancy after 1790 gave some unscrupulous officers a license to exploit the system and encouraged the appearance of professional vagrant catchers. But such bounty-hunting was never pervasive and did not colour the overall administration of vagrancy. As the 1787 returns to Parliament reveal, the expense of apprehending vagrants was hardly crippling.[8]

If magistrates were reasonably judicious in their distribution of rewards, they were also discriminating in their use of punishment. Until 1792, when the whipping of male offenders was made compulsory, JPs were allowed considerable leeway as to how they handled vagrants, and despite the Webbs' claim to the contrary, there is little evidence that they exercised this discretion in a haphazard or incompetent manner. In the 1750s, in particular, the Middlesex bench strove to ensure that vagrant examinations were returned to the clerk of the Quarter Sessions, so that habitual offenders could be more easily detected. For the next few decades, at least, this policy was observed. The gaol calendar for the Middlesex House of Correction in the spring of 1757 reveals that regular offenders were sometimes committed to hard labour for up to six months.[9] This happened to Sarah Clarke, "a common street walker", who disobeyed a 1755 court order returning her to St. Martin-in-the-fields. It was also inflicted upon Anne Parker, "who was found wandering as a Vagabond in the Parish of St. Mary Le Strand." A fortnight earlier, she had been passed to Chatham in Kent. Twenty years later, regular offenders were still being earmakred for further correction. Of the 560 vagrants passed by the Middlesex contractor during the last six months of 1777, twelve were detained for further punishment, including six who qualified as "incorrigible rogues" for three or more successive acts of vagrancy.[10]

It might be argued that this was a low rate of detection. Certainly, it does not compare with the 1821 returns, where the number of repeaters imprisoned in the metropolitan bridewells averaged 13 percent.[11] But there is other

6.   Sidney and Beatrice Webb, *English Local Government*, pp. vii, 372.
7.   Greater London Record Office (hereafter G.L.R.O.), MJ/SPV/Misc., April 1757; MJ/SP/1757/July 8.
8.   *Abstract of the Returns Made by the Overseers of the Poor in pursuant of 26 George II* (London, 1787). The money to finance the militia, the gaols, the houses of correction and the repression of vagrancy amounted to 5.5 percent of poor law expenditure in Middlesex and 6.6 percent in Westminster.
9.   G.L.R.O., MJ/CC/R/59.
10.   G.L.R.O., MF/V/S/1.
11.   B.P.P., 1822, xxii, 355 *et seq*.

evidence to suggest that Middlesex justices did calibrate punishments according to the severity of the offence. In the early seventies, roughly a third of all vagrants were sentenced to some period of hard labour.[12] The Tothill Fields figures suggest that 22 percent were convicted for a week or more and that a further 7 percent received sentences of a month at a very minimum. Roughly 2 percent were incarcerated for a year. These figures do not suggest that the JPs were flagrantly lenient in their treatment of vagrancy, nor that the machinery of detection and arrest, so dependent upon local initiative and close collaboration with the Quarter Sessions, was hopelessly inefficient.

In one respect, however, the London magistrates did deviate from statutory expectations, though not from the exact letter of the law. Legally, they had broad discretionary powers. The 1713 Act simply stated the vagrants should be examined and that on the basis of that examination, they **might** be whipped or sent to a house of correction before being passed to their last place of settlement. The statutes of 1740 and 1744, by contrast, brought the summary powers of the bench under greater statutory definition in that they specified **maximum** sentences for three categories of vagrancy. The "idle and disorderly", those who begged in their own parishes, refused "to work for the usual or common wages", or threatened to leave their families on the parish, were liable to sentences of up to one month. "Rogues and vagabonds", a category that encompassed a wide range of migratory occupations as well as all persons "wandering abroad and begging", sleeping rough, or unable to give a good account of themselves, were liable to be passed and imprisoned for a period of up to six months. Those who resisted arrest, broke out of prison, or continued to pursue an errant, wandering life were deemed "incorrigible rogues" and were liable to suffer a maximum of two years' imprisonment, with whipping and hard labour. In other words, the mid-century statutes were designed to deal with a quite heterogeneous group of people: "disorderly" parishioners, ne'er-do-wells, as well as itinerants; even the Irish and Scottish poor whose countries lacked a poor law and an associated settlement system. In subsequent years, vagrancy was applied to those **suspected** of commiting a felony (1752), to those apprehended with housebreaking implements (1783), to night poachers and Thameside pilferers (1799). It was a catch-all category for social undesirables, facilitating a policing of the poor. Although the statutes left it to the discretion of the magistrates to determine the appropriate punishment, it was clearly the intention of the legislators that there be some correspondence between the sentence and the graduated classifications.

In practice, this did not always happen. The gaol calendars and rolls suggest that the "idle and disorderly" sometimes received longer terms of imprisonment than the "rogues and vagabonds".[13] Magistrates might give tougher sentences to local prostitutes or alehouse rowdies than to unknown beggars or strangers found destitute in the parish. Indeed, local recalcitrants

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12. G.L.R.O., MF/V/S, 1772-1773.
13. *See*, for example, the sentences in G.L.R.O., MJ/CC/R/29-34, 59-60.

were regularly consigned to a week or a month's hard labour in a house of correction, whereas many so-called vagabonds were simply detained until they could be passed to their place of settlement, or in the case of the Irish and Scottish, to their native countries. It was this practice that fuelled the complaints about the overly lenient treatment of the rogue and the passing system in general.

One may speculate why this practice occurred. It seems clear that magistrates were in a better position to assess the culpability of local ne'er-do-wells than they were of total strangers. In all likelihood, they were prompted by constables to make an example of unruly, troublesome parishioners who were the constant bane of respectable society. Little was known, by contrast, about many destitute newcomers, and so much depended upon the nature of their arrest, the plausibility of their stories of misfortune, and the manner in which they approached his worship. As the City Marshall explained in 1815, if vagrants were "insolent, or reprobate, or foul-mouthed", they could expect little leniency before the law.[14]

No doubt some vagrants were adept at drawing a magistrate's compassion. Those who campaigned for a more systematic carceral regime frequently argued as much. But we should not assume that justices were so gullible or so lethargic in carrying out the law. Some of the most experienced magistrates who were disturbed by the rise in vagrancy in the last quarter of the eighteenth century defended the principle of a wide-ranging discretionary code on the ground that it gave them the chance to evaluate the diverse forms of itinerant poverty they actually encountered. This view was forcefully put by the West Riding magistrate, Henry Zouch. While roundly condemning the many who lived "in a state of perpetual vagrancy", he nonetheless emphasized

> that the poor have the same propensities, the same passions with the rich; and therefore that they have a natural right to every innocent indulgence of them. Want, curiosity, the prospect of bettering their condition, or a desire to visit distant friends (for they have their friendships and their feelings) doth frequently carry them from home: and when, if sickness or some unavoidable accident shall happen to befall them, so that their slender stock of money and cloathes is gone, they may be driven to commit some act of vagrancy to sue for a morsel of bread.[15]

When we come to consider the actual individuals who were indicted as "rogues and vagabonds" under the vagrant laws, the significance of this perspective becomes clearer. To be sure, some of the individuals brought before the justice of the peace conform to the standard eighteenth-century stereotype of delinquency. One encounters the workhouse orphan whose mode of existence had always been marginal; the women whose misfortunes were immortalized by Hogarth and Defoe, the abused harlot, for instance, like Sarah

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14. B.P.P., 1814-1815, iii, 251; *see also* Hewling Luson, *Inferior Politics* (London, 1786), p. 47.

15. Henry Zouch, *Hints respecting the public police* (London, 1786), pp. 2, 12.

Gardiner, who after a year in London "was found in an open ditch in ye fields
in ye hamlet of Hammersmith in a very weak condition, having ye venereall
disease, ye Itch, & almost starved."[16] In addition, there were runaway appren-
tices such as Thomas Slade, who left his master, a baker in Woodstock Street,
Westminster, after a year and was caught "playing and betting at unlawful
games" like Tom Idle in Hogarth's *Industry and Idleness*. Or John Parkes, a
parish boy from Islington, who was apprenticed to an Edmonton bricklayer at
the age of nine. "He ran away from his Master", he deposed, "and went to Sea
where he continued about six years and that since his return he has worked a
Labouring work...and lately begged for a livelihood."[17] In the eyes of the law,
he was probably too troublesome a youth, too habituated to a casual, wayfar-
ing life to merit merciful treatment.

Yet, only a minority of cases brought before the magistrates conform to
the stock-in-trade caricatures of eighteenth-century vagabondage. Save for the
migratory labourers from Ireland, relatively few appear to have lived a roving
life. To begin with, the vast majority of those indicted for vagabondage in
eighteenth-century London were women, a fact seldom acknowledged by
contemporaries. In virtually every year investigated in this enquiry between
1747 and 1798, whether for Middlesex or the City of London, there was a
majority of women over men: by a ratio of 3:1 in 1757, 1758 and 1777; and
roughly 2:1 in the years 1748-55, 1764-65, 1772, 1783, 1792 and 1797-98.[18]
This preponderance of women does not reflect the bias of the extant records.
The near-complete documentation of 1777, supplemented by the evidence of
the bridewell registers, confirms this. Rather, it reflects the prevailing pattern
of London vagrancy, doubtless reinforced by adminstrative practice.

Women were more vulnerable to destitution in the metropolis because
first of all their employment opportunities were more limited and precarious
than their male counterparts. The most obvious job for the out-of-town single
girl was domestic service, but the turnover was high and the cultural attrac-
tions of the capital such that supply frequently outpaced demand.[19] Sir John
Fielding commented in 1753 upon the "amazing number" of women servants

16. G.L.R.O., MJ/SPV/1757.
17. G.L.R.O., MJ/SPV/1776.
18. These calculations are derived from the surviving vagrant examinations and passes
for Middlesex and the City of London. They exclude summary convictions of the "idle and
disorderly", most of whom were prostitutes. *See* G.L.R.O., MJ/SPV/1757, 1758, 1764-1765,
1772, 1776-1777, 1783, 1793-99. *See also* the house of correction registers in MF/V/S/1. For
the City records, *see* Corporation of London Record Office (hereafter C.L.R.O.), Misc. MSS
241.5, 241.6, and the duplicate passes and examinations, June-Sept. 1792, April 1797-June
1798.
19. Peter Earle, "The female labour market in London in the late seventeenth and early
eighteenth centuries", *Economic History Review*, 2d ser., XLII, no. 3 (1989), pp. 339-340. *See
also* Nicholas Rogers, "Carnal Knowledge: Illegitimacy in Eighteenth-Century Westminster",
Journal of Social History, XXIII, no. 2 (Winter 1989), p. 366.

wanting places, as did Patrick Colquhoun at the end of the century.[20] Alternative sources of labour were, of course, available in the market gardens and dairies around the capital, in the clothing trades, in local markets, but this was often seasonal, casual as well as exhausting work, poorly paid and irregular.

The situation was little better for married women among the poor. In a few instances, they were engaged in the same trades as their husbands, in tailoring perhaps, or in a food and drink outlet.[21] Generally, they contributed to the family wage by taking in washing or lodgers, keeping stalls or hawking fruit and vegetables about the streets, or, predictably, needlework. Given the irregularity of employment in many of the menial trades, a family livelihhod was precarious enough. But the death or desertion of a husband left widows and wives few prospects, especially if they had children and no kin to fall back on.

The hazardous, marginal existence of many women in the metropolis is well illustrated in the examinations. In most years, as the following table shows, roughly 40-50 percent of the females taken up for itinerant vagrancy were single. They included young out-of-place servants like Sarah Hancock, who came to London from Warminster in 1775. She said that in the space of a year, she had "been at service in several places in and about London", but had "been some time out of place and has been reduced to great Distress and not having (the) wherewithal to procure Lodging, has been obliged to Lodge in outhouses (and) Barns."[22] Cases such as this, of young domestics floundering in a competitive market without family aid or sustenance, crop up quite frequently in the depositions. So, too, do the cases of more experienced servants down on their luck. In 1764, for example, one encounters the examination of Ann Sawyer, a 43-year-old literate spinster who had served Dudley North, Esquire of Little Glenham, Suffolk, for four years, but had been unable to procure another position.[23]

Table 1   Marital status of female vagrants in Middlesex, 1757-1799

	1757	1758	1764	1765	1772	1776	1793-1799
Single (%)	16.9	10.3	41.8	51.3	45.1	45.7	52.6
Married	22.2	29.3	19.4	11.3	23.2	28.6	29.8
Widowed	16.4	7.3	38.8	36.3	31.7	22.9	7.0
Unknown	44.5	52.9	0.0	1.3	0.0	2.9	10.5
N=	189	68	67	80	82	105	57

20. M. Dorothy George, *London Life in the Eighteenth Century* (London: Kegan Paul, 1925), p. 119.

21. *See* Earle, p. 338, and George, *London Life*, chap. 4 and appendix vi. Earle notes that in the church court records of 1695-1725, only 26 of the 256 employed wives worked with their husbands and few were engaged in typically "male" trades.

22. G.L.R.O., MJ/SPV/1776.

23. MJ/SPV/1764.

Out-of-place servants feature prominently among the female vagrants. Within the category of single women, they were accompanied by equally familiar cases of hardship: the aged spinster who came to London early in life and never gained a settlement; the daughter who cared for an ailing and improvident father; the women who eked out an existence in the marginal economy, such as Ursula Neale, who testified that "she had got her livelihood by sifting of cinders."[24] But it is when one looks at the married and widowed that one gets a better sense of how precarious economic circumstances, compounded by personal misfortune, could propel women into destitution.

As one might expect from what we know about the general characteristics of poverty in the eighteenth century, a fair proportion of women arrested for vagrancy were widows; in the 1760s and early 70s, as many as a third. Not all of them were old. A significant proportion, at least a third, were in their child-bearing years. Here, one is struck by the rapidity with which bereavement brought on destitution, especially if the family lacked the means or social contacts to surmount the loss of income that the death of the household head necessarily brought on. Thus, in 1764, one discovers that Elizabeth MacGee from County Meath in Ireland was forced to beg within three months of her husband's death.[25] The situation was particularly desperate for widows with young children, whose chances of scraping a living in one of the more casual trades narrowed still further. In 1764, all but two of the recently widowed had young dependents; in 1757, all but three; and most had infants of two years or less.

Widows were not the only members of the homeless poor who had children. There were also abandoned married women, as many as 20 percent of the females interrogated in some years, most of whom had small infants. Here, one discovers circumstances that Olwen Hufton has noted in her study of the French poor.[26] When families became too large to maintain, husbands might desert or travel further afield by themsemlves in search of work, leaving their families to fend as best they could. Certainly, some men stuck by their families through thick and thin, but grinding poverty, homelessness, often corroded human relations and broke up families, especially in wartime when men might be tempted by the King's shilling. Significantly, the number of abandoned wives rose appreciably in the war years. Matthew Martin testified before the Commons Committee on Mendicity that female vagrants frequently alleged that "their husbands are gone away from them into either the army or navy."[27] Not that entry into the armed forces was always voluntary. Impressment left its devastating mark. In 1757, Letitia Coleman was arrested in

24. C.L.R.O., Duplicate passes, June-Sept. 1792; *see also* the cases of Sarah Purcell and Catherine Shepherd in G.L.R.O., MJ/SPV/1776.

25. G.L.R.O., MJ/SPV/1764. *See also* the case of Catherine Campbell in MJ/SPV/1765.

26. Olwen Hufton, *The Poor of Eighteenth-Century France, 1750-1789* (Oxford: Clarendon, 1974), pp. 114-117.

27. B.P.P., 1814-1815, iii, 238.

St. Giles-in-the-fields with three children, aged four, two and two months. She testified that "about three months since her husband was press'd into his Majesty's service and sent on board the Torbay Man of War", with the result that "she had been forced to beg in the streets."[28]

Vagrancy for women, then, was never a simple function of age in eighteenth-century London. It was the product of limited employment opportunities, of women's economic dependence upon men, of demographic circumstances that might place unbearable strains upon a family in a harsh and perhaps unfamiliar urban environment. As table 2 reveals, women could become destitute at any time in their lives. There was no marked concentration of female vagrants at the point where senility, poor health and widowhood made them especially vulnerable. Indeed, a higher proportion of women were apprehended for vagrancy between the ages of 20 and 39 than from 40 years on. The only exception to this rule was in the years 1757-58.

Table 2   Age distribution of Middlesex vagrants, 1757-1776

	1757-1758		1764-1765		1772		1776		
Age	Male	Female	Male	Female	Male	Female	Male	Female	
1-19	3.0	8.3	10.0	9.3	15.1	15.4	17.1	20.5	(%)
20-9	9.0	18.0	20.0	29.0	3.0	28.8	20.0	23.1	
30-9	3.0	19.4	15.0	19.8	30.3	23.1	14.3	23.1	
40-9	9.0	26.4	10.0	18.6	15.2	11.5	5.7	15.4	
50+	75.7	27.8	45.0	23.3	36.4	21.1	42.9	17.9	
N=	33	72	40	86	33	52	35	39	

The situation was different for men. A greater proportion was clustered at the upper end of the age scale. In some years, 40 percent or more were over 50 years of age. They included veteran soldiers and sailors, broken-down tradesmen, artisans in overstocked trades such as weaving and shoemaking, and those who had never completed an apprenticeship in their youth and had worked at a variety of unskilled occupations until old age, injury and poor health reduced their employability. Together with the parish or workhouse apprentices, and the odd street urchin, they constituted more than half of the male vagrants in most years. Of course, some were arrested for vagrancy in the prime of manhhod. Prominent among this group were the Irish who migrated to the metropolis in search of seasonal employment in the home counties and who, lacking English settlements, were passed back to their place of origin as vagrants.[29] To some extent, this imbalance was the result of

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28. MJ/SPV/1757.
29. About 40 percent of the male vagrants in the 20-39 age cohort were from Ireland or Scotland.

administrative factors. Some itinerant males were conscripted into the armed forces and left no trace in the examination records.[30] Others successfully eluded the authorities by posing as discharged servicemen. Others still escaped arrest because constables were reluctant to do their duty if there was a strong possibility of a public disturbance. As the clerk to the Lord Mayor reported in 1815, arresting vagrants was a disagreeable business "for an officer to undertake, for he is sure to get a crowd about him and to be ill-treated; there is generally a serious struggle before any of those common beggars can be taken into custody."[31] But even allowing for these circumstances, it seems clear that the under-representation of male vagrants within the 20-39 age cohort was related to the wider economic opportunities for men in the eighteenth-century metropolis, and the huge numbers who enlisted if everything else failed.[32]

The diversity of itinerant poverty that magistrates encountered in the metropolis helps to explain why they wished to retain wide discretionary powers in dealing with vagrancy and why they resisted demands for more systematic incarceration, first advocated in the 1740s and from the 1780s with increasing insistency. It explains why they sometimes passed vagrants with only a minimal confinement in a house of correction and why they continued to issue walking or begging passes after their abolition in 1792. Such a practice was justified, a Highgate magistrate argued in 1821, where once respectable characters approached the bench in "very distressed circumstances".[33] These attitudes were further bolstered by the fact that the ratepayers resisted the expense of a greater carceral regime. William Hay's proposal to establish a chain of correction houses throughout England to discipline vagrants on their way home in 1740 floundered because of the dramamtic increase in the county rates.[34] What emerged from the reforms of the 1740s was a more scrupulous system of detection and transportation, one which ran counter to Hay's original plan, but suited the dispositions of the London magistrates on the parliamentary committee.[35]

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30. C.L.R.O., Misc. Mss. 288.8. This account from the keeper of the Wood Street Compter shows that from December 1779 to May 1781, 20 vagrants were sent into the armed forces. For further evidence, *see* Sidney and Beatrice Webb, *English Local Government*, pp. vii, 367-369, and J.A. Houlding, *Fit For Service: The Training of the British Army, 1715-1795* (Oxford, Clarendon, 1981), p. 118.

31. B.P.P., 1814-1815, iii, 246.

32. For the significance of war upon male employment (and crime), *see* Douglas Hay, "War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts", *Past and Present*, no. 95 (May 1982), pp. 117-160.

33. B.P.P., 1821, iv, 157-158.

34. Joanna Innes, "Prisons for the Poor: English Bridewells, 1555-1800" in Francis Snyder and Douglas Hay, eds, *Labour, Law and Crime. An Historical Perspective* (London, 1987), p. 94.

35. The committee included the London aldermen William Calvert, George Heathcote and Henry Marshall. See *Commons Journals*, xxiv, pp. 354, 476-477.

There were nevertheless real limitations to the kind of discretionary code that could effectively operate in London. In the county of Middlesex, the number of vagrants passed each year rose from roughly 750 in the early 1760s to over 1,000 by 1790, levelling off during the French wars, but rising dramatically thereafter.[36] In the circumstances, it became impossible to do more than pass the great majority of vagrants through the houses of correction as quickly as possible. The farming of vagrants, moreover, only served to generate more business. Parishes became increasingly concerned about the time, cost and energy of removing the non-resident poor under the Settlement Acts and re-classified some of them as vagrants. As the pauper examinations of selected Westminster and Middlesex parishes show, there was relatively little difference in the two populations, save that the majority of the vagrants were drawn from outside the metropolitan area.[37] In this way, populous parishes avoided some of the direct expenditure of providing for non-residents, for the vagrancy laws were financed out of the county rate. The Middlesex bench was very aware of this problem and occasionally warned local authorities that it would not pass the "foreign" poor under the vagrancy laws if they had actually applied for relief.[38] But the suspiciously low expenditures of some metropolitan parishes for removal orders and litigation do suggest that some parishes did manipulate the law to their advantage.[39] Even when the level of relief to non-parishioners was more generous, parishes might be disposed to use the vagrant acts as a means of curbing poor-law expenditures. This appears to have been the case in the Holbourn division of Middlesex, where the itinerant poor clustered in cheap lodging houses and where low rents and geographical mobility provided a precarious poor rate base. Not surprisingly, reformers singled out this area, with its rookery in St. Giles-in-the-fields, as exemplifying some of the worst abuses and defects of vagrancy administration.

The administration of the vagrancy laws, then, was neither so corrupt nor inefficient as the Fabian historians claimed. It was only in the last quarter of the century, as prices escalated and as the labour market contracted, that the weaknesses and anomalies of the local, discretionary code became truly evident, giving rise to abuses that the reformers would readily exploit. It

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36. The numbers of vagrants passed averaged 758 *per annum* in 1760-1765, 828 in 1771-1773, 1,051 in 1786-1790, 1,042 in 1807-1814 and 4,435 in 1814-1820. *See* G.L.R.O., vagrant contractors accounts, MF/V/S, and B.P.P., 1821, iv, 151.

37. This conclusion is based on a 20 percent random sample of pauper examinations in St. Leonard Shoreditch, 1765-1766, St. Botolph Aldgate, 1757-1759, 1785-1786, and St. Clement Danes, 1757-1758, 1764-1765, 1776-1777.

38. MJ/SPV/Misc., 9 Dec. 1775.

39. B.P.P., 1818, xix, 274-281. St. Paul Covent Garden, for example, spent over £4,000 on maintaining the poor in 1815; its expenses for removal orders and litigation amounted to only £16. The figures for the relief of non-parishioners are derived from B.P.P. 1803-1804, xiii, 726-727. Of those relieved in the metropolis, either on a permanent or occasional basis, 23,4 percent were non-parishioners. In Holborn and Tower Hamlets, the figure was 20.5 percent.

remains to be seen how reform came about, what forces were instrumental in creating a more comprehensive, preventive policing of the poor and a more systematic, routinized incarceration of the vagrant. It is also important to discover whether the new reforms, enshrined in the 1824 Vagrant Act and the better-known Poor Law Amendment Act of 1834, signalled a radical departure in the treatment of vagrancy, or whether a case can be made for a more incrementalist perspective, one which emphasizes a pragmatic, piecemeal approach to the problem of itinerant poverty and mendicancy.

The conventional approach to the broader issue of social reform has ascribed change to the influence and energies of a new set of critics and social administrators, largely Evangelical or Benthamite, who challenged many of the basic suppositions of the Old Regime and created a new range of institutions to deal with the pressing problems of poverty, crime and deviance. The rise of the penitentiary and the remodelling of the asylum and workhouse, for instance, have been commonly attributed to such influences. Nonetheless, it is arguable that the contrast between the local, unpaid, customary pattern of eighteenth-century administration and the new bureaucratic, professional model can be overdrawn. In the case of the Poor Law, for example, historians have noted important continuties in practice and principle. Despite the new workhouse regime and the decline of paternalistic modes of relief, neither outdoor relief nor settlement were extinguished in 1834; despite the centralising tendencies of the new legislation, local initiative and discretion remained important.[40] In the case of the criminal law, a more flexible system of punishment was created long before the final eclipse of the bloody code in the 1820s. As John Beattie has shown, imprisonment and transportation were regularly used by the courts for major offenses from the 1720s onwards, supplementing the ultimate sanction of hanging in ways that produced a more rigorous code of sentencing.[41] In this way, he has challenged the notion that eighteenth-century criminal justice represented a jumble of inflexible and archaic institutions and practices inherited from the past, awaiting its Beccaria.

If the administration of criminal justice in eighteenth-century London anticipated the reforms of the nineteenth century, so, too, did some of the initiatives pertaining to vagrancy. During the Elizabethan era, efforts had been made to subject the vagrant poor to corrective incarceration. But enthusiasm for imprisoning vagrants appears to have waned in the seventeenth century; it was more usual to have vagrants whipped and sent packing than to bring them before a magistrate and committed to prison. During the economic depression of the 1690s, however, when London trade was severely disrupted by the Nine

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40. William C. Lubenow, *The Politics of Government Growth* (Newton Abbot, 1971), chap. 2; Derek Fraser, ed., *The New Poor Law in the Nineteenth Century* (London, 1976); Ann Digby, "The labour market and the continuity of social policy after 1834: the case of the eastern counties", *Economic History Review*, 2d ser., XXVIII, no. 1 (1975), pp. 69-83.
41. J.M. Beattie, Crime and the Courts in England, 1660-1800 (Princeton, 1986), esp. chap. 9 and chap. 10.

Years' War, further attempts were launched to incarcerate vagabonds and reclaim them for a life of industry. In 1697, the London Corporation of the Poor was refounded with the express purpose of providing employment for the able-bodied poor, especially pauper children, and for subjecting vagrants and beggars to hard labour. The grand plan to employ the able-bodied quickly proved a failure, but the assistants were moderately successful in training children, including "those little Vagrants, whose Parents dying in their Infancy, had been left to the wide World" and "would be otherwise the Bane and Scandal of the Comonwealth" had they not been "rescued from Perdition and made useful members of it."[42] In addition, adult vagrants were subjected to hard labour, beating hemp and picking oakum. "They have in Provisions what they earn by their Labour", one account reported, "and are confined a very considerable time, which with continual working is their chiefest Punishment."[43]

Punishment by hard labour was thus revived as a regular option in the late seventeenth century. It was buttressed by the 1713 Vagrancy Act which urged that vagrants should be passed through a chain of houses of correction, at each of which they should be detained at hard labour for two or three days.[44] This innovation was reaffirmed in 1740 in more ponderous detail, and for four years, between 1740 and 1744, vagrants passed to their places of settlement were conveyed from bridewell to bridewell; an experience intended to deter them from a roving life.

The various experiments to imprison vagrants with hard labour in the first half of the eighteenth century proved a failure. Ratepayers reacted strongly against the prospect of having to pay for the institutional complexes required to detain and punish the intinerant poor. Nor were they prepared to accept the administrative arrangements which were likely to accompany such experiments, whether municipal corporations or hundredal unions, if this meant surrendering part of parish rights. This argument was sometimes set in libertarian terms. Thus, Charles Gray, in response to William Hay's call for larger poor law unions in 1735 and 1751, declared that "the British people would not like to see Intendants, Basias or Mandarins: they would not like to pay their salaries, nor feel their power."[45] But it was also advanced in terms of social efficacy. Sir James Creed, for example, an East India director and lead merchant, believed that a larger, bureaucratic system of police (to use eighteenth-century parlance) would detract from the already low level of civic duty and inhibit private charity. While he admitted that the Bristol Corporation

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42. *A Short Account of the Work House* (London ?, 1702), pp. 2-3, cited by Stephen M. Macfarlane, "Studies in Poverty and Poor Relief in London at the End of the Seventeenth Century" (D. Phil. thesis, Oxford, 1983), p. 301.
43. *A Short Account*, p. 3, cited by Macfarlane, "Studies in Poverty", p. 306.
44. 12 Anne c. 23.
45. Charles Gray, *Considerations on Several Proposals lately made for the better maintenance of the poor* (London, 1751), p. 23.

of the Poor had been a success, he attributed this to the peculiar style and composition of its civic leadership. Bristol was "a maritime City, full of merchants and considerable men, who are generally more ready to give a little of their time to public affairs than those who have nothing to do."[46] He doubted that such notions of service could be replicated elsewhere, This was not, however, the only reservation critics had of the new projects. Some were sceptical of the ability of larger unions or incorporations successfully to discriminate between the honest and undeserving poor. The promiscuous atmosphere of the workhouses and houses of correction would likely continue in the new institutions, and "the morals of the better sort" would be "corrupted by the vagabond and idle."[47] This pessimism attracted those who feared that a broader carceral regime would unfairly penalise the truly destitute. It also drew support from those, like Samuel Johnson and Oliver Goldsmith, who still cherished the ideal of Christian stewardship and benevolence towards the unfortunate.[48] Public parsimony, liberty, localism, even old-fashioned alms-giving militated against the broader institutional responses to the problems of poverty and vagrancy.

The central thrust of social policy in mid-eighteenth century London, then, was to leave pauperism and vagrancy in the hands of parishes and magistrates in order to uphold a local discretionary code. The activities of the London Corporation of the Poor were subordinated to parish initiatives and by the mid-century were in decline.[49] The new institutional ventures of those decades were devoted to particular causes: foundlings; marine apprenticeships for pauper boys; new lying-in facilities; the reclamation of prostitutes.[50] They supplemented rather than subverted the traditional regulation of the poor and left local autonomy intact. Although well-known commentators like Joseph Massie and Henry Fielding continued to argue for a broader carceral regime in the aftermath of the War of Austrian Succession, when there was something of a panic about the high level of crime and its plausible associations with vagrancy, their projects were not taken up. Fielding was able to reorganize the licensing laws and extend legislative controls over bawdy houses. He also convinced the legislature of the need to detain "suspicious persons" under the vagrant laws, while public enquiries were made to ascertain whether they were guilty of theft. But his plans for county workhouses and prisons, where vagrants would be set to hard labour and forced to do a spell in the "fasting

46.   Sir James Creed, *An impartial examination of a pamphlet entitled Considerations on Several Proposals lately made...* (London, 1752), pp. 29, 38-39.

47.   Charles Gray, *Considerations*, pp. 4-5.

48.   On this view, *see* Daniel Baugh, "Poverty, Protestantism and Political Economy: English Attitudes Towards the Poor, 1660-1800" in Stephen Baxter, ed., *England's Rise to Greatness, 1660-1763* (Berkeley, 1983), pp. 63-108.

49.   The figures provided by Maitland reveal that the number of vagrants committed to the London workhouse from 1728-1734 fell from 685 to 250. *See* William Maitland, *The History of London* (London, 1739), p. 674.

50.   Donna T. Andrew, *Philanthropy and Police. London Charity in the Eighteenth Century* (Princeton, 1989).

room", fell on stony ground.[51] Much as the middle class might excoriate beggary, it was not prepared to pay for its systematic repression. Nor was it ready to accept a system of preventive policing that might compromise the liberties of the subject.

From 1780 onwards, the demands for a more aggressive interventionist policy towards vagrancy began to make some headway. Why did this happen? To begin with, the decline of the London silk industry, the economic disloca- tions of war, and the mounting pressure of immigration into the metropolis from the agricultural south combined to force up the poor rate. The expendi- tures of poor relief in London, Westminster and Middlesex grew relatively slowly in the period 1750-1785, amounting to £174,000 in 1777 and £199,500 by 1787. But thereafter, they increased dramatically, reaching £349,000 by 1803 and £625,300 by the 1820s.[52] In other words, poor law expenditures increased more than threefold in 40 years. By the turn of the century, 8 percent of the population were receiving some form of poor relief; by the second decade, 12 percent.[53] A fair proportion of these paupers were non-parishioners, 20 percent in Westminster and the outparishes of Middlesex and Surrey, and as many as 39 percent in the City of London. But it is clear that the metropolitan parishes were becoming increasingly reluctant to provide more than intermittent relief to the itinerant poor. As Sir Nathanial Conant testified before the 1815 Committee on Mendicity, the overseers were "always willing to put at a distance every person who applies, being entirely ignorant of their character or their necessity" with the result that the poor were "shifted about from post to pillar for two or three days before they can obtain relief."[54] In such instances, the poor were extremely vulnerable to the charge of vagrancy, but the use of the vagrant laws as a safety valve for poor relief was rapidly closing. Private contractors could not cope with passing thousands of vagrants each year, some of whom inevitably escaped from the open carts which transported them to temporary holding stations on the fringes of the county. Faced with a crisis of poor relief and the breakdown of the passing system, ratepayers and parish officials became less resistant to alternative strategies.

It was within this context that the reformers reiterated the case for a more comprehensive and efficient carceral regime. After 1780, they were able to do so with a greater sense of urgency. The trauma of the Gordon riots, when many middle-class families abandoned their homes amid the spectre of mob rule, strengthened the call for moral reform and the establishment of new institu- tional controls. "We are become too profligate for a mild sort of government",

51. Henry Fielding, *A Proposal for Making an Effectual Provision for the Poor* (London, 1753); intro. and paragraphs xxv and xxvi: Leon Radzinowicz, *A History of the English Criminal Law*, 3 vols. (London: Stevens, 1956-1987), pp. iii, 73-74.

52. B.P.P. 1822, v, 571. The early figures cited here are misleading in that they refer to urban Middlesex only. For *metropolitan* returns in 1777 and 1787, I have used *Abstract of the Returns made by the overseers of the Poor in pursuant of 26 George III* (London, 1787).

53. B.P.P. 1803-1804, xiii, 726-27; B.P.P. 1818, xix, 282.

54. B.P.P. 1814-1815, iii, 269.

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claimed Jonas Hanway. "Liberty cannot stand without virtue."[55] What was required was a preventive system of police with disinterested magistrates, houses of industry, Sunday schools and penitentiaries where the insubordinates were to be confined in solitary cells "till they become humble and industrious."

This demand for new regulatory initiatives did not immediately command universal assent and, indeed, in the politically-charged atmosphere of the riots, prompted considerable scepticism about centralising reforms.[56] Such scepticism was evident in the wake of the American War, when a sharp rise in the crime rate precipitated yet another panic among London's merchants and tradesmen and the introduction of a police bill in the Commons. The bill failed, partly because of the opposition of the City of London, which feared some erosion of its chartered privileges, but also because some citizens believed that the volunteer associations formed during the Gordon riots to supplement to local forces of law and order rendered new initiatives unecessary.[57] Citizen patrols were still preferable to a government-sponsored police. But the decline of the volunteer associations set the stage for the first major incursion into the old structure of local policing and a modest extension of the preventive principle. In 1792, despite libertarian protests, seven police offices were established in the metropolis, each with three stipendiary magistrates, and the 1744 Vagrant Act was extended to include "reputed thieves". At the same time, the rebuilding of the metropolitan prisons was completed with loans raised against the county rates,[58] and a new vagrant act passed into law. Promoted by the Evangelical Proclamation Society, which organised a national conference of magistrates on the subject of vagrancy, the 1792 Act specified for the first time a **minimum** sentence for vagrancy. Henceforth, all rogues and vagabonds were to be sent to a House of Correction for at least seven days, or alternatively whipped, if they were male. As the resolutions of the reforming magistrates' conference make clear, this act was designed to curb the abuses of the passing system, to enhance imprisonment as a regular punishment for vagrants, and to bring the discretionary powers of the magistrates themselves under stricter statutory control.[59]

55. Jonas Hanway, *The Citizen's Monitor* (London, 1780), p. vi. *See also* pp. xxi *et seq.*
56. On the radical response to the Gordon riots and the extension of volunteer policing in London, *see* Nicholas Rogers, "Crowd and 'People' in the Gordon Riots" in Eckhart Hellmuth, ed., *The Transformation of Political Culture. England and Germany in the Late Eighteenth Century* (Oxford: Clarendon, 1990), pp. 39-55.
57. William Blizard, *Desultory reflections on police, with an essay on the means of preventing crimes and amending criminals* (London, 1785), pp. 57, 82.
58. C.W.Chalklin, "The Reconstruction of London's Prisons, 1770-1799: An Aspect of the Growth of Georgian London", *London Journal*, ix, no. 1 (Summer 1983), pp. 21-34.
59. *Resolutions of the Magistrates Deputed from the Several Counties in England and Wales...by Desire of the Society for Giving Effects to His Majesty's Proclamation Against Vice and Immorality...*, *May 1790* (London, 1790). See also *Statement and Propositions from the Society...*, *May 1790* (London, 1790). I wish to thank Joanna Innes of Somerville College, Oxford, for these references.

The initiatives of the 1790s revealed a greater confidence in the capacities for regulation and reform than hitherto. They also helped to generate what Michel Foucault has called new forms of power-knowledge. In 1796, Matthew Martin embarked upon an investigation of metropolitan vagrancy, securing government funding for the project through the auspices of the Society for Bettering the Condition of the Poor. Under his plan, vagrants were given begging tickets which they might redeem if they agreed to be examined about the causes and circumstances of their destitution. By this means, it was hoped that private philanthropy and public policy could be more efficiently co-ordinated by providing relief to the needy and punishing the impostor and workshy. The initial inquiry was not a success; male beggars refused to be examined. But the new strategy set important precedents for the systematic investigation of vagrancy after the French wars, providing reformers with the necessary information to campaign vigorously for a more efficient system of detection and punishment. Their interventions, and the authority they were able to command before Select Committees, set the agenda for reform.

Of crucial importance was the way in which the reformers redefined vagrancy in line with new administrative practices, reinforcing their own indispensability. This is best exemplified in the work of Patrick Colquhoun, a London police magistrate who had close links with the Mendicity Society and whose *Treatise On Indigence* was cited approvingly by social reformers and parliamentarians.[60] Conventionally, vagrancy had been associated with specific occupations — gypsies, pedlars, travelling players — or with certain modes of impostorous begging commemorated in a discrete genre of vaga-bondia.[61] This classificatory system certainly hinted at the hazards of everyday plebeian existence, but never in an explicit way. Rather, roguery was depicted as a way of life outside the pale, as an anti-society juxtaposed to the world of honest labour and propriety.

This picaresque image of vagrancy certainly persisted into the eighteenth century and beyond. It is revealed in the continuing preoccupation with counterfeit beggary and with the exotic, impenetrable sub-culture of the tramping fraternities, with its own cant, territorialism, haunts and hierar-chies.[62] But the social reformers of the turn of the century introduced a new "objectivity" to the analysis of vagrancy. In Colquhoun's view, vagrancy was not a discrete syndrome, antithetical to labouring society. It was part of the wider problem of indigence whose social and moral parameters had to be charted if purposeful social action was to occur. Vagrancy, in other words, became inscribed with a broader social context in which "culpable" causes

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60. *See*, for example, *Hansard*, 1821, iv, col. 1216.
61. For Elizabethan examples, *see* Gamini Salgado, ed., *Cony-Catchers and Bawdy Baskets* (Harmondsworth, Penquin, 1972).
62. *See* O.J. Ribton-Turner, *A History of Vagrants and Vagrancy* (London, Chapman and Hall, 1887), chap. 31.

could be differentiated from "innocent" and in which preventive remedies could be defined to conduct the nation "to the maximum of happiness and the minimum of misery."[63]

This theory led to a franker recognition of the diverse origins of vagrancy and certainly created some space for a social assessment of urban destitution. Colquhoun conceded that vagrancy was sometimes the product of personal misfortune and economic hardship rather than "idle and vicious habits", although he continued to argue, somewhat contradictorily, that mendicity was *ipso facto* an affront to industry and an inducement to dishonesty.[64] But the central thrust of his recommendations, his insistence upon preventive strategies to inhibit indigence, privileged policing as the main arbiter of vagrancy and the central agency for its resolution. Vagrancy could no longer be left to local discretionary action; it required "a systematic superintending policy calculated to check and prevent the growth and progress of vicious habits and other irregularities incident to civil society."[65] As a result, the social boundaries of vagrancy were extended beyond the act of vagrancy itself; they began to include forms of deviance in anticipation of begging. The preventive paradigm, in other words, moved hesitatingly beyond the offender to the "delinquent". It tended to establish, in Foucault's words, "the 'criminal' as existing before the crime and even outside it."[66] Nowhere is this clearer than in the extension of the vagrant acts to "suspected persons", the notorious "sus" law. First instituted in 1802 as a temporary measure, and re-enacted in 1811 and 1815, it was made perpetual in 1824.[67]

Colquhoun's theories and their growing popularity in official circles constituted an important breakthrough in the acceptance of the preventive principle. After the Napoleonic war, when demobilization and distress precipitated an upsurge in begging and crime, his ideas were taken up by the Mendicity Society, a body of London businessmen and clergymen, sometimes active in other philanthropic endeavours, and able to elicit the financial support of social elite. In its annual reports from 1818 onwards, the Society exposed the abuses of the pass system and the indiscriminate and sometimes harsh way in which the parochial authorities regulated the destitute and mendicant poor. Anxious that the "tide of benevolence" should find "its proper and legitimate channels",[68] it adopted Martin's ticket system, so that the problem of vagrancy could be handled in a more discriminating and discerning

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63.   Patrick Colquhoun, *A Treatise On Indigence* (London, 1806), pp. 8-14, 48.

64.   Colquhoun, *Indigence*, pp. 73-75.

65.   Colquhoun, *Indigence*, p. 82.

66.   Michel Foucault, *Discipline and Punish*, trans. Alan Sheridan (New York, Pantheon, 1977), p. 252. For a contemporary discussion of "delinquency", *see* B.P.P., 1817, vii, 433 *et seq.*

67.   42 Geo. III c. 76, clause 18; 51 Geo III c 119, cl. 18; 54 Geo III c. 37, cl. 18; 5 Geo. IV c. 83, cl. 7.

68.   *Fourth Report of the Society Established in London for the Suppression of Mendicity* (London, 1822), p. 22.

manner. As a charity of self-help, it opened soap kitchens for the needy, redeemed the tools and clothes of the deserving poor from the pawnbroker, and financed the passage of the "respectable" beggar to his or her place of settlement. But it was equally prepared to commit the "idle and profligate" migrant to a House of Correction; to a point that it was responsible for about a third of all committals by 1829.[69] Self-consciously reformist, it argued for a more co-ordinated assault upon mendicity, including an end to indiscriminate almsgiving and to passing, which, it claimed, cost the taxpayer £100,000 per annum.[70] As the number of vagrants passed from Middlesex spiralled out of control, increasing sixfold between 1811-1820,[71] these recommendations were heeded. Passing was abolished in 1824, and vagrants were officially subjected to a minimum sentence of one month with hard labour in a House of Correction. In practice, passing proved difficult to eliminate altogether,[72] but the thrust of the new Act subjected a greater proportion of the itinerant poor to imprisonment for a month or more. Nationally, the number of vagrants committed to prison rose by 34 percent between 1826 and 1829, and 65 percent between 1829 and 1832; in the metropolis, they rose by 43 percent and 124 percent respectively. By 1832, the year that the Metropolitan police force reached full strength, the proportion of vagrants sent to prison in Middlesex exceeded 50 percent, the others generally being handled by the workhouses.[73] The age of incarceration had begun.

It remains to appraise the administration of vagrancy in eighteenth-century London and the contribution of the reform movement to its reorganisation in the nineteenth century. Clearly, the Webbs' picture of administrative laxity and indulgence is overdrawn. While it is true that the early nineteenth-century inquiries exposed certain anomalies and deficiencies in the way vagrancy was handed by the authorities, it would be misleading to typify the Old Regime as a total failure. The fragmentary evidence of the mid-century reveals a discretionary code, one that certainly attempted to discipline the recalcitrant and habitual wayfarer, while moderating the rigours of the law for those who were reduced to destitution through circumstances

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69. *Twelfth Report of the Society Established in London for the Suppression of Mendicity* (London, 1830), p. 20.

70. *Fourth Report* (London, 1822), pp. 22-23.

71. B.P.P., 1821, iv, 151. The contractor Thomas Davis reported that he passed 540 vagrants in 1807-1808, 1,014 in 1811-1812, and as many as 6,689 by 1819-1820.

72. The passing of English, Irish and Scottish vagrants was expressly prohibited under the 1824 Act, but the Sturges Bourne Act of 1819 allowed the removal of non-settled Irish and Scots who had applied for poor relief in an English parish. The 1824 Act did, however, allow sailors and soldiers begging licenses and a Gaols Act, in the same year, allowed ex-prisoners a statutory allowance from each parish as they passed on their way home. *See* Lionel Rose, *"Rogues and Vagabonds" Vagrant Underworld in Britain, 1815-1985* (London, Routledge, 1988), pp. 8, 12.

73. Michael Ignatieff, *A Just Measure of Pain. The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon, 1978), pp. 179, 185; B.P.P. 1834, xlvi, 632. The metropolitan figures are calculated from the returns of Middlesex and Surrey. In 1832, 5,986 vagrants were committed to prison and 5,514 were relieved by the parishes.

beyond their control. The efficiency of this system was far from perfect. The organizational structure of the prisons and the local limited nature of poor relief placed severe constraints upon the treatment of vagrancy in a metropolis that experienced massive immigration year after year. But the system was not ineffective in regulating the migratory poor in periods when the London labour market retained some buoyancy.

It could be argued that changes in the system were mainly incremental and came as pragmatic, piecemeal solutions to a persistent problem. After all, the attempt to differentiate the indigent from the undeserving and workshy is a long standing theme in the history of early modern welfare. Reformers and administrators sought continuously to resolve the problem of vagrancy by tinkering with the range of punitive sanctions and administrative devices available in their day. Imprisonment, long accepted as a possible punishment for vagrancy, became the ultimate sanction once its reformative potentialities had been discovered and other strategies had failed.

The difficulty with accepting this interpretation without qualification is that it tends to underplay the critical ruptures in social policy and the ideological shifts in how the problem of vagrancy was understood. In the early eighteenth century, vagrancy was often seen as a form of social irregularity peculiar to certain occupational groups and offences. Controlling it depended on a fine balance of forces at the county and local level. Success depended in some measure on public approval of vagrant administration; local peace officers risked community disapproval if they stuck too rigidly to the letter of the law. In the nineteenth century, however, vagrancy became inscribed within a more interventionist code designed to foster self-reliance among the poor and to regulate its material and moral welfare by preventive means. This shift in attitude was sponsored by a new set of "moral entrepreneurs", principally magistrates like Colquhoun and philanthropic enthusiasts within the Mendicity societies, whose detailed inquiries into vagrancy set the agenda for reform and whose activities shaped its resolution. By the early 1820s, the Mendicity Society of the metropolis was scrutinising the local administration of the vagrancy laws and developing a close rapport with reforming justices in its efforts to bring vagrancy under control. The result was that the management of vagrancy was increasingly taken out of community hands and subjected to new forms of policing, first by the constables of the Mendicity Society, and then by Sir Robert Peel's new police force.[74] The middling sort in London was party to this process because it had lost confidence in the ability of local administrative bodies to deal with beggary and petty crime. The growing institutionalisation of itinerant poverty was the price paid for the security of property.

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74. *Twelfth Report* (London, 1830), p. 20. It is interesting to note that Sir Robert Peel became vice-president of the Society in 1822. See *Fourth Report* (London, 1822), p. 22.

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