

Vagrancy in Hampshire and the Unsuccessful Response of the Authorities, 1770–1870

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Before the advent of welfare legislation, labour exchanges and telephones, the impoverished poor sometimes had little choice but to leave their homes in search of work.¹ If work proved elusive, the destitute soon found they had nothing to lose and survived on what they could beg or steal. Keeping no house and working no job, the wandering able-bodied poor were viewed with a mixture of scorn and fear by contemporaries, as links between vagrancy and the labour market were not fully understood. They didn't belong to parishes where they obtained relief, and their use of local resources irked rate-payers who viewed them as 'undeserving' recipients of support. Working men felt mocked by the wayfarer's freedom, unchecked by responsibility or obligation. On the streets, well-heeled gentlemen and respectable ladies were pestered by ubiquitous beggars, and usually obliged with a few coins to disperse them. Local authorities struggled to apprehend drifters who passed through town and briskly vanished with stolen goods.

Contemporaries grouped vagrants in two distinct classes. The first were the deserving poor: unemployed navvies, deserted wives, and surplus peacetime soldiers. However, the second class was thought to be the most pernicious by far – the depraved professional tramp; a class of thieves, prostitutes and swindlers who simply didn't want to work and posed an enduring threat to the respectable society in which they had no stake. Sidney and Beatrice Webb generously concluded in 1929 that 'nearly one-third of all vagrants in good times, and nearly two thirds in bad times are not professional tramps, but merely men without

1 E.J. Hobsbawm, *Labouring Men* (London 1979), p. 47.

employment wandering from job to job'.² However, an exact assessment is complicated by the fact that at no time was the actual distinction between 'deserving' and 'undeserving' firmly defined by authorities.³ In any case, the authorities concluded genuine workseekers represented an insignificant proportion of the total and they made no provisions for them in their efforts to eradicate the professional tramp. Combative legislation stretched as far back as 1388, and the restraint of vagrancy was the main object of most early pauper legislation.⁴ By 1535, harsh deterrent penalties were in place. Vagrants were imprisoned and flogged, while repeat offenders faced disfigurement and death. But vagrancy persisted, and remained one of the most difficult issues confounding the authorities.⁵

Schemes to combat vagrancy between 1770 and 1870 in practice generally enhanced the problem that they were designed to control. Examples from Hampshire, especially Winchester and Southampton, can illustrate the local impact of these schemes. In particular, evidence from Bridewell disbursement books, Quarter Sessions records, Parliamentary reports and surviving official correspondence can help to explain why the authorities consistently failed to stamp out vagrancy during this period, despite their determined efforts. Their schemes for repression took no stock of economic influences such as market factors or cycles of depression and recovery and were based on the premise that wayfarers could simply be pushed to choose 'work' over 'idleness' at any time. Authorities found themselves right back where they started as systemic weaknesses were ruthlessly exploited by devious vagabonds and corrupt officials, while magistrates were later reluctant to enforce harsh new provisions of law to their full effect. In this way, authorities approached the problem with short-sighted assumptions that ensured their initiatives would be ill-suited to their objectives, and doomed to failure.

By the eighteenth century, relief of the migrating poor was regulated by legislation passed between 1662 and 1697, based on Elizabethan parochial systems of relief. There were a limited number of ways individuals moving to a new parish could obtain a

2 S. and B. Webb, *English Poor Law History: Part II: The Last Hundred Years* (London, 1929), p. 403.

3 R. Vorspan, 'Vagrancy and the New Poor Law in Late-Victorian and Edwardian England', *English Historical Review* 92 (1977), 65.

4 *Report from His Majesty's Commissioners For Inquiring Into The Administration And Practical Operation Of The Poor Laws* (London, 1834), p. 6.

5 Vorspan, 'Vagrancy and the New Poor Law', 59.

'settlement', which would allow them to receive relief from the local rates if they became impoverished. Otherwise in times of hardship they faced being 'removed' back to their home parish, based on their sworn testimony in a 'settlement examination' conducted by local magistrates. Legislation passed in 1662 empowered authorities to remove people who were 'chargeable' or, until 1795, considered 'likely to become chargeable', 'from parishes into which they had migrated, for the purpose of finding work or employment'.⁶ Once 'passed' to a home parish, they were to be relieved in the local almshouse until they could gain employment, but the availability of employment in home parishes was not considered during the proceedings. As Audrey Eccles explained, 'work was often available intermittently according to markets, weather dependent or seasonal, and demanded some labour mobility which the settlement laws inhibited'.⁷ Norma Landau has argued that authorities used the settlement laws to engage in a large-scale effort to monitor and regulate immigration to their parishes, seeking to prevent the exploitation of parish resources by strangers whether they were destitute or not.⁸ However, K.D.M. Snell has strongly disputed this, arguing that 'mobility took place on an extensive scale, as we know from many valuable studies'.⁹ Snell has asserted that the primary intent of the settlement laws was to provide for relief of the poor in their home parishes, pointing out that only a minute proportion of those examined were employed.¹⁰ However, wandering and impoverished jobseekers nonetheless remained at risk of removal under the vagrancy laws. Rachel Vorspan has explained how laws intended to curb vagrancy instead drove unemployed wayfarers underground, where they mixed with hardened vagabonds and criminals.¹¹ In the words of M.J.D. Roberts, 'The poor laws demoralised those who stayed at home. The vagrancy laws debauched those who joined the migratory labour market'.¹²

6 K.D.M. Snell, *Parish and Belonging* (Cambridge 2006), p. 86.

7 A. Eccles, 'The Eighteenth-Century Vagrant Contractor', *Local Population Studies* 85 (2010), 47.

8 N. Landau, 'The Regulation of Immigration, Economic Structures and Definitions of the Poor in Eighteenth-Century England,' *The Historical Journal* 3 (1990), 541–71.

9 K.D.M. Snell, 'Pauper Settlement and the Right to Poor Relief in England and Wales', *Continuity and Change* 6 (1991), 398.

10 *Ibid.*, p. 383.

11 Vorspan, 'Vagrancy and the New Poor Law', 59–81.

12 M.J.D. Roberts, 'Public and Private in Early Nineteenth-Century London: the Vagrant Act of 1822 and its Enforcement', *Social History* 13 (1988), 281.

I The Vagrancy Laws and Local Practice

As economic influences were not understood, the authorities dealt with apprehended vagrants under a punitive system of custodial sentences and removals, requiring costly administrative and supervisory bureaucracy, which increased official expenditure while limiting the chances that vagrants would find work and settle down. By 1770 legislation defined three separate offences under the term *vagrancy*. Those who refused to work were deemed 'idle and disorderly persons'. Those begging under pretence were 'rogues and vagabonds'. Repeat offenders were 'incorrigible rogues'. All were subject to flogging and/or imprisonment at the discretion of magistrates before removal. 'Incorrigible rogues' faced harsher sentences of imprisonment with hard labour for up to six months before being passed, or conscripted. James Cole, an 'incorrigible rogue' detained at Winchester in 1770, was sentenced to four months of hard labour at Gosport before being sent to Portsmouth to board ship and 'be employed in his Majesty's Service at sea'.¹³ His treatment contrasts sharply with punishment meted out to John Burrow, convicted for a lesser offence as an 'idle and disorderly person' at the Quarter Sessions in Winchester in 1771. Burrow received only a month's detention in the Bridewell with no credit for time served.¹⁴ Bridewell disbursement records for Hampshire show that authorities in 1770 spent a total of £89 8s. 7d. rewarding informants and conveying convicted vagrants, and while the records that year do not indicate how many vagrants were apprehended or how far they were conveyed, this sum is quite modest compared to succeeding years, when integral flaws in the removal system led to unworkable problems.¹⁵

The vagrancy laws cast a wide net, and surviving records demonstrate how ordinary people could become ensnared. Widows, for example, could fall into vagrancy as they struggled to support themselves following the death of a spouse. In 1782, Elizabeth Bristow was arrested as a 'rogue and vagabond' for wandering and begging in the streets of Bramshot. Examined by magistrates, she reported her husband had died five months previously, leaving her desperate and without means of support.¹⁶ But was she telling the truth? Her charge suggests she was

13 Hampshire Record Office, Winchester [hereafter HRO], Q1/18 Quarter Sessions Order Book 1770-1777, p. 29.

14 Ibid.

15 HRO, Q10/6/2 County of Southampton Bridewell and Vagrants Disbursement Book 1769-1806, accounts for 1770.

16 HRO, 63M70/PO38/3 Settlement examinations, Elizabeth Bristow.

asking for help from passers-by and explaining she had been recently widowed – a worn-out story long used by deserving and dissolute beggars alike, and liable to prosecution under the law.¹⁷ Magistrates rarely investigated to confirm the accounts of examinants, so the veracity of Elizabeth's story will never be known. In any case, she was ultimately spared punishment and passed to the parish that she alleged was her late husband's place of settlement. Further imprisonment, or the cost of continued relief, would simply have put the authorities out-of-pocket, and by passing vagrants out of the parish as soon as possible these expenses could be avoided.

To remove a vagrant, paperwork required consisted foremost of a 'pass' briefly detailing their apprehension, to which was appended a notarised copy of the vagrant's settlement examination. A reward was paid to civilians and constables alike at the rate of 5s. per apprehended vagrant, and a growing army of contractors were employed to convey them back to their alleged parishes of settlement. Vagrants could expect to be detained in the local gaol until it was financially worthwhile for contractors to clear them; some Bridewells could be cleared as many as four times a week, while others were cleared far less often.¹⁸ In passing, the vagrant would then accumulate further passes signed by local magistrates. For example, when 16-year-old vagabond Joseph Burke was passed from Staffordshire to Milford, Hampshire in 1818, he ultimately arrived with ten separate passes that had been issued en route, many of which were pre-printed on slips in different styles. His details were filled in the blanks.¹⁹ Some Bridewell disbursement books indicate bureaucratic charges to the parish for this paperwork often exceeded charges for the actual conveyance.²⁰ Once passed, however, there was no legal mechanism for authorities to ensure vagrants simply didn't set off again. Shortly after Christmas 1771, Mary Pescott and her daughter were removed from the parish of Fawley, Hampshire, after the authorities feared they were likely to become chargeable – a suspicion that empowered authorities to remove individuals until 1795.²¹ However by 6 January Mary was back

17 *An Exposure of the Various Impositions Daily Practised By Vagrants of Every Description* (Manchester, c. 1842).

18 C.J. Ribton-Turner, *A History of Vagrants and Vagrancy and Beggars and Begging* (London, 1887), p. 207.

19 HRO, 31M67/PO14 Joseph Burke, 16, rogue and vagabond.

20 HRO, Q10/6/2, accounts for 1770.

21 HRO, 25M60/PO50/27 Order for Removal of Mary Pescott and her daughter, Mary to Eling.

in Fawley, where she was recognised by constables and arrested. If Mary had obtained a settlement certificate from her home parish, she would have been allowed to remain in Fawley. Since she had returned without one, despite being removed, she was now an 'incorrigible rogue' and sentenced accordingly to six months hard labour in the gaol at Winchester.²²

Mary's situation in life is unclear, but if she was a novice offender – or a genuine workseeker – such a spell in prison could be the means of her undoing. As a London magistrate explained in 1806, 'Nothing so effectually corrupts the morals of slight offenders as imprisonment – it debases their minds and prepares them for the commission of higher and more atrocious offences'.²³ In the typical group lockup, the novice wanderer was forced to mix with a motley crew of professional tramps and thieves who had ample time to share their experiences. While most were uneducated,²⁴ during spells in the gaols wayfarers could soon become fully conversant in the law, as hardened vagrants shared personal experiences of how the laws could be subverted. This was an especially counterproductive aspect of the penal system, and one which authorities were slow to realise.

Outside the gaols, vagrants gathered in cheap lodging houses and forged a problematic underworld that soon attracted the attention of authorities. Winchester was located at the convergence of several major highways, and suffered from such a plague of cheap lodging houses that London constables complained Winchester was 'the worst town in England for secreting criminals of all descriptions', owing to the inactivity of local magistrates.²⁵ As Sir Thomas Baring, Acting Magistrate for Hampshire, testified before the 1821 Parliamentary Committee on Vagrancy, 'In the city of Winchester there are several lodging houses, receptacles for vagrants and thieves of all descriptions. From the inefficiency and inactivity of the police in the town no measure has been taken to correct the evil'.²⁶ Work to address these issues progressed slowly. Select Committees were still debating the

22 HRO, 25M60/PO56/2 An Order for Mary Pescott a vagabond to be sent to the Correction House at Winchester.

23 P. Colquhoun, *A Treatise on Indigence* (London, 1806), p. 74.

24 In the majority of vagrant settlement examinations held in the HRO and Southampton City Archives [hereafter SCA], examinants could not sign their own names and marked their transcripts with a cross.

25 *Parliamentary Papers* [hereafter PP] 1821 (543) Report from the Select Committee of the existing laws relating to vagrants, p. 99.

26 PP 1821 Report, p. 97.

viability of a professional county-wide constabulary force in 1839, and legislation to regulate lodging houses was not passed until 1851.²⁷

Meanwhile, inside the vagrant underworld it was well known that implausible settlement claims would never be contested. When Ann Cox was arrested for sleeping rough in 1791, she vaguely testified she had once been 'informed' by her parents that she was born in Old Basing, providing no further information.²⁸ The authorities duly instructed she be passed to Old Basing – again, the alternative was to bear the cost of her relief on the local rates. Sir Thomas Baring told the 1821 Select Committee that he believed some wayfarers 'commit acts of vagrancy in order to be conveyed to place where they wish to go', and were then passed accordingly.²⁹ Examinants swearing to settlements in Scotland or Ireland posed a special problem, for they knew they had to be given passes for conveyance up the whole length of the country. Chances were slim they would actually reach their destination; on the way, vagrants could evade civilian conveyers, bribe corrupt officials, or simply be abandoned in parishes where administration was lax.³⁰

Contemporaries believed the vagrant problem was driving the steady increases to poor rates in the late eighteenth century, but recently Audrey Eccles has argued that vagrancy did not actually increase in direct proportion with the rates.³¹ Records show that by the 1780s, authorities in Hampshire faced escalating costs not only to contend with vagrants but to maintain public property, pay salaries to public officials and support the families of militia men.³² However, the cost of the vagrant problem still increased dramatically. Between 1770 and 1790 disbursements for apprehending and conveying vagrants doubled, and then doubled again, while officials struggled to regulate the practice with little success.³³ From the modest disbursement of £89 8s. 7d. in 1770, removal expenditure had risen to £187 14s. 9d. in 1775, £240

27 PP 1839 (169) First Report of the commissioners appointed to inquire as to the best means of establishing an efficient constabulary force in the counties of England and Wales; PP 1851 (272) Common lodging houses. A bill for the well-ordering of common lodging houses.

28 HRO, 3M70/58/1 Vagrancy pass and examination of Ann Cox.

29 PP 1821 Report, p. 98.

30 Ibid.

31 A. Eccles, 'Vagrancy and Rising County Rates in the Long Eighteenth Century', *Southern History* 33 (2011), 98.

32 HRO, Q1/19 Quarter Sessions Order Book 1777–1783, p. 105.

33 HRO, 44M69/G3/621 Printed resolution of the Quarter Sessions that Clerk of the Peace be instructed to print and distribute court order made Easter 1767, concerning vagrants [1783].

os. 1d. in 1780, finally reaching a peak of £693 13s. 1d. in 1785.³⁴ The height of this expenditure coincided with the end of the American Revolutionary War, and suggests returning soldiers flooded the labour market, with many drifting into vagrancy. A discernible increase in the sums paid to certain removal contractors is consistent with a greater number of vagrants being conveyed greater distances, in line with the payment scale set out at Quarter Sessions in 1767.³⁵ Once apprehended vagrants had been returned to their supposed home parish, however, there was no way to ensure they could then be gainfully employed and settle down, and the problem intensified. However, the system did manage to ensure employment opportunities for some – in particular, the vagrant contractors employed to convey wayfarers back to their settlements.

II Private Profit and Local Administration

The vagrancy laws opened a rich seam of profit for local officials that nullified any initiative to discourage the practice. Justices were rewarded per head for every vagrant they intercepted, while contractors (who could also be the same Justices) were similarly entitled to charge more for conveying a greater number of vagrants to their supposed home parishes.³⁶ Bridewell disbursement books for Hampshire identify interceptors and conveyors of vagrants during this period, and reveal disparities in workload and pay between contractors. Thanks to the detail recorded by county treasurer Nicholas Purdue Smith for most of 1780,³⁷ the records show that a total of ninety-nine vagrant removal orders were fulfilled by ten different contractors in the first six months of the year. We can see that contractor John Shepherd received two payments totalling £34 7s. 3d. for thirty-three removals, while his colleague Thomas Smith received only one payment of £1 3s. 6d. for four.³⁸ Perhaps John Shepherd was willing to take more prisoners greater distances more often, while Thomas Smith only once took a handful of prisoners into the next parish. It could be that John Shepherd had cultivated or consolidated a closer working relationship with the constables, and was thus called upon more frequently to clear the Bridewells. However, Thomas Smith stands alongside the

34 HRO, Q10/6/2, accounts for 1770, 1775, 1780, 1785.

35 HRO, 44M69/G3/621.

36 PP 1821 Report, p. 34.

37 HRO, Q1/19, p. 124.

38 HRO, Q10/6/2, accounts for 1780.

vast majority of the contractors who appear only once or twice in the Bridewell records for the year. This could result from the infrequency of their use, the infrequency of their invoicing, or both.

The meticulous county treasurer Nicholas Purdue Smith died in the summer of 1780 and vagrant removal expenses were not recorded in such detail by his successors.³⁹ Historians such as Audrey Eccles and R.E. Foster have explained how county treasurers were usually gentlemen and not trained accountants, although some might be compensated for their trouble.⁴⁰ This was certainly the case in Hampshire, where Smith's replacement was Carew Gauntlett, a wine merchant who was appointed county treasurer in September 1780 on a salary of £20 a year.⁴¹ The vetting process under which Gauntlett was selected is unknown, but his trustworthiness was bonded by landowning county elites John Serle and William Yalden, who pledged a surety in the 'faithful execution of Trusts reposed in him' to the tune of £4,000.⁴² Upon appointment Gauntlett had a reasonable degree of personal discretion in the way he discharged his duties, and chose to record far less detail in the Bridewell disbursement book than his predecessor. Individual contractors were still identified, but not the number of removal orders they were fulfilling. Unhelpfully, this coincides with a steep increase in expenditure. Costs climbed from £240 os. 1d. in 1780 to a substantial £693 13s. 8d. in 1785.⁴³

Of sixty-six individuals paid for 'vagrants' in 1785, fifty-one received only one payment averaging a low £2 11s. 6d., making them unlikely career contractors.⁴⁴ The remaining fifteen appear to have been far more prolific, with some receiving as many as ten payments for their services throughout the year. The most industrious was John Ballchild, a regular conveyor of vagrants since at least 1780, who received nine different payments totalling the significant sum of £217 17s. 1d. He was by far the highest-paid contractor of 1785.⁴⁵ Ballchild's income is sharply at odds with the mere £21 4s. 7d. paid in a similar number of instalments to a contractor identified as E. Turner; or the nine payments totalling

39 HRO, Q1/19 Order Book 1777-1783, p. 124.

40 Eccles, 'Vagrancy and Rising County Rates', 82; R.E. Foster, 'The Decline and Fall of George Hollis: 'Old Corruption' and Reform at the Hampshire Quarter Sessions c1815-40', *Southern History* 29 (2007), 59-82.

41 HRO, Q1/19, p. 124.

42 Ibid.

43 HRO, Q1/6/2, accounts for 1780 and 1785.

44 HRO, Q10/6/2, accounts for 1785.

45 Ibid.

a paltry £10 15s. 3d. received by one Mr J. Richardson. By contrast, Robert Noyes, a local gamekeeper,⁴⁶ received three unusually large payments for 'vagrants' totalling £76 13s. 8d.⁴⁷ Noyes appears to have been well-placed to capture vagrants poaching on lands within his purview, and apparently invoiced authorities for this only every so often.

The disbursement books also reveal local officials were handsomely paid for apprehending or conveying 'vagrants' in addition to their salaries. Robert Wagstaffe, the Bridewell keeper at Winchester, received six payments for 'vagrants' totalling £17 2s. 6d., in addition to his yearly salary of £52 10s. od. A constable, William Brown, on an annual salary of £17 from the county, also received £7 os. od. for 'vagrants' alongside this.⁴⁸ Opportunities for corruption and subterfuge were all too easy to exploit, and abuse of the system was rampant. Constables were caught arresting and passing 'vagrants' with whom they shared reward money and released once the coast was clear. Central authorities were driven to pass corrective legislation in 1792 to curb the 'misconduct and negligence of constables'.⁴⁹ Local authorities were instructed to ensure those passed actually *were* vagrants, by enforcing punishments of flogging and seven days in gaol before passing.⁵⁰ The central authorities believed tricksters would be less likely to conspire with corrupt officials and pose as vagrants if this entailed a spell in gaol and a flogging. Bridewell disbursement records demonstrate this legislation did indeed have a positive impact in Hampshire, where vagrant apprehension and removal expenses sharply declined from £382 os. 2d. in 1791, to £185 19s. od. in 1793.⁵¹ This might also suggest the extent of systemic abuse in Hampshire, corrected by the new legislation.

Norma Landau has written of a 'regulatory revolution' in 1795, arguing that parish officials applied settlement and removal laws selectively in order to regulate immigration and avoid responsibility for the welfare of certain newcomers.⁵² After 1795, legislation prevented authorities from removing individuals unless they actually

46 HRO, Q1/19, p. 100.

47 HRO, Q10/6/2, accounts for 1785.

48 Ibid.

49 32 Geo 3 (1792), Section 5, quoted in PP 1834 (44) Report from His Majesty's commissioners for inquiring into the administration and practical operation of the Poor Laws, Appendix E: 'Vagrancy', p. 6E.

50 Ibid.

51 HRO, Q10/6/2, accounts for 1790 and 1795.

52 Landau, 'The Regulation of Immigration', 541; N. Landau, 'Who was subjected to the Laws of Settlement? Procedure under Settlement Laws in Eighteenth-Century England', *Agricultural History Review*, 43 (1995), 139–59.

were chargeable, and Landau suggests this ended widespread local practices regulating inter-parochial immigration. However, removal expenses in Hampshire do not indicate a 'revolution': declining only from £149 14s. 10d. in 1794 to £134 8s. 8d. in 1796.⁵³ Such a minor decrease leaves little indication that county officials in Hampshire were commonly applying the laws in the manner Landau suggests, as otherwise a steep drop in expenditure could be expected. As K.D.M. Snell explained, 'Generally speaking, those "likely to be chargeable" were in poverty, in imminent need of relief, often reluctant to apply for it in a parish where they were not settled ... These were usually vulnerable people, without secure livelihood, looking for work', in much the same circumstances as those who were actually chargeable.⁵⁴ Snell suggests that parish officials commonly interpreted the two terms in similar ways.⁵⁵ The 1792 legislation to curb misconduct appears to have had the greater impact on local practice and expenditure, and led to a far greater decrease in expenditure than the changes of 1795.

This influence soon waned, however, and expenses were rising again in the late eighteenth century, ultimately surpassing their 1785 peak in 1815.⁵⁶ That year, they suddenly jumped in August – little more than a month after Napoleon's final defeat at Waterloo. Discharged soldiers returned to find England in an economic slump, and many took to the roads due to poverty. The removal system was in crisis – and a variety of officials continued to make good money conveying vagrants around the county. Some were thought to be 'greater rogues than the persons they apprehend'.⁵⁷ One of the most frequent names appearing as a conveyor of vagrants in the early nineteenth century records is William Barber. Barber was appointed keeper of the Bridewell at Gosport in 1806 for fifty guineas a year, but disbursement records show that he was paid larger sums for conveying vagrants – amounting to more than twice his annual salary.⁵⁸ In 1818, Joseph Beckett, Bridewell keeper at Winchester, accused Barber of removing vagrants from Gosport without orders and delivering them to Winchester in 'a most filthy and deplorable state'.⁵⁹ A local magistrate, George Porter, wrote

53 HRO, Q10/6/2, accounts for 1794, 1795, 1796.

54 Snell, 'Pauper settlement', 384, 385.

55 Ibid., 383.

56 HRO, Q10/6/3, accounts for 1815.

57 PP 1821 Report, p. 99.

58 HRO, Q1/27 Order Book 1806–1809, p. 22d; Q10/6/3 County of Southampton Bridewell and Vagrants Disbursement Book, 1806–1823, accounts for 1810.

59 HRO, 92M95/F2/1/17 Letter from George Porter to Sir Thomas Baring, 5th November 1818.

to Sir Thomas Baring to defend Barber, explaining that the problem stemmed from the dirty and dishevelled state of the vagrants to begin with, compounded by a lack of facilities en route:

it is impossible to remove the vagrants the very skum of the neighbouring seaports, in that nice & neat trim he would wish, there are no accommodations which suffice for that purpose, no baths, no ovens, no nothing or allowance of any sort.⁶⁰

Porter further asserted that Barber had applied to the magistrates for permission to provide the vagrants with soap for the journey, but this had been refused. This left Barber out of pocket, as allowance provided for conveying vagrants 'barely covered his expenses' – refuting allegations that Barber was 'principally induced by the allowance of £1 for each vagrant removed'.⁶¹

Strangely, Barber continued to earn substantial sums conveying vagrants around the county and even won acclaim for his management of the Gosport Bridewell.⁶² This is intriguing, given that the Quarter Sessions had heard concerns about the 'quality' of vagrant removals coming from Gosport even before Joseph Beckett spoke out. In a report presented at Easter Quarter Sessions in 1818, several months before Beckett's allegations, Sir Thomas Baring, as Chairman of the Bridewell Visiting Committee, described how:

a considerable number of very abandoned women have been committed as vagrants to the Gosport House of Correction and after being confined there, for a short time transferred to this Prison [Winchester] independent of the great expence [sic] of conveying those persons and the inconvenience attending the reception of them... the evil effect of sending them such a distance from the place where they have been living, is to give an increase... to the same abandoned course of life—being discharged without means of support or friends to assist them they plead poverty and necessity for following their previous pursuits and if this practice is followed the evil consequences will be, that the City of Winchester will be filled with Prostitutes from Gosport.⁶³

George Porter's letter later the same year appears to infer Barber himself was escorting prisoners, rather than acting as a middleman for

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² HRO, Q1/31 Order Book 1817–1819, p. 68d.

⁶³ HRO, Q1/31, p. 174b.

subcontractors, and the disproportion of 'abandoned women' removed under his charge coincides intriguingly with one of Barber's documented predilections – women. Years later, Barber was appointed keeper of the Bridewell at Winchester, and his debauched womanising there evoked the ire of a local churchman.⁶⁴ The vicar of St Bartholomew, Hyde, complained to Sir Thomas Baring that Barber was a man of questionable moral character who had been brazenly corrupting local servant girls. When confronted by the outraged vicar, Barber declined to refute the allegations.⁶⁵

III Vast Increases and New Efforts to Solve the Problem

In the economic slump after the Napoleonic Wars, Bridewell disbursement books for Hampshire show that removal expenditures for vagrants and other prisoners skyrocketed to £2326 16s. 5d. by 1820, increasing by almost 300 per cent in just five years.⁶⁶ The county treasurer at this time was George Hollis, a prosperous local man who accumulated a variety of prestigious civic roles in the early nineteenth century. R.E. Foster has described Hollis' weak accounting practices, and the scandal that ensued when chronic errors were recognised in his published accounts, ranging from a failure to credit the county for rates received to 'mixing the accounts of his various offices'.⁶⁷ It is unclear to what extent Hollis' poor accounting may have skewed the figures for vagrancy in 1820, but in any case this was not known by authorities at the time.

The authorities were brought no closer to a solution by the legislative reforms of the 1820s, which still prescribed punitive restrictions on vagrants but again failed to consider economic factors driving the problem. Sir Thomas Baring believed that the increase in vagrancy stemmed primarily from a general knowledge of the ease at which the passing system could be exploited, and for this harsher treatment by authorities seemed to provide the most obvious solution. In his testimony to the 1821 Parliamentary Committee, Baring advocated more hard labour, a restricted gaolhouse diet, and a ban on the practice of allowing vagrants to receive visitors while in prison.⁶⁸ He also

64 HRO, Q1/37 Order Book 1831–1834, p. 230.

65 HRO, 92M95/F2/3 Bundle of correspondence, reports, memoranda and printed matter relating to the planning of the new County Gaol, Winchester.

66 *Ibid.*

67 Foster, 'The Decline and Fall of George Hollis', 64.

68 PP 1821 Report, p. 99.

proposed the adoption of a classification system, to ensure that the novice poor were not mixed with hardened criminals in the gaols – a long-running problem. Unfortunately, Baring's suggestion was ignored by the policymakers preparing a legislative overhaul to address the problem. The new laws instead attacked the *expense* of the systems in place and made no effort to determine or resolve potential root causes of vagrancy, such as the vulnerability of the labouring poor to economic downturns. As Audrey Eccles explained, 'Both the poor law and vagrancy law were founded on the belief that there was no shortage of work ... but many historians have noted that this was a delusion'.⁶⁹ In particular, historians such as E.J. Hobsbawm have linked vagrancy in some parts of England with commercial fluctuations, for example a slump in the brick-making industry from 1815 to 1819.⁷⁰ This would appear to suggest that the increase in many places consisted largely of deserving workseekers, who were then made to fraternise with weathered vagabonds in group lockups. By ignoring economic factors driving the unemployed on to the roads, the legislation only set the stage for larger increases.

The reforms were nonetheless substantial. Between 1822 and 1824, new penalties were introduced for magistrates who released vagrants without enforcing the required spell of hard labour, and the corrupt reward system was finally abolished.⁷¹ The law now prescribed longer terms of imprisonment with harsher penalties of hard labour, and alongside this the 1824 act significantly reshaped the legal definition of a 'vagrant'. The term now implied lengthy catch-all of crime, and enabled authorities to apprehend a broad spectrum of undesirables, including people who were simply acting suspiciously – for example, those found to be about town while in possession of housebreaking tools.⁷² M.J.D. Roberts described the backlash this caused, when the arrest of a 'lewd' couple on Waterloo Bridge led to controversial accusations that authorities were using the expanded vagrancy laws to pry into public morality and regulate the private affairs of individuals.⁷³

69 Eccles, 'The Eighteenth-Century Vagrant Contractor', 47.

70 Hobsbawm, *Labouring Men*, p. 79.

71 PP 1822 (97) 3 Geo IV, A Bill for consolidating into one act, and amending the laws relating to rogues, vagabonds, vagrants and idle and disorderly persons, p. 12.

72 PP 1824 (228) 5 Geo IV, A Bill for the more efficient suppression of vagrancy and punishment of idle and disorderly persons in that part of Great Britain called England, p. 2.

73 Roberts, 'Public and Private', 273–94.

Outside the gaols, the problem with lodging houses was addressed with a provision in the 1824 act enabling authorities to search lodging houses upon sworn information that idle and disorderly vagabonds were harbouring there.⁷⁴ During the summer of 1826, authorities in Southampton conducted a thorough search of local lodging houses and recorded the name, origin, destination, trade and relief status of all the 'vagrants' residing there. The records provide a rare glimpse into vagrant life outside state institutions, although exactly how the authorities determined certain occupants were 'vagrants' is not known. Fifteen of the sixty-three lodging houses inspected were found to have no vagrants present, but where 'vagrants' were found, the survey indicates a broad interpretation of the concept.⁷⁵ Branded as 'vagrants' were men who professed to be seamen, carpenters, coachmen and soldiers, labourers and musicians; many with their wives and children, which would make them unlikely wanderers. Alongside these, however, inspectors also identified petty tradesmen selling wares usually more associated with a vagrant life, such as matches, pin-cushions and cheap lace. Of these, a majority described themselves 'match sellers'; a lowly breed of 'tradesman' thought to carry matches only as 'a cloak for begging'.⁷⁶ Under the legislation, constables were empowered to gaol any rogues harbouring in lodging houses, but it is apparent that none of those surveyed were imprisoned – in fact 16 per cent were given relief by the inspectors.⁷⁷ This unwillingness to apprehend was widespread, and deplored by H.G. Codd in his 1834 report on vagrancy to the Poor Law Board. Codd believed that by providing relief in money instead of in gaol, vagrants were able to proceed on their way with the added freedom to spend the cash 'in houses which large numbers of their own class congregate, reinforced by thieves, prostitutes and impostors of every kind'.⁷⁸

Magistrates in Winchester appear to have been more active apprehending vagrants than their colleagues in Southampton, Gosport and Portsmouth. Codd's report indicates the number of vagrants spending at least a month in Winchester's gaols between 1826 and 1832 increased by 59 per cent, while in Portsmouth and Gosport there

74 PP 1824 (228) 5 Geo IV, p. 6.

75 SCA, SC/TCBox/5/2/1–9 Return of vagrants in the town – daily figures including occupations, relief given and destination.

76 *An Exposure of the Various Impositions Daily Practised By Vagrants of Every Description* (Manchester c1842), p. 30; 'The Vagrant Population,' *The Times* 3 December 1859.

77 PP 1824 (228) 5 Geo IV, p. 6; SCA, SC/TCBox/5/2/1–9.

78 PP 1834 Report, Appendix E, p. 18E.

was little or no increase at all.⁷⁹ The biggest increase in Winchester occurred in 1832, and this corresponds with a community initiative that began that year. On 24th May 1832, Wintonians staged a general meeting at the Guildhall and resolved to form their own volunteer police force exclusively for the suppression of vagrancy in the city and suburbs, supported by subscription.⁸⁰ This suggests the inactivity of local justices prevailed, as described by Sir Thomas Baring in 1821, and left residents fearful of thieves and vagabonds who still filled the city's infamous lodging houses. It was considered 'advantageous ... that an efficient Police should be formed for the suppression of ... mischief and the prediction of mendacity'.⁸¹ The figures show that alongside the force's first year of operation, the number of vagrants in the Winchester Bridewell nearly doubled, from forty-six to eighty-nine.⁸² However, the figures obviously do not indicate how many vagrants were still at large outside the gaols – a notoriously difficult inference.

IV Rising Numbers and the New Poor Law

The picture compiled by Codd showed the national gaol'd vagrant population had more than doubled between 1826 and 1832.⁸³ Historians today regard the years 1825 to 1832 as a period of widespread economic hardship and depression, but Codd's report concluded vagrancy had increased simply because the provisions of the new Vagrancy Act were no deterrent.⁸⁴ Exemplifying this trend, magistrates in Winchester reported that their prisoners were 'most callous to the punishment attendant upon their offences'.⁸⁵ Codd recommended the complete repeal of the 1824 Vagrancy Act but his report was all but ignored by the Poor Law Board. Edwin Chadwick had assumed that the new workhouse test would apply to vagrants along with everyone else, and so the new law enacted no special provisions for them. However, this expectation proved illusory and by 1841 the Poor Law commissioners were forced to develop new guidelines for the relief of 'the casual poor'.⁸⁶

79 Ibid., p. 11E.

80 HRO, W/B5/30/1 Minute Book of the Police Committee and Watch Committee 1832–1857.

81 HRO, W/B5/30/1, Minutes of General Meeting 24th May 1832.

82 PP 1834 Report, Appendix E, p. 11E.

83 Ibid.

84 L. Rose, *Rogues and Vagabonds: Vagrant Underworld in Britain 1815–1985* (London, 1988), p. 14.

85 PP 1834 Report, Appendix E, p. 11E.

86 A. Brundage, *The English Poor Laws, 1700–1930* (Basingstoke, 2002), p. 101.

The authorities soon concluded that 'the casual poor' were too comfortable in the new workhouses, and exerting too great a financial strain on the system as a result.⁸⁷ To obtain relief, inmates were required to submit to the featureless, rigid austerity of institutional life, but this was easily outwitted by the drifters.

[They] usually apply for admission into workhouses at a late hour in the day; obtain supper and a night's lodging; and leave the workhouse at an early hour the following morning, without performing any work in return for the relief they have received. In this manner, wandering beggars convert the workhouse into a lodging house ... and are maintained at public expense.⁸⁸

The unpleasant conditions of relief were accordingly intensified in dedicated 'casual wards'. From 1843, guardians were enabled to detain casual inmates the morning after their stay to complete between four and six hours of work – although in practice, the work was often optional and wayfarers were hurried along.⁸⁹ Enforcing a task of work entailed significant additional expenses for poor law guardians, who would have to devise the work and provide both raw materials and officials to supervise. When the task of work was enforced, it entailed stonebreaking in Alresford, Hursley and Andover, oakum-picking in Alton, Basingstoke, Fareham, Southampton and Whitchurch, and 'digging on the workhouse land' in Winchester.⁹⁰

Rachel Vorspan has described how the repressive provisions of the workhouse casual ward encouraged vagrants to seek refuge elsewhere; in lodging houses, charitable shelters, the open air, or even inside prisons.⁹¹ With this in mind, it is even more remarkable that workhouse admission statistics for vagrants in Hampshire increased so dramatically during the early 1840s, rising from 2,697 applicants in 1841 to 10,391 just five years later.⁹² Most parishes reported an alarming jump in admissions in 1841–42, followed by steadily increasing numbers thereafter, and this

87 *PP* 1841 Session 1 (149) Poor Law. Copy of circular letter of the commissioners to boards of guardians, dated 15th February 1841, respecting relief of vagrants, with tabular abstract of answers, and selected answers, p. 2.

88 *PP* 1841 Circular Letter, p. 1.

89 *PP* 1866 (3698) Vagrancy. Reports on Vagrancy made to the President of the Poor Law Board by Poor Law Inspectors, p. 13.

90 *Ibid.*, p. 9.

91 R. Vorspan, 'Vagrancy and the New Poor Law', 63.

92 *PP* 1846 (391) Return of the number of vagrants or wandering poor, received into the union workhouse during each of the years ended Lady-Day 1841, 1842, 1843, 1844, 1845, p. 8.

coincides with economic evidence of an unprecedented depression in the years prior to the Irish potato famine.⁹³ However, figures for casual admissions at Winchester do not entirely correspond with this trend, showing only a 41 per cent increase between 1840 and 1847.⁹⁴ This might suggest the hard labour task at Winchester was broadly enforced at this time, driving vagrants away to more lenient institutions where admission figures thus show higher increases. The figures might also suggest the persistence of cheap lodging houses in Winchester, which could afford local vagrants the choice of more 'comfortable' accommodation, in line with Rachel Vorspan's conclusions. Still, the 679 vagrants relieved in the Winchester workhouse in 1840 is a dramatic increase from the eighty-nine sent to the Winchester Bridewell in 1832. Clearly, only a minute proportion were intercepted and prosecuted under the old laws; officials believed a full six times the number relieved in the workhouse typically remained at large outside the system.⁹⁵

The authorities struggled to comprehend the vast expansion in the vagrant hoards that took place, which they ascribed to a 'greater willingness of existing vagrants to resort to "easy" workhouses', where officials did not adequately enforce the rules.⁹⁶ Parliamentary reports dismissed potential economic factors, concluding the increase largely consisted of rogues and vagabonds, whose ranks 'greatly exceed ... those who are honestly and *bona fide* travelling in search of employment'.⁹⁷ In 1848, the central authorities attempted to address the spiralling cost of casual relief and encouraged relieving officers to exercise 'a sound and vigilant discrimination' at the workhouse gates.⁹⁸ Applicants who appeared to be able-bodied, undeserving, or who were found to have money or saleable assets were to be refused admission. However, relieving officers were provided with no framework or guidance for assessing applicants for relief and the Poor Law Board left each relieving officer to his individual judgement. Some parishes simply shut their casual wards altogether, forcing deserving and undeserving

93 Hobsbawm, *Labouring Men*, p. 74.

94 PP 1847-48 (987) Reports and Communications on Vagrancy, p. 3.

95 Hansard, 10 May 1869, p. 479.

96 PP 1847-48 Reports, p2; PP 1847-48 (599) Poor Law. Letters from the Poor Law Board to boards of guardians, enclosing minute of the Poor Law Board of 4th August 1848, and instructions as to forms of certificates to be given to vagrants requiring relief, p.1.

97 PP 1847-48 Reports, p. 4.

98 PP 1847-48 Letters, p. 2.

wanderers alike to tramp on. While admission figures did indeed drop, these provisions backfired in several ways.

There was increasing public sympathy for wayfarers who faced either the cruelty of the workhouse or starvation, and it was frequently difficult to tell who deserved relief and who did not. Public sentiment erred on the side of caution, and after the punitive and restrictive elements of workhouse relief became well known, those who came across beggars in the towns or countryside were liable to 'open their pockets more readily', making it easier for dishonest beggars and malicious vagrants to ply their trade.⁹⁹ Against this backdrop, guardians in Hampshire largely ignored the 1848 directive and refused to turn away applicants who professed to be in need.¹⁰⁰ The police, as always, more often hurried beggars along to the next parish, reluctant to apprehend.¹⁰¹ Recognising the prevailing public sentiment, magistrates more often declined to prosecute apprehended mendicants. 'The reed' of the 1824 Vagrancy Act was broken.¹⁰²

V The Resurgent Problem

Overwhelmed, the authorities again despaired for 'some new means' of dealing with vagrant problem.¹⁰³ 'New' measures that were proposed included a 'way-pass' system distinctly reminiscent of the old passing system, in which workseekers judged to be deserving by officials would be awarded a certificate entitling them to non-punitive relief at workhouses along a prescribed route within a certain amount of time.¹⁰⁴ The system failed to catch on.¹⁰⁵ Other suggestions advocated a greater reliance on police as receiving officers to dissuade known problem travellers. This initiative was adopted with unevenness across Hampshire in a handful of parishes, but again did little to dissuade drifters from simply going somewhere else.¹⁰⁶ Hampshire remained 'considerably overrun with undeserving professional vagrants', and admission figures to the casual ward at Winchester show an increased

99 T.B.T. Barker, 'On Vagrants and Tramps', *Transactions of the Manchester Statistical Society* (Manchester, 1869), 60.

100 PP 1866 Report, p. 11.

101 J. Lambert, *Vagrancy Laws and Vagrants* (London, 1868), p. 35.

102 Ibid.

103 PP 1847-48 Reports, p. 2.

104 Ibid.; PP 1847-48 Letters, p. 2.

105 Lambert, *Vagrancy Laws and Vagrants*, p. 35.

106 PP 1866 Reports, p. 12.

resort to the workhouse during the 1860s.¹⁰⁷ Compared with previous years, the 445 vagrants relieved at Winchester in 1865 are more closely in line with admissions to the larger Southampton casual ward, hinting at the impact of the 1851 regulatory legislation on Winchester's infamous lodging house culture, and a diminished enforcement of the hard labour requirement.¹⁰⁸ Winchester's guardians reported in 1865 that only 2 per cent of their casual ward inmates stopped to complete a task of work the following morning, and the rest were simply sent off without breakfast as punishment.

On a national scale, by the late 1860s the Poor Law Board was hopelessly baffled by the continued increase of vagrancy; an increase further intensified by a spectacular economic crisis that descended in 1866.¹⁰⁹ The stock market crashed under the weight of speculation and many 'new industries' such as railways were forced to discharge their workers.¹¹⁰ Applicants for casual relief to the workhouses reached new heights by the late 1860s.¹¹¹ However, public debates as always remained fixated on the financial toll of the problem, overshadowing a fledgling recognition of the value of strategic social policies to alleviate the root causes of vagrancy, and lower the rates as an end result.¹¹² Support for new social policies to address the vagrant problem was slow to catch on, but these ideas would become a stronger emphasis of discussion throughout the 1870s and beyond. The enfranchisement of urban workers in 1867, and rural workers in 1884, ultimately brought proactive social policies on to the late-Victorian political agenda. By the 1890s new initiatives such as unemployment relief disrupted the punitive unity of the Poor Law, and began to work alongside the growth of the urban transport system to boost the capacity of the labouring poor to access a larger labour market without changing their lodgings every time they needed a new job.¹¹³ Before these developments, authorities were left to grapple in confusion and despair with the comprehensive failure of their punitive systems to curb vagrancy.

Prospective solutions to address the problem of vagrancy between 1770 and 1870 sought to discourage drifters from draining local resources. As we have seen in Hampshire, efforts to combat vagrancy

107 *Ibid.*, p. 19.

108 *Ibid.*

109 S. and B. Webb, *English Poor Law History*, p. 408.

110 Letters to the Editor: 'Vagrancy'. T.B.L. Barker, *The Times*, 16 July, 1868.

111 *PP* 1868–69 [4197] Twenty-first annual report of the Poor Law Board, p. 276.

112 *Hansard* 10 May 1869, p. 472.

113 Derek Fraser, *The Evolution of the British Welfare State* (Basingstoke, 2003), p. 154.

were challenged by the devious ingenuity of the vagrant underclass and the inertia of local authorities, who often ushered problem travellers into the next parish to save themselves money and time. Moreover, schemes for repression of vagrancy suffered from poor understanding of economic influences, and by focusing entirely on official cost reduction none of the measures enacted by authorities offered wayfarers the incentive to forgo their ways and settle down. Vagrancy continuously increased as a result, leaving the authorities right back where they started. In 1868, a contemplative report in *The Times* deplored the continued 'evil without remedy ... of tramps and vagabonds' who threatened to devour the land. 'It is useless to look to the Poor Law Board,' read the report, '...Nor can we look to our local authorities. For they have found their master in tramps and vagabonds'.¹¹⁴

¹¹⁴ 'Vagrancy', *The Times*, 9 July 1868.