The eighteenth-century vagrant contractor

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Abstract

This article traces the salient developments in poor law and vagrancy law that led to the counties of England and Wales being obliged to shoulder the financial burden of the mobile poor throughout the eighteenth century. It shows that despite the lack of statutory authority many, probably most, counties contracted with a new type of official to implement the conveyance of vagrants under vagrancy legislation in an attempt to counter suspected negligence and profiteering by constables. It shows, with particular reference to Middlesex and the West Riding, that the terms and conditions of these contracts varied considerably, and describes arrangements for the vagrants. The article also suggests reasons why the mobile poor formed an increasing segment of the population well into the nineteenth century and finds that by then the contractors were suspected of the same faults as the constables before them, leading to the abandonment of the contractor system.

Introduction

This paper will review briefly the legal measures taken to deal with poverty and vagrancy before the eighteenth century and analyse the reasons why vagrant contractors were commonly employed, how vagrant contractors operated and when and why the vagrant contractor system ended. The working of the poor law has been extensively discussed, but there has been no comprehensive review of vagrancy legislation hitherto.¹ Research based on Quarter Sessions records reveals that the seven counties used for this study all appointed contractors to deal with vagrants at some point, but detailed information survives in only two—Middlesex and the West Riding of Yorkshire. This information is supported by reference to other historians’ work based on different counties and to parliamentary reports.

The essence of anti-vagrancy measures was antipathy towards ‘idleness’, and especially towards poor people ‘wandering and begging’, leading to legislation to provide for those poor who could not work, to punish those who would not work and to keep the poor in their place (in every sense of the word). Poor law measures to assist the deserving poor—including the sick, disabled, and old—were closely linked to repressive measures against vagrancy, sometimes in the same statute, sometimes in parallel enactments. Poor law provision was dependent on parish settlement, a concept which developed from birth or three years’ residence in 1572 (14 Elizabeth I c.5 ss.16 and 17) to a range of ways of gaining

¹ Chapter 1 in my forthcoming book, Vagrancy in law and practice under the Old Poor Law (Ashgate), discusses the development of vagrancy law in detail.
The eighteenth-century vagrant contractor

a settlement by the turn of the eighteenth century. The chief objective of vagrancy law was to punish those leaving their settlements without certificates and to return them there, where the overseers were expected to set them to work.

Both poor law and vagrancy law were founded on the belief that there was no shortage of work, and that only the manifestly ‘impotent’ were deserving of relief, but many historians have noted that this was a delusion. Yet even Richard Burn, one of Westmorland’s most experienced magistrates and author of the most widely used legal handbook, believed that it was possible to set up ‘some easy manufacture if there shall chance to be none’ which, he optimistically declared, though it failed in Elizabethan times might work in the eighteenth century. But work was often available intermittently according to markets, weather-dependent or seasonal, and demanded some labour mobility which settlement laws inhibited, although to what extent remains controversial.

The poor law and settlement

Central government support for the poor did not exist until relatively recently; parliamentary effort both to support the poor and to prevent vagrancy was limited in the seventeenth and eighteenth centuries to enacting laws requiring the parish to shoulder the responsibility. It followed that the parish and individuals needed to know who was ‘settled’ and therefore had a claim to relief if unable for some valid reason to support themselves. Whether settlement amounted to a legal entitlement to relief was never really spelled out, in particular whether the ‘casual poor’, always an ill-defined group, had any such claim.

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3 R. Burn, *The justice of the peace and parish officer* (London, 1755 and many subsequent editions).


The 1572 act, besides defining settlement, made any poor leaving their settlements rogues and vagabonds (s.18). The intentions of the 1662 Settlement Act (13 & 14 Charles II c.12 s.1) were avowedly to limit the mobility of the poor in order to protect parish resources from being ‘devoured by Strangers’. It assumed settlement depended on a minimum 40 days’ residence ‘either as a Native, Housholder, Sojourner, Apprentice or Servant’. With the exception of those affluent enough to rent a tenement worth £10 per annum, or bringing certificates from some other parish accepting responsibility for them, the parish was empowered to apply within 40 days for a removal order signed by two justices if it thought any incomers ‘likely to become chargeable’, or if they fell sick. In 1685 (1 James II c.17 s.3) because poor incomers ‘doe commonly conceale themselves’ to avoid removal it became necessary to give notice in writing to the overseers before the 40 days’ residence required to give a settlement could begin. This amendment suggests the poor were well aware that parishes were very likely to remove them.

Subsequent acts enabled more people to gain settlements without giving the required written notice in one of several ways: by apprenticeship, or hiring and service for one whole year, renting a property worth £10 per annum, purchase of a freehold property, serving a parish office or paying parish taxes (3 William & Mary c.11 1691 ss.5–7, 9 and 10 William III c.11 1698). An act of 1691 (3 William & Mary c.11 s. 29), however, forbade relief to persons not in the parish books except by order of one justice or of Quarter Sessions, ‘except in cases of pestilential diseases, plague or small pox, for such families only as are infected’, thus effectively making it illegal for the parish to support the travelling poor in emergencies such as childbirth or broken bones without such an order, and reinforcing the reluctance of many parishes to dip into parish funds for strangers. Historians have noted the denial of parish relief to travelling poor falling sick, but more micro-studies of parish records would help to reveal how well founded or otherwise the suspicions of counties were, after 1700, that parishes were using vagrancy law to hive off the cost of the sick casual poor.7

The extent to which parishes used settlement law to prevent the immigration of persons ‘likely to become chargeable’ has been controversial, but all too often as interpreted by parishes it operated to deny relief to persons not legally settled in the parish, and to provoke their swift removal. An unfortunate result of what was, for its time, an enlightened poor law system was that many people made the complacent assumption that ‘if any suffer want, the fault is their own; since all have settlements, and might if they would be provided for’.8 But all did not have settlements since the Scots, Irish, persons

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The eighteenth-century vagrant contractor

born in off-shore islands such as Jersey, or in one of the colonies, did not have settlements, unless gained in one of the ways listed in the amending acts.

Vagrancy legislation before the eighteenth century

The first efforts to control vagrancy date from the reign of Richard II, and the penalties for vagrancy in the sixteenth century were draconian: whipping, burning through the gristle of the ear with a hot iron an inch across, and (temporarily in the act of 1547) enslavement (22 Henry VIII c. 12 1531; 1 Edward VI c. 3 1547; 14 Elizabeth I c.5 1572). Later anti-vagrancy statutes were markedly less ferocious, probably because their very severity had militated against their use, and arguably continued to do so. Throughout the eighteenth and nineteenth centuries the sympathy of members of the public and of magistrates ran counter to the aims of parliament and most reformers to eliminate vagrancy by punitive measures. Tim Hitchcock and others have demonstrated the thin line between vagrants and beggars on the one hand and on the other the poor scraping a living by those expedients now known as ‘the economy of makeshifts’.9 In practice the vagrancy laws could be used to benefit the mobile poor, for example to convey the families of military personnel to their settlements, or to obtain medical help in a bridewell or workhouse.10 Like the Bloody Code of the eighteenth century the ferocity of vagrancy law was much modified in practice, leading to repeated complaints that the vagrancy laws were not enforced.11

The 1572 vagrancy act ordered vagrants to be sent to gaol at the charge of the parish where they were apprehended, but in 1576 a new law (18 Elizabeth c.3) complained that ‘for avoiding the charge whereof many are suffered to pass and winked at’ and changed the method of conveying them; instead of the whole cost falling on the parish of apprehension, vagrants were now to be conveyed parish to parish to the common gaol, each parish sharing the cost. The 1576 act also directed that bridewells, also called houses of correction, were to be set up in every county for punishing and employing rogues and disorderly poor, paid for by a county tax.12

In 1598 a new act (39 Elizabeth c.3) ordered vagrants to be whipped and sent from parish to parish to the place of their birth if known, or to the place where they last lived for one

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10 Hitchcock, Down and out, 161; Chapters 4 and 5 in Eccles, Vagrancy in law and practice under the Old Poor Law (see fn. 1).
whole year, or if neither was known to the parish where they last begged without punishment. They were to be given a certificate allowing them to make the journey, but if they failed to do so they could be whipped again; this certificate may have been the origin of the settlement certificates and vagrant passes used under later legislation. Any who were sent back to the last parish where they begged were to be committed to hard labour if able-bodied, either in the gaol or house of correction, or put in some almshouse if unfit to work. In 1609 yet another vagrancy act was passed reciting that the former acts had been ineffectual, houses of correction had not been built, and the law had not been enforced (7 James I c.4). Justices were threatened with a £5 fine for not setting up houses of correction, and constables failing to apprehend vagrants with fines up to £2.

Vagrancy legislation in the eighteenth century

In 1700, to improve enforcement, a crucial change was made to the funding of vagrancy measures; henceforth the county was liable for the cost, not the parish (11 & 12 William III c.18). This new act, however, had the unforeseen effect that an unknown proportion of sick, non-settled poor were apprehended and passed as vagrants to shift the cost to the county. Still others were similarly apprehended to avoid the expense, delay and uncertainty of removal under the poor law, to remove those Irish and Scottish poor who were irremovable under settlement law, and to convey the many dependants of soldiers and seamen for whom no better provision existed.13

Eighteenth-century legislation made the justices of the peace, using the constables as their agents, ultimately responsible for enforcing and funding anti-vagrancy measures. Every vagrant coming into the county with a pass was to be taken before a justice, who might commit him, order him whipped (or her, as before 1792 vagrants of both sexes could be whipped), or pass him to his settlement by the most direct route. The justice was instructed to give the constable a certificate noting the number to be passed, the destination, mode of conveyance—whether foot, horse or cart—and a ‘reasonable allowance’ so that the constable could be ‘fully paid and satisfied for his loss of time and his expenses’. The constable presented this for reimbursement to the chief constable, who in turn claimed from the county treasurer. These basic rules, subject to some later refinements designed to improve enforcement and financial accountability, established a system whereby vagrants in considerable numbers were conveyed the length and breadth of the country for the rest of the century and well into the next. It is clear, however, that there were considerable difficulties with this highly bureaucratic process, and that glitches in the working of the system were the principal reason for the appointment of contractors.

The first amending act followed swiftly in 1702 (1 Anne stat. 2 c.13). It extended the provisions of the 1700 act to all vagrants, not just those brought to the county with passes,

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13 Chapters 3–5 in my forthcoming book (see fn. 1).
The eighteenth-century vagrant contractor

and made Quarter Sessions responsible for setting the rates allowable to constables, as
certain justices had allegedly been over-generous, and owners of carts had charged too
much for their use. The constable now had to have his certificate signed by the receiving
constable, no doubt to stop him simply letting vagrants go and then claiming for their
conveyance. At this stage the cost of conveying vagrants was defrayed out of the gaol
money which every county collected for the upkeep of prisons. Four years later it had
become clear that the gaol money was insufficient to pay for the new system, and Quarter
Sessions were directed to raise a special county rate (5 Anne c.32 1706). In 1739 all the rates
for separate county purposes were combined in one county rate (12 George II c.20).

By 1714, because of complaints that parishes were having paupers conveyed as vagrants
to shift the cost to the county, a new vagrant act was passed which defined those persons
intended to be punished or conveyed under the legislation, and imposed a fine of 10s. on
any person failing to apprehend a vagrant by order of a justice (12 Anne stat. 2 c.23 1714
in Statutes at large, 13 Anne c.26 1714 in Statutes of the realm). Complaints of negligence by
constables led in 1740 (13 George II c.24) to an experiment directing that bridewell keepers
were to be responsible for conveying vagrants. Quite how this would help, since
constables would still have to convey vagrants to the bridewell, is obscure, but it seems
likely that counties such as Dorset objected that the idea would involve a long detour, and
would therefore cost more. Whatever the reason, the clause was reversed four years later
(17 George II c.5 1744) and the former method of passing by constables reinstated,
although many counties had found this method unsatisfactory too for the same reason:
that it was too expensive.

The vagrant contractor system

Hence, seeking to control costs and to detect persistent offenders—who were punishable as
incorrigible rogues (1744 Vagrant Act ss 4, 9)—many counties engaged vagrant
contractors.14 Buckinghamshire and Warwickshire did so as soon as the conveying of
vagrants became a county charge in 1700.15 No statutory authority existed for the system
of passing by contractors; Jacob Ilive rightly pointed out in 1759 that the vagrant contractor
was ‘a new-created officer, as yet altogether unconstitutional’, and indeed remained so.16

The 1714 act, however, had given the justices a general power to make any orders they
thought fit to ensure the proper functioning of the conveyance system. Relying on this,

14 Incorrigible rogues could be sentenced to imprisonment at hard labour for up to two years, and unlimited
whippings.
15 P. Clark, ‘Migration in England during the late seventeenth and early eighteenth centuries’, Past and Present,
83 (1979), 57–90, here at 85.
16 J. Ilive, A scheme for the employment of all persons sent as disorderly to the house of correction in Clerkenwell
(London, 1759), 11. The Webbs claim contracting was authorised in 1792 (S. and B. Webb, The Old Poor Law
(London, 1927, reprinted 1963), 385, but 32 George III c.45 only revived passing by bridewell keepers, an
idea tried in 1740 and reversed in 1744.
many counties, probably most for at least some part of the eighteenth century, appointed vagrant contractors at a fixed salary, usually plus a *per capita* subsistence allowance. The contractors took over the role of constables only in conveying vagrants in and through the county, leaving the parish constables to exercise their other functions such as collecting rates, serving warrants, arresting suspects, and conveying them before justices and to prison.

The Devon contractor appointed in 1708 was a clothier and the three appointed by the West Riding of Yorkshire in 1750 were two innkeepers and a saddler. These were substantial people and had no doubt served in other parish offices, including that of constable. They were thus acquainted with the procedures and the problems, and also the likely numbers to be passed, and were well known to the magistrates. Others probably were serving long-term as paid substitute constables and were likewise familiar both with the procedure and the numbers they were likely to convey, and hence what terms they could accept. Some paid substitutes served for years rather than the single year normal for householders doing the job in rotation, and gained considerable experience.17

The details of appointment to this novel office varied from county to county, and from time to time, and often do not survive.18 Some were appointed for a fixed term, others for as long as they gave satisfaction; some were paid monthly, others quarterly; some covered the whole county, others one particularly busy route. There is thus no such thing as a ‘typical contract’. Most were called ‘vagrant contractor’ or ‘carrier’, in the nineteenth century more often ‘pass-master’, but there may well be some long-serving constables working on contracts who did not change their title. Later in the eighteenth century the Charmouth constables in Dorset served long term, perhaps as contractors following the model of John Goring (see below, pp. 54, 55).

The motive for appointing vagrant contractors was mainly financial. Middlesex attributed the high cost of conveying vagrants partly to petty constables having made ‘a kind of trade’ out of it, sending them by cheaper means and keeping the difference.19 Dealing with one or two men rather than scores of petty constables facilitated the checking of bills submitted for such items as vagrant subsistence and extraordinary expenses for emergencies such as sickness, or for special situations such as the conveying of lunatics, which might involve the use of guards or the hire of a closed carriage. Furthermore, the contractor system enabled the cost of conveying vagrants to be budgeted in advance to a much greater extent, since the mileage component of the expense was now included in the

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18 The evidence for Middlesex is particularly good. The first two Middlesex contractors have been discussed in more detail in A. Eccles, ‘The Adams’ father and son, vagrant contractors to Middlesex 1757–94’, *Transactions of the London and Middlesex Archaeological Society*, 57 (2007), 83–91.

19 London Metropolitan Archives (hereafter LMA), MJ/O/C/006, 21 April 1757.
The eighteenth-century vagrant contractor

contractor’s salary instead of varying with numbers and distances. It was also likely that one or two people passing all vagrants for at least part of the route would improve the detection of repeat offenders, as indeed it did in Middlesex.20

A further reason was the sheer volume of vagrant traffic along major routes, imposing too great a burden on constables, who were all men who had their own living to earn. Devon engaged a contractor specifically because so many vagrants were passed through Axminster that the parish officers were ‘disturbed and hindered in the managery of their affairs, trades and professions’.21 Thus instead of numerous petty constables conveying one or two vagrants a short distance to the next constable and charging mileage and subsistence for each stage, the contractor took a cartload the whole way into the next county, charging only subsistence for each one. The mileage over the whole distance was included in his salary, with resulting economies of scale.

The system probably worked best where one or two main roads carried almost all through traffic and where there were convenient collecting points. Middlesex first appears to have appointed a contractor in 1757 as an economy measure recommended by the county vagrant committee following a major investigation into the rising cost of vagrancy, and the reported increase in vagrant numbers, which they blamed largely on the negligence of constables.22 Their contractor, James Sturges Adams, collected vagrants from the two bridewells at regular intervals, lodged them briefly at his house in Islington, and then took them to the boundaries with adjacent counties, where they were handed on to the authorities in the next county at strategically positioned pass-houses. Any vagrants arriving from adjacent counties to be passed through Middlesex or to settlements within it were lodged at these pass-houses and collected by the same cart on the return journey. Petty constables also brought vagrants to Islington on a justice’s warrant without prior committal; those going out of the county joined the vagrants collected from the bridewells, those with Middlesex settlements were taken to their parish and handed over to the overseers. Adams kept a look-out for vagrants who had been previously passed and had returned, referring them to a justice as incorrigible rogues.

A further advantage of this contract and the extensive record keeping required was the relative ease with which Middlesex could monitor rising numbers, and make enquiries of Adams about the causes. The vagrant contractor system seems to have worked well for Middlesex, which had only four contractors who between them served from 1757 to 1826. In 1825, somewhat dissatisfied with Thomas Davis the fourth contractor, by then a man in his seventies, Middlesex ended his contract with effect from January 1826.23

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22 LMA, MJ/SP/1757/04/11.
23 LMA, MJ/O/C/021, 15 December 1825.
In Cambridgeshire different contractors dealt with vagrants going north–south through Huntingdon and those going east–west to and from Essex, sometimes appointed in pairs. Dorset likewise had more than one contractor: in 1739–40 there were three, Ambrose Sandall for the eastern division, John Goring for the western, and the bridewell keeper Robert Ring. This was probably a short-lived experiment, however, changed in 1744 to leave only John Goring as contractor. From the accounts and receipts it is clear Goring passed vagrants via Taunton, Fisherton Anger, Shepton Mallet and Martin and to settlements within Dorset.24 In Hampshire in the 1750s the constable of Lower Wallop, on the Wiltshire border, conveyed vagrants the whole width of the county to Frimley, Surrey, probably on a contract basis.25 In 1798 Hampshire advertised for a contractor requesting that ‘any Person willing to undertake the Conveyance of Vagrants in the different Districts of the County will send their Terms to the Clerk of the Peace (sealed up) a Week before the ensuing Session specifying their Charges for each Vagrant Per Mile And for one, two or three Per Mile’.26

In Yorkshire a contractor was engaged in 1714 to convey vagrants from Kirby Hill on the border of the West Riding, through the North Riding along the Great North Road to Neesome on the Durham border for £20 a quarter, an arrangement which lasted at least 14 years. Conveyance from elsewhere in the Riding remained in the hands of the constables, and the justices made constant efforts to limit their charges.27 Northamptonshire in 1821 contracted for the 24-mile stretch from Old Stratford to Willoughby on the Coventry Road at 6s. 6d. per head, no doubt because the heaviest traffic was along the Coventry Road; elsewhere in the county a mileage rate fixed by Quarter Sessions was paid.28

Not all these contractors were given the title of contractor or carrier, but few constables would have remained in office for many years simply as an unpaid parish duty; there had to be some profit, either from a contract or from expenses, and where the traffic was heavy counties tended to prefer a contract. Hampshire thought the long continuance of the same constable in office led to fraud, especially in the conveying of vagrants, but presumably such constables were not operating on contracts.29

Westmorland was somewhat late in appointing a contractor, but Henry Holme submitted a memorandum in 1769 pointing out that ‘the conveyance of Vagrants from Eamont Bridge out of the County has of late years cost the County near 20li [£20] a year, if a power

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24 Dorset County Record Office, Dorchester, now Dorset History Centre, (hereafter DRO), QFA vol.1, QDV box 2 bundle 1.
25 Hampshire County Record Office, Winchester (hereafter HRO), Q9/2/7.
26 HRO, Q1/24 16 July 1798.
28 Report of the select committee appointed to take into consideration the existing laws relating to vagrants, BPP 1821 IV (hereafter 1821 Vagrancy Report), 68.
29 HRO, Q1/21 6 October 1789.
The eighteenth-century vagrant contractor

is given to the High Constables to contract for the conveyance of the same, by the year, I think one fourth of the said money might be saved to the County’. The justices hesitated, but in 1775 William Dobson of Eamont Bridge contracted to convey all vagrants brought out of Cumberland through Westmorland for one year for £16 7s. 6d., paid quarterly. William Labrow conveyed vagrants from Burton in Lonsdale Ward from 1786 to 1790, on a contract advertised and ‘let’ annually. In 1795, however, Thomas Wallas was given a three-year contract in West Ward. Westmorland High Constables’ accounts are unfortunately very patchy. It seems Westmorland and the West Riding preferred short contracts, enabling the justices to revise the terms or appoint a different contractor if dissatisfied.

In other counties, Middlesex and Dorset for example, contracts might last for many years, and were apparently open-ended. John Goring, constable of Charmouth, was appointed vagrant carrier to Dorset in 1740 at a salary of £30, possibly on a temporary basis initially, since in 1741 he was described as ‘late vagrant carrier’. But he reappeared the following year, was paid his usual salary, and payments continued thereafter. When Goring came to the Bridport sessions in 1754, too late to have his salary paid, one of the justices wrote on his behalf stating that Goring was out of pocket on his agreement, and requested that ‘something extraordinary should be allowed him’ at the adjournment, as had previously been done. Goring served until 1772, when he was discharged at his own request because of old age and infirmity and James Hall of Charmouth, labourer, was appointed to his office, at the same salary.

Terms and conditions—the contractors

Contractors generally conveyed vagrants by cart, whatever the original pass specified, but this was no more expensive to the counties employing them because the mileage was normally included in the salary, and subsistence would be less by passing vagrants through more quickly. Long-serving contractors might re-negotiate their salaries as numbers increased, or costs rose; James Sturges Adams was paid an extra £50 per annum from 1764 because of the increased cost of hay and corn, and Henry Adams his successor received periodic increases and ex gratia payments because of rising numbers passed.

On his appointment by Middlesex in July 1757 James Sturges Adams agreed to provide a suitable covered cart and horses and twice every week to clear the bridewells and other places where vagrants were to be lodged. On the county day of every Middlesex Sessions,

30 Cumbria County Record Office, Kendal (hereafter Kendal RO), WQSR 347/31.
31 Kendal RO, WQSR 473/10, 485/16, 523/13.
32 DRO, QFA vol.1.
33 DRO, QS roll Bridport 1754, letter 18 Oct 1754 from John Tucker Nash to Sydenham Williams Esq.
34 DRO, QS roll Blandford 1772.
and at every Westminster Sessions, Adams delivered in a true list of vagabonds conveyed, distinguishing the bridewell or other place from where they were taken, the date of the pass, the place where they were delivered, their place of settlement, and the name of the magistrate who signed the pass. Blank certificates were completed with the vagrant’s name and destination, signed by the receiving constable when the vagrant was handed over, and submitted to the court for approval before claiming the subsistence money from the county treasurer. Claims for extraordinary expenses were supported by bills. For all this Adams was paid £120 per annum, plus a subsistence allowance per vagrant, and an allowance for straw, coal and blank certificates. In his first year he passed 1,159 vagrants (exact figures only became available from his records after his appointment). His appointment had been combined with other economy measures, but the county reckoned the contractor had saved them £370 15s. 3d. that year. Following this report his salary was raised to £200 and he cleared the bridewells twice as often.35

Surrey, which like Middlesex decided to appoint a contractor in 1757, calculated the annual saving as £257 8s. 9d. at the end of Thomas Buskin’s first contract and recommended renewal. He was paid £250 per annum plus subsistence.36 The terms laid down by the West Riding in 1750 for their three contractors were recorded in some detail in the order book.37 The justices had already had trouble with the previous contractor and covered every eventuality. The contractors agreed to convey vagrants according to the act in force, or any passed in future, and according to the instructions of the sessions. The routes specified were southwards from Boroughbridge or thereabouts in the West Riding to Scrooby or thereabouts for Nottinghamshire and Derbyshire, and northwards from Bawtry or Anston or thereabouts in the West Riding to Kirby Hill or thereabouts in the North Riding. They also agreed to convey vagrants brought into the West Riding and delivered to them at their houses or set down at certain specified inns: the Star in Wetherby, the Anchor in Bawtry (kept by two of the contractors) the Crosskeys in Fairburn, the Jockey in Wentbridge, and the Blackboy in Doncaster. They further agreed to attend all sessions to collect the vagrants, obtain proper receipts and vouchers for them and produce the papers for checking. They were to provide adequate subsistence to each vagrant or to give them subsistence money at the rate of 4d. for a day and a night. Dorset, however, allowed 1s. and Middlesex 6d.38 These rates can be compared with a normal rate for a settled pensioner in the 1770s of 3d. a day (1s. 8d. a week).39

Wary of possible bribery and collusion the justices required the contractors’ undertaking not to take goods or money from any vagrant, and to pay a fine of 20s. for each vagrant

35 LMA, MJ/SP/1757/07/03, MJ/SP/1757/07/08, 3–4.
36 Surrey County Record Office, Woking, QS2/6/1761/EPH/2, QS2/6/1765/EPH/14.
37 West Yorkshire Record Office, Wakefield (hereafter Wakefield RO), QS10/20, 223–5. I am grateful to Dr Felicity Harrison for her transcripts of the West Yorkshire material.
38 DRO, Order Book Michaelmas 1740; LMA, MJ/O/C/005, 25 June 1744.
The eighteenth-century vagrant contractor

escaping, or for any case where they enabled a person to obtain a pass falsely, or
encouraged anyone to beg in order to obtain the 10s. discretionary reward for
apprehending him. They agreed to the treasurer stopping out of their salaries any debts
they owed for subsistence, or any fine ordered by the justices for neglect of duty, and
they agreed to give security for the proper performance of their duties. On their side
the West Riding justices agreed to pay £265 per annum in quarterly instalments, not to
add further pick-up points or increase the vagrant subsistence, which the contractors
were evidently expected to find from their salaries. This contract was for one year,
leaving the way open for re-negotiations if either side had cause for complaint about
the terms.

Salaries varied widely across the counties according to the business done, from a few
pounds a year to several hundred; some, like the Yorkshire contractors, were paid a larger
salary but no per capita subsistence allowance, a model often found in the prison contracts
of medical men, some of whom were expected to supply medicines and dressings while
others had smaller salaries but claimed such expenditure on an itemised bill. Almost
certainly contracts without provision for extra claims were better for the county than the
contractor because of the relentless increase in the number of vagrants, especially later in
the eighteenth century and in the nineteenth century.

The increase in Middlesex would probably be roughly comparable to that in other
counties, although it may have been somewhat greater because of the remarkable growth
of the metropolis. Much of this increase was due to greater numbers of Irish vagrants, but
in this Middlesex was not alone. Bristol passed 313 Irish in 1814, 512 in 1815, 584 in 1816,
826 in 1817, 610 in 1818, 660 in 1819, 1,153 in 1820 and 1,095 in 1821.40 Lancashire and
Cheshire too reported increasing numbers of Irish passed.41

In 1784 a Middlesex committee report stated that on his appointment in 1774 their
contractor, Henry Adams, had conveyed on average 1,254 vagrants per year. In the three
years prior to 1784 numbers rose to 2,982 per year and he received a £100 gratuity, but in
the year 1784–5 numbers rose again to 4,244 and he again asked for a gratuity.42 The
county, however, demanded more figures, which he supplied from his detailed
paperwork.43 The court declared his claim fully proved and he was finally given the £100
in 1786, and for the same reason extra payments of £80 in 1787, £100 in 1788 and £100 in
1794.44 The county considered cancelling his contract in 1794, but before anything was

40 N. Rogers, 'Policing the poor in eighteenth-century London', Histoire Sociale (Ottawa), 47 (1991), 127–47,
here at 138, 140; M. Neuman, The Speenhamland county: poverty and the poor laws in Berkshire 1782–1834 (New
York, 1982), 53.
41 LMA, MJ/SP/1786/04/132, printed report of Lancashire and Cheshire vagrant committee, 19 May 1785.
42 LMA, MJ/SP/1785/09/096.
43 LMA, MJ/SP/1786/03/106.
44 LMA, MJ/O/C/011 February 1786; MJ/SP/1786/04/117; MJ/SP/1794/12/033 and /036.
done he died, and they evidently thought better of it; they appointed Henry Bothwell as contractor in April 1794.

Counties kept a close eye on contractors’ accounts, and sometimes seem to have driven a hard bargain. In 1815 Thomas Davis, the current Middlesex contractor, stated that he was paid £300 per annum, for which he conveyed 12,000 or 13,000 vagrants a year; no other source confirms this figure, but he kept a register which he produced at the enquiry and his claim was not disputed. His annual outgoings amounted to £200 per annum, including rent of his premises in Onslow Street near Hatton Garden at 40 guineas, four pass-houses at 6 guineas each per annum, a guinea a week plus about 30 guineas annual expenses for a man, and £2 a week for each of his two horses besides the purchase price. He claimed ‘It is as much as I can do to make it answer at all; forty years ago it might answer perhaps’.45 By 1821 he was paid £350 per annum but now needed to employ four men, three carts, two covered vans and seven horses, and was still out of pocket.46

Middlesex for its part was becoming progressively more dissatisfied with Davis, complaining his premises were too small, although he pointed out that since the 1819 act for passing Irish and Scottish paupers (59 George III c.12) numbers had greatly increased. He had been given an extra £200 and moved to larger premises in the first year after the act when he had conveyed an extra 570, but in the current year he had conveyed 5,000. This 5,000 appears to refer only to paupers conveyed under the 1819 act, in addition to convicted vagrants. He asked for a further £200 and £100 salary increase; the court awarded the £200 and a further £250 the next year, but not the salary increase because of the fluidity of the situation.47 In Berkshire too the contractor appointed in 1822 had fallen into disfavour ten years later, coinciding with a relentless increase in costs, and it may be that just as the negligence and fraud of constables had often been blamed for increasing vagrancy problems, where there were contractors they became similarly suspected.48

**Terms and conditions—the vagrants**

At the Islington pass-house in Adams’ time as contractor for Middlesex the vagrants were lodged in a semi-underground basement 12 feet by 9 feet and a hayloft at the end of the stable-yard, reached by a ladder precariously balanced in a manger. There was a fireplace in the basement room and Adams received an allowance for straw and coal, but it was reported to be damp in 1791. The vagrants slept on straw on barrack beds (a wooden platform with low dividers) and may have had only bread to eat. The subsistence allowance to the contractor was 6d. a day, but he may not have spent it all on feeding the

47 LMA, MJ/O/C/019, October 1819.
The eighteenth-century vagrant contractor

vagrants. A sick vagrant, Jane Osbaldiston, was given 2d. on leaving Islington but had eaten nothing the night before, either because there was nothing, or because she was too ill. She spent a penny on purl (a mixture of hot gin and beer which was popular as a pick-me-up) at the Horse and Groom in Tottenham, and the contractor’s driver paid for another pennyworth, but he found her dead in the cart on arrival at Enfield.49

There were complaints in 1783 about the Enfield pass-house, which was reported to be draughty and not watertight, and there had been great want of attention to a vagrant brought to Enfield with a mortification in his feet.50 But there were many cases of vagrants passed from the City already seriously ill, including Jane Osbaldiston and William Wilson (whose death led to an enquiry in 1791), and generally Adams seems to have done the best he could. The bench itself could be quite tight-fisted about sick vagrants, and the year after issuing a reprimand to Adams in the Osbaldiston case queried his expenditure on sick vagrants at Staines.

Spartan conditions at the pass-houses were probably no worse than in the bridewells. The bridewell subsistence allowance in Middlesex was only 2d. a day and vagrants did not even have straw to lie on. In 1784 a disorderly apprentice died in Clerkenwell Bridewell from ‘want of every necessary’, although later in the century efforts were made to improve conditions, especially following the 1774 Health of Prisoners Act (14 George III c.59 1774). In 1821 the contractor’s allowance was still 6d. and the current contractor said he gave the money to the vagrants and they bought potatoes and herrings and ‘feasted’.51

As numbers grew the arrangements at Islington proved increasingly inadequate. As a result of an enquiry in 1791 the county demanded Henry Adams build a brick detached room 20 feet square for the overnight accommodation of the vagrants, which cost him £100 of his own money. They also thought flock beds or palliasses like the ones recently bought for Clerkenwell Bridewell should be provided instead of straw, but if these ever were provided the county does not seem to have paid for them.52 But when Adams died three years later they did give his sister some financial compensation for the cost of building the room.

An 1832 report by Mr Goolden, an eminent medical man, on the Berkshire vagrant contractor’s premises at Maidenhead, said it consisted of two ground floor rooms 8 feet by 12 feet, one a kitchen, the other with two beds, a room over a bakehouse 14 feet square with four beds, a small adjoining stable, and another outbuilding sometimes used as a lodging house. The pass-house was overcrowded and Goolden claimed it was the source of the current cholera outbreak in the area.53 Conditions in the casual wards set up under

49 LMA, MJ/SP/1782/04/002.
50 LMA, MJ/SP/1783/01/009.
51 1821 Vagrancy Report, 27.
52 LMA, MJ/O/C/012, 13 January 1791.
53 Neuman, The Speenhamland county, 126.
the New Poor Law, however, were often no better: there might be no beds, and only bread and water, and 'casuals' were obliged to perform a certain amount of work.\textsuperscript{54}

The long history of attempted repression by parliament demonstrates the suspicion with which the ruling classes regarded the mobile poor, although the nature of their suspicions varied somewhat. In the sixteenth and seventeenth centuries they were seen as violent predators.\textsuperscript{55} In the eighteenth century complaints were rather of idleness, impatience of control, and a preference for a footloose lifestyle, which if not curbed would inevitably lead to theft and the gallows.\textsuperscript{56}

Although there had always been a suspicion that some vagrants were ‘professionals’, this was a particular focus of complaint in the nineteenth century. They were said to live entirely by giving false accounts of their settlements or using forged papers and simply travelling around at public expense. Thomas Davis told the 1821 committee that their attitude was ‘why should we work at a shilling or eighteen-pence a day, when we are riding up and down the country, and see other people at work, and can laugh at other people who are working’.\textsuperscript{57} Several of the pass-masters who gave evidence to parliamentary committees recounted tales of the recalcitrance and even aggressiveness of vagrants. Thomas Davis said they had rugs for bedding but they cut them up, wrapped them round their bodies, and stole them when they left, they were ‘a shocking set of thieves’ and some of the men very violent: ‘I have been obliged to get persons to help me hand-cuff them, or they would break every bit of glass about the place’.\textsuperscript{58} A former Speenhamland overseer told the 1834 committee that he had seen Irishmen get out of the cart, apply to him for relief and get back in again, that they refused to get out of the cart to lighten the load for the horse going up hills, and that the driver had to carry firearms to protect himself.\textsuperscript{59}

Descriptions of the tricks of vagrant impostors were reported to the 1815 enquiry, including a man who chewed soap and pretended to have fits in the street, and others who tied up their limbs to look lame. Other witnesses, such as Sir Nathaniel Conant, head magistrate of the Bow Street Police Office, told the same enquiry there were only a few impostors, but others genuinely blind and lame.\textsuperscript{60} All these perceptions tell us more about


\textsuperscript{57} 1821 Vagrancy Report, 27.

\textsuperscript{58} 1815 Mendicity Report, 60.


\textsuperscript{60} 1815 Mendicity Report, 37–8, 84. Except for users of fake passes and petitions I have found very few impostors in the eighteenth-century Quarter Sessions records: see chapter on vagrancy crimes in my forthcoming book (fn. 1 above).
the contemporary climate of opinion, the aims of the enquiry, and the personalities of the witnesses than they do about the real situation.

Problems with the vagrant contractors: the end of the system

Arrangements with vagrant contractors were not always entirely satisfactory. In Lancashire the contractor in the 1750s was Henry Arrowsmith, constable of Warrington. He was prosecuted by the county in 1754 for ‘fraudulent practices in conveying of vagrants contrary to the statute’, and at least £5 17s. 10d. was spent on the case. One item of expenditure was a journey ‘to find out the person he employ’d to take the vagrant Jonathan Camm to Warton and turning him out within half a Mile of Warrington’. Yet he was still in post in 1761. Liverpool Corporation sued its contractor W.H. Lake in 1785.61

The West Riding had trouble getting the vagrants removed at the end of sessions because the contractors failed to turn up. At Wetherby sessions in January 1750 Robert Bucktrout, who had contracted to remove vagrants only the previous sessions, neither attended nor sent a servant, although one vagrant was awaiting removal to Rochdale, another to Bentham, and five adults and four children to Kirby Hill. The constable of Wetherby conveyed the vagrants instead and the irate justices ordered the constable’s expenses to be deducted from Bucktrout’s salary and fined him a sum to be decided at the next sessions. Bucktrout was either dismissed or resigned, and the contract was awarded at the following sessions to three other men. Yet at the next sessions they too failed to attend despite their contract specifically requiring their attendance, and the expenses for conveying the vagrants from the Michaelmas Sessions were ordered to be deducted out of their salaries.62

Cambridgeshire wrote to the Huntingdonshire bench in 1767 complaining that their vagrant contractor at Fenstanton frequently set vagrants at liberty as soon as he received them so that many had lately returned to Cambridge, and requesting them to take action to prevent such practices.63 In 1833 the Speenhamland overseer stated ‘it is not uncommon for the contractor, when there are not enough to fill a cart, to give them money to walk to Hungerford, and thereby pocket part of the conveyance-money without doing anything for it’. The same complaint was made about pass-masters, and was one of the reasons why Harrison Codd recommended the total abolition of the whole system.64

Despite the counties’ attempts to control the cost of dealing with vagrancy under the laws in force during the long eighteenth century, nothing worked in the long term, because

61 Lancashire County Record Office, Preston, QSO 2/123, QSP 1701/23, 2202/2.
62 Wakefield RO, Q510/20 203–4, 255.
63 Cambridgeshire Archives, Q/SO 7, 16 January 1767.
64 Codd Report, 17, 21.
nothing dealt with the root causes of vagrancy. Generally counties were impressed by an initial dramatic fall in vagrant costs after appointing contractors, but it rarely lasted, largely because of increased numbers, as we have seen in the case of Middlesex. Some counties, having appointed contractors because they blamed rising costs on fraud by constables, now blamed fraud by contractors. Berkshire found costs fell 15 per cent after a contractor was appointed in 1822, but by 1825 costs were again soaring as more Irish were passed under the 1819 act, and suspicions arose that the contractor was defrauding the county by failing to convey some vagrants and keeping the money. By the nineteenth century opinions about pass-masters, as contractors were usually called by then, were taking on a distinctly jaundiced tinge. A former magistrate of 40 years’ experience told the 1821 select committee that he thought pass-masters performed their duties very ill, and Middlesex terminated the contract of its pass-master following reports of overcrowding and filth at his premises.

Conclusion: the failure of the vagrant conveying system

A new Vagrancy Act in 1824 (5 George IV c.83) made no mention of passing vagrants, while leaving the passing of Irish and Scottish poor in place, and some counties probably retained contractors to pass this group. St Andrew Holborn appealed in vain against the Middlesex decision to revert to passing by constables.

Punitive statutes had failed to repress vagrancy because it was assumed to be voluntary, taking no account of the manifold pressures on the poor yet, despite minority voices, parliament continued a policy of repression and vagrancy remained a problem to the end of the nineteenth century. There were, however, many causes of vagrancy. To name only one, the repeated sudden recruitment and disbanding of men for the Wars of Spanish Succession 1702–1713, Austrian Succession 1740–1748, Seven Years’ War 1756–1763, American War 1776–1783, the war against revolutionary France 1793–1802 and the Peninsular War 1803–1815, all fought abroad, left soldiers landed at southern ports on disembarkation with insufficient funds to return to settlements often far distant. Wives not among the few balloted to go with the men on embarkation were in an even worse position as they were not even entitled to passes until 1803.

66 1815 Mendicity Report, 83; 1821 Vagrancy Report, 71.
67 1821 Vagrancy Report, 70; LMA, MJ/O/C/021, 15 December 1825.
68 LMA, MJ/O/C/006, 27 April 1826.
69 LMA, MJ/O/C/021, 18 May 1826.
70 J. Massie, A plan for the establishment of charity houses for exposed or deserted women and girls (London, 1758); Scott, Observations; H. Zouch, Remarks upon the late resolutions of the House of Commons respecting the proposed change of the poor laws etc. (London, 1776).
The eighteenth-century vagrant contractor

By the early nineteenth century vagrancy law and the parish-based poor law between them had created a situation where local authorities were ever less able to cope with vagrancy, and increasingly burdened with the legal requirement to convey vagrants to their settlement or place of birth. The causes of vagrancy were shrewdly summarised by S.S. Duncan in correspondence to the New Poor Law enquiry. Although long, it is worth quoting because it shows how complex the problem was. He blamed vagrancy on fluctuations of commerce and manufactures, on our naval and military operations, on our settlement law, which compels the infirm to wander from the place in which a temporary ailment suspends their employment to some very distant parish. Men of all trades wander for employment. Failures of manufacturers, destruction of machinery, combinations, &c., send many hundreds on the tramp. Soldiers’ wives and children are scrambling in all directions after regiments ordered to new stations. Sailors ramble from port to port to find captains for certificates of service, or to find new or old ships, or to pass examinations at public boards for pensions or prize-money &c. Wives are hunting for runaway husbands (rarely the reverse); children for runaway parents. Agricultural labourers are occasional wanderers for employment.72

Many more micro-studies will be needed to map the extent and distribution of vagrancy, but the few that exist shed some light on the extent of vagrancy in particular areas and its causes, largely confirming Duncan’s analysis.73 The causes were suspected, but there was neither the political will nor the financial means to adopt any other approach, and when the New Poor Law was introduced in 1834 it was shot through with the same punitive approach to the mobile poor that had characterised the vagrancy laws for so long.

72 Codd Report, 80.