



A HISTORY OF
**ENGLISH CRIMINAL
LAW**

and its Administration
from 1750

BY

LEON RADZINOWICZ

M.A. (GENEVA), LL.D. (CRACOW), LL.D. (ROME),
LL.D. (CANTAB), HON. LL.D. LEICESTER

*Fellow of Trinity College
Wolfson Professor of Criminology and
Director of the Institute of Criminology,
University of Cambridge
Adjunct Professor
of Criminal Law and Criminology
Columbia University*

VOLUME 4

GRAPPLING FOR CONTROL

LONDON
STEVENS & SONS
1968

*First published 1968
Second Impression 1976
Third Impression 1986*

*Published by
Stevens and Sons Limited
of 11 New Fetter Lane London
and printed in Great Britain
by Redwood Burn Limited
Trowbridge & Esher*

ISBN 0 420 41590 4

All rights reserved. No part of this publication
may be reproduced or transmitted, in any form or
by any means, electronic, mechanical, photocopying,
recording or otherwise, or stored in any retrieval
system of any nature, without the written permission
of the copyright holder and the publisher, application
for which shall be made to the publisher.

©
L. Radzinowicz
1968

PREFACE

THIS History is designed to trace great movements in the evolution and enforcement of the English criminal law. The present volume follows through to their culminating points two protracted campaigns, on one side for the reform of the capital laws, on the other for the establishment of regular police.

At the end of the eighteenth century the capital code overshadowed the whole of criminal law. By 1861, for all practical purposes, the only offence to carry the death penalty was murder. At the end of the eighteenth century the enforcement of the law still depended upon the unpaid parish constable and the offer of rewards, and the quelling of riots upon the intervention of the armed forces. By 1861 the country was covered by a network of professional police charged with the prevention of crime, the detection of offenders and the maintenance of order. Systematic enforcement of the law had replaced suspended terror as the accepted basis of control.

Earlier volumes have already shown that the movement towards this conclusion was neither swift nor smooth. Tradition, inertia, local jealousies, class distrust, fear of expense and fear of tyranny all contributed to evasions and delays. Yet the poor might engulf the country in a tide of disorder and crime, so the search continued for more acceptable expedients. Charity and relief could be used not merely to placate but to coerce the poor; the army and the yeomanry could be called in to keep them down; undesirables could be spirited out of the country by impressment. Of all such expedients the most far-reaching was transportation. So much has been written about it of late that it has not been examined in detail here. What does emerge is that its existence made it easier to relinquish reliance on the death penalty and its withdrawal clinched the argument for a general system of police.

The nation had to live with its criminals, in or out of confinement. It could no longer eliminate them. It had arranged to police them. A major task for the future was to devise an enforceable and effective penal system, a policy to deter, restrain or reform them. This will be the theme of the next volume.

I should like to express my great indebtedness to Miss J. F. S. King, a member of the senior research staff of the Cambridge Institute of Criminology, for the editorial help and the many valuable sug-

gestions which I received from her in the preparation of this volume.

It is again my privilege to acknowledge with gratitude the support of the Rockefeller Foundation; their generous grant made possible the research upon which this work is based.

August, 1967.

L.R.

ACKNOWLEDGMENTS

I WISH to thank the Keepers, Librarians and their Staffs of the many institutions whose collections I consulted; in particular those of the Reading Room and Manuscript Room of the British Museum; the Libraries of the House of Lords and the House of Commons; the Public Record Office; the Library of the Home Office; the Goldsmiths' Library of Economic Literature, University of London; the British Library of Political and Economic Science, London School of Economics; the Corporation of London Record Office; the Corporation of London Guildhall Library; the Library of the Port of London Authority; the Library of New Scotland Yard; the University Library, Cambridge; the Squire Law Library; the Library of Trinity College; the Library of the Yale Law School, and the Library of the Columbia Law School.

I also wish to thank Miss N. C. Savill, for collecting and summarising portions of the material; Mr. K. O. Hawkins, for checking many references; Mr. J. Freeman, for producing the index and Mrs. E. E. Jansen for preparing the manuscript for the printers.

L.R.

CONTENTS

	<i>page</i>
<i>Preface</i>	v
<i>Acknowledgments</i>	ix
1. PRESSURES FOR CONTROL	1
§1. A Corrupting Benevolence	1
§2. Futile Legislation	14
§3. Demands for Discrimination	25
§4. Demands for Coercion	34
2. POLICE OF THE POOR	43
§1. By Voluntary Societies	43
§2. By Local Authorities	55
§3. Through a Penal Poor Law	59
§4. Impressions from Statistics	67
3. REMOVAL BY ADMINISTRATIVE DEVICE	79
§1. Haphazard Conscription	79
§2. Seizure of Social Parasites	87
§3. Prisons as Recruiting Depots	94
§4. Outgrowing Impressment	100
4. THE CONTROL OF CROWDS	105
§1. The Responsibility of All	105
§2. The Concentration of the Army	115
§3. The "Lawful Command"	124
§4. Blaming the Magistrates	130
§5. Blaming the Military	141
§6. A Precarious Barrier	153
5. AN EXPERIMENT IN POLICE	158
§1. The Assigned Role	158
§2. A Threat to Vested Interests	167
§3. A Threat to the People	177
§4. An Accepted Institution	189
6. A BENTHAMITE ONSLAUGHT	208
§1. The Chaos in the Great Towns	208
§2. The Forces of Inertia	215
§3. The Cost of Non-Protection	221

	<i>page</i>
§4. The Way to Efficiency	227
§5. The Challenge of Disorder	232
7. TOWARDS A NATIONAL STANDARD OF POLICE	252
§1. Attempts to impose the Metropolitan Model	252
§2. A Diluted Version of Chadwick's Formula	259
§3. A Plethora of Organisations	271
§4. Removing the Props	277
§5. The Case for Compulsion	283
§6. The Compromise	291
8. RELINQUISHING AN UNENFORCEABLE CODE	303
§1. Eroding the Capital Laws	303
§2. Discretionary Selection <i>versus</i> Defined Aggravations	311
§3. The Impact of Lord John Russell	316
§4. Challenging the Equation between Murder and Capital Punishment	326
§5. The End of the Spectacle	343
<i>Bibliography</i>	355
<i>Table of Cases</i>	445
<i>Table of Statutes</i>	446
<i>Index</i>	449

CHAPTER 1

PRESSURES FOR CONTROL

§1. A CORRUPTING BENEVOLENCE

"THE poor in England were better provided for than in any other country of the same extent," pronounced Dr. Johnson. With complacent patriotism he added: "where a great proportion of the people are suffered to languish in helpless misery, that country must be ill-policed and wretchedly governed: a decent provision for the poor is the true test of civilisation. Gentlemen of education were pretty much the same in all countries; the condition of the lower orders, the poor especially, was the true mark of national discrimination."¹

Whatever the failings of the wealthier classes at that time in other respects, it is undeniable that in the extent of their doles to the poor, both public and private, they excelled. It was possible to claim an abundance and munificence unmatched "even in those countries where alms-giving is considered as a commutation for sin."² Southey could find no other European city to compete with London in the number of its charitable institutions, nothing in world history "similar to the provisions which the Legislature has made for the poor in England."³ It is less easy to attribute such claims to insular conceit when it is remembered that foreigners were almost equally impressed. The Duc de Lévis, for example, devoted a whole chapter to the subject, commenting both on the number and variety of charitable institutions and the abundance of help available to meet all kinds of misfortune.⁴

The flow of self-satisfaction and congratulation, however, was not undiluted. Industrial and agrarian changes, wars and depressions, a sharply growing population, were all in their different ways increasing the numbers of the very poor. Rising poor rates and a multiplication

¹ *Boswell's Life of Samuel Johnson* (ed. by J. W. Croker and John Wright, 1859), vol. 3, pp. 145-146.

² See *Quarterly Review* (1812), vol. 8, "Inquiry into the Poor Laws," etc., pp. 319-356, at p. 351.

³ *Quarterly Review* (1816), vol. 15, "The Poor," pp. 187-235, at p. 204. The article is attributed to Robert Southey.

⁴ Duc de Lévis, P.M.G., *L'Angleterre au Commencement du Dix-Neuvième Siècle* (Paris, 1814), chap. 8, pp. 117-163.

of beggars and vagrants bore inescapable witness to this pressure of poverty. Out of a population of under eleven million, some three quarters of a million were receiving help from the poor rates, apart from those given occasional assistance, and in addition there was the multitude of beggars, habitual or casual, who calculated that they could do better by appealing to private charity. That such charity, public or private, was of real benefit either to those who received or those who gave it was being called into question. The whole basis of poor relief as a parochial responsibility, the unfair burdens imposed upon particular classes of ratepayers, the corruption and weakness of local administration, the use of relief to supplement inadequate wages, were all challenged. So was the justification for any statutory aid to the poor at all. And to criticism of public charity was added many a stricture on the demoralising effects of indiscriminate private bounty.

There were stronger incentives under the law for local authorities to get rid of their poor than to provide for them. During the two hundred years since the Elizabethan Poor Law had confirmed the principle that each parish must provide for its own poor, the sweeping changes in agriculture and industry had cut across parochial boundaries, imposing a mobility of labour totally opposed to the conception of "settlement." Yet such amendments as had been made, with their elaborate arrangements for "passing" paupers back to their parishes of origin rather than helping them where their need arose, only encouraged vagrancy. The primary interest of each parish was to pass on anyone likely to become chargeable.

One of the founders of a society set up in Bath in the early nineteenth century to deal with the endless ebb and flow of impoverished wanderers through that city gives a vivid impression of the causes that had set them adrift, causes deeply rooted in social and political life. In his long experience the tide of paupers had depended "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, etc., send many thousands on the tramp . . . Wives are hunting for runaway husbands (seldom the reverse); children for runaway parents . . . The excitement produced by the acts of political agitators has, no doubt, produced a general spirit of restlessness, which makes many leave the homes of their youth, with diminished anxiety, makes them reckless of shame among strangers, and easily led away to vice and crime."⁵

⁵ "Vagrancy," Appendix (E), "Report from His Majesty's Commissioners for inquiring into the Administration and Practical Operation of the Poor Laws" (44), 1834, *Parl. Papers* (1834), vol. 38, p. 1E, at p. 80E.

The very nature of the poor law militated against a constructive or discriminating approach to the problems of poverty, begging and vagrancy.

There were, however, those who had a vested interest in the continuance of the anachronism. It was said by a distinguished foreign observer that England owed the great commercial prosperity of which she was so proud to the existence of a poor-law system which allowed her to keep her wages and prices low, and so to establish markets for her goods throughout the world.⁶ Whatever truth there may have been in this in the long run, in the nearer perspective it involved grave injustices. A proportion of the cost of maintaining the poor fell on those who did not employ them. Farmers who could continue to pay low wages, manufacturers who could dismiss redundant workers with the thought that they could always be sent back to their parishes for relief, had an interest in the continuance of the old system, whatever its cost to the community. And to the sense of injustice amongst many ratepayers could be added the hardening effects of being made charitable by proxy, since, claimed one of the critics of public relief, "to throw off the care of want, and of disease, and misery upon the magistrate, is to convert humanity into police, and religion into a statute-book."⁷ The uneasy relationship between rich and poor must bring chronic tension, protested another, with "Discontent, jealousy, rape, fraud, falsehood and idleness on one side: suspicion, insensibility, misanthropy on the other."⁸

Administrative arrangements also discouraged initiative and reform, even though they did not wholly exclude them. The overseer of the poor, like the parish constable, was annually elected, or rather conscripted, to his unpaid and thankless office. If he attempted any energetic action, if he tried to discriminate between deserving and undeserving, he courted trouble and unpopularity for himself. He was likely to see any good he achieved undone by the different ideas, or simple neglect, of his successors. He had every incentive to take the easiest way and yield to the most clamorous paupers with the least attempt at investigation. Attempts to counter this by legislation had failed. Around the end of the seventeenth century reviewing powers were given to the justices of the peace: no one was to be added to the

⁶ This was part of the evidence of a French witness quoted in the Report from the Commissioners enquiring into . . . the Poor Laws (44), 1834, *Parl. Papers* (1834), vol. 38, Appendix (F), 'Foreign Communications,' p. 1F.

⁷ [Anon.], *A Second Letter to the Right Hon. Robert Peel . . . On the Causes of the Increase of Pauperism, and on the Poor Laws*; by One of His Constituents (2nd ed. 1819), p. 19; see also pp. 25-26.

⁸ Sir Egerton Brydges, *The Population and Riches of Nations, considered together, not only with regard to their positive and relative increase, but with regard to their Tendency to Morals, Prosperity, and Happiness* (1819), p. 71, and see his other tract, *Examination of What are Riches* (1821), p. 14, where the Poor Laws are tersely described as "that ruinous system."

lists of those receiving relief without their authority and they were authorised to punish idle or disorderly beggars⁹ by withdrawing or suspending relief. Before long, however, enterprising paupers were going direct to the justices to obtain relief over the heads of the overseers. When it was subsequently laid down that application must first be made to overseer or parish vestry and that the justices must hear their reasons for refusing relief before taking action themselves,¹⁰ the resourceful pauper proceeded to play off overseers and justices against each other.

The factor held by many economists and moralists to be the most demoralising of all, however, was the use of poor relief to supplement low wages, especially in the agricultural districts of the south. A period of bad harvests, high prices and unemployment left many country labourers unable to support their families even when employed, as well as making employment more uncertain for workers in the towns. To have established a minimum wage would have cut across every sacred principle of free enterprise and *laissez-faire*. The solution adopted by the Berkshire magistrates in 1793, and by many others throughout the country before and after them, was to fall back on the poor law to subsidise men in employment who could not keep their families on their wages.

This practice continued long after the crisis which had led to its adoption. It lasted throughout the Napoleonic wars, with a fast rising poor rate. It reached its peak in the period of depression and unemployment following those wars. In 1803 the cost of poor relief was already over four million pounds: by 1818 it had nearly doubled.¹¹ Much of the blame for unemployment and low wages alike was by this time laid squarely upon the poor-law system itself, especially upon the practice of relating the amount of relief to the size of the family. This was held to encourage early marriages and large families amongst the poorest and most improvident sections of the people. The population had risen between 1803 and 1818 from some nine million to nearly twelve million; by 1834 it was over fourteen million. Such a growth, it was argued, upset the whole balance in the supply and demand for labour. Until the poor laws were drastically revised, or even abolished, so that the poor were forced to regulate their families to their incomes and insure themselves in good times against their needs in adversity, there could be no hope of adequate wages, no remedy for widespread unemployment, no check to continued demoralisation. The system of relief designed to meet the desperate needs of the poor in a time of great economic stress, the defence erected

⁹ 3 Will. & Mar., c. 11 (1691) and 8 & 9 Will. 3, c. 30 (1697).

¹⁰ 9 Geo. 1, c. 7 (1722).

¹¹ See Sir George Nicholls, *A History of the English Poor Law, etc., 1714-1853* (rev. ed. 1898), vol. 2, p. 438.

against the fear of revolution, had itself become, it was said, the means of holding down the wages of the working classes, of robbing more and more of them of their independence and self respect; of destroying the incentives to work or providence, of undermining morals and stimulating discontent and disorder.

Emigration was one way out, and a few parishes even found it worth while to subsidise it. This too reached a peak after the end of the wars, with nearly thirty-five thousand going abroad in 1819, a figure not surpassed until 1830, with nearly fifty-seven thousand, and 1832 with over a hundred thousand. But the complaint was that it was the best rather than the worst who emigrated: the adventurous and industrious would go whilst the lazy and improvident were content to stay at home and live on the parish.

The views of Malthus, convinced of the dangers of over-population and the disastrous results of interfering with "natural restraints," pervaded the whole course of this controversy, from his *Essay on the Principle of Population*, first published anonymously in 1798, to his evidence to the Committee on Emigration in 1826. He consistently denied any "natural right of the poor to support," questioning whether "any right, the gratification of which seems to be impracticable, can be said to exist."¹² Poverty, in his opinion had little direct relation to forms of government or the division of property: the principle of population showed that the rich had not the power to find employment and maintenance for the poor and therefore the poor could have no right to demand them.¹³ The "best-abused man of the age," compared to Bonaparte himself as an enemy of his species, the very intensity of the storm he provoked indicates the importance attached to his doctrines and their relevance and affinity to the prevailing climate of public opinion.¹⁴ They were quoted with reverence in innumerable tracts, articles and parliamentary reports. Even more significantly, they were repeated without acknowledgment as accepted axioms, so rapidly did they become part of the political and social philosophy of the times. Having subjected the poor laws to his "test of utility" Malthus pronounced them an unpardonable evil and retained a lifelong conviction that, although there might have been a few more cases of individual distress, the great mass of common people would have been far better off had they never existed.

¹² The Rev. T. R. Malthus, *A Letter to Samuel Whitbread . . . on his proposed Bill for the amendment of the Poor Laws* (1807), p. 11. This important tract has been reproduced by Professor D. V. Glass in his *Introduction to Malthus* (1953), at pp. 183-205. The book also contains a valuable bibliography of books, pamphlets and articles published in Britain in the period 1793 to 1880 on the doctrine of Malthus and the controversy it raised.

¹³ The Rev. T. R. Malthus, *Essay on the Principle of Population* (ed. of 1872), p. 479.

¹⁴ See James Bonar, *Malthus and his work* (1885), p. 1.

In this he was influenced by Joseph Townsend's powerful tract on the poor laws, first published in 1786, and by the findings of Sir Frederic Morton Eden which appeared in 1797.¹⁵ Townsend had deplored a state of affairs which "the nature and condition of the world rejected as impracticable," since indolence, improvidence, prodigality and vice no longer brought their due reward of want, the workhouse was no longer a deterrent, the improvident poor claimed relief as a legal right and soon nothing would remain but "to cast lots who among the active and virtuous shall perform the vilest offices for the indolent and vicious."¹⁶

The indiscriminate distribution of public and private charity, it was contended, was as far from evoking gratitude as from encouraging responsibility, dignity, happiness or industry.

"Whether it be that the loss of the vigour of honest exertion spoils the temper," observed John Davison, "or that the gross intemperance frequent among them eats out their sense of right and wrong as much as it aggravates their wants; or that the captiousness of disputing upon an indefinite claim makes everything seem too little to them; or that the practice of looking to others for help must make a man restless in himself, and throw him off from the centre of his repose; or that the alms, which were meant to be medicine not food, vitiate the moral habit, merely by being constant; or some touch of all these provocations together; we certainly can see little of the spirit either of thankfulness or contentment under the most profuse expenditure of legal charity."

He thought the fact that the poor laws promised more than they were able to fulfil gave those dependent on them a sense of injustice as well as disappointment and, in the absence of "the tranquillising effect of sober habits of labour," the pauper was "likely to be as troublesome as he is idle, and as mischievous as useless."

Malthus himself believed that even more alarming than the effect of the poor laws on the economic and demographic foundations of society was the extent to which they threatened "the extermination of all honourable feeling and spirit among the lower ranks of society,"

¹⁵ Sir Frederic M. Eden, *The State of the Poor: Or, An History of the Labouring Classes in England, From the Conquest to the Present Period; in which are particularly considered, Their Domestic Economy . . . And the various Plans which, from time to time, have been proposed, and adopted, for the Relief of the Poor*, etc. (1797), 3 vols., Appendix No. 18 in vol. 3, at pp. ccclxvii-ccclxxxvi contains a most valuable catalogue of 282 items comprising tracts and other documents relating to various aspects of the condition of the poor, including relief under the poor law.

¹⁶ [The Rev. Joseph Townsend]: *A Dissertation on the Poor Laws*; By a Well-Wisher to Mankind (1786), p. 36. This subsequently appeared as *Observations on the Poor Laws* (1788 and 1817). Townsend was Rector of Pewsey, Wiltshire and at one time chaplain to the Countess of Huntingdon and the Duchess of Atholl. He was a close friend of Bentham.

degrading and depressing "a very large and most important section of the community," and greatly reducing the sum of human happiness.¹⁷ In an oft-quoted passage from *The Original*, Thomas Walker summed it up, condemning public and private charity alike:

"first and foremost, the most prolific root of all this, stands that mean and slovenly and disloyal and pernicious vice (for such I have not hesitated to call it) variously characterised as indiscriminate alms-giving, indiscriminate, promiscuous or bastard charity, and dole-giving; the standing temptation and main support of the mendicant and vagrant community. It is this pernicious practice that attracts the imbecile populations of foreign and home growth, and the less insane people who have an innate indisposition to work, an innate fondness for a roving and reckless life; and it is the experience of it that supports these people and keeps them alive." There was "nothing more destructive to the interests of mankind," he continued, "than the principle of providing for those whom Providence intended to provide for themselves, whether the principle is put into practice by Government or by individuals, whether by poor laws or by private bounty. By destroying moral energy it destroys the soul, and under the mask of kindness it is the height of cruelty."¹⁸

It is as significant as it was unusual that on this issue *The Edinburgh Review* agreed with its great rival, *The Quarterly Review*, that the poor laws were based on a fundamental miscalculation of the motives and feelings of the lower classes. "Those who have speculated with respect to the operation of the Poor Laws on the prudential virtues, have usually belonged to the upper classes, and have supposed the lower classes to be actuated by the same motives as those with whom they associate." This was a fallacy, since those who had little to lose had little incentive to prudence or responsibility:

"The lower we descend in the scale of society, the less consideration and forethought do we find to prevail . . . poverty is never

¹⁷ The Rev. T. R. Malthus, *A Letter to Samuel Whitbread . . . on his proposed Bill for the amendment of the Poor Laws* (1807), p. 5.

¹⁸ There are several articles in *The Original* written in the same vein on the subject both of compulsory relief and individual charity. See "Dialogue on Pauperism," "Regulation of Charity," "Poverty and Pauperism," "Pauperism," "Imposition," "Principle of Poor Laws," in *The Original* (ed. of 1887), pp. 95, 110, 192, 220, 241 and 253.

Thomas Walker was the son of Thomas Walker, the founder of the Manchester Constitutional Society and the central figure of a great political trial for treasonable conspiracy in 1792, with Erskine acting in his defence. His own career was different. He went to Trinity College, Cambridge and was called to the bar at Inner Temple in 1812. In 1829 he became a police magistrate at the Lambeth Street Court. Besides *The Original* he published in 1826 an important tract on pauperism (2nd ed. 1831), and in 1834 another tract on the reform of "Parochial Government."

so little dreaded as by those who are most likely to become its victims . . . and that generally numerous class who are already so low that they can fall no lower, eagerly plunge into every excess; and seek only immediate gratifications, without either thinking or caring about the consequences."¹⁹

There were those who did not hesitate to identify improvidence with vice and equate its harmful effects with those of crime. One, writing in 1817, attacked both public and private charity on the ground that "by cancelling the natural penalties of a great deal of this vice" they would "darken and perplex" the recipient's notions of its demerit. In many cases, he claimed, the indigence which the law and private benevolence took such pains to relieve implied "more of real moral delinquency, and more harm to society, than many of the crimes for which our most severe penal statutes have been framed."²⁰ Another critic stressed the effects of the poor law in undermining "religion and law, virtue and authority" and emphasised that pauperism, as distinct from genuine poverty, "deserves no pity, but in as much as all vice is pitiable, because it is voluntary."

The conviction that the poor laws were not only removing all incentive to industry and independence but encouraging actual crime and immorality appeared over and over again in pamphlets and other writings of the time: the two principles of "pride and shame" were being destroyed in the minds of the poor; they were sinking through "sloth, improvidence, a disregard of character, a dissolution of domestic ties" until they ended in the workhouse or as habitual criminals.²¹ Idleness and bad habits brought with them misery and a loss of dignity and responsibility, which affected whole families. Seeing in their parents "feigned illness, and work neglected or wilfully spoiled" as a means of avoiding employment, the rising generation were being "brought up in misery and mendicity, first to every kind of guilt, the boys to theft, the girls to prostitution."²²

The many projects for relieving want were linked directly with the growth of distress, unemployment, crime and juvenile delinquency. J. E. Bicheno ascribed to the poor "a vicious tameness of character

¹⁹ "Poor Laws," *The Edinburgh Review* (1828), vol. 47, pp. 303-330, at pp. 316 and 317.

²⁰ "On the Poor Laws," *The Quarterly Review* (October 1817 to May 1818), vol. 18, pp. 259-308, at p. 267. See also *ibid.* (1818), vol. 19, "On the Means of Improving the People," pp. 79-118, at p. 93. See also Rev. A. Young, "On Poor-rates," in *Georgical Essays* (ed. by Alexander Hunter, 1803), vol. 4, p. 253, and Anon., *Hints towards the Formation of a Society for Promoting a Spirit of Independence among the Poor* (n.d.), p. 12.

²¹ See N. Kent, "On the Poor," in *Georgical Essays* (ed. by Alexander Hunter, 1804), vol. 6, p. 468, at pp. 468-469.

²² See also John Davison, *Considerations on the Poor Laws* (1817), pp. 67-68 and Rev. C. D. Brereton, *Observations on the Administration of the Poor Laws in Agricultural Districts* (n.d.), p. 9.

... [the] very opposite of the mildness infused by virtue," and thought it only natural that they should engage in crime: "vice and wretchedness among the lower classes are not diminished; and though the atrocious crimes of murder and rapine are less prevalent than formerly, yet idleness, improvidence, prostitution, and petty theft, are alarmingly increased." It was difficult, he protested, even for those who had managed to rise above this accumulating mass of dissoluteness and delinquency to escape its pull: however good the evil must lurk beneath them.²³ The poor laws were pictured as "a monster whose ravenous jaws have already swallowed up thousands of industrious families, whose voracious appetite is increased by the very food he devours . . ." They were blamed for the fate of "children in the high road to Delinquency," of whom in the Metropolis alone, from two to four thousand were said to be hired out daily as beggars, and employed in thieving.²⁴

Criminal statistics, first introduced on a regular basis in 1805, provided fresh grist for the mill. They showed a rapid and almost uninterrupted increase in the numbers committed in custody charged with property offences in England and Wales. Though they could not be regarded as an accurate index of the real state of crime, and though conflicting views have been held as to whether they represented a rise in crimes committed or merely a higher proportion of offenders brought to justice, critics of the poor laws were quick to seize upon the former interpretation and to use the figures to strengthen their case. Nowhere were Colquhoun's estimates of the increase in crime, the expense it entailed, and the size and activities of the criminal classes, quoted with greater reverence than in tracts attacking the system of poor relief.²⁵ In 1791 an anonymous tract bluntly added the whole expense of the poor rates (then four million pounds) to the damage caused by the depredations of the criminal classes, under the head of social waste, and assessed losses suffered through the extortions and pilfering of vagrants and mendicants at another ten million pounds.²⁶ One of the earliest manipulators of criminal statistics argued that "to determine that the present age is an age of degeneracy" it

²³ J. E. Bicheno, *An Inquiry into the Poor Laws*, etc. (2nd ed. 1824), p. 2. See also Charles Turner (Prebendary of Lincoln and a J.P. for the County of Bucks), *Thoughts on the Present State of the Poor; with Hints on the Improvement of their Condition: in a Letter Addressed to the Archdeacon of Lincoln* (1818), p. 7.

²⁴ See H. B. Gascoigne, *Pauperism; Its Evils and Burden Reduced by calling into Action the Labours of the Poor, and by the Useful Direction of Charity . . . Kindly Dedicated to His Royal Highness the Duke of York, Patron of the Society for the Suppression of Mendicity* (1818), pp. 13, 19-20 and 49.

²⁵ See, for instance, R. A. Slaney, *An Essay on the Employment of the Poor*, to which is prefixed a letter to the author, by James Scarlett (2nd ed. 1822), pp. 42-43.

²⁶ [Anon.] *British Common Sense; Or, Reflections on the Present State of the British Nation*, etc. (1791), pp. 27-28.