

‘Furiously Mad’: Vagrancy Law and a Sub-Group of the Disorderly Poor

AUDREY ECCLES

Audrey.eccles@ntlworld.com

Abstract: Madness has been a social problem from time immemorial. Wealthy lunatics were made royal wards so that their estates would be looked after, and the common law very early admitted madness and idiocy as conditions justifying the exemption of the sufferer from punishments for crime. But the vast majority of lunatics have never been either criminal or wealthy, and many wandered about begging, unwelcome in any settled community. Finally, in the eighteenth century, the law made some attempt to determine a course of action which would protect the public and theoretically also the lunatic. This legislation and its application in practice to protect the public, contain the lunatic, and deal with the nuisance caused by those ‘disordered in their senses’, form the subject of this article. Much has been written about the development of psychiatry, mainly from contemporary medical texts, and about the treatment of lunatics in institutions, chiefly from nineteenth-century sources, but much remains to be discovered from archival sources about the practicalities of dealing with lunatics at parish level, particularly how they were defined as lunatics, who made such decisions, and how they were treated in homes and workhouses.

Introduction

Elizabeth Soper, furious with the parish of Rhyme Intrinsic, Dorset, which was pressing her to affiliate her bastard child, attempted to infect her baby with smallpox by taking it to the next village and putting it in bed with a man sick of the disease. She then tried to use it as a biological weapon against the parish, apparently as an act of vengeance. Yet she was not considered mad, although others, whose behaviour was less extreme and dangerous, were.¹ Considerable work has been carried out on the development of the medical specialty dealing with the mentally ill; on changes in treatment, based on contemporary medical writings; and on government reports, mainly for the early nineteenth century. Yet there has been little work on dealing with the insane poor at parish level. This paper deals with eighteenth-century legislation designed to cope with the insane, and with its application to the mentally deranged poor, based on examples from Quarter Sessions records. It illustrates its use in practice both for settled disorderly paupers and for wandering lunatics, and not necessarily for the violent alone. It outlines eighteenth-century ideas about madness; the treatment, in the broadest sense, of the mad; and the institutions involved, with particular reference to those institutions which received lunatics committed by the justices under the legislation.

Crucial questions remain open concerning the diagnosis of madness at a time when the medical profession was only beginning to pay attention to mental disorder. When were the violent and disorderly to be considered mad? When were they criminal? Who was responsible for drawing the distinction? More research is needed in archival sources on the criteria used in practice for distinguishing between madness and violent disorder, and on who made the decisions in such cases.

The law and the mad in the long eighteenth century

The care and custody of lunatics possessing substantial property had been a Crown prerogative for centuries, and eighteenth-century legislation did not interfere, but it did introduce measures for dealing with less distinguished lunatics in the 1714 Vagrant Act.² Section 22 of this act provided that when apprehended, wandering lunatics must be passed to their settlements in the same way as other vagrants, but they were not to be whipped.³ This clause was designed to direct the course of action to be taken in the case of lunatics who were not parishioners, but the clause was in practice also taken to be legal authority for dealing with parish pauper lunatics, who had hitherto been left to the discretion of relatives, parish officers and justices of the peace in the absence of statutory provision.

Under the old poor law the settlement of lunatics was responsible for their maintenance, out of their own estate if they possessed any, or if they did not from the parish poor rate as other poor were provided for.⁴ Section 20 of the 1744 Vagrant Act repeated the clause but made it clear that it applied only to those lunatics 'furiously mad, or so far disordered in their Senses that they may be dangerous to be permitted to go abroad', intended principally to prevent danger to third parties.⁵ Although they might not legally be whipped, they could be chained if necessary, but the agreement of two justices was now required for the commitment. In practice these provisions were used to deal both with settled parish poor and wandering strangers, and were not restricted solely to the violent and dangerous. It is not entirely clear why this clause was felt to be necessary, since in the seventeenth century the relatives of lunatics or fellow parishioners had been able to petition Quarter Sessions to make orders for the confinement of those thought dangerous, and the justices made such orders without the authority of any statute then in existence.⁶

The justices in that period also punished lunatics by whipping. Peter Rushton mentions a case in 1664 where Durham Quarter Sessions committed Henry Welbourne to the house of correction to work 'or to be whipped, the court being of opinion the person is distracted'.⁷ These measures were not taken solely in the case of parishioners. The parish constable of Great Staughton in Huntingdonshire charged eight shillings and sixpence in 1690 for taking up a distracted woman, watching her, and whipping her the next day. This is compared to ten pence a night for lodging sane passengers.⁸

The lunatic clause in the 1714 Vagrant Act may have been introduced partly because increasing population mobility left ever more parishes questioning how to deal with strangers who seemed to be deranged and dangerous, and partly to put the justices' powers in such cases on a sound legal footing. It is even possible that there were concerns about the punishment of persons not legally responsible for their actions. Common law

long before the eighteenth century held that lunatics and idiots were not chargeable for crimes they committed. According to Blackstone 'In criminal cases therefore, idiots and lunatics are not chargeable for their own acts, if committed under those incapacities: no, not even for treason itself', although as we shall see they were not always protected.⁹ If however they committed violent crimes, perhaps even murder, they could hardly be simply allowed to wander about and endanger the public, although the law was silent on how to deal with them. This remained a problem until 1800 when the Criminal Lunatics Act made possible the confinement during his Majesty's pleasure of those found not guilty by reason of insanity.¹⁰ This act almost certainly echoed extant practice within the law. Criminal lunatics were kept in normal prisons until Broadmoor opened in 1864, and parliamentary returns in 1807 show that many prisons held such lunatics, although never more than one or two.¹¹

The only other legislation in the eighteenth century relating to lunacy was the 1774 Madhouses Act but this act was chiefly concerned with preventing the wrongful detention of sane persons.¹² In 1728 Defoe had raised the spectre of sane persons being locked up in madhouses so that relatives could gain control of their estates, or to free husbands of troublesome or inconvenient wives, and the issue became the subject of a parliamentary enquiry and report in 1763.¹³ However, the Madhouses Act did not apply to pauper lunatics committed by the parish, nor presumably to lunatics committed by the justices under the vagrancy legislation. It was probably felt that if the ratepayers had to foot the bill, only genuinely mad paupers would be committed to a relatively expensive institution.

Treatment of the mad in the long eighteenth century

The treatment of lunatics as discussed by contemporary medical writers has generated an extensive historiography which supplies some context to the cases of individual lunatics which appear in Quarter Sessions records.¹⁴ Forbidding the whipping of vagrant lunatics might well be seen as progress, but many doctors were still convinced that maniacs, having reverted to a state of unreason and bestiality, needed and could tolerate the sort of harsh regimen and brutal discipline then used to tame and train animals. Thomas Willis claimed in the seventeenth century that 'Furious Mad-men are sooner, and more certainly cured by punishments, and hard usage, in a strait room, than by Physick or Medicines'. But physic was also needed. This could include blood-letting, vomits, or very strong purges 'boldly and rashly given', cupping with scarification, blisters, cauteries, bleeding, trepanning, or salivation. 'The spirits ought not to be refreshed with cordials, there is no need of keeping up the flesh. Let their diet be slender and not delicate, their beds hard, and their handling severe and rigid'.¹⁵ Lunatics might be beaten, subjected to mechanical restraint in chains or straightjackets, and kept naked on straw in dark freezing cold cells. Defoe declared 'If they are not mad when they go in, the barbarous usage there, being kept in ignorance of the reason and prevented from outside contact', and being 'suddenly clap'd up, stripp'd, whipp'd, ill fed and worse use'd will make them so'.¹⁶

Since insanity was believed to be an organic disease of the brain amenable to the forms of physic used for other diseases, the standard therapeutics of the period aimed at reducing the fury and violence of mania by lowering the constitution and included

the sort of treatment advised by Willis. These measures were all standard practice in the seventeenth century and still general even in the early nineteenth century, as the parliamentary enquiries of 1815 and 1816 revealed.¹⁷ However, the main complaint was of a shockingly inadequate staff to patient ratio which resulted in gross neglect and excessive restraint. Incontinent patients might not be lodged separately from clean patients, and when they were, they would mostly be chained in straw and left, sometimes from Saturday to Monday. James Birch Sharp, surgeon and apothecary to the lunatic naval patients at Sir Jonathan Miles' madhouse at Hoxton, reported that various methods of restraint were adopted there, including handcuffs and chains to the legs and always a chain from the handcuffs to a chain between the ankles. In bed, one or both arms were put through a large ring in the crib before the handcuffs were put on and occasionally, when a man was very strong and violent, another chain connected the chain between the ankles to the foot of the crib. They were kept thus from about seven at night until they got up at six or seven in the morning.¹⁸

On the other hand, Patricia Alderidge claims that whipping as a treatment had been abandoned at Bethlem by 1677.¹⁹ The fact that Bethlem allowed public visiting until 1770 might have restrained the worst excesses there, although it is also claimed that the public amused themselves by teasing and provoking the lunatics.²⁰ Nobody except interested parties was in a position to know what went on in private madhouses until a basic inspection system was established under the 1774 Madhouses Act. The inspections in London were to be carried out by members of the Royal College of Physicians and in the counties by a physician appointed by the Quarter Sessions plus a justice of the peace. It was not clear from the act what exactly they were looking for, but presumably for signs that sane persons were being wrongfully detained, and the inspections seem to have been limited to a brief visit once or twice a year. This system certainly proved inadequate to prevent abuses, and the appalling conditions found by nineteenth-century parliamentary enquiries fuelled increasing pressure for the establishment of county asylums, which were finally made compulsory in 1845.²¹

But there were also progressive mad-doctors who advocated less brutal methods long before the famous Tuke family instituted a form of non-violent 'moral therapy' for the Quaker patients at the York Retreat in the late eighteenth century.²² There were even humane gaolers such as John Higgin at Lancaster Castle, who in the late eighteenth century managed without the fetters that were often responsible for the mortified limbs suffered by lunatic prisoners.²³ However, the moral therapy that was used by Dr Francis Willis on George III involved intimidating and dominating the patient by the superior force of the doctor's will and by threats. If that failed, more brutal methods might be used, and were in the king's case.²⁴ It may be doubted if pauper lunatics were ever fortunate enough to experience the enlightened approach of the York Retreat, not least because it was inevitably labour intensive and therefore expensive. Some who were left in the care of family members might be better fed and cared for, but they were still likely to be chained up in a shed to prevent their wandering and possibly molesting people. Others were kept in workhouses for reasons of economy, but this was invariably an unsatisfactory solution. They disturbed the other inmates, and often the other inmates tormented and mocked them. Workhouse masters might have even less idea how to manage them than the doctors

of the period. Nevertheless, it could be argued that such neglect was preferable to the harsh therapies of orthodox medicine at the time.

Deciding who was mad

Diagnosis of madness was, and indeed still is, problematic. The Restoration playwright Nathaniel Lee is reported to have said 'They called me mad, and I called them mad, and damn them, they outvoted me', but a distinction between idiots and lunatics was well established long before the eighteenth century.²⁵ Blackstone stated that 'An idiot, or natural fool, is one that hath no understanding from his nativity; and therefore is by law presumed never likely to attain any'. On the other hand 'A lunatic, or *non compos mentis*, is one who hath had an understanding, but by disease, grief, or other accident hath lost the use of his reason'.²⁶ Idiots were born so, and permanently incapable of managing their own lives. A straightforward test was developed, based on whether an individual could count to twenty, know the days of the week and so forth. Lawrence Stone describes how this test was used in a nullity suit to establish whether the pauper bride had been competent to give consent.²⁷ Idiots were not normally held criminally responsible for their actions, although the male midwife Percival Willughby described the case of a 'natural fool' who was tried during the interregnum for concealing the birth of her child, under a 1624 act intended to prevent infanticide.²⁸ She did not know what labour was and did not call for help so she had no witnesses to the premature stillbirth. Willughby gave evidence that the child was undeveloped but 'The judg [sic] showed the statute-Book to the jury. Neither judg nor jury regarded her simplicity . . . and she was, afterwards, hang'd'.²⁹ On the other hand, in 1714 a vagrant indicted for murder, who was found lying by the roadside and had murdered her newborn child by putting it in a burning brick kiln, was acquitted by the jury on the grounds of insanity.³⁰

Natural fools could of course be dangerous through failure to understand the consequences of their actions, and some may have been confined under Section 20, especially where the parish feared they would set fire to property. Ann Monk, committed in 1741, 'Charg'd for being a Notorious Vagrating, Idle and disorderly Young Woman disturbing and Confounding the Parishioners of Child Okeford in their Care and Preservation of her' was possibly a natural fool given to persistent wandering.³¹ There were certainly borderline cases involving those of low intelligence. William Lowers was removed to his settlement at Deptford and returned to St Giles in the Fields, Middlesex, no fewer than eight times, even though such returning was illegal under vagrancy law. He was whipped at least once and imprisoned for short periods, although one of the magistrates who dealt with his case thought him 'little better than an Ideot'.³²

Two broad categories of lunacy were recognised: mania, sometimes called 'true madness', and melancholia. Melancholia, though it might be as delusional as mania, tended to be more dangerous to the individual than to others. In the eighteenth century, suicides were increasingly found insane by sympathetic coroners' juries. Such verdicts however might involve no real assessment of the state of mind of the suicide and rather reflect the reluctance of juries to deny the deceased a Christian burial should they find *felo de se*. But as late as 1789 a prisoner in New Prison Middlesex who committed suicide

was buried 'in the Highway near Penton Place' by order of the coroner, probably because he was thought to have escaped the hangman thereby rather than merely because he was deemed of sound mind.³³

Melancholics did not really count among the furiously mad, although Peter Bynen, apprehended in Dorset in September 1746, appears to have been, or to have become suicidal, and there may have been others. Bynen, 'a foreigner', was apprehended as 'a loose idle disorderly person behaving himself by his lunacy in a very dangerous manner to his Majesty's subjects and by his outrages affrighting them at midnight'. Committed to Sherborne Bridewell, he was bled by a surgeon and given unspecified medicines, but was still in a 'raving distracted condition' eighteen weeks later. The bridewell keeper's accounts list expenses for his bleeding, medicine and subsistence, and include payments to two or three men to watch him, in order 'to prevent self-murder by the said Peter'. It would appear that the keeper did not choose to chain him, although a less humane keeper probably would have done so, and the court did not object to the resulting expenditure. Bynen was no pauper; when the justices transferred him to Mercer's madhouse at Halstock he left two guineas and eleven shillings, a pair of boots, a gold lace waistcoat, a red waistcoat, four cravats and a pocketbook with the keeper. The justices agreed to pay for necessary clothing and twenty shillings a week during his stay. Doctor Mercer apparently did wonders for him and by May the justices ordered his discharge and sent a messenger with him to Woodyates en route to London. They gave him ten shillings for his expenses and paid his escort five shillings. The whole business cost Dorset at least thirty pounds.³⁴

Maniacs were those lunatics who threatened to kill people or burn down their houses, although of course sane people might do so too. It is by no means clear who decided an individual behaving in a violent and dangerous manner was mad rather than sane, or how they drew the distinction. Jonathan Andrews notes the close connection between Bethlem and Bridewell, the difficulty of deciding which institution was the more appropriate, and the transfer of lunatics between them once a diagnosis was made.³⁵ As Andrew Scull suggests, in practice the community defined lunacy, since the medical profession itself could not define it and seemed willing to stretch the definition to include any behaviour which the community found intolerable.³⁶ In the case of settled poor, the family or an acquaintance might report an alarming change in the person's behaviour: they had become 'outrageous', a word commonly used in the records to describe the behaviour of those taken up under the Vagrant Act, or 'disordered in their senses'. Elaine Murphy notes that families normally instigated the process, although the peace officers might take the publicly suicidal, mad strangers and overtly mad parishioners to the overseers.³⁷ This might suggest that some lunatic vagrants bypassed the judicial process laid down in the vagrancy laws, but on the other hand it seems unlikely that parishes would be happy to look after stranger lunatics indefinitely at the ratepayers' expense. In the case of wandering lunatics there were obviously no relatives or neighbours to begin the process and the decision that the vagrant was mad seems to have been made initially by those involved in the apprehension, or to have emerged afterwards in prison.

Only a small minority of those accused of assault or threatening behaviour were thought to be lunatics at the time of apprehension. Alice French had been wandering about for some time when apprehended by the constable of Dufton Westmorland as a vagrant

appearing to be lunatic. The constable stated that when people where she begged did not give her what pleased her:

She hath behaved very riotous Cursing & Swearing and threatening to kill people ... and still behaves in so outrageous a Manner that they are much afraid she will do some Injury or Hurt to such persons as may fall in her way.

The committal warrant confirmed this:

Being examined by me the said Justice she swears most prophane oaths and curses terribly and behaves in a most violent and outrageous manner and either is Insane and cannot or obstinate and will not give any account of herself.

The examination also suggests that the justice was uncertain whether she was mad or trying to evade the required settlement examination.³⁸

Deciding that an individual was insane rather than uncooperative seems to have been a legal and practical matter, although in doubtful cases medical opinion might be sought, probably more often as the medical profession increasingly claimed specialist knowledge of insanity. The unfortunate Mary Williams was whipped in January 1745 and kept to hard labour in Cambridge Bridewell for refusing to tell her settlement. Wilfully refusing to tell one's settlement carried a penalty, for those not mentally incapacitated, of up to two years in prison and unlimited whippings.³⁹ But by October she was found to be 'a mad woman', either by the court or possibly by the bridewell keeper.⁴⁰ In January 1746 her child was apprenticed by the justices and efforts were made to get Mary into Bethlem, apparently without success as she remained in the house of correction at least until April 1748, over four years after her first commitment. It is not clear when or how she was released. She may even have died.

The 1774 Health of Prisoners Act required the appointment of a medical man to each prison, and subsequently more cases of lunacy and madness were identified in prisons, often after commitment was made on some other charge.⁴¹ In 1807 the noted prison reformer Sir George Onesiphorus Paul proposed a mechanism for the release of prisoners previously detained as lunatics but now thought no longer dangerous, which would depend on 'a full examination by competent judges'. But twenty years later nothing had been done, possibly because the ability of doctors to diagnose lunacy accurately was still thought problematic.⁴²

Mary Timms was apprehended in Fulbourn in March 1776 'in the open Fields almost Naked and unable to give any account of herself' and committed to be provided for and taken care of until the next sessions. She was later remanded in custody to be examined by a justice as to her settlement, but he could get no sense out of her and she was remanded again to be examined 'by some Surgeon or Physician touching her insanity'.⁴³ No further record survives and she was perhaps discharged on the medical report. It seems clear she was initially taken up for wandering and begging, and that her distress and subsequent inability to answer questions raised the possibility of insanity. It also seems clear that she was kept in the bridewell throughout this period of two and a half years. Many vagrants were taken up equally distressed but perfectly able to respond to questions; the combination of near-nakedness and continued inability to answer questions suggested

insanity. Features raising such a suspicion, besides violent behaviour, seem often to include swearing and blasphemy, and inadequate or inappropriate clothing.⁴⁴

There was a further diagnostic possibility, namely that the individual was pretending to be mad in order to escape the consequences of his or her actions, or as a device to elicit sympathy from the public and to make begging more successful. A surgeon and a physician were involved in the detection of prisoners feigning madness at Gloucester Gaol in the late eighteenth and early nineteenth centuries, and they used cold baths and in one case electric shocks as diagnostic tests.⁴⁵ The fact that vagrancy law exempted the mentally disordered from whipping may have contributed to such a suspicion, although feigned madness was common enough in the sixteenth and seventeenth centuries to render 'Tom o' Bedlam' a stock literary figure. In Dorset, John Raven was committed in June 1740 as an idle and disorderly fellow who 'pretending to be Mad has continually disturb'd his Majesty's Peaceable Subjects', which appears to have prejudged the validity of his pretence, although unfortunately there is no indication what action the court took.⁴⁶ Tim Hitchcock refers to two such impostors. Simon Eedy, a well known vagrant and eccentric, was convicted of vagrancy, committed to Bridewell for one month and was to be whipped twice. Just before his death he was again charged with 'being an impostor, and going about as if he was insane' and was committed to one month hard labour. Eedy had been wearing an old sack instead of a shirt, and a piece of carpet for a waistcoat, having sold the clothes given him on his previous commitment. Another well-known bogus lunatic was Bampfylde-Moor Carew, a 'professional' beggar in the West Country, one of whose range of pretences was to pose as a lunatic on licence from Bedlam.⁴⁷

Lunatics might be committed on the complaint of a parish or a relative, or they might be apprehended exhibiting some outrageous behaviour. In the eighteenth century, however, tolerance for such behaviour could be quite high and it was rarely taken to amount to madness. It might arouse suspicion, as did William Prior's cross-dressing; he was apprehended as a vagrant and was initially suspected of going about in disguise for some felonious purpose, until his parish wrote to inform the bench that he had worn women's clothes for many years out of poverty.⁴⁸ In 1793 George Butler was apprehended for begging and attempting to draw a knife on a gentleman. He stated that he 'travels about the country & explains the Scriptures as a Prophet by Figures and Signs', but nobody thought he was unhinged.⁴⁹

People whose odd behaviour was a nuisance to others might in other cases be deemed mad and committed. John Bland of Appleby, yeoman, was apprehended and kept in the bridewell from June to October 1757 on the complaint of his neighbours that he was 'very much out of order in his health, & yt he goes about in ye night time & knocks at severall persons doors & is a Comon disturber of His Ma[jes]ties Peace'.⁵⁰ In his case the neighbours seem to have believed he was unbalanced, but since he was released after three months the justices may not have been convinced. Some individuals were sent to Bethlem in the eighteenth century for 'doinge hurt by pressing uppon severall honourable Personages and others and useinge disorderly blasphemous and distempered behaviour'. In the nineteenth century a woman committed under Section 20 was found in Liskeard workhouse chained to a damp floor in a dark unventilated cell. She was not violent, but she was troublesome and wandered about annoying people.⁵¹

Who should pay? And what did it cost?

Vagrancy law directed that the confinement of the furiously mad was to last only as long as they remained dangerous, and the cost also encouraged release if at all possible. Normally parishes were expected to pay if one of their poor was in the house of correction as a lunatic, and the parish would often petition to have them released if alternative arrangements could be made more cheaply. For example, Bassingbourn had to pay a shilling a week towards the support of Lewis Pyman of their parish 'appearing to this Court to be a very dangerous Person'. Sarah Rowell 'appearing at present to be out of her senses' cost Cottenham two shillings a week in prison.⁵² Peter Rushton cites a number of such cases.⁵³ Keeping a lunatic pauper in the bridewell might cost double the usual rate for boarding out in the parish or keeping them in the workhouse.

The justices occasionally tried to force the parish to accept responsibility. Cambridge justices, unwilling to support a lunatic from another county, threatened to discharge a lunatic from Upwell in Norfolk unless the officers of Upwell came to fetch him within fourteen days. It is not clear whether the threat worked, or what they did with him if it did not, or why, since his settlement was known, he was not passed as a vagrant in the first place.⁵⁴ On the other hand, the county might be obliged to take over the cost when funds ran out. This seems to have happened in the case of John Fawcett, a lunatic from Kirkby Lonsdale in Westmorland who was committed in July 1802. The relevant order book is unfortunately missing, but in October 1817 the county issued an order for thirteen shillings a week for his maintenance in the house of correction, although there is no evidence that he had ever been so maintained before that date. His family or his own estate had probably contributed previously and could no longer do so.⁵⁵

Tim Hitchcock mentions one Mary Lovegrove and her infant who were repeatedly sent to the City of London Bridewell as vagrants in 1794. The apothecary there decided she was insane and should be sent to Bethlem. The prison subcommittee requested that the Lord Mayor should 'make her a casual pauper of the parish wherein she was last taken up, in order that she may be by them sent to Bethlem Hospital, and the infant taken care of'.⁵⁶ She apparently had no known settlement, so the problem was who should pay. Vagrancy law had made no explicit provision for lunatics of unknown settlement and their support fell by default on the county, presumably in this case on the City of London. John Rolles was 'apprehended' in Blandford Forum, where he was born and his mother lived, but was settled in St Mary Calendar Winchester by apprenticeship. The evidence about his madness and settlement was given by his mother; it is most likely that she had previously looked after him, with or without parish assistance, and when he became unmanageable or seemed unlikely to recover, the decision was made to have him committed and passed under the Vagrant Act, to shift the expense to St Mary Calendar.⁵⁷

However, the county was not necessarily co-operative. In 1774 George Thompson, a journeyman baker earning eight shillings a week, applied to the Middlesex bench for his brother Robert to be passed to Scotland because he could no longer pay the half guinea a week to keep Robert in Mrs Harrison's madhouse in Hoxton. George said he would be obliged to ask Mrs Harrison to turn Robert out of doors, although he would be exceedingly dangerous to others. The overseers refused to help since the brothers were both natives of Edinburgh.⁵⁸ The court, equally unhelpful, said it 'could do nothing in

the affair', which was only technically true, since if Mrs Harrison did indeed turn the lunatic out it would be necessary to apprehend him immediately under the vagrancy act. They advised his brother to apply to a magistrate 'in the usual way', presumably to get an order of removal, which would oblige the parish rather than the county to shoulder both cost and responsibility for getting him back to Scotland.⁵⁹ This case illustrates the conflict of interest often found in vagrancy cases where both the parish and the county balked at trouble and expense. Some of the wandering lunatics had perhaps previously been victims of such buck-passing.

How were wandering lunatics treated?

Many wandering lunatics, probably the majority, were simply passed. William MacKay was one example: he had been discharged from a man of war after a tour of duty in the East Indies six months before he was apprehended and committed in Cambridge in 1784 for begging and 'committing violent acts of outrage being disordered in his senses and dangerous'. He appeared before the justices at the Rose Tavern a month later and was passed to Whitby, but it is not clear whether the justices thought him recovered or still insane.⁶⁰ Some vagrants were certainly passed while in a state of insanity. In Middlesex, the vagrant contractor Henry Adams dealt with one or two each year. The lunatics might do considerable damage or be so refractory that guards were needed. Jane Dowse 'Broke the Glass of the Stair foot Door Untiled part of the Hayloft & committed other Acts of Violence endeavouring to get away'.⁶¹ The justices, whose Accounts Committee kept a beady eye on the bills, were reluctant to pay the twelve shillings and ten pence cost of the repairs, but did do so eventually. Henry was later paid a fixed one guinea for passing a lunatic, which was much more than the allowance for passing a sane vagrant, probably because of the greater difficulty of controlling lunatics.

Nobody wanted to cope with lunatics and Adams often seems to have been the last resort. Middlesex certainly did not scruple to pass violent Irish lunatics back to Ireland. A mad Irishwoman was brought to the vagrant contractor's house in September 1780 in the evening, without informing him of her insanity, and at half past four in the morning disturbed the household by many acts of violence until she was 'properly secured'. She was then conveyed to Ridge, Hertfordshire on her way to Parkgate, from where Irish vagrants were usually shipped.⁶² How she was secured is not stated. Henry Adams may have kept handcuffs or fetters at the house, although the number of vagrants who escaped from his premises or from the cart en route suggests restraint was not used for other vagrants.

Adams also had great trouble passing William Simpson, a lunatic settled in Bedford, who was apprehended in St John Wapping and then left at Adams' house one Saturday while he was out, with a pass signed by Burford Camper. The keeper at Clerkenwell Bridewell had refused to accept him. On the following Monday, Adams applied to the same justice for an order to send Simpson back to Wapping and then went to the vestry clerk, who promised to receive him. Next day he sent Simpson back with a horse, cart and servants. The parish officers then refused to take him back but sent the pass to John Sherwood Esq. to sign. Simpson was finally delivered later the same day to the proper officer at Ridge on his way to St Mary Bedford.⁶³

Lunatics were not invariably passed however. Adams picked up Elizabeth Scott at Tothill Fields Bridewell. She was a lunatic with three children in tow who was settled in Herefordshire and this was the second attempt to pass her. Quite what had caused the difficulty before and why he did not immediately pass her is not evident, but he applied to a justice who ordered him to take the family back to St Margaret's workhouse.⁶⁴ Perhaps she was very ill; several vagrants were brought to the contractor so ill they died before he could move them. Or perhaps he might not have been able to cope with a madwoman and three small children at a time when his house was bulging with prisoners because Newgate was out of action following the Gordon riots. It does seem likely that she was eventually passed.

Wandering lunatics of no known settlement could not be passed and remained in the custody and at the charge of the county where they were apprehended. There was no mechanism for the assessment of persons committed as lunatics or for their release if they recovered, although presumably a family might petition for the release of a family member, or where a parish was contributing to the cost it too might petition. I have found no such petitions in the Quarter Sessions records of six counties however, nor have I found any order for the release of a recovered lunatic. They either die or, more often, vanish from the records. There might of course have been cases where matters were dealt with out of sessions and left no record. Some lunatics were never released. In Staffordshire a man committed under the lunatic clause in the vagrancy act remained in the house of correction from 1749 until he died in 1755, and a Dorchester pauper lunatic was maintained by the parish in various institutions from 1746 to her death in 1783.⁶⁵

Among the lunatic vagrants I have examined, the record for the longest stint of imprisonment is held by Richard Cochrane. He was first apprehended in Moreton in Dorset in November 1762 and committed to Sherborne Bridewell. By Easter 1763 it emerged from the evidence of Daniel Gordan, another prisoner in the bridewell, that Cochrane was an Irish-speaker, and hence unable to communicate with anybody. Gordan stated that he had been in the army and spent six years in Ireland, and understood Irish well. He asserted that Cochrane was an idiot but had said he was born in Waterford. Gordan thought he had been enlisted for the bounty by some sergeant of marines and put on shipboard, then found to be an idiot, put on shore somewhere in England and abandoned. He knew of others who had been similarly impressed. It was doubtful whether Cochrane was either an idiot or a lunatic. He was at first referred to as 'the Irish idiot' and an attempt was made to transfer him to the workhouse, where he broke the windows, threatened to 'kill the poor', and was sent back to the bridewell. Only after this incident was he referred to as 'the Irish lunatic'. He was maintained in Sherborne Bridewell at two shillings a week, with occasional payments for clothing and a final payment for his coffin. He died in February 1791, almost thirty years after he was first committed. It is interesting, given the expense, that Dorset magistrates did not send him back to Ireland as they could legally have done.⁶⁶

Dorset also sent some lunatics to private madhouses and to Bethlem, an altogether more expensive option. Peter Bynen was sent to Mercer's madhouse at Halstock but, even though Mercer's still existed in the 1790s, at least three others were sent to London. These three however, unlike Bynen, had settlements in Dorset. In addition to three

public hospitals, a sizeable number of private madhouses existed in the metropolis by then, chiefly in Middlesex. Admission to Bethlem or St Luke's was by petition from the relatives of the lunatic, or from a parish or county in the case of paupers. These public hospitals required guarantees that certain items of expenditure would be paid by the petitioners, including clothing and burial should the lunatic die, and it was neither easy nor particularly cheap to get a place, especially for those requesting one from a distance. None of the three was committed originally under Section 20; they may have been diagnosed mad or become mad while in prison. Jane Hansford and Nicholas Danford were committed on orders for the peace, and John Tulk on a felony charge. Danford was conveyed to Bethlem in a coach with attendants at a cost of eleven pounds, twelve shillings and sixpence, but was transferred shortly afterwards to Miles' madhouse at Hoxton, possibly because Bethlem refused admittance. The charge at Miles' was eight shillings a week. The county paid half but tried to get Danford's settlement to pay the other half. Jane Hansford was to be conveyed to Bethlem if her parish paid, but was in fact conveyed by the gaoler and then maintained by the county. None of these financial arrangements had clear statutory authority, and no payments from parishes to the county appear in the treasurer's accounts. These three lunatics cost Dorset at least fifty eight pounds.⁶⁷

Middlesex too sent vagrants to Miles' madhouse. In 1794 Jeremiah Clark was committed to Cold Bath Fields prison for a misdemeanour and became lunatic there. Patrick Colquhoun the committing magistrate advised getting him into a madhouse. He was taken twice by coach to St Luke's but rejected, and then spent a fortnight in Miles' madhouse at Hoxton while the procedures for his admission to Bethlem were completed. The county paid half a guinea for a blanket gown for him there and he died six months later. The bill even for his relatively short time institutionalised came to five pounds three shillings and sixpence.⁶⁸

Very little is known about the treatment of lunatics in bridewells. John Howard found that no care was taken of idiots and lunatics in prisons. He thought the fact that many bridewells were crowded and offensive was at least partly because 'the rooms which were designed for prisoners are occupied by the insane', and Peter Rushton finds no indications that they received any special treatment.⁶⁹ The 1815 and 1816 parliamentary reports on madhouses found no medical help was offered in many private madhouses either, although given the form medical treatment took that was probably a mercy. The same reports described such distressing conditions in madhouses that lunatics could hardly have been worse off in bridewells. Peter Bynen was bled and given some sort of medicine in Sherborne Bridewell, but even after the 1774 Health of Prisoners Act, when surgeons' reports start surviving in Quarter Sessions records, they rarely indicate what treatments or medicines were used, being limited to lists of prisoners' names, their disease, and a note whether they were improved, cured, still on the list, or occasionally dead.⁷⁰

Conclusion

The vagrancy laws in the eighteenth century made the first statutory provision for the management of pauper lunatics, as opposed to lunatics of wealth and status, who remained

under Crown supervision as they had previously been under the older law. The new law provided a framework, almost certainly based on the previous unofficial practice, used by magistrates to deal with strangers thought to be mad and dangerous to third parties, whose settlements could not be discovered, and who necessarily remained in county custody indefinitely. The same law was also used to cope with parish pauper lunatics, although some remained in the custody of the family or in the parish workhouse and they may never have even appeared before a justice. No doubt both the desire of the parish to take the most economical route and the ability of the family to control such lunatics influenced such custodial decisions. But it seems that at least the violent lunatics, as opposed to the foolish, were dealt with by the justices.

We still know very little about the treatment of lunatics in custody in the eighteenth century and how far the medical profession was involved in their diagnosis and care, or about the procedures whereby those who seemed to recover might eventually be released. However, evidence emerging from nineteenth-century sources suggests that the lunatic's lot was never a happy one. Additional research in archival sources would perhaps reveal further evidence pertinent to these questions. Likewise such research might shed more light on the intriguing question of the criteria and personnel involved in the diagnosis of madness, and how the distinction was drawn between the mad and those merely pretending to be so, and how they differed from the sane who were violent and dangerous.

Notes

1. Dorset History Centre, QS rolls Michaelmas 1753, Easter 1754. The Soper case is discussed in more detail in chapter 3 of Audrey Eccles, *Vagrancy in Law and Practice under the Old Poor Law* (Ashgate, forthcoming).
2. 12 Anne stat. 2 c.23.
3. The evolution of vagrancy law and the passing system are discussed in detail in Eccles, *Vagrancy*, chapters 1 and 2.
4. The historiography on settlement and the old poor law is very extensive but the law itself is set out in Richard Burn's standard handbook for justices *The Justice of the Peace and Parish Officer*, first published in 1755 with over thirty later editions, and in his *A History of the Poor Laws: with Observations* (London, 1764). Also valuable are A.W. Ashby, 'One Hundred Years of Poor Law Administration in a Warwickshire Village', *Oxford Studies in Social and Legal History*, volume 3 (Oxford, 1912); J. J. and A. J. Bagley, *The English Poor Law* (London, 1966); A. L. Beier, *Masterless Men: the Vagrancy Problem in England 1560–1640* (London, 1985); M. Blaug, 'The Myth of the Old Poor Law and the Making of the New', *Journal of Economic History*, 23 (1963), 151–84; P. Colquhoun, *The State of Indigence and the Situation of the Casual Poor* (London, 1799); P. Colquhoun, *Treatise on Indigence* (London, 1806); S. Hindle, *On the Parish? The Micro-politics of Poor Relief in Rural England c. 1550–1750* (Oxford, 2004); S. Hindle, 'Destitution, Liminality and Belonging: The Church Porch and the Politics of Settlement in English Rural Communities, c.1590–1660', in C. Dyer, ed., *The Self-Contained Village? The Social History of Rural Communities 1250–1900* (Hertford, 2006); T. Hitchcock, P. King, P. Sharpe, eds, *Chronicling Poverty: The Voices and Strategies of the English Poor, 1640–1840* (London, 1997); L. Hollen-Lees, *The Solidarities of Strangers: The English Poor Laws and the People, 1700–1948* (Cambridge, 1998); E. M. Leonard, *The Early History of English Poor Relief* (Cambridge, 1900); R. H. Lightning, *Ealing and the Poor: The Poor Law, the Workhouse and Poor Relief from 1722 to 1800* (Ealing, 1966); M. Neuman, *The Speenhamland County: Poverty and the Poor Laws in Berkshire 1782–1834* (New York, 1982); Sir George Nicholls, *A History of the English Poor Law*, 2 volumes (London, 1854); M. Nolan,

- A Treatise of the Laws for the Relief and Settlement of the Poor*, 4 volumes (London, 1825); G. W. Oxley, *Poor Relief in England and Wales 1201–1834* (Newton Abbot, 1974); P. Styles, 'The Evolution of the Law of Settlement', *University of Birmingham Historical Journal*, 9 (1963), 33–63; J. S. Taylor, *Poverty, Migration and Settlement in the Industrial Revolution* (Palo Alto, CA, 1989).
5. 17 George II c.5.
 6. M. MacDonald, *Mystical Bedlam* (Cambridge, 1981), pp. 124–5 and Akihito Suzuki, 'Lunacy in Seventeenth and Eighteenth Century England: Analysis of Quarter Sessions Records', *History of Psychiatry*, 2 (1991), 437–56, 455 and 3 (1992), 29–44, 35.
 7. P. Rushton, 'Lunatics and Idiots: Mental Disability, the Community and the Poor Law in North-East England 1600–1800', *Medical History*, 32 (1988), 45.
 8. R. Hunter and I. Macalpine, *Three Hundred Years of Psychiatry, 1535–1860* (Oxford, 1963), p. 239.
 9. Sir William Blackstone, *Commentaries on the Laws of England*, volume 4 (Oxford, 1765–69), pp. 20–26.
 10. 39 and 40 George III c.94 1800.
 11. *Report on the State of Criminal and Pauper Lunatics* (39) PP 1807 volume 2, hereafter *1807 Report on Lunatics*.
 12. 14 George III c.49, made perpetual in 1786 by 26 George III c.91.
 13. Daniel Defoe, *Augusta Triumphans; or, the Way to make London the Most Flourishing City in the Universe* (London, 1728), pp. 30–34; 'Report from the Committee Appointed 27 January 1763 to Enquire into the State of the Private Madhouses in this Kingdom', *House of Commons Sessional Papers of the Eighteenth Century*, volume 25.
 14. In addition to other works cited in this article, see, for example, J. Andrews, 'The Lot of the "Incurably" Insane in Enlightenment England', *Eighteenth-Century Life*, volume 12 (1988), 1–18; J. Andrews and A. Scull, *Customers and Patrons of the Mad-Trade: The Management of Lunacy in Eighteenth-Century London* (Berkeley, 2003); Joan Busfield, *Managing Madness: Changing Ideas and Practice* (London, 1986); W. F. Bynum, 'Rationales for Therapy in Psychiatry: 1780–1835', *Medical History*, 18 (1974), 317–34; M. Foucault, *Madness and Civilization* (London, 2001); Kathleen Jones, *Lunacy, Law, and Conscience 1744–1845* (London, 1955); R. Porter, *Mind-forg'd Manacles* (London, 1987); R. Porter, *A Social History of Madness* (London, 1987); R. Porter, 'Madness and its Institutions', in A. Wear, ed., *Medicine and Society* (Cambridge, 1992), pp. 277–301; A.T. Scull, ed., *Madhouses, Mad-doctors, and Madmen* (London, 1981); Vieda Skultans, *English Madness: Ideas on Insanity, 1580–1890* (London, 1979); M. Winston, 'The Bethel at Norwich: An Eighteenth Century Hospital for Lunatics', *Medical History*, 38 (1994), 27–51.
 15. Hunter and Macalpine, *Three Hundred Years*, pp.191–2.
 16. Defoe, *Augusta Triumphans* pp. 30–34.
 17. Reports from the Select Committee on Madhouses in England (296) PP 1814–1815 volume 4, hereafter *1815 Madhouses Report*; Reports from the Select Committee on Madhouses (227, 398, 451) PP 1816 volume 6, hereafter *1816 Madhouses Report*; Report of the Select Committee on Pauper Lunatics in the County of Middlesex and on Lunatic Asylums (557) PP 1826–7 volume 6, hereafter *1826–7 Report on Pauper Lunatics*.
 18. *1815 Madhouses Report*, p.145.
 19. Patricia Allderidge, 'Bedlam: Fact or Fantasy?' in W. Bynum, R. Porter and M. Shepherd, eds, *The Anatomy of Madness*, 2 volumes (London, 1985), volume 2, pp.16–33, p. 28.
 20. A. Scull, *Most Solitary of Afflictions: Madness and Society in Britain 1799–1900* (New Haven, 1993), pp. 53–4.
 21. 8 and 9 Victoria c.126, 1845.
 22. R. Porter, 'Was there a Moral Therapy in the Eighteenth Century?' *Lychnos* (1981–2), 12–26.
 23. Margaret DeLacy, *Prison Reform in Lancashire 1700–1850* (Manchester, 1986), p. 28.
 24. R. Hunter and Ida Macalpine, *George III and the Mad-Business* (London, 1969).

25. R. Porter, ed., *The Faber book of Madness* (London, 1991), p. 1.
26. Blackstone, *Commentaries*, volume 1, pp. 292–5, volume 4, pp. 20–26.
27. L. Stone, *Uncertain Unions and Broken Lives* (Oxford, 1995), pp. 108–11.
28. 21 James I c.27: An act to prevent the murder of bastard children.
29. P. Willughby, *Observations in Midwifery* (Wakefield, 1972), pp. 273–4.
30. Old Bailey Online ref: t17140630–38. I am grateful to Mary Clayton for this reference.
31. Dorset History Centre, QS roll calendar Epiphany 1741.
32. Audrey Eccles, 'The Adams' Father and Son, Vagrant Contractors to Middlesex 1757–94', *Transactions of the London and Middlesex Archaeological Society*, 57 (2006), 83–91, 89.
33. London Metropolitan Archives, MJ/SP/1789/09/064 and /082.
34. Dorset History Centre, QS rolls Michaelmas 1746, Epiphany and Easter 1747, QSM/3/6 January and April 1747.
35. J. Andrews et al, *The History of Bethlem* (London, 1997), pp. 327–8.
36. Scull, *Museums*, p. 238.
37. Elaine Murphy, 'Mad Farming in the Metropolis, part 2: The Administration of the Old Poor Law of Insanity in the City and East London 1800–1834', *History of Psychiatry*, 12 (2001), 405–30, 425.
38. Cumbria Record Office, Kendal, WQSR 332/13, 23, 25.
39. 17 George II c.5 s.9.
40. Cambridgeshire Archives, QS rolls January, October 1745, January 1746.
41. 14 George III c.59.
42. *1807 Report on Lunatics* (39), PP 1807 volume 2, p. 5; *1826–7 Report on Pauper Lunatics* (557), PP 1826–7, volume 6, pp. 7–8.
43. Cambridgeshire Archives, QS rolls Easter 1776, Midsummer and Michaelmas 1778.
44. MacDonald, *Mystical Bedlam*, pp. 124–5.
45. J. Sim, *Medical Power in Prisons: The Prison Medical Service in England 1774–1989* (Milton Keynes, 1990), p.15; J. R. S. Whiting, *Prison Reform in Gloucestershire 1776–1820* (London, 1975), pp. 42–4.
46. Dorset History Centre, Midsummer 1740 bridewell calendar.
47. T. Hitchcock, 'Vagrant Lives', in Joanne McEwan and Pamela Sharpe, eds, *Accommodating Poverty: The Housing and Living Arrangements of the English Poor, c.1600–1850* (Basingstoke, 2011), pp. 125–44, and for a well-researched account of Carew including his criminal convictions in Devon as an impostor see Gwenda Morgan and P. Rushton, *Eighteenth-Century Criminal Transportation* (Basingstoke, 2004), pp. 78–85.
48. Dorset History Centre, QS roll Midsummer 1754.
49. London Metropolitan Archives, MJ/SP/1793/05/069.
50. Cumbria Record Office, Kendal, WQSR 264/19, 20.
51. Andrews, Bethlem, p. 323; 1815 Madhouses Report, p. 55.
52. Cambridgeshire Archives, QS rolls Easter 1740; Q/SO/5 Michaelmas 1754.
53. Rushton, 'Lunatics and Idiots', pp. 46–48.
54. Cambridgeshire Archives, Q/SO/6 Easter 1766.
55. Cumbria Record Office, Kendal, WQ/O/13 Michaelmas 1817.
56. T. Hitchcock, *Down and Out in Eighteenth-Century London* (London, 2004), p. 177.
57. Dorset History Centre, QS roll Michaelmas 1763.
58. The Scots and Irish were excluded from the provisions of the old poor law unless they had managed to gain a settlement in one of several possible ways.
59. London Metropolitan Archives, MJ/SP/1774/07/076.
60. Cambridgeshire Archives, Q/SO/8 Michaelmas 1784.
61. London Metropolitan Archives, MJ/SP/1778/09/111.
62. London Metropolitan Archives, MJ/SP/1780/10/014.
63. London Metropolitan Archives, MJ/SP/1777/07/040.
64. London Metropolitan Archives, MJ/SP/1780/12/042.

65. A. J. Standley, 'Medical Treatment and Prisoners' Health in Stafford Gaol during the Eighteenth Century', in R. Creese et al, eds, *The Health of Prisoners: Historical Essays* (London, 1995), pp. 27–43; E. G. Thomas, 'The Old Poor Law and Medicine', *Medical History*, 24 (1980), 7.
66. Dorset History Centre, QS rolls Epiphany and Easter 1763; QSM3/8, QFA/1 and /2 passim.
67. Dorset History Centre, QFA/2 Michaelmas 1791, 1793–4, 1796, 1799.
68. London Metropolitan Archives, MJ/SP/1795/01/070ii.
69. J. Howard. *The State of the Prisons*, 2nd ed. (Warrington, 1784), p. 8; Rushton, 'Lunatics and Idiots', p. 45.
70. I base this on the surgeons' reports at London Metropolitan Archives and Dorset History Centre. Medical bills too rarely link items charged to particular patients.