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BRITISH CONVICTS SHIPPED TO AMERICAN COLONIES

IN 1769 Dr. Johnson, speaking of Americans, said to a friend, "Sir, they are a race of convicts and ought to be content with anything we may allow them short of hanging." In the latest edition of Boswell, who chronicled this saying, it is explained by the following footnote: "Convicts were sent to nine of the American settlements. According to one estimate, about 2000 had been sent for many years annually. Dr. Lang, after comparing various estimates, concludes that the number sent might be about 50,000 altogether."¹ Again, in the *Encyclopædia Britannica*, under the article "Botany Bay," we read: "On the revolt of the New England colonies, the convict establishments in America were no longer available, and so the attention of the British government was turned to Botany Bay, and in 1787 a penal settlement was formed there." In keeping with these statements is a conversation related in the autobiography of Dr. Francis Lieber (p. 180). The scene was a breakfast in 1844 at Dr. Ferguson's in London. "I remarked how curious a fact it was that all American women look so genteel and refined, even the lowest; small heads, fine silky hair, delicate and marked eyebrows. The Doctor answered, 'Oh, that is easily accounted for. The super-abundance of public women, who are always rather good-looking, were sent over to America in early times.'"

These English views of the United States in the colonial period as penal settlements and convict establishments move incredulity and indignation in Americans, with whom Plymouth stands for a colony of conscience, Massachusetts for an asylum of martyrs, and Virginia for the old dominion of high-bred cavaliers. But a student who would nothing extenuate nor set down aught in malice—*nec falsa dicere, nec vera reticere*—is bound to ascertain how far a convict element really pervaded our early plantations.

In this research he will find little help from our standard histories. Bancroft, in 1887, conversing with the present writer, freely admitted that, when speaking of felons among our settlers, he had been very economical in dispensing the truths he had

¹ Boswell's *Johnson*, II. 312; *Penny Cyclopædia*, XXV. 138.

discovered. Having a handful, he had opened only his little finger. He wrote too early to expect that American eyes could bear the light of full disclosures. Writing of the early Virginians, he said: "Some of them were even convicts; but it must be remembered the crimes of which they were convicted were chiefly political. The number transported to Virginia for social crimes was never considerable."¹ Most other writers have held that, among transports shipped to America, political offenders formed a large majority. Such criminals it was felt were less likely to be stained with moral guilt, and it was patriotic, if not natural, to exaggerate their number.

It seems certain that among the felons sent to New England, by far the largest element was made up of prisoners taken in battle. A letter from Rev. John Cotton to Cromwell, dated Boston, July 28, 1651, states that "sundry Scots taken by him at Dunbar, September 2, 1650, had arrived there and been sold, not for slaves to perpetual servitude, but for six or seven or eight years," etc. That the word "sundry" meant one hundred and fifty we learn from the *British Calendar, Domestic Series*, for 1650. On September 19, the Council of State ordered 150 Scotch prisoners delivered to be sent to New England by John Foot; on October 23, it was ordered that they be shipped away forthwith, and, on November 11, that they be delivered to Augustus Walker, master of the *Unity*, for transportation to New England.² In 1650 Dr. Stone, a Massachusetts agent, bought several Scotch prisoners from Tothill jail, London. Again, of the prisoners taken at Worcester, September 3, 1651, two hundred and seventy-two were shipped to New England on the *John and Sarah* from London, and arrived in Boston the following spring. Their names, derived from the "Hutchinson Papers," were printed in the *New England Historical and Genealogical Register* (I. 377).³

The number deported to Virginia from among the Scotch made prisoners at the battle of Worcester was much smaller than is generally stated. Thus, in Ballagh's *White Servitude in the Colony of Virginia*, a recent issue of the Johns Hopkins press, we read (p. 35): "Of the Scotch prisoners taken at the battle

¹ *History of the United States*, I. 443.

² It is possible that Foot and Walker each brought over 150 Scots, so that the whole number of Dunbar prisoners transported was 300.

³ These Worcester prisoners are described through mistake by Winsor as having been made captives at Dunbar. *Memorial History of Boston*, I. 304; IV. 659. Both references are to the same misnomer. According to the latter, "in 1652 the *John and Sarah* arrived bringing 272 Scotchmen who had been taken prisoners at the disastrous battle of *Dunbar*," etc.

of Worcester sixteen hundred and ten were sent to Virginia in 1651." Bancroft gives some countenance to such an assertion. But Bruce, though he loves to swell the number of political transports, says, in his *Economic History of Virginia* (I. 608): "After the defeat of Charles II. at Worcester, his soldiers who were seized on that occasion were disposed of to merchants, and at least sixteen hundred were thus conveyed to America. The Parliamentary fleet in which they were transported sailed first to Barbadoes. . . . We have certain information of the arrival of only one hundred and fifty Scotch servants in the Colony when the fleet arrived in 1651." There is no certainty, however, as to even the handful which Bruce specifies. According to the *Domestic Calendar* for 1650, the Council of State, on September 19, really ordered nine hundred Scotch prisoners to be delivered to Samuel Clark for transportation to Virginia, and two hundred to Isaac Le Gay for the same purpose, — but on October 23 it ordered to stay these prisoners, "till assurance be given of their not being carried where they may be dangerous." Furthermore, Gardiner, the latest and most accurate historian of the Commonwealth (I. 464), declares there is no proof that these political felons were sent abroad at all. All we know is that certain Bristol merchants who had contracted to transport a thousand of them to New England, broke their contract. Those unfortunates, he thinks, may have been sent back to Scotland, in accordance with another order which he cites.

Regarding men implicated in Monmouth's rebellion, Ballagh says (p. 35), "a number of them were sent to Virginia in 1685." Bancroft was of the same opinion, and says "the suppression of Monmouth's rebellion gave to the colony useful citizens" with a page more of declamation (I. 471). The truth is that not one of Monmouth's 841 condemned men was sentenced to Virginia or shipped thither. Macaulay, Mackintosh, and the *Calendar* all agree that their destination was "Jamaica, Barbadoes, or any of the Leeward Islands in America."¹ If any were carried to Virginia, it was the remnant that did not prove salable on the islands. Hotten's list mentions Barbadoes and Jamaica often — but Virginia never as to Monmouth's men.

It seems well established that some political convicts had been introduced into Virginia in the time of Charles II. Thus Bruce relates (I. 611) that in 1678, when the uprising in Scotland had been suppressed, a considerable proportion of the prisoners

¹ Macaulay, *History*, I. 602; Mackintosh, *History of the Revolution of 1688*, p. 703; *Calendar*.

were shipped to America. The king in that year addressed a letter to Lord Culpeper, ordering him to permit Ralph Williamson to bring into the colony and to dispose of fifty-two persons implicated in the insurrection, and Culpeper was still further directed to suffer Williamson to land all others guilty of the same offences in Scotland who might be hereafter delivered to him. At the same time, as Bruce adds, the king ordered his provincial officers to treat as invalid all Virginia laws which prohibited the importation of British felons. Such laws may have been suggested by the chronicle that after the fall of Drogheda in 1649 the surviving prisoners were shipped across the Atlantic; that the next winter two vessels set out from London, with prisoners designed for the plantations in Virginia; that in 1653 Richard Netherway of Bristol was permitted to export from Ireland a hundred Tories, who were to be sold as slaves in Virginia; and that other batches, some still larger, of Irish unfortunates were there imported. Yet no proof appears that any of the Drogheda prisoners were transported to Virginia. Cromwell himself mentions Barbadoes as their destination.¹ The Scotch prisoners in the Preston campaign of 1648 were sent to Barbadoes.²

Some of the men at that time brought into Virginia from New York as convicts were felons only in the eye of martial law. Thus, previous to the year 1665, the English invaders of Long Island attacked New Amstel on South River. Many of the Dutch colonists they sold as slaves in Virginia.³ Other convicts guilty of no moral transgressions came from other colonies. Thus, the General Court in Boston ordained that Quakers who had not wherewithal to pay their fines (and they were enormous) should be sold for bondmen or bondwomen to Barbadoes, Virginia, or any of the English plantations.⁴

After the Mar and Derwentwater rising, in 1716, two shiploads of defeated Jacobites, "out of His Majesty's abundant clemency," were deported, — eighty in the ship *Friendship*, and fifty-five in the *Good Speed*, and were sold in Maryland.⁵ A most desirable class of political offenders would have come to both Virginia and New England, — and that in great numbers, — through the Conventicle Act of 1664. But that law, which expelled from England a noble army of martyrs, expressly forbade transporting them to either Virginia or New England, and so they were con-

¹ Carlyle, II. 66.

² Gardiner, *Civil War*, III. 448.

³ *N. Y. Colonial Docs.*, II. 369.

⁴ Besse, *Sufferings of Quakers*, I. xxxi.

⁵ Scharf, I. 385.

signed to the torrid sugar islands.¹ If cargoes could not all be sold there, there is reason to think that the remnant in some way was carried on into continental colonies.

Some political offenders in the eighteenth century were, no doubt, sold into a longer or shorter American servitude. The *Historical Register* for 1718 notes (p. 46) a trial in the Admiralty Court of Mutineers on "a ship bound to the plantations with thirty prisoners taken in the late rebellion at Preston, whom they set ashore at St. Martin's in France," etc. Again, the *Gentleman's Magazine* states, on May 31, 1747, that "430 rebel prisoners from the jails of Lancaster, Carlisle, Chester, York, and Lincoln were transported this month from Liverpool to the plantations. Eight of them were drowned by a boat over-setting, not being able to swim because handcuffed. This number, with the rest, makes above a thousand rebels transported."²

But throughout the whole colonial era a large class, and probably a majority, of the convicts shipped to America were not political offenders. Details on this matter will be sought in vain where we have reason to look for them. Thus Hotten's table of contents includes "serving men sold for a term of years," but never shows that any one of them was a felon, except politically. Mr. Bruce, however, in his admirable *Economic History of Virginia*, devotes many pages to an inquiry how far the company under which the first plantation was made had been willing to accept criminal or dissolute persons for transportation (I. 589-600). He cites a declaration of that company in 1609, that they would accept no man who could not bring testimonials that he was moral and religious.³ Yet in a sermon before that same company the next year, the preacher did not deny that they sent base and disordered men, but added that, "The basest and worst men trained up in a severe discipline, a hard life, etc., do prove good citizens."⁴ The company's declaration must have been of a piece with the more modern law that no man not of good moral character shall be licensed to keep a saloon. In the next year, 1611, Governor Dale wrote from Virginia begging the king to "banish hither all offenders condemned to die out of common goales, and likewise to continue that grant for three years unto the colonie (and thus doth the Spaniard people his Indes) it would be a readie way to furnish us with men, and not allways with the worst kind of men," etc. He goes on to show that criminals would be better colonists

¹ Besse, I. xiv.

³ Brown, *Genesis of the United States*, 353.

² XVII. 246.

⁴ *Ibid.*, 364.

than "the three hundred he had been enforced to bring over gathered by peradventure."

It does not appear that the governor's request was granted, but there is no reason to think that he changed his opinion as to the colonial value of felons. He remained supreme in Virginia for five years afterward, and did much to build it up. It is not unlikely that he obtained some recruits of the criminal class he preferred. At all events, his suggestion was a leaven whose working was soon manifest. Sir Thomas Smith, in 1617, secured from Oxford jail five reprieved prisoners "to be transported to Virginia, or other parts beyond the seas." Others convicted of felony, as Knott and Throckmorton, delivered to him out of Newgate, arrived in Virginia in 1618.¹ Rogers, sentenced to be hung for manslaughter, was transported to Virginia on the ground that he was a skilful carpenter.² Carter and Francke, felons, came in 1622.

In 1619 the king had sent for transportation to Sir Thomas Smith divers young people who had been twice punished but not reformed, and the same year commanded the Virginia company to transport fifty similar criminals at once.³ Bruce (I. 602) gives particulars concerning a dozen other felons, nine of them females, shipped to Virginia before 1636. Others in the reign of James I. — as Elizabeth Hendsley, or Ralph Rookes — are noted by the British editor of *Middlesex Records*,⁴ as "interesting to persons seeking particulars touching the history of Virginia." The same records show others in the forties, and in 1655, under the Commonwealth, name ten felons, — six of them women, transported at once to Virginia, — using for the first time the word "transported" as a substitute for "reprieved," which had been previously used. They also record that in 1665 under Charles II. twenty-four convict felons were ordered to be shipped "within two months for the island (sic) of Virginia, or Barbadoes — or some other part of America inhabited by British subjects."⁵

In 1667 eighteen convicts were transported to Virginia⁶ and in 1670 cattle-killers and burners of corn-stacks became liable according to statute either to death or to transportation to the plantations. The provincial authorities of Virginia, the same year, passed the notable act prohibiting the importation of convicts; but this act, like all others of a similar aim in all the colonies, was overruled and nullified by orders from the king to his Virginian and other

¹ Neill, *Virginia Vetusta*, 102.

² *Quia est de Arte le Carpentar* (sic).

³ Neill, *Virginia Vetusta*, 103.

⁴ II. 305.

⁵ III. 337.

⁶ Neill, *Virginia Carolorum*, 329.

provincial officers. For other reasons this prohibition did not prohibit. Planters both in the West Indies and in Virginia, which was reckoned a part of them far on in the eighteenth century, needed laborers, and welcomed a supply from whatever quarter. Negroes were brought from Guinea,—and from the British islands men who had been kidnapped, or had sold themselves to obtain a passage over the Atlantic, or had been sold by sheriffs to shipmasters who would contract to carry convicts beyond seas. All were bought for tobacco and set at work raising more. As Virginia's staple was tobacco, it naturally became a centre of white as well as black servitude, whether its victims were indented or not, and criminal or not. All fared alike.

The reason given in the act itself for the Virginia prohibitory enactment of 1670 is a proof that the convict element there was then not small. It speaks of "the great number of felons and other desperate villains sent hither from the several prisons of England," and adds that through such imports "we are believed to be a place only fit to receive such base and lewd persons."¹ But they still came. Narcissus Luttrell, in his diary,² remarks that a ship lay at Leith, going for Virginia, on board which the magistrates had ordered fifty lewd women out of the houses of correction and thirty others, who walked the streets after ten at night. Hugh Jones, a rector at Jamestown, took an optimistic view of felon imports, although, as he says in his book published in 1724, many attempts and laws to prevent too great a stock of them had been made in vain. According to his plan, convicts should be brought over at the expense of Virginia counties, and should thenceforth belong to those counties. From the avails of their labor, funds could be raised in every county. All public charges could be thus defrayed from the labors of their rogues and beggars without any tax upon honest and industrious people. "But such notorious villains as are sent over in chains for robbery or murder should be kept apart in chains still," etc. Satisfied that England was Japheth, the Indians Shem, and negroes Ham, Jones viewed the planting of Virginia as a plain fulfilment of Noah's prophecy, which he printed on his title-page: "God shall enlarge Japheth, and he shall dwell in the tents of Shem, and Canaan shall be his servant" (Gen. ix. 27). President Stith, two decades later than Jones, was more pessimistic, saying that "Virginia had come to be reputed another Siberia or a hell upon earth."

Virginia, in the present paper, has been chiefly spoken of as

¹ Hening, II. 510.

² November 17, 1692; p. 617

the destination of convicts. It is made thus prominent in all documents which have come to the knowledge of the writer. But he is not ignorant that, according to Dr. Lang, all the nine colonies outside of New England were penal settlements, and that Lodge and other able writers maintain that Maryland received a larger felon quota than any other province. The whole number there, as estimated by Scharf, the Maryland historian,¹ was at least 20,000, about half of them after 1750. In all cases where Maryland has been found coupled with Virginia, the writer has so stated it. The *Historical Register* now and then mentions Maryland alone, saying that on October 4, 1726, about eighty felons-convict under sentence of transportation were taken out of Newgate and put on shipboard for Maryland in America, being joined on the river by several more convicts from Surrey and Kent. In 1665 certain convicts in England petitioned Her Majesty, the queen mother, in hope she would order them sent to her Maryland. As late as 1769, eighty seven-year convicts from Bristol are noticed by Scharf,² and Lodge maintains that "such importations continued there after they had ceased in other colonies," though such imports into Virginia were not declared illegal till 1788.

As Bristol, according to Macaulay, was specially infamous for kidnapers, so it shared largely in an allied branch of business,—the traffic in convicts. Hunt, the historian of that city, remarks (p. 142), "Toward the end of the seventeenth century, Bristol aldermen and justices used to transport criminals and sell them as slaves or put them to work on their plantations in the West Indies." A writer in *Notes and Queries*³ holds this Bristol industry to have arisen still earlier, saying, "When Cromwell [and William, as well] had conquered Ireland, the Irish officers sought safety on the continent, while the rank and file were pressed to enlist in foreign service. As many as 34,000 men were thus hurried into exile. Widows and orphans the government shipped wholesale to the West Indies—the boys for slaves—the women and girls for mistresses to the English sugar-planters. The merchants of Bristol—slave-dealers in the days of Strongbow—sent over their agents to hunt down and ensnare the wretched people. Orders were given them on the governors of jails and workhouses, for 'boys who were of an age to labor and women who were marriageable, or not past breeding.'"⁴ In the foregoing notice of Bristol exports, the words "West Indies" probably mean the best American market, no matter where. A curious chapter might be

¹ I. 371. ² II. 53. ³ 7th Series, III. 58. ⁴ Walpole's *Kingdom of Ireland*.

written on the word "Indies," and the historic mistakes which have resulted from misapprehensions of that geographical term. In 1652, Peter Heylyn, a standard English cosmographer, printed in his folio concerning the Western Hemisphere: "It is sometimes called the New World. Its most usual yet somewhat improper name is America. The most improper name of all, and yet not much less used than that of America, is the West Indies."¹ The English *Historical Register* for 1715 and long afterward, in its record of current events, constantly sets down under the heading "West Indies," news from Virginia, and even New York and Boston. Some of those whom Bristol vessels had transported were brought to New England and sold there. One result was that, in 1654, a committee appointed by the General Court of the colony of Massachusetts to consider proposals for the public benefit, submitted the following report:—

This Court, considering the cruel and malignant spirit that has from time to time been manifest in the Irish nation against the English nation, do hereby declare their prohibition of bringing any Irish, men, women, or children, into this jurisdiction, on the penalty of £50 sterling to each inhabitant who shall buy of any merchant, shipmaster, or other agent any such person or persons so transported by them; which fine shall be by the country's marshall levied on conviction of some magistrate or court, one-third to be to the use of the informer, and two-thirds to the country. This act to be in force six months after the publication of this order.

October 29, 1654.

DAN. GOOKIN,
THOMAS SAVAGE,
ROGER CLAPP,
RICHARD RUSSELL,
FRANCIS NORTON.

A similar act had been previously passed. There is a record of persons who, in 1652, made application for the remission of fines which had been imposed upon them for the offence specified above.²

New England legislation concerning the bringing in of transports for sale was very variable. In general, such imports were desiderated. In 1709 the General Court of Massachusetts offered a bounty of forty shillings to any one who would bring in and dispose in service (that is, sell into bondage more or less lasting) any white male between the ages of eight and twenty-five years.³ No

¹ *Cosmographie*, Part II. 95.

² *Notes and Queries*, 7th Series, V. 266.

³ *Mass. Acts and Resolves*, I. 634.

doubt Massachusetts wished to shut out bad immigrants. Hence a statute had been made in 1700 to fine shipmasters £5 for every passenger whose name, character, and circumstances they had failed to deliver in writing to the custom-house officer, who was bound to transmit that list to the town clerk. These names were those of servants as well as of others. In 1722 this penalty was increased to £100.¹ The rosters thus formed would have been a copious source of historical information. But they have been sought for long and vainly.

The opposition to Irish imports, perhaps never general, had soon worn away. In 1680 the governor of Massachusetts reported to the home government, "There may be within our limits about one hundred and twenty negroes, bought for about £20 apiece, and it may be as many Scotch brought hither and sold for servants in the time of war with Scotland, mostly now married and living here, and about half as many Irish brought at several times and sold as servants."² It seems surprising that the census of Scots was but little over one hundred, when more than four hundred of them had been imported within the last thirty years. The dwindling of their number is said to have come to pass from their being, spite of Cotton's humanitarian claims, largely exported and sold again into other colonies.³ The original consignment of 272 Scots is suspiciously worded, and leads us to fear that if any of them could have been best disposed of in Barbadoes they would not have been sold in Boston.⁴ For more than a hundred years afterwards Irish were brought into Boston and sold. No doubt some were felons, and whatever their antecedents they had good testimonials from their sellers. In 1730 Colonel Josiah Willard of Lunenburg, while in Boston, was invited to take a walk on Long Wharf and view some transports who had just arrived from Ireland. He observed a lad of some vivacity, and who was the only one he

¹ *Ibid.*, 452 ; II. 245.

² *Mass. Hist. Soc. Coll.*, 3d Series, VIII. 337.

³ Proof that white slaves — or so-called "servants" — were sold from Massachusetts to the South just at the time when those imported from Scotland arrived is furnished by a document which came to the present writer's knowledge while his article was already in the press. In Boston Courthouse there is a bundle docketed 1650-1652. In this collection, No. 24,743 is entitled, "Filed account of servants." It gives the names, save one, of seventeen "servants at Pensilvania" and of twelve "servants at New York," with values which amount to £417. Though none of these names appear to be identical with the 272 printed in the *Genealogical Register* as Worcester prisoners shipped to Boston, the lists still countenance the opinion that two-thirds of the Scots sold into New England bondage were re-sold out of that region.

⁴ *Geneal. Reg.*, I. 377.

found that could speak English. This boy, one of a number who had been put ashore to exhibit their activity to those who wished to purchase, said that he had been kidnapped and then sold by pirates in the Irish Sea to the Boston-bound vessel. Willard bought the boy, brought him up, and gave him his niece as a wife. This story, told by that wife, Susanna Johnson, in her *Captivity*, published at Walpole, N.H., in 1796, is curiously confirmed by Boston newspapers of 1730. The first issue of the *News-Letter* in October, 1730, says, "Entered, Dove, Sterling Capt. from Dublin." In the next issue we read, "Some servant lads on the ship Dove at the Long wharf; their time of service to be disposed of."¹

If fewer transports were imported into New England than into more southern colonies, the reason was that they sold at higher rates in Southern markets, which also by their staple, tobacco, furnished better return freight to English vessels. Virginia and Maryland were held of more commercial value than all the other United States colonies. Imports were naturally in proportion to exports.² Some Northern colonies were planted, — to use an old writer's words, — as emunctories or sinks of states to drain away their filth. One of the earliest United States colonies was in Maine, at the Sagadahoc. Its founder was Chief Justice Popham. Says an old writer, Lloyd, "He provided for malefactors, and first set up the discovery of New England to employ

¹ The following paper is one of many proofs that Irish servants, so-called, sold in Boston in the middle of the eighteenth century, were sometimes convicts, and known to be by the sellers.

THE DEPOSITION OF PETER MONTGOMERY TAKEN THIS 6TH DAY OF JULY 1749.

Who being duly Sworn and Examin'd, Saith That about the last of September last, in the Town of Belfast in Ireland said Deponent was present, when Katharine M^cKoy and Mary M^cKoy were Deliver'd by The Subsheriff and Jaylor of the County of Down to James Potts, Merchant in said Belfast — That the said Weomen were brought aboard his Majesties Barge which barge carried both said Weomen aboard the Eagle sloop commanded by Oliver Airy to which Airy the aforesaid Potts was Security but dont know what [to what amount] to Indemnify him for carrying said transport Weomen to a place not allow'd by Law — That said two Weomen were for a while Confin'd under Deck — That they were used and called Convicts during the passage untill she made Harbour at Boston where said Potts treated the hands and others aboard by way of Bribe to conceal what they knew of said Weomen being Convicts as he Intended to sell them for Voluntary Servants — That the said Deponent was Present when the s'd Potts sold these Weomen and said they were good Spinners and honest Weomen as far as he knew.

PETER MONTGOMERY

Sworn to Inf^r Court
by s^d Montgomery

Copy Examd

Middlecott Cooke Cler.

² Scharf, I. 384.

those who could not live honestly in the old." Another contemporary, Anthony Wood, says: "Popham was the first person who invented the plan of sending criminals as founders of colonies, which, says Aubrey, he stocked out of all the jails in England." Thomas Fuller adds: "It was rather bitterly than falsely said concerning one of our Western plantations, consisting mostly of dissolute people, that it was very like England—as being spit out of the very mouth of it."¹ It is not certain whether Bacon thought of Maine or Virginia, or of general custom in planting colonies, when he wrote: "It is a shameful and unblessed thing to take the scum of people and wicked condemned men to be the people with whom you plant."²

In the first decade of Philadelphia, as in the infancy of most colonies, all laborers were welcome no matter what their previous condition, character, or other antecedents. Accordingly, in 1685, a shipper who had brought thither transports from England and intended to take them to Virginia, was summoned before the council. But he was armed with indentures which ran that his transports were "bound to serve him or his assignee for four years from their arrival in Virginia or any other part of America."³ This formula was a natural expedient for giving the sellers of transports the largest choice of markets for their merchandise.

But Pennsylvanians were from early days opposed to receiving convicts. In 1722,⁴ May 5, their assembly passed an act for imposing a duty on "persons guilty of heinous crimes, and imported into the province as servants or otherwise." They passed another in 1729.⁵ The governor, however, like the chief magistrates in other provinces, was forbidden by the king to approve any act of this sort. In 1731, his instructions were as follows: "Whereas acts have been passed in America for laying duties on felons imported,—in direct opposition to an act of Parliament for the more effectual transportation of felons,—it is our royal will and pleasure that you approve of no duties laid on the importation of any felons into Pennsylvania."⁶ Longing for a protective tariff was an original sin in Pennsylvanians, and their opposition to free trade may have been doubled by the determination of King George to force it upon them.

Convicts were exported to New York. In 1693, June 12, the Committee of Trade asked that all the convicts who were in New-

¹ *Historical Magazine*, XV. 339.

² *Essay of Plantations*, 1612 and 1624.

³ *Penn. Colonial Records*, I. 161.

⁴ *Colonial Records*, III. 163.

⁵ *Ibid.*, III. 359.

⁶ *Penn. Archives*, I. 306.

gate for transportation might be sent to New York.¹ In 1677, John Brown, a Quaker, was shipped from the island of Nevis to Long Island.² As early as 1630, the Dutch were zealous to build up their colony on the Hudson. With this view the government offered to men of property, or *patroons*, who would emigrate thither, vast tracts of land, and, further, that "their High Mightinesses shall exert themselves to provide the patroons with persons bound to service who shall be obliged to serve out their bounden time."³ Persons, as the editor remarks, here means vagabonds who live in idleness and crime. Transports were desired in Rhode Island. In 1714, bringing in any Indian as servant or slave was prohibited under a penalty of £50. The reason given for this law was that such importations "daily discouraged the importing of white servants from Great Britain," etc.⁴

We have seen that orders from the Privy Council, or from judges and even inferior magistrates, sent felons convict into American colonies from their earliest stages; but nothing tended so powerfully and continuously and lastingly to bring about such deportations as a statute of 1718.⁵ This act provided that persons convicted of clergyable offences, such as burglary, robbery, perjury, forgery, and theft, — after being sentenced to death, — might, if their crimes did not seem too heinous, "at the discretion of the court be transported to America for at least seven years," remaining punishable with death without further trial if they should return before the expiration of their sentence. A reason assigned for this enactment was the great want of servants (still a favorite euphemism for slaves) who might be the means of improving the colonial plantations and making them more useful to His Majesty.

Thanks to early English periodicals, the workings of this Georgian law are clearly traceable from first to last. On April 26, 1718, according to the *Historical Register*,⁶ "twenty-nine male-factors at the Old Bailey were ordered to be transported." Before the end of the year, 134 were so ordered. On August 23, 1718, "106 convicts, that were ordered for transportation, were taken out of Newgate and put on board a lighter at Blackwall stairs, from whence they were carried through the Bridge to Long Reach, and there shipped on board the *Eagle* galley, Captain Staples commander, bound to Virginia and Maryland." In 1719, January 19, the names of those "cast for transportation" are given; six of the eighteen were feminine. "May 11, 105 out of Newgate,

¹ *N. Y. Col. Docs.*, IV. 31.

² Besse, II. 364.

³ See *N. Y. Col. Docs.*, I. 99.

⁴ *Rhode Island Colonial Records*, IV. 193.

⁵ 4 Geo. I., c. 11; Blackstone, IV. 370.

⁶ III. 19.

the Marshalsea, and several other country prisons, were put on shipboard, to be transported to Maryland." "October 27, 1720, 92 felons taken out of Newgate, and 62 out of the Marshalsea, were put on shipboard to be transported to Virginia." The notices in the *Historical Register* continue for ten consecutive years. During that decade the number ordered for transportation was 2138. Names are usually mentioned, and not a few are feminine. The destination, when not Virginia or Maryland, is American plantations, or America. "September 12, 1722, 35 were ordered for transportation. Among these was Sir Charles Burton of Lincolnshire, Bart., who was convicted of stealing a cornelian ring set in gold."

After 1727 no printed notice of transports is known to the present writer till the *Gentleman's Magazine* was started in 1731. The record there on Tuesday, March 9,¹ is: "Upwards of a hundred convicts were removed from Newgate to be transported to America." Other periodicals gave more particulars. Thus in the *London Magazine* of 1732 (I. 368) we read: "October 26, sixty-eight men and fifty women felons convict were taken from Newgate, and put on board a lighter to be carried down the river, to be shipped on board the *Cæsar* off Deptford, for transportation to Virginia." In this work, however, court reports ceased after a while; yet onward for more than forty years, even up to the opening of the American Revolution, the numbers "cast for transportation" are chronicled in the *Gentleman's Magazine*, but in the briefest form, usually with no mention of names or sex. A few culprits were noted as from jails in Gloucester, Salisbury, Monmouth, Exeter, Hereford, St. Edmunds, Newcastle, Kingston, Maidstone, Derby, Chelmsford, Winchester, etc. Soon, however, provincial transports were passed unnoticed. But those from the Old Bailey, who averaged more than a score at every session, never failed of a line. The first five volumes show a roster of 887 convict transports, and all subsequent volumes proportional numbers. It would not be safe to reckon the total of involuntary emigrants sent forth from the Old Bailey alone as less than 10,000 between 1717 and 1775.

There must exist sources of information more complete and exact than those the present writer has been able to discover, and showing the proceedings of all provincial courts as well as that in the metropolis. It is hoped that the publication of the present paper will arouse other investigators.

¹ I. 124.

The *London Magazine*, though not so persistent a chronicler as the *Gentleman's*, often furnishes fuller reports. The following is its account — much abridged — of Henry Justice, Esq. :—

Sat., May 8, 1736, came on . . . the trial of Henry Justice of the Middle Temple, for stealing out of the library of *Trinity-College*, Cambridge, a Field's *Bible* with cuts and Common-prayer, value 25 l., Newcastle's *Horse-manship*, value 10 l., several other books of great value, several Tracts cut out of books, etc. . . . The counsel of Mr. Justice were Mr. Winne, Mr. Agar, and Mr. Robinson. [After many objections, pleading not guilty, he was proved so by witnesses; he then claimed to be a member of the Trinity corporation, etc., but the jury found him guilty of felony within benefit of clergy. He was then charged with stealing other books, and after six hours pleaded guilty.] Mond. 10, Mr. Justice being brought to the Old Bailey to receive sentence, desired the court, — Lord Hardwick, Mr. Justice Denton, etc. — that as they had a discretionary power either to transport, or to burn in the hand, etc., he might not be sent abroad, which would, first, be a great injury to his children, and to his clients with several of whom he had great concerns. Secondly, for the sake of the University. He had numbers of books belonging to them, some sent to Holland, and if he were transported he could not make restitution. As for himself, he would rather go abroad, having lived in credit before this unhappy mistake, as he called it. He hoped the gentlemen of the University, several of whom he believed to be present, would intercede for him.

The Deputy Recorder, in a very handsome speech, commiserated his case, — telling him that his education, profession, etc., greatly aggravated his crime. After which he pronounced sentence — that he must be transported to some one of his Majesty's plantations in America — there to remain seven years, — and be put to death if he returned, etc.

It will be observed that the particular colony to which this legal luminary was doomed is not mentioned. Possibly, however, it is not beyond discovery. Seven days afterward, May 17, the *Gentleman's Magazine* chronicle is :—

A hundred felons-convict walked from Newgate to Black-fryars, and thence went in a close lighter on board a ship at Blackwall. But Weathercock the attorney, Messrs. Ruffhead, Vaughn, and Bird went to Blackwall in two hackney coaches, and Henry Justice, Esq., Barrister at law, in another, two hours after the walking felons, attended by Jonathan Forward, Esq. These five gentlemen of distinction were accommodated with the captain's cabin, which they stored with provisions, etc., for their voyage and travels.

The above-mentioned Weathercock, Ruffhead, and Bird had been condemned to death, but their sentence was commuted to

transportation for life.¹ The transatlantic career of Henry Justice has not been as yet ascertained. There is a possibility that he became the instructor of our foremost man. Jonathan Boucher, rector at Annapolis in 1768 and for many years before the Revolution, and tutor to Washington's step-son, Parke Custis, relates that George Washington, with whom he claims "very particular intimacy and friendship," had no other education than reading, writing, and accounts, which he was taught by a convict servant whom his father had bought for a schoolmaster.² "Not a ship arrives," adds Boucher, "with either redemptioners or convicts, in which schoolmasters are not as regularly advertised for sale as weavers, tailors, or any other trade; with little other difference that I can hear of, except perhaps that the former do not usually fetch so good a price as the latter."

A similar felon, perhaps a pedagogue, had been advertised thus in 1722: "Ran away from Rev. D. Magill, Upper Marlborough, Maryland, a servant, clothed with damask breeches and vest, black broadcloth coat, broadcloth cloak of copper color lined and trimmed with black, and wearing black stockings."³ This runaway, having absconded so far that his antecedents were unsuspected, may then, thanks to his imposing outfit, if his demeanor did not belie the promise of his clothes, have secured a position which his reverend Presbyterian master would have envied.

In 1737, the next year after the advent of Henry Justice, when a vessel with transports arrived at Annapolis, she was found to have on board no less than sixty-six indentures signed by the mayor of Dublin (to serve as testimonials), and twenty-two wigs. Both wigs and indentures were denounced as "an arrant cheat detected, being evidently brought for no other purpose than to give a respectable appearance to the convicts when they should go ashore."⁴ Supercargoes, who had bought as cheap as they could, sold as dear as they could. For this purpose, like other sellers, they used every art to make their wares as tempting as possible in the eyes of possible purchasers. Not a few of the involuntary immigrants had been kidnapped and spirited away, — and so were martyrs and innocents. More were gentlemen in

¹ *Gentleman's Magazine*, January 29, 1736.

² *Notes and Queries*, 5th Series, V. 503; Boucher's *Thirteen Sermons*, a volume of selections from his Maryland discourses, throws much light on the convict element there. In one of them, penned and prepared to be preached before the governor, etc., in 1773, he laments that two-thirds of the Maryland schoolmasters were convicts who were serving out a term of penal servitude; p. 182.

³ Neill, *Terra Maria*, 213.

⁴ *Ibid.*, 203.

manners and scholars in culture. This fact made buyers more credulous regarding the certificates of good moral character and the forged affidavits which sellers were always ready to furnish.

The *destination* of convicts is frequently unmentioned, and they were doubtless sent to those of the American plantations to which conveyance could be procured at the cheapest rate. The sheriff invited bids for transportation and shipped off convicts by the lowest bidder, and cared not where they were carried. But occasionally, as in 1753, July 13, when upwards of one hundred transports were shipped, it is added, "from Newgate for Virginia and Maryland."¹ The record of Old Bailey sentences, except in capital cases, is usually, as printed in the *Gentleman's Magazine*, a monotonous formula, — a numerical figure, then "*cast for transportation*." Frequently only this and nothing more. The most frequent addition is "*to the American plantations*." Further specifications are either to *Virginia* or *Maryland*, or both. But exceptional felons are shown up in characteristic details. Among these are such as follow.

In 1740, February 10, William Duell was transported for life. He had been hung at Tyburn, November 24, but when laid out for dissection at Surgeon's Hall, came to life. September 18, 1751, Philip Gibson, who had been condemned to death for a street robbery, would not accept the offer of fourteen years' transportation, and insisted on his former sentence, which was that he should be hanged. After the court had argued with him some time, he was continued to consider of it till the next sessions. October 21, Gibson accepted the commutation. September 19, 1750, Escote, a tobacconist, for buying 40,000 pounds of tobacco at sixpence a pound, was sentenced to fourteen years' transportation.

"1767, Feb. 10, fourteen transports from Durham, Newcastle, and Morpeth, were put on board the *Jenny*, Captain Blagdon, bound for Virginia, at which time ten young artificers shipped themselves for America [paying for passage by selling themselves into bondage for a long time after]. One of these indented servants has enlisted into 46 regiments, been whipped out of 19, sentenced to be shot six times, been confined in 73 jails, appeared under the character of quack doctor in seven kingdoms, and now is only in the thirty-second year of his age."²

¹ This record is the more notable as being the first one in which the word "transport" is used to mean a convict sent beyond sea. "Felons-convict," or "convicts," were the words before used. The word "transportation" is older, dating from 1597. — Blackstone, I. 137.

² *Gentleman's Magazine*, 92.

Not all felons shipped for America arrived there. "In 1748, Feb. 28, thirty-seven convicts, being the remains of 135 that suffered shipwreck in the Downs, bound for Maryland, made their escape out of a lighter in which they were brought back above London Bridge. The jailer has refused to receive them back." No doubt he was of the same type with watchman Dogberry who, when a vagrom man would not stand at his bidding, "called the rest of the watch together and thanked God that he was rid of a knave."

The following transported felon's adventure deserves to be classed with truths that are stranger than fiction: On May 13, 1773, a correspondent wrote the *London Magazine* as follows:—

Some time ago one Sarah Wilson, who attended upon Miss Vernon, sister to Lady Grosvenor, and maid of honour to the queen, having found means to be admitted into one of the royal apartments, took occasion to break open a cabinet, and rifled it of many valuable jewels, for which she was apprehended, tried, and condemned to die: but through the interposition of her mistress, her sentence was softened into transportation. Accordingly, in the fall of 1771, she was landed in Maryland, where she was exposed to sale and purchased. After a short residence in that place, she very secretly decamped, and escaped into Virginia, travelled through that colony and through North to South Carolina. When at a proper distance from her purchaser, she assumed the title of the Princess Susanna Carolina Matilda, pronouncing herself to be an own sister to our sovereign lady the queen. She had carried with her clothes that served to favour the deception, and had secured a part of the jewels together with Her Majesty's picture. She travelled from one gentleman's house to another under these pretensions, making astonishing impressions in many places, affecting the mode of royalty so inimitably that many had the honour to kiss her hand. To some she promised governments, to others regiments, with promotions of all kinds in the treasury, army, and the royal navy. In short, she acted her part so plausibly as to persuade the generality that she was no impostor. In vain did many sensible gentlemen in those parts exert themselves to detect and make a proper example of her; for she had levied heavy contributions upon some persons of the highest rank in the southern colonies. At length, however, an advertisement appeared, and a messenger arrived from her master, who raised a loud hue and cry for her serene highness. The lady was then on an excursion of a few miles to a neighboring plantation, for which place the messenger had set out when the gentleman who brought this information left Charles-town [Charleston].¹

"1773, Jan'y 19. Five convicts were executed at Tyburn. John Lowe was to have been executed at the same time for return-

¹ *London Magazine*, XLII. 311.

ing from transportation. He was, however, reprieved because he had been transported for receiving a shilling for the carriage of a goose that had been stolen, of which theft he declared that he was ignorant" (p. 44).

The last record I discover of a transport chronicled in the *Gentleman's Magazine*, is in October, 1774. Then the Hon. Mrs. Elizabeth Grieve was sentenced for seven years. "Her offence was defrauding divers persons under pretence of procuring them places under the government. She had before rendered herself famous by pretending to be cousin to the Duke of Grafton, and to have various other connections of the first rank" (p. 492). It was very convenient for those who were pestered by poor relations to be able to ship them off over sea. In 1775 the self-same felons, who if convicted the year before would have entered America as slaves, came over as belligerent soldiers. At an earlier date their sentences had been sometimes commuted from transportation to enlistment.

Notices of the landing of convicts beyond the seas are not wanting, though not so frequent as the accounts of their shipment. American newspapers were few, and reporters fewer. But the *Boston Gazette* (May 8, 1753), says:—

Arrived at *Severn*, Maryland, April 5, the *Greyhound* with 90 persons doomed to stay 7 years in his Majesty's American plantations.

April 19, arrived from Biddeford 27 men and women for the well-peopling this or some other American plantation.

A report that a vessel with servants from Ireland was ashore at the Capes, and that the servants had mutinied and killed all the crew.

Again, 1755, July 10, "More than 100 seven year passengers have arrived at Annapolis." Now and then, Virginia and Maryland editors, as Scharf shows, exchanged ironical congratulations on safe arrivals of cargoes of king's passengers, and seven-year recruits. In a few instances we discover in Scharf the names of those who bought each convict in a shipload.

The *names* of felons transported are seldom mentioned in the *Gentleman's Magazine*, except in those cases when they returned and were sentenced to be hanged. Those names, however, I have ascertained to be all preserved and accessible by American genealogists who go abroad for tracing their ancestry. Accordingly, I have urged Mr. H. F. Waters, who has been employed in London for years in searching out the lineage of Bostonians, to betake himself to the Old Bailey. Its proceedings fill 110 manuscript volumes.¹ Here Mr. Waters may be sure of a harvest; elsewhere,

¹ *Notes and Queries*, 7th Series, IV. 395.

at Somerset House, the Herald's office, the records of archiepiscopal Canterbury, and so forth, he has gathered only gleanings, and those scanty by comparison. I have myself tested the Old Bailey archives. Reading in the *Gentleman's Magazine*, that on July 17, 1731, "3 were burnt in the hand, and 32 ordered for transportation," I asked London *Notes and Queries* to publish the names of the thirty-two transports. My request was printed October 15, 1887.¹ The very next month, November 12, the names of the thirty-two were all published. They were John Aldridge, Elizabeth Armstrong, *alias* Little Bess, Richard Bennet, Martha Brannan, John Brown, Hugh Cambell, Elizabeth Camphill, *alias* Cambell, William Carnegy, John Coghill, Henry Cole, Mary Coslin, Catharine Cox, John Cross, Eleanor Davis, George Emly, James Emly, John Haynes, James Hobbs, Thomas Jones, Antonio Key, Thomas Macculler, Martin Nanny, John Payne, Thomas Petit, Luke Powel, Daniel Ray, Elizabeth Roberts, John Rogers, Mary Row, Thomas Taylor, Anne Todd, Jane Vaughn. In the Old Bailey archives, then, the Japhets who seek for their fathers cannot fail to find a mine little explored and well-nigh exhausted.

This chain of research is, however, weakened by a broken link. We discover John Smith's name in the Old Bailey books; but who can prove that when sold in America he did not go by another name? The master who had bought a wig for his chattel, would not grudge him an aristocratic name in keeping with that dignifying decoration, especially as it might make a plebeian more salable. It is also possible that the name John Smith, even on the Old Bailey books, is itself a misnomer, and should have been written quite otherwise. Through such a series of aliases genealogical confusion is raised to a second power.

Our countrymen of *Scotch* descent, however, will at the Old Bailey meet with less genealogical helps than those of English origin. The reason is that the statute of 1718, thanks to which so many Englishmen left their country for their country's good, was not extended to Scotland until half a century afterward, in 1768. Dr. Franklin describes himself as protesting to the British Parliament against this extension. The old law, Franklin said, had been a great grievance, but if English felons were to be reinforced by Scotch, the burden would become intolerable. At all events, he claimed reciprocity. If Scotland must send her felons to the plantations, let the plantations send their felons to Scotland. But, speaking seriously, Franklin² called the emptying of English jails

¹ *Notes and Queries*, 7th Series, IV. 307.

² *Works*, X. 121.

upon the colonies the most cruel insult ever offered by one nation to another.

No question regarding convicts shipped to America is so hard to answer as that which relates to the particular colony in which each gang of them was put ashore. Mention of Virginia, Maryland, and Jamaica or Barbadoes is not infrequent, but I could find no notice of any single transport landed in New England except the Scotch and Irish of whom I have spoken. When I wrote to *Notes and Queries* asking for the name of such a New England convict, the name "Elizabeth Canning" was given me. Concerning Elizabeth Canning the notice in the *Gentleman's Magazine*¹ is this: —

1754, July 28. Elizabeth Canning is ordered to be transported to some of his Majesty's American colonies, and has been delivered to the merchant who contracted with the court, to be transported accordingly. And 'tis certain that in case she be found at large in this Kingdom before the expiration of seven years, she will be liable to the pains of death.

There is here no evidence that Elizabeth Canning was shipped to New England, rather than to some other American plantation. In a later volume, however, of the *Gentleman's Magazine*,² it is stated that "she died at Wethersfield in Connecticut in the year 1773, after having been married to a person of the name of Treat, or some name sounding like that." It is added that notice of her death appeared, in 1773, in Say's *Weekly Journal*. Writing once more to *Notes and Queries* in order to ascertain the name of the vessel in which Elizabeth Canning was transported, I received the following answer:³ "If we can take the London Journals of 1754 to have been correctly informed, the name of the vessel in which Elizabeth Canning had her passage was the *Myrtilda*, Captain Budden, which cleared from Deal Aug. 26, and her destination was Philadelphia." The names of nineteen others who were sentenced to transportation at the same time with her were also furnished. But it still seems odd that a transport who was to be landed in New England should be put on board a vessel bound for Philadelphia. No doubt this vessel's homeward voyage was by way of New England.⁴

The present article is by no means so complete as the writer hoped to make it. His sources of information have been limited

¹ XXIV. 338. ² LXXXIII., part 2, 337. ³ *Notes and Queries*, 7th Series, V. 457.

⁴ From a descendant of the Treat family I learn that according to the record in an old family Bible, Elizabeth Canning, born in London, was daughter of Joseph and Elizabeth, and was married in 1756 to John Treat, and died at Wethersfield, Conn., on July 22, 1773.

as well as his ability to make full proof of them. His gleanings, picked from the wormholes of long-vanished days, may be material to serve future inquirers. The fragments he has gathered may lead to the discovery of complete reports. His research has filled him with surprise that our colonial convict element was so large. He is inclined to confess that English views on this matter have been more correct than those prevalent in America. He cannot wonder that Johnson, who, as one employed in editing the *Gentleman's Magazine*, had^d hundreds of times chronicled the reprieve of gallows-birds that they might be made American colonists, should hold in low esteem the regions they pervaded and peopled. It now seems more natural that he should speak as he did, and declare he could love everybody except an American, than the writer could at first believe. Nor can it do us any harm to see ourselves as others see us, looking to the hole of the pit whence we were digged as well as into the rock whence we were hewn. A new point of view must reveal new phases of truth.

We may reasonably come back from the byway of history we have been tracing, with optimistic feelings. How much of good has been evolved from evil! How many a lily, the perfection of purity and fragrance, has sprung up out of the mud of a marsh! "Saplings," says a Chinese proverb, "are crooked, but they will straighten as they grow up,—and the higher the straighter." That our country has become what it is, notwithstanding so much of baser matter was mixed with its pilgrims and martyrs, gives reason not only for thankfulness and astonishment that we behold such a survival of the fittest. It countenances a better opinion of human nature than has often been rife. Its testimony is in keeping with that of Siberia and Australia, but vastly more conclusive. It proclaims that many who have fallen will rise again if they have a chance, and more frequently and surely the more encouraging and stimulating their new environment.

“And like bright metal on a sullen ground,
Their reformation, glittering o'er their fault,
Shall show more goodly and attract more eyes,
Than that which hath no foil to set it off.”

JAMES DAVIE BUTLER.