

THE TRANSPORTATION OF CRIMINALS FROM GLOUCESTERSHIRE

1718 - 1773

The practice of transporting criminals to the British Colonies overseas developed gradually between the late 16th and the first half of the 19th century, after which, largely as a result of opposition from the colonies, the practice was gradually abandoned.

An Act of Parliament in 1598 stated that dangerous or incorrigible rogues could be sent to the galleys for life or transported to any place beyond the seas assigned for that purpose by the Privy Council. In 1615 the Privy Council ordered that anyone found guilty of any robbery or felony could be sent for service in the East Indies or the American plantations. Between 1615 and 1640, however, only 123 reprieved felons appear to have been transported. During the Civil War the practice almost ceased but it was revived during the Commonwealth period when many Irish prisoners of war were sent to Virginia, Barbados and Jamaica. In November, 1651 soon after the Battle of Worcester, John Clifford of Frampton-on-Severn recorded in a note book that he paid 1s. 6d. for "conveying the Scott's prisoners to Bristol". Were they on their way to transportation?

From 1665 the practice arose whereby if any person convicted of a felony prayed in open court to be transported he could be if the court thought fit. This practice was legalised by an Act of 1670. (31 Car. II c.2.) When these convicts reached the colony to which they had been transported they were assigned to the settler

who made the highest bid for their services. They were, in effect, sold into slavery for the term of their sentence. A transportee who had sufficient money could, after assignment, buy back his freedom, but he could not return to Britain before the expiration of his sentence.

This auctioning of convict labour was similar to the system of Indentured Service by which many of the early emigrants travelled to America. By this system any person over fifteen years of age could bind himself over to a shipping merchant who, in return for giving him a free passage to America, could sell him into servitude in the colonies. The period of servitude varied from two to seven years, the average being four years. The purchaser could hire out or sell an indentured servant and, in some colonies, could whip him. It has been estimated that between sixty and seventy per cent of all the early emigrants to America went out as indentured servants. The shipping merchant made a good profit, for a healthy unskilled man could be sold for as much as £10, a skilled craftsman for up to £25. In 1619 the Common Council of London sent a hundred poor children to Virginia as indentured apprentices.

Bristol was the principal port for emigration to America and in the twenty-five years from 1654 to 1679 about 10,000 emigrants sailed from that port. The Bristol merchants were eager to take either convicts or indentured servants, and were not too scrupulous as to how they obtained them. Minor offenders were terrorised into "pleading transportation" by vague threats that the offence would be treated as a hanging matter and there were rumours of people

being kidnapped for indentured service. When Judge Jefferies, on his circuit of "The Bloody Assizes" in 1685, arrived in Bristol he in turn terrorised the merchants and magistrates at Bristol Assizes. "Kidnapper" he bawled at the Mayor, Sir William Hayman, "Do you see the Keeper of Newgate?" He made him stand in the dock and fined him £1,000 for allowing a boy from the Bridewell to be illegally transported and bound him, with Alderman Lawford and three others, to find sureties of £5,000 each that they would answer at the King's Bench to charges of kidnapping people for servitude overseas. They were not, however, brought to trial.

Convicts and indentured servants sometimes went out on the same ship and were probably sold indiscriminately on arrival. Felix Farley's Bristol Journal of October 26th, 1754, states: "Captain Davis is arrived at Annapolis in Maryland from this port having 50 indentured servants and 69 of the King's seven year passengers." In May, 1757 the owners of the ship Frisby were advertising in The Bristol Intelligencer for men and boys to go as indentured servants to Maryland, while a paragraph in the same paper stated that 40 convicts had been sent aboard the Frisby.

The colonies varied in their attitude to transportation. Sometimes they asked that convicts should be sent. Among the Blathwayt papers in the Gloucestershire Record Office is a memorandum dated 4th June, 1684, which records that the Lords of the Committee for Trade and Plantations had received an address from the island of St. Christopher "praying that for the strengthening and security thereof 300 men Malefactors long since Ordered might accordingly be

transported to that Island." About 1697, however, some of the American states prohibited the landing of convicts and for a time most of them were sent to the West Indies. Pennsylvania prohibited convicts in 1722, Virginia did likewise the following year, but the British government vetoed the acts and continued to send them.

Although many Gloucestershire men must have sailed for the American plantations as indentured servants there appears to be no evidence that any convicts were transported from this county before 1718. Certainly there is no reference to transportation in the existing Quarter Sessions Order Books before that date. In 1718, however, a new Act concerning transportation was passed. By this Act Judges, or the Justices at Quarter Sessions, were empowered actually to pass sentences of transportation for seven years for certain crimes, whether the criminal had pleaded transportation or not. The act also empowered Judges, if they thought fit, to grant reprieves to men or women condemned to death, while recommending the King to show mercy. These recommendations were practically always accepted and the King's pleasure was notified to the Clerk of the Peace for the county by the Secretary of State. The letter sometimes stated the term of transportation which the reprieved criminal was to serve, but often this was left to the Justices to decide at Quarter Sessions. The first reference to transportation in the Gloucestershire Quarter Sessions archives occurs in the Order Book, Trinity Sessions, 1718; and, as it explains the law, is quoted here in full:

"Whereas by an Act of Parliament made in the fourth Year of his

present Magesties Reigne Intitled an Act for the further preventing Robery and other Felonies and for the more effectual Transportation of Felons etc. It is enacted that where any person or persons have been or shall be hereafter convicted of Grand or petty Larceny or any felonious Stealing or taking of Money or Goods or Chattels either from the person or the House of any other, or in any other manner who by the Law Shall be Entitled to the benefit of Clergy and liable only to the penalties of burning in the hand or whipping (except persons convicted for receiving Stolen Goods knowing them to be Stolen) It shall and may be lawfull for the Court before whome they were convicted if they think fitt instead of ordering such offenders to be burnt in the hand or to be whipt to order them to be sent to some of his Magesties Colonies and Plantations in America for the Space of Seven Years and that the said Court shall have power to Convey Transferr and make over Such Offenders by order of Court to the use of any person or persons who shall contract for the performance of Such Transportation to him or them or his & their Assignes for Such terms of Seaven years And whereas John Townsend, alias Townend, Robert Monning Thomas Johnson & Nicholas Workman have severally been convicted of Felony at this Sessions & have thereby incurred the penalties of burning in the hand or whipping This Court Dos therefore persuant to the said Act Convey transfer and make over the said John Townsend ... to Benjamin Heming & his (Assignes) for the said terme of Seaven Years according to the said Act and this Court dos approve of John Heming with the said Benjamin

Heming for securities for transporting them accordingly."

In June 1719, the first party of transportees, eight men and one woman - Mary Parker, convicted of a felony - left the Castle Gaol under the charge of John Heming, Keeper of the Bridewell and were taken by barge down the Severn to King Road, at the mouth of the Bristol Avon, and put aboard a ship bound for the New World. Further evidence that these were the first convicts from Gloucestershire to be transported is provided by the fact that when John Heming sent in his bill of £10. 10s. for conveying them, the Justices quibbled at the charge. At Trinity Sessions, 1719, a committee of three Justices was appointed to consider the charges and the best method of transporting criminals in future. Had convicts been transported from Gloucestershire previously it is likely that a scale charge would already have been fixed. The committee reported at Michaelmas that the charges were reasonable and that John Heming should in future be paid £1. 10s. for each convict taken to Bristol, provided that he paid the cost of maintaining them from the date of their sentence till the time of transportation. About 1740 the charge was increased to £2 a head, shown in the Treasurer's Accounts as "Jayle ffees."

According to Professor A.G.L. Shaw, in *Convicts and the Colonies*, merchants trading with the American colonies in the 17th century were eager to carry convicts free of charge as they could obtain a profitable price for them on arrival. Later, however, they had difficulty in disposing of women and convicts of bad character, and in 1697 the government had to pay £8 for each of 50 women transported.

After the Act of 1718 the government made regular contracts with shipping merchants for transporting convicts from London and the Home counties; first for £3 a head for convicts from London and £5 for those from other parts; after 1727 for £5 for all convicts. Places other than London and the Home counties made their own contracts and Gloucestershire paid £4 for each convict from 1727 to 1773, except on two occasions in 1730 and 1749 when the payment was slightly less.

The Act of 1718 ordered that all the expenses of transporting convicts were to be paid by the place for which the court was held. The expenses so incurred by Gloucestershire are, of course, recorded in the Treasurer's Accounts. e.g., Trinity 1729, "14 Felons ordered for Transportation at the Two last Assizes & Quarter Sessions to some of the Plantations. £56. Os. Od." Such entries provide the most accurate information as to the number of convicts transported. Unfortunately only one account book for the period of transportation to America is extant; that from Trinity 1726 to Michaelmas 1773. Information concerning the number of convicts transported in the remainder of the period could be obtained from the Quarter Sessions Order Books or from the Gloucester Journals. The Treasurer's Accounts record the number of convicts transported and, from 1733 onwards, with few exceptions, their names. The number of transported each year is given below. The figures for any year are reckoned from Easter to Epiphany, inclusive, as transportees recorded at Epiphany were, obviously, transported in the previous year.

1727 11	1743 16	1759 14
1728 nil	1744 7	1760 7
1729 22	1745 4	1761 4
1730 16	1746 2	1762 4
1731 10	1747 8	1763 11
1732 9	1748 18	1764 16
1733 19	1749 22	1765 17
1734 3	1750 20	1766 8
1735 10	1751 20	1767 19
1736 17	1752 10	1768 30
1737 9	1753 14	1769 18
1738 24	1754 18	1770 22
1739 9	1755 14	1771 25
1740 22	1756 9	1772 5
1741 32	1757 18	1773 27
1742 21	1758 18	

Total 674. An average of 14 a year.

When a party of convicts was handed over to the contractors - in Gloucestershire the Keeper of the Gaol or the House of Correction and his partner a formal bond was signed and sealed by two of the Justices and the contractor and his partner. By this bond the contractors bound themselves in a sum of money to transport the convicts within three months to "some of his Majestyes Collonyies and Plantations in America and procure an Authentick Certifycate from the Governor or Chiefe Customehouse Officer of the place of their Landing of the said felons (Death and Casualty of the Sea excepted) and shall not suffer the sayd offender# or any of them to returne from the place they are Transported to into any part of Great Britain or Ireland by any willfull neglect or default of them." The contractors usually bound themselves in the sum of £200, but occasionally for £100 and once for as little as £60. The last amount was for one convict only, though the number of convicts covered by the bond seems otherwise not to have had any effect on the amount

of money stipulated on the bond. Half the sum appears to have been handed over to the Justices as security.

Sixty of the transportation bonds remain in the County Records Office and cover most of the convicts transported between 1733 and 1757. They include four other bonds dated respectively, 1727, 1731, 1771 and 1772. The bonds give the names of the "transports", the date and place where sentenced (Assizes or Quarter Sessions); the length of the sentence (life, 14 years or 7 years), and a very brief statement of the crime committed. Only very rarely is any other information given. e.g., "Richard Flaxon, labourer", "Anne Hall, wife of William Hall." Very occasionally the crime is not stated or the statement is ambiguous. e.g., "William Watkins, Richard Smyth and Joseph Deale, severally convicted of burglary and horse stealing" should probably read "burglary or horse stealing." The bonds state that 29 of the transportees were convicted of "a felony", a term covering so wide a variety of crimes as to be almost useless.

The following is an analysis of the crimes committed by the convicts named in the bonds:

Grand Larceny (Goods or money valued above 1s.)	200
Larceny	2
Petty Larceny (Value less than 1s.)	9
Housebreaking (includes 2 also picking pockets)	11
Housebreaking and horse stealing	4
Horse stealing	29
Sheep stealing	7
Stealing (Ass 1, Bond 1, Woollen cloth 1, from shop 1)	4

Burglary	11
Burglary and horse stealing	3
Felony	29
Highway robbery	7
Receiving stolen goods	4
Stealing above 40s. in a dwelling house	5
1 for each of the following: Killing a fallow deer, Arson, Returning from transportation, Unnatural sex offence, Perjury, Stabbing a mare, Forgery, Stealing grain on a barge	8
	<hr/>
	333
	<hr/>

Of the 674 convicts transported the names of 612 are recorded either in the Treasurer's Accounts or the bonds. 536 of these were men, 66 were women. In one case a man and his wife were transported. At least two of the women left husbands behind. Ages were not recorded but at least two boys were transported. In 1741 Joan, Elizabeth and Mary Styles were transported together.

The length of the sentence has been ascertained for 471 of the transportees. 11 were transported for life, 167 for 14 years, 393 for 7 years. All those sentenced for life or 14 years had been condemned to death and reprieved; those transported for 7 years would otherwise have been burnt in the hand or whipped.

Of the eleven convicts transported for life, seven were sentenced for participating in corn riots which were a recurrent feature of the 18th and early 19th centuries. In 1756 the harvest was spoilt by rain and the price of wheat in Gloucester market, which had been between 4s. 6d. and 5s. a bushel earlier in the year, rose to between 7s. and 8s. in November and to between 9s. 6d. and

11s. 6d. in the following April. Professor Hoskins has calculated that the labouring class spent about 90% of its earnings on food and drink, so a rise in the price of bread - then the principal item of food from 4½d. the quartern loaf in the summer to 7½d. in November and 11d. in the spring must, obviously, have caused much hardship. There were riots in many parts of England, including Gloucestershire, particularly in the Forst of Dean where the colliers and country folk stopped and plundered the barges carrying corn down the Wye and Severn to Bristol. Many of the offenders were arrested and tried before a Special Commission held at Newnham in January which dealt comparatively leniently with them by fines, but at the Assizes in March, William Meek, Thomas Woor, and William Morgan were sentenced to death for stealing grain from several vessels on the Wye to the value of £104. 10s. 0d. All three were reprieved but William Meek was transported for life.

Another dearth of corn in the winter of 1766/7, when wheat rose in price to between 9s. and 10s. 11d., caused riots principally in the Stroud area. This time the rioters were more violent and so was the retribution. Mobs, summoned by horns and armed with clubs, roamed the area demanding food, drink and money. At Paganhill they attacked the house of a shopkeeper named Chandler who opened fire and killed one of them. In an effort to break in and get him, the rioters pulled the tiles off the roof but he managed to escape. A house near Minchinhampton was similarly attacked.

Ninety six rioters were brought into the Castle Gaol, including the common hangman and sixteen women. In December they were tried

before a Special Commission of two judges and the nobility and principal gentry of the county. At the usual pre assize service at the cathedral, the Chaplain to the High Sheriff preached on the text, "Let every soul be subject unto the higher powers the powers that be are ordained of God." (Romans 13, v 1). It was evidently an inspiring sermon for the Commission sentenced 9 rioters to death and 7 more to transportation for seven years; 43 were discharged and 25 given bail to appear at the next Assizes. Chandler, the shopkeeper, charged with unlawfully killing a rioter, "was not only discharged but applauded for his resolution." David Shaw, the principal witness against him was committed to gaol for being concerned in the riot. "It was a most affecting scene on Friday evening to behold the tears and entreaties of the wives and relations of the unhappy rioters who were condemned to die, imploring mercy round the Judges' carriages as their Lordships set off."

Of the nine condemned to death, three were hanged, one pardoned, and five reprieved and sentenced to transportation for life. At the following Assizes David Shaw was also condemned to death but reprieved and transported for life. Another rioter was sentenced to transportation for seven years.

About 1740 it appears to have been relatively easy to return from transportation, but the penalty for doing so was death.

At Gloucestershire Assizes in July, 1740, Thomas and Robert Crew were sentenced to transportation for seven years for grand larceny and a year later Daniel Crew was transported for fourteen

years for receiving stolen goods. In August 1742 Robert and Daniel were sentenced to death for returning from transportation. Robert was reprieved and transported again for fourteen years, but Daniel was hanged at Gloucester. The Journal describes him as being not above thirty years of age and "very illiterate."

In April 1742, John Symonds and Giles Hancock, transported for seven years in the previous July for grand larceny, were hanged at Gloucester for returning from transportation.

In the same month William Curtis was hanged at Bristol for returning from transportation. There is an interesting story attached to this. In April, 1740, only a few months after he had acted as hangman at an execution in Bristol, Curtis was himself condemned to death for stealing goods to the value of £8 from the pack of a Scottish pedlar at Wickwar. He was reprieved and transported for fourteen years. He returned from transportation to Bristol and when passing the gateway of Newgate prison happened to see the pedlar whom he had robbed confined there as an insolvent debtor. He stopped and poured abuse on his unfortunate victim, and, very unwisely, returned to the prison gates each day to insult the pedlar, who eventually denounced him and brought him to the gallows.

Presumably as a result of these and other returns from transportation, by the statute of 16 Geo.2.c 15 (1743) a reward of £20 was offered to anyone who should "discover, apprehend and prosecute" any convict returning from transportation.

In 1772 the demand for convict labour in the colonies was so great, and the price obtained for it so high, that the Government

considered it was no longer necessary to pay the bounty to the shipping merchants. Local authorities, however, continued to pay for a time in Gloucestershire till at least the end of 1773.

Transportation to the American colonies practically ended with the outbreak of the War of Independence in 1775 though even after the war, some convicts were landed illegally as late as August, 1787. Other methods of disposing of the convicts had to be tried, for the prisons were soon filled to overflowing. In 1766 the Government started to send convicts to the hulks, moored in or near the naval dockyards, and set the convicts to hard labour there. Soon the hulks were filled and in 1787 the First Fleet sailed with convicts for Botany Bay.

SOURCES

- Glos. R.O., Q/Fac 1, County Treasurer's Accounts, 1726-73
- Glos. R.O., Q/SO 1, Quarter Sessions Order Book, 1672 92
- Glos, R.O., Q/SO 3, Quarter Sessions Order Book, 1727 72
- Glos. R.O., Q/CB, Transportation Bonds, 1726-73
- J. Latimer, Annals of Bristol, (1892)
- G. Jacob, New Law Dictionary, (1754)
- A.G.L. Shaw, Convicts and the Colonies, (1966)
- Encyclopaedia of American History.
- Gloucester City Library, Gloucester Journal files.