The Crime Of Coming Home: British Convicts Returning From Transportation In London, 1720-1780

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THE CRIME OF COMING HOME: BRITISH CONVICTS RETURNING FROM TRANSPORTATION IN LONDON, 1720-1780

by

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B.A. University of Central Florida, 2007

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in the Department of History in the College of Arts and Humanities at the University of Central Florida Orlando, Florida

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ABSTRACT

This thesis examines convicts who were tried for the crime of “returning from transportation” at London’s Old Bailey courthouse between 1720 and 1780. While there is plenty of historical scholarship on the tens of thousands of people who endured penal transportation to the American colonies, relatively little attention has been paid to convicts who migrated illegally back to Britain or those who avoided banishment altogether. By examining these convicts, we can gain a better understanding of how transportation worked, how convicts managed to return to Britain, and most importantly, what happened to them there. This thesis argues that convicts resisted transportation by either avoiding it or returning from banishment after obtaining their freedom. However, regardless of how they arrived back in Britain, many failed to reintegrate successfully back into British society, which led to their apprehension and trial. I claim that most convicts avoided the death penalty upon returning and that this encouraged more convicts to resist transportation and return home. The thesis examines the court cases of 132 convicts charged with returning from transportation at the Old Bailey and examines this migration home through the eyes of those who experienced it. First, the thesis focuses on convicts in Britain and demonstrates how negative perceptions of transportation encouraged them to resist banishment. The thesis then highlights how convicts obtained their freedom in the colonies, which gave them the opportunity to return illegally. Finally, the thesis shows that returned felons tried to reintegrate into society by relocating to new cities, leading quiet honest lives, or by returning to a life of crime.
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INTRODUCTION

On the morning of June 10, 1744, Henry Cole stood alone atop a horse-drawn cart with his hands tied in rope and a noose placed around his neck. He prayed for his life because in a few moments he faced execution for returning from transportation. Had he stayed in America for seven years instead of returning early, he would not have been in such a precarious position. A crowd of thousands had assembled at Tyburn, the location of London's executions, where Cole addressed them, claiming that his sentence of death for returning was “very just.” The executioner placed a cap over Cole’s head, and in expectation of his coming fate he cried “Lord Jesus, receive my Spirit!” A few moments later, he died for his crimes.¹

This thesis is about convicts, like Henry Cole, who risked their lives by either remaining in or returning to Great Britain illegally after receiving sentences of transportation to the American colonies. The practice of banishing convicts to the Americas had been in existence since 1597, but remained an uncommon punishment until the Transportation Act of 1718. This act made exile the standard punishment for serious crimes and served as a humane alternative to execution. Depending on the severity of their crimes, felons received sentences of either seven or fourteen years, or for the remainder of their lives. The punishment of transportation reduced the number of convicts in prisons, which saved the government a large sum of money, while also

¹ Old Bailey Proceedings (www.oldbaileyonline.org, 5 August 2009), Ordinary of Newgate’s Account, 8 June 1744 (OA17440608).
providing an abundant source of cheap labor for the colonies, something for which they had a pressing need.

Through government subsidies, shipping merchants received a fixed amount of money for every convict they removed from British jails and transported across the Atlantic. The government only required that convicts receive banishment – forced labor was not a part of the sentence. However, since the money the merchants received from the government subsidy did not entirely cover the cost of shipping convicts to the colonies, they sold felons who could not afford to pay for their voyage as indentured servants for terms of seven years, regardless of their sentence of banishment, upon arrival in America. This made transportation profitable and successful with an estimated 50,000 convicts transported to the colonies between 1718 and 1776.

In addition to transporting convicts, the 1718 Act also standardized the punishment for remaining in or returning to Britain before a transportation sentence expired. Prior to 1718, no punishment officially existed for convicts found illegally in Britain before their terms of banishment expired; therefore, many either never left Britain or they returned promptly. Felons who served their full sentence of banishment could legally return to Britain without consequence or fear of conviction. However, for convicts returning home before the expiration of their sentences, execution was the standard punishment. In addition, the 1718 Act also took into account that some convicts sentenced to transportation never left the country because they had either escaped

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from prison or somehow avoided banishment through some other means; these
convicts also received execution. The 1718 Act stipulated that only the monarch
possessed the power to pardon convicts found illegally in Britain, giving a glimmer of
hope to those who dared to try.⁴

To avoid confusion, I need to address the use of the terms “returned convict” and
“returning from transportation.” For the remainder of this study, these terms describe
convicts who either remained in or returned to Britain illegally before their sentences of
transportation expired. While many convicts probably went back to Britain after their
sentences of banishment expired, they did so legally because they were no longer in
violation of their sentences. Unfortunately, little evidence exists about what became of
these ex-convicts when they went home. A few ex-convicts who returned in this manner
were mistaken for actual returned convicts but avoided conviction after presenting proof
that they had returned legally.⁵

As stated above, it is also important to note that convicts did not necessarily
need to arrive in America to be charged with the crime of returning from transportation.
The law stated that any convict found “at large” in Britain before the expiration of their
sentence of exile had illegally returned from transportation and, therefore, faced
prosecution. Therefore, once sentenced to transportation, if convicts managed to
escape from prison or a convict ship, they were susceptible to punishment as returned

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⁴ William Hawkins, *A Treatise of the Pleas of the Crown; or, A System of the Principal Matters Relating to
tat Subject, Digested under Proper Heads, 8th ed.,* vol. 2 of *Criminal Offenses* (London, Law Booksellers
and Publishers, 1824), 423, http://books.google.com/books?id=vZc0AAAAIAAJ&pg=PA423#v=onepage&q=&f=false (accessed July 7,
2009).
⁵ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 9 February 2010), September 1749, trial of
James Eakins (t17490906-7).
convicts because they were at liberty in Britain illegally before their sentences expired.\textsuperscript{6} While not all historians considered these convicts to have technically returned, they were still defined as such under the law and are nonetheless valuable to understanding why felons choose to either remain in Britain or return from the colonies and are, therefore, included in this thesis.\textsuperscript{7} Please keep the meaning of these terms in mind because they reoccur frequently in the chapters that follow.

There has been little historical scholarship on returned convicts in Britain. Historians who have mentioned them have done so within the existing historiography on penal transportation to the colonies. The first significant work on bonded labor was Abbot Emerson Smith’s \textit{Colonists in Bondage}. This work is primarily about the servant trade to the Americas and covers all types of bonded laborers (indentured servants, redemptioners, rogues and vagabonds) but also contains several sections on convicts. Smith’s book briefly examines what life was like for convict servants on the plantations and their prospects of escaping. In addition, while it does not address returned convicts directly, it does mention that most bonded laborers sent to America probably remained there.\textsuperscript{8} Unfortunately, \textit{Colonists}, though pioneering, acts primarily as an overview of the convict trade; however, it continues to inspire scholarship on transportation over sixty years after its initial publication.

The most important work in the historiography of transportation is undoubtedly Roger Ekirch’s *Bound for America*. Published forty years after *Colonists*, this work examines the entire experience of transported convicts in America. The study deals primarily with the organization of the trade and the lives of convicts in America, but also contains a ten-page section devoted entirely to convicts returning from the colonies to Britain. In this section, he briefly examines how convicts returned and what happened to them when they arrived in Britain. Ekirch suggests, “For the vast majority of convicts… passage home was always the paramount hope.”

In addition, he provides plenty of evidence demonstrating that runaway felons in the colonies preferred heading to ships bound for Britain instead of escaping to the American backcountry as previously believed. *Bound for America* created the framework for future research on returned convicts, and spawned a small amount of scholarship on the subject.

Research on penal transportation is traditionally included within the larger framework of Atlantic history, particularly studies on Atlantic migration. Bernard Bailyn’s *The Peopling of British North America: An Introduction*, one of the cornerstone pieces on Atlantic History, does not specifically mention returned convicts, but their place in his work is obvious. Bailyn describes the travelers on the Atlantic as “people in motion.” Among the travelers he describes are “metropolitan immigrants.” Bailyn describes these immigrants as young single men from London who voluntarily headed to Maryland, Pennsylvania, and Virginia to find employment. Convicts seem to fall within his

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9 Ekirch, *Bound for America*, 207.
10 Ekirch, *Bound for America*, 221.
description, except that they did not go the colonies voluntarily.¹² Perhaps most importantly, Bailyn argues that the population of Britain was mobile, and that this is essential for understanding colonial America. Originally, Britons went to London to find work, but the city overflowed with people and eventually the logical place for them to seek employment became America. Convicts certainly fall within this description because transportation removed idle and unproductive people from the city and relocated them to the colonies where they could be put to better use. Bailyn explains further “the peopling of North America was a spillover – an outgrowth, an extension – of these established patterns of mobility in England.” The Atlantic connected these places (Bailyn describes the ocean as a “highway”) and people migrated back and forth between them without hesitation.¹³ Bailyn’s book is therefore essential for understanding where returned convicts fit into migration history and the Atlantic world at large.

Alison Games, in Migration and the Origins of the English Atlantic world, takes a different approach to understanding Atlantic migration. She argues that patterns of repeat and return migration undertaken by colonists everywhere ultimately defined the English Atlantic world.¹⁴ Unlike Bailyn, who examines migration to America as a whole, Games approaches it from the perspective of a cohort of Atlantic travelers arriving and departing from London in 1635. This method enables her to gain unique insights into

¹² Bailyn, The Peopling, 12-5.
how individuals experienced the constant mobility of the Atlantic world. She states that the Atlantic was “for many, a starting point, for far more, the route to an early grave.” This grisly description not only describes the experience of the Atlantic for her travelers, but is relevant for transported convicts as well since they faced the possibility of death in either direction they travelled on the ocean. In short, Games’ approach of examining individuals to gain a unique perspective on the Atlantic world was groundbreaking, and it proved vital for the creation of this thesis, which uses a similar approach.

One of the most important books for describing the place of convicts in the Atlantic world is *Eighteenth-Century Criminal Transportation: The Formation of the Criminal Atlantic* by Gwenda Morgan and Peter Rushton. This book examines “The movement of criminals travelling in both directions across the Atlantic and the publication, communication, and exchange of representations of crime in general and transported convicts in particular.” The authors make the case that a “Criminal Atlantic,” similar to the “Black Atlantic,” formed because forced migration to the colonies united criminals in America and Britain into a community based on a shared experience of crime. While Morgan and Rushton acknowledge that convicts returned to Britain, they do not propose how frequently it occurred or how it happened. Instead, they focus on the importance of return narratives and argue that these stories connected convicts across the Atlantic. Unfortunately, the authors do not suggest how narratives influenced convicts’ perceptions of transportation and life in America. Unlike the other

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15 Games, *Migration*, 6-10.
books on migration, *Eighteenth-Century Criminal Transportation* puts convicts in the forefront and offers a significant contribution to our understanding of criminals and their place in the Atlantic.

While all of these works mention returned convicts in some detail, none of them completely answered how convicts returned from transportation or what happened to them in Britain. Until historians study these convicts more thoroughly, we will never fully understand the significance of transportation on American and British history. If historians focused their attention on how convicts returned, they could better understand convict attitudes towards transportation and America. Why did convicts attempt to avoid transportation? Why did convicts choose to return to Britain rather than stay in the colonies? In addition, by understanding what happened to convicts upon their return, historians can attempt to gauge how successful transportation was as a form of punishment. Did convicts commit new crimes upon returning or did they reform their criminal ways and transform into industrious citizens? Unfortunately, this study only examines returned convicts brought before the Old Bailey and cannot account for those who were never brought to justice. Therefore, the only way to answer these questions is by examining convicted returned convicts in further detail.

The main questions addressed in this thesis are how did convicts manage to remain in or return to Britain prior to their sentences expiring and what happened to them there? I argue that these felons returned after obtaining their liberty, from either custody in Britain or servitude in America but were still ‘at large’ because of their sentences of banishment, and when they reappeared in Britain they tried,
unsuccessfully, to reintegrate into society. This failure to reintegrate resulted in their capture and conviction for returning from transportation. To answer the questions stated above, this thesis examines convicts charged with returning from transportation to London between 1720 and 1780. In trying to identify as many returned convicts as possible, this study focus on the approximately 132 felons who stood trial at the Old Bailey courthouse for returning from transportation. However, because dozens of additional criminals committed the offense yet never received convictions, this thesis also includes convicts presumed as returning in other trials at the Old Bailey, and those mentioned in *The Ordinary of Newgate’s Account*, and *The Complete Newgate Calendar*. With so many primary sources available, one of the main goals of this thesis is to present their stories, as much as possible, through their own words and experiences.

This thesis contains three chapters. Chapter 1 examines convicts prior to their arrival in America and argues how convicts learned to resist banishment to the colonies. This chapter contains three sections. The first section examines the sources used for this thesis and argues how abundant narratives of return encouraged convicts to resist transportation and return from banishment. The second section is different from the others in the thesis because it examines the quantifiable data and attempts to create a model of what characteristics typified these felons. The third section argues that some

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19 There are an additional 48 convicts mentioned in these other sources. However, due to the difficulty in finding enough information about these convicts, only those included in trials for returning from transportation have been included in statistics for this thesis. These other convicts add additional examples and supplement the 132 convicts included in the statistics.
convicts remained in Britain and avoided banishment after successfully implementing strategies meant to resist transportation.

Chapter 2 is about convicts who arrived in America and examines how and why they went back to Britain. It argues that convicts who arrived in America returned home after avoiding servitude or achieving their freedom from it in one of three distinct ways. Since servitude was not part of the transportation sentence, some convicts went back to Britain because they were fortunate enough to avoid bondage by either paying for their voyage or by earning their passage after working aboard convict ships. Convicts unable to pay for or work off their passage were sold as indentured servants for terms of seven years. These felons could only return to Britain after somehow liberating themselves from servitude. One group of convicts did this legally, by either purchasing their freedom or by having their masters release them. Convicts, unable to free themselves from bondage legally, ran away from their owners and then returned home. Whether they freed themselves from bondage or somehow managed to avoid it, convicts needed their freedom to try to return and home.

The third chapter examines what happened to returned convicts while they remained at large in Britain. The first section of the chapter argues that they employed three interchangeable strategies to avoid capture and reintegrate into society. However, these strategies – relocating, living honestly, and returning to crime – all ultimately failed. Section 2 examines the trial of returned felons and argues that the prosecution needed to correctly identify and prove they were “at large” in order to obtain guilty verdicts. To clarify, “at large” meant that convicts were illegally within the realm of
Britain prior to the expiration of their sentences of banishment. The third section examines the fates of convicts after they received their verdicts and argues that death was not the inevitable result for those convicted.

Returning from transportation was unlike any other crime in the history of Britain. For stepping foot in British Islands while at large, convicts faced an uncertain future in addition to the possibility of death. They returned to Britain a number of ways, not only after absconding from their masters, but also after obtaining their freedom from servitude or by managing to avoid bondage altogether. Equally important, some convicts, often neglected by historians, managed to avoid transportation but were still charged with returning because they were at large in Britain before their sentences of banishment expired. The primary factor uniting the returned convicts in this thesis is that they all ultimately failed to reintegrate into society successfully while at large and were eventually captured and brought to justice in London. They all tried, in some way, to avoid coming to the attention of the authorities, either by relocating to other parts of Britain, attempting to live honest lives, or by returning to clandestine lives of crime.

When captured, the possibility of death loomed over these convicts. However, execution only occurred in a minority of cases while the majority escaped with their lives and were often transported back to America – the very place they had risked their lives to return from in the first place.
CHAPTER ONE: RESISTING TRANSPORTATION IN BRITAIN

Having lived in America for several years, George Baker was well aware of the treatment endured by transported convicts. When he received a transportation sentence in London, he knew what awaited him on the other side of the Atlantic. When he arrived on the transport ship *William & John* in 1721, he informed his fellow convicts about the life that awaited them in America. Instead of submitting to a life of bondage, he advised them, while still docked in London, that they should attempt an uprising. Sure enough, when the Captain of the ship came down to inspect them, the convicts grabbed him, bound him and his fellow sailors, and took control of the ship. George Baker had succeeded in avoiding banishment by returning from transportation.¹

This chapter is about convicts’ resistance to being transported to the American colonies while in Britain, and it seeks to answer who resisted, how, and why? The first section examines the wide variety of returned convict narratives and argues that they were important in shaping perceptions of resistance to transportation for future felons. Section 2 examines the statistical data collected for this thesis and attempts to create a model of what characteristics typified convicts found at large in Britain before the expiration of their sentences. The third section argues that some convicts avoided banishment and remained in Britain by resisting attempts to have them transported. By examining convicts’ resistance to being transported to the colonies, we can better understand why so many risked their lives to return.

Section One: Narratives of Resistance

When the returned convict John Poulter published his autobiography *The Discoveries of John Poulter alias Baxter* in 1754, it set off a frenzy of interest. Included in its contents were accounts of his crimes, banishment, and a chapter entitled: “The Way that Convicts return from Transportation, and the only Way how to prevent their return.” ² The *Whitehall Evening Post* noted the book was so popular that “the press has been kept almost continually going for several weeks” and had reached an eighth edition. There was such a demand for the book that the printer apologized and promised that, “the publick may depend on a proper supply for the future.”³

Narratives, such as John Poulter’s autobiography, were ubiquitous in eighteenth century London because hundreds of convicts returned and many were eager to share their experiences of transportation. Over two thirds of the convicts who left information about their education in this study could read, but literacy was not a prerequisite for obtaining knowledge since narratives could come from plays, interactions with other convicts, ballads, or other mediums.⁴ This section of the chapter argues that narratives of returned convicts shaped perceptions of transportation for future felons. I argue that these narratives educated convicts on three distinct points. First, they described the horrors of transportation in significant detail, and encouraged convicts to fear and resist banishment if possible; second, they proved that many convicts successfully returned

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³ *Whitehall Evening Post or London Intelligencer*, February 19, 1754.
⁴ In total, 42 convicts left information regarding their literacy. Of these, 27 claimed to have received an education, while the rest admitted they had not received schooling.
from transportation; and third, they demonstrated that the harsh realities of transportation presented in these narratives were widespread and accepted as accurate despite arguments to the contrary. For the first two points, I analyze several sources of convict narratives including books, plays, poems, newspapers, interactions with returned convicts, and other sources. For the third point, I briefly analyze the contrary views of transportation and explain why they were not widely believed.

More than any other factor, the increase in the number of newspapers published by the 1720s was the primary reason why convict narratives surged in popularity. British papers published the proceedings of the criminal courts, advertisements for criminal biographies, and notices of public executions so citizens could see the malefactors in person. Such an abundance of press turned many condemned convicts into celebrities with thousands of spectators attending their executions. British newspapers also reported on when convicts returned from transportation. The London Evening Post lamented, “…convicts are continually returning, and are only made more desperate than before.” Information on the colonies and American newspapers were readily available in London throughout the eighteenth century and contained a plethora of advertisements on runaway servants. These ads contained a wealth of information on the treatment of convicts and demonstrated that running away while attempting to return

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5 Morgan and Rushton, “Returning Home,” 62; There are hundreds, if not thousands, of instances of convicts reportedly returning from transportation in London between 1720-1780.
7 For examples, see Lloyd's Evening Post, January 24, 1776; Public Advertiser, February 4, 1754.
8 London Evening Post, November 4, 1738; Morgan and Rushton, Criminal Atlantic, 71.
to Britain occurred frequently.\(^9\) Newspapers, therefore, played an important role by reinforcing the belief that it was commonplace for convicts to return from transportation.\(^10\)

After newspapers, the most common source of narratives were those included in the various editions of *The Newgate Calendar*. First published in 1705 as the *Malefactors Bloody Register*, the *Calendar* contained the biographies of famous criminals executed in Britain from the reign of King Henry I (1100-35) to 1842.\(^11\) The *Calendar* was one of the three most common books found in British homes during the eighteenth century and was read by most literate people during their youth as a way of learning the consequences of immorality.\(^12\) The *Calendar* contains the accounts of at least 22 returned convicts between 1720 and 1780, which further demonstrated the possibility of returning.\(^13\) These accounts painted a harsh picture of life in America, often portraying transportation as an unbearable situation that convicts should either escape from or actively avoid. However, the *Newgate Calendar* also reminded convicts about


\(^{13}\) Only convicts who specifically mentioned that they had returned from transportation are included in this count.
the consequences of returning if caught: execution, or in some cases, re-transportation.\textsuperscript{14}

Similar in content to the \textit{Newgate Calendar} are the convict narratives contained in the \textit{Ordinary of Newgate’s Account}, published between 1679 and 1772. The \textit{Ordinary’s Account} consists of over 400 publications and about 2,500 biographies of criminals executed at the Tyburn gallows. Among them were 54 who returned from transportation. Like the \textit{Newgate Calendar}, teaching morality was the \textit{Ordinary Account}’s primary purpose; in contrast, however, it contained largely unedited biographies that described convicts and their experiences, allegedly in their own words. These biographies contained rich details because the Ordinary – the title given to the Anglican chaplain of Newgate Prison – personally conducted interviews, which he later published.\textsuperscript{15} In these interviews, returned convicts often described the harshness of transportation, and their desperation to return home. For example, James Brown, “being terrified and affrighted at the labor the people transported undergo abroad,” returned to Britain in 1751 after fleeing Virginia. Accounts such as this probably horrified reading audiences while substantially influencing their perceptions of transportation\textsuperscript{16}

A unique aspect of the \textit{Ordinary’s Account} was how it was distributed. On execution days, the Ordinary would sell his publications for three to six pence to

\begin{flushleft}
\textsuperscript{15}Emsley, Hitchcock and Shoemaker, "Ordinary of Newgate’s Accounts"; Please see the Appendix for a complete list of convicts obtained from the \textit{Ordinary of Newgate’s Account}.
\textsuperscript{16}Old Bailey Proceedings (www.oldbaileyonline.org, 17 June 2008), \textit{Ordinary of Newgate’s Account}, 1 June 1752 (OA17520601).
\end{flushleft}
spectators eager for information about the condemned. Editions that contained biographies of returned convicts became especially popular because of their entertainment value; several even contained special appendixes, providing further information on convicts and their stories. Print runs often ran in the thousands to accommodate the throng of onlookers who attended executions. With so many people present at executions, information about transported criminals and their experiences overseas quickly proliferated. While only 62 convicts were executed for returning in London, countless others admitted their guilt in their biographies or were known to have returned early. Therefore, these executions reinforced the wide-held belief that convicts returned from transportation frequently. However, considering they attended the execution, spectators also understood the grizzly consequences of what happened to felons who failed to reintegrate into British society unnoticed.

Several returned convicts and ex-convicts followed in the tradition of the Newgate Calendar and the Ordinary’s Account and published autobiographies of their adventures during transportation. These narratives are extremely detailed and lengthy, usually between 20 and 50 pages, compared with the narratives in preceding paragraphs. The convicts in these narratives wrote about every aspect of the transportation experience – the voyage to America, life in servitude, obtaining their freedom, and returning to Britain. With captivating titles such as The Sufferings of William Green and The Discoveries of John Poulter, alias Baxter, these narratives

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17 Emsley, Hitchcock and Shoemaker, “Ordinary of Newgate’s Accounts”; OBP, Ordinary’s Account, 8 June 1744 (OA17440608).
clearly expressed their disdain for transportation while grabbing the attention of a public eager for adventure stories. These narratives became so popular that the convicts who wrote them benefited financially while also achieving a high level of celebrity. For example, one author, James Dalton, was eventually regarded as one of the most notorious criminals of the eighteenth century. Each successive narrative brought additional justification for why convicts should fear transportation, while also illustrating that they could not only return successfully, but get *rewarded* for doing so.

The popularity of convict narratives caught the attention of the novelist Daniel Defoe, who took them to the next level: literature. Daniel Defoe wrote two fictional novels based on the lives of returned convicts. The first novel, *Robinson Crusoe*, was a critical and financial success, based on a narrative by the returned convict Henry Pitman. The second novel, *Moll Flanders*, was not based on any one convict, but an amalgamation of convicts from the *Ordinary of Newgate’s Account* where it was advertised. In the story, Flanders is transported with her husband, avoids being sold into bondage, and winds up inheriting her mother’s plantation in Maryland before returning to Britain. While she “did not care to be transported,” she nonetheless realized that returning was a possibility, even stating to her husband “there might be a hundred ways for him that was a gentleman, and a bold enterprising man, to find his way back

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again.” She even goes on to describe her old governess as a returned convict, demonstrating that returnees could succeed in reintegrating unnoticed into society. These novels further emphasized the popularity of returned convict narratives, while again demonstrating to the public that returning was possible.

Plays were another way that returned convicts entered the consciousness of eighteenth century Britons. One playwright in particular, John Gay, was interested in writing plays based on London’s criminals. In *The Beggar’s Opera*, several characters deal with the possibility of transportation and returning from it. Ben Budge, a character in the play who returns from transportation, successfully reintegrates into London life. Budge is a member of a criminal gang, which keeps him safe, and spends most of his time merrily drinking with his comrades in an alehouse. Theatergoers probably would have considered this portrayal of a returned convict to be common knowledge, since countless narratives confirmed that convicts joined gangs and regularly enjoyed themselves in back alley alehouses. In another scene, the characters Macheath and Polly discuss what would happen to their relationship if one of them faced transportation. After singing a song about the ordeal, they decide that they would stick together. However, in the end, a transported Macheath is forced to leave Polly behind.

In *Polly*, the sequel to *The Beggar’s Opera*, transportation plays a central theme. The play is set on an Island in the West Indies, and follows Polly as she tracks down her

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25 *OBP, Ordinary’s Account*, 8 June 1744 (OA17440608).
26 John Gay, *The Beggar’s Opera*, Act 1, Scene 1, 1728.
transported lover Macheath. The entire play makes a mockery of the entire process of transportation. We learn that Macheath runs away from his master in Virginia, marries another convict named Jenny Diver, and becomes the leader of a gang of pirates – all of whom also happen to be escaped convicts. In a direct jab at the supposed reforming aspect of transportation, these convicts all attribute their newly found success as pirates to transportation. One claims that it “hath made me the man I am,” while another says proudly “I also owe my rank in the world to transportation.”\footnote{John Gay, \textit{Polly}, Act 2, Scene 2.} \textit{The Beggar’s Opera} and \textit{Polly} were both extremely popular with London’s criminals. One returned convict, Mary Young, even used the name Jenny Diver as an alias.\footnote{Old Bailey Proceedings (www.oldbaileyonline.org, 17 June 2008), \textit{Ordinary of Newgate’s Account}, 18 March 1741 (OA17410318).} These plays presented transportation to a wide audience, while also reinforcing the British public’s negative portrayal of the punishment.

Returned convicts inevitably held discussions with everyday Britons when they returned to Britain. These discussions were commonplace amongst convicts and helped spread information about transportation. For example, Henry Cole had several discussions with people when he returned. In one instance, he befriended a young convict named John Exelby who also received a transportation sentence and, perhaps as a direct result of his conversation with Cole, eventually returned to Britain. In another encounter, Cole went to an alehouse and bragged about returning to a pair of female servers who eventually turned him to the authorities.\footnote{OBP, \textit{Ordinary’s Account}, 8 June 1744 (OA17440608).} In another example, Daniel Defoe supposedly met with Henry Pitman, the convict who wrote the memoir on which
Robinson Crusoe is supposedly based on, to learn the details of his adventures during transportation. Many of these interactions are undocumented, yet they nevertheless occurred, and were an important part of spreading ideas of resistance to transportation.

Knowledge of convict transportation disseminated several other ways. Some convict ballads have survived to the present day. Written by an unknown author, “Virginny,” the most famous ballad, expressed the sorrow of the convicts who wrote it, lamenting “Oh England, sweet England, I fear I’ll ner’er see you more.” Letters from convicts in the American colonies to family and friends back in Britain also illuminated the realities of transportation. Elizabeth Sprigs, an indentured servant working in America, wrote a famous letter to her father lamenting that, “What we unfortunate English People suffer here is beyond the probability of you in England to Conceive.”

Art depicting transportation, in the form of woodcuts, illustrations, and paintings also existed during the eighteenth century. In several of these productions, there are convicts seen onboard ships bound for America, usually in chains, hinting at the ominous existence awaiting them when they arrived in the colonies.

Despite overwhelming contrary evidence, several of these sources actually argued that transportation benefited convicts and that negative portrayals of the practice were unjustified. These arguments, which praised the reforming nature of transportation, appeared in various editions of the Newgate Calendar and the Ordinary

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30 Van der Zee, Bound Over, 181-85.
31 Eikirch, Bound for America, 64-65.
33 Mark D. Herber, Criminal London: A Pictorial History from Medieval Times to 1939 (Chichester, West Sussex: Phillimore & Co, 2002).
of Newgate’s Account. These publications dismissed accounts of returned convicts complaining about the severity of transportation, appalling work conditions in America, and the cruelty of their masters. The Newgate Calendar dismissed one convict’s claim that “Englishmen abroad had totally lost all humanity, and treated their fellow-creatures and fellow-countrymen as slaves, or as brutes.” Instead, it argued, “[convicts] are thereby exposed to no more hardships than they would have been obliged to have undergone at home.” Despite the flood of evidence from a stream of returned convicts, clearly these authors disbelieved stories about transportation because the information came from allegedly untrustworthy criminals.34

The authors of the Ordinary’s Account could not fathom why convicts would consider returning: “What a ridiculous, thoughtless Man must he be, who by returning, throws himself into the Jaws of that very Death, which he strove so anxiously before to save himself from?”35 To the authors of the Ordinary’s Account, the law made returning a crime, and no situation, no matter how desperate or dire, justified breaking it. These publications attempted to dissuade convicts from returning by convincing them doing so would result in death. For example, the Newgate Calendar explains: “The rigid execution of felons who return from transportation has been found so necessary that few or none who have been tried for such illegal returning have escaped.”36 While it is

34 Hayward, Lives of the Most Remarkable Criminals, 2:283-86; Old Bailey Proceedings (www.oldbaileyonline.org, 17 June 2008), Ordinary of Newgate’s Account, 3 November 1725 (OA17251103).
35 Old Bailey Proceedings (www.oldbaileyonline.org, 17 June 2008), Ordinary of Newgate’s Account, 11 October 1752 (OA17521011).
36 Hayward, Lives of the Most Remarkable Criminals, 1:45-48.
unknown how many convicts actually returned, the above claim became common enough that it may well have dissuaded some convicts from attempting to do so.

In contrast to the *Newgate Calendar*, Daniel Defoe’s novel *Moll Flanders* portrays transportation in a positive light. Defoe suggests convicts in America had plenty of opportunities to advance themselves financially after obtaining their freedom from servitude. After arriving in the colonies, the heroine, Moll, inherits a plantation from her mother, providing her with abundant wealth. Later, she purchases land in Maryland that “would make a sufficient plantation to employ between fifty and sixty servants, and which, being well improved, would be sufficient to us as long as we could either of us live.” Defoe even suggests that transportation succeeds at reforming convicts as demonstrated when Moll and her husband return to England “in sincere penitence for the wicked lives we have lived” after years of exile abroad. While some of the 132 convicts in this study did reform after returning, the majority probably returned to lives of crime. Despite *Moll Flanders*’ popularity, the public probably realized this fictional story did not accurately portray the realities of convict transportation because of the abundant availability of sources to the contrary.

In the end, convict narratives contained in books, plays, poems, newspapers, interactions with returnees, and other mediums, educated Britons about convict

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39 *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 17 June 2008), December 1772, trial of John Law (t17721209-52); *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 17 June 2008), October 1741, trial of Mary Shirley (t17411014-40); *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 17 June 2008), July 1751, trial of Thomas Masterson (t17510703-46). It is hard to know for sure how many convicts actually returned to lives of crime. This question is readdressed in Chapter 3.
transportation. These narratives described the experience in horrific detail, often through first-person accounts, encouraging convicts to avoid and resist transportation. In addition, such an abundance of sources also suggests that returning to Britain, despite its illegality, occurred frequently. Through narratives of return, knowledge of the harsh realities of transportation was widespread among Londoners. However, some sources, arguing transportation benefitted convicts, were not widely believed since there was so much information to the contrary.

Section Two: Returned Convict Statistics

Finding enough quantifiable data for returned convicts was a formidable challenge. Sources vary in terms of their length and complexity, often do not contain consistent data from convict to convict, and can be downright confusing or difficult to interpret because of inconsistencies and errors in accounts and records. Yet despite these dilemmas, this section examines only the statistical data collected for this thesis and attempts to create a model of what characteristics typified convicts charged with returning from transportation in London. To this end, I have examined nine different quantifiable criteria: the number of returned convicts divided by decade, sex, age, the types of crimes they committed, the length of their transportation sentences, their professions and trades, nationality, whether or not they arrived in America, and the time spent between their original and return trials. After examining all of these points in detail, I will briefly summarize the conclusions at the end of the section.
Between the decades 1720 and 1780, at least 12,000 convicts received transportation sentences from London’s primary criminal court, the Old Bailey, which dealt primarily with serious criminal offenses. The number of convicts identified during the same period as having returned from transportation to London was only 132, or a miniscule 1.1 percent of the total number sentenced. Over a span of 60 years, only two convicts on average returned and stood trial per year. For comparison, in Roger Ekirch’s research on runaway convicts, he identifies 993 Maryland runaways between 1746 and 1775, an average of 33 per year. Of these, Ekirch found that 67 percent headed for ships, presumably bound for Britain, after they ran away, but his statistics only include runaways and do not take into account the other ways that convicts might obtain their freedom from servitude and return. The evidence suggests that more convicts returned from transportation than were ever captured.

Finding conclusions as to why convicts returned when they did is difficult. Table 1 shows the decades in which convicts stood trial for returning to London. War was certainly a factor; no convicts returned during the height of the Seven Years’ War between 1758 and 1763. In addition, many convicts fled the colonies and traveled to Britain in the years leading up to and during the American Revolution because of the growing threat of American hostility towards them. The court’s tendency to initiate crackdowns on certain offenses may also help explain the differences in the number of convicts returning per decade. Usually these crackdowns occurred after the passing of

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42 Ekirch, Bound for America, 194-95.
new laws or when crimes seemed more likely to occur.\textsuperscript{44} For example, the court needed to crackdown on returned convicts after the passage of the Transportation Act of 1718. In the 1720s, large numbers of felons returned, testing whether the government would prosecute them.\textsuperscript{45} However, in stark contrast, the court rarely prosecuted returned felons during the 1730s, which explains why only five stood trial during the decade, and only one received execution.\textsuperscript{46} An additional three felons reached settlements at the Old Bailey during the decade, but received new transportation sentences rather than stand trial for the offense.\textsuperscript{47} After the court reached a settlement with one of these felons in 1739, the \textit{London Evening Post} lamented, “we may expect some dozens that have been transported, to return, to practice on his Majesty’s Subjects.”\textsuperscript{48}

\begin{table}
\centering
\caption{Returned Convicts by Decade and Sex}
\begin{tabular}{|c|c|c|c|}
\hline
\textbf{Decades} & \textbf{Males} & \textbf{Females} & \textbf{Total} \\
\hline
1720s & 33 & 5 & 38 \\
1730s & 3 & 2 & 5 \\
1740s & 16 & 1 & 17 \\
1750s & 18 & 2 & 20 \\
1760s & 10 & 1 & 11 \\
1770s & 39 & 2 & 41 \\
\hline
\textbf{Total} & 119 & 13 & 132 \\
\hline
\end{tabular}
\end{table}

\textit{Note:} Convicts were included as many times as they returned from transportation.

\textsuperscript{44} For an example, see the statistics section of the Old Bailey website for Royal Offences > tax offences.
\textsuperscript{45} Smith, \textit{Colonists}, 184.
\textsuperscript{46} \textit{Old Bailey Proceedings Online} (www.oldbaileyonline.org, 17 June 2008), February 1732, trial of George Brown (t17320223-29).
\textsuperscript{48} \textit{London Evening Post}, January 18, 1739.
It is important to note that the Old Bailey significantly underrepresented the number of convicts that returned to London. Many felons never stood trial for returning because they committed other more serious offenses. If any of these offenses resulted in the perpetrator receiving a death sentence, a trial for returning was unnecessary. After examining the *Ordinary’s Account* and the *Newgate Calendar*, an additional 40 convicts, condemned for other crimes, revealed that they were also guilty of returning from transportation. In addition, since criminals sentenced to transportation from courts all over Britain converged on London, many who returned simply went unnoticed because there was no way of knowing whether they had returned illegally.

The vast majority of returned convicts included in this study were males. Table 1 shows that of the 132 returned convicts, a total of 119, or 90.2 percent, were male, while only 13, or 9.8 percent, were female. In comparison, of the at least 12,000 convicts sentenced to transportation at the Old Bailey, slightly more than 66 percent were male. Again, a better comparison is probably Ekirch’s research, which indicates that 95 percent of all runaways listed in advertisements were males. Ekirch argues that males were probably more willing and physically able to runaway than females. Women probably had an even more difficult time returning than men because they

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49 This number could be greater still since the biographies of criminals varied in size and often contained incomplete information. For an example, see Hayward, *Lives of the Most Remarkable Criminals*, 1:226-28.

50 While it is difficult to cite a specific convict, a good example is Richard Keeble, who moved to London to avoid coming to notice. He was tried for returning from transportation at the Old Bailey but acquitted because the prosecutors could not prove his identity. *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 17 June 2008), May 1743, trial of Richard Keeble (t17430519-22).


could not earn their passage back to Britain working as sailors. At least one female convict dressed up as a man to serve as a sailor aboard a ship, but most either relied on men or paid their own passage home.\(^53\)

### Table 2. Ages of Convicts upon Returning

<table>
<thead>
<tr>
<th>Ages</th>
<th>Convicts</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-19</td>
<td>5</td>
<td>8.8</td>
</tr>
<tr>
<td>20-24</td>
<td>9</td>
<td>15.8</td>
</tr>
<tr>
<td>25-29</td>
<td>15</td>
<td>26.3</td>
</tr>
<tr>
<td>30-34</td>
<td>14</td>
<td>24.6</td>
</tr>
<tr>
<td>35-39</td>
<td>7</td>
<td>12.3</td>
</tr>
<tr>
<td>40-44</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>45-50</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>51+</td>
<td>1</td>
<td>1.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>57</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

*Note: Convicts who returned more than once are included as many times as they returned because their ages would have changed each time they returned from transportation.*

Of the convicts included in this thesis, Table 2 shows the 57 who left information regarding their ages. The mean age of returned convicts was 30.0 years, with a standard deviation of 9.51 years. Convicts were therefore in the prime of their lives when they arrived at the Old Bailey to face trial. Ekirch, in his research on convict runaways, found that 59.4 percent of them were less than 30 years of age.\(^54\) Returned convicts tended to be somewhat less youthful with 51.1 percent under 30 years of age. Convicts who reached America had similar ages (30.2 years) with those who never

\(^{53}\) Morgan and Rushton, *Criminal Atlantic*, 110.

\(^{54}\) Ekirch, *Bound for America*, 196.
reached America (29.68 years) because of events like mutinies and shipwrecks. The youngest returned convicts were 17 years old, the oldest convict, John Oney, was 74 when he returned, while the median age was 29 years and the mode was 30 years.\footnote{Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate's Account, 11 November 1728 (OA17281111); Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate's Account, 3 April 1721 (OA17210403);}

Most convicts who returned were native Englishmen.\footnote{Please see Table 6 in the Appendix for information on returned convict nationalities.} Since this is a study of convicts who went back to London, it was expected that English would be the predominant nationality. Nevertheless, there was still diversity because London, as the capital, contained a large number of minorities. Out of the 63 who provided information about their nationalities, 49 or 77.8 percent, claimed to have been born in England, while 8 or 12.7 percent, were born in Ireland. In comparison, in Ekirch’s estimation, he determined that 68.3 percent of runaways were English, while 25.1 percent were Irish.\footnote{Ekirch, Bound for America, 196.}

The majority of English convicts, 27 in total, were born in London and surrounding Middlesex, while the remaining 13 were born outside of London, mostly in the counties surrounding the metropolis.

Several convicts who returned from transportation in this study were career criminals. This is important to note because most convicts who received transportation sentences were repeat offenders and not first time criminals.\footnote{Morgan and Rushton, Criminal Atlantic, 129.} Of the 122 convicts who left information regarding their original crime, basic thefts were by far the most common category, comprising 109, or 89.3 percent, of the total number of crimes. The most common crime, with 37 cases, was grand larceny (the theft of goods of the value of 1
shilling or more), which was also the most common crime tried at the Old Bailey. The most dangerous criminals were those who committed violent crimes, but they consisted of only 7 convicts, or 5.7 percent, of the total. The vast majority of crimes committed by convicts were minor offenses; only violent thefts, animal thefts, and forgery were serious enough for convicts to risk receiving the death penalty.

Table 3. Original Crimes of Returned Convicts

<table>
<thead>
<tr>
<th>Original Crimes</th>
<th>Convicts</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft &gt; Grand Larceny</td>
<td>37</td>
<td>30.3</td>
</tr>
<tr>
<td>Theft &gt; Unspecified</td>
<td>17</td>
<td>13.9</td>
</tr>
<tr>
<td>Theft &gt; Theft From A Specified Place</td>
<td>12</td>
<td>9.8</td>
</tr>
<tr>
<td>Theft &gt; Shoplifting</td>
<td>10</td>
<td>8.2</td>
</tr>
<tr>
<td>Violent Theft &gt; Highway Robbery</td>
<td>6</td>
<td>4.9</td>
</tr>
<tr>
<td>Theft &gt; Pocketpicking</td>
<td>9</td>
<td>7.4</td>
</tr>
<tr>
<td>Theft &gt; Burglary</td>
<td>7</td>
<td>5.7</td>
</tr>
<tr>
<td>Theft &gt; Animal Theft</td>
<td>4</td>
<td>3.3</td>
</tr>
<tr>
<td>Deception &gt; Forgery</td>
<td>3</td>
<td>2.6</td>
</tr>
<tr>
<td>Theft &gt; Other</td>
<td>4</td>
<td>3.3</td>
</tr>
<tr>
<td>Violent Theft &gt; Robbery</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td>Royal Offenses &gt; Tax Offenses</td>
<td>2</td>
<td>1.6</td>
</tr>
<tr>
<td>Theft &gt; House Breaking</td>
<td>3</td>
<td>2.6</td>
</tr>
<tr>
<td>Theft &gt; Petty Larceny</td>
<td>3</td>
<td>2.6</td>
</tr>
<tr>
<td>Breaking the Peace &gt; Wounding</td>
<td>1</td>
<td>0.8</td>
</tr>
<tr>
<td>Theft &gt; Receiving</td>
<td>3</td>
<td>2.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>122</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

*Note: 118 convicts left information regarding 122 original crimes.*

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Since the most common crimes committed were minor offenses, the majority of these convicts received transportation sentences lasting seven years.\(^{60}\) Only criminals committing severe crimes and the most notorious repeat offenders received sentences longer than seven years. Convicts who had previously been charged with returning from transportation also received longer sentences if they had managed to avoid execution by obtaining a pardon.\(^{61}\) It is important to note that sentences of transportation started when convicts arrived in America, not when they received the sentence. However, in the case of convicts who avoided transportation and remained in Britain, their sentences began when they went at large.\(^{62}\) A convict’s sentence does not appear to have been a significant factor in determining whether they would return from transportation because all felons, except those who had enough money to pay for the voyage, received the same seven-year indentured servitude contract when they arrived in America regardless of their sentence. When auctioned off as servants, a convict’s sentence did play a factor in the price they fetched in America; the longer the sentence, the cheaper the price because of the belief that notorious convicts were more likely to abscond.\(^{63}\)

Returned convicts had a diverse range of skills and worked in numerous professions outside of their criminal careers.\(^{64}\) While most convicts left no information regarding their skills – most probably worked as unskilled laborers in the colonies – 70 of them provided information about 30 different trades and professions. Tradesmen

\(^{60}\) Please see Table 7 in the appendix for information on the length of convicts’ sentences.
\(^{61}\) Ekirch, Bound for America, 34-37, 43.
\(^{64}\) Please see Table 8 in the Appendix for information on the trades and professions of returned convicts.
accounted for a little less than half of returned convicts, even though in Ekirch’s research they account for roughly two-thirds of runaways. The most glaring statistic is the number of self-indentified sailors among returned convicts. In Ekirch’s research, 48 sailors absconded (9.2 percent), yet the percentage among returned convicts is a staggering 30.0 percent. This is not altogether surprising since skilled sailors would have been highly sought after by ships departing from America. Soldiers (9.6 percent) were also common among the returned. This is mostly due to several convicts fleeing from their owners and joining the British ranks during the American Revolution.

Whether convicts sentenced to transportation succeeded in reaching America is an important statistic for this study. Of the 132 convicts, there is information on the destinations of 105. Of these, 76 reached America, and there is information on the colonial destinations for 70 of them. Maryland was the destination for 32 of the convicts, while 38 went to Virginia. While convicts destined for America made up the majority of those who returned, it is important to note that not every convict actually reached America. Remember, convicts never actually had to leave Britain to face charges of returning from transportation.

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65 Ekirch, Bound for America, 195, 240.
67 Ekirch, Bound for America, 240.
68 OBP, January 1778, William Harding (t17780715-89).
America and remained in or returned to Britain because of events like prison breaks, rebellions, and shipwrecks. This number is especially high in the 1720s when convict rebellions were common. The original destinations for 12 convicts who received not guilty verdicts for returning from transportation are unknown because of questions concerning their identities. Since they were not guilty of returning and provided little information about their lives, there is no way of knowing whether these convicts ever arrived in America. In addition, another 12 felons charged with returning left no record of whether they were transported.\footnote{Please see Table 9 in the Appendix for information on the destinations of transported convicts.}

The time between a convict’s original trial and their return trial, also known as a convict’s time at large, is an interesting statistic important for answering many questions regarding returned convicts in this study. It is important to note that this statistic does not demonstrate how long convicts were abroad since it is impossible to know when convicts returned to Britain unless they volunteered that information. The average time convicts spent at large regardless of other factors was two years, nine months and ten days. The shortest time at large was a mere 35 days by James Stewart who never left London, while the longest was William Sidwell, sentenced to 14 years, whose time between trials was thirteen years, eight months, and fourteen days.\footnote{Old Bailey Proceedings Online (www.oldbaileyonline.org, 17 June 2008), June 1733, trial of William Sidwell (t17330628-18); Old Bailey Proceedings Online (www.oldbaileyonline.org, 17 June 2008), January 1775, trial of James Stewart (t17750111-51).} Of the 132 convicts in this study, 82 of them, or 62.1 percent, spent less than three years at large.\footnote{Please see Table 12 in the Appendix for information on the number of years convicts that passed between convicts’ trials.}
Whether they were guilty of returning from transportation could largely be determined by a convict’s time at large. Guilty felons, on average, had two years, four months, and eight days between their trials, which is almost two years less than those who received not guilty verdicts. This is because the longer the amount of time that passed between trials, the more difficult it was to obtain witnesses and prove their identity. Another insight from this analysis suggests that there is a direct correlation between the length of a transportation sentence and the time between trials. This is important because it demonstrates that the length of sentences mattered when determining how long it would take felons to return home. Convicts with seven-year sentences, on average, spent two years less at large between their trials than convicts with life sentences, and a year and three months less than those with fourteen year sentences.

In this study, convicts who returned from transportation to London were a diverse group of individuals, yet they were largely indistinguishable from other convicts transported to the Americas. On average, 22 returned per decade and the vast majority of these were males. Convicts were around 30 years old, English, and had been career petty criminals receiving transportation sentences of seven years. Most probably worked as unskilled laborers, yet a significant number worked in trades or as sailors. The majority also arrived in America successfully and had been at large for almost three years between trials. While no two convicts were the same, this study shows that it is possible to create a model of a typical returned convict.

73 Please see Table 11 in the Appendix for information regarding the correlation between sentences and verdicts with the time convicts spent at large.
Section Three: Avoiding Banishment and Remaining in Britain

Since convict narratives and statistics demonstrated the realities of banishment, many newly arrested criminals sought to avoid transportation. This section of the chapter argues that convicts were able to avoid banishment and remain in Britain for a number of different reasons. Specifically, this section examines convicts who escaped transportation intentionally: through escapes from prison and ships, and violent uprisings; and those who escaped accidentally: through sickness, shipwrecks, and attacks on transport ships. Even though these convicts never arrived in America, and some never even left Britain, they were still considered to be returned convicts because they were found at large in London before the expiration of their sentences of transportation.

Out of the 132 convicts included in this study, 32 of them, or 24.2 percent, never arrived in the colonies.⁷⁴ The only convicts in this section who have received any significant scholarly attention are those who participated in uprisings (also called mutinies.) Otherwise, historians have neglected this group of convicts by largely excluding them from the history of transportation because they never reached the colonies. By examining these convicts, it is possible to gain an appreciation for just how desperately convicts desired to avoid banishment, while also developing a further understanding for how unfavorably convicts viewed the prospect of a future in America.

⁷⁴ Please see Table 9 in the Appendix for the initial destinations of convicts upon receiving their transportation sentences.
One way convicts avoided banishment and remained in Britain was by escaping from prison. Prisons allowed convicts to interact with one another and this helped spread knowledge of what transportation was like, further fueling convicts’ anxiety. Criminals usually stayed in British prisons between two and three months after receiving their transportation sentences and thus had ample time to try an escape. In addition, decaying facilities, improper management, overcrowding, and lax security (one convict simply walked out of an open door) made prison breaks common occurrences in the eighteenth century. Escaping from prison presented convicts with the best opportunity for remaining in Britain; however, if caught, they risked execution since their trial would proceed as though they had returned illegally from transportation – an unfortunate consequence most convicts probably did not realize. Usually this only occurred if convicts had managed to elude capture for a large amount of time, since convicts caught quickly simply faced transportation out of leniency from the court.

James Stewart, escaped from prison because he feared a life of servitude in the colonies, reasoning, “I thought it better to transport myself than to go as a convict.” Stewart never did transport himself, but his attitude embodied the fears of many convicts wary of losing their freedom upon arrival in America. Escape was thus an act of desperation to avoid banishment and remain in Britain. However they escaped, the punishment for captured convicts was great, but the reward for succeeding – remaining

75 Ekirch, *Bound for America*, 87-91; *OBP*, January 1775, James Stewart (t17750111-51).
77 *OBP* (www.oldbaileyonline.org, 29 August 2009), *Ordinary of Newgate’s Account*, 3 October 1750 (OA17501003).
78 *OBP*, January 1775, James Stewart (t17750111-51).
in Britain – made prison escapes one of the most common and successful forms of resistance to transportation.\(^{79}\)

Convicts who missed out escaping from prison had another opportunity to stay in Britain before boarding transport ships. In London, when convicts left prison, they marched in single file lines with men at the front and women in the back down to the transport ships. Chained to one another with their hands in shackles, they walked down to the docks accompanied by prison officials. To reduce the likelihood of escape, this procession occurred early in the morning when fewer people lined the streets to watch convicts board ships.\(^{80}\) Despite these security measures, escapes still occurred. For example, Michael Doyle, standing first in line, somehow managed to cut his chain and escape.\(^{81}\)

In cities far away from the sea, like Reading, the authorities had to move convicts to port cities like London to transport them. Just like in London, prison officials moved convicts during the night in wagons to reduce contact with people. Sometimes these journeys lasted hundreds of miles and presented convicts with good opportunities for escaping. For example, John Simmons cut off his shackles, jumped out of the wagon, ran into a thicket, and managed to escape.\(^{82}\) Unfortunately, like convicts who escaped

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\(^{79}\) *OBP* (www.oldbaileyonline.org, 5 August 2009), December 1771, trial of Maxamillean Miller (t17711204-69); *OBP* (www.oldbaileyonline.org, 5 August 2009), July 1773, trial of Francis Granger (t17730707-19).


\(^{81}\) *OBP* (www.oldbaileyonline.org, 5 August 2009), December 1772, trial of Michael Doyle (t17721209-60).

\(^{82}\) *OBP* (www.oldbaileyonline.org, 5 August 2009), May 1745, trial of John Simmons (t17450530-14).
from prison, the law specified that convicts who escaped while in route to transport ships were also guilty of returning from transportation.\(^{83}\)

Convicts had another opportunity to abscond when they went aboard transport ships. When these ships arrived in America, many captains found that several felons had mysteriously disappeared before arriving, even though they had been accounted for when they departed Britain. Upon arriving onboard, chained convicts were put down in the interior of the ship in order to prevent escapes.\(^{84}\) Transport ships were usually older vessels or former slave ships in poor condition, which often helped prisoners escape.\(^{85}\) The chains holding convicts often broke because of age and rust, giving them an opportunity to escape. For example, the convict John Edwards and some others made their escape through some portholes and swam back to shore.\(^{86}\) Some convicts found means to escape when they went above deck to either work or get some air. The convict John Furgerson took such an opportunity to jump overboard and swim back to shore.\(^{87}\) In one unique case, a convict obtained his freedom thanks to the extremely good fortune of having some friends serve aboard the transport ship *Mary*.\(^{88}\) However they escaped, under the law these convicts were still guilty of returning from transportation.

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\(^{84}\) *OBP* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), 29 August 2009), *Ordinary of Newgate's Account*, 6 November 1723 (OA17231106).


\(^{87}\) *OBP* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), 5 August 2009, May 1757, trial of John Furgerson (t17570526-23).

Some convicts returned from transportation after the captains of transports illegally left them onshore in Britain rather than risk having them aboard for the voyage. The law required captains to ship every convict regardless of their condition; however, some captains ignored this law when it came to sick convicts. For example, Captain Johnson of the transport *The May Snow* freed the sick convict Henry Thomas in Scotland rather than keep him onboard. Sicknesses were especially common in the early years of transportation, but eventually captains made improvements aboard ships, such as better ventilation, increasing the health of convicts and reducing the possibility of sickness. Nevertheless, sicknesses still occurred frequently aboard ships and were dangerous for everyone onboard. Sicknesses could result in the death of sailors, which meant a reduction of security and a reliance on convicts to perform duties aboard the ship. More commonly, sicknesses killed scores of convicts, which reduced the voyage’s profitability and incited fear in America over potential disease outbreaks. Many colonies implemented laws quarantining ships with diseased convicts and required captains to hire physicians to inspect each convict before they arrived on shore, making transportation even more unprofitable. Rather than deal with these hassles, granting

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90 *OBP* (www.oldbaileyonline.org, 5 August 2009), December 1746, trial of Henry Thomas (t17461205-26).
sick convicts their freedom and leaving them in Britain was the cheapest and safest option for transport captains.92

One of the most dangerous ways of returning from transportation was through convict uprisings aboard transport ships. When successful, these uprisings allowed large numbers of convicts to gain their freedom at once. When uprisings failed, felons lost their one remaining chance to determine their own fate and avoid servitude in the colonies prior to arriving. The deteriorating condition of most transport ships contributed to the success of uprisings. In several cases, convicts managed to smuggle files, saws, and other cutting instruments to wear down their chains and the wooden supports of the ship.93

Not every uprising succeeded because convicts only had limited opportunities to attempt them. According to the Ordinary’s Account, the convict Henry Simms “formed a plan for seizing the captain, and effecting an escape; but as a strict watch was kept on him it was not possible for him to carry this plan into execution.”94 “To prevent uprisings, sailors tied up convicts in pairs, only unchaining when they needed assistance above deck.95 Despite these difficulties, uprisings still occurred, but very few succeeded because transport crews often managed to retake control because of superior weaponry. The Virginia Gazette reported in 1751 that convicts briefly took over a

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93 Hayward, Lives of the Most Remarkable Criminals, 2:306-16.
94 Rayner, Newgate Calendar, 3:145.
95 OBP, Ordinary’s Account, 6 November 1723 (OA17231106).
transport and killed the captain, but the sailors eventually overcame them and sailed back to Britain for assistance.\textsuperscript{96}

Several uprisings occurred while transport ships loaded supplies at ports in Britain prior to sailing to America. Uprisings while docked at ports allowed convicts to escape quickly back to land and were usually less violent than uprisings that occurred on open waters. The horror of spending months sailing for America chained to one another below deck also encouraged convicts to rebel. When George Baker went below deck of the transport \textit{William & John}, he informed his fellow convicts about the life that awaited them in America. Instead of submitting to a life of bondage in America, he advised them they should avoid banishment and attempt an uprising. When the captain of the ship came down to inspect them, the convicts overwhelmed him and the crew, and made their escape.\textsuperscript{97} Not all uprisings at ports succeeded. Unlike uprisings that occurred on the ocean, those that occurred at ports happened close to land, which allowed additional captains to garner additional support to quell uprisings. For example, a revolt led by John Carey on the \textit{Thornton} was subdued because the convicts could not take the ship quickly enough before reinforcements from land arrived.\textsuperscript{98}

Uprisings aboard ships at sea were significantly more dangerous. Away from ports, transport ship crews were alone and had to remain vigilant to ensure uprisings did not occur. Uprisings occurred for a number of reasons aboard convict ships. Forced below decks into cramped and uncomfortable conditions, chained to one another, with

\textsuperscript{96} Virginia Gazette, December 5, 1751, Hunter Edition.
\textsuperscript{97} \textit{OBP, Ordinary's Account}, 6 December 1721 (OA17211222).
\textsuperscript{98} \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), January 1769, trial of John Carey (t17690112-3).
rampant disease, and lacking sufficient food, it is no wonder why convicts rebelled when given the opportunity. In addition, transport ships were usually understaffed and convicts often outnumbered sailors by a significant margin. For example, the crew of the Honour consisted of twelve men compared to 80 convicts. Poor treatment while onboard could result in widespread animosity towards the crew resulting in an uprising. James Dalton noted the uprising aboard the transport Honour occurred after several severe whippings. The convicts decided to capture the ship before the captain’s “whipping gale blew harder.” Sometimes ships needed additional sailors and allowed too many convicts up on deck at a time, creating an opportunity to stage an uprising. Most of the time, however, uprisings occurred because felons simply had no interest in going to America and in a final act of desperation rebelled.

Violence was widespread during convict uprisings. To succeed, the convicts needed weapons, which usually took the form of saws, clubs, files, or other implements smuggled onboard. The most successful uprisings occurred after convicts managed to gain access to firearms, which they stole from the sailors on board. The sailors aboard transport ships often faced the full fury of angry convicts eager to guarantee their freedom at any cost. The Virginia Gazette reported on a convict uprising in 1767 in which the ship’s crew had “been murdered and thrown overboard.” In another

99 Fogleman, “From Slaves,”56-57; Ekirch, Bound for America, 97-103.
100 Coldham, The King’s Passengers, 7.
102 Ekirch, Bound for America, 109-10.
103 Hayward, Lives of the Most Remarkable Criminals, 2:306-16.
104 Virginia Gazette, February 12, 1767, Purdue and Dixon Edition.
instance, the *Pennsylvania Gazette* reported six convicts had murdered the captain of a transport out of Liverpool and seized control of the ship.\textsuperscript{105}

Uprisings did not always result in the murder of transport captains and crews. Several crews survived uprisings and some even assisted convicts in obtaining their freedom. After convicts captured the sailors of the *Honour*, they instructed them to take them to Spain where twenty of the felons disembarked and returned control of the ship to the captain.\textsuperscript{106} The ship and the remaining convicts apparently arrived in Virginia several months later, contradicting reports that the convicts had murdered the sailors.\textsuperscript{107} On occasion, convicts probably regretted not murdering crews because they could eventually regain control of the ship or signal for help. After convicts commandeered the transport *Tryal* and locked the crew below decks, two sailors escaped, boarded a lifeboat, and sailed to a nearby military vessel, which assisted the crew in retaking the ship.\textsuperscript{108}

Shipwrecked transport vessels gave convicts another opportunity to return from transportation. Ships crossing the Atlantic dealt with the ever-present dangers of tropical storms, strong winds, and tidal waves.\textsuperscript{109} The ocean frequently sank ships and several returning convicts identified themselves as castaways. For example, the transport ship carrying James Brown met “with very bad weather in her passage” to Virginia and sank off the British coast leaving only a few survivors.\textsuperscript{110} Convicts aboard sinking vessels in

\textsuperscript{105} *Pennsylvania Gazette*, April 11, 1751.
\textsuperscript{106} *The Life and Actions of James Dalton*… (London, 1730).
\textsuperscript{107} Coldham, *The King’s Passengers*, 7.
\textsuperscript{108} *Virginia Gazette*, September 22, 1768, Purdue and Dixon Edition.
\textsuperscript{109} *Boston Chronicle*, May 21, 1768.
\textsuperscript{110} *OBP, Ordinary’s Account*, 1 June 1752 (OA17520601).
close proximity to Britain returned out of necessity; however, some convicts chose to return even though their vessels sank thousands of miles away off distant shores. The vessel carrying Benjamin Payne sank off the coast of Portugal, but he managed swim ashore. In Lisbon, he met with British officials, who provided him with a pass allowing him to return to Britain. Ironically, if he had returned to Britain without permission (like James Brown) he could have received execution for returning from transportation.\footnote{OBP (www.oldbaileyonline.org, 9 May 2009), February 1776, trial of Benjamin Payne (t17760221-57).}

The final way convicts managed to avoid banishment and return from transportation came when transport ships came under attack from enemy vessels. The Atlantic Ocean was a dangerous place during wartime and ships from hostile nations targeted any vessel flying a British flag. Transport ships sailed to America unescorted and virtually unprotected, leaving them particularly susceptible to attack. In 1746, for example, the French Man of War Zephyre with 350 men attacked the transport ship Plain Dealer. The convict Thomas Sutton was among the forty convicts who participated in the defense of the Plain Dealer, but the French eventually overwhelmed and captured the ship after a two and a half hour battle. About 35 convicts, including Sutton, became POWs and went to France before apparently returning to Britain. Of these 35 survivors, only two show up in the Old Bailey records again.\footnote{Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 28 May 1753 (OA17530528); Virginia Gazette (Parks), May 29, 1746.}

Even during times of relative peace, transport captains remained on alert because of the threat of pirates and privateers. The convict trade got off to an unfortunate start when pirates captured the Eagle, the first ship carrying convicts in
accordance with the Transportation Act of 1718.\textsuperscript{113} Further increasing the danger was that pirates tried recruiting convicts to join their ranks. John Merthe returned from transportation after pirates attacked his transport ship and placed him and eight other convicts on a nearby island after they failed in recruiting them.\textsuperscript{114}

Convicts thus avoided banishment or remained in Britain in several ways. Because they had the opportunity of either escaping within Britain or on the open ocean, they were able to hasten their returns. Escapes, either from prison or in route to the ship prior to boarding a transport were the quickest and simplest ways of returning from transportation because convicts remained in Britain. Captains reluctant to transport sick and diseased convicts left them in Britain rather than risk infecting others onboard. Uprisings aboard transport ships in port or on the open ocean provided dangerous escape routes for convicts seeking to avoid banishment. Some convicts returned entirely by accident, after either enduring shipwrecks or attacks from enemy vessels. However they returned, these convicts never experienced life in America because they succeeded in resisting transportation.

In conclusion, this chapter addressed convicts’ resistance to transportation and examined who resisted, how, and why. Narratives of returned convicts were abundant in eighteenth century Britain. Felons read and listened to these stories, which educated them about how resisting transportation and returning from it were possible. Statistics show that convicts returned continually, further reinforcing the belief that returning from

\begin{flushleft}
\textsuperscript{113} Smith, Colonists, 128; Weekly Journal or Saturday Post, January 24, 1719. \\
\textsuperscript{114} Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 11 September 1721 (OA17210911).
\end{flushleft}
transportation was not only possible but also common. Many convicts, aware of these beliefs, avoided banishment out of Britain by resisting transportation however they could. This mentality of resistance is vital to understanding why convicts returned. Resistance is also an important theme in the next chapter, where felons resisted the terms of their transportation sentence by returning to Britain from America.
CHAPTER TWO: THE AMERICAN EXPERIENCE

When John Filewood, John Steele, and Robert Perkins arrived in Maryland aboard the *Susannah & Sarah* in April 1720, they probably never imagined that they would eventually stand trial at the Old Bailey courthouse in London for returning from transportation.\(^1\) They had all returned home after experiencing dramatically different circumstances in America. John Filewood stood trial in March 1721 and returned after purchasing his freedom from his colonial master.\(^2\) John Steele, tried in October 1725, came home after his owner in America died.\(^3\) Robert Godfrey stood trial for returning in July 1721 after he absconded from the service of a cruel master.\(^4\) Reaching America meant different things for different convicts.

For the majority of those who arrived, America meant seven years of servitude, but for others, it was merely a brief layover on the road back to Britain. However, whether convicts decided to return to Britain or remain in the colonies after arriving as free people or achieving their freedom from servitude, is a matter of some debate among historians. Some historians, like Gregory Durston, claim “Many, probably the majority, of those who ran away from forced labour remained in America rather than attempting to go home.”\(^5\) Similarly, Peter Rushton and Gwenda Morgan argue, “that few

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\(^1\) Coldham, *The King’s Passengers*, 5-6.
\(^2\) *OBP*, *Ordinary’s Account*, 3 April 1721 (OA17210403).
\(^3\) *OBP* (www.oldbaileyonline.org, 29 August 2009), October 1725, trial of John Steele (t17251013-64).
\(^4\) *OBP* (www.oldbaileyonline.org, 29 August 2009), *Ordinary of Newgate’s Account*, 5 July 1721 (OA17210705).
[convicts] in fact returned.\textsuperscript{6} This point of view is not unanimous. Ekirch’s research on runaway felons suggested that many of them attempted and successfully returned from transportation, stating, “For the vast majority… passage home was always the paramount hope.”\textsuperscript{7} The cause of this disagreement stems from the scarce amount of information available about the fates of convicts in the colonies. In addition, all of these authors deal almost exclusively with runaways and do not account for the other ways convicts obtained their freedom and returned from transportation.

This chapter is about convicts who reached the American colonies, and examines how and why they returned to Britain. I argue that these convicts returned home after they regained their status as free people while in the colonies. Unfortunately, this freedom did not mean that they could legally return to Britain before their sentences of banishment expired. One convict, Joseph Derbin, figured that out the hard way after he arrived at the Old Bailey courthouse with a note from his former master proclaiming that: “Joseph Derbin is a freeman.” Though free, he had still returned illegally, prompting the court to respond: “You can't be so weak as to imagine they have power to reverse the sentence you received here.”\textsuperscript{8} Derbin was executed a few months later.

As a result, this chapter is divided into three sections based on how convicts regained their freedom and returned home illegally. The first section consists of convicts who arrived in America as free men. These convicts managed to avoid servitude in the colonies because they either paid for their voyage or earned their passage and liberty

\textsuperscript{6} Morgan and Rushton, “Returning Home,” 61.
\textsuperscript{7} Ekirch, \textit{Bound for America}, 207.
\textsuperscript{8} \textit{OBP} (\texttt{www.oldbaileyonline.org}, 29 August 2009), September 1764, trial of Joseph Derbin (t17640912-13).
after working aboard convict ships. Convicts who paid for their passage arrived in America as free individuals; however, those who could not pay for or work off the cost of the journey were sold by the captains of transport ships into indentured servitude for seven years upon arrival in America. Section 2 examines felons who went back to Britain after legally freeing themselves from bondage, either by purchasing their liberty or by having their masters release them. The third section looks at convicts who achieved their freedom from servitude by illegally running away from their owners. In newspapers and narratives of the era, returned convicts are usually portrayed as runaways because their stories were usually the most marketable.\(^9\) However, by examining all the ways convicts obtained their freedom and returned to Britain from America, we can better understand that each came home under different circumstances and for different reasons. In short: there was no “one way” to return.

Section One: Arriving Free

The first cohort of convicts is made up of those who arrived in America as free men and women. It is a widely believed misconception that transported convicts were required to work as indentured servants upon arriving in America; however, in truth, a transportation sentence only required that convicts receive banishment out of the Britain for a specific amount of time.\(^{10}\) To this end, the British government awarded a subsidy to the merchant Jonathan Forward in 1718, agreeing to pay him £3 for each convict

\(^{9}\) For an example, see *The Life and Actions of James Dalton*… (London, 1730).

transported. In 1757, this subsidy increased to £5 and given to shipping partners John Stewart and Duncan Campbell. Labor was therefore not part of the transportation sentence, but leaving the country aboard transport ships was compulsory. Convicts were sold as indentured servants in America only if they did could not find a way of paying for or working off the cost of their transportation prior to arriving.\textsuperscript{11}

Convicts only arrived in America as free men and women if they either paid for their voyage or earned their passage by working aboard convict ships. Out of the 46 sentenced to transportation who we know arrived in America and left sufficient information about how they achieved their freedom, 13 convicts, or 28.3 percent, arrived in America as free men and women. Of these, six paid for their voyage, while the other seven achieved their freedom from the captain of the transport ship in exchange for service while onboard. This section will now examine the two different methods of obtaining freedom in more detail. Specifically, how and why they were freed and what they did in America.

Paying for the voyage to America was common practice during the eighteenth century. By paying for their trip, convicts avoid servitude when they arrived in the colonies. Usually, felons would come to an agreement with the transport ship’s captain prior to leaving Britain, who would then provide them with a pass stating that they were free.\textsuperscript{12} Though this was a common practice, it was widely frowned upon by critics for being unjust. As the\textit{ Virginia Gazette} put it: “Thus by the wholesome Laws of this Country, a Criminal who has money (which Circumstance, in all other Countries, would

\textsuperscript{11} Ekirch, \textit{Bound for America}, 70-76; Farley Grubb, "The Transatlantic Market", 105.
\textsuperscript{12} OBP, September 1764, Joseph Derbin (t17640912-13).
aggravate his Guilt, and enhance the Severity of his Punishment,) may blunt the Edge of Justice, and make That his Happiness which the Law designs as his Punishment."\(^{13}\)

However, all convicts, regardless of whether they paid their passage, had to sail aboard a government contracted transport ship. Therefore, wealthy convicts had to endure the two-month long voyage across the Atlantic on the same vessel as those who could not afford to pay. Some convicts, like the Lord George Vaughan, who returned from transportation four years after his banishment, tried to petition for their own passage to America on ships other than those contracted by the government. These petitions to transport themselves were usually unsuccessful because granting them would “change the terror of the punishment if it were known that it could be easily obtained.”\(^{14}\) Only on rare occasions, such as when a convict received a sentence of transportation for life, were convicts allowed to transport themselves. Such was the case of Mathias Keys, who enlisted on a British man-of-war instead of sailing over on a convict ship.\(^{15}\)

Paying for the voyage had certain advantages. Two gentleman convicts who returned from transportation, the above mentioned George Vaughan and George Bird, were treated with “Marks of Respect and Distinction” even before they were placed aboard their transport ship. These two gentlemen were brought to the transport ship in carriages, while less fortunate convicts had to deal with the humiliation of being marched through the streets of London in chains. Instead of being confined to the hold

\(^{13}\) *Virginia Gazette*, November 26, 1736.

\(^{14}\) Ekirch, *Bound for America*, 72.

\(^{15}\) Rayner, *Newgate Calendar*, 3:210-11.
of the ship, Vaughan and Bird were placed into a cabin for the duration of their voyage.\textsuperscript{16} In addition, they received sufficient provisions for the voyage, opposed to the meager ones provided to poorer convicts below deck. The \textit{Virginia Gazette} lamented, “as they pay for their passage, it is supposed that as soon as they land, they will be set at liberty, instead of being sold as felons usually are.”\textsuperscript{17}

Men of distinction were not the only types of criminals who were able to pay for the voyage to America. On occasion, successful career criminals were able to do it as well. One of the most famous convicts of her era, Mary Young, alias Jenny Driver or Diver, was the leader of a notorious London criminal gang and bought passage aboard the transport ship \textit{Forward} in June 1738. She acquired her fortune by serving as a receiver of stolen goods, which she then sold for a tidy profit. When she arrived on the \textit{Forward}, she had “a quantity of goods, nearly sufficient to load a wagon. The property she possessed en-sured her great respect, and every possible convenience and accommodation during the voyage.”\textsuperscript{18} Thomas Talbot made money while in prison and went to America “better provided [for] than any of the rest, defraying the Expences of his passage, and having thirty Guineas in his Pocket to purchase his Freedom.”\textsuperscript{19} The convict George Sutton paid for his passage and had brought so much money with him, that he was “wanting for nothing” when he arrived.\textsuperscript{20}

\begin{footnotes}
\item[16] Ekirch, \textit{Bound for America}, 93.
\item[17] \textit{Virginia Gazette}, November 26, 1736.
\item[18] \textit{OBP}, \textit{Ordinary's Account}, 18 March 1741 (OA17410318).
\item[19] \textit{OBP} (www.oldbaileyonline.org, 29 August 2009), \textit{Ordinary of Newgate's Account}, 17 June 1751 (OA17510617).
\end{footnotes}
Not all convicts who paid for the voyage were wealthy; in fact, many less fortunate convicts found creative ways to pay for their transportation. Joseph Johnson bought his passage from the captain of the *Gilbert* with a stolen bank note. When they arrived in America, the captain was imprisoned after it was discovered that the bank note was stolen, while Johnson boarded a ship and returned to Britain. More commonly, family members became involved in ensuring their loved ones arrived in America free from bondage. Elizabeth Doyle was fortunate enough to have a loving husband, who paid for her transport and even travelled with her to Virginia. Friends provided another avenue for purchasing a convict’s passage. For example, the friends of Joseph Derbin reportedly paid for his passage in 1763. In some cases, the neighborhood from which a transported convict came would scrounge up enough money to pay for the journey. A gentleman in Morris Salisbury’s neighborhood who knew him took pity on him and paid his passage because he was not yet 18 years old.

Other than paying for their transportation, the other primary way that convicts arrived in America as free men and women was by working off the cost of their passage through service on a transport ship, which guaranteed their freedom upon arrival. The crews of convict ships were overwhelmed with responsibility. Not only did they have to sail the ship across the dangerous Atlantic, but they also had to take care of the dozens of convicts within their holds. These ships often recruited able-bodied felons with knowledge of sailing to assist them with the day-to-day duties of the ship. However, it

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23 *OBP*, September 1764, Joseph Derbin (t17640912-13).
24 *OBP*, *Ordinary’s Account*, 1 June 1752 (OA17520601).
was impossible to let all convicts participate, since allowing all of them to roam the ship freely at once would be inviting mutiny.\(^\text{25}\) Small groups of convicts were allowed above deck at a time, and if there were any able sailors among them, often times they were given responsibilities aboard the ship. For example, after spending only one day in chains, John Thomson was ordered above deck on the transport ship *Tryal*. After working on deck for a time, the captain apparently liked what he saw. Chosen to work on only his second day aboard, Thomas worked side-by-side with the rest of the ship’s crew to work off the cost of his passage.\(^\text{26}\) Similarly, John Merthe, achieved his liberty after “he found means to make the master his friend,” by being an able sailor.\(^\text{27}\)

Whether convicts could work off their passage was largely dependent on the captains’ of convict ships. In many cases, while they hoped for freedom by the time they arrived in America, most only received better treatment or special privileges while aboard. Even though Robert Perkins gained favor with the Captain of the *Susannah & Sarah* and avoided many of the hardships of the voyage, he could still not procure his liberty.\(^\text{28}\) Sometimes too many felons volunteered to assist as sailors and captains could not allow all of them to earn their passage because that would make transporting them unprofitable. For example, James Dalton was one of thirteen convicts who worked as sailors aboard the *Honor*. Because there were so many volunteers, they only gained the privilege of having their iron restraints removed when above deck.\(^\text{29}\)

\(^{25}\) *OBP, Ordinary’s Account*, 19 September 1720 (OA17200919).

\(^{26}\) *OBP* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org)), 29 August 2009, May 1774, trial of John Thomson (t17740518-30).


\(^{28}\) *The Life and Actions of James Dalton…* (London, 1730).

Emergencies on the open ocean allowed some convicts to earn their passage and obtain their freedom while aboard transport ships. Convict uprisings were a considerable concern to transport captains during the voyage to the colonies. Ironically, failed uprisings often presented bold convicts with an opportunity to gain their freedom by informing crews about uprisings before they happened. In addition to securing their freedom, these convicts also gained a great deal of sympathy when they returned from transportation for their heroic actions. William Blewit informed the captain of the *Rappahannock Merchant* about a planned uprising onboard and gained his liberty. Captured upon returning to Britain, he avoided execution by having the captain testify for him and secured himself a new transportation sentence, which allowed him to go wherever he desired outside of Britain.\(^{30}\)

One of the other ever-present dangers on the Atlantic was attacks from enemy vessels. On occasion, captains recruited felons they could trust to assist in the defense of the ship. John Claxton explained that while “on board the vessel with the rest of the convicts, he soon procured the favour of the master to be let to go out upon deck, and being a strong able sailor, he ingratiated himself so far as to meet no worse usage than any other sailor in the ship.”\(^{31}\) Despite his work as a sailor, he only achieved his freedom after another vessel attacked the transport ship he worked on, and the captain decided he had performed admirably in the defense of the ship and earned his passage and freedom.\(^{32}\)

\(^{30}\) [OBP (www.oldbaileyonline.org), 29 August 2009], January 1723, trial of William Blewit (t17230116-23).


Sickness was also a major concern on convict ships, and sometimes allowed convicts to arrive in America as free people. Transport crews often caught many of the diseases brought aboard by convicts and fell sick, which resulted in convicts getting another opportunity to serve as sailors and make a positive impression on the captain. For example, John Dailey claimed he received his freedom after he had to take over as navigator aboard the Tryal in 1763 because the captain was sick, and the first mate had died. Some convicts took advantage of their newfound liberty and betrayed the trust of their captain. John Glem Gulliford and four others started working as sailors when the crew became ill from a terrible sickness, but at the first opportunity, they escaped the transport aboard the captain’s pilot boat and sailed to shore.

We know very little about what free convicts in this study did when they arrived in America, mainly because most of them returned to Britain shortly after arriving there. A few stayed for a few months at most, but most fled back to Britain at the earliest possible opportunity. For example, John Claxton was so eager to return home, that he arrived in London six weeks before the ship that transported him returned. Similarly, John Lewis, did not stay long in America, returning to London aboard the same ship he was brought in.

Only the wealthiest convicts remained in America for any sort of considerable length after obtaining their freedom. Financial wherewithal allowed them to live comfortably in America. For example, Mary Young spent an exorbitant sum upon

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33 OBP (www.oldbaileyonline.org, 29 August 2009), January 1766, trial of John Dailey (t17660116-26).
34 OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate's Account, 13 January 1742 (OA17420113).
35 Hayward, Lives of the Most Remarkable Criminals, 2:365-68.
36 Hayward, Lives of the Most Remarkable Criminals, 1:159.
arriving in America and “for some time lived in great splendour and elegance.” Unfortunately, these convicts usually squandered their financial resources rather quickly or were not able to find work to shore up their finances. In the case of Mary Young, she realized that there was not much of a need for a receiver of stolen goods in the colonies (her criminal profession in Britain), because an advanced criminal network did not exist. As a result, she had to return to England because she could not make a profit in America. Others wasted their funds by maintaining lavish lifestyles, unsustainable in the colonies without a regular income. After securing his freedom, Joseph Johnson took up lodgings in a tavern in New York City where he lived for “some time in an expensive manner.” However, he was also unable to work successfully as a criminal in America. Bankrupt, Johnson travelled to Holland where he dressed as a gentleman and stole watches before returning to Britain.

Several free convicts earned their passage and freedom working as sailors, which helped to hasten their departure from America. Many of these men found work aboard commercial vessels based in the colonies that shipped their goods back to Britain. Rather than settle in North America, John Merthe joined a ship and delivered goods from “Virginia, South-Carolina, &c. to Barbades, Jamaica, and other British Islands.” Eventually he grew tired of living as a sailor and returned home to Britain. Morris Salisbury served on the same ship that transported him after he obtained his freedom. He returned to Britain after he complained that the captain treated him harshly

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38 Ekirch, *Bound for America*, 211-12.  
39 OBP, *Ordinary’s Account*, 19 July 1738 (OA17380719).  
40 OBP, *Ordinary’s Account*, 11 September 1721 (OA17210911).
and discriminated against him because he was a former convict.\textsuperscript{41} In addition to working as sailors aboard commercial vessels, some of these convicts also served aboard British warships. John Dailey moved to South Carolina and found work as a sailor aboard the \textit{Alexander and Anne}. Several years later, he was pressed into military service aboard the \textit{HMS Plymouth} and forced to fight against the French in the East Indies campaign of the Seven Years War, before returning to Britain.\textsuperscript{42} Similarly, Mathias Keys also fought in the East Indies campaign and lost an eye while participating in the initial siege of Pondicherry, in 1747.\textsuperscript{43}

The two groups of convicts in this study that achieved their freedom prior to arriving in America had generally positive experiences compared to other convicts. Those who paid for their voyage prior to leaving Britain avoided servitude while also enjoying a certain amount of respect not given to other convicts. While most returned to Britain upon arrival, a few of these convicts stayed in the colonies for extended periods, but because of dwindling fortunes, had no choice but to return to Britain. Convicts who earned their freedom and passage by working aboard transport ships had equally positive experiences and avoided servitude in the colonies. The majority worked as sailors when they arrived in America and stayed there only briefly because they could work their way back home to Britain aboard commercial ships as free men.

\textsuperscript{41} OBP, \textit{Ordinary's Account}, 1 June 1752 (OA17520601).
\textsuperscript{42} OBP, January 1766, John Dailey (t17660116-26).
\textsuperscript{43} Rayner, \textit{Newgate Calendar}, 3:102-8.
Section Two: Legal Freedom

The second cohort of returned convicts included in this study contains individuals who obtained their freedom legally after arriving in America. For the most part, these convicts achieved their freedom one of two ways: the first way was that they were simply never purchased by potential buyers because they were too disabled, sick, or aged to be of any use; the second way was by being freed by their masters or given the opportunity to free themselves legally while in bondage. Out of the 46 sentenced to transportation who we know arrived in America and left sufficient information about how they achieved their freedom, 11 convicts, or 24 percent, secured their freedom legally after arriving in America. Of these, four were never purchased, while the other seven obtained their freedom from their masters. Examining in more detail their methods for obtaining freedom will demonstrate why they were freed and what they did after being set at liberty.

Convicts who did not arrive in America as free people were sold into indentured servitude to pay for the cost of their voyage to America. Felons were sold at auctions held in the various port cities of Maryland and Virginia. Ship captains, hoping to make a decent profit, improved the appearance of their convicts by washing them and giving them new clothes. Convicts were then brought to the top deck of the transport ship and presented to potential buyers. Buyers would inspect the criminals and converse with them about their crimes, skills, and trades.\textsuperscript{44} Captains could expect between £8 -12 for

\textsuperscript{44} The Sufferings of William Green…, (London, 1775?), 6.
healthy convicts. Prices for felons varied depending on sex, the length of their transportation sentences, and whether they worked a trade.⁴⁵

Unfortunately, disabled or sickly convicts faced an uncertain future when they arrived at these auctions. Transport ship captains considered them undesirable, since they took the place of potentially healthy convicts who could turn a profit. However, the subsidy agreement with the British government required that all convicts receive

transportation, though on occasion, some sickly convicts were left in Britain before departing to the colonies.\textsuperscript{46} Unlike healthy convicts who sold quickly, disabled and unhealthy convicts were damaged goods and undesirable to buyers. Potential buyers looked over convicts' bodies thoroughly to make sure that they were healthy, making it next to impossible for transport captains to hide any physical disabilities a convict might have.\textsuperscript{47} Even sickness was difficult to conceal. Buyers were well aware of the “Jail Fever” (small pox) that was rampant among convicts, especially since it left physical marks on the faces of those it infected.\textsuperscript{48} In addition, preventative measures taken by colonial governments made it even more difficult to import sick convicts. If a ship had diseased convicts on board, authorities quarantined the ship, and the captains received a substantial fine.\textsuperscript{49}

Nevertheless, it was still possible to buy and sell disabled and sick convicts. For example, the captain of the \textit{Justitia} found a buyer for William Booth even though he had a wooden leg and had been transported on two previous occasions. An advertisement taken out for him in the \textit{Virginia Gazette} further noted he was “pitted with the smallpox.”\textsuperscript{50} Henry Cole and his wife, suffered from disease before Thomas Lewis purchased them. However, Lewis probably regretted this decision when Cole’s wife died from her disease a few days later.\textsuperscript{51} As long as convicts could be productive, they could be sold because the demand for inexpensive labor was so high. However, it was also

\textsuperscript{46} Ekirch, \textit{Bound for America}, 71; Grubb, “The Transatlantic Market,” 115-117.
\textsuperscript{47} Smith, \textit{Colonists}, 221.
\textsuperscript{48} Morgan, “The Organization,” 214.
\textsuperscript{49} Ekirch, \textit{Bound for America}, 107.
\textsuperscript{50} \textit{Virginia Gazette}, November 10, 1774, Pinkney edition.
\textsuperscript{51} OBP, Ordinary’s Account, 8 June 1744 (OA17440608).
possible to sell the frailest, sickest convict at a wholesale price. Captains got rid of those they could not sell individually by either auctioning them off cheaply in bulk, or by passing them along to resellers who would try to find buyers for them in the Virginia backcountry.\(^{52}\)

Yet, it was still possible for some convicts to be so undesirable that no one bought them upon arriving in America. James White was one of several convicts that had fallen ill on the voyage over. Unable to sell him, his captain freed White rather than pay a physician to nurse him back to health.\(^ {53}\) Nicknamed “Handy” by his friends because he only had one functioning hand, no one would buy Thomas Johnson because he was unable to work.\(^ {54}\) Similarly, Samuel Johnson lamented that no one would buy him because he “had some Hurt or Bruise about his Body,” which he claimed could not be cured unless he returned to Britain.\(^ {55}\) Possibly the saddest case was that of John Oney, who at 74 years of age was the oldest convict included in this study. Nearly blind, he claimed no one would buy him because he was “aged, and infirm.”\(^ {56}\)

Convicts freed for being disabled or sick suffered more in America than any other felons who achieved their freedom through legal means. Since they were unable to work, they were not capable of supporting themselves and relied entirely on the generosity and mercy of others. In addition, their poverty meant they could not return to Britain as hastily as other convicts could because they could not pay for the return trip.

\(^{52}\) Morgan, “The Organization,” 218-19.
\(^{53}\) OBP, Ordinary’s Account, 6 November 1723 (OA17231106).
\(^{54}\) OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 18 September 1727 (OA17270918).
\(^{55}\) OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 20 November 1727 (OA17271120).
\(^{56}\) OBP, Ordinary’s Account, 11 November 1728 (OA17281111).
and had to endure life in the colonies for a time. The captain of the transport ship Thomas Johnson arrived on took pity on him, and allowed him to work as a cook aboard the ship. Other convicts had to resort to begging in order to survive. John Oney roamed around Maryland, destitute, begging for whatever food and money people could spare. A captain eventually pitied him, wrote him a pass, and shipped him back to England so he could reunite with his 84-year-old wife. James White lived as a vagabond for six months in Virginia, surviving on food from Native Americans and other servants he encountered, in addition to gathering what he could find in the wilderness. Eventually he was able to find work hauling fresh water onto ships, but soon he lost the use of his feet while stepping on some jagged rocks. His masters tried to heal him, but failed, leaving him unable to work, so they discharged him. He struggled after that, until he was able to find a captain who was willing to take him to England for the little work he could do. In short, America was not kind to the disabled, elderly, or the sick, and these convicts had no choice but to return to Britain where friends and family could support them.

While some convicts were fortunate enough never to serve in bondage, the vast majority did. Healthy convicts were sold as indentured servants for terms of seven years to eager buyers in need of cheap labor. In several respects, convict servants had nearly identical rights as voluntary indentured servants. The most important similarities were in regards to a convict’s “legal and customary rights and restrictions placed on their and

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57 OBP, Ordinary’s Account, 18 September 1727 (OA17270918).
58 OBP, Ordinary’s Account, 11 November 1728 (OA17281111).
59 OBP, Ordinary’s Account, 6 November 1723 (OA17231106).
their masters' behavior, the range of work performed, and the restoration of full freedom upon contract completion.\textsuperscript{60} Convicts essentially, therefore, had the same rights as indentured servants. Because of the similarities, convicts held in bondage could obtain their freedom the same ways as indentured servants.

The most obvious way a convict could obtain liberty from his or her master was to purchase it. John Filewood did exactly that in 1720, claiming his owner would agree to free him if he could provide a “sum of money.”\textsuperscript{61} Convicts were not slaves, but indentured servants, so it was possible for them to receive outside sources of income. Yet they did not have many opportunities to do so, as William Green explained: “that in those countries the transports are obliged to work six days for their masters, and on the seventh day they must provide food for themselves, for the following week to live upon.”\textsuperscript{62} The other way convicts could purchase their freedom was through the aid of family or friends. Transported for the first time, Elizabeth Doyle was fortunate to have a loving husband. Concerned about his wife in Virginia, he sailed over to America, located her, and then paid her owner £15 for her liberty – more than twice what she was worth.\textsuperscript{63}

On occasion, owners freed their convict servants before their terms of service expired. This could be attributed to a number of factors. Like other bonded laborers, when servants’ masters died, it was possible that they had arranged to grant their

\textsuperscript{61} OBP, Ordinary’s Account, 3 April 1721 (OA17210403).
\textsuperscript{62} The Sufferings of William Green…, (London, 1775?), 7.
\textsuperscript{63} Hayward, \textit{Lives of the Most Remarkable Criminals}, 3:543-552.
servants their liberty. When John Creamer’s master died, he received his freedom and money for his service.\textsuperscript{64} However, since a convict servant was under contract to serve a fixed period, death did not guarantee freedom. Like other forms of bonded labor, family members could inherit convicts because they were property. This is what happened to John Steele, who served his master faithfully for over six years. When his master died, he went to his master’s wife who inherited him, and then granted him his freedom.\textsuperscript{65}

Some convicts in this study claimed that their masters freed them after serving at least part of their sentence. This is rather hard to confirm, yet some masters probably did release convicts from bondage early. The evidence suggests that owners released their convicts because either they were too rebellious to have as servants or they developed sympathy for them. Rebelliousness often meant a disdain for working. Some convicts took this to the extreme: one story in the \textit{Virginia Gazette} describes how a convict, unwilling to work, took an axe and cut off his own hand.\textsuperscript{66} In most cases, disobedient convicts used threats or simply refused to work to be discharged from their masters. This is what happened to James Dalton, who stopped working and threatened to slit his master's throat if he asked him to work again.\textsuperscript{67} Some convicts were fortunate enough to have sympathetic masters who freed them early. John Lewis received his freedom after his master and transport captain agreed to free him for his good behavior.\textsuperscript{68} Sometimes cases of sympathy turned into something more. One convict

\textsuperscript{64} OBP (www.oldbaileyonline.org, 29 August 2009), \textit{Ordinary of Newgate's Account}, 14 October 1772 (OA17721014).
\textsuperscript{65} OBP, \textit{Ordinary's Account}, 3 November 1725 (OA17251103).
\textsuperscript{66} \textit{Virginia Gazette}, May 2, 1751, Hunter edition.
\textsuperscript{67} \textit{The Life and Actions of James Dalton...} (London, 1730).
\textsuperscript{68} Hayward, \textit{Lives of the Most Remarkable Criminals}, 1:159.
obtained his freedom after marrying his female master who provided him with land and slaves.\textsuperscript{69}

Like most of the other convicts in this study, the majority of those who obtained their freedom legally simply shipped off to Britain at the earliest possible opportunity. Most convicts only stayed in America long enough to procure the funds necessary for a return voyage. However, unlike their wealthy counterparts, these convicts had to work or steal in order to collect enough money to sail back home. Joseph Derbin left after his friends paid for his passage and a justice of the peace wrote him a pass declaring him as a free man.\textsuperscript{70} Some convicts had the good fortune of serving on ships as bonded sailors but then securing their freedom when they arrived back in Britain. For example, his old master sold William Hambleton to a sea captain, who freed him upon arriving in Britain.\textsuperscript{71}

Families played a significant factor in determining if convicts would stay in America. Several felons remained in America and started families, but left after they could no longer afford to support their spouses and children. There are several examples of this taking place. The notorious James Dalton stayed in America and married a rich woman. He even claimed to start a family, by having a son with her who was also named James Dalton. He only left her after she could not longer support him because he had spent all of her money.\textsuperscript{72} The same is true of Joseph Lewis, who

\textsuperscript{69} OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate's Account, 21 October 1743 (OA17431021).
\textsuperscript{70} OBP, December 1764, Joseph Derbin (t17640912-13).
\textsuperscript{71} OBP (www.oldbaileyonline.org, 29 August 2009), September 1754, trial of William Hambleton (t17540911-38).
\textsuperscript{72} The Life and Actions of James Dalton… (London, 1730).
married his female master, but then spent all of her money, and out of shame, fled back to Britain. Not all families fell apart in the colonies amidst financial ruin; in fact, some convicts brought their families with them back to Britain. The husband of Elizabeth Doyle came to America and bought her liberty, but instead of going back to Britain, the couple stayed in America, spent a great deal of money until they were destitute, and then were forced to stay with a relative in New York. After months of working at his trade, he was able to earn enough money to send himself and his wife back to Britain.

The two groups of convicts who obtained their freedom legally after arriving in America had dramatically different experiences. Unlike those who arrived free in the colonies, these felons were put up for auction to work as indentured servants. Several elderly, handicapped, and sick convicts managed to avoid being purchased and obtained their freedom relatively quickly; however, they also had to deal with the harsh realities that accompanied their deficiencies in America. Unable to procure jobs, they suffered and relied entirely on the mercy and generosity of others. Convicts who purchased their freedom or were released by their masters had a more positive experience. Though they had been sold into bondage, their master were kind of enough to ensure that they had the opportunity to become free again. Most returned to Britain within months of their freedom, while others remained in America and started families or worked to procure funds to return. While these convicts legally achieved their freedom, it was far more to obtain their freedom illegally by running away.

73 OBP, Ordinary’s Account, 21 October 1743 (OA17431021).
74 Hayward, Lives of the Most Remarkable Criminals, 3:543-52.
Section Three: Runaways

The third cohort of convicts included in this chapter is made up of those who ran away from their masters. Unlike other convicts who arrived free or obtained their freedom through some other means, Jesse Walden arrived in America in chains and was promptly sold to a gentleman in northern Virginia. He escaped from his master’s plantation because he was “unwilling to work seven years for nothing,” and ran off to the coast to find a ship bound for Britain. He risked everything to return home: he fought and stole, reasoning that he would rather "suffer Death than to go back to be used in such a barbarous Manner as I should have been" on the plantations. Like other convicts who either escaped or obtained their freedom, he did not stay long in America despite his newfound independence. Within weeks of escaping, he boarded a ship and returned to Britain, but soon committed a new crime and died for it in London. This section is about convicts like Walden who actually arrived in America, and examines how they obtained their freedom and why they returned home.

Running away was the most common way convicts achieved their freedom. Ekirch described runaways as “the most daring men and in women in the convict population.” They were daring because they were so desperate to escape their situation; as John Read put it: “no man knew the misery of such a state.” In his research on convict runaways, Ekirch found 1,401 convicts mentioned in runaway

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75 Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 7 April 1742 (OA17420407).
76 OBP, Ordinary’s Account, 7 April 1742 (OA17420407).
77 Ekirch, Bound for America, 196.
78 Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 4 July 1770 (OA17700604); Virginia Gazette, May 12, 1768, Rind edition.
advertisements in Maryland and Virginia between 1735 and 1775. Of the 132 unique convicts who returned from transportation in this study, only twelve had runaway advertisements posted in colonial newspapers. Out of the 46 sentenced to transportation who arrived in America and left sufficient information about how they achieved their freedom, 22 returned convicts, or 47.8 percent, stated that they had run away from their masters. This number is probably higher considering there is no information on how 30 other convicts achieved their freedom in America.

Convicts listed dozens of reasons why they ran away from their masters. For many convicts, the shock of entering an unknown world and submitting to the authority of an owner must have been reason enough to escape. Henry Woolford described the experience as being "worse than death." However, the most common explanations in narratives dealt with masters and labor. Convicts understood that cruel masters existed in the colonies because of the conversations and narratives they had heard and read prior to transportation. Colonial law placed restrictions on how masters could treat convicts; nevertheless, mistreatment occurred regularly. Joseph Lewin escaped after he could not bear another violent and unmerciful beating from his master. Likewise, Samuel Ellard was determined to escape as soon as possible after hearing that his

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80 Virginia Gazette, August 4, 1738; June 2, 1738; June 29, 1739; May 16, 1745, Parks edition; July 10, 1752, Hunter edition; May 12, 1768; November 4, 1773, Rind edition; January 28, 1768; July 30, 1772; March 24, 1774; August 12, 1773, Purdie and Dixon edition; November 10, 1774, Pinkney edition.
82 OBP, *Ordinary’s Account*, 1 March 1721 (OA17210403).
84 OBP, *Ordinary’s Account*, 7 November 1743 (OA17431021).
master had whipped seven men to death. Not all bad masters were violent; some mistreated their convicts in other ways, such as providing them with insufficient provisions or clothing, which made life unbearable. One malnourished convict absconded after his master reportedly fed him only a steady diet of grain, and only one small morsel of meat per week. In another example, Edward Mires’ master provided him with only one shirt and some animal skins (used for shoes) to serve as his clothing despite the cold Virginia winters.

Not every convict endured these sorts of hardships. In fact, some masters treated their convicts too well, allowing them to escape. Usually these masters provided their convicts with abundant liberty, responsibility, and a lack of supervision. William Barton escaped after working as an overseer on a plantation, describing it as “the happiest part of his Life,” because “he endured no Wretchedness, had no Care, but found whatever was requisite for the sustaining Life provided for him.” A kind widow bought John Glen Gulliford and allowed him “more Liberties than I ever could have expected.” Spoiled with his freedom, he resolved he was being “over worked” and decided to escape.

Cruel and backbreaking labor also motivated convicts to escape. Convicts generally worked as agricultural laborers, artisans, or ironworkers. Most convicts worked in agriculture and received treatment equal to slaves, working long hours in

85 Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 12 October 1744 (OA17441107).
86 OBP, Ordinary’s Account, 5 July 1721 (OA17210705).
87 OBP, Ordinary’s Account, 26 April 1749 (OA17490426).
88 Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 12 May 1721 (OA17210512).
89 OBP, Ordinary’s Account, 13 January 1742 (OA17420113).
grueling conditions. Robert Godfrey, a baker, was “put to Hoeing, planting Tobacco, and all the Hardships that the Negro Slaves endured” because his master had no use for his trade. Convict artisans generally received considerably less abuse because their skills made them valuable commodities and were in high demand. Ironworking was the dirtiest, most demanding, and dangerous job performed by convicts. Ironworks, some of the first factories, were labor intensive and many literally worked convicts to death with dangerous jobs such as working with furnaces and mining.

Deciding to escape was one thing, but actually escaping was a tumultuous endeavor with several challenges. Most convicts did not leave on a whim, but spent time preparing how and when they would escape. Jesse Walden noted that from the moment he arrived in Virginia “my thoughts were always taken up in meditating my escape.” Convicts needed food, supplies, and other essentials to make the journey a success. Several took weapons to defend themselves or to hunt for food. Others took extra pairs of clothes to defend against the elements, or to improve their appearance and blend in with colonial society. For example, the Virginia Gazette warned that John Bagnall “may have altered his Dress, as he carried with him a white double breasted Jacket… and several other things.”

Convicts typically planned to escape at night because the darkness made it more difficult to see and identify them. In addition, masters and other bonded laborers slept at

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90 OBP, Ordinary’s Account, 5 July 1721 (OA17210705).
91 Ekirch, Bound for America, 125-26.
93 OBP, Ordinary’s Account, 7 April 1742 (OA17420407).
95 Virginia Gazette, July 30, 1772, Purdie and Dixon edition.
night, further reducing the chances of capture.\textsuperscript{96} Henry Cole, for example, escaped in the middle of the night and took great care not to wake another servant sleeping nearby.\textsuperscript{97} Several convicts stole their master’s horses to hasten their escapes, while others stole boats that could take them to port cities down river.\textsuperscript{98} James Dalton actually stole both on his successful escape attempt.\textsuperscript{99} All of these preparations often gave convicts a head start of several hours and dozens of miles over a would-be pursuer.

America was an unfamiliar place for most convicts, making it even more difficult to escape. Most convicts probably had a limited geographical knowledge of Virginia and Maryland – the most common destinations for transportation. These colonies contained many rivers, swamps, and lakes, often making travel difficult, if not impossible.\textsuperscript{100} Most runaways probably avoided settlements and plantations on their journeys except when they needed to restock supplies, which they often stole. The journey was even more dangerous considering most runaways travelled at night, only sleeping during the day.\textsuperscript{101} Weather was another factor; the majority of convicts chose to escape during the summer because traveling during winter was simply too dangerous.\textsuperscript{102}

No matter how far convicts had escaped from their masters, the possibility of capture remained. Colonial society was always on the lookout for runaway convicts, servants, and slaves and measures were in place to make escape difficult. Several convicts noted that escaping was nearly futile. James Dalton found out how difficult

\begin{flushleft}
96 Ekirch, \textit{Bound for America}, 199.
97 \textit{OBP, Ordinary’s Account}, 8 June 1744 (OA17440608).
98 Morgan, "Convict Runaways in Maryland," 262.
100 \textit{OBP, Ordinary’s Account}, 8 June 1744 (OA17440608).
101 Ekirch, \textit{Bound for America}, 199-200.
102 Ekirch, \textit{Bound for America}, 242.
\end{flushleft}
escaping was for himself after trying four separate times to escape from his masters and only succeeding once.\textsuperscript{103} To make matters worse for runaways, if they were unsuccessful in escaping and recaptured, they faced a whipping and an extension of service proportional to the amount of time they had been gone.\textsuperscript{104} Or as William Green lamented, “It is impossible to relate the various sufferings we go through, for if we run away we are again taken, for every hour’s absence we must serve twenty-four, for a day, a week, for a week, a month, for a month, a year.”\textsuperscript{105}

Capturing runaway convicts and other bonded laborers were common occurrences in eighteenth century America. Several runaways encountered people they were familiar with or ran into constables and sheriffs eager to take them up. Rewards listed in newspaper advertisements gave locals an incentive for capturing runaways, such as the one listed for the returned convict Joseph Lloyd.\textsuperscript{106} The indentured servant William Moraley argued that these rewards made escape “next to impossible.”\textsuperscript{107} In addition, colonial legislation mandated that no servant could travel the country without a pass. These passes contained information about the servant, where they were going, and why. Any servant without a pass was considered a runaway, and was arrested.\textsuperscript{108}

Despite the difficulties associated with running away, there were ways around these security measures. Captured convicts often told bogus stories, gave themselves

\textsuperscript{103} The Life and Actions of James Dalton, (London: Walker, 1730).
\textsuperscript{104} Kercher, "Perish or Prosper," 534.
\textsuperscript{105} The Sufferings of William Green..., (London, 1775?), 7.
\textsuperscript{108} Morgan, "Convict Runaways in Maryland," 264-265.
false names, or created other lies to convince their captors that they were not runaways.\textsuperscript{109} If convicts knew advertisements for them existed in newspapers, they avoided roads, traveled only at night, or changed their appearance so it would not match their description to avoid the likelihood of capture.\textsuperscript{110} Many convicts could read and write, and often forged or stole passes that allowed them to travel freely through the colonies.\textsuperscript{111} Of course, sometimes these countermeasures failed and convicts had to turn to violence. When a man who recognized him stopped Jesse Walden, he took out a club and knocked the man off his horse after his attempts to explain himself failed.\textsuperscript{112}

While the initial destination of most runaway convicts in this study is unknown, it seems likely that the majority tried returning to Britain. All of the convicts in this study obviously returned to Britain, and few spent much time in America after escaping. In Ekirch’s research, based on information in runaway advertisements, he found that most runaways, 67 percent, headed for ships upon escaping.\textsuperscript{113} Masters of ships received warnings not to hire convicts under penalty of lofty fines, but the demand for sailors was so great that these warnings were largely ignored.\textsuperscript{114} In addition, many convicts paid for their passage aboard ships, like William Burk who paid nine guineas for the voyage to London. It is therefore not surprising that few, if any, captains would turn away willing

\textsuperscript{109} Ekirch, \textit{Bound for America}, 201-2.
\textsuperscript{110} Morgan, "Convict Runaways in Maryland," 260; Morgan and Rushton, "Visible Bodies," 46; \textit{OBP}, \textit{Ordinary’s Account}, 8 June 1744 (OA17440608).
\textsuperscript{111} \textit{Virginia Gazette}, May 16, 1745, Parks Edition; Morgan, "Convict Runaways in Maryland," 264-265.
\textsuperscript{112} \textit{OBP}, \textit{Ordinary’s Account}, 7 April 1742 (OA17420407).
\textsuperscript{113} Ekirch, \textit{Bound for America}, 208.
\textsuperscript{114} \textit{Virginia Gazette}, July 30, 1772, Purdie and Dixon edition.
sailors or paying passengers, despite being convicts.\textsuperscript{115} Convicts headed for ships did not doddle – the faster they could get out of America, the better.\textsuperscript{116}

While the majority of returned escaped convicts in this study headed straight back to Britain, a minority stayed behind in America and tried to start a new life until their terms of exile expired. Several of those who boarded ships probably stayed in America and continued serving as sailors. This is the case of Samuel Ellard, who worked on several vessels based out of Philadelphia for over a year after he absconded.\textsuperscript{117} A few convicts returned to crime after absconding. James Dalton and John Whalebone escaped after they were imprisoned for stealing and reselling two African slaves.\textsuperscript{118} Other convicts tried, unsuccessfully, to work at their trades in the colonies after running away. Similarly, James Hancock worked as a watchmaker, but had a hard time finding consistent work.\textsuperscript{119}

Most convicts who stayed in the colonies after running away eventually returned home because they missed Britain and their families. William Rogers realized he might have continued to live well working as a shoemaker had he remained in America, but returned to Britain out of love for his wife.\textsuperscript{120} John Whalebone went home because he missed “the sensual delights” of London.\textsuperscript{121} Some convicts had family connections in America and went in search of them. In one ironic case, the family of William Howard

\begin{thebibliography}{99}
\bibitem{115} Old Bailey Proceedings (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 17 March 1755 (OA17550317).
\bibitem{116} Hayward, Lives of the Most Remarkable Criminals, 1:159.
\bibitem{117} OBP, Ordinary’s Account, 7 November 1744 (OA17441107).
\bibitem{118} The Life and Actions of James Dalton… (London, 1730).
\bibitem{119} OBP (www.oldbaileyonline.org, 5 August 2009), June 1772, trial of James Hancock (t17720603-43).
\bibitem{120} OBP, Ordinary’s Account, 21 November 1729 (OA17291121).
\bibitem{121} OBP, Ordinary’s Account, 3 November 1725 (OA17251103).
\end{thebibliography}
left Britain and moved to South Carolina to leave their criminal son. Later on, when their son was transported to Virginia, he showed up at their door and they allowed him to live with them in the colony.¹²²

However, others departed because Americans considered them undesirable, incapable of reforming themselves and bringers of amorality wherever they went. As a result, convicts were stigmatized and many were driven out of the colonies.¹²³ Benjamin Franklin even wrote a piece for the *Virginia Gazette* condemning their importation while comparing them to rattlesnakes.¹²⁴ This stigma made it difficult for convicts to find jobs, residences, and lead a normal life. James Hancock could find no work and could not enter Philadelphia because someone identified him as a convict.¹²⁵ Joseph Taylor, imprisoned in Pennsylvania under suspicion of being a convict (which he was), received his freedom after promising to leave the colony.¹²⁶

Wars presented convicts with opportunities to return legally. British generals in need of soldiers during the Revolutionary War appealed to convicts to run away from their masters and serve in the army in exchange for their freedom. Some convicts even deserted from the American forces after they had been forced to enlist by their masters. Deserting during wartime was a difficult task. William Harding attempted to desert and join the British on three separate occasions. Only after signing an oath of allegiance to General George Washington after several failed desertion attempts did he actually

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¹²⁵ *OBP*, June 1772, James Hancock (t17720603-43).
¹²⁶ *OBP* (www.oldbaileyonline.org, 5 August 2009), February 1775, trial of Joseph Taylor (t17750218-61).
succeed. The felons in this study who deserted successfully remained in America with the British army and returned to Britain immediately after serving out their time. When they arrived in Britain, they received free pardons for their military service.

Returned convicts who obtained their freedom by running away from their masters pursued a dangerous course. They escaped for a variety of reasons, usually because they missed Britain and their families or because they experienced intolerable treatment and backbreaking labor. Convicts planned their escapes, but colonial society was well equipped to identify runaways. Those convicts who successfully escaped and had plans to return to Britain usually spent as little time in America as possible, choosing to return on ships bound for Britain. However, a sizeable minority stayed in America and attempted to start a new life before ultimately returning.

Convicts who arrived in America returned to Britain after obtaining their freedom one of three distinct ways. Some were fortunate enough to arrive in America as free men, either by paying for their passage or by working aboard convict ships, and had a relatively easy time going home. Others obtained their freedom after arriving in America. Some managed to avoid servitude because they were too old or sick, while others were sold as indentured servants, who worked hard and either bought or received their freedom from their masters. Running away was illegal, but was the third and most dangerous option. While most convicts in this study returned to Britain as fast as possible, a few stayed in America and tried to create new lives before also returning.

127 OBP, July 1778, William Harding (t17780715-89).
128 OBP (www.oldbaileyonline.org, 5 August 2009), February 1780, trial of William Herbert (t17800223-45).
home. Ultimately, all of these methods of obtaining freedom allowed convicts to get what they desired most: the chance to return home.
CHAPTER THREE: THE RETURNED CONVICT IN BRITAIN

Thomas Butler had been out of Britain for five years when his ship landed in Bristol in 1752. He was now at large in Britain and was well aware that, if captured, he could receive a death sentence for returning from transportation. The Ordinary's Account described him as saying that the possibility of death “hung over his Head, and it gave him some Uneasiness to think, if he came where he was known, he was liable to be apprehended by any Body.” Mindful of this, he decided that at the first opportunity he would find a ship and go abroad for the two years that remained on his sentence. However, since he was home for the first time in five years, he decided to venture to London and pay his family and friends a visit for a week or so before departing. He arrived in the capital without much trouble, but on the fifth day, a former roommate recognized and apprehended him. Butler pleaded with the man to let him go to no avail. He was brought to the Old Bailey courthouse, tried for returning from transportation, and executed for the crime.

This chapter examines what happened to convicts who remained in or returned to Britain prior to the expiration of their sentences. Historians have paid a disproportionate amount of time focusing on what convicts did in America, while paying little, if any, attention to their return migration and lives in Britain. Mainly this results from a lack of sources. After their sentences of banishment expired, convicts returned legally

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1 Old Bailey Proceedings (www.oldbaileyonline.org, 5 August 2009), September 1752, trial of Thomas Butler (t17520914-56); OBP, Ordinary’s Account, 11 October 1752 (OA17521011).
2 OBP, September 1752, Thomas Butler (t17520914-56); OBP, Ordinary’s Account, 11 October 1752 (OA17521011).
but seemed to disappear when they were back in Britain, and the same is presumably true for most who returned illegally. However, through their trials and the accounts of their lives taken before their deaths, we can at least try to understand what happened to those convicts who returned and were executed. The first section of this chapter examines how convicts tried to live their lives while avoiding detection, and how they were noticed and apprehended. The second section describes what happened to convicts at their trial. The final section looks at what happened to the felons after they received their verdicts and attempts to dispel the myth that death was the inevitable outcome for returning and that some convicts were even found not guilty of the crime. All of the convicts in this study who returned to Britain lived clandestine lifestyles but ultimately failed to reintegrate successfully, which lead to their detection and trial, but not necessarily to their deaths.

Section One: Reintegrating into British Society

When convicts were at large in Britain, they faced a serious dilemma. How could they successfully return to their lives while avoiding the possibility of death if discovered? I argue that convicts returned to British society in one of three ways. The first was for convicts to relocate to parts of Britain where they were unknown or to flee the country entirely. The second was for convicts to return to their old neighborhoods and quietly blend back into society. The third, and by far most dangerous way, was for convicts to return to a life of crime and live clandestinely. This section will examine how
convicts managed in each of these three situations, and how they were noticed and apprehended.

Convicts in this study who moved to parts of Britain or left the country entirely probably had the best chance of avoiding detection. It was a good strategy: go where nobody knows you, and begin a new life without constantly looking over your shoulder. Many convicts from other regions chose London as their new place of residence.\(^3\) London was enormous compared to every other city in Britain, and served as an excellent place for convicts to disappear.\(^4\) However, statistics show that convicts who relocated to London still had ample reason to fear capture. Table 10 describes that of the 132 convicts in this study, 25 were not originally tried in London, but were eventually caught there.\(^5\) Citizens from all over Britain flocked to London, and on occasion, they recognized convicts who had also moved there. For example, another Dorchester resident, who knew him from childhood and happened to be in London at the same time, noticed Morris Salisbury, originally sentenced at Dorchester in southeast England.\(^6\)

Of course, London convicts also tried relocating to other places. For some convicts, moving to other cities in Britain, usually England, meant a resumption of their normal lives.\(^7\) For others, this meant resorting to crime when they arrived in new cities, since it was the primary way they knew how to make a living. If they were captured for a

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\(^3\) Durston, "Magwitch's Forbears," 137-58.
\(^4\) Ekirch, Bound for America, 210-13.
\(^5\) Please see Table 10 in the appendix for Courts Issuing Transportation Sentences to Convicts.
\(^6\) OBP (www.oldbaileyonline.org, 5 August 2009), May 1752, trial of Morris Salisbury (t17520514-26).
\(^7\) OBP, Ordinary's Account, 26 April 1749 (OA17490426); OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate's Account, 17 February 1744 (OA17440217).
crime, no one in their new city would recognize them as having returned from transportation, and instead of facing death, they would merely be transported out of the country again. James Dalton, “not daring to come to London,” arrived at Bristol when he returned to Britain and resumed his life of crime before he was eventually caught for thieving and transported back out of the country.\textsuperscript{8} In another example, William Howard, “not thinking it safe to stay” in London, moved to Ireland where he committed so many robberies that he was forced back to London out of necessity.\textsuperscript{9}

Several convicts tried living honestly in their new locales. Since nobody knew them, they were free to set up shops, work on their trades, and live as they pleased. However, they still needed to proceed with caution. Cities all over Britain considered returned convicts undesirable, and failure to keep their identities secret could result in ostracism, arrest, or even extradition back to London where they could face trial for returning. Henry Jordan arrived in Manchester and immediately resumed his trade as a shoemaker. Unfortunately, he was soon recognized by a thief-catcher, apprehended, and then brought back to London to stand trial.\textsuperscript{10} A similar situation happened to Joseph Walters, who tried selling pens and pocketbooks in Bristol for a living. Unfortunately, someone recognized him as a London convict, and he was banished by city officials and forced back to London out of desperation.\textsuperscript{11} John Edward’s wife demanded that he accompany her to Portsmouth where he could serve as a sailor while she waited on shore for him to return. On the day they were to leave, he was noticed and

\textsuperscript{8} OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 12 May 1730 (OA17300512).
\textsuperscript{9} OBP, Ordinary’s Account, 2 October 1734 (OA17341002).
\textsuperscript{10} OBP (www.oldbaileyonline.org, 5 August 2009), May 1776, trial of Henry Jordan (t17760522-40).
\textsuperscript{11} OBP (www.oldbaileyonline.org, 5 August 2009), April 1749, trial of Joseph Walters (t17490405-54).
Many returned convicts who moved to other parts of Britain probably succeeded in resuming their lives, but as evidenced by those captured in this study, it was by no means a guarantee.

The final option for these roving convicts was to leave the country completely. Abroad in Europe or elsewhere, they were safe from the British legal system and not in violation of their sentences. William Burk returned to America out of “fear of being discovered.” He stayed there for several years before eventually deciding to return to Britain. One convict went to Holland to serve as a cooper’s mate aboard a ship. However, the position filled before he got there and he returned to Britain out of necessity. Some convicts went for a less permanent international solution. As a maritime power, Britain had a plethora of ships that needed crews, and many convicts saw this as the best way to live while waiting for their sentences to expire. Joseph Dowdell thought it “best to get out of the Country” and served on a British Warship, before returning to Portsmouth in a few months. Convicts still needed to be careful not to reveal their identities as returned convicts, since many captains would discriminate against them or withhold their wages. Another danger of serving aboard a British ship was that it would eventually return to Britain. Returned convict sailors were often captured after their ships arrived in British ports to reload their cargo. Leaving Britain

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12 OBP, Ordinary’s Account, 7 February 1750 (OA17500207).
13 OBP, Ordinary’s Account, 17 March 1755 (OA17550317).
14 Morgan and Rushton, Criminal Atlantic, 166.
15 OBP, Ordinary’s Account, 17 June 1751 (OA17510617).
16 OBP, May 1774, John Thomson (t17740518-30)
17 OBP (www.oldbaileyonline.org, 5 August 2009), December 1775, trial of John Watson (t17751206-2).
was the best way for convicts to avoid capture even though most did not implement this strategy effectively.

For some convicts, relocating to other parts of Britain or leaving the country was out of the question. Several convicts opted to return to London, move back to their old neighborhoods, and try to blend quietly back into society. This was a particularly dangerous strategy because by going back to where they had previously lived, the risk of notice increased dramatically.\(^{18}\) However, there were some positive aspects to this method. First, these convicts usually lived honestly and tried not to resort to a life of crime. Second, while a convict’s neighbors might know that he had returned, many did not want an execution on their conscience and remained quiet. Third, and most important, was that family, friends, and neighbors could all support and hide convicts if required.\(^{19}\)

Finding honest work was difficult for these returned felons, but was necessary for them to support themselves. In addition to the problem of not being at liberty to seek out jobs in their trade, the economy of London throughout the eighteenth century was such that even a large number of average citizens had trouble finding work.\(^{20}\) Bernard Bailyn described that London was overflowing with people searching for work, and that many started migrating to the colonies for employment.\(^{21}\) However, despite the difficulties, finding work in Britain was still possible. Family connections were one way returned

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\(^{18}\) *OBP, Ordinary’s Account*, 7 February 1750 (OA175000207); *OBP*, October 1725, John Steele (t1725103-64); *Gazetter and New Daily Advertiser*, January 17, 1776.

\(^{19}\) Durston, "Magwitch’s forbears," 147-48;


convicts got employment. Stephen Delforce worked at his father’s business when he returned.\(^{22}\) Some convicts were able to find jobs, which they worked successfully at for a long time. Jacob Cordosa worked in England for two years as a snuff maker and on occasion a barber.\(^{23}\) In other cases, convicts returned to the same jobs and employers they had prior to transportation. John Law apparently returned to his original job as a horse dealer. In fact, at his trial, many witnesses commended him for living in such an honest fashion.\(^{24}\)

Because of the economy, and their inability to secure jobs due to their fugitive status, some convicts became self-employed. On occasion, they had enough savings or property to start their own businesses without straying too far from their residences. James Dalton, for example, kept a public house in London.\(^{25}\) More commonly, returned convicts became street vendors, peddling their goods at markets, or working odd jobs. Francis Smith was a licensed seller of handkerchiefs, and other clothing accessories. He became so successful that he owned three horses to carry all his goods.\(^{26}\) Most convicts were far less successful because they either lacked entrepreneurial skills or wanted to keep a low profile. For example, James White “sold fruit publickly in the streets” to avoid drawing too much attention to himself, but he was eventually noticed by a passerby and apprehended.\(^{27}\)

\(^{22}\) OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate's Account, 26 October 1720 (OA17201026).
\(^{23}\) OBP, Ordinary’s Account, 17 February 1744 (OA17440217).
\(^{24}\) OBP, December 1772, John Law (t17721209-52).
\(^{25}\) The Life and Actions of James Dalton... (London, 1730).
\(^{26}\) OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate's Account, 12 October 1763 (OA17631012).
\(^{27}\) Hayward, Lives of the Most Remarkable Criminals, 1:226-28.
Returned convicts often went immediately to their families and friends for support. Many convicts reunited with their loved ones, making it easier for them to reintegrate into society. When John Edwards returned, he could not find any honest work but fortunately had a wife who was eager to support him. On occasion, returned convicts faced the harsh reality that banishment had destroyed or damaged their family lives. Several convicts returned to find that their wives had married other men. In the case of John Steele, his wife’s new husband apprehended him and brought him to the authorities. In the most extreme cases, some returned convicts avoided their families altogether, not wanting to risk their safety or become a financial burden. Friends also provided support for returning convicts. Friends provided financial assistance or a place to stay. James White hoped his friends could support him when he returned, but found that they were too poor to conceal him. However, in a few cases, friends turned against returned convicts, denying them assistance, and even informing the authorities of their presence.

Despite the relative safety that convicts enjoyed returning to their friends and family, they still had to worry about their neighbors. Many neighbors would not be happy learning that criminals had returned to their neighborhoods, especially the victims of previous crimes. Rewards for capturing returned convicts offered by the government, usually in the amount of £20 must have been an enticing option for neighbors eager to

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28 OBP, Ordinary’s Account, 7 February 1750 (OA175000207).
29 OBP, October 1725, John Steele (t17251013-64). Many of these marriages were common law arrangements and were legal.
30 Hayward, Lives of the Most Remarkable Criminals, 2:365-68.
32 OBP, Ordinary’s Account, 13 January 1742 (OA17420113); OBP (www.oldbaileyonline.org, 5 August 2009), December 1772, trial of Nathaniel Bayliss (t17721209-61).
rid the neighborhood of these undesirables. Some cities even placed advertisements in newspapers pleading with citizens to turn in convicts suspected to have returned.

However, localism was a powerful force in eighteenth century Britain and neighbors usually avoided informing the authorities out of fear of public scrutiny. Most neighbors had probably known convicts for their entire lives, and probably did not wish to see them executed. However, for some neighbors, especially those involved in getting a convict transported in the first place, public scrutiny was not a large enough deterrent. For example, Daniel Shaw had known Morris Salisbury since he was a child, but still prosecuted him when he returned. Despite the dangers, returning to a normal life with the aid of family and friends was a possibility, yet not always a successful one.

Returning to a life of crime was the most dangerous way convicts chose to live. Crime was easy and familiar, and many convicts literally stepped off the boat from America and returned to picking pockets. However, the danger of capture when committing new crimes also made it the riskiest strategy to avoid capture. Ironically, in many ways returning to crime also became the closest a convict could return to normal life. Below, I examine the crimes returned convicts committed upon their return and how they reintegrated back into lives of crime.

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34 Gazetter and New Daily Advertiser, January 17, 1776.
35 Ekirch, Bound for America, 214-17.
36 OBP, Ordinary’s Account, 1 June 1752 (OA17520601).
37 Rayner, Newgate Calendar, 3:102-8.
Table 4: Crimes of Returned Convicts

<table>
<thead>
<tr>
<th>Crimes</th>
<th>Convicts</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft &gt; Grand Larceny</td>
<td>7</td>
<td>13.2</td>
</tr>
<tr>
<td>Theft &gt; Unspecified</td>
<td>4</td>
<td>7.5</td>
</tr>
<tr>
<td>Theft &gt; Theft From A Specified Place</td>
<td>3</td>
<td>5.7</td>
</tr>
<tr>
<td>Violent Theft &gt; Highway Robbery</td>
<td>7</td>
<td>13.2</td>
</tr>
<tr>
<td>Theft &gt; Pocketpicking</td>
<td>5</td>
<td>9.4</td>
</tr>
<tr>
<td>Theft &gt; Burglary</td>
<td>2</td>
<td>3.8</td>
</tr>
<tr>
<td>Theft &gt; Multiple Crimes</td>
<td>15</td>
<td>28.3</td>
</tr>
<tr>
<td>Theft &gt; Other</td>
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<td>1.9</td>
</tr>
<tr>
<td>Royal Offenses &gt; Coining</td>
<td>1</td>
<td>1.9</td>
</tr>
<tr>
<td>Theft &gt; House Breaking</td>
<td>7</td>
<td>13.2</td>
</tr>
<tr>
<td>Theft &gt; Receiving</td>
<td>1</td>
<td>1.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>53</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

While not every convict returned to a life of crime, those who did tended to become more compulsive criminals than before. While it is impossible to know exactly how many convicts committed other crimes upon returning, Table 4 shows that 53, or 40 percent, of the 132 charged with returning from transportation committed at least one additional crime. Only 13 percent of convicts committed violent crimes upon returning, an increase of 7 percent from the crimes for which they were originally transported.

Since convicts who went back to crime would likely hang regardless of the frequency of their crimes, it is possible that reality made them comfortable with committing more daring and dangerous crimes than before they were transported.\(^{38}\) However, while violent crimes did not increase, many of these convicts committed hundreds of petty crimes.

\(^{38}\) OBP, Ordinary’s Account, 8 June 1744 (OA17440608); OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 9 December 1754 (OA17541209).
crimes upon arriving home. As stated by the convict Ebenezer Ellison, returned convicts became “ten times greater rogues than before, and much more cunning.”

However dangerous, a life of crime provided several benefits unavailable to other returned convicts. Despite living a clandestine life, convicts were part of a vast criminal underworld that existed in London, which gave them a larger amount of freedom compared to other returned convicts. Crime allowed for a steady income when honest work could be difficult to come by. Because criminals worked at night, they could stroll down the boulevards of London freely, while also enjoying social gatherings in back alley alehouses and brothels. Many returned convicts even developed strong, long lasting friendships with other criminals. For example, when Henry Cole returned he became fast friends with convict Jack Exelby. Romantic relationships even became possible, and several criminals got married to women of “ill-repute.” The convict John Smith married upon returning, and his new wife even assisted his criminal activities by harboring her husband’s accomplices in her home.

In some cases, these friendships and relationships became the foundations for notorious criminal gangs. London journalists blamed numerous crimes in London on anonymous returned convicts. Criminal gangs often targeted returned criminals for recruitment because British criminal law did not allow fugitives to testify in court against

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39 For examples, see OBP (www.oldbaileyonline.org, 5 August 2009), July 1753, trial of James Williams (t17530718-31); OBP, January 1775, James Stewart (t17750111-51).
40 Hayward, Lives of the Most Remarkable Criminals, 3:529-33.
41 OBP, Ordinary’s Account, 8 June 1744 (OA17440608).
42 OBP, Ordinary’s Account, 3 October 1750 (OA17501003).
43 Lloyd’s Evening Post, August 5, 1763.
44 For an example, see London Daily Post and General Advertiser, January 13, 1743.
fellow gang members.\textsuperscript{45} One notorious criminal, Jonathan Wild, provided security, money, clothes, shelter, and concealment to returned convicts in exchange for counterfeiting money.\textsuperscript{46} Despite the risks associated with a life of crime, it was far more appealing than the isolation associated with hiding and blending in.

When convicts returned to Britain, they tried reintegrating into society, while avoiding detection and apprehension, a number of different ways. For some convicts, this meant relocating to other parts of Britain or leaving the country entirely. For others, returning to friends and families while trying to lead honest, though quiet, lives was the ideal option. Yet for others, returning to a life of crime proved to be the easiest and most beneficial way of reintegrating into society. Regardless of the method returned convicts pursued, all of them in this study ultimately failed to reintegrate successfully since they were detected and brought to justice.

Section Two: The Trial

After convicts were apprehended, they were brought to Newgate prison where they awaited trial. The Old Bailey has remained London’s primary courthouse since its establishment in 1674. The courthouse’s jurisdiction encompassed the entire city of London and surrounding Middlesex County.\textsuperscript{47} The court sat eight times a year and typically impaneled two sets of twelve-men juries that went through dozens of trials per session. Historian John H. Langbein notes that in theory every convict who walked

\textsuperscript{45} Ekirch, \textit{Bound for America}, 210-12.
\textsuperscript{47} Emsley, Hitchcock and Shoemaker, "Ordinary of Newgate’s Accounts."
through the Old Bailey’s doors was suspected of committing a felony and therefore faced the possibility of a death sentence.\textsuperscript{48} In reality, only convicts who committed capital offenses were subject to this punishment. In the case of returned convicts, returning was a capital offense:

If any offender or offenders, so ordered to be transported for any term of seven years, or fourteen years, or other time or times as aforesaid, shall return into any part of Great Britain or Ireland before the end of his or their said term, he or she so returning as aforesaid, shall be liable to be punished as any person attainted of felony, without the benefit of the clergy, and execution shall and may be awarded against such offender or offenders accordingly.\textsuperscript{49}

Despite this gloomy outlook, it was still possible for returned convicts to receive the King’s pardon, if they provided sufficient or legal reasons for returning.

This section of the chapter examines the trial of convicts charged with returning from transportation. It includes a brief description of how and why convicts came to trial. In addition, it argues that these trials were straightforward affairs that required the prosecution to prove two things: first, that the convict was the same person who was convicted and sentenced to transportation at an earlier session; and second, that the convict was proved “at large” in a public place within Great Britain or Ireland. In addition, the trial also gave convicts the opportunity to defend themselves against accusations of returning to Britain. The main defenses convicts employed were to either admit their guilt or deny themselves as returned convicts and create elaborate stories with the hope of receiving a pardon.

\textsuperscript{49} Hawkins, \textit{Pleas of the Crown}, 423.
The trials began with an indictment of the accused being read. This indictment named the defendant, the specifics of his or her original crime, and when and where he or she received a verdict and sentence of transportation. On occasion, indictments were faulty because they either did not contain information about the original trial, or were difficult to locate because of distance. This did not present a problem if the original trial occurred at the Old Bailey, but if it occurred somewhere else in Britain or Ireland, the original document could be difficult to obtain. For example, Thomas Floyd, originally tried outside of London, received a not guilty verdict after an incomplete copy of the original indictment proved insufficient for his trial.

After reading the indictment, it was up to the prosecution to prove the identity of the accused and establish that he or she had been at large. It is important to note that lawyers, as we know them in the modern sense, were uncommon in criminal courts of the eighteenth century. Typically, the prosecutor was simply the person who had been wronged by or who recognized the returned convict, while the defendant, more often than not, also served as his or her own counsel. During the eighteenth century, it was up to the prosecutor to decide whether to file charges in the first place. In many instances, prosecutors approached returned convicts in public and pleaded with them to go into hiding or to leave London all together on threat of capture. For example, the convict William Hughes was seen at large and apprehended by Percival Phillips after

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50 For an example, see Old Bailey Proceedings Online (www.oldbaileyonline.org, 5 August 2009), May 1744, trial of Henry Cole (t17440510-4).
51 Durston, “Magwitch’s forbears,” 137.
52 Old Bailey Proceedings Online (www.oldbaileyonline.org, 5 August 2009), January 1777, trial of Thomas Floyd (t17770115-48).
53 Langbein, "Before the Lawyers," 280-84; Langbein, "Ryder Sources," 50.
Phillips had “sent a person to tell him if I saw him any more I would take him up.” He then lamented, “I saw him again in Holborn that night picking of pockets.”

Convicts often ignored the advice to flee or hide and were taken up. Even then, they could still avoid going to trial. Before a trial went to court, prosecutors had the option to meet with returned convicts and reach a settlement. At this stage, either convicts could be forgiven for their offense or prosecutors could come to a financial arrangement with the criminals in order not to prosecute them. Some returned convicts probably escaped prosecution by these means, yet we have no record of them since they never went to trial. Of course, prosecutors could always reject a convict’s plea for mercy and simply bring a convict to court. For example, one prosecutor, after having his store robbed by the convict James Bignal, rejected his offer of three guineas to let him go.

The returned convicts who did arrive at the Old Bailey faced the justice of Britain’s harsh legal system. The first step for the prosecution was to prove a returned convict’s identity. In an era without identification cards, the only way to prove someone’s identity was with witnesses. Typically, witnesses in these cases were people who recognized convicts from their original trial, such as the original prosecutor, court officials, or watchmen. For example, Henry Cole’s former jailer stated, “I am sure he is the same person,” when he testified against him. The court required that there be several witnesses to prove a convict’s identity or else a convict could be found not guilty.

54 OB P (www.oldbaileyonline.org, 5 August 2009), October 1772, trial of William Hughes (t17721021-63).
55 Langbein, “Ryder Sources,” 15.
56 OB P (www.oldbaileyonline.org, 5 August 2009), May 1723, trial of James Bignal (t17230521-4).
57 OB P, May 1744, Henry Cole (t17440510-4).
because of a lack of evidence. This happened to Richard Keeble, who was released after only one person testified against him and could not verify his identity.\textsuperscript{58} There were exceptions to this rule. Some convicts could be so easily recognized because of distinguishing features that only one witness was deemed necessary for the court. The convict William Booth had a wooden leg and was easily noticed and identified by the constable who found him.\textsuperscript{59}

Proving a convict’s identity was typically where prosecutions faltered. There were a number of factors contributing to this. In some cases, key witnesses for the prosecution or even the prosecutors themselves failed to show up to trial. For example, Thomas Hackabut received a not guilty verdict after the prosecutor – who was also the only witness - failed to appear in court.\textsuperscript{60} There are several reasons why prosecutors and witnesses did not appear. Some convicts and their families bribed witnesses not to testify against them. Others may have simply reconsidered testifying against convicts because they did not want an execution on their conscience.\textsuperscript{61}

The location of convict’s original trials could make identifying them more difficult, but usually did not hinder the prosecution’s case. Table 10 shows that out of the 132 convicts included in this study, 107 received their original sentence of transportation at the Old Bailey, 20 were from other courts in Britain, and 5 could not be identified but were presumably from outside the Old Bailey since no original record of them could be

\textsuperscript{58} \textit{OBP}, May 1743, Richard Keeble (t17430519-22).
\textsuperscript{59} \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), April 1773, trial of William Booth (t17730410-6).
\textsuperscript{60} \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), June 1725, trial of Thomas Hackabut (t17250515-19).
\textsuperscript{61} Durston, “Magwitch’s forbears,” 147; \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), January 1774, trial of Alice Walker (t17740112-16).
found.  

Of the 25 convicts presumably from courts other than the Old Bailey, only five were found not guilty of returning. It seems likely that most convicts who had relocated to London from other parts of Britain were simply never noticed or identified as returned convicts. However, for those convicts who were originally transported from other parts of Britain, finding witnesses to prove their identities could be difficult, but was by no means impossible. Eleanor Conner, who had been transported for 14 years from Bristol more than six years earlier, was apprehended by a Bristol resident who was traveling to London on business and by chance recognized her. She received a guilty verdict after two other witnesses from Bristol arrived and confirmed her identity.

The amount of time that passed between convicts’ original trials and the trials for their crimes of returning was a major obstacle to proving their identities. Time could often cloud the memories of witnesses, making them unable to recognize a returned convict. A convict’s physical appearance could also change, making them difficult to identify. A witness at Alice Walker’s trial testified and could not confirm her identity because “If it is her, she has got remarkably fat.” More than any other factor, there is a correlation between time and guilt. Of the 31 convicts found not guilty, the average time between their original and return trials was four years, three months, and 24 days. In addition, convicts found guilty had a much shorter time between their trials: two years, four months, and eight days. There are of course exceptions: John Merthe, found guilty, spent over six years abroad, while Edward Crawley, found not guilty, spent

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62 Please see Table 10 in the Appendix for where convicts received their transportation sentences.
63 OBP (www.oldbaileyonline.org, 5 August 2009), February 1754, trial of Eleanor Conner (t17540227-9).
64 Durston, “Magwitch’s forbears,” 149.
65 OBP, January 1774, Alice Walker (t17740112-16).
66 This number was obtained by averaging the time between the trials of all convicts in this study.
less than a year between trials.\(^67\) Despite a few anomalies, the evidence clearly shows that time was a major factor in determining the identification of guilty convicts.

If a convict’s identity was confirmed, then the trial could move on to the next step: proving the convict was at large. As a reminder, the term at large meant that convicts were free from restraint or confinement; in short, they were at liberty illegally within the British islands.\(^68\) To prove this, the prosecution simply had to have witnesses confirm they had seen convicts in public and in Britain prior to their sentences expiring. This mattered because if a convict was brought into custody for a different crime and then recognized as a returned convict, they were not guilty of returning from transportation because they were not “at large.” While this argument might seem ridiculous, it was nevertheless an important point to prove. Edward Merriot was committed to Newgate prison on suspicion of housebreaking and while he was there a jailor immediately recognized him as a returned convict. However, when he went to trial he received a not guilty verdict because the jailer admitted that he had not seen him at large.\(^69\) In one bizarre circumstance, Thomas Brown was found not guilty of returning from transportation, but after reading his verdict, he admitted that had indeed returned early. Brown probably feared that more witnesses would recognize him if he was brought to trial again, so instead of risking that, he asked the court to send him back to prison so

\(^{67}\) OBP (www.oldbaileyonline.org, 5 August 2009), October 1733, trial of Edward Crawley (t17331010-7); OBP (www.oldbaileyonline.org, 5 August 2009), August 1721, trial of John Merthe (t17210830-31).

\(^{68}\) Durston, “Magwitch’s forbears,” 151.

\(^{69}\) OBP (www.oldbaileyonline.org, 5 August 2009), March 1768, trial of Edward Merriot (t17680302-25).
he could be transported again. As long as he was in custody, he was not at large, and thus not guilty.\textsuperscript{70}

It is important to note that not every convict apprehended for returning from transportation necessarily went to court for that offense. For example, the Ordinary’s Account and the Newgate Calendar contain at least an additional 40 felons positively identified as having returned from transportation who never stood trial for the crime.\textsuperscript{71}

There are two explanations for this. First, many convicts were in the situation of Edward Merriot from the previous paragraph. They had been captured but were simply not identified as returning until later on, and thus could not be tried for it since they were not at large. Secondly, while at large, some convicts committed a number of crimes in addition to returning. If a death sentence was awarded in any of these cases, a trial for returning from transportation was simply not necessary. For example, the Ordinary’s Account explained about William Field “Though he had returned from transportation, it was thought proper to indict him at the Surrey Assizes for the subsequent robberies, when he would have pleaded guilty.”\textsuperscript{72}

Only in cases where these trials failed to convict a felon did they stand trial for returning. This happened to Mary Coulston, who was found not guilty of theft, but then subsequently found guilty of returning.\textsuperscript{73}

After they were proved to be “at large,” convicts were permitted to speak in their own defense in a last ditch effort to prove their innocence.\textsuperscript{74}

\textsuperscript{70} OBP, April 1752, Thomas Brown (t17520514-19).
\textsuperscript{71} For an example, see the convict “George Sutton” in OBP, Ordinary’s Account, 3 March 1737 (OA17370303).
\textsuperscript{72} Rayner, Newgate Calendar, 4:93-94.
\textsuperscript{73} OBP (www.oldbaileyonline.org, 5 August 2009), July 1721, trial of Mary Coulston (t17210712-21).
\textsuperscript{74} Langbein, “Ryder Sources,” 129; Langbein, “Before the Lawyers,” 284.
employed two major defensive strategies meant to reduce the likelihood of execution; either they claimed that they were not the person transported and made up an accompanying story or admitted their guilt outright. These strategies shifted over the decades. During the first half of the eighteenth century, denial was the preferred defensive strategy. Denials were a direct response to the identification part of the prosecution. Convicts claimed that they either never received a transportation sentence, or that they were not the person the prosecution suspected them of being.\textsuperscript{75} In addition, convicts often accompanied these denials with detailed stories about their lives. For example, John Jetter claimed he was never transported and explained to the court that he had been falsely identified as his nephew, also named John Jetter, who was banished 7 years earlier.\textsuperscript{76}

This strategy made prosecutors second-guess themselves because they did not want to convict innocent people.\textsuperscript{77} Unfortunately, when convicts flat out denied that they had returned, the prosecution simply had to find witnesses who would prove them wrong and confirm their identities. In other words, denials left no opportunities for convicts to explain themselves.\textsuperscript{78} Convicts who employed the denial defense therefore had no choice but to stick with their original story even in the face of overwhelming evidence. If they changed their story, that was perceived as lying and they were convicted anyway.

\textsuperscript{75} Durston, "Magwitch's forbears," 151-52.
\textsuperscript{76} OBP (www.oldbaileyonline.org, 5 August 2009), February 1775, trial of John Jetter (t17530221-45).
\textsuperscript{77} For an example, see OBP (www.oldbaileyonline.org, 5 August 2009), September 1775, trial of Robert Angus (t17750913-95).
Overtime, particularly during the 1760s and 1770s, convicts changed their defensive strategy and began admitting that they had returned from transportation. This might seem like an odd strategy at first glance, but it actually turned out to be moderately successful. Unlike a denial defense, convicts who admitted their guilt actually had the opportunity to explain why they had returned. The hope was not to avoid a guilty verdict, but to obtain a royal pardon. Juries listened to each defense and often felt sympathetic to the hardships endured by returned convicts while in America or Britain.\(^79\)

These explanations appear to have worked, resulting in a noticeable increase in the number of pardons obtained by returned convicts. For example, William Wheeler returned after refusing to fight against Britain in the Revolutionary War. He was found guilty (because he was guilty) but subsequently received a pardon.\(^80\) Ironically, even when convicts admitted their guilt and explained themselves, sometimes the judge and jury decided that they had justifiable reasons for returning and found them not guilty. William Harding returned after receiving a free pardon from General Howe while fighting for Britain in America. Having a copy of the pardon with him proved sufficient to have him found not guilty.\(^81\) Thus, it is clear that convicts sometimes succeeded in proving their innocence, but the best way to do it was by admitting their guilt, not by denying it.

\(^{79}\) Langbein, “Ryder Sources,” 41.
\(^{80}\) OBP (www.oldbaileyonline.org, 5 August 2009), December 1775, trial of William Wheeler (t17751206-69).
\(^{81}\) OBP, January 1778, William Harding (t17780715-89).
Section Three: Outcomes

At the conclusion of the trial, the jury presented its verdict to the court. The primary purpose of this section of the chapter is to answer what happened to convicts who received verdicts of not guilty and guilty, or who had the good fortune of obtaining a royal pardon. In addition, I also argue against the belief that a death sentence was the guaranteed result for convicts charged with returning from transportation. All the documentation for the 132 returned convicts in this study had information regarding the verdicts they received in court. Guilty verdicts made up the vast majority with 101 convicts, while not guilty verdicts accounted for only 31 convicts.

Relatively little evidence exists about what happened to the convicts who received not guilty verdicts. When the trial concluded, the majority of these individuals probably returned to their lives and then disappeared from the historical record. We know little about them because the records of these trials usually lacked sufficient detail, which makes it difficult to identify individuals and if they committed subsequent crimes heard at the Old Bailey.\(^{82}\) Strangely enough, it seems that only a few returned convicts legitimately deserved their not guilty verdicts. Convicts like James Eakins and Thomas Butler had served their full sentences and went to court because their accusers incorrectly assumed they had returned early.\(^{83}\) Others, like Walter Slanniford and William Cryer, went to court multiple times on accusations of returning early, but each time managed to escape prosecution because no one arrived court to submit evidence.

\(^{82}\) For an example, see *OBP* (www.oldbaileyonline.org, 5 August 2009), August 1730, trial of Joanna Wood (t17300828-7).
\(^{83}\) *OBP*, September 1749, James Eakins (t17490906-7); *OBP*, February 1729, William Cryer (t17290226-83).
against them.\textsuperscript{84} Sometimes the court fixed past mistakes; for example, William Thompson initially received a not guilty verdict because his identity could not be verified; however, later and under a different name, he correctly received a guilty verdict.\textsuperscript{85}

For returned convicts to get to the Old Bailey in the first place, they had to go through a vigorous screening campaign that would have weeded out those who the court did not have enough evidence to prosecute. During this pretrial procedure, court officials met with prosecutors and witnesses to ensure enough evidence existed for the case to receive a hearing. Cases lacking enough evidence to ensure convictions never went to court. Therefore, it seems that most convicts who received not guilty verdicts probably did return from transportation but avoided conviction because of events like witnesses failing to appear against them or faults in their indictments.\textsuperscript{86} While most convicts found not guilty reintegrated back into society, several committed new crimes and were transported again. For example, Richard Keeble received a not guilty verdict but then committed new crimes dooming him to another transportation sentence. The \textit{Virginia Gazette} noted that when he escaped three days after arriving in America for a second time that Keeble “…came in last year in the \textit{Forward Galley}, of London; but made his Escape home,” proving he was the same man.\textsuperscript{87}

\begin{flushright}
84 \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), October 1771, trial of Walter Slanniford (t17711023-69); \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), June 1772, trial of Walter Slanniford (t17720603-67); \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), December 1728, trial of William Cryer (t17281204-58); \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), February 1729, trial of William Cryer (t17290226-83).
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85 \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), April 1752, trial of William Thompson (t17520408-55); \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), May 1752, trial of James Brown (t17520514-19).
\end{flushright}

\begin{flushright}
86 Langbein, "Before the Lawyers," 280-84.
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\end{flushright}
Several convicts admitted their guilt in court, yet afterwards received not guilty verdicts because they had adequate reasons for being in Britain or they agreed to transport themselves back out of the nation.\textsuperscript{88} Other convicts suspected of returning received verdicts of “not guilty” in addition to stern warnings from the court, advising them to go abroad immediately. While some probably took heed of this advice, several did not and were later charged again. James Williams was acquitted, but a week after the trial he committed a new crime and was executed.\textsuperscript{89} The aforementioned Richard Keeble followed the court’s advice, but instead of going abroad, he went back to his home in Surry and was executed there for returning.\textsuperscript{90} Despite these few examples, what happened to convicts with not guilty verdicts is still largely unknown.

After the trial, the 101 convicts who received guilty verdicts were removed from the Old Bailey and brought to the “Old Condemn’d Hold” – a special cell for convicts facing the death penalty – in adjacent Newgate Prison.\textsuperscript{91} Prisoners experienced better treatment here than in other areas of the prison. Friends and family members could come to visit on a semi-regular basis. The cell was significantly less crowded than other areas of the prison, sometimes containing only a single convict. The Ordinary of Newgate, the jail’s Anglican chaplain, was also available to hear confessions and encouraged convicts to accept Jesus Christ as their savior.\textsuperscript{92} Despite these privileges,

\textsuperscript{88} For an example, see \textit{OBP} (www.oldbaileyonline.org, 5 August 2009), January 1748, trial of Thomas Sutton (t17480115-33).
\textsuperscript{89} \textit{OBP} (www.oldbaileyonline.org, 29 August 2009), \textit{Ordinary of Newgate's Account}, 6 August 1753 (OA17530806).
\textsuperscript{90} \textit{Universal London Morning Advertiser}. August 10, 1743.
\textsuperscript{91} McKenzie, \textit{Tyburn's Martyrs}, 8.
\textsuperscript{92} McKenzie, \textit{Tyburn's Martyrs}, 12.
the fear of death loomed large over every guilty convict. The reality was that guilty
convicts faced one of two outcomes: they either received a pardon, or faced execution.

![Figure 2: The Condemned Hold](image)


Historians are correct in stating that the death penalty was the automatic
sentence for convicts found guilty of returning early to Britain, yet it was not always the
result. In a significant number of cases, convicts obtained pardons, dispelling the belief
that death was inevitable. Table 5 shows that of the 101 convicts found guilty and
sentenced to death, 39 of them, or 38.6 percent, successfully obtained pardons. When
combined with the 31 found not guilty, a staggering 70 convicts, or 53 percent,

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managed to avoid execution at Tyburn. In Britain, pardons came at the discretion of the king who examined the case of every convict sentenced for execution. Pardons reduced a death sentence to one of transportation, usually for fourteen years but occasionally for life, or (though rare) awarded convicts their freedom. Convicts could obtain a pardon through one of four ways.\textsuperscript{94}

\begin{table}
\centering
\caption{Verdicts and Sentences of Returned Convicts}
\begin{tabular}{lcccc}
\hline
Decades & Guilty & Executed & Pardoned & Not Guilty \\
\hline
1720s   & 34 & 24 & 10 & 4 \\
1730s   & 2 & 1 & 1 & 3 \\
1740s   & 11 & 9 & 2 & 6 \\
1750s   & 16 & 12 & 4 & 4 \\
1760s   & 9 & 6 & 3 & 2 \\
1770s   & 29 & 10 & 19 & 12 \\
\hline
Total   & 101 & 62 & 39 & 31 \\
\hline
\end{tabular}
\end{table}

\textit{Note:} This Table includes information on all 132 convicts who returned.

The first and simplest way to obtain a pardon was for a convict to write a petition to the king explaining the reasons why he or she was worthy of receiving his mercy. This was the most common method for obtaining a pardon and the most successful because it allowed convicts a chance to explain themselves in full detail to the monarch. Successful petitions often included professions of loyalty, claims of past military service,

\textsuperscript{94} Ekirch, \textit{Bound for America}, 169.
or declarations of youthful ignorance, old age, or physical infirmities. In one example, John Furgerson’s petition exclaimed he would join the military if granted his freedom. As the Seven Years War was raging at the time, he obtained a pardon.

The second way to obtain a pardon required convicts to receive a special verdict called “guilty with recommendation.” Common in the 1770s, this verdict meant that while convicts were guilty, the jury felt sympathetic enough for them that they recommended to the King that the convicts were worthy of his mercy, and therefore, a pardon. These recommended convicts accompanied the other guilty convicts to prison and hoped that the King would agree with the jury’s recommendation of mercy. While this did not guarantee a pardon, all seven returned convicts with this verdict received one.

Usually, convicts who admitted returning and demonstrated that coming home was beyond their control received recommendations. For example, John Bagnall obtained a recommendation after several witnesses confirmed that the ship he was on sank.

The third way of obtaining a pardon was to become a “crown witness.” In exchange for assisting in the identification, apprehension, and prosecution of former accomplices, convicts could obtain a pardon. This was a dangerous way to get a pardon because there could only be one crown witness per case with the consequence being that several convicts would betray one another to claim the position, and therefore, the

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96 OBP, May 1757, John Furgerson (t17570526-23).
98 OBP (www.oldbaileyonline.org, 5 August 2009), December 1772, trial of John Bagnall (t17721209-59).
pardon. When James Dalton was taken up for returning, he became a crown witness and claimed in his autobiography “six of my companions hang’d upon my information.” Fearful of reprisals from the friends and families of the convicts he sent to the gallows, he returned to Virginia after receiving £40 from the government for his assistance. The convict James Glover also became a crown witness and implicated two of his accomplices at the Old Bailey. He received the King’s pardon, but eventually returned from transportation a second time and was executed in Glouchester in 1774. Some convicts created specious stories and falsely accused others in hopes of becoming crown witnesses. For example, Henry Simms claimed to have knowledge about a plot to murder the King. After an investigation found his story bogus, he did not receive a pardon and was hanged a few days later.

The fourth and final way to obtain a pardon was for a convict to claim she was pregnant. Obviously, this option only applied to women, and worked because killing unborn children was illegal under British law. The fear of putting pregnant women to death may help explain why only three out of 15 guilty female convicts ever received execution. To validate this claim, the court would assemble a group of matrons tasked with examining the convict to determine whether she was pregnant.

100 The Life and Actions of James Dalton…, (London, 1730).
101 Middlesex Journal and Evening Advertiser, April 30, 1774
102 OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 17 June 1747 (OA17470617).
104 Please see Table 1. In Chapter 1 for a full list of convicts by gender.
105 OBP, (www.oldbaileyonline.org, 29 August 2009), Punishment Summary, 31 August 1726 (s17260831-1).
matrons suspected convicts were pregnant, the court respited their sentences until enough time passed for the women to give birth. If the women did not produce a child, then they were remanded back to their former sentence. If a child was born, than the woman was pardoned and avoided the gallows. Feigning pregnancy was a common strategy for women, and at least six returned convicts tried it to receive a pardon; only two did not succeed in obtaining one.

Pardoned convicts were removed from the condemned hold and placed with the next group of convicts awaiting transportation to America. We know very little about the fates of pardoned convicts since most disappear after arriving in America a second time. However, a handful reappeared in colonial newspapers and even back at the Old Bailey. For example, Francis Granger and Robert Walker, transported together after being pardoned for returning, managed to escape from the transport ship Justitia in Virginia shortly after arriving. In another case, William Booth, a convict with a wooden leg, worked in Virginia for over a year before deciding to escape in 1774. Some pardoned convicts not only managed to escape, but also actually returned from transportation multiple times. William Blewit returned from transportation a second time in 1723 and returned to a life of crime, before ultimately murdering a man, sending him to the gallows. One female convict even managed to obtain at least three pardons for returning from transportation. One thing we do know about pardoned convicts is that

106 OBP, Ordinary’s Account, 9 December 1754 (OA17541209).
107 Emsley, Hitchcock and Shoemaker, “Gender in the Proceedings.”
111 Hayward, Lives of the Most Remarkable Criminals, 3:543-52.
almost all of them were transported back to America as indentured servants. Ironically, by receiving pardons, they returned to the very place they had risked their lives to escape.

However, as the information in the previous paragraphs demonstrates, death was not the guaranteed outcome for convicts charged with returning from transportation. As Table 5 shows, of the 132 felons tried for the offense, a total of 70, or 53 percent, avoided death by receiving not guilty verdicts or pardons. Unfortunately, for the remaining 62 convicts who did not receive pardons, death was nearly inevitable. A few days before an execution, a document known as the Death Warrant – a list of convicts who did not receive pardons – circulated around Newgate prison. Convicts on this list only had a few days left to prepare for the inevitable. Eventually, those like Henry Cole who were found guilty, would be marched out of the Prison, put into carts and brought the mile or so to the Tyburn gallows. Before that happened, they were brought before the Ordinary of Newgate, the prison minister, where they could confess their sins and tell him their life stories to be published in a newspaper that would accompany their execution known as an Ordinary’s Account.

These meetings were solemn affairs in which many convicts confessed their sins to the minister because of their unwillingness to remain unforgiven before they died. Some convicts behaved badly during this process, and were quite indifferent to religion and the Ordinary’s request for their stories. These convicts were resentful of their

\[\text{112 McKenzie, Tyburn’s Martyrs, 1.}\]
\[\text{113 OBP, May 1744, Henry Cole (t17440510-4).}\]
\[\text{114 Emsley, Hitchcock and Shoemaker, "Ordinary of Newgate’s Accounts."}\]
execution sentences for something many of them did not see as a serious crime at all. John Creamer lamented to the Ordinary, “God forgive them that have taken away my life for returning back to my own country!”\textsuperscript{115} However, most convicts behaved well and took solace in their religion, family, and friends for the remaining days of their lives. Many realized the severity of their situation and were described by the Ordinary as “very grave and devout.”\textsuperscript{116} Several had family members visit right up to the last day. Most important to this study, some convicts even admitted to returning from transportation in their \textit{Ordinary’s Account}, which made it possible to include them in this study.\textsuperscript{117}

Hope was not entirely lost for these convicts. Some convicts literally were marching to the gallows when they received news that they had received a pardon.\textsuperscript{118} Though no returned convicts included in this study received any last minute pardons, the possibility still existed because the king had the authority to issue pardons at any time. Several convicts hoped for pardons right up the very last moment. John Edwards kept entertaining hopes that he might be spared “till within a Day or two of Execution.”\textsuperscript{119} Some convicts must have considered trying to escape from prison before their execution. However, unlike other parts of the prison, escape from the condemned hold was nearly impossible, since it was located at the bottom of the prison, and its prisoners were under strict supervision.\textsuperscript{120} Instead of dying in front of a crowd, a few convicts

\begin{footnotes}
\item[115] \textit{OBP}, \textit{Ordinary’s Account}, 14 October 1772 (OA17721014).
\item[116] \textit{OBP}, \textit{Ordinary’s Account}, 3 November 1725 (OA17251103).
\item[117] \textit{OBP} (www.oldbaileyonline.org, 29 August 2009), \textit{Ordinary of Newgate’s Account}, 11 June 1764 (OA17640611).
\item[119] \textit{OBP}, \textit{Ordinary’s Account}, 7 February 1750 (OA17500207).
\end{footnotes}
decided to die on their own terms, hanging themselves the night before their
execution.\(^\text{121}\)

On the day of execution, the remaining convicts went to chapel and confessed
their sins for a final time. They were then placed into carts, had nooses tied around their
necks, and were accompanied by an army of law enforcement officers and city officials.
When they arrived at the Tyburn gallows, many addressed the crowd and implored
them not to follow their example.\(^\text{122}\) Others said nothing at all and simply waited to die.
Some gave excuses for their crimes, while others begged for forgiveness from the
crowd of thousands.\(^\text{123}\) Most accepted the inevitable, but a few resisted. For example,
John Map jumped from his cart at the place of execution and ran into the crowd in an
escape attempt. He was quickly stopped by several officers, who had wounded him with
pikes, and then had no choice but to return to the gallows and face hanging.\(^\text{124}\) All of the
62 convicts found guilty of returning from transportation died by hanging. Many of these
convicts died terrible deaths of strangulation; some could last for a half an hour or
longer and required the assistance of friends and family to pull down on a convict’s feet
to ensure that they would die as soon as possible.\(^\text{125}\) After death, families and friends
claimed the bodies of dead convicts.\(^\text{126}\) If they had no one who knew them attending
their execution, doctors claimed them and used them for dissection. Some convicts

\(^{121}\) OBP, Ordinary’s Account, 8 June 1744 (OA17440608).

\(^{122}\) McKenzie, Tyburn’s Martyrs, 8-14.

\(^{123}\) OBP, Ordinary’s Account, 8 June 1744 (OA17440608); OBP, Ordinary’s Account, 12 October 1743
(OA17431021).

\(^{124}\) OBP (www.oldbaileyonline.org, 29 August 2009), Ordinary of Newgate’s Account, 9 May 1726
(OA17260509).

\(^{125}\) V. A. C. Gatrell, The Hanging Tree: Execution and the English People, 1770-1868 (Oxford: Oxford
University Press, 1994), 221.

\(^{126}\) OBP, Ordinary’s Account, 7 February 1750 (OA17500207).
feared this possibility so much that they actually paid their family and friends not to sell them for money after they died.\textsuperscript{127}

In conclusion, convicts who returned to Britain faced many harsh realities. Upon returning, they tried to return a sense of normality to their lives while avoiding capture by employing one of three strategies: moving around Britain or temporarily leaving the country, reintegrating quietly back into society, or returning to a life of crime. Convicts apprehended by the authorities unsuccessfully implemented these strategies and then faced the reality of standing trial for returning from transportation. At the trial, the prosecution needed to prove the identity of returned convicts and that they were captured at large. After speaking in their own defense, convicts received sentences of guilty or not guilty. Contrary to popular belief, over 38 percent of convicts found guilty avoided execution by obtaining pardons. Pardons gave convicts a second lease on life at the expense of transportation back to America. However, for the majority of guilty convicts, death was the ultimate price for risking everything to return to Britain.

\textsuperscript{127} OBP, Ordinary’s Account, 3 April 1721 (OA17210403).
CONCLUSION

With the commencement of the American Revolutionary War, the era of criminal transportation to the American colonies came to an abrupt end. For several years, the British tried unsuccessfully to restart the convict trade, and eventually decided to look for a new location to export their criminal population.¹ Convicts continued to return to Britain in the years after 1776, but only a handful who had actually arrived in the American colonies came to notice. The last convict tried at the Old Bailey for returning from America was William Herbert in 1780.² For the next several years, convicts receiving transportation as a punishment went to the hulks on the river Thames – creaky old warships recycled as floating prisons. Finally, in January 1788, the First Fleet arrived at Botany Bay, Australia, and the convict trade officially resumed.

While this thesis covered a large period of time and a number of convicts, its three chapters tried to create a better understand of how and why these criminals risked their lives to resist banishment to the colonies. Chapter One focused on resistance and demonstrated how and why convicts attempted to avoid transportation to the colonies. Convict narratives were in abundance during the eighteenth century, and they helped create negative perceptions of transportation that helped other convicts learn about the punishment and how to resist it. Statistics show that convicts returned continually, further reinforcing the belief that returning from transportation was not only possible but also common. In addition, many convicts avoided banishment in the colonies or

¹ Morgan and Rushton, Criminal Atlantic, 155-61.
² OBP, February 1780, William Herbert (t17800223-45).
managed to remain in Britain altogether because they resisted any attempt to have them transported.

Chapter Two focused on the felons who arrived in America and argued how they continued their resistance by obtaining their freedom and returning to Britain. It is important to note that convicts obtained their freedom a variety of ways and not only by running away from their masters. The first section describes convicts that either arrived in the colonies as free people because they purchased their passage across the Atlantic or those that obtained their freedom legally prior to arriving in America by working on a transport ship. Section 2 explained how convicts legally obtained their freedom after arriving in the colonies, which usually occurred after their masters freed them. The third section focuses on runaway convicts, which made up a large proportion of returned felons, but were by no means a majority. Ultimately, these convicts needed to regain their freedom before they even attempted to return to Britain.

Chapter Three examined the lives of convicts after they went back to Britain and argues that they failed to reintegrate into society successfully and had to face the consequences for returning. Upon returning, these criminals tried reintegrating into society by either relocating to an era where they were unknown, attempting to live an honest and quiet life, or by returning to crime. After they were captured and brought to trial, the prosecution had to prove confirm convicts’ identities and establish that they had been captured while at large. While most convicts received guilty verdicts, a large minority never faced execution after receiving pardons. In fact, the majority of convicts to stand trial for returning from transportation at the Old Bailey survived.
Throughout the history of criminal transportation, historians have largely ignored the fate of returned convicts. This study sought to fill a gap in the historiography by examining these convicts and answering how they returned from transportation and what happened to them. Unfortunately, this thesis only covered convicts who were captured in London for returning and does not include convicts from other cities or those who managed to avoid detection altogether. However, by examining returned convicts tried at the Old Bailey, this thesis has created a better understanding of why they resisted transportation to the colonies, returned from America or remained in Britain, and perhaps most importantly, what happened to them upon returning. These felons wound up back in Britain after regaining their freedom, but unfortunately, all of them in this thesis failed to reintegrate successfully into society, which ultimately resulted in their capture. Death was not inevitable for these convicts; in fact, the majority actually survived the trial. Ironically, in the end, convicts who received pardons eventually went back to America – the very place they had risked their lives trying to escape – while those convicted died in Britain for the crime of coming home.
APPENDIX: ADDITIONAL TABLES
Table 6: Nationalities of Returned Convicts

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Convicts</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>49</td>
<td>77.8</td>
</tr>
<tr>
<td>Irish</td>
<td>8</td>
<td>12.7</td>
</tr>
<tr>
<td>Scottish</td>
<td>3</td>
<td>4.7</td>
</tr>
<tr>
<td>Dutch</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Jewish</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>French</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>63</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

*Note:* Convicts who returned multiple times were only counted once.

Table 7. Sentences of Returned Convicts

<table>
<thead>
<tr>
<th>Decades</th>
<th>7 Years</th>
<th>14 Years</th>
<th>Life</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>1720</td>
<td>32</td>
<td>4</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1730</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1740</td>
<td>16</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>1750</td>
<td>17</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>1760</td>
<td>6</td>
<td>2</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>1770</td>
<td>29</td>
<td>8</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>103</strong></td>
<td><strong>18</strong></td>
<td><strong>7</strong></td>
<td><strong>4</strong></td>
</tr>
</tbody>
</table>

*Note:* Convicts who returned multiple times were counted as many times as they returned.
Table 8. Trades and Professions of Returned Convicts

<table>
<thead>
<tr>
<th>Tradesmen:</th>
<th>38 (47.5%)</th>
<th>Domestic Laborers:</th>
<th>5 (6.25%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baker</td>
<td>2</td>
<td>Cook</td>
<td>1</td>
</tr>
<tr>
<td>Barber</td>
<td>2</td>
<td>Horse Dealer</td>
<td>1</td>
</tr>
<tr>
<td>Blacksmith</td>
<td>1</td>
<td>Legal Clerk</td>
<td>1</td>
</tr>
<tr>
<td>Brazier</td>
<td>1</td>
<td>Sheriff</td>
<td>1</td>
</tr>
<tr>
<td>Butcher</td>
<td>3</td>
<td>Tavernkeeper</td>
<td>1</td>
</tr>
<tr>
<td>Carpenter</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clothier</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmer</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fisherman</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joiner</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perfumer</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pipemaker</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plaisterer</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printer</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sawyer</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoemaker</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snuffmaker</td>
<td>1</td>
<td>Sailor</td>
<td>24</td>
</tr>
<tr>
<td>Tailor</td>
<td>2</td>
<td>Soldier</td>
<td>8</td>
</tr>
<tr>
<td>Tin Plater</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unspecified</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watchmaker</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weaver</td>
<td>3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Unskilled Labor: 5 (6.25%)

Unskilled: 5

Miscellaneous: 32 (40.0%)

Sailor: 24
Soldier: 8

Note: a. This table contains 30 different trades and professions from 70 returned convicts. Some declared more than one trade, explaining the total number of 80.
b. Most convicts were probably unskilled, but this table only reflects convicts who stated their trades and professions.
### Table 9. Destinations of Convicts Receiving Transportation Sentences

<table>
<thead>
<tr>
<th>Decadess</th>
<th>America</th>
<th>Never Transported</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maryland</td>
<td>Virginia</td>
<td>Unspecified</td>
</tr>
<tr>
<td>1720s</td>
<td>15</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>1730s</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>1740s</td>
<td>2</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>1750s</td>
<td>5</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>1760s</td>
<td>4</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1770s</td>
<td>6</td>
<td>14</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>32</td>
<td>38</td>
<td>6</td>
</tr>
</tbody>
</table>

*Note: Convicts who returned multiple times were only counted as many times as they returned.*

### Table 10. Courts Issuing Transportation Sentences to Convicts

<table>
<thead>
<tr>
<th>Criminal Court (County)</th>
<th>Convicts</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abingdon (Berks)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Bristol (Bristol)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Chelmsford (Essex)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Dorchester (Dorset)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>East Grinstead (Sussex)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Exeter (Devon)</td>
<td>2</td>
<td>1.5</td>
</tr>
<tr>
<td>Hereford (Herefordshire)</td>
<td>2</td>
<td>1.5</td>
</tr>
<tr>
<td>Kingston (Surry)</td>
<td>3</td>
<td>2.3</td>
</tr>
<tr>
<td>Leicester (Leicestershire)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Maidstone (Kent)</td>
<td>3</td>
<td>2.3</td>
</tr>
<tr>
<td>Nottingham (Nottinghamshire)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Old Bailey (Middlesex)</td>
<td>107</td>
<td>81.1</td>
</tr>
<tr>
<td>Rochester (Kent)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Salisbury (Wiltshire)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Southwark (Surry)</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Unknown</td>
<td>5</td>
<td>3.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>132</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

*Note: Convicts who returned multiple times were only counted as many times as they returned.*
Table 11. Time Between Trials based on Verdict and Length of Sentence

<table>
<thead>
<tr>
<th>Verdict</th>
<th># of Convicts</th>
<th>Time Between Trials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilty</td>
<td>101</td>
<td>2 years, 4 months, 8 days</td>
</tr>
<tr>
<td>Not Guilty</td>
<td>31</td>
<td>4 years, 3 months, 24 days</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sentence</th>
<th># of Convicts</th>
<th>Time Between Trials</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Years</td>
<td>103</td>
<td>2 years, 5 months, 13 days</td>
</tr>
<tr>
<td>14 Years</td>
<td>18</td>
<td>3 years, 8 months, 6 days</td>
</tr>
<tr>
<td>Life</td>
<td>7</td>
<td>4 years, 6 months, 13 days</td>
</tr>
<tr>
<td>Unknown</td>
<td>4</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Total**  132  2 years, 9 months, 10 days

*Note: Convicts who returned multiple times were only counted as many times as they returned.*

Table 12. Number of Years Between Trials

<table>
<thead>
<tr>
<th>Years</th>
<th>Convicts</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>22</td>
<td>16.7</td>
</tr>
<tr>
<td>1</td>
<td>42</td>
<td>31.8</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
<td>13.7</td>
</tr>
<tr>
<td>3</td>
<td>16</td>
<td>12.1</td>
</tr>
<tr>
<td>4</td>
<td>10</td>
<td>7.6</td>
</tr>
<tr>
<td>5</td>
<td>8</td>
<td>6.1</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
<td>4.5</td>
</tr>
<tr>
<td>7+</td>
<td>6</td>
<td>4.5</td>
</tr>
<tr>
<td>Unknown</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

**Total**  132  100.00%

*Note: Convicts who returned multiple times were only counted as many times as they returned.*
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