

The Necessity of the Transportation Act of 1718 And its Implications for “the Poor Unhappy Transported Felon”¹

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William Eddis, a Maryland colonist, wrote letters to family and friends in England regarding life in the American colonies during the late eighteenth-century. As an observer of servitude, Eddis wrote:

Persons in a state of servitude are under four distinct denominations: negroes, who are the entire property of their respective owners; convicts, who are transported from the mother country for a limited term; indentured servants, who are engaged for five years previous to their leaving England; and free-willers, who are supposed, from their situations, to possess superior advantages.²

The case of convicts, sent over from England in ever-increasing numbers during the eighteenth-century, is of most importance for this paper. Information regarding this aspect of British settlement has largely been overlooked. Historians have written about the logistics behind the Transportation Act of 1718 and there has been documentation regarding the response by colonists. Despite such scholarship, not much research has been conducted on the reactions of the convicts themselves in learning of their deportation to the American colonies. The historiography of this topic is not only scarce but also contradictory. This paper will look at those historians who have written on the transportation of convicts and will introduce these conflicts in thought. Yet, most importantly, I wish to look to the convicts themselves in order to decipher their feelings about the American colonies and their forced servitude there. While documentation of this is not very extensive to come by, the documentation we do have implies

¹ Title taken from James Revel, *The Poor Unhappy Transported Felon's Sorrowful Account of His Fourteen Years Transportation, at Virginia, in America. In Six Parts. Being a Remarkable and Succinct History of the Life of James Revel, the Unhappy Sufferer Who Was Put Apprentice by His Father to a Tinman, Near Moorfields, Where He Got into Bad Company and Before Long Ran Away, and Went Robbing with a Gang of Thieves, but His Master Soon Got Him Back Again; Yet Would Not Be Be [sic] Kept from His Old Companions, but Went Thieving with Them Again, for Which He Was Transported Fourteen Years. With an Account of the Way the Transport Work, and the Punishment They Receive for Committing Any Fault. Concluding with a Word of Advice to All Young Men Electronic Edition* (University of North Carolina: Chapel Hill, 2004), <http://docsouth.unc.edu/southlit/revel/revel.html>, (Accessed February 3, 2013).

² William Eddis, *Letters from America*. ed. Aubrey C. Land (Harvard University Press: Cambridge, Massachusetts, 1969), 35.

that most convicts were not happy about their plight, even if it was a substitute for certain death.

A. Roger Ekirch argued in *Bound for America: the Transportation of British Convicts to the Colonies 1718-1775* that transportation became Britain's primary remedy for rising crime during the course of the eighteenth-century.³ Approximately fifty-thousand convicts were sent to colonies in Virginia and Maryland.⁴ Ekirch noted most significantly that transportation represented a major innovation in the administration of Britain's justice system after 1718.⁵ Transportation proved to be an efficient remedy for an excessive number of capital sentences, and mitigated against having to create a massive corrections system and the sizable work force that would have been needed to staff it.⁶ Abbot Emerson Smith noted in *Colonists in Bondage: White Servitude and Convict Labor in America 1607-1776* that the English believed transportation to be an "excellent and humane thing."⁷ In 1773, Sir John Fielding stated that transportation "removes the evil, separates the individual from his abandoned connexions, and gives him a fresh opportunity of being a useful member of society, thereby answering the great ends of punishment, viz., example, humanity, and reformation..."⁸ Ekirch disagreed, implying that transportation was not a means of rehabilitation or discouragement, but simply the desire to rid England of dangerous offenders.⁹ However, A. G. L. Shaw and Bernard Bailyn combine these two conflicting ideas to create a more concrete and convincing explanation for the Transportation Act of 1718. Shaw wrote in *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* that the Transportation Act was created in order to deter criminals and supply colonies with much need laborers.¹⁰ Bailyn in *The Peopling of North America: An Introduction* suggests that transportation was meant to be a "core-and-periphery relationship" in which the deportation of criminals would be punitive, as their location would be remote and

³ A. Roger Ekirch, *Bound for America: the Transportation of British Convicts to the Colonies 1718-1775* (Clarendon Press: Oxford, 1987), 1.

⁴ Ekirch, *Bound for America*, 35.

⁵ Ekirch, *Bound for America*, 223.

⁶ Ekirch, *Bound for America*, 223.

⁷ Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America 1607-1776* (University of North Carolina Press: Chapel Hill, 1947), 128.

⁸ Abbot Emerson Smith, *Colonists in Bondage*, 128.

⁹ Ekirch, *Bound for America*, 3.

¹⁰ A. G. L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (Faber and Faber: London., 1966), 25.

primitive enough to be a form of punishment, while also proving to be economical, constructive, and socially therapeutic.¹¹

The Transportation Act of 1718 stated that all “persons convicted of ‘grand or petite larceny or any felonious stealing or taking of money or goods and chattels, either from the person or the house of any other,’ might be sentenced to seven years transportation to America.”¹² England’s Parliament and citizens believed this legislation to be a more useful and merciful substitute for execution and other techniques, such as consigning felons to the stocks.

In the mid-eighteenth century, areas within the Chesapeake region needed large amounts of cheap labor as tobacco and grain economies grew. A demand for a wide variety of skills necessitated the increasing amount of convicts, as well as other sources of servitude, for the agricultural and manufacturing needs of the Chesapeake backcountry. A majority of convicts were sent to these planting areas while a few found themselves working as domestic servants in the iron industry, or as tradesmen, depending on their specific skills. William Eddis noted on convicts, after their time had been served:

Those who survive the term of servitude seldom establish their residence in this country: the stamp of infamy is too strong upon them to be easily erased; they either return to

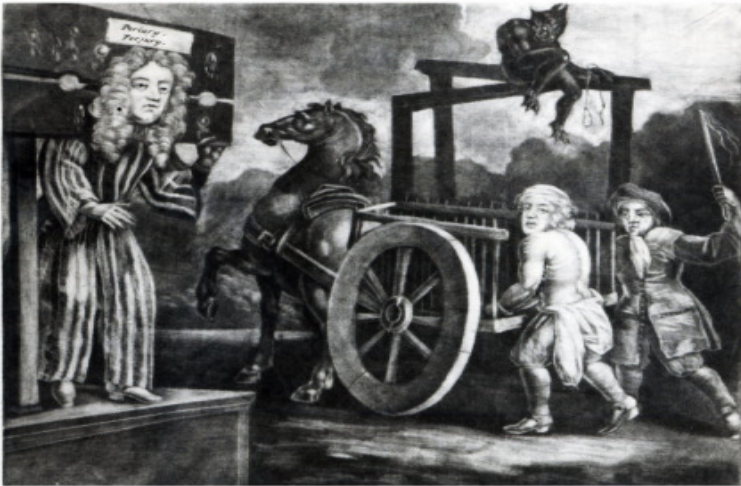


Image 1: *A Picture on the Punishment of Titus Oates (1685)*, showing principal punishments before the Transportation Act.

¹¹ Bernard Bailyn, *The Peopling of British North America: An Introduction*, (Vintage Books: New York, 1986), 121.

¹² Shaw, *Convicts and the Colonies*, 25.

Europe and renew their former practices; or, if they have fortunately imbibed habits of honesty and industry, they remove to a distant situation, where they may hope to remain unknown, and be able to pursue with credit every possible method of becoming useful members of society.¹³

For most, the end of transportation terms meant economic hardships because of convicts' unsavory reputations. William Thomson, a convicted robber sent to the American colonies in 1732, found this out personally when it was stated of him, "'Tis a great hazard if any one will employ him here and then he will be in danger of returning to the same course."¹⁴

While transportation could be an upsetting long-term sentence for convicts, some capital offenders were banished to the American colonies for life, which created much distress for its settlers. Beginning in 1670, Virginian legislators outlawed the transportation of convicts, citing that their residence might tend to universal depravity because of their bad example.¹⁵ Colonists also worried about the transference of disease brought on by the long and harsh boat rides across the Atlantic. The threat of gaol fever, small pox, and other diseases were significant concerns. Yet, most important was the believed menace convicts posed. It was believed that because these individuals had been cast out of Britain for threatening the social peace, they could not make good laborers or industrious servants. Their transgressions seemingly made them not only immoral, but lazy. Convicts endangered the very foundations of society and colonists feared that their vicious habits would corrupt honest men and women, including other servants and laboring poor. As William Eddis noted, "the Virginians have inflicted very severe penalties on any masters of vessels, or others, who may attempt to introduce persons under this description to their colony."¹⁶

As mentioned previously, A. G. L. Shaw and Bernard Bailyn noticed that many colonists were excited by the prospect of the growth of cheap labor supplied by the Transportation Act. Convicted servants represented 7% of all laborers in 1755.¹⁷ In comparison to the 13% of hired and indentured servants and the 80% of slaves, this percentage may seem minute; however, the number of deported convicts continued to increase, in part due to the desire to be rid of them in England, but also because of their usefulness in the American colonies.¹⁸ Indentured servants and slaves were considered a higher commodity because of the

¹³ Eddis, *Letters from America*, 37.

¹⁴ Ekirch, *Bound for America*, 220.

¹⁵ Eddis, *Letters from America*, 36.

¹⁶ Eddis, *Letters from America*, 36.

¹⁷ Ekirch, *Bound for America*, 142.

¹⁸ Ekirch, *Bound for America*, 142.

servants' lack of ill-reputable activities and the slaves' long-term commitments to their owners. Abbot Emerson Smith believed that resentment against the English government in regards to the Transportation Act has been overdone despite loud outcries in the press and the ineffectual attempts of colonial legislatures.¹⁹ In fact, Smith argued deported convicts were welcomed with open arms by the greater proportion of planters who wanted cheap labor.²⁰ Again, A. Roger Ekirch disagreed, stating that transportation provoked some of the most heated denunciations of imperial policy voiced by Americans before the



Image 2: Illustration for *The Fortunate Transport . . .* (1742), the fictional story of a young woman's tribulations as a transported convict.

Revolutionary Era.²¹ In the case of this debate, both sentiments were clear among the settlers, in that many were outraged by the increased amount of convicts sent to their colonies of which they worked so hard to create for prosperity and peace sake. Yet, just as many, perhaps, found this same increase to be a blessing, as many needed help for the rapidly developing colonial economy.

While historians debate over the effect convict transportation had upon colonists, there seems to be little argument about how the convicts themselves felt about their sentences. This is in part because of the lack of documented confessionals of convicts. The limited record paints a more disturbing picture than one of good sentiments. James Revel is

¹⁹ Smith, *Colonists in Bondage*, 132.

²⁰ Smith, *Colonists in Bondage*, 132.

²¹ Ekirch, *Bound for America*, 139.

one such convict, turned poet, who wrote of his experience in 1660, including the journey across the Atlantic, his being poked and prodded before being sold, his life in servitude, and his return to England afterward.²² Revel's tale is not unlike many other convicts—most found their conditions quite harsh. Petitions to county courts made by convicts requesting relief from excessive abuse by their masters displayed such treatments. However, petitions were often discouraged as many convicts were whipped and given extended sentences if their petitions were found to be fabrications. George Smith from Westmoreland County, Virginia, petitioned in 1738 stating that his master “beat and abused [him]” and “starved him for want of Necessary victualls”.²³ Unfortunately, the judge accepted his owner's explanation that Smith was a thief and a runaway. If the masters were found guilty of these acts, a fine would be imposed. Yet, worst of all, regardless if found guilty or not, convicts would still be returned to their abusive master which presumably did not make for better conditions.

Runaways were commonplace amongst convicts. Not only did convicts run away in the American colonies, but many attempted to escape before crossing the Atlantic. Non-capital offenders hoped to avoid seven years in exile away from families and their homeland. Those already transported felons who did successfully run away did so by blending in with the growing populations of America's urban areas, such as Philadelphia and New York. Many more attempted to return to England. However, if caught, not only could time be added to their sentences, but their non-capital offence could be upgraded, adding with it a capital punishment of execution.

Few transported convicts found their sentences to be beneficial or pleasing. Capital offenders who were banished for life may have enjoyed the fact that they had not been executed; however, the conditions most endured implied that some may have found death more appealing. Tradesmen fared the best of transported convicts. These servants held

²² James Revel, *The Poor Unhappy Transported Felon's Sorrowful Account of His Fourteen Years Transportation, at Virginia, in America. In Six Parts. Being a Remarkable and Succinct History of the Life of James Revel, the Unhappy Sufferer Who Was Put Apprentice by His Father to a Tinman, Near Moorfields, Where He Got into Bad Company and Before Long Ran Away, and Went Robbing with a Gang of Thieves, but His Master Soon Got Him Back Again; Yet Would Not Be Be [sic] Kept from His Old Companions, but Went Thieving with Them Again, for Which He Was Transported Fourteen Years. With an Account of the Way the Transports Work, and the Punishment They Receive for Committing Any Fault. Concluding with a Word of Advice to All Young Men Electronic Edition* (University of North Carolina: Chapel Hill, 2004), <http://docsouth.unc.edu/southlit/revel/revel.html> (Accessed February 3, 2013).

²³ Ekirch, *Bound for America*, 150-151.

positions of privilege and responsibility. Additionally, their working conditions were less regimented. Some convicts, such as Richard Kebble, enjoyed relatively close relationships with their owners. Kebble was given “great Liberties” because his master “looked upon him as a civil young Man.”²⁴ While most convicts found life after their terms difficult because of their perceived status as social outcasts, some were able to rejoin society as productive members. William Sherwood became a respected inhabitant of Virginia after his sentence was completed in 1668.²⁵ However, Sherwood did not reach this reputable status until after he had been a sub-sheriff and lawyer for thirty years, to which he was then noted as being a useful and honorable person.²⁶ Sherwood wrote that he had “great penitence for his offence,” as it was even engraved on his tombstone by his direction in his will, “here lies a miserable sinner waiting a joyous resurrection.”²⁷

It is certain that the experiences of Richard Kebble and William Sherwood were not the average of transported convicts. Most were not reformed, as life after servitude proved to be continuously difficult. Many experienced horrible conditions, to which death may have been preferred. Additionally, most convicts worked a rough life as a field hand in the backcountry of the Chesapeake. Colonists, besides those who appreciated cheap labor, were not welcoming of these disease ridden, lewd, and immoral characters. However, the Transportation Act of 1718 served a purpose for England and for the American colonies. Transportation allowed for the decline of executions and the impeded creation of massive correctional facilities in England; it gave a place to put individuals not wanted on England’s land; and it added to the labor pool needed to facilitate the growing agricultural and manufacturing economy of colonial America. Many historians debated the cause and effects of convict deportation to the American colonies, yet while not the most ideal of circumstances for many convicts and colonists alike, it indeed did serve a purpose for England and the growing American colonies.

²⁴ Ekirch, *Bound for America*, 148-149.

²⁵ W. Noel Sainsbury, ed., *Calender of State Papers, Colonial Series America and West Indies, 1669-1674* (TannerRitchie Publishing, 2005), xii, in *William and Mary College Quarterly Historical Magazine* Vol. 17 (Whittet & Shepperson, Publishers, Richmond, VA.,1909), 269.

²⁶ *William and Mary College Quarterly Historical Magazine*, 269.

²⁷ *William and Mary College Quarterly Historical Magazine*, 269.