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Running away and returning home: the fate of English convicts in the American colonies

Peter Rushton and Gwenda Morgan

- 1 Transportation of criminals to America was one of the distinctive features of English penal policy in the eighteenth century. While other countries experimented with the practice, only Britain undertook large-scale convict transportation after 1700, a policy which Pieter Spierenburg regards as a departure from the European norm². Eighteenth century Continental critics certainly regarded it as a curiosity: «Banishment seems to be an assault on international rights», Denis Diderot wrote in reaction to equivalent measures in the Russian law code. «To send a malefactor to do wrong not at home but somewhere else is to introduce him into the house of your neighbour»³. Many Americans would have agreed with him. «We want people, 'tis true», wrote William Smith of New York, «but not villains, ready, at any time, encouraged by impunity, and habituated, upon the slightest occasion, to cut a man's throat, for a small part of his property»⁴. Exactly how many people were transported from Britain and Ireland remains a matter of some speculation. Estimates range up to 50,000, suggesting that between the 1718 Transportation Act and the American Revolution three out of every seven migrants from England were convicts⁵. This legislation, allowing transportation both for those reprieved from the death sentence and for those who had committed very minor offences such as petty and grand larceny, is often regarded as having led to transportation dominating all other secondary (non-capital) punishments after 1718. John Beattie, for example, concludes that a growing use of imprisonment in the early eighteenth century was halted as the Transportation Act was implemented, though this was not the case in parts of northern England which adopted the prison at the same time as transportation⁶. Whatever its impact on other punishments, however, there is no doubt that the numbers of convicts transported rose throughout the period, and reached a peak in most areas of England in the twenty-five years before the American Revolution⁷.

- 2 The most extraordinary feature of transportation was that, despite its widespread use as a punishment, most British commentators were convinced that it was unsuccessful. The problem, it was thought, was that most convicts returned home, sooner rather than later. The growth of newspapers throughout England after 1720, and the mass production of criminal biographies in London, spread the news that, for serious criminals at least, being transported to the colonies, supposedly for a period of indentured servitude, was a temporary inconvenience. Moreover, by the middle of the eighteenth century some in political circles had come to the same conclusion. As the 1752 Parliamentary Bill proposing hard labour in dockyards as an alternative put it:

The Punishment of Transportation to some of his Majesty's Colonies and Plantations in America, inflicted by Law for sundry Offences, hath frequently been evaded, by the Offenders returning from thence before the Expiration of the Terms for which they have been transported⁸.

- 3 Certainly many stories in criminal biographies published to record and in part dramatize the lives of those sentenced to death seemed to confirm this. From the 1720s onward accounts by criminals of their brief period in the colonies after being sold into servitude, and their methods of escape back to England, reinforced the impression that, for many, transportation was a negligible punishment. James Dalton, for example, the «noted street-robber» was twice transported yet returned safely. Like other 'authors', Dalton also records his meeting with friends who had returned likewise, something that was a feature of confessions designed to elicit a pardon from execution⁹. This was the customary literary form of the criminal biography, and the concept of the organized network of criminal returners was found in both the pamphlets and the news stories¹⁰. Most persuasive of all was *The Discoveries of John Poulter alias Baxter*: the popular demand was so great that printers could not keep up with it, printing at least eight editions by the time of his execution in 1754¹¹. Poulter tried to turn King's Evidence against his comrades when arrested for robbery in England but was executed because he broke out of jail. His *Discoveries* gained widespread credibility because of its apparently factual content. Not only did it provide a detailed account of his own long criminal career (significantly omitting his own earlier transportation), but he also supplied many names, dates and places associated with recent crimes. What made it distinctive, however, was that he also provided a guide to «the way that convicts return from transportation». He recommended bribing the captain of the ship going over the Atlantic to avoid being sold into servitude, and, on arrival in harbour, transferring as soon as possible to another ship that was returning to England. He cautioned that it would probably be difficult to persuade the captain to take a convict back on the same ship, but there were plenty of alternatives, «as there are ships coming home every week». He also provided the authorities with a list of alleged returnees¹².
- 4 The aim of this paper is to examine this dominant narrative – in effect, the myth of return – relying on a body of data on transported convicts from the northern courts, omitting Yorkshire, and the five counties of the western circuit of the assizes¹³. The convicts transported from these regions – more than 4 500 in all – form a large number of people from widely differing parts of England, convicted for mostly petty offences. Indeed, only about a third of those transported from assize courts had been condemned to death and reprieved on condition of transportation. An exception was Northumberland, which was almost overwhelmed by horse thieves, few of whom were executed¹⁴. There were wide regional differences in some aspects of the crimes and the criminals. Horse and cattle theft predominated in northern counties, while sheep-stealing

was more common in the south-west¹⁵. 'Social criminals', that is those who committed criminal actions «legitimized by popular opinion» because the laws were unpopular and exploitative, were found in small numbers, but of different kinds¹⁶. Urban rioters in Newcastle upon Tyne were matched by deer-stealers and destroyers of enclosure fences and turnpikes in Hampshire and Dorset. Above all, there were major gender differences. Generally, women constituted a far larger proportion of those prosecuted for criminal offences in the northern courts, particularly in the semi-industrial areas such as County Durham and the urban area of Newcastle upon Tyne, than in the west country¹⁷.

Running Away

- 5 The main source on the attempts of unfree labourers to escape their bondage is the many runaway advertisements in the newspapers of Pennsylvania and the Chesapeake colonies of Virginia and Maryland. Such escapes were endemic to slave society and the world of the indentured labourers¹⁸. The advertisements give descriptions of a wide range of personal characteristics of the servants and slaves who ran away. These reports «invariably stand as extraordinary documents... almost unmanageably rich in detail», providing «brisk but arresting portraits of people drawn mainly from the anonymous 'lower sort'». Detailed accounts of the physical appearance of the poor were part of a visual culture, in which observation of clothes and appearances formed an increasing part of an explicitly costumed society of carefully differentiated strata. The personalities and appearances of the servants come alive in these representations of unfree labour on the run¹⁹. The advertisements also demonstrate the levels of resistance by many individual convicts and servants as well as their styles of 'self-fashioning'²⁰.
- 6 Perhaps the most neglected aspect of runaway advertisements is the way that they reflect profoundly on the modes of *knowing* and *surveying* servants which masters in the colonies deployed. They indicate forms of control. The descriptions circulated were designed to aid the capture and return of the runaways, and as such used modes of categorization and portrayal which were common in the culture of the colonies. These representations were therefore as much a method of detection as a formal method of description. The language used indicates that representations of servants, as of slaves, were made up of standardized terms derived from conventional ways of *looking* at subordinates, providing evidence of the forms of surveillance and classification. When a west country servant called David Rawl ran away in the summer of 1746, his master described him as

a shoemaker by trade, about 5 feet 9 inches high, walks something stooping, wears black bushy hair. He took with him his shoemaking tools, two pairs of new Fall shoes, a brown holland frock, a pair of cloth breeches much worn, an Osnabrug shirt, a large bird-eye handkerchief, and large felt hat.
- 7 Whoever recaptured him was offered three pounds as well as the customary reward from public funds. Rawl had been transported from Somerset for seven years for a minor offence, and was still at large in October 1747, more than a year later²¹. Other advertisements include details of personal habits, accomplishments and skills, ways of speaking, and physical characteristics. Jacob Parrot or Perrot from Cornwall, for example, ran away at least twice, and was described in 1750 as

born in the West of England, as may be perceived by his speech; he has been a footman, and is full of talk and awkward Cringes. He pretends to be a barber, a sawyer, and shoemaker, and has lately cut his left Thumb with an axe.

- 8 Two years later, he was described as «bred in the family of a gentleman in Devonshire», a «drunken idle fellow», and by then the hand injury had become a «scar on his left thumb»²². Some convicts had tattoos of their initials, often confirming that an alias was in fact their real name. For example, James Wilson from Newcastle was also known as Miles Townsend, and significantly he had the letters ‘MT’ tattooed on him. Others bore the marks of their treatment – one Irish ex-soldier had «the scars of whipping on his back»²³.
- 9 Some employers may have maintained detailed records on their workforce. Charles Ridgely created the most systematic survey of his white servile workforce at his Hampton farm and Northampton ironworks in the early 1770s, detailing physical and personal idiosyncrasies. In compiling this kind of record, he followed the style of the runaway notices, leading Kent Lancaster to comment that such detail had «a single purpose, identification of those who escaped». It was customary to keep these records in a slave society, and the practice, it seems, was extended to all forms of unfree labour²⁴. Significantly, the Ridgely records seem to make no distinction between convicts and ordinary servants, giving many details of personal appearance as well as the skills of his workforce such as literacy²⁵. Oneworker appeared as a «fierce looking fellow», others had a «very roguish look» or «an evil visage»²⁶. More striking are the details of bodily marks, which included intimate features which could not have been immediately visible. For example, Englishman Thomas Avery aged 21, a paper maker by trade, «has a scar on left knee» and William Bennitt «has two marks of a scald on his belly over his navel, a stout well made fellow a farmer and breeches maker by trade»²⁷. This kind of survey is reminiscent of an inventory of valuable personal property such as silverware or horses, which, if stolen, might be recovered by means of handbills and newspaper advertisements, an essential aspect of law enforcement on both sides of the Atlantic. What is distinctive about the colonial situation, however, is that this form of scrutiny was directed at human beings who were liable to ‘steal themselves’. This system of discipline was not just the outcome of the commodification of labour but the actual ‘ownership’ of the workers’ bodies: throughout the colonial period employers were described as the ‘owners’ of servants as well as slaves²⁸.
- 10 This culture of surveillance in relationships of power, which had as its object inspecting the body of the subordinate, was not unlike that employed in nineteenth-century prisons and penal colonies. There, the gaze, as Foucault called it, was part medical and part bureaucratic: in effect, the body of the convict, rather like that of soldiers and sailors, was an object of *official* inspection and classification. The distinctive features were recorded for detailed public records, which could then be circulated and used by controlling authorities as a means of identification²⁹. In the American colonies, by contrast, servants, like slaves and children, were the objects of *private* inspection and classification. The appearance, character and culture of servants, convicts and slaves were made public through descriptions in the newspaper stories produced by their masters and mistresses. In this sense, the plantation, forge or foundry in Virginia and Maryland, constituted forms of an open-air unenclosed panopticon for the surveillance of convicts and slaves. The bodies of the subordinated were marked by their working lives, accidents, punishments and personal choices of decoration. They were fashioned by individual circumstances and personalities, providing a summation of the life experience up to that point. Just as social investigators of the working classes naturally turned to the corpse as a means of investigating (through inspection and dissection) the circumstances of life, so the masters of slaves and servants had a powerful need to know the bodies of those they

owned³⁰. Women were also scrutinized, but it is unclear if searching a *white* woman's body was something that could be done by masters. The impression derived from the advertisements is that few women were described in the intimate details recorded for some male servants and slaves. Yet some descriptions were sufficiently detailed for identification purposes. Welsh convict Winifred Thomas, for example, was described as being «marked with W.T. on the inside of her right arm, and the date of the year underneath»³¹.

- 11 These representations of identity suggest widespread cultural knowledge of the eastern side of the Atlantic, as the advertisements often distinguish slaves by their West African origins, with names of their people and region. Extensive knowledge of English dialects is asserted in these notices too, for example one Devonshire man being described as speaking «the language peculiar to the people of that part». One Irish convict Frances Erwin, «discovers his country by his tongue» (that is «reveals» it), and it was noted if convicts could speak Welsh³². Other advertisers claim to be able to identify the dialects of Northamptonshire, Manchester and Lancashire, and Lincolnshire³³. One man from Yorkshire was described as speaking «bad English», as were two Cumberland transportees John Usher and William Elliott, «both North of England men and speak bad English». Sometimes a convict was almost complimented because, despite being from the west country, he could speak «plain English»³⁴.
- 12 The newspaper reports indicate that many convicts were associated with the ship which had brought them. Some indeed escaped almost as soon as they arrived: several groups of men fled from their new employers soon after landing, while the ships which had brought them were still in port³⁵. Working on a ship after arrival would also be particularly useful for hopeful escapees: Englishman Edward Davis ran away from the schooner *Becky* less than a year after he had arrived on the *Prince William* from London³⁶. There were some dangers of detection in this: a servant who had not acclimatized was of distinctive appearance, such as James Griffiths, born in Herefordshire, imported in the *Trial* into Patapsco: «he appears like a servant just off the ship, and had a bundle of old cloaths with him». Newcomers might still have some distinctive apparel, as did John Jones, bricklayer and plasterer, aged 28 who ran away wearing «English shoes and large brass buckles, on which is 'May Trade revive, Wilkes and Liberty Number 45'»³⁷. Moreover, recent arrivals smelled differently. Readers of the *VirginiaGazette* were advised concerning runaways William Pearce and Ralph Emmanuel that «to those used to the smell of servants just from a ship, they will be easily discovered, unless they have procured new clothes»³⁸.
- 13 Despite these detectable signs of being newcomers, the safest runaway might still be the earliest, preferably directly on arrival when convicts could quickly gain access to returning ships as described by John Poulter³⁹. Some convicts certainly managed this easily, arriving with plenty of money and able to avoid being sold into servitude because of it. Others made a speedy escape because of previous experience. Englishman Samuel Gasford was advertised in October 1772 as having come in the *Thornton* a few months ago: «it has been discovered since he ran away that this is not the first time of his having been convicted to America, and that he is well acquainted with the Country Northward». Others had even more expertise. Richard Kibble was eventually executed in 1743 in London for returning, but had probably been transported at least five times. On one of these, the colonial press reported in 1739 that he had arrived from London the previous year, «but made his escape home, and was convicted again this year upon six new

indictments; he staid [stayed] with his master but three days before he went away again»⁴⁰.

- 14 The highly personal knowledge of the servant or slave's body and habits reflected in the advertisements took time to accumulate. The transporting ships' captains in charge of large numbers of convicts (those from Bristol or London for example) would probably not know the servants as intimately as their masters would after a few years of servitude. Nevertheless, some convicts waited a little longer, perhaps for a likely companion to join them in the escape. Thomas Dobson, who, it was reported, «has not been above two months in the country», and «Jacob Crawley, an artful rogue, has been better than two years in the Country» were reported as running away together from Henry Stevenson. Some convicts proved early on in their servitude that they were going to be impossible to handle:

There is in the Jail of this city, an able-bodied convict servant man, who has about six years to serve. He was put into jail because he was too refractory to be managed by his present master, but may under proper discipline turn out a valuable servant. Any person living remote from this town, may have him, on paying the charge of this advertisement and the prison fees⁴¹.

- 15 Others committed further crimes. Edward Hooper, aged 24, transported from Hampshire in 1769 after being condemned for horse stealing and reprieved, was reported as a runaway by December: «this fellow had on an iron collar, when he went away, being under a prosecution for housebreaking»⁴². Eventually, though, after several failures a fugitive runaway would gradually acquire a reputation as an «old runaway», as Thomas Rankin was described in 1747⁴³.

- 16 In one respect the pattern of running away among criminals from western and northern England was very similar, namely in their gender distribution. Our data confirms Kenneth Morgan's much larger sample from the *Maryland Gazette* that few women tried to escape, and that those who did were highly resourceful characters⁴⁴. Sarah Knox from Cumberland, for example, transported in 1750 for theft, was advertised in 1752 and 1753 as having run away from Lancaster County, Virginia:

She was born in Yorkshire, had been in the Army for several years in Flanders, and at the Battle of Culloden, where she lost her husband: she may pretend to be a dancing mistress, will have a great many courtesies, is a very deceitful bold insinuating woman, and great liar.

- 17 The editor of the *Maryland Gazette* remembered an earlier story about her, linking her to a «quack doctor» named Charles Hamilton, who turned out to be a «woman in man's clothes», and identified this crossdressing fraudster as Sarah Knox who also went by the names of Sarah Howard and Sarah Wilson⁴⁵.

- 18 Most runaways were, however, men. The timing of their escape is significant, for, like Sarah Knox, a majority ran within two years. Some ran, if not straightaway, then within a few months of their landing, but most waited at least six months or a year. A smaller number waited for more than three years, though after that time, with half the customary term of servitude already passed, the incentive to run away was less. Those waiting so long were found mostly in the 1760s after the end of the Seven Years War. It is likely that the wartime conditions delayed their decision to escape, and the flood of migrants (particularly 'Free Willers' or voluntary servants) in peacetime provided better opportunities to fly⁴⁶. Running away however, was, for men in this survey, more common in the period from 1760 to 1770. This disproportionate concentration was in excess of the

numbers being transported in that period, confirming the idea that the 1760s and 1770s represented a more disrupted time for servants in the colonies⁴⁷.

- 19 There were distinct regional differences in the propensity to run away, suggesting that the existence of trade networks from their part of England, and the presence of many ships returning there, enticed many to flee. Consequently, west country men were most likely to run away, followed by those from Cumberland and Westmorland where ports such as Whitehaven had connections with the tobacco trade; convicts from north-east England, perhaps inevitably given the small number of ships sailing to the colonies, were the least likely of all to be advertised in the newspapers. Numbers of runaways were low from every region, however, with just over 4% from the western assize circuit recorded as trying to escape between 1740 and 1776, though more than 6% were advertised in the peak of the early 1760s. The county with the highest proportion of runaway convicts was Dorset with 9%. This is lower than some estimates for later colonial times, though it fits in with calculations for Virginia convicts for the period as a whole. Western assize convicts, however, were overwhelmingly found in Maryland, and this alone probably made it easier for them to head north to Pennsylvania, or to make use of the many ships landing there from the west country⁴⁸.
- 20 The impression from the advertisements is that the majority of runaways were young men, and as such were perhaps representative of the general population of transportees⁴⁹. Certainly they were generally petty offenders, only a third of them having been reprieved from execution on the gallows. Few had been convicted of acts of rebellion or protest. One, John Blandford, was convicted in Dorset of intending to «steal» deer on Cranborne Chase, one of several men locally convicted of that 'social' crime. But most of the others had been found guilty of petty offences⁵⁰. In some ways Blandford followed a pattern clearly revealed in the runaway advertisements, in that he escaped with Thomas Smith and John Tinsley, who were also described as from the west country. This was typical of the way that convicts tended to run with people from the same general area in England as themselves, or even from the same county. Sometimes it seems probable that they became acquainted on the ship coming across the Atlantic, while in others it is clear that they met up in the colonies. As Kenneth Morgan found, most convicts ran away alone, and the convicts in this survey reflect that habit in that only about a third ran away in pairs. However, it is striking that when they did join up with others they ran with fellow convicts from the same county, region or assize circuit: it seems that local English loyalties and common culture were reinforced by the experience of convict servitude⁵¹. There are no pairs or groups who can be shown to have had a pre-existing criminal connection before their transportation, later acting together as runaways, but it should not be ruled out altogether. It may be that the arrival of another, say west countryman, on a plantation or in a forge or foundry, with a familiar dialect, led an earlier arrival to join an escape project.
- 21 In these vivid accounts of running away there is more than just the personal details resulting from employers' physical surveillance: they also reflect the extent of individual resistance to unfree labour in the colonies. As has been pointed out, the most extreme forms of collective resistance were rebellions, but while these were rare, individual acts of defection and refusal were common. Indeed, the prevalence of runaway advertisements in newspapers from New York to the Carolinas, suggest that for both white and black workers absenteeism, either short-term or with the intention of permanent escape, was a common form of resistance⁵². The control of the workforce was

not absolute, and workers' absences were sometime tolerated by employers willing to allow both servants and slaves some freedom. But American society, particularly in the Chesapeake colonies of Maryland and Virginia as well as the Carolinas, was organized to publicize and recapture those who overstepped the boundaries of their masters' tolerance⁵³. Suspicion was always directed at strangers, however innocent, and the law required servants and slaves to carry a pass in writing when they were away from their masters' property. Runaway James Annesley immediately fell under suspicion of being a runaway when he was arrested with a criminal couple who had befriended him: he was displayed at the jail in Chestertown (Maryland) for all to see in the correct expectation that his master would identify and claim him. Even William Moraley, though lawfully making his way north after serving his time, was questioned as a runaway by local authorities⁵⁴.

The Fate of Runaways in the Colonies

- 22 To what extent were convicts successful in escaping detection by both a colonial population and local officials perpetually alert to the problem of runaway servants and slaves? Some information can be gleaned from American sources on the careers of runaways. Jacob Parrott, mentioned above, ran away at least three times. Transported in 1749, he had by 1753 acquired a wife among his fellow servants, and kept slipping away to see her. «He took his wife with him to St Mary's County, where she now remains, and it is probable he will return to her». In some ways he was, like many slaves, particularly in the Carolinas, a man who stole away for reasons of a private life⁵⁵.
- 23 Other men continued to run away without success, such as John Booker transported from Lancashire in 1770. He kept appearing in the advertisements in the 1770s, running away with several different companions, significantly with fellow Lancastrian transportee John Leadbetter. It seems he was always recaptured⁵⁶. Other convicts embarked on a second criminal career, much as Londoner Charles Speckman documented in his final biography⁵⁷. Levy Barnett, for example, transported from Wiltshire in 1765 for stealing from a stable, ran away in 1766 from an iron forge on Stafford Creek, Baltimore County, Maryland. Although a rural criminal, he was described in the colonial press as having been «used to the sea»⁵⁸. In 1767 he again escaped from another iron furnace, and made his way to New York where, according to the newspapers he was
- committed to our Gaol, on Suspicion of robbing, or endeavouring to rob, five different Vessels in our Harbour; and being disturbed about his business on board Captain Deal's Brig, he made his way out of one of the cabin windows, but was in a few minutes apprehended on the Dock, in a very wet condition. He said he came from Philadelphia, only the day before.
- 24 He was tried for grand larceny and after successfully pleading benefit of clergy, was burnt in the hand. Nothing more was heard about him. Not surprisingly, New York began to contemplate building a Bridewell to sentence «rogues» like Barnett to hard labour, hoping it would be «a means of freeing this City of a Number of Miscreants, with which it has been infested». Certainly after 1750 the city felt it was being besieged by increasing numbers of criminals. The authorities had long pursued a policy of punishing thieves publicly, either with whipping or branding, and then expelling them. Charles Speckman, whipped repeatedly at street corners, was finally abandoned by the constables twenty miles outside the city⁵⁹. Unlike Barnett, however, most runaways advertised in the colonies disappear from the records after their 'careers' as servants under the scrutiny of

their masters. Among these Christopher Armstrong was an unusually well-documented escapee, originally a Cumberland horse and sheep thief transported in 1768. The shipping agent Harry Piper, based in Alexandria, Virginia, was warned by letters from England that he was going to be troublesome, and, since he had ingratiated himself on the passage over, only with difficulty managed to persuade the ship's captain to surrender him. Armstrong was sold as a servant for eight pounds, well below the norm. It was perhaps inevitable that Piper had to report to his British employers six months later that Armstrong had run away, stealing a «fine horse» to do so. Nothing was ever heard of him again⁶⁰.

Returning and Being 'At Large' in England

- 25 Very few advertised runaways made it back to England: these were particularly skilful, devious or lucky in evading detection and capture on both sides of the Atlantic. William Elliott, transported from Cumberland in 1771 who ran with John Usher, (also sent from Cumberland in 1772) was the only one from north-west England who was advertised in the colonies and prosecuted as a returned transportee. Their technique is significant. They had escaped from a ship, the *Anne*, almost immediately on arrival at Port Royal in 1772, and were advertised in the *Virginia Gazette*, Elliott as a farmer, Usher as a weaver. They were not found anywhere in America, but by the following summer, Elliott was on trial in England. He had been transported for horse theft, and it was perhaps typical that he was arrested on suspicion of a second offence when he returned. A man in the same parish of Stapleton, Robert Walters, on losing a chestnut gelding from his stable immediately suspected Elliott to be the thief. As a result of his arrest for that crime, Elliott was identified by the county jailer as a returned transportee, and he was tried and sentenced to death and again reprieved for transportation in 1773, this time with the unusual sentence of ten years⁶¹. This is a well recorded case, with sources on both sides of the Atlantic. Other advertised runaways have only a brief record. John Hockaday, transported from Devon in 1765, ran away from Cecil County, Maryland, and was back in 1767. Arrested for robbing churches in south west England, he was tried again at Exeter and sentenced to be hanged. At his execution, «he seemed sensible of his unhappy situation, but would make no confession either of his accomplices or manner of returning from transportation»⁶². The same fate ironically met Bristol's former hangman William Curtis, who, having been sentenced to death for robbing a Scottish pedlar, and was reprieved on condition of being transported for fourteen years. Returning prematurely from transportation, and passing the entrance to Bristol's Newgate prison, he saw his former victim now incarcerated there as an insolvent debtor. Curtis apparently returned to the jail repeatedly to taunt the pedlar, who finally denounced him as a returned transportee⁶³. John Darbyshire, a Lancashire weaver transported in 1764, had returned the following year and was sentenced to death but reprieved to be transported once more, this time for fourteen years in early 1765. By October he had again run away from his colonial servitude⁶⁴.
- 26 If so few ran away and returned, why were the reports of returners so convincing for the eighteenth-century public? Prosecutions of convicts for breaking the laws of their transportation were not plentiful, but are found in small numbers in all areas of England in the eighteenth century. Executions were rare, though Westmorland was unusual witnessing the hanging of two brothers in 1748, Peter and Hugh Brown for returning

from transportation. It was Mary Brown, Hugh's widow, whom John Poulter, in his ready confessions made in gaol after his condemnation to the gallows, claimed to have known during his career. She was acquitted at the same assizes on trial with her husband, but, if Poulter's account is correct, her response to her lucky escape was to embark on a lively career of burglary and theft⁶⁵.

- 27 Generally, there were three types of people discovered in England illegally during the term of their sentence. First there were those who were not technically returnees at all, but had somehow managed to slip from the hands of the authorities and 'remained at large'. Among these was Mary Low, a Newcastle peddler caught at Durham market picking the pocket of a local farmer. The newspapers were sympathetic because she apparently was about to leave a distraught husband and six children behind her. Another female escapee was pickpocket Eleanor Connor, condemned and reprieved in Bristol in 1748. According to John Poulter she «bribed some of the ships' crew» while awaiting transportation, and fled. Both were members of a professional gang, and as such, they were exceptions to the general helplessness of most women sentenced to transportation⁶⁶.
- 28 Then there were those whose ships encountered problems en route such as that carrying a group of nine northeastern felons in 1769. They sailed for America on the *Caesar* but were shipwrecked in the English Channel off the coast of Kent. One made it back to the North. Robert Bilton from Northumberland was found at York, where, it was reported by the Secretary of State, that confined in the Castle, he had «behaved himself very well, as hath been humbly certified» by the local authorities. Exceptionally, he received a free pardon without conditions. Others such as Durham man William Smith were pardoned on condition of entering the armed services. Like Bilton, the women were released on free pardons⁶⁷.
- 29 Finally there were those who did get back from America before the term of their service was up. Usually, these were members of well-organized gangs who had the resources, both personal and financial to organize, pay for, or work, their passage back. While the printing houses of London produced many accounts of successful criminals returning (usually as part of their final confessions before execution), the regions also experienced repeated examples of famous local criminals being discovered on their return from America. Somehow they had escaped surveillance on both sides of the Atlantic for long periods. The most significant point about these people is that they are not found in the colonial newspapers as runaways from servitude. Indeed, it is likely that they were never sold into indentured service at all. Certainly this was the case with some convicts from north-east England, where local 'gangs' (in effect, married couples, their children and partners) showed a pattern of transportation and successful return⁶⁸. In the 1760s Alderman John Hewitt of Coventry in the Midlands struggled against a complex network of interlocking groups. In 1763 he arrested William Fall, (alias Smith) at Coventry Fair «with fourteen of a desperate gang of villains, who were all returned from transportation except one; fifteen more of the same confederacy made their escape from Coventry, after having committed several robberies there». They had connections with the North East: William and Jane Fall, his wife, had a house in Northumberland which was «a kind of garrison, and the repository of the stolen property and cattle from all parts of the kingdom, brought there by the gang»⁶⁹. He was not entirely exaggerating. In 1752 Northumberland's magistrates had transported William Fall and sixteen of his supposed 'gang' to South Carolina yet within two years he and at least twelve of his group were

reported to have returned to the North East⁷⁰. It is likely that a gang with such large numbers as this had friends in the colonies ready to intercept ships arriving with their members and offer the minimal funds required to buy their freedom from the captains. Hewitt alleges that one of the Coventry gang, John Douglas alias Smith, was bought from the captain for the price of three sets of clothes. Alternatively, convicts may have carried sufficient resources to achieve this themselves. Among the best-organized criminal groups in the eighteenth century, it is notable that women were as likely to return as the men⁷¹.

- 30 Other successful returners were professional seafarers, who could easily find a passage home. William Cudmore, condemned for horse theft in Exeter in 1749, was transported and not sold on land, but worked as a seaman, sailing back and forth across the Atlantic to Bristol a number of times before being apprehended as a returned transportee and hanged⁷². The ease with which seafarers could return is perhaps best exemplified by a report that in 1738, the Customs and Excise heard that six men

formerly inhabitants of Hastings, Sussex, who were convicted at the last Lent assizes for Sussex, for assaulting the Mariners of the Rye Sloop in the Service of the Customs, Nathaniel Pigram, Commander, in the Execution of their Duty, and thereupon transported for seven years, did return to England, and lurked in or near the Town of Hastings. And on Sunday night the tenth of December, they all went on board William Gurr's vessel, of Hastings (the same in which they committed the offence for which they were transported) to go to France to bring over goods in order to run the same on the coasts of Kent and Sussex⁷³.

- 31 Some convicts managed to return after serving their period of indentured labour, but before they were legally allowed to return. Fortunately for them it was difficult to confirm the original sentence. Robert Nixon, for example, transported for horse theft in Cumberland in 1738, was found as a wandering vagrant in Lincolnshire in 1753. This was barely fourteen years after his banishment, so he had probably returned illegally. But he was able to assert to the local justices that

about fourteen years ago he was order'd by the judge at the assizes held at Carlisle to be transported for seven years and was thereupon sent to Virginia and that after he had served there the said term he return'd to England, he hath been for some time past working in the counties of Norfolk and Suffolk and was apprehended begging in the parish of Frampton.

- 32 Unable to contradict his account, they sentenced him to be whipped and sent back to his original place of settlement, his father's village, in Cumberland, the only place in England which had an obligation to take him⁷⁴.

Conclusion

- 33 If so few ran away and managed to return, why were the reports of returners so convincing for the eighteenth-century public? In part, this is the consequence of the impact of the print culture in the eighteenth century. Indeed, the study of the myth of return could easily become one of the 'media effects' of this culture which was dominated by London printhouses that produced the majority of criminal narratives. The repeated reports in the newspapers and the continual publication of dramatic biographies of individual criminals produced a picture that appeared completely convincing. The stories created an image of large numbers of gangs, apparently immune from the effects of punishment, able to avoid servitude and return with ease to a criminal underworld in

England which would give them protection. Even more sinister, the gangs were frequently interconnected. Just as John Poulter, arrested at Exeter for crimes committed near Bath, knew criminals executed in Carlisle, so many of those Hewitt apprehended had connections from the south of England to the Scottish border. Consequently, with this kind of printed evidence, the myth of return was not just a popular image, but one shared by the reading public. But did convicts return to Britain once the term of their banishment was over? It seems improbable: time, money, and reputation all militated against it. Family, friends and locality might draw people back but most convicts were young men and women, and many changes would have occurred in their families' circumstances during their enforced exile. Seven years was a long time and the fate of their families was uncertain. One Northumberland woman told her husband when he was sentenced to transportation at a quarter sessions court in Hexham, that though she was sorry for his fate, she had another ready to replace him⁷⁵. The cost of crossing the Atlantic was not prohibitive and men could seek work as sailors, but first there was also the journey to Chesapeake Bay from the interior or to the port cities of Philadelphia or New York. Frequent wars made passage across the Atlantic unpredictable, and there was always uncertainty as to what they would find if they did return⁷⁶. Employment prospects for returning convicts would not have been good: like felons released from jails, they were hardly attractive employees. New relationships, both personal and economic, could be formed on the other side of the Atlantic. William Eddis claimed that convicts generally moved on when their terms of servitude expired to locations where they were not known rather than back to their place of origin. The settled areas close to the east coast offered limited opportunities, and poor wages, but new lands were opening up further west, particularly after the American Revolution⁷⁷.

- 34 It is therefore not surprising to find that a statistical analysis of prosecutions for being at large or returning suggests that few were detected and charged with offences against the Transportation Act. One per cent of Lancashire's convicts had been transported before, and in other areas of the country it was far less⁷⁸. A parallel conclusion derives from American sources, where the evidence of convicts running away from their servitude suggests that few were likely to be successful, either in effecting a permanent escape, or a return to England. Taken together, both English and American data suggest that, despite the fact that the transportation system was organized on a transatlantic scale, involving thousands of convicts, hundreds of officials and ships captains, it was remarkably difficult for fleeing convicts to evade detection. In the colonies, particularly those where slavery was also present, the convict servants were 'known' intimately to their masters, and in ways which made their identities easily publicized to a suspicious public who were permanently on the look-out for runaways. Generous financial rewards provided an additional incentive. In England, partly because convicts returned to familiar territory and to people who knew them, they were equally quickly identified. In some cases, the exchange of newspaper accounts, pamphlets and private letters ensured that reputations and descriptions were broadcast across the ocean. Individual convicts were both privately known and publicly portrayed in ways that made their recapture certain. Surveillance did not rely on the modern methods of electronic or photographic recording, but in the face-to-face relations of the eighteenth century, it was nevertheless remarkably effective in containing and disciplining the majority of transported convicts within the confines of transatlantic society.

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NOTES

2. Spierenburg (1991, p. 264); Hardy (1966).
3. Diderot (1992, p. 103).
4. Smith (1963, pp. 164-167); for the famous proposal attributed to Benjamin Franklin that in exchange for convicts the colonies should send the mother country rattlesnakes, *Pennsylvania Gazette*, 9 May 1751.
5. Fogleman (1998, p. 43 and Tables 1 and 2, p. 44) –the latter suggest 52,200 convicts and prisoners compared with 103,600 indentured servants and 151,600 free migrants, 1700-1775, from all European countries, and 32,500 convicts of 73,100 English and Welsh migrants, in Table A3, p. 71.
6. Beattie (1986, pp. 498-499 and pp. 548-549), documents the decline of imprisonment after 1718 in Surrey and Sussex; but see the exception in Morgan, Rushton (1998), Chapter 3.
7. Ekirch (1987, pp. 22-23, graph in Fig.1, p. 23).
8. Lambert (1975, p. 358).
9. See the stories of James Dalton and others, republished in Rawlings (1992).
10. Faller (1987); on the growing influential network of English and American newspapers, see Steele (1986, Ch. 8); on their politics in England and France, Harris (1996).
11. *Felix Farley's Bristol Journal*, 2 March 1754.
12. Poulter (1761, p. 28); *Felix Farley's Bristol Journal*, 12-19 January 1754; *Sherborne Mercury*, 26 March 1753, 9 and 16 April 1753. Rawlings (1992, p.139) says the original publication of Poulter was «sometime in 1753».
13. From the North, Northumberland, Durham, Newcastle upon Tyne, Cumberland, Westmorland, and Lancashire (including quarter sessions); from the West, Hampshire, Wiltshire, Dorset, Somerset, Devon and Cornwall, assizes only.
14. For example, 35% of the 3,600 western circuit assize transportees had been reprieved, and overall in the North East, 46.4%, and in the North West, 42%. In addition of course these regions produced numerous convicts from the county quarter sessions.
15. For the few specialist studies of sheep-stealing, see Wells (1984), and Rule (1983).
16. Rule (1997, p.156).
17. Morgan, Rushton (1998, Ch. 3); see also Beattie (2001, pp. 65-66) particularly for London figures.
18. Smith, Wojtowicz (1989); Mullin (1972); Grubb (1992); Meaders (1993).
19. Prude (1991, p. 125); Bailyn (1986, p. 352).

20. Waldstreicher's term (1999), while Nash (1988, p. 219) and (White 1991, p.188) use 'subcultures'; see also P.D. Morgan (1985); K. Morgan (1989); Meaders (1975, 1997); Kay, Cary (1995).
21. *Maryland Gazette*, Annapolis, 9 September 1746 and 7 October 1747.
22. *Maryland Gazette*, 9 May 1750 and 30 April 1752.
23. *Maryland Gazette*, 4 July 1776 (James Wilson); 11 March 1746 (John Bailey) and 24 June 1746 (Charles Smith «an Irishman but will not own it»).
24. Maryland Historical Society, Baltimore, Maryland, MS.691 Ridgely Account Books, Microfilm Roll 11; Lancaster (1999, p. 345); Bailyn (1986, p. 351) notes that George Washington issued orders that descriptions of slaves be kept.
25. Lancaster (1999, p. 343); see also Lancaster (2000).
26. Ridgely Account Books, Microfilm Roll 11, Garrard Williams and similarly Joseph Cooks, George Kimballs, all English.
27. Ridgely Account Books, Microfilm Roll 11.
28. Styles (1989); Smith, Wojtowicz (1989); on the general problem of indiscipline in the iron industry, see Bezís-Selfa (1997).
29. Foucault (1977); Bradley, Maxwell-Stewart (1997); Damousi (1997).
30. For the amateur enthusiasm for dissection, and its use as a source of data on human experience, see Ariès (1983, p. 366); Jordanova (1989, pp. 54-65; 1980, pp. 42-69).
31. *Virginia Gazette*, 15 August 1737.
32. *Maryland Gazette*, 25 March 1746; 9 March 1759; *VirginiaGazette*, Purdie and Dixon, 26 May 1774.
33. *Maryland Gazette*, 5 April 1764, 29 October 1767, 13 November 1760; for African identities, see Mullin (1972, pp. 40-47).
34. *Maryland Gazette*, 21 May 1767 (Thomas Walton); *VirginiaGazette*, Purdie and Dixon, 9 July 1772; *Maryland Gazette*, 24 May 1764 (Benjamin Archer).
35. *Maryland Gazette*, 9 August 1759 (Richard Carman and his brother John) and 15 December 1763 (Edward Eagle and William English).
36. *Maryland Gazette*, 23 August 1764.
37. *Maryland Gazette*, 30 June to 4 August 1757, and then 11 May to 15 June 1758 (Griffiths, from Baltimore Ironworks); see also Coldham (2000, p. 279); 27 March 1766 and 20 September 1770.
38. *Maryland Gazette*, 30 June 1757 (from Baltimore Ironworks); *VirginiaGazette*, Purdie, 21 April 1775, from the *Justitia*.
39. Poulter (1761, p. 28).
40. *Maryland Gazette*, 2 October 1772 – Gasford was 23, escaping from Rev. Mr Brockes, Stafford County, Virginia; *Virginia Gazette*, 6 July 1739, and Kibble (1743), for the full story of his running away.
41. *Maryland Gazette*, 7 February 1765; 27 March 1766, and Coldham (2000, p. 273 and p. 274) for Dobson and Crawley.
42. *Maryland Gazette*, 21 December 1769 and 18 January 1770, aged 24, with John Bishop, a collier (not a convict).
43. *Maryland Gazette*, 22 September 1747; Coldham (2000, p. 293).
44. K. Morgan (1989, p. 255). Only three of the 98 runaways from the western circuit were women.
45. Knox was tried for breaking and entering and stealing from a house, and found guilty of a lesser offence of theft, and given seven years. As the *Maryland Gazette*, 25 January 1753 recorded very precisely, she was on the ship *Duke of Cumberland*, with William Forrester, also convicted in Cumberland 1750 for petty larceny; PRO ASSI 41/3 and 42/5 (unpaginated, 1750); also *Virginia Gazette*, 3 July 1752 and *Pennsylvania Gazette*, 20 February 1753.

46. Of those who fled, 57.5% ran in the same year of their transportation or the year after; a further 27.4% ran in the subsequent two years (sample of 113 in all from all circuits in our survey). On the last great wave of migrants, see Bailyn (1986).
47. 57 (50.4%) of the runaways escaped 1765-1778: yet only a quarter of the western circuit transportees had arrived in this period. Even if, for strict comparability, the time from the first detected runaway is taken i.e. 1739-1776, little more than a third of convicts were shipped in that period.
48. Grubb (2000, p. 108), gives 16%; Bailyn (1986, p. 350) estimates 5% of Virginia's convicts were advertised; note Salinger (1987, pp. 103-107), 6% of servants in Philadelphia were recorded as escaping. Our data for the west country assize convicts suggests that the proportion reported as runaways never fell below 6% between 1755 and 1770. 81 of the 98 western runaways escaped from Maryland.
49. Between 1736-1776, 4.1% of the Western circuit convicts ran away, but 2.7% from Cumberland, less than 2% from Lancashire, and about 2% from Durham and Newcastle. Three quarters of runaways were aged 30 or less. There is no reliable data on the age distribution of convicts in general.
50. 31 of the 98 (31.6%) runaways had been reprieved; John Blandford, *Maryland Gazette*, 15 March 1759, convicted 1758 PRO ASSI 24/25.
51. K. Morgan (1989, p. 261) says 29% ran in pairs; in our findings, 34 of the 113 convicts from the north and west surveyed here ran in pairs involving fellow convicts from the *same* region, and sometimes from the same English county.
52. Mullin (1972); White (1991, pp. 114-149); Kay, Cary (1995, p. 121); K. Morgan (2000, pp. 94-95) talk of resistance, but this interpretation is questioned by P. D. Morgan (1985).
53. See Steffen (1979, pp. 89-110) on the struggle over permitted absences in the Northampton ironworks, and Mullin (1972, p. 56).
54. Moraley (1992) pp. 112-113; Annesley (1743, Vol. I, p. 83).
55. *Pennsylvania Gazette*, 27 March 1753, and also *Maryland Gazette*, 9 May 1750 and 30 April 1752, *Pennsylvania Gazette*, 17 May 1750 and 21 May 1752; see Mullin (1972) and P.D. Morgan (1985) for running away to visit friends and family.
56. *Virginia Gazette*, 21 June 1770 and 23 April 1772 (the latter also in the *Maryland Gazette* of the same date) and 13 Aug. 1772.
57. *The Life, Travels, Exploits, Frauds and Robberies of Charles Speckman alias Brown* (1763), in Rawlings (1992, pp. 179-216).
58. *Pennsylvania Gazette*, 20 November 1766; K. Morgan (1989, p. 257), points out that many rural convicts found the industrial work of the Maryland iron industry intolerable.
59. PRO ASSI 23/7 Summer 1765, and ASSI 24/25; *Pennsylvania Gazette*, 18 June 1767 and 24 September 1767; *New York Gazette and Weekly Mercury*, 21 September 1767 and 9 November 1767; Speckman in Rawlings (1992, pp. 194-195); Greenberg (1976, pp. 222-223).
60. PRO ASSI 41/5; Cumbria Record Office (Carlisle) CQ 1/8; John D. Rockefeller, Jr., Library, Williamsburg, Virginia, microfilm, Harry Piper to Dixon and Littledale, Harry Piper Letterbook, 15 April 1769; to John Dixon 10 May 1769; to Dixon and Littledale, 25 November 1769; see Schmidt (1986, p. 13).
61. *Virginia Gazette*, 9 July 1772; PRO ASSI 30/1/42-4; ASSI 45/31/1/81-5; ASSI 41/3.
62. *Maryland Gazette* and *Pennsylvania Gazette*, 17 April 1766; PRO ASSI 23/7; *Exeter Flying Post*, 21 August 1767, and 4 September 1767.
63. Lamoine (1989, p. 1); Wyatt (1969, p. 14).
64. PRO, SP 44/87 p.226; *Maryland Gazette* 4th to 25th October 1765, from Prince George's County, Maryland.

65. PRO 41/3, and *Newcastle Courant*, 24 September 1748; Poulter (1761, p. 3) and elsewhere in the narrative; the first mention of Mary Brown refers to events in 1749. Poulter also knew other north-western criminals.
66. Morgan, Rushton (1998, p. 106 and p. 166); *Newcastle Courant*, 4689, 2 August 1766; Hewitt (1779, p. 212 onwards); Poulter (1761, pp. 28 and 44); PRO SP 44/85/45 for Connor's reprieve.
67. PRO SP 44/91/53, Bilton, 5 April 1771; Smith on p. 29, 7th Jan. 1771 on condition of entering HM service, and in SP44/89/311, reprieved for his natural life, 3 August 1769.
68. Morgan, Rushton (1998, chapter 4), for gangs and their careers.
69. Hewitt (1779, p. 202 and p. 207).
70. Northumberland Record Office, Morpeth, QSO, 8 p. 484, p. 497; *Newcastle Courant*, 3032, 1 February 1752, 3037, 7 March 1752, 3043, 18 April 1752; *Newcastle Journal*, 800, 24 August 1754. See also Tyne and Wear Archive Service, Newcastle upon Tyne, Town Clerk's correspondence, TWAS 592/1 (MF135), fol. 69v, to John Hewitt from Gibson (deputy Town Clerk).
71. Hewitt (1779, p. 142); see also his profile of Margaret Brown alias Clark, who returned several times, p. 122.
72. *Bristol Weekly Intelligencer*, 25 April 1752; *Sherborne Mercury*, 31 July 1749, 21 August 1749, 20 April 1752.
73. *London Evening Post*, 1733, 21-23 Dec 1738.
74. Cumberland assizes 1737, transportation was confirmed in 1738, from the gaol book PRO ASSI 42/5; no location is given, but the crime was stealing two geldings; Lincolnshire Archives (Lincoln), HQS A53/37 1753.
75. *Newcastle Courant* 4792, 23 July 1768.
76. Hay (1982).
77. Eddis (1969, pp. 36-37).
78. Six out of 515; elsewhere, for example, the western circuit, only 9 out of 3,600 convicts, plus a handful of other trials; there were only six out of more than 1,000 prosecutions for all kinds of offences in north-west England which involved breaches of the Transportation Act.

ABSTRACTS

The myth of return – that many English criminals transported to the American colonies ran away and returned home – dominated eighteenth-century views of the punishment. In both criminal biographies and political discussion this was widely believed. Yet data from both sides of the Atlantic suggest that few in fact returned successfully. The systems of surveillance in the colonies, designed to detect and recapture escaping slaves, servants and convicts, were effective. Also, the difficulties they faced in trying to return were for many convicts, particularly women, insuperable. This article analyses the fates of convicts from the north and west of England, their patterns of running away, and the characters of those few who managed to return.

Le mythe du retour – selon lequel de nombreux criminels anglais déportés vers les colonies américaines s'échappaient et retournaient chez eux – dominait dans les représentations de la peine au XVIII^e siècle. Cette croyance était largement partagée dans les biographies des criminels et des débats politiques. Pourtant, les données issues des deux rives de l'Atlantique suggèrent que ces retours étaient peu fréquents. Les systèmes de surveillance des colonies, conçus pour détecter et reprendre les esclaves, les serviteurs et les bagnards, étaient efficaces. En outre, les

difficultés qu'affrontaient les fuyards pour revenir étaient insurmontables pour beaucoup d'entre eux, en particulier les femmes. Cet article analyse les destinées des bagnards du nord et de l'ouest de l'Angleterre, la manière dont ils s'enfuyaient et les caractéristiques de ceux, peu nombreux, qui parvenaient à revenir.

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