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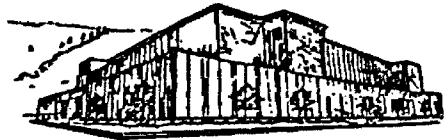
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FROM NEWGATE TO THE NEW WORLD:

A STUDY OF LONDON'S

TRANSPORTED FEMALE CONVICTS,

1718-1775

by

Jennifer Lodine-Chaffey

B.A. Judson College, 2004

presented in partial fulfillment of the requirements

for the degree of

Master of Arts

The University of Montana

May 2006

Approved by:

  
Chairperson

  
Dean of Graduate School

5-26-06

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From Newgate to the New World, A Study of London's Transported Female Convicts,  
1718-1775

Chairperson: John Eglin



This thesis explores the contemporary perceptions of female convicts sentenced to transportation at the Old Bailey in London during the eighteenth century and the fate of these women in the American colonies. Both contemporary British citizens and American colonists believed that transported female convicts were either career criminals or prostitutes. Novels like Daniel Defoe's *Moll Flanders* and transatlantic newspapers—like the *Gentleman's Magazine* and the *Virginia Gazette*—illustrate this viewpoint. Traditional histories of transported convict women were often based on these contemporary sources. The idea that female transported convicts were primarily hardened criminals and common streetwalkers is, however, substantially inaccurate. Looking at the 4,700 women sentenced to transportation in London—known as the major criminal center of the English world—a clearer picture develops. Most women sentenced to transportation were actually household servants accused by their employers. Furthermore, over half of the indicted women identified as prostitutes at the Old Bailey were acquitted, and prostitutes sentenced to transportation may have only briefly engaged in the lifestyle while temporarily lacking gainful employment. Nonetheless, the majority of London's women sentenced to transportation—a somewhat more respectable lot than previously supposed—arrived in the American colonies with the stigma of and criminality and of illicit sexuality assigned to them by London opinion, apparently still attached. In Maryland and Virginia, the transported women of London served as domestic servants and field hands—the latter a job usually delegated to women of African descent only. Colonial records concerning transported convict women are rare. The infrequent records that do survive tend to focus on the "disorderly" behavior of these women. Bastardy cases and runaway advertisements, however, often reveal as much about the bad treatment they received from their colonial purchasers and about the fears of colonials as they do about the women themselves. Despite the prevailing belief that female convicts were sexually promiscuous and hardened criminals, most women disappeared from all records, unable to fulfill the legends surrounding them.

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## Introduction

Published in London in 1722, Daniel Defoe's *The Fortunes and Misfortunes of the Famous Moll Flanders* is the classic convict narrative of the eighteenth century. Born at Newgate prison, where her mother is awaiting transportation to the American colonies for petty theft, Moll Flanders' life is circumscribed by crime and its consequences. Left alone and destitute when her mother's sentence is carried out, Moll is forced to fend for herself. Her subsequent life is filled with adventure, scandal, and crime. Moll moves from husband to husband, leaving children and friends behind with each new attempt to obtain comfort and gain monetary security. In moments of poverty, Moll turns to prostitution and theft. In the end, two women catch Moll breaking into a private dwelling attempting to steal "two pieces of flowered silks." A constable sends Moll to Newgate Prison, to await trial for burglary. The court at the Old Bailey—the major criminal court of London—finds Moll guilty of theft, a felony. Moll receives a death sentence. Yet, after some time in jail, Moll is granted a conditional pardon if she will agree to be transported to the American colonies.

Moll and her fellow prisoners—one of whom is her former husband and current lover—are delivered to a merchant vessel that traded to Virginia. Once Moll arrives in Virginia, she and her former husband are sold to a wealthy planter, who "after some time . . . gave us a certificate of discharge, and an acknowledgment of having served him faithfully, and we were free from him the next morning, to go whither we would."<sup>1</sup> The couple is immediately able to set up a prosperous business following their discharge,

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<sup>1</sup> Daniel Defoe, *Moll Flanders*, ed. Albert J. Rivero (New York: W.W. Norton & Company, 2004), 250.

purchasing servants and land with the assistance of a "very honest Quaker." After one year of labor, Moll relates that:

Our Affair was in a very good posture, we purchase of the proprietors of the colony, as much land for 35 pound, paid in ready money, as 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.<sup>2</sup>

Moll also reunites with her long lost son, who provides her with emotional support and monetary assistance. She ends her days back in England, "resolved to spend the remainder of [her] years in sincere penitence for the wicked lives [she had] lived."<sup>3</sup>

Thus ends the tale of Moll Flanders, a transported convict who finds family, wealth, and redemption while serving her sentence in the New World. Yet, how typical is her story? Were, for example, most female convicts prostitutes and seasoned thieves? How many transported women prospered in the New World? And finally, did any of these women return to England?

Convict transportation—of both men and women—to the New World began in England during the early seventeenth century. It was not until 1718 that Parliament passed the Transportation Act, decreeing that both defendants convicted of clergyable felonies<sup>4</sup> and those found guilty of petty larceny<sup>5</sup>—theft of items under one shilling—could be transported for seven years to work in the American colonies. Historians in

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<sup>2</sup> Defoe, *Moll Flanders*, 259.

<sup>3</sup> Defoe, *Moll Flanders*, 267.

<sup>4</sup> Originally defendants could claim benefit of clergy if they were able to recite the "neck verse,"—Psalm 51—but during the 18<sup>th</sup> century, due to higher rates of literacy, defendants convicted on less serious charges could claim this right and would be branded on the thumb in the instance of the first offense to insure that stiffer penalties would ensue should they be caught again.

<sup>5</sup> The Transportation Act of 1718 gave courts the authority to punish defendants convicted of both grand larceny and petty larceny by transportation for seven years. Therefore, during the 18<sup>th</sup> century, the definition of a felon (a person whose crime originally was punishable by death) came to include all thieves, regardless of the monetary value of their theft. In practice, both petty larcenists and grand larcenists were transported as felons. For further information on the definition of larceny during the 18<sup>th</sup> century, see J.M. Beattie's *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford: Clarendon Press, 1987), chapter 9, "William Thompson and Transportation", 424-462.

recent years place the total number of convicts arriving in the colonies around 50,000. Many of these studies rely heavily on the information of Peter Wilson Coldham. Coldham, a noted genealogist, usually included both sentenced felons located in English records—not all of whom are recorded as landing in the colonies—and those individuals listed as landing in American colonies.<sup>6</sup> Therefore, the actual numbers of convicts actually sent to America remain uncertain. Furthermore, the information concerning individual occupations, residence, and eventual fate of the convicts, is spotty at best.

Contemporary accounts of female convicts assumed that most female convicts were either prostitutes or career criminals. *The Complete Newgate Chronicle*, which detailed the exploits of celebrated criminals, commonly featured women like Mary Young, alias Jenny Diver. Young, originally from Ireland, became a successful cutpurse in London, and amassed a large following of accomplices, becoming both wealthy and famous. In fact, Young became the basis of the character "Jenny Diver," who betrayed MacHeath in Gay's *The Beggar's Opera*. The authorities finally apprehended Young and sentenced her to transportation. Yet, even then, her relative fame and prosperity ensured her a comfortable passage to America:

When she went on board the transport vessel she shipped a quantity of goods, nearly sufficient to load a wagon. The property she possessed ensured her great respect, and every possible convenience and accommodation during the voyage; and on her arrival in Virginia she disposed of her goods, and for some time lived in great splendor and elegance.

Young succeeded early in escaping her sentence and returned to London, only to be caught again and sentenced to transportation under a new alias. Young escaped again, but

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<sup>6</sup> Peter Wilson Coldham, *Emigrants in Chains: A Social History of Forced Emigration to the Americas of Felons, Destitute Children, Political and Religious Non-Conformists, Vagabonds, Beggars, and Other Undesirables, 1607-1776* (Baltimore, Maryland: Genealogical Publishing Company, 1992).

her this time her luck ran out. Tried in 1741 for highway robbery, she was sentenced to death at the Old Bailey and died on the gallows at Tyburn.<sup>7</sup>

Until recently, few historians focused on the experiences of women transported to the colonies, treating them instead as a subset of male convicts. Historians of colonial American history tended to view convict transportation only as a system the British government used to supply cheap labor to the American colonies. At the turn of the century, James Davie Butler published an article arguing that most of the early convicts shipped to America were not political offenders, as had been commonly believed, but rather common criminals who the colonists welcomed as needed laborers to boost the New World economy. Butler noted with surprise the numbers of women sentenced to transportation during the eighteenth century. Although Butler lamented the limited extent of his study, he did point the way for further researchers, arguing that further enquiry into the history of transportation necessitated detailed study of the Old Bailey Session Papers.<sup>8</sup> Abbot Emerson Smith, writing in 1934, tended to assume that the female convicts transported to the American colonies were primarily prostitutes. He noted that while most transported convicts were considered undesirable in the colonies, the transported convicts eventually "merged in [to] the general population of indentured

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<sup>7</sup> "Mary Young," in *The Complete Newgate Calendar* [book on-line] (London: Navarre Society Ltd., 1926); available from Tarlton Law Library—Law in Popular Culture Collection E-Texts, The University of Texas at Austin <http://tarlton.law.utexas.edu/lpop/etext/completewgate.htm> (accessed February 28, 2005); *Old Bailey Proceedings Online*, ([www.oldbaileyonline.org](http://www.oldbaileyonline.org)) trial of Mary Young, alias Jenny Diver and Elizabeth Davis, alias Catherine, the wife of Henry Huggins, January 1741 (t17410116-15).

<sup>8</sup> James Davie Butler, "British Convicts Shipped to American Colonies," *The American Historical Review* 2, no. 1 (October 1896): 31-32.

servants, and each had the opportunity which was vouchsafed to any servant to make his place in the New World."<sup>9</sup>

During the 1960s, Walter Hart Blumenthal wrote *Brides from Bridewell*, which focused on a diverse number of women and children transported to New England, French Louisiana, and Australia, beginning with female felons who traveled with Columbus. While the book has merit as an early attempt at looking at the female convicts transported to the New World, Blumenthal tended to romanticize convict women. He shed little light on their lives either before or after transportation, remarking that "romance and tragedy tinge the fragments of a story that vies with that of Manon."<sup>10</sup>

During the last thirty years a growing number of articles, books, and dissertations have focused on convict transportation, although few deal with female convicts specifically. Frederick Hall Schmidt's 1976 dissertation placed the total number of convicts arriving in Virginia alone around 10,000 and argued that contrary to earlier opinion, many convicts were both skilled and literate. Their jobs in Virginia and Maryland also varied greatly, due to the diversification of work in eighteenth-century colonies.<sup>11</sup> In 1985, Roger Ekirch's *Bound for America: The Transportation of British Convicts to the Colonies: 1718-1775* contended that the number of convicts transported to American colonies as a whole was around 50,000, a much larger number than

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<sup>9</sup> Abbot Emerson Smith, "The Transportation of Convicts to the American Colonies in the Seventeenth Century," *The American Historical Review* 39, no. 2 (January 1934): 249. Although Smith mentioned the Old Bailey Proceedings in his bibliographical note, he argued that "they are not of primary importance for the history of transportation." See Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America 1607-1776* (Chapel Hill: The University of North Carolina Press, 1947), 400.

<sup>10</sup> Walter Hart Blumenthal, *Brides from Bridewell: Female Felons Sent to Colonial America* (Westport, Connecticut: Greenwood Press, Publishers, 1962), 57.

<sup>11</sup> Frederick Hall Schmidt, "British Convict Servant Labor in Colonial Virginia" (Unpublished Ph.D. diss., The College of William and Mary), 1976.

previously supposed.<sup>12</sup> Coldham's studies tended to confirm these figures, though as noted it may have included persons sentenced but never transported.<sup>13</sup> Ekirch argued that the majority of convicts "were native Englishmen sentenced by English courts [and] a large number of these sentences originated in London and nearby counties."<sup>14</sup> He also found the numbers of women transported to the colonies were proportionally much lower than the numbers of transported men. For example, of the convicts received in Maryland from 1718-1775, women comprised 18.4 percent.<sup>15</sup> While convicts held many different occupations, Ekirch argued that most came from the lower classes. He agreed with earlier authors in that transportation was devised to serve British needs rather than specifically colonial needs. Yet, despite the quality and magnitude of Ekirch's work, he focused primarily on male convicts, notwithstanding the fact that his studies revealed a considerable number of female convicts, possibly as many as 10,000.

In the last decade, historians have begun to look more closely at the experiences of female convicts transported to America. A 2002 article by Edith Ziegler—a graduate student at the University of New England in Australia—focused on the experiences of 3,420 convict women known to have been shipped to Maryland. Using fragmentary data from a variety of sources, including newspaper advertisements, probate records, and court documents, Ziegler successfully traced the fates of a number of Maryland convict women. She found that a very small percentage of this sample (around 10 percent) married within the colonies, yet others with marketable skills found business

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<sup>12</sup> A. Roger Ekirch, "Bound for America: A Profile of British Convicts Transported to the Colonies, 1718-1775," *The William and Mary Quarterly*, 3<sup>rd</sup> ser., 42, no. 2 (April 1985): 188.

<sup>13</sup> Coldham, *Emigrants in Chains*.

<sup>14</sup> A. Roger Ekirch, *Bound for America: The Transportation of British convicts to the colonies: 1718-1775*, (Oxford: Clarendon Press, 1987), 47.

<sup>15</sup> Ekirch, "Bound for America," 194.



opportunities after they completed their sentences.<sup>16</sup> Yet, for most of the 3,420 women transported to Maryland, the record of their eventual fate remains blank. Gwenda Morgan and Peter Rushton's *Eighteenth-Century Criminal Transportation: the Formation of the Criminal Atlantic* (2004) contended that most convicts did not return from transportation, in contrast to contemporary representations of convicts like Daniel Defoe's *Moll Flanders* and Gay's *The Beggar's Opera*, tales in which convicts did return to England. Working primarily with English provincial sources, rather than London cases, Morgan and Rushton argued that the adoption of transportation as a punishment led to an increase in convictions of women, because transportation was viewed as a more favorable treatment of female convicts than execution. After the passage of the 1718 Transportation Laws, magistrates found more women guilty or partially guilty<sup>17</sup> of crimes for which they would have earlier been acquitted. Morgan and Rushton also found that women sentenced to transportation in the provinces came from certain urban areas, primarily Newcastle-upon Tyne and Bristol, where women made up nearly one-fourth of convicts sentenced to transportation.<sup>18</sup> Then again, Morgan and Rushton's study did not take into account convicts sentenced to transportation in London and the Home Counties, which they

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<sup>16</sup> Edith Ziegler, "The Transported Convict Women of Colonial Maryland, 1718-1776," *Maryland Historical Magazine* 97 no. 1 (Spring 2002): 20-21.

<sup>17</sup> Juries often found defendants guilty of a lesser offense. A partial verdict, or sentence of partial guilt, usually meant that the value of the goods stolen was effectively reduced allowing for more lenient sentencing. Thus, for instance, many female defendants indicted at the Old Bailey for simple grand larceny—which was punishable by death—received a lesser sentence of petty larceny. A partial verdict meant that the defendant could not be sentenced to death. The usual punishments allotted for petty larceny included branding, whipping, and transportation.

<sup>18</sup> Morgan and Rushton theorized that rural crimes like sheep stealing (which became a capital offence in 1741), accounted on for the high numbers of females sentenced to transportation in northern England. Judges in these communities often sentenced women to transportation, rather than invoke the death penalty. See Gwenda Morgan and Peter Rushton, *Eighteenth-Century Criminal Transportation: The Formation of the Criminal Atlantic* (New York: Palgrave MacMillan, 2004), 46-51.

admitted supplied a like number of convicts to the American colonies.<sup>19</sup> Roger Ekirch's studies of transportation sentences in English/Welsh Assize Circuits for the years 1769-1776—composed of 2,074 convicts—indicted that London, Middlesex, and the Home Counties sentenced 54.1 percent of the convicts during those years.<sup>20</sup> If the numbers of individuals sentenced to transportation to the New World equaled around 50,000, and if women consistently made up around 18-20 percent of those individuals sentenced to transportation, the total number of women sentenced to transportation may be as high as 10,000. The Old Bailey alone—which had jurisdiction over both London and Middlesex—sentenced 15,000 individuals to transportation, around 4,700 of them women, during the years 1718-1775.<sup>21</sup> This suggests that the proportion of all women sentenced to transportation from London was around 47 percent of all Englishwomen sentenced, if not higher.

Although American historians have only begun to examine this phenomenon, Australian historians have studied the lives of convicts transported to the Australian penal colonies in great depth. Scholarship focused on female convicts, in particular, is a growing field. Deborah Oxley's 1996 analysis of convict indents revealed that most female convicts sent to Australia during the late eighteenth and early nineteenth century were transported for petty crimes, primarily theft. Earlier historians believed the criminal class in England and the majority of transported females was compromised primarily women of dubious morals—i.e. prostitutes, and that these women were usually repeat

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<sup>19</sup> Morgan and Rushton stated that in their study "the great suppliers of convicts, London and the Home Counties, are excluded, but the survey might redirect attention to the neglected provinces of England where crime was such that they supplied at least as many transportees as the metropolitan area." Morgan and Rushton, *Eighteenth-Century Criminal Transportation*, 7-8.

<sup>20</sup> Ekirch, *Bound for America*, 49.

<sup>21</sup> *Old Bailey Proceedings Online*, ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), 1 April 2005).

offenders. This, according to Oxley, negated the real experiences of these women. Overwhelmingly, the majority of women sentenced to transportation during the Australian years were “first time sneak-thieves.” London convicts were not primarily pick pockets (the typical crime associated with prostitutes), but were instead involved in simple thefts and robberies “not from anonymous victims, but from masters, mistresses, other employers, and lodging keepers.”<sup>22</sup> Were the London women sentenced to transportation to the American colonies in the eighteenth century similar to the women sent to Australia?

While a few historians have focused on the issue of convict transportation to the American colonies, fewer still have concentrated on the female convicts who journeyed to the New World, especially the large numbers of women who came from London. As a result, very little is known about these women. This study aims to look beyond the customary description of these women as prostitutes and career criminals. By focusing on the nearly 50 percent of transported women who came from London, it concentrates on the worst-case scenario of convict women. Samuel Johnson, the noted author, represented this view when in 1751 he wrote:

It is said that in France they annually evacuate their streets, and ship their prostitutes and vagabonds to their colonies. If the women that infest this city [London] had the same opportunity of escaping from their miseries, I believe very little force would be necessary; for who among them can dread any change; Many of us indeed are wholly unqualified for any but the most servile employments, and those perhaps would require the care of a magistrate to hinder them from following the same practices in another country; but others are only precluded by infamy from reformation, and would gladly be delivered on any terms from the necessity of guilt and the tyranny of chance. No place but a populous city can afford opportunities for open prostitution, and where the eye of justice can attend to individuals, those who cannot be made good may be restrained from mischief.

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<sup>22</sup> Deborah Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Cambridge, New York and Melbourne: Cambridge University Press, 1996), 7, 60, and 92.

For my part, I should exult at the privilege of banishment, and think myself happy in any region that should restore me once again to honesty and peace.<sup>23</sup>

American colonists also expressed fears of England's female convicts, especially those from London. Numerous mentions of London prostitutes fill the *Virginia Gazette*.

One concerned Virginian wrote in 1768 that:

It being found by experience that a temporary imprisonment of prostitutes is much more dangerous than beneficial to the community, we are informed that a power will be vested in the magistrates to transport the most wicked and abandoned to the new acquired settlements in America, where white servants are greatly wanted.<sup>24</sup>

Although—as will be revealed—many colonists purchased female convict labor, the prevailing opinion of these women was overwhelmingly negative. Convicts in general troubled the colonists. Colonists tended to respond to the influx of transported felons in one of two ways. In an article submitted to the *Virginia Gazette* in May of 1751, Benjamin Franklin expressed concern over the transportation of English convicts. With sardonic wit, Franklin decried the system:

What is a little *housebreaking*, *shoplifting*, or *highway robbing*; what is a son now and then *corrupted* and *hanged*, a daughter *debauched* and *poxed*, a wife *stabbed*, a husband's *throat cut*, or a child's *brains beat out* with an axe, compared with this "IMPROVEMENT and WELL PEOPLING of the Colonies!"

Franklin suggested that in return for the felons transported to the colonies, the colonists would ship rattlesnakes over to England, for "the rattlesnakes seem the most suitable returns for the human serpents sent us by our mother country."<sup>25</sup>

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<sup>23</sup> Samuel Johnson, "Rambler #171" (November 5, 1751) in *The Works of Samuel Johnson*, vol. 4 [book on-line] (Seattle Washington: The World Wide School, 1998, accessed March 8, 2006); available from <http://www.worldwideschool.org/library/books/phil/modernwesternphilosophy/theworksofsamueljohnsonvolume4of16/toc.html>; Internet.

<sup>24</sup> *Virginia Gazette*, 21 April 1768, pg. 1 [newspaper on-line] (accessed 8 March 2006); available from <http://www.pastportal.com> ; Internet.

<sup>25</sup> *Virginia Gazette*, 30 May 1751, p. 3; Benjamin Franklin, *The Papers of Benjamin Franklin*, Vol 4, edited by Leonard W. Labaree et al. (New Haven: Yale University Press, 1961), 131-133.

Thomas Jefferson's attitude to convicts differed from Franklin's. Jefferson possessed a disdain for metropolitan areas, which he believed responsible for society's ills and thus, by implication, London, with its high concentration of probable convicts and prostitutes, was a potential threat to men's virtue.<sup>26</sup> His letters, according to a recent article, express "his disdain for lower class women who he feared might dissuade (other) American men from their primary moral and intellectual pursuits."<sup>27</sup> In a 1785 letter to John Banister, Jefferson advised his friend not to send his son to Europe, noting that the young man may develop "a passion for whores" due in part to "the voluptuary dress and arts of the European women." These illicit escapades, Jefferson feared, might lead the young men away from American ideals.<sup>28</sup> Furthermore, Jefferson's commonplace book reveals a marked misogyny along with his fears of both female sexuality and women's power over men.<sup>29</sup> Jefferson was surely familiar with the system of convict transportation, and he must have at the very least read the reports of convict auctions and runaways and the critiques of female convicts in colonial newspapers.<sup>30</sup> In fact, both Thomas Jefferson and his father, Peter Jefferson advertised for runaway slaves in the *Virginia Gazette*.<sup>31</sup> Yet Jefferson himself tried to whitewash the issue of the convicts' place in American history, and completely denied the history of female convicts. The reasons for Jefferson's denial of female felons perhaps stem from his fears of women,

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<sup>26</sup> Andrew Burstein, "Jefferson's Rationalizations," *The William and Mary Quarterly* 57 no. 3 (January 2000): 188.

<sup>27</sup> Andrew Burstein, "Seductions of Jefferson," *Journal of the Early Republic* 19 no. 3 (Autumn 1999): 507.

<sup>28</sup> Thomas Jefferson, "Thomas Jefferson to John Banister, Jr.," 15 October 1785, *Letters of Thomas Jefferson, 1743-1826* (Charlottesville, Virginia: Rector and Visitors of the University of Virginia, 2000, accessed 25 April 2006); available from the University of Virginia electronic text center <http://etext.lib.virginia.edu/modeng/modengJ.browse.html>. Internet.

<sup>29</sup> Kenneth Lockridge, *On the Sources of Patriarchal Rage: The Commonplace Books of William Byrd and Thomas Jefferson and the Gendering of Power in the Eighteenth Century* (New York and London: New York University Press, 1992).

<sup>31</sup> *Virginia Gazette*, 7 November 1751; *Virginia Gazette*, 14 September 1769.

especially urban lower class women. When Jean Nicolas D meunier—a French scholar—submitted an article for an Encyclopedia, describing three classes of people in early America—servants, slaves, and convicts—Jefferson responded:

The Malefactors sent to America were not in sufficient number to permit enumeration as one class out of three, which peopled America. It was at a late period of their history that this practice began . . . I do not think the whole number sent would amount to 2000, and being principally men, eaten up with disease, they married seldom and propagated little. I do not suppose that themselves and their descendants are at present 4000, which is little more than one-thousandth part of the whole inhabitants.<sup>32</sup>

Furthermore, Jefferson deliberately manipulated reality, for nearly 50,000 convicts arrived in the colonies during the eighteenth century, as Virginians well knew. Therefore, it is clear that the numbers of convicts sent to the colonies —especially female convicts—was something educated Americans either scorned or denied, despite their part in the convict trade. By reducing the numbers of convicts by 96 percent and then stressing that few of these were women, Jefferson reveals his own susceptibility to the arrival of such women in his untainted America.

During the nineteenth century, British intellectuals continued to depict transported convict women as prostitutes and professional thieves. Writing in the mid-nineteenth century, Dr. Francis Lieber—a German scholar who migrated to America—related a 1844 conversation with Dr. Ferguson in London:

I remarked how curious a fact it was that all American women look so genteel and refined—even the lowest [born]—small head, thin silky hair, delicate eyebrows yet thick set ones—[the Doctor answered,] "Oh, that is easy to be accounted for.

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<sup>32</sup> Found in Morgan and Rushton, *Eighteenth-Century Criminal Transportation*, 151-152; *The Papers of Thomas Jefferson*, Vol. 10, ed. Julian P. Boyd et al. (Princeton, New Jersey: Princeton University Press, 1954), 30.

The superabundance of public women, who are always rather good looking, were sent over in former times."<sup>33</sup>

If convict women as a whole were as immoral and degenerate as their contemporaries assumed, it is the mass of London women transported—as many as 4,700—who will either prove or disprove the prevailing perception.

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<sup>33</sup> Found in Butler, "British Convicts," 12 and traced and corrected according to the original Francis Lieber, *Like a Sponge Thrown into Water: Francis Lieber's European Travel Journal of 1844-1845*, ed. by Charles R. Mack and Ilona S. Mack (Columbia, South Carolina: University of South Carolina Press, 2002), 7.

## Chapter I A Brief History of Transportation

Convict transportation to the New World began in England during the late sixteenth and early seventeenth century. Industrial transformations in England during the reigns of Elizabeth I (1558-1603) and James I (1603-1625), as well as marked population growth, caused changes in large urban centers. The immense alteration in England's economy derived in part from an increasing domestic market for commodities and services, as well as the beginning of overseas expansion.<sup>34</sup> These economic transformations caused problems, both in the growing colonies and at home. Many individuals from rural areas—as well as Scotland and Ireland—moved to the cities. With this new influx of immigrants (especially to the city of London), many Englishmen feared a rise in the incidence of crime, particularly property crimes.<sup>35</sup>

The numbers of crimes—largely property crimes—for which individuals could be sentenced to execution grew during the early modern period, due in part to the noted increase in commerce and luxury among the wealthy and middle classes.<sup>36</sup> During this era, punishment for crimes was primarily either corporal or capital. The physical punishments served to discipline the physical body of the condemned and reveal to society "the truth of the crime."<sup>37</sup> Yet, with the increase in the numbers of crimes classified as capital, many reformers called for the introduction of mercy into the system.

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<sup>34</sup> Keith Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain* (New Haven and London: Yale University Press, 2000), 180-181.

<sup>35</sup> Beattie, *Policing and Punishment*, 1-2.

<sup>36</sup> Douglas Hay, "Property, Authority and the Criminal Law," in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (New York: Pantheon Books, 1975), 18-20. Hay comments that "recent account[s] suggest that the number of capital statues grew from about 50 to over 200 between the years 1688 and 1820."

<sup>37</sup> Michael Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, 2d ed. (New York: Vintage Books, May 1991), 35.



The prerogative of mercy also served to encourage deference among the lower classes, thus upholding the rights of property owners and maintaining the existing socioeconomic order. According to historian Douglas Hay, "the private manipulation of the law by the wealthy and powerful was in truth a ruling-class conspiracy," and the mitigation of death sentences to either corporal punishment or later, transportation, functioned to ensure power remained in the hands of the ruling class.<sup>38</sup>

Hence, before 1660, judges charged individuals on trial for property crimes in London with either clergyable felonies or non-clergyable felonies. Clergyable felonies did not carry a capital sentence and courts traditionally assigned this classification to defendants who could claim benefit of clergy. In medieval England, defendants could claim benefit of clergy if they recited the "neck verse" (Psalm 51), thereby proving their literacy, and thus, ecclesiastical origins. At that time, an ecclesiastical representative attended all trials, and if he authorized the defendant's right to benefit of clergy, the court allowed the accused trial at an ecclesiastical court. By the fifteenth and sixteenth centuries, this practice became more secular in nature due partially to higher rates of literacy. In the seventeenth century, a growing number of male defendants—many of whom were either literate or had memorized the "neck verse"—claimed clergy, thus escaping the gallows. Often these men did not need to recite the "neck verse," but merely claim the benefit of clergy. In the early modern era, however, royal courts allowed individuals who claimed benefit of clergy to escape punishment only once. In order to make this law work, people so released were branded on the thumb to signify their later disqualification from pleading clergy. By the seventeenth century, the courts used benefit

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<sup>38</sup> Hay, "Property, Authority and the Criminal Law," 40-42, 52.

of clergy to "mitigate capital punishment for larceny."<sup>39</sup> The courts did not allow women to claim benefit of clergy until 1623, and only then for petty crimes. It was not until 1691 that courts allowed women to claim benefit of clergy as freely as men had. In practice, most individuals claiming benefit of clergy would be branded on the thumb, in the instance of the first offense, to ensure that stiffer penalties would ensue should they be caught again.<sup>40</sup>

Labor shortages in the colonies helped to create a new system of labor, indentured servitude. Many English citizens signed contracts with merchant vessels to work in the colonies, in return for free passage and some indemnities, usually clothing and food. The need for labor was such that some colonists even advocated the use of criminals as a labor force. Sir Thomas Dale, a Virginian, suggested that all offenders sentenced to death should be granted a conditional pardon and sent to work in the colonies.<sup>41</sup>

During the late sixteenth and early seventeenth centuries, English courts sentenced around 5,000 felons to transportation. The system of transportation officially began in 1597 with the Elizabethan Act "For the Punishment of Rogues, Vagabonds, and Sturdy Beggars," which allowed the transportation of convicts to the British colonies. Throughout the early years of seventeenth century, the Privy Council passed similar laws regulating transportation. England sent the first transported convicts to the West Indies

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<sup>39</sup> John H. Langbein, "Shaping the Eighteenth-Century Criminal Trial: A view from the Ryder Sources," *University of Chicago Law Review* 50 (1983): 37-39.

<sup>40</sup> Beattie, *Policing and Punishment*, 277, 278.

<sup>41</sup> Grace Tredwell Southall, "Emptying their Jakes on our Tables: The Legislative Campaign Against Convict Transportation to Maryland, 1676-1776" (Masters Thesis, The University of Maryland. 1990), 5.

during the reign of James I.<sup>42</sup> Yet, the actual traffic of convicts during this time, according to Abbot Emerson Smith, was "an ad hoc system of transportation."<sup>43</sup>

During the 1660s, the system of transportation became a favored condition of pardon throughout England, where it was viewed as a way to manage the high levels of execution in urban areas as well as supply needed labor to the colonies. In the early years of the Restoration, merchants with interests in the American colonies and the West Indies eagerly agreed to ship felons overseas. Even more important, according to J.M. Beattie, was the marked interest Parliament took in transportation. Several laws passed in the 1660s stipulating that judges could authorize transportation to felons sentenced to execution. A number of failed bills also attempted to regulate transportation and grant a pardon on condition of transportation to individuals found guilty of property crimes.<sup>44</sup>

Despite the government's endorsement of convict transportation, several problems arose. First, the convicts granted pardons on condition of transportation often had to wait in prison for a considerable time until they were shipped overseas. This often led to dangerous crowding in urban English jails, primarily in Newgate, the major jail in London.<sup>45</sup> According to a nineteenth-century historian, overcrowding was "perhaps the most hideous and terrible of all evils, and the immediate parent of 'gaol fever.'"<sup>46</sup> Not only did many prisoners die, but the illness also made convicts less marketable as possible contagion caused concern in the British colonies. A second problem with

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<sup>42</sup> Benjamin Balak and Jonathan M. Lave, "The Dismal Science of Punishment: The Legal-Economy of Convict Transportation to the American Colonies," *Journal of Law and Politics*, (Fall 2002): 885-890.

<sup>43</sup> Smith, *Colonists in Bondage*, 22. For a more thorough investigation of seventeenth century transportation see Abbot Emerson Smith "The Transportation of Convicts to the American Colonies in the Seventeenth Century," *The American Historical Review* 39, no. 2 (January 1934): 232-249.

<sup>44</sup> Beattie, *Policing and Punishment in London*, 290-292.

<sup>45</sup> Beattie, *Policing and Punishment in London*, 290-291.

<sup>46</sup> Arthur Griffith, *The Chronicles Of Newgate* (New York: Scribner and Welford, 1884), 271.

transportation arose from opposition in the American colonies themselves. By the last few decades of the seventeenth century, few colonies would accept transported convicts. Both Maryland and Virginia passed laws barring convicts from entering their colonies. Furthermore, oftentimes the colonies would only accept certain types of convicts, usually able-bodied men. For example, an attempt to transport fifty female convicts in 1697 met with considerable resistance when both Virginia and Maryland refused to accept the convicts. When the colonial merchants then endeavored to place them in Jamaica, Jamaican authorities responded that "they would be of no use to us . . . the women would only be a burden to us and would contribute nothing to our defense."<sup>47</sup> As a result, many women, elderly men, and the infirm languished in English prisons.<sup>48</sup>

Consequently, although English courts continued to sentence felons to transportation, by the last half of the seventeenth century and beginning of the eighteenth, few convicts were successfully transported to the colonies. As few as 130 convicts arrived in the New World between 1660 and 1718.<sup>49</sup> As an alternative, many male convicts were pressed into military service during the War of the Spanish Succession, thus freeing up space in English prisons.<sup>50</sup> But when the Peace of Utrecht in 1713 put an end to the use of convicts as soldiers, the English jails filled once again with convicts.

Finally, in 1718, Parliament passed the Transportation Act, "An Act for the further preventing robbery, burglary, and other felonies, and for the more effectual

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<sup>47</sup> Southall, "Emptying their Jakes on our Tables," 9-11.

<sup>48</sup> Beattie, *Policing and Punishment*, 294.

<sup>49</sup> Balak and Lave, "The Dismal Science of Punishment", 885.

<sup>50</sup> Balak and Lave, "The Dismal Science of Punishment", 888.

transportation of felons."<sup>51</sup> The statute reasserted English authority over the colonies, forcing the colonies to accept convicts, and it significantly altered the traditional handling of theft crimes. Under the statute, defendants convicted of clergyable felonies and those found guilty of petty larceny—theft of items under one shilling—could be transported for seven years to work in the American colonies. Following this law, the courts routinely sentenced individuals convicted of petty larceny to transportation, while they pardoned on the condition of non-return those criminals convicted of more serious capital crimes. These pardoned felons were transported for fourteen years or life. The measures stipulated that returning felons faced the death penalty if caught on English soil before their sentence was complete.

In 1720, a further statute allowed the state to contract with merchants for the transportation of these criminals, allowing individuals from the private sector to dispose of the convicts for their own profit. The British government determined the length of convict servitude, and the merchants, usually shippers who also dealt in tobacco, auctioned off the convicts to private employers. Shippers gave bidding colonists full access to the auctions and showed prospective buyers the prisoners' conviction papers, which detailed the convicts' respective crimes, sentence, and places of origin.<sup>52</sup>

Throughout the years of 1718 and 1775—until the American Revolution caused the cessation of Atlantic convict transportation—the English government sent between

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<sup>51</sup> Great Britain, "An Act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons, and unlawful exporters of wool; and for declaring the law upon some points relating to pirates," [London ], [1718], Based on information from English Short Title Catalogue, Eighteenth Century Collections Online, Gale Group, <http://galenet.galegroup.com/servlet/ECCO>.

<sup>52</sup> Farley Grubb, "The Market Evaluation of Criminality: Evidence from the Auction of British Convict Labor in America, 1767-1775," *The American Economic Review* 91, no. 1 (March 2001): 295-296.

45,000 and 50,000 men and women to the American colonies as convict servants and auctioned them off as labor.<sup>53</sup> It appears that a plurality if not a majority of these convicts came from the London and Middlesex area. Of the approximately 15,000 individuals tried at the Old Bailey—or around 30 percent of all sentenced in England—were sentenced to transportation during the years 1718 to 1775. Of these 15,000 individuals sentenced to transportation at the Old Bailey, women made up over 4,000, ranging in age from 10 to 72 years.<sup>54</sup>

Following the American Revolution, English authorities struggled to deal with an excess of British convicts who now had no place to be transported. Many felons who would have previously merited a sentence of transportation were housed instead aboard "hulks," or retired warships and trading vessels anchored in the Thames. Mortality rates aboard these vessels were high, reaching 25 percent at one point. Other convicts remained imprisoned in overcrowded jails. In response, Parliament proposed various solutions to deal with the overabundance of convicts, including landing convicts in West Africa and encouraging judges to be less sparing with the death penalty.<sup>55</sup> In 1783 and 1784, a coalition of merchants briefly attempted to continue the convict trade to America.

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<sup>53</sup> These numbers are found in the work of numerous historians, although there is some disagreement as to the actual figure. A. Roger Ekirch placed the number of convicts sentenced to transportation in the eighteenth century at 50,000, while Aaron S. Fogelman believed that from 1700 to 1775 52,200 convicts were transported to America. Morgan and Rushton agreed with Fogelman, stating "The current conventional wisdom is still embodied in Fogelman's estimates of free and convict immigrants to the colonies, apparently with little prospect of greater precision." See Morgan and Rushton, 38; Farley Grubb, "The Market Evaluation of Criminality: Evidence from the Auction of British Convict Labor in America, 1767-1775," *The American Economic Review* 91, no. 1 (March 2001): 295; Aaron S. Fogelman, "From Slaves, Convicts, and Servants to Free Passengers: The Transformation of Immigration in the Era of the American Revolution," *The Journal of American History* 85, no. 1 (June 1998): 44; A. Roger Ekirch, *Bound for America*, 1.

<sup>54</sup> *Old Bailey Proceedings Online*, (accessed 1 April 2005); Yet while the numbers of women sentenced to transportation were high, some women (and men) sentenced to transportation were never transported, due to deaths while in prison or to "leakages" in the system itself.

<sup>55</sup> A. Roger Ekirch, "Great Britain's Secret Convict Trade to America, 1783-1784," *The American Historical Review* 89 no. 5 (December 1984): 1286.

Their secret efforts to sell London and Irish convicts as indentured servants ultimately met with failure.<sup>56</sup> For over ten years, jails in England remained overcrowded with felons under sentence of transportation.<sup>57</sup>

Finally, in desperation, the British government decided to send convicts to New South Wales. In 1786, the "Botany Bay Decision" sealed the fate of convicts sentenced to transportation. From that point on, convicts were exiled to Australia, where, instead of being sold as laborers to the highest bidder, a colonial governor directed their work in the newly founded penal colony. This system of criminal punishment continued until the late 1860s.<sup>58</sup>

Although less well known than their Australian counterparts, the felons sentenced to transportation to the American colonies created an uproar during the eighteenth century, especially the female convicts. As noted, perhaps half of the women sentenced to transportation came from the London area. These women are our focus, and their stories will reveal both the extent of the stigma of prostitution attached to these women and the truth therein.

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<sup>56</sup> Ekirch, "Great Britain's Secret Convict Trade." 1285-1291.

<sup>57</sup> Morgan and Rushton, *Eighteenth-Century Criminal Transportation*, 157-159.

<sup>58</sup> Deborah Oxley, *Convict Maids*, 37-38.

## Chapter II

### Who Was Sent: Crime, Women and Transportation in Eighteenth Century London

Current studies indicate that the crime rate among women was unusually high during the seventeenth and eighteenth century in comparison to crime rates in other centuries.<sup>59</sup> Both the percentage of women tried for a variety of crimes expanded and the perception that women were a major cause of criminal activity. English society increasingly blamed so-called "lewd women" for turning young men to lives of crime. Many contemporaries viewed prostitution as synonymous with crime. One young woman executed at Tyburn in 1692 stated that "stealing and whoring . . . generally go together, so far at least as this; that though not every Thief may be a Whore or a Whoremaster; yet every Whore or Whoremaster is a thief."<sup>60</sup> The predominance of this view also meant that more women were considered capable of committing crimes. Consequently, many lower class women involved in crime were often stigmatized as prostitutes.

Along with the fear of female crime was a fear of venereal disease, or the "pox," as it was known colloquially. During the early modern period, both theologians and medical specialists blamed sexual diseases on women, predominantly prostitutes and midwives. In 1673, one medical practitioner, styled L.S., penned the work *Profulacticon: Or some Considerations of a Notable Expedient to root out the French Pox from the English Nation. With Excellent Defensive Remedies to Preserve Mankind from the Infection of Pocky Women*. In his book, L.S. suggested that the best way to rid England of the pox was to transport prostitutes to the West Indies, for "the transportation of these

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<sup>59</sup> Beattie, *Policing and Punishment*, 65.

<sup>60</sup> Beattie, *Policing and Punishment*, 63.



common and incurable courtesans will be a work of signal charity to the prostitutes themselves, to remit them and the pox to the Indies from whence it came."<sup>61</sup> No blame, of course, was assigned to the men. Theorists believed females the agents of transmission; males the victims.

Fears of females living independently, without the support of men, also intensified male worries about female crime. According to J.M. Beattie, "the attitudes towards women that were expressed by the grand juries of London and the ordinary of Newgate in this period . . . could only have encouraged a view that women, particularly single women, needed to be brought under control, and if only indirectly, encouraged the prosecution of women caught stealing."<sup>62</sup> Part of the fears of women criminals stemmed from the belief that female thieves abandoned their "natural" feminine traits and adopted male habits of dress and behavior. Various stories from the early modern period—both real and fictitious—tell of women who dressed as men to escape their families, gain employment in higher-paying jobs, engage in criminal activities, and even serve as soldiers. This type of behavior often infuriated the authorities and led to the punishment of female cross dressers.<sup>63</sup> Thus, prosecuting female criminals became a way for the government to police gender roles and uphold the patriarchal order. One popular seventeenth century play in particular bespoke this fear. "The Roaring Girl" by Thomas Dekker and Thomas Middleton related the adventures of Mary Frith, otherwise known as

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<sup>61</sup> Quoted in Kevin P. Siena, "Pollution, Promiscuity, and the Pox: English Vereneology and the Early Modern Medical Discourse on Social and Sexual Danger," *Journal of the History of Sexuality* 8 no. 4 (1998): 559-560.

<sup>62</sup> Beattie, *Policing and Punishment*, 66.,

<sup>63</sup> Bridget Hill, *Women Alone: Spinsters in England, 1660-1850* (New Haven and London: Yale University Press, 2001), 136-141; It should be noted that most of the women prosecuted for cross-dressing were lesbians. Hill stated that "it was the use of the dildo and the assumption of the male sexual role that infuriated the authorities."

"Moll Cutpurse," a notorious female thief who dressed as a man.<sup>64</sup> In 1719, Alexander Smith recounted Frith's life in his sensational work *A Complete History of the Lives and Robberies of the most Notorious Highway-men, Foot-Pads, Shop-Lifts, and Cheats, of both Sexes, in and about London, Westminster, and all Parts of Great Britain, for above an hundred Years past, continued to the present Time* (1719). According to her biography, Frith "generally went dressed in man's apparel," "never had the green-sickness that epidemical disease of maiden," and had "a natural abhorrence to the tending of children." Her manly disguise allowed her to succeed as a cutpurse, a highwayman, a forger, and later a fortune-teller.<sup>65</sup> Interestingly, one of the women sentenced to transportation at the Old Bailey was also a cross dresser. Ann Saywell or Sewell, otherwise called Thomas Brown was indicted on charges of stealing from her lodgings in 1765. During the trial, it came out that Sewell had dressed and passed as a man when she rented the lodgings with her "wife," Ann Horsley (also known as Ann Brown). As Sewell explained:

The reason of my disguise was, I being unfortunately upon the town, that situation was not agreeable to me, and I disguised myself to get from it. I have lived some time in a brew-house; there I was discovered by a person that knew me; since that I have employed myself as a tailor, where I was apprehended.

The court found Sewell guilty of theft, but acquitted Horsley.<sup>66</sup> The *Gentleman's Magazine* also reported in 1751 the transportation to America of "an impostress dressed

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<sup>64</sup> Thomas Dekker and Thomas Middleton, "The Roaring Girl," <http://www.tech.org/~cleary/roar.html> (accessed March 24, 2006).

<sup>65</sup> Alexander Smith, "Moll Cutpurse, a Pick-Pocket and Highwaywoman" in Daniel Defoe *Moll Flanders*, ed. Albert J. Rivero (New York: W.W. Norton & Company, 2004), 320-328.

<sup>66</sup> OBPO, trial of Ann Saywell, otherwise called Thomas Brown, and Ann Horsley, otherwise called Ann, wife of Thomas Brown, July 1765 (t17650710-43).

in man's apparel who had married seven wives. The first six being virgins were deceived by artifice, but the seventh, a widow, soon discovered her bedfellow."<sup>67</sup>

London's Old Bailey, in particular saw a significant rise in female criminal trials during the early eighteenth century.<sup>68</sup> The Old Bailey, so named for the street on which it lay, served as the largest criminal court for both the London and Middlesex jurisdictions.<sup>69</sup> The judges at Old Bailey tried individuals being held in Newgate prison, located conveniently near the courthouse. The prison housed felons from both London and Middlesex, who were traditionally sent to Newgate before their trials. Although city and Middlesex magistrates dealt with misdemeanors—including assault, vagrancy, disturbing the peace, and fraud—at sessions of the peace eight times a year, the more serious crimes remained under the jurisdiction of the Old Bailey. Furthermore, theft crimes of all types—including petty larceny—usually fell under the jurisdiction of the Old Bailey. The Old Bailey also dealt with most capital offenses.<sup>70</sup>

Although the offenses tried in London were not exclusive to that city, there are compelling reasons for studying the sentencing of women tried at the Old Bailey during this time. First, beginning in the late seventeenth century, the court of aldermen authorized reports of trials at the criminal court for publication. These reports grew to be increasingly popular among the London literate.<sup>71</sup> *The Gentleman's Magazine*, for instance, showed particular interest in the London crime scene, and in its female criminals, as reflected in the "Session Papers." The published session papers included records of all cases tried, and though not always detailed, also provide an opportunity for

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<sup>67</sup> Quoted in Ziegler, "Transported Convict Women," 15.

<sup>68</sup> OBPO.

<sup>69</sup> "History of the Old Bailey Courthouse: London's Central Criminal Court, 1673-1834," OBPO.

<sup>70</sup> Beattie, *Policing and Punishment*, 12.

<sup>71</sup> Beattie, *Policing and Punishment*, 2-4.

learning a vast amount about the lives of many ordinary women living in London during eighteenth century. Women constituted a higher proportion of offenders in London, compared to other urban and rural locations.<sup>72</sup> Finally, although the actual numbers of women transported to the American colonies remains indefinite,<sup>73</sup> the high number of women sentenced to transportation at the Old Bailey must constitute 40 to 50 percent of all convicted females transported from England during the eighteenth century. The Old Bailey's records may reveal what types of women the courts routinely sentenced to this fate in London, according to legend, the center of criminal activity.

J.M. Beattie, the noted historian of crime, suggests that the rise of female crime during the eighteenth century could be attributed to a variety of factors. In this era, many young women moved to London seeking work, a good number of them from Ireland. They faced a variety of problems in the large city. Their pay was considerably less than that for men. Many women worked in the textile industries or went into domestic service, but few stayed in one job for a long time. Work for women also tended to be more seasonal, especially for those who worked in market gardens or peddling goods on the streets. Wives of unskilled male laborers also tried to supplement their family's earnings by performing a variety of odd jobs. With low wages and irregular work, many women—both single and married—were forced to consider other options to support themselves.

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<sup>72</sup> Bridget Hill, *Women Alone*, 108.

<sup>73</sup> Many historians of transported convicts have relied heavily on the work of Peter Wilson Coldham, a well-known genealogist, whose study of both landing records and sentencing has provided figures for numbers of convicts sent to America. But Coldham often counts those individuals sentenced to transportation as part of the whole, which may not be the case. Furthermore, many of the women sentenced to transportation at the Old Bailey do not appear in Coldham's lists of transported convicts. Comparing Coldham's records to the Old Bailey Session Papers reveals only around 20 percent of the women sentenced to transportation actually landed in the colonies for any given year. See Table and Peter Wilson Coldham, *Emigrants in Chains: A Social History of Forced Emigration to the Americas of Felons, Destitute Children, Political and Religious Non-Conformists, Vagabonds, Beggars, and Other Undesirables, 1607-1776*. (Baltimore, Maryland: Genealogical Publishing Company, 1992).

Some turned to prostitution, others to begging.<sup>74</sup> Some of these and still other women chose to steal, and of the thousands tried for theft at the Old Bailey between the years 1718 and 1775, nearly half received a sentence of transportation.<sup>75</sup>

Female crimes that threatened the physical person or the personal property of the individual most concerned their contemporaries.<sup>76</sup> The increasingly occurrence—or at any rate, indictment—of these crimes led to the passage of laws directly aimed at combating female crime. In 1699 and 1713, the benefit of clergy was removed from shoplifting and servant theft—two prominent female crimes—thereby threatening many female offenders with capital punishment. According to Beattie, the passage of these laws suggested that "the propertied classes of London and members of parliament thought not only that women were implicated in property crime generally but that offences committed by women themselves had extended beyond all expectation and needed to be reined in."<sup>77</sup> The Transportation Act of 1718 lessened the numbers of women sentenced to death by allowing for their effective removal from British society, and encouraged the continued conviction of women by offering judges a more "humane" penalty.

The majority of the transported women tried at the Old Bailey were found guilty of theft. Usually tried for simple grand larceny, or stealing goods worth more than a shilling, the courts found these women partially guilty, or guilty of petty larceny—stealing goods worth under a shilling, the sentence for which was seven years transportation. Some of the women sentenced to transportation at the Old Bailey, however, committed theft crimes as diverse as pick pocketing, receiving stolen goods,

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<sup>74</sup> Beattie, *Policing and Punishment*, 69-71.

<sup>75</sup> OBPO.

<sup>76</sup> Beattie, *Policing and Punishment*, 1.

<sup>77</sup> Beattie, *Policing and Punishment*, 67.

shoplifting, housebreaking, and highway robbery, all of which were distinguished from simple grand larceny.<sup>78</sup>

Female thefts differed from male thefts, both in terms of the types of thefts committed and of the items stolen. Lynn MacKay, in an analysis of the Old Bailey prosecutions in the 1780s, found that women tended to steal household goods and clothing more often than men. Men, in contrast, were more likely to steal livestock, tools, and industrial materials than women were.<sup>79</sup> Historians also assumed that many of these convicted women were dependent criminals—i.e. they stole under the guidance of men. Recent studies of gender in criminal activities reveals, however, that although only a third of women acted alone, women were prone to steal in female groups of two or more than they were to steal with men.<sup>80</sup> Thus, these women act independently and their thefts reflect the growing problems of poverty and crime in the city of London rather than females seducing men or being seduced by them to a life of crime.

The Old Bailey routinely tried around 200 women each year. These women were indicted for a wide variety of crimes including breaking the peace, murder, coining, bigamy, and damage to property. The most common crime, though, was theft. Judges employed a wide range of possible punishments for theft. Typically, for less serious theft crimes, women were whipped or branded. During the eighteenth century, however, the majority of women found guilty of theft were sentenced to transportation. The Old Bailey also began to use transportation as a punishment for other crimes committed by women.

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<sup>78</sup> See Table 1.

<sup>79</sup> Lynn MacKay, "Why They Stole: Women in the Old Bailey, 1779-1789," *Journal of Social History* 32 (1999): 625.

<sup>80</sup> Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003): 170-171.

The two most common types of female theft that resulted in a sentence of transportation involved servants stealing from their employers, and tenants stealing from their landlords. In a sampling of cases from twelve years of prosecution at the Old Bailey where occupation was listed, 64.3 percent of women convicted of theft crimes were brought to trial by their employers.<sup>81</sup> Obviously, servants, as trusted members of households with intimate knowledge of their employers' movements, had ample opportunities for theft. In 1733, Margaret Garnet, a servant to a gentleman, was indicted for stealing from her master "three Yards of Grogram, a Suit of lac'd Cambrick Head-clothes, a lac'd Handkerchief, and a Padusoy Petticoat." Garnet confessed to taking the items and pawning them. She was given a partial sentence, transportation for seven years.<sup>82</sup> Two months later Garnet sailed to Maryland aboard the *Patapsco Merchant* and landed in Annapolis in November 1733.<sup>83</sup> Like Garnet, two-thirds of all women convicted of theft and sentenced to transportation were in some sense employed, and were not full-time prostitutes if they were prostitutes at all. Nevertheless, servitude was, for many females, an uncertain occupation. Not only were jobs often seasonal, but sexual exploitation of servant maids by their masters or other male servants was relatively commonplace.<sup>84</sup> Elizabeth Upton, a maidservant, was brought to trial by her master, John Austin, in 1754. Charged with stealing both food and money (simple grand larceny), Upton claimed an intimate relationship with her master, stating that

I never wrong'd my master in my life. The halfpence were to buy things into the house. I never took tea or sugar from him. I am with child by him.

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<sup>81</sup> See Table 2.

<sup>82</sup> OBPO, trial of Margaret Garnet, February 1733 (t17330221-1).

<sup>83</sup> Peter Wilson Coldham, *English Convicts in Colonial America*, Volumes 1 and 2 (New Orleans: Polyanthos, 1974 and 1976), 58.

<sup>84</sup> Hill, *Women Alone*, 109-110.

Although several witnesses attested to her good character and even implied a sexual relationship existed between master and servant, the court found Upton guilty of a lesser charge. She was sentenced to seven years transportation.<sup>85</sup>

The second most common type of theft involved lodgers stealing bedding or furnishings from their rented rooms. Usually the constables discovered the goods at a pawnbroker's. Most defendants claimed they were unable to pay the rent, and while they admitted pawning the goods, most maintained they intended to get the items out of pawn when they had enough money.<sup>86</sup> Typical of this type of crime is the case of Mary Jarvis, a married woman, who stole a bolster and other goods from the prosecutor's lodgings in 1723. According to the prosecutor's testimony, Jarvis pawned the goods for cash. Found guilty of a lesser offense, she was transported aboard the *Anne* in February 1724, and later landed in Carolina.<sup>87</sup>

About 12.1 percent of the women sentenced to transportation at the Old Bailey were also found guilty of shoplifting and pick pocketing, the latter crime usually attributed to prostitutes. Shoplifting typically took place in linen shops, and accounted for around 6.4 percent of all crimes for which women were sentenced to transportation.<sup>88</sup> In 1758, Mary Bricklebank, otherwise known as Mary Quin, came into a Cheapside shop with a baby in her arms. She asked to see a silk handkerchief. The shop assistant related that

I shew'd her some: after we had agreed for one, she made a frivolous excuse to go out, and asked for a bit of foul paper. I missing a parcel of handkerchiefs, went out after her, and took her with the handkerchiefs mentioned in the indictment

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<sup>85</sup> OBPO, trial of Elizabeth Upton, October 1754 (t17541023-40).

<sup>86</sup> Beattie, *Policing and Punishment*, 34-39.

<sup>87</sup> OBPO, trial of Mary Jarvis, December 1723 (t17231204-8); Coldham, *English Convicts*, ii, 81.

<sup>88</sup> See Table 1.



upon her, (produced in court, and deposed to as his master's property) here are our private mark upon them.

When discovered, Quin begged the store employee not to hang her, saying it was her first offense. Several witnesses gave her a good character, but the final witness, a Sarah Bricklebank, claimed that Quin was the mistress of her husband, and got "her bread by shoplifting and bringing up her children to the same." When Sarah Bricklebank produced a marriage license, proving her marriage to Mr. Bricklebank, Quin was pronounced guilty and sentenced to transportation for seven years. What became of her children remains unknown. She was shipped to America aboard the convict ship *Tryal* in September of 1758.<sup>89</sup>

Pick pocketing only accounted for around 5.7 percent of crimes for women sentenced to transportation. In the majority of pick pocketing cases where occupation is known, prostitution was the primary source of income. Many prostitutes stole from their customers, usually watches or money. A case in point is the trial of Mary Harvy, alias Coate. In 1721, Harvy and another woman, Ann Parker, met Daniel Cassel, a drunk foreigner on the streets at night. Harvy invited him back to her lodgings, but when she could not find a key, Parker insisted they use her rooms instead. Harvy and Cassel "tumbel upon de Bed togeder." After their coupling, Cassel claimed that Harvy took his watch and handed it to Parker. Both women quickly vacated the room, leaving an undressed Cassel to deal with yet another woman who demanded money or goods in return for the watch. Cassel offered her a pot of beer, but she refused, saying it was too little. Cassel objected loudly, which brought in the constable. Both Harvy and Parker

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<sup>89</sup> OBPO, trial of Mary Bricklebank, otherwise Quin, May 1758 (t17580510-4); Coldham, *English Convicts*, vi, 20.

were charged with theft. In her defense, Harvy claimed that Cassel had asked to go and purchase two penny worth of rods—presumably to whip Cassel with—but that when she returned the constable had arrived. Eventually the court acquitted Parker, but found Harvy guilty of pick pocketing, a felony. Harvy left England early the next year aboard the *Gilbert* and landed in Annapolis in July of 1722.<sup>90</sup>

Women found guilty of receiving stolen goods garnered even harsher penalties than women found guilty of theft crimes like simple grand larceny. Receivers typically served as "middle-men" who were given the stolen goods by thieves and then either sold them to pawnbrokers (thus acquiring part of the profits) or returned the goods to their rightful owners for a portion of their value. Believing that receivers perpetuated theft, the English government targeted them during the late seventeenth and eighteenth centuries. Under the Transportation Statute of 1718, receivers were sentenced to fourteen years transportation.<sup>91</sup> Female receivers were often family members of the individuals taken up for theft crimes. Eleanor Coleman was indicted for receiving goods stolen by her husband and another man in 1737. The men held up a cart and robbed three individuals of clothes and money. Upon their return home, James Ryan—the common-law husband of Coleman—offered his wife some of the goods. She was later seen wearing one of the stolen gowns. The court found both men guilty of highway robbery and sentenced them to death. Coleman's husband spoke in her defense, claiming that "What she has done was by my Order, I am her Husband: I don't know any Robbery she has committed." But

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<sup>90</sup> OBPO, trial of Mary Harvy, alias Coate, December 1721 (t17211206-33); Coldham, *English Convicts*.

<sup>91</sup> Beattie, *Policing and Punishment*, 250-251.

Coleman was found guilty of receiving the goods and sentenced to fourteen years transportation.<sup>92</sup>

Other theft crimes for which women were sentenced to transportation included robbery, housebreaking, burglary, and highway robbery—all capital offenses. Taken together these crimes made up roughly 4 percent of all crimes of women sentenced to transportation.<sup>93</sup> Popular literature—like the *Complete Newgate Calendar*—usually depicted highway robbers as masked men overtaking carriages and stealing jewels and money from society's elite.<sup>94</sup> But the actual definition of highway robbery included a wider variety of crimes. Highway robbery meant any robbery—or forcibly stealing from an individual and putting him or her in fear—taking place near the King's Highway.<sup>95</sup> Thus, in 1732 when Hannah Snailles, alias Snaillehouse, escorted a four year old child named Mary Hussey to a field, robbed the child of her frock and stays, and then led her home again, Snailles was indicted for highway robbery. Found guilty, Snailles was sentenced to seven years transportation, although no landing records exist for her.<sup>96</sup>

Although theft was the principal crime for which women were sentenced to transportation, a number of women were transported for non-theft crimes. The judges at the Old Bailey also sentenced female convicts to transportation for damaging property, deception, infanticide, preventing justice, and even returning from transportation. These crimes made up a tiny fraction of the crimes for which women were sentenced to

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<sup>92</sup> OBPO, trial of James Ryan, Hugh Macmahon, and Eleanor Coleman, January 1737 (t17370114-14).

<sup>93</sup> See Table 1 and Appendix 1.

<sup>94</sup> See for instance the case of John Hawkins and James Simpson, Highwaymen and Mail Robbers. Executed at Tyburn on 21 May, 1722 in *The Complete Newgate Calendar*, (volume II pages 290-294) London: Navarre Society Ltd., 1926. Available on-line

<http://tarlton.law.utexas.edu/lpop/etext/completenewgate.htm> (accessed February 28, 2005).

<sup>95</sup> OBPO.

<sup>96</sup> OBPO, trial of Hannah Snailles, alias Snaillehouse, February 1732 (t17320223-5).

transportation.<sup>97</sup> In cases of infanticide, for example, only two known cases resulted in transportation between 1718-1775. In both cases, the court originally sentenced these women to death, but within the year, each "obtained his Majesty's reprieve, and received sentence of transportation for life."<sup>98</sup>

A more complete picture of the women sentenced to transportation at the Old Bailey can be discovered through an examination of their respective occupations, ages, and places of residence when given. As already noted, domestic servants made up the largest percentage—about two-thirds—of women sentenced to transportation. Prostitutes constituted the second largest occupational category of women sentenced to transportation—around 14 percent in twelve sample years between 1718 and 1775.<sup>99</sup>

Of women transported during the years 1718-1775, none was actually transported for prostitution. While this would seem to give the lie to colonial stereotypes about the women sent to America, the problem is that the Old Bailey Records show no convictions for prostitution at all. Prosecution for prostitution instead fell to justices of the peace in their respective parishes. Prostitutes could be arrested for "nightwalking"—which originally referred to suspicious persons walking about town after dark—vagrancy, and bawdry—initially meaning using obscene language. Thus, local justices committed many prostitutes to houses of correction like Bridewell, the most famous workhouse in London during the early modern era.<sup>100</sup> Recent studies of prostitution have revealed that despite high crime rates among prostitutes, "even known prostitutes were unlikely to be

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<sup>97</sup> See Table 1.

<sup>98</sup> OBPO, Supplementary material: Charles Cleaver, Isabella Mills, Robert Fuller, Robert Rockett, Ann Terry, 12th September, 1744 and Supplementary material: Elizabeth Bennet, Richard Baker, Thomas Ruby, 14th October, 1741.

<sup>99</sup> See Table 2.

<sup>100</sup> Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830* (London and New York: Longman, 1999), 76-90.

convicted when facing other charges."<sup>101</sup> This same trend is evident at the Old Bailey during the eighteenth century. In a five-year sample of all women indicted at the criminal court, known prostitutes constituted roughly 20 percent of female offenders. Yet, despite their significant numbers, nearly 64 percent were acquitted. Remarkably, only nine (or 25 percent) received a sentence of transportation, and less than 11 percent were sentenced to any sort of corporal punishment. If these figures are borne out for other years, the colonists may have simply assumed—mistakenly—that all female convicts were prostitutes.<sup>102</sup> Comparisons of transported and non-transported convicts weaken, however, when faced with the fact that, while crime, place of origin, and sentence are nearly always present in the records, and while on occasion detailed accounts of the women and their crimes are given, in only about 20 percent of cases is occupation information available.

Otherwise, still using the cases from the five sample years where occupation is known, domestic servants made up nearly 66 percent of all cases tried at the Old Bailey. In contrast to the prostitutes—only a tenth of whom were sentenced to transportation—nearly 59 percent of domestic servants received a sentence of transportation. If the court usually transported domestic servants convicted of theft—usually simple grand larceny—it may be because that was the typical profile of all convicted women of known occupation in those years. An interesting feature of this data, however, is that fact that among the women sentenced to transportation during the twelve sample years, those known to be servants, apprentices, washerwomen, or textile workers were usually

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<sup>101</sup> Henderson, *Disorderly Women in Eighteenth-Century London*, 136-137.

<sup>102</sup> The term prostitute did not come into use until the early nineteenth century. Instead, prostitutes were usually referred to as "idle and disorderly persons," "nightwalkers," or "streetwalkers." See Hill, *Women Alone*, 110. See Table 4.

prosecuted by their employers.<sup>103</sup> This may indicate that transportation was considered a more humane form of punishment, or safer or more convenient for the employer.<sup>104</sup>

The myth of the prostitute convict remained prevalent during the eighteenth century, despite the fact that most London women convicted and sentenced to transportation were domestic servants. Actual prostitutes were few, and the judges at the Old Bailey acquitted most prostitutes. Presumably, many judges and members of the jury felt that men who stooped to consort with prostitutes deserved to have their goods stolen, especially when they exhibited signs of drunkenness during the exchange. One main reason for the belief that women tried at London's criminal court were prostitutes was the established view that certain trades were responsible for the introduction of many women into prostitution. Contemporaries believed that both the linen trade and domestic service served as entries into a career on the streets. Working conditions for dressmakers and haberdashers were especially harsh with long work hours and extremely low pay. Furthermore, during the eighteenth century these occupations became increasingly male dominated, leaving little room for female workers.<sup>105</sup> Domestic servants also suffered job losses, primarily due to the London season. London offered jobs to maids, charwomen, and others when the governmental and social season was at its busiest, but during the off-season many domestic servants found themselves out of work. Thus, some women turned to prostitution when "honest" work was unavailable or deemed unnecessary.<sup>106</sup>

According to a recent study of English women in the seventeenth and eighteenth

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<sup>103</sup> See Table 2.

<sup>104</sup> It should also be noted that crimes against a superior person (i.e. master or mistress) were considered more egregious than crimes against individuals of the same socio-economic status.

<sup>105</sup> Henderson, *Disorderly Women in Eighteenth-Century London*, 14-16.

<sup>106</sup> Vern L. Bullough, "Prostitution and Reform in Eighteenth-Century England." *Eighteenth Century Life* 9 no. 3 (1985): 61-62.

centuries, "whether or not they were actually prostitutes, out-of-work servants were often assumed to be such."<sup>107</sup> Yet, the fact that many unemployed female servants actively sought employment as domestic servants (when available) indicates that even the "fallen sisters" among them preferred the lowly job of household servant to the better pay of the prostitute.

Moreover, it appears many eighteenth century Englishmen considered any lower class woman a possible prostitute. In fact, quite a few prostitutes charged with theft at the Old Bailey were initially "honest" women who fell upon hard times. Anne Lumley, charged with pick pocketing in 1753 and sentenced to transportation, related to the court that

My husband was killed in a battle abroad where this gentleman was, I knew him there, he was an officer's servant, I met him about six o'clock in the park, and he called me to him, saying, come and oblige me, my dear, and I'll do you a favor; he said he knew me very well; I told him I lived at the Green Canister in St. Martin's-lane, and that I was not a common person in that way, but was reduced very much, and a little money would be of service to me, but I would not take any body home; he said, I'll give you a crown to morrow if you'll be agreeable, as we know each other, but I would not, so went away; then he called to me again, and said he would leave his watch with me, and be back again in about eight days time, so I obliged him, and after that he wanted his watch again; he came to me after that and said, what, are you going to pawn my watch? I said, you are dishonorable to make use of my body, and then to want it again without the money, this other woman heard him, I gave it her to secure it, so he took hold on me like a little bundle, and jumped me over the rail, and confined me. I sent a letter, to Mrs. Thompson to bring me the watch again, for the gentleman; after this he promised to give me half a guinea, but instead of that, he put me into a dark hole.<sup>108</sup>

In short, such claims by defendants are to be believed, as the predominance of servants—verified as such by their employers—over prostitutes indicates their claims of

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<sup>107</sup> Hill, *Women Alone*, 112-113.

<sup>108</sup> OBPO, trial of Anne Lumley, January 1753 (t17530111-24).

respectability were true. Prostitution was often a temporary occupation or an economic strategy dependent on circumstances. According to a recent study of eighteenth century London prostitutes, "it seems most probable that the majority of women, on leaving prostitution, turned—or returned—to various forms of low-status, relatively badly paid employment, frequently in combination with or as a prelude to marriage."<sup>109</sup> Thus, while a relatively minor percentage of women sentenced to transportation at the Old Bailey were identified as prostitutes, more of these women may have briefly engaged in prostitution while temporarily lacking any other opportunities.

The ages of the women sentenced to transportation at the Old Bailey varied considerably, ranging from children aged as young as nine to older women with grown children.<sup>110</sup> Based on a sample of 40 women drawn from the 12 sample years, the largest number of women sentenced to transportation—62.5 percent—were between fifteen and thirty years old. Older women—defined as any women over the age of 31—made up 7 percent of all women sentenced to transportation during the sample years (where age is known). The Old Bailey also sentenced a number of female children and teenagers, some as young as nine or ten years. In July of 1731, a little girl named Elizabeth Armstrong was tried at the Old Bailey:

Elizabeth Armstrong, alias Little Bess, of St. Michael's Cornhill, was indicted for feloniously stealing two Silver Spoons, the Property of Rose Merriweather, the 3d of this Instant July. It appeared by the Evidence, That the Prisoner (who was a little Girl of about 9 or 10 Years of Age) having gotten in at the Prosecutor's Kitchen Window, which had been opened, and left so till about Six o'clock in the Morning, had handed out two Spoons to her Accomplices, and was surprised by

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<sup>109</sup> Henderson, *Disorderly Women in Eighteenth-Century London*, 50.

<sup>110</sup> See Table 4.



the Apprentice coming out at the Window. The Fact being fully proved, the Jury found her Guilty to the Value of 10 d [10 pennies].<sup>111</sup>

Elizabeth was sentenced to be transported. She boarded the convict vessel Smith in September of 1731 and landed in Virginia the following year. Her fate in the American colonies is unknown.

Finally, in the cases in which age was known, judges applied sentences of transportation far more frequently to younger women.<sup>112</sup> In a study of five sample years detailing all women indicted at the Old Bailey, almost half—or 46.7 percent—of young women found guilty were sentenced to transportation. Of older women convicted of crime, only 23.1 percent received transportation sentences. The court acquitted few young women were acquitted (16.7 percent), and about a third received more lenient sentences of branding or whipping. Sentencing records for older women reveal that a larger percentage of these—30.8 percent—were acquitted. The court also sentenced nearly a fourth of older women to death. Whipping seemed to be the preferred punishment for children, although two out of seven (during the sample years) were sentenced to transportation. No children were sentenced to death at the Old Bailey during the sample year period. It appears that younger women, if guilty, could easily be sold in the colonies and that those less guilty would be acquitted or receive lighter sentences. For older women, conversely, transportation seemed a less viable option. The judges presumably chose to acquit older women, or in the case of more "hardened criminals" sentence them to death. While this analysis may reveal contemporary ideas about the

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<sup>111</sup> OBPO, trial of Elizabeth Armstrong, July 1731, (t17310714-32).

<sup>112</sup> In determining age, where specific ages were not mentioned, the convicted women who were described as young women or referred to as girls were designated "young women," while the women whose ages were not given, but had grown children or were described as elderly were designated "older women." Furthermore, all females described as 14 years old or younger are designated "children."

humanity of the criminal justice system, it also suggests that younger women transported were both more saleable as servants, and were seen as having a chance to remake their lives. Furthermore, it is possible that the executions of young women would arouse controversy.<sup>113</sup> Perhaps this also reveals a demand for marketable female felons in the colonies—women who had experience cooking, washing, and cleaning, and who were young enough to survive the passage across the Atlantic. Australian historians' assessment of nineteenth century female convicts support this view. Deborah Oxley attested to the fact that "discretionary powers were . . . being exerted by judges who chose which offenders to whip or brand and let free, and which to transport."<sup>114</sup>

Considering the areas where women sentenced to transportation at the Old Bailey lived may further reveal the judges' discretionary logic. Women sentenced to transportation at the Old Bailey resided all over London and Middlesex. It is probable that many of these women were migrants from surrounding rural areas or more remote parts of the country. As one author pointed out, those women who arrived in London seeking employment as servants or textile workers often had no relatives in the city. If these women failed to obtain work quickly, they might easily find themselves destitute, and perhaps resort to theft just to survive.<sup>115</sup> Newly arrived women tried on theft charges without friends or relatives to speak on their behalf were often found guilty. A more lenient sentence or even an acquittal could be obtained chiefly when good references were provided.<sup>116</sup> For those women bereft of people to speak on their behalf, the result could be dire, but not necessarily fatal. Elizabeth Smith, indicted on charges of pick

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<sup>113</sup> See Table 5.

<sup>114</sup> Deborah Oxley, *Convict Maids*, 37.

<sup>115</sup> Hill, *Women Alone*, 108-109.

<sup>116</sup> The character witness of a wealthy or prominent individual carried the most weight with the courts. See Hay, "Property, Authority and the Criminal Law," 42.

pocketing in 1720, told the court that she had just arrived from Ireland seven weeks earlier and had "called none to her reputation." The court found Smith partially guilty—or guilty of petty larceny rather than simple grand larceny—and she was sentenced to transportation.<sup>117</sup>

The locations of residence of the women who were sentenced to transportation from within London also reveal much about the prosecution system at the Old Bailey. Very few of the women convicted and sentenced to transportation resided within the City of London proper—the Old City. In the 12 sample years where 36 percent of the women's residences were known, women from just two parishes—St. Martin's in the Fields and St. Giles in the Fields—made up over 20 percent of all women sentenced to transportation.

<sup>118</sup> Both of these parishes were notorious, both for crime and the apparent poverty of their residents. St. Giles in the Fields was infamous for the squalor in which its inhabitants dwelt. The St. Giles "Rookery"—or the area opposite the St. Giles church—was furthermore known to house a large Irish Catholic community, and was a target for English justices. Historians point out that during the mid-eighteenth century, St. Giles was filled with gin shops and overcrowded lodging houses. Apparently, many prostitutes also lived in this area, finding "the maze of courts and alleys" an easy escape route from prying eyes.<sup>119</sup> Yet, a tentative analysis of the women sentenced to transportation living in St. Giles reveals that out of four sample years where occupation was known, 12 out of 13 held jobs as household servants.<sup>120</sup> St. Martins in the Fields constituted the second

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<sup>117</sup> OBPO, trial of Elizabeth Smith, January 1720 (t17200115-17).

<sup>118</sup> See Table 6.

<sup>119</sup> Henderson, *Disorderly Women*, 60-61.

<sup>120</sup> In most of the Old Bailey cases in which a woman is designated as a domestic servant, it is the employer, rather than the defendant, who verifies the occupational status of the woman. OBPO, 1719, 1723, 1724, and 1726.

most prominent location of women sentenced to transportation at the Old Bailey. Like St. Giles in the Fields, St. Martins was also home to numerous poor Londoners. Even though the parish boasted a workhouse and in the 1750s obtained local acts which appointed officials to oversee poor relief, the area remained filled with “dumps and doss-houses for the destitute and unemployable, including poor mothers and children.”<sup>121</sup>

A picture therefore emerges of the typical convict woman sentenced to transportation. Usually the women were young—between 15 and 30 years of age. Most of them were employed as domestic servants, although a few were prostitutes, and for others prostitution was perhaps a transitory state when unemployed. Many of the women were not prostitutes but lived in London’s slums in overcrowded and dirty lodgings. Theft may have been the only answer to problems of hunger or lack of security. These female thieves found to their dismay that theft crimes led to sentences of transportation beyond the seas.

As one historian has noted, “transportation provided a means of excluding a felon from civil society almost as effectively as did death.”<sup>122</sup> The records abound with petitions from women begging the courts not to transport them. Ann Rice, who in 1737 stole a smock and a shoe buckle from the doctor who was treating her, begged “please to do any Thing with me, but pray don't Transport me.”<sup>123</sup> Other women sentenced to transportation petitioned the government for specific alternate sentences. In 1728, Elizabeth Howard, a twelve-year-old girl convicted of stealing three yards of ribbon

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<sup>121</sup> George Rudé, *Hanoverian London, 1714-1808* (Berkeley and Los Angeles: University of California Press, 1971), 138-141.

<sup>122</sup> Philip Jenkins, “From Gallows to Prison? The Execution Rate in Early Modern England.” *Criminal Justice History* 7 (1986): 67.

<sup>123</sup> OBPO, trial of Anne Rice, September 1737 (t17370907-38).

worth three shillings and two pence, begged that the Mayor of London to lessen her sentence:

That your petitioner being disguised in liquor was guilty of committing a crime which she never before did and hopes by the grace of God never to do the like again. Your petitioner since her unhappy confinement in goal has lost the use of her limbs. Most humbly prays on the account of her tender age not yet thirteen years and only cast to the value of single ten pence that your Honor out of your extensive goodness will be pleased to let her receive corporal punishment here for the heinousness of her crime and not to transport her out of her native isle.

Howard died while still in prison.<sup>124</sup>

Unlike Moll Flanders, who seemed oblivious to the fate of her children, many women sentenced to transportation lamented the position of the children they had to leave behind. Some infants and young children of poor women sentenced to transportation were entrusted to other lower class women.<sup>125</sup> Most of these abandoned children became pauper inmates of London workhouses. During the eighteenth century the numbers of such children greatly increased, causing crowding and unsanitary conditions within the workhouses.<sup>126</sup> One reason for this increase in workhouse children could be the large numbers of women sentenced to transportation during the eighteenth century. Conditions in the workhouses were so dire that many young children died. Others were carted off to work in northern cotton mills.<sup>127</sup> Many women mentioned their children at their trials. Lucretia Saunders, indicted for shoplifting in 1760, begged the court to be merciful, stating that "I was in liquor, and really do not know what I did; I have four children, and I hope you will have compassion on them." Despite good character references and the fact

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<sup>124</sup> Petition from the Corporation of London Records Office, the Guildhall, London quoted in Kenneth Morgan, "Petitions against Convict Transportation, 1725-1735," *The English Historical Review* 104, no. 410 (January 1989): 111, 112; OBPO, trial of Elizabeth Howard, December 1728 (T17281204-37).

<sup>125</sup> Rudé, *Hanoverian London*, 140-141.

<sup>126</sup> Hill, *Women Alone*, 102.

<sup>127</sup> Rudé, *Hanoverian London*, 140-141.

that she was a married woman and employed as a textile worker, the court found her guilty. She boarded the *Friendship* that March, bound for the American colonies. What became of her children remains unknown, but unless their father had adequate time to care for them, a workhouse may have been the answer.<sup>128</sup> Other women sentenced to transportation were pregnant at the time of their arrests and subsequent transportation. In 1742, Catherine Davis, a young married woman who stole six yards of lace from a Whitechapel shop, was pregnant at the time of her transportation.<sup>129</sup>

Still other women sought transportation to be reunited with their husbands or lovers. At the 1766 trial of Elizabeth Martin for simple grand larceny, a witness related that

The prisoner called at our lodge one day last week, either on the Wednesday or Thursday evening; she said to me, I beg your pardon, I want to ask you a question; I said, I'll resolve you if I can; she called for a pint of wine, then she asked me how she could be transported, she wanted to be transported; I laughed at her, thinking she came to make game; after I had drank a glass with her she called me aside, and said, I'll tell you the reason of it; I have a husband that is to be transported from Maidstone, and I want to know how I can go along with him: I told her if she had any money, she had better go and contract; she said she insisted upon going if she knew how, and wanted to know how she could; I believe somebody, out of a joke said, if you step over to the goldsmith's shop, you may soon know the way to be transported.

Accordingly, Martin entered the goldsmith's shop and stole a silver spoon. The shop owners quickly discovered the theft. At her trial, Martin refused to speak in her own defense, and even the shopkeepers related that "she did not value being transported, she seemed desirous to go abroad." Martin was found partially guilty of the theft, but was sentenced to a whipping rather than transportation, for according to the recorder, "was you to have gained your end, perhaps you may not go to the same colony, or be disposed

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<sup>128</sup> OBPO, trial of Lucretia Saunders, January 1760 (t17600116-13); Coldham, *English Convicts*, 131.

<sup>129</sup> Ekirch, *Bound for America*, 110-111; OBPO, trial of Catherine Davis, September 1742 (t17420909-29).

of in some other part of the country, you may never see each other." Despite this setback, Martin appeared intent on gaining a sentence of transportation. She was apprehended later that same year for stealing the sheets from her lodgings. Tried at the Old Bailey, Martin gave the court an assumed name. Yet, everyone at her trial knew her real identity and the fact that her husband was a transported convict. Anne Nesbit, a witness for the defendant testified that she recently heard Martin's husband was under sentence of transportation and the recorder made sure to record that the defendant was "tried by the name of Elizabeth Martin in Last Sessions-paper." This time Martin was sentenced to transportation.<sup>130</sup>

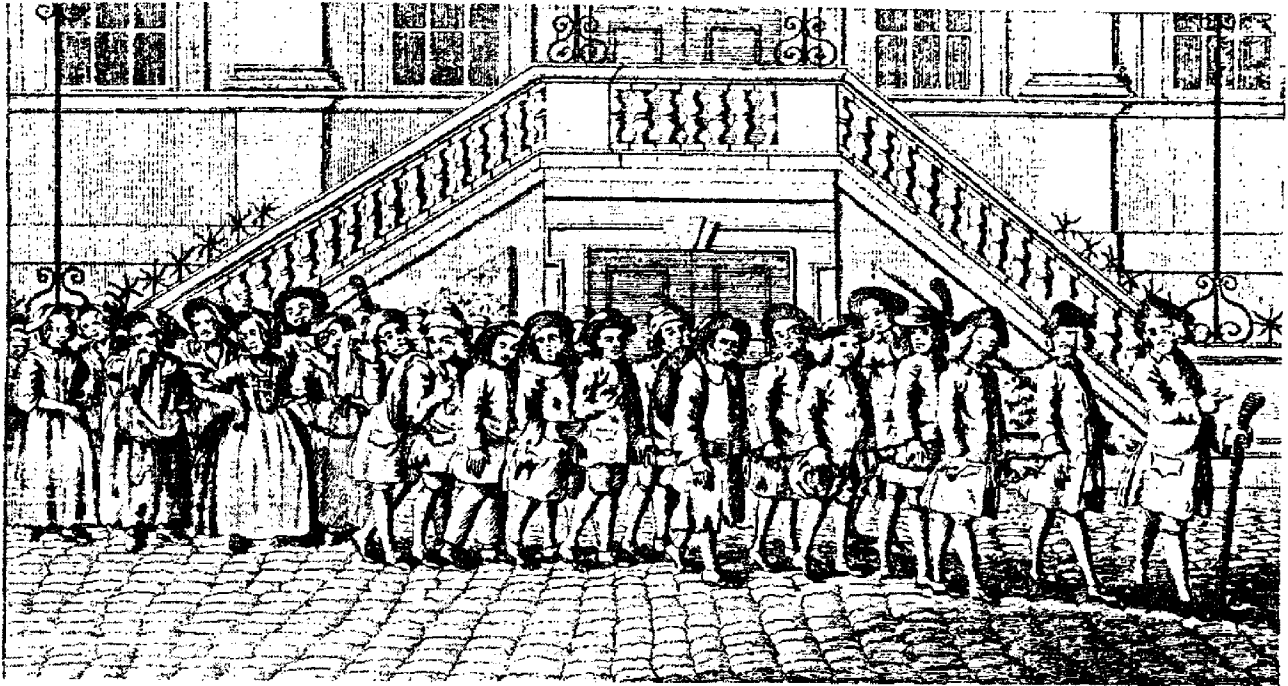
The vast numbers of women sentenced to transportation in London—again, 4,700 between 1718 and 1775—reveal not only a crime problem in England's capital, but also the extent of female poverty. The London women—who may be said to represent the worst of the transported female felons—were not for the most part either career criminals nor were their ranks made up of primarily prostitutes. They were usually who they said they were, women with gainful employment who had fallen on hard times. Their fate in the New World will suggest that their arrival raised again—at least in colonial minds—the idea of the hardened criminal prostitute, and will expose the actualities of their existence and that of all convicted women transported to America.

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<sup>130</sup> OBPO, trial of Elizabeth Martin, September 1766 (t17660903-69); OBPO, trial of Elizabeth Strut, otherwise Elizabeth, wife of John Bowden (t17661022-14).

## Chapter III

### Female Felons Transported to America



Eighteenth Century Convicts on route to the American colonies. "Representation of the Transports going from Newgate to take Waters at Blackfriars" from the Complete Newgate Calendar (London: Privately printed for the Navarre Society, 1926).

The convict women transported from London included a few identifiable prostitutes among a much larger number of domestic servants and quite a few respectable women fallen on hard times. They would join their fellow women from elsewhere in England in an experience—transportation and sale in the New World—which, according to one historian "distinguished them little from bonded slaves."<sup>131</sup>

Female convicts often had to wait a considerable length of time before boarding the ships that would take them to America. Alice Walker, 19 years old and a London citizen, was tried at the Old Bailey on September 9, 1772. She was charged with stealing a canvas bag, worth one penny, and approximately £12 in cash, from a waggoner named

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<sup>131</sup> Coldham, *Emigrants in Chains*, 1.



Thomas Atkins. Atkins claimed that Walker stole the bag from him while the two shared a drink at a local pub. Walker, at her trial, contested that Atkins had given her the money to "buy me some wearing apparel," and that he had asked her to go with him into the country the next day. The morning following the shared drink, the constable of Newgate Prison found Walker in bed with a different man named Michael Johnson, a tailor. The constable found the money in Johnson's possession and the canvas bag in his tailor shop. Despite her protestations of innocence, the court found Alice Walker guilty. Walker remained incarcerated in the Newgate Jail until January of 1772, when she boarded the *Justitia* bound for Virginia. Two months later, she arrived in Rappahannock.<sup>132</sup> Since most women indicted at the Old Bailey who were identified as prostitutes—and Alice Walker was not, but seems at the moment of her crime to have been one—were acquitted by the judges, it seems Walker's youth and possible prior respectability led the judges to convict her and send her to America, even though the colonies did not welcome known prostitutes.

Other female convicts spent even longer periods of time in prison before they were transported. Anne Lewis, a widow, originally received a death sentence for forging a letter of attorney and attempting to obtain an inheritance of a Mr. Tingle who she claimed was her father. The court found Lewis guilty of the crime. Due to her earlier criminal record, Lewis was sentenced to death. Lewis claimed she was pregnant and her sentenced was respited. Two years later in July of 1754, after she presumably gave birth, she was brought to stand trial again and again received a death sentence. Yet, two months

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<sup>132</sup> OBPO, trial of Alice Walker, September 1772, (t17720909-46); *Virginia Gazette* 27 May 1773 from the Virginia Gazette Online ([www.pastportal.com](http://www.pastportal.com), March 29, 2005); *Virginia Gazette* 12 August 1773; Coldham, *English Convicts*, viii.

later Lewis received a pardon on condition of transportation for life. Overall, she spent nearly three years in prison before transportation.<sup>133</sup>

When the time arrived for convicts to board the transport vessels, jailers marched the felons through the London streets to the River Thames. According to one historian, the average number of Newgate felons per coffle—or a group of prisoners chained together in a line—was around seventy-seven persons, both men and women. Once at the river, jailers placed the convicts in a small vessel that took them to the transport ship. Transport ships usually served both to carry tobacco back from the Chesapeake and to carry convicts and indentured servants to the colonies. A typical vessel weighed from 100 to 150 tons.<sup>134</sup> Colonial newspapers, aiming to inform prospective purchasers, often noted the boarding of convicts, especially the London convicts. In 1738 the *Virginia Gazette* reported that, "Yesterday morning, at 3 o'clock, the transports, nearly 100 in number, were taken from Newgate, and put on board a lighter at Blackfriars, which conveyed them to the vessel that is to carry them abroad."<sup>135</sup>

On board the convict vessel to the New World, Defoe's fictional heroine, Moll Flanders found that although poor, most convicts "fared well enough in the ship, especially the women, who got money of the seamen for washing their cloths sufficient to purchase any common things that they wanted." Moll fared even better. Having

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<sup>133</sup> In 1749, under the name of Margaret Thompson, Lewis testified for John Edwards, a man accused of housebreaking. Edwards received a death sentence and Lewis was found guilty of perjury and spent some time at Newgate. In 1750, Lewis appeared as evidence for another man under the name of Mary Smith. According to the Old Bailey Session Papers, her husband had also been transported earlier and his name was William Thompson. William was sentenced to transportation twice, first in 1748 for theft, simple grand larceny and again in 1749 under the name of James Brown, alias Thompson for theft, shoplifting. OBPO, trial of Ann Lewis, February 1752 (T17520219-49), trial of John Edwards, December 1749 (T17491209-31), trial of Thomas Mayo, July 1750 (T17500711-62), trial of William Thompson, April 1748 (T17480420-52), trial of James Brown, alias Thompson, April 1749 (T17490411-26); Supplementary Material, July 1754 (O17540717-1), Supplementary Material, September 1754 (O17540911-2).

<sup>134</sup> Schmidt, "British Convict Servant Labor in Colonial Virginia," 40-45.

<sup>135</sup> *Virginia Gazette*, November 17, 1738.

connections in London and able to write, she sent letters "to let her friends know where the ship lay, and to get some necessary things sent to [her]." With her goods in tow, and her "husband" on the same ship, Moll worked her charm and persuaded the Boatswain that both she and her lover were "persons of a differing characters from the wretched crew that [they] came with." The Boatswain told the Ship's Mate of the couple's "high" characters, and as a result, Moll and her lover ate regularly with the Mate of the Ship "on the common terms of passengers." Moll's voyage to the New World took forty-two days and mild weather lasted the entire trip.<sup>136</sup>

Unlike Moll, many women found the passage to the American colonies dangerous. After the passage of the Transportation Law of 1720, once contract merchants filled the holds of their ships with transportees, the convicts were no longer under the care of the British government. A wide variety of problems arose on transport voyages during the eighteenth century, affecting both male and female convicts directly, including piracy, convict rebellions, malnutrition, and sexual exploitation. The transport vessel *Plain Dealer*, which set sail from London in 1745 (during the War of the Austrian Succession), encountered difficulties when it ran into a French man of war. The captain of the *Plain Dealer* was forced to release a large number of male felons from below deck to help fight off the French. Eventually the English vessel was overtaken. The French relocated the English captain, his crew, and a number of male convicts to their ship, leaving the remainder of male convicts (numbering 35) and all of the female convicts aboard the British vessel. Lacking the skill to operate the ship, all the convicts left aboard

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<sup>136</sup> Daniel Defoe, *Moll Flanders*, 241-251.

the *Plain Dealer* drowned when the ship sank near Brest.<sup>137</sup> Obviously, the French did not consider many of the male or any of the female convicts a vital part of the war effort.

Captains or crewmembers often physically mistreated the convicts on board their ships. In 1743, the captain of the *Justitia*, Barnet Bond, set severe water rations, allowing prisoners only one pint each day. At the end of the journey, 50 out of 170 convicts had died, and most had started to drink their own urine to stay alive. Necessity does not appear to have driven Bond to ration water, but mere malice. Other convicts, including some of the women, had their money stolen by Captain Bond.<sup>138</sup> At least nine women convicted at the Old Bailey traveled on board the *Justitia*, including two young women who had stolen a fifteen-pound Gloucestershire cheese from a London shop. Hannah White, a married domestic servant, who was convicted of stealing "a Chimney-Glass, a Hand-Bell, a Pistol, a Fishing-Rod, a Brass Candlestick, a Piece of Green Cloth, 2 Pokers, and a Book entitled Dr Anderson's Royal Genealogies," also suffered aboard the *Justitia*. She apparently gave birth while on the ship, and despite this fact, Bond threatened to punish her when she refused to give him her money. According to Coldham,

Bond . . . threatened to whip them [the convicts] for insubordination and to keelhaul any who would not give him half a crown. At this, a block was spliced to the yard arm and a rope attached to it, at the other end of which a spike was spliced . . . each man was tied by the hands to the rope with his legs over the spike, drawn up to the yard arm and then dropped into the sea two or three times.

Hannah White managed to obtain the half a crown the captain demanded and thus escaped punishment. Bond later faced charges from the High Court of the Admiralty of

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<sup>137</sup> Schmidt, "British Convict Servant Labor in Colonial Virginia," 53-54.

<sup>138</sup> Ekirch, *Bound for America*, 101-103; Coldham, *Emigrants in Chains*, 107-109.

incompetence and carelessness. He never transported felons again, and settled quietly in Maryland.<sup>139</sup>

Convicts could expect to be at sea for six to eight weeks, much of the time confined in the lower part of the ship, . Some convicts became seriously ill on the journey, while others died. According to one contemporary observer, female convicts had a greater chance of survival than males, due to women's "constitution being less impaired, and to their sobriety."<sup>140</sup> Conditions were often hard even under more generous captains than Barnet Bond. William Moraley, an indentured servant who traveled Philadelphia aboard the *Boneta* in 1729, related that only "three biscuits were given to each man for the day, and a small piece of salt beef, no bigger then a penny chop of mutton." Moraley also noted that the captain allowed indentured servants such a "scanty allowance of water" that many attempted to drink seawater.<sup>141</sup>

One presumably authentic narrative concerning eighteenth century convict transportation remains a rich source of information about the voyage to the New World. *The Poor Unhappy Transported Felon's Account of his Fourteen Years Transportation at Virginia in America*, by James Revel, has been used by early American historians since the mid-twentieth century. Although many of the details included in the poem are accurate, modern historians question the identity of "Revel" as a person, noting that the poem was reprinted various times, using other names for the anti-hero.<sup>142</sup> But the

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<sup>139</sup> OBPO, trial of Honor Barrow and Catherine Rowland, February 1743 (T17430223-2); Coldham, *English Convicts*, 9, 10, 37, 123, 128, 126, 158; OBPO, trial of Hannah White, January 1743 (T17430114-48); Coldham, *Emigrants in Chains*, 108-110.

<sup>140</sup> Schmidt, "British Convict Servant Labor in Colonial Virginia," 61.

<sup>141</sup> William Moraley, *The Infortunate: The Voyage and Adventures of William Moraley, an Indentured Servant*, Ed. Susan E. Klepp and Billy G. Smith (University Park, Pennsylvania: The Pennsylvania State University Press, 1992), 59-63.

<sup>142</sup> Morgan and Rushton, *Eighteenth Century Criminal Transportation*, 89-92.

particulars of Revel's story seem to be genuine, and these relate a somewhat different story from the naively optimistic account found in Defoe's *Moll Flanders*. The poem stated that aboard the convict ship:

The Captain and the Sailors used us well  
But kept us under lest we should rebel.  
We were in number much about threescore,  
A wicked lousy crew as ever went over  
Oaths and tobacco with us plenty were,  
For most did smoke, and all did curse and swear.  
Five of our number in our passage died  
Which were thrown into the Ocean wide,  
After sailing seven weeks and more,  
We at Virginia all were set on shore.<sup>143</sup>

Sometimes pregnancy and sexual exploitation plagued female felons during the "middle passage." Hannah White probably suffered the pangs of childbirth aboard the *Justitia* in 1743. Catherine Davis, the pregnant woman transported in 1742 because she stole six yards of lace, gave birth aboard the convict ship *Forward* three weeks after the ship embarked on its journey. Catherine, who had a wealthy and caring husband, was well provided for on the ship. Before the ship set sail her husband, Lewis Davis, brought two trunks to the ship for her use and also paid the captain, John Sargent, three guineas to ensure that Catherine would receive special treatment during the passage. Captain Sargent originally allowed Catherine to "lie out her pregnancy in the steerage" instead of with the other convicts. Despite Sargent's promises, Catherine was later placed with her fellow female convicts and "when her child was delivered, the weather was very bad and

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<sup>143</sup> Revel, James. *The poor unhappy transported felon's sorrowful account of fourteen years transportation, at Virginia in America. In six parts. ... By James Ruel the unhappy sufferer*. Dublin, [1800?]. Based on information from *English Short Title Catalogue. Eighteenth Century Collections Online*. Gale Group. <http://galenet.galegroup.com/servlet/ECCO>

the ship took on much water, and she was often thoroughly wetted in her bed, which gave her such colds and disorders that most of the ship's company imagined she would not live." The baby died two weeks after its birth, and when Davis herself seemed on the verge of death, the ship's captain stole the goods from her trunk. Upon arrival in Maryland, Sargent returned a small portion of Davis' goods and asked her for a written discharge. Sargent was later brought to trial, but acquitted of all charges. Davis somehow returned to England, and in 1744 was indicted on charges of shoplifting yet again. According to the Old Bailey Session Papers, Davis "begged the Court to give her what punishment they pleased, and not transport her; for she would rather be hanged than transported again." Nevertheless, Davis was once again sentenced to transportation. She boarded the *Justitia* in May of 1744, bound for the American colonies.<sup>144</sup>

Whither by choice or through coercion, other women turned to prostitution during the journey. Susanna Ball and Anne Ellis were transported to Virginia on the *Success' Increase* in 1774. While on board these female felons became "kept-women." Anne Ellis was the mistress of the second-mate, while Susanna Ball was sexually involved with a silversmith aboard the vessel.<sup>145</sup> Goronwy Owen, a noted Welsh poet and schoolteacher bound for Virginia, traveled on a convict vessel with his family in 1757. While a passenger on board the convict *Trial*, Owen made some interesting observations concerning the treatment of female felons:

The seamen are a frightfully vile bunch of men. God be my keeper, every one of them has taken to himself a strumpet from amongst the she-thieves and do no work except whoring wanton in every corner of the ship. Five or six of them have already contracted the pox from the women, and there is no doctor here save

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<sup>144</sup> Ekirch, *Bound for America*, 110-111; Coldham, *Emigrants in Chains*, 108-110; OBPO, trial of Catherine Davis, September 1742 (t17420909-29); OBPO, trial of Mary Shirley, otherwise Catherine Davis, May 1744 (t17440510-26).

<sup>145</sup> *Virginia Gazette* 26 May 1774.

myself . . . Do you remember how this tadpole of a captain promised that my wife could have one other she-thieves to serve her whilst at sea? One of them is here in the cabin, but it was to serve this husband's penis, and not to wait upon my wife, that she was brought here.<sup>146</sup>

Although this account is particularly critical of the convict women, it is as condemning of captain and crew, and reveals that many female felons, willingly or not, had sexual relations with the crewmembers and even passengers of convict ships. The fact that a large number of sailors had sexually transmitted diseases should not necessarily be attributed to the female felons. In 1774, an unknown letter writer to *Felix Farley's Bristol Journal* mourned the sentencing of his two sisters to transportation:

Banished from all her friends, an affectionate mother, and other ties more tender, to a foreign country; perhaps to be rudily despoiled of her virginity and abused at will by the brutish seamen.<sup>147</sup>

Venereal disease rates among these seamen were well known. Modern historians estimate that over 30 percent of all crewmen on the *Bounty* had contracted the "venereals," and a heated debate raged for years over who had infected the Tahitian women with the pox.<sup>148</sup>

Upon arrival in the colonies, most convicts were immediately put up for sale. Some convicts, however, were forced to wait until they were declared medically fit to enter the colonies. Advertisements in local newspapers announced the arrival of convicts, such as this one from the *Virginia Gazette* in 1768:

Just arrived, The Neptune, Captain Arbuckle, with one hundred and ten healthy servants, men, women and boys; among them are many valuable tradesman, viz. tailors, weavers, barbers, blacksmiths, carpenters, and joiners, shoemakers, a slaymaker, a cooper, cabinet-maker, bakers, silversmiths, a gold and silver refiner, and many others. The sale will commence at Loede Town on Rappahannock, on Wednesday the 9<sup>th</sup> of March. A reasonable credit will be allowed, giving

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<sup>146</sup> Quoted in Morgan and Rushton, *Eighteenth Century Criminal Transportation*, 60-61; See also Branwen Jarvis, *Goronwy Owen* (Cardiff: University of Wales Press on behalf of the Welsh Arts Council, 1986), 42.

<sup>147</sup> Morgan and Rushton, *Eighteenth Century Criminal Transportation*, 61.

<sup>148</sup> Greg Denning, *Mr. Bligh's Bad Language: Passion, Power, and Theater on the Bounty* (New York: Cambridge University Press, 1992), 27, 63, 127.



approved security, to Thomas Hodge. Port Rappahannock. Permit Captain Arbuckle, of the ship Neptune, from London, having on board one hundred and ten convicts, to land them on this district, and to trade . . . <sup>149</sup>

The method by which the colonists purchased convicts was eerily similar to the slave buying process. "James Revel's" narrative related that:

Where to refresh us we were washed clean,  
That to our buyers we might better seem  
Our things were gave to each they did belong,  
And they that had clean linen put it on.  
They shaved our faces, combed our wigs and hair,  
That we in decent order might appear  
Against the planters did come down to view,  
How well they liked this fresh transported crew.  
The women from us separated stood,  
As well as us by them for to be viewed,  
And in short time men up to us came,  
Some asked our trades and others asked our names.  
Some viewed our limbs and others turned us round,  
Examining (like horses) if we were found . . .  
Some felt our hands and viewed our legs and feet,  
And made us walk to see if we were complete,  
Some viewed our teeth to see if they were good  
Or fit to chew our hard and homely food.  
If any liked our looks, or limbs or trade,  
The Captain then a good advantage made. <sup>150</sup>

Most modern historians accept yet another narrative, *The Sufferings of William Green, Being a Sorrowful Account of his Seven Years Transportation*, published in 1774, as genuine. <sup>151</sup>

Green's account is comparable in many respects to Revel's and also related that buyers "search[ed] us there as the dealers in horses do those animals in this country, by

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<sup>149</sup> *Virginia Gazette*, 3 March 1768.

<sup>150</sup> Revel, James. "The Poor Unhappy Transported Felon."

<sup>151</sup> Morgan and Rushton, *Eighteenth Century Criminal Transportation*, 35; Ekirch, *Bound for America*, 123.

looking at our teeth [and] viewing our limbs.”<sup>152</sup> During the bidding process, women typically wore clothing supplied by the contractor in England. Some contractors frequently ordered female garb, requesting that it be “as good as can be had at the price.”<sup>153</sup> Despite the clothing given to convict women, however, one contemporary source written in 1767 attested that “the women this year are very naked, their clothes, especially their gowns are very scanty [they have] no handkerchiefs.”<sup>154</sup>

While the majority of convicts servants were sold while still on board the ship, some unfortunate men and women were purchased by “soul drivers,” brokers who purchased a group of convicts servants and carried them either by boat or by foot throughout the colonies seeking buyers. This method ensured that small planters and farmers who could not travel to major cities had the opportunity to buy convict workers.<sup>155</sup> Possibly the female convicts often came under the control of “soul drivers,” as they were reputed to be difficult to sell.

While most male convicts worked as artisans, plantation workers, or semi-skilled laborers, female convicts primarily served as household servants or cooks.<sup>156</sup> Female convicts also sold for considerably less than male convicts. The men sold by the convict firm Stevenson, Randolph, and Cheston during the 1760s and '70s usually brought 10-14

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<sup>152</sup> W. (William) Green, *The sufferings of William Green, being a sorrowful account, of his seven years transportation, wherein is set forth the various hardships he underwent, ... Written by W. Green, ... Who returned on the second of June, 1774. .... London, [1775?]*. Based on information from English Short Title Catalogue. Eighteenth Century Collections Online. Gale Group.

<http://galenet.galegroup.com/servlet/ECCO>

<sup>153</sup> Frederick Hall Schmidt, “British Convict Servant Labor in Colonial Virginia,” 123-124.

<sup>154</sup> Quoted in Morgan and Rushton, *Eighteenth Century Criminal Transportation*, 61.

<sup>155</sup> Frederick Hall Schmidt, “British convict servant labor in colonial Virginia,” *Northern Neck of Virginia Historical Magazine* 52 no. 1 (2002): 6178; Coldham, *Emigrants in Chains*, 122-123.

<sup>156</sup> Ekirch, *Bound for America*, 144-145.

pounds, while most women sold for between 5 and 9 pounds.<sup>157</sup> Female labor value was cheaper for two possible reasons. First, women's labor was not as valuable to the growing commercial sector in the New World. Women, as a whole, did not make good field hands and so could not effectively contribute to the tobacco trade. Second, many women were suspected of having venereal diseases, whether from the known sexual assaults of sailors or the assumption that most were prostitutes. James Cheston, of the firm Stevenson, Randolph, and Cheston, offered buyers of convicts partial refunds if the felons they purchased were found to have flaws unknown at the time of purchase.

Yet only four out of the 48 female convicts sold by the firm during the years 1767-1775 were returned by their buyers, each of whom claimed the women had venereal disease. Farley Grubb, the economist, speculated that the reason their buyers returned these women, rather than any men—who may also have been affected with venereal disease—stemmed from the fact that colonists typically employed convict women within households cooking for the families and caring for the children. The risk of infection, therefore, was higher from female convicts who lived relatively intimately with colonial families.<sup>158</sup> Another factor, which could have led to these women being returned, was the possible sexual exploitation of female convicts by their masters. The sexual exploitation of African slaves by their masters was a relatively common occurrence, and for the unscrupulous man who may have considered a convict servant woman his sexual property, the presence of venereal disease could have been a valid reason for taking these women back to the transportation companies.

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<sup>157</sup> Kenneth Morgan, "The Organization of the Convict Trade to Maryland: Stevenson, Randolph and Cheston, 1768-1775," *The William and Mary Quarterly* 3<sup>rd</sup> series, vol. 42, no. 2 (April 1985): 220.

<sup>158</sup> Farley Grubb, "The Market Evaluation of Criminality: Evidence from the Auction of British Convict Labor in America, 1767-1775," *The American Economic Review* 91 no. 1 (March 2001): 300-301.

Alice Walker, the young woman sentenced in 1772 for stealing from a waggoner, was purchased by a rising Virginian, Sampson Matthews, and his brother George on her arrival in March of 1772.<sup>159</sup> According to reports in the *Virginia Gazette*, the two men owned a large number of both slaves and convict servants. Both men were well known participants in the Virginia economy, based in Staunton, inland north of the James River. The Matthews' father, John Matthews, had emigrated from Ireland in the 1730s and settled in the Shenandoah Valley. Sampson and George were born in the late 1730s, and by the 1760s, both became involved in a variety of moneymaking schemes, including owning stores, running taverns, and buying convicts. The brothers eventually settled in Richmond, where both men continued to rise up the social ladder.<sup>160</sup> Following the American Revolution, Sampson Matthews went on to become a senator for the district of East Augusta.<sup>161</sup> His brother George was a sheriff during the colonial period, despite the fact that he was probably illiterate.<sup>162</sup> Their treatment of both slaves and convict servants is suspect, due primarily to the large numbers of convict servants and slaves who ran away from the brothers. In 1769 three slaves fled from the Matthews brothers, and in 1773 ten convicts ran away, among them Alice Walker. The type of work she performed for the Sampson brothers remains unknown, as do the conditions she lived under.

What were working conditions like for convict servant women? Historians have frequently assumed that most female convicts served as domestic servants in large plantation households. In fact, a number of inventories for colonial households of various

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<sup>159</sup> *Virginia Gazette*, 27 May 1773; *Virginia Gazette* 12 August 1773.

<sup>160</sup> Frederick Hall Schmidt, "British Convict Servant Labor in Colonial Virginia," 144-146.

<sup>161</sup> *Virginia Gazette*, 9 May 1777; *Virginia Gazette* 13 September 1776.

<sup>162</sup> *Virginia Gazette*, 1771-05-23, page 3, column 1; Frederick Hall Schmidt, "British Convict Servant Labor in Colonial Virginia," 145.

sizes list convict servant maids.<sup>163</sup> Few documents exist which relate the women's feelings about their labor in America or the specific tasks they performed. One letter from a probable female felon survived.<sup>164</sup> Elizabeth Sprigs, a Maryland servant penned this letter to her father in 1756, poignantly relating her suffering:

My being for ever banished from your sight, will I hope pardon the Boldness I now take of troubling you with these, my long silence has been purely owing to my undutifulness to you, and well knowing I had offended in the highest Degree, put a tie to my tongue and pen, for fear I should be extinct from your good Graces and add a further Trouble to you, but too well knowing your care and tenderness for me so long as I retained my Duty to you, induced me once again to endeavor if possible, to kindle up that flame again. O Dear Father, believe what I am going to relate the words of truth and sincerity, and Balance my former bad Conduct my sufferings here, and then I am sure you'll pity your distressed Daughter. What we unfortunate English People suffer here is beyond the probability of you in England to Conceive, let it suffice that I one of the unhappy Number, am toiling almost Day and Night, and very often in the Horses drudgery, with only this comfort that you Bitch you do not half enough, and then tied up and whipped to that Degree that you'd not serve an Animal, scarce any thing but Indian Corn and Salt to eat and that even begrudged nay many Negroes are better used, almost naked no shoes nor stockings to wear, and the comfort after slaving during Masters pleasure, what rest we can get is to rap ourselves up in a Blanket and lie upon the Ground, this is the deplorable Condition your poor Betty endures, and now I beg if you have any Bowels of Compassion left show it by sending me some Relief, Clothing is the principal thing wanting, which if you should condescend to, may easily send them to me by any of the ships bound to Baltimore Town Patapsco River Maryland, and give me leave to conclude in Duty to you and Uncles and Aunts, and Respect to all Friends  
Honored Father  
Your undutiful and Disobedient Child  
Elizabeth Sprigs<sup>165</sup>

The account of James Revel also mentions female convict servants. Revel related that four transported women worked in the house, "wait[ing] upon his [the master's] daughter

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<sup>163</sup> Ziegler, "The Transported Convict Women of Colonial Maryland," 12.

<sup>164</sup> Whether or not Elizabeth Sprigs was a convict servant is a matter of debate. A. Roger Ekirch certainly considered her a convict, although Coldham did not specify whether she was a convict or an indentured servant. See Ekirch, *Bound for America*, 149-151; Coldham, *Emigrants in Chains*, 130-131.

<sup>165</sup> Elizabeth Sprigs to John Sprigs, 22 September 1756, in Merrill Jensen, ed., *English Historical Documents: American Colonial Documents to 1776* (New York: Oxford University Press, 1969), 77-78.

and his spouse."<sup>166</sup> Another contemporary source, "The Trappan'd Maiden or, the Distressed Damsel" was concerned with female servants laboring in colonial America. Printed in eighteenth century London as a broadside, the verse is linked to a variety of other convict narratives printed during the seventeenth and nineteenth centuries, all revealing the inhumane treatment of white servants in colonial America.<sup>167</sup> According to the title character of the poem, life for female servants in Virginia was thoroughly unpleasant:

The clothes that I brought in  
They are worn very thin . . .  
Instead of beds of ease,  
To lie down when I please,  
In the land of Virginny, O  
Upon a bed of straw  
I lay down full of woe . . .  
So soon as it is day,  
To work I must away . . .  
I have played my part,  
Both at plow and cart . . .  
No rest that I can have  
Whilst I am here a slave . . .  
But if be my chance,  
Homewards to advance,  
From the land of Virginny, O  
If that I once more  
Land on the English shore,  
I'll no more be weary . . .<sup>168</sup>

While many historians speculate that most female convicts worked within the households of wealthy or at least moderately affluent colonists, "The Trappan'd Maiden" seems to contradict this view.

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<sup>166</sup> James Revel, "The Poor Unhappy Transported Felon."

<sup>167</sup> Morgan and Rushton, *Eighteenth Century Criminal Transportation*, 93-95.

<sup>168</sup> "The trappan'd maiden: or, The distressed damsels," Printed by and for W.O. and sold by A. Bettesworth, on London bridge (date unknown) Illus. *Douce Ballads* 2(219a), © *Bodleian Library*

# The Trappan'd Maiden

## The Distressed Damsel.

This Girl was cunningly trappan'd,  
Sent to *Virginy* from *England*;  
Where she doth Hardship uadergo,  
There is no Cure, it must be so;  
But if she lives to cross the Main,  
She vows she'll ne'r go there again.  
Licens'd and Enter'd according to Order.



"The Trappan'd Maiden or, the Distressed Damsel," an eighteenth century broadside lamenting the poor treatment of female servants in colonial Virginia. Printed by and for W.O. and sold by A. Bettesworth, on London bridge (date unknown) Illus. Douce Ballads 2(219a), © Bodleian Library

Recent studies of tax laws in colonial Virginia may shed light on the work performed by convict women. Kathleen Brown has pointed out that in 1643 the Virginia Assembly passed a new law, defining only African women as "tithable."<sup>169</sup> Thus, only

<sup>169</sup> A tithable individual was a person who carried out taxable labor. Virginia's colonial governments taxed individuals, originally only males. During the first quarter of the seventeenth century, males could choose either to serve in the military or pay the poll tax. Later on, however, the poll tax became related to the labor of the individual. The colonial legislature assumed that English women in Virginia primarily worked in the domestic realm and were dependents of the male head of household. For a more thorough discussion of the poll tax in colonial Virginia see Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs*:

African women were classified as laborers "with a productive capacity equivalent to that of men." English women, in contrast, remained legal dependents and could not be taxed. This law created a legal distinction between white and black women and assumed that white women—even servants—did not perform agricultural labor. This was not always the case, however, as shown by a new law passed in 1662, which took into account the fact that many white female servants did work in the fields, and thus ordered that all female servants who worked "in the ground" should be taxed as workers. Despite this law and the heavy fines for omitting a tithable servant from the masters' lists, Brown argued that most suits involving masters' refusal to pay taxes on female servants were dismissed rather than upheld, due primarily to English assumptions about white women's work.<sup>170</sup> Thus, it is highly likely that many female convict servants worked as field hands, despite laws that attempted to enforce racial and gender distinctions.

The supposition that convict servant women labored in the field also reveals that the taint of "prostitution" attached to female servants could have been a result of their work alongside black female field hands. According to Kathleen Brown, English citizens in the sixteenth and seventeenth centuries differentiated between the "good wives"—well-bred and properly chaste women—and "nasty wenches"—unsupervised, usually laboring women who—to white planters—embodied fleshly lusts.<sup>171</sup> Within the patriarchal society of colonial America, the female convicts, like their African sisters in bondage, remained tinged with the shame of female sexuality, perhaps as much because of their lower class status and association with black women as to their supposedly sexual

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*Gender, Race, and Power in Colonial Virginia* (Chapel Hill and London: University of North Carolina Press, 1996), 116-122.

<sup>170</sup> Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs*, 116-122.

<sup>171</sup> Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs*, 1-9.



pasts. Colonial publications reveal this prevalent attitude among male colonists. *The Pennsylvania Gazette*, for instance, described runaway female convict Anne Fetcham as a wench—a term usually applied only to black women—while the *Maryland Gazette's* advertisement for runaway convict Hannah Boyer related she was a "robust, masculine wench."<sup>172</sup>

During the eighteenth century colonial legislatures in both Maryland and Virginia passed a number of laws that aimed to control the sexual behavior of female servants. Although these laws could be applied broadly to any female servant—either employed or bound—there is good reason to suspect that the increasing arrival of female felons from England led to their passage. In 1727, the Maryland Legislature passed a series of laws explicitly concerning convict servants, due to prevailing fears concerning the behavior of felons in the colony:

Charges of late arising to the Public, and several of the Counties within this Province, on the Prosecution of Servants, have been a very great Burthen to the Public. And whereas it is manifest that several Felonies, and other Offences, have been frequently committed by Servants, which might have been prevented by their Masters, by taking Care to keep them in due Order and Subjection . . .

A number of subsequent laws directly related to female servants' sexuality. Accordingly, masters of female servants who gave birth to illegitimate children became responsible to "maintain such Bastard Children, at his and their own proper Cost and Charge, during the Continuance of such Servant Woman in his or their Service." If the father of the bastard child remained unknown, however, the justices of the county courts could demand that the female servant make restitution through extra servitude.<sup>173</sup> Likewise, in Virginia in

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<sup>172</sup> *Pennsylvania Gazette*, 21 August 1746; *Maryland Gazette*, 28 May 1752.

<sup>173</sup> Thomas Bacon, *Laws of Maryland at Large, with Proper Indexes* (Annapolis: Jonas Green, 1765) hereafter cited as *Bacon's Laws of Maryland*, vol. 75, pg. 367 Archives of Maryland Online (accessed April 2, 2006) <http://www.mdarchives.state.md.us/megafile/msa/speccol/sc2900/sc2908/html/index.html>

1740, two Lancaster County churchwardens attempted to change the laws requiring masters to maintain the bastard children of female servants, and in this instance, the law aimed clearly at female convict servants. Charging female convicts with the main problems of bastardy, the two men proposed making the "reputed fathers" (if freemen) to be responsible for the monetary support of the children. Yet, eventually the Act that passed obliged "the owners of convict women servants having bastards to give security to indemnify the Parish." <sup>174</sup>

Quite a few bastardy cases during the eighteenth century involved female convicts, including the London women. A preliminary survey does not indicate that London women appeared in these cases in greater numbers than their proportion of all convict women servants. Perhaps further research will verify this supposition. These convict women presumably either sought pleasure with fellow laborers or were taken advantage of by their masters. In 1724 convict Anne Spray, serving out her sentence in Maryland, was charged in Kent County with:

Commit[ing] fornication with a Certain person . . . [Spray] did permit the Same unknown person then and there to have Carnal knowledge of her Body and to begot then and there a Bastard Child on the Body of her the same Ann Spray to the high Displeasure of Almighty God to the Evil Example of all others in Such Case . . .

Spray was ordered whipped "at the public whipping post twenty one lashes well laid on her bare back till the blood appear as a punishment" and then to serve her master for an additional four months. The court agreed to pay her master a monthly sum for "keeping and maintaining [the] said Ann Spray's Child." Upon Spray's freedom, she would need to arrange to repay her debt to the court, which amounted to "the Sum of two hundred and

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<sup>174</sup> Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs*, 201-202.

Sixty Seven pounds of Tobacco Costs Accruing on the premises and to the officers of this Court." <sup>175</sup> Some women either by choice or coercion, became involved with their masters' slaves and were charged with "mulatto bastardy." Towards the end of the seventeenth century, Maryland courts began to distinguish between fornication and "mulatto bastardy." Fornication between white individuals typically was punishable by a fine, unless the woman involved was a convict or indentured servant. If an unwed female gave birth to a racially mixed child, however, she faced seven years of servitude and her child was condemned to serve for 31 years.<sup>176</sup> Margaret Lewis, originally sentenced to transportation at the Old Bailey in 1730, was charged with bastardy and miscegenation in 1741. Lewis stated that "she [was] guilty and that the same [child] is a Mulatto and the Court upon viewing the same child adjudges it to be a Mulata." For giving birth to an illegitimate and mixed race child, Lewis was ordered to serve an additional twelve months of her original sentence and a further seven years. Her child, Sarah, was "sold to Thomas Hands her master."<sup>177</sup> The sins of female convict servants—like those of their African sisters—resulted in new sources of labor for their masters.

Although colonial newspapers often told of horrific crimes carried out by male convicts, few female convicts were mentioned as perpetrators of serious crime.<sup>178</sup> One exception was the case of Elizabeth Greenley, who was tried at the Williamsburg General

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<sup>175</sup> *Kent County Criminal Proceedings, 1724-1728*, pg. 74 KENT COUNTY COURT (Criminal Record) JS AD, 1724-1728, MSA CM649-1 Accession No.: CR 42838-1 (accessed March 3, 2006) <http://www.mdarchives.state.md.us/megafile/msa/speccol/sc2900/sc2908/html/index.html>

<sup>176</sup> Jim Rice, "'This Province so Meanly and Thinly Inhabited': Punishing Maryland's Criminals, 1681-1850," *Journal of the Early Republic* 19 no. 1 (Spring 1999): 21-22.

<sup>177</sup> OBPO, trial of Margaret Lewis, December 1730 (t17301204-50); *Anne Arundel County Judgment Records 1703-1765, 1740-1743*, Liber IB, no.1, pg. 250-252 (accessed April 4, 2006) <http://www.freeafricanamericans.com/AnneArundel.htm> ; Found in Ziegler, "The Transported Convict Women of Colonial Maryland," 14.

<sup>178</sup> See for instance, the account in the *Virginia Gazette* on 30 May 1751, which related that male convicts slit the throats of the master and mate of a schooner.

Court for murdering her fellow servant. The court found Greenley guilty, and in November of 1736, she hanged for her crime.<sup>179</sup> Anne Weldon, another female convict, was accused in 1732 of burglarizing the "storehouse of Col. James Tarlton" and "taking sundry merchandise in the night."<sup>180</sup> Yet, both Weldon and Greenley—who was perhaps the most violent female convict transported to the New World—were not from London.

Due to the harsh circumstances of colonial labor, or simply the desire for freedom, many female convicts chose to run away from their masters. In 1733, Virginia passed a law—*An Act for amending the Act concerning Servants and Slaves; and for the further preventing the clandestine transportation of Persons out of this Colony*—aimed to hinder the escape of indentured servants, convict servants, and slaves. If caught, runaways were kept in county jails, and their descriptions were "set upon the courthouse door of the said county, and there continued, during the space of two months; in which notice, a full description of such runaway, and his clothing, shall be particularly set down; and shall cause a copy of such notice to be sent to the clerk or reader of each church or chapel within his county." If masters did not claim their runaways within the space of two months, local sheriffs were allowed to hire out the runaways. The law also specified that all masters of ships must take an oath, swearing they would not knowingly transport any runaways out of the colonies. Finally, the law stated that "whatsoever white servant shall run away, and at, or after his or her departure, shall change his or her name, or usual habit, or otherwise disguise him or herself, with intent thereby to escape, being discovered, on proof made of such deceit, every such runaway shall be adjudged to serve

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<sup>179</sup> *Virginia Gazette*, 5 November 1736, 26 November 1736.

<sup>180</sup> Schmidt, "Colonial Convicts of the Northern Neck," 6186.

his or her master or mistress, for the space of six months, over and above all other service due for running away." <sup>181</sup>

Interestingly, newspaper advertisements for female convict runaways provide some of the most detailed descriptions of these women's lives in the American colonies and attest to the colonial view that convict women were "nasty wenches." Runaway ads typically provided detailed physical descriptions of the women, often including deportment, clothing, hair color, height, dialect, and particular physical markings.<sup>182</sup> The "abnormalities" of the female convicts mentioned in the ads attest to the master's intimate knowledge of their servants' bodies.<sup>183</sup> Although Morgan and Rushton argued that "it [was] unclear if searching a *white* woman's body was something that could be done by masters," <sup>184</sup> it is apparent that many masters had explored the bodies of their female convict servants in a personal manner. Winifred Thomas, a convict runaway, sported a tattoo on the inside of her right arm with the initials W.T. and "the date of the year underneath."<sup>185</sup> Another convict runaway, Isabella Pierce, had scars on her right ankle, causing her to limp.<sup>186</sup> Twenty-two year old Sarah Davis, who ran away from her master in 1758, had "many scars on her back occasioned by severe whippings from her former master."<sup>187</sup>

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<sup>181</sup> William Waller Hening, *Hening's Statutes at Large*, Laws of Virginia, May 1726, vol. 4, 168-173. (Accessed 4 April 2006). <http://www.vagenweb.org/hening/>

<sup>182</sup> Jonathan Prude, "To Look upon the 'Lower Sort': Runaway Ads and the Appearance of Unfree Laborers in America, 1750-1800," *The Journal of American History* 78 no. 1 (June 1991): 124-143.

<sup>183</sup> Ziegler, "Transported Convict Women of Colonial Maryland," 15.

<sup>184</sup> Gwenda Morgan and Peter Rushton, "Running Away and Returning Home: the Fate of English Convicts in the American Colonies," *Crime, History and Societies* 7 no. 2 (2003): 67.

<sup>185</sup> *Virginia Gazette*, 5 August 1737.

<sup>186</sup> *Virginia Gazette*, 9 May 1745.

<sup>187</sup> *Maryland Gazette*, 4 May 1758, Archives of Maryland Online (accessed April 2, 2006) <http://www.mdarchives.state.md.us/megafile/msa/speccol/sc2900/sc2908/html/mdgazette.html>.



July 9, 1771.

**R**UN away, yesterday, from the Subscriber, living near Gunpowder Falls, 9 miles from Baltimore-town, a convict servant woman, named **SARAH HILL**, about 22 years of age, of a middling size, grey eyes and short yellow hair, she has a boil on one of her arms. Had on when she went away, a black bonnet, a red handkerchief bird's-eyed, a blue calimanco gown almost new, a black quilted petticoat with large diamonds; she had neither shoes nor stockings; she is fresh coloured, and has one or two large marks near her mouth from the small-pox.

Whoever takes up said woman, and secures her, so that her Master may get her again, shall have **FOUR POUNDS** reward, and reasonable charges if brought home, paid by **JOHN CHRISTOPHER**.

Advertisement for Runaway Convict Servant Sarah Hill, from *The Pennsylvania Chronicle*, August 26- September 2, 1771. Ads like this commonly depicted runaway female felons, usually focusing on their clothing and physical peculiarities.

Other ads further revealed the harsh treatment of female convict servants. Mary Burton, 36 years old, still wore an iron collar at the time she ran away, a sign of her criminal past.<sup>188</sup> Margaret Tasker, an eighteen-year-old convict servant who ran away with a female indentured servant in 1764, also wore an iron collar, and "sustained the loss of one eye."<sup>189</sup>

Interestingly, out of a sample of 21 convict female runaways advertised between 1745 and 1773,<sup>190</sup> fifty-five percent traveled alone. These women often used other names or stole clothing in an attempt to pass themselves off as free women. In 1745, an advertisement in the *Maryland Gazette* stated that runaway convict Isabella Pierce, "is

<sup>188</sup> *The Maryland Gazette*, 2 May 1754.

<sup>189</sup> *The Maryland Gazette* 16 January 1764.

<sup>190</sup> The sample of 21 female convicts runaways from the years 1745 to 1773 were advertised in the *Virginia Gazette*, *The Maryland Gazette*, *The American Weekly Mercury*, *The Pennsylvania Gazette*, and *The Pennsylvania Chronicle*.

supposed to have changed her apparel, and to have stolen the indenture of one Bridget Castilo, and to pass by it in her name."<sup>191</sup> Owners often related that they believed the escaped women—who were usually from Maryland or Virginia—would either head for the Carolinas to attempt to board ships in port cities like Rappahannock.

Although the majority of women sentenced to transportation at the Old Bailey were young—or between 15 to 30 years old—the ages of escaped women varied considerably from the ages of women sentenced. Fifty percent of female runaways from the same sample were between the ages of 20 and 30, while nearly 42 percent were over thirty. Only eight percent of runaways were women under twenty. This suggests that even though typically greater numbers of younger women were sent to the colonies, older women had more opportunity or desire to escape from servitude. Perhaps masters watched mature women less closely, or maybe older women felt a greater urgency to escape, possibly due to family ties. Older convict women may have worried about the children or spouses they left behind in England, whereas younger unmarried women without may have simply consigned themselves to servant life.<sup>192</sup>

While over half of the female runaways advertised in the colonial newspapers traveled alone, some ran away with other convicts, usually men.<sup>193</sup> Alice Walker ran away with two fellow convicts, both men: John Steel, a cabinetmaker, and John Eaton, a ship's carpenter. The runaway ads report that Walker was going by the name of Alice Eaton at the time of her departure:

TEN POUNDS REWARD. RUN away, last night, three English convict servants, viz. John Eaton, by trade a shipcarpenter, about 23 years of age, and 5 feet 3 or 4 inches high; had on, and took with him, a blue broadcloth coat and breeches, a

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<sup>191</sup> *The Maryland Gazette*, 21 June 1745.

<sup>192</sup> See Table 7.

<sup>193</sup> See Table 8.

Damascus waistcoat, a pair of ticken trousers, worsted stockings, three striped cotton shirts, one oznabrig over shirt, a felt hat, and a pair of old shoes. Alice Eaton, alias Walker (who goes for the said John Eaton's wife) a low, well set woman, about 20 years of age, and has sandy colored hair; had on a brown, stuff gown, a red stuff petticoat, and four red silk handkerchiefs. John Steel, by trade a cabinetmaker, about 18 years of age, 5 feet 5 or 6 inches high, his face is much bruised, and his eyes very black, occasioned by fighting; had on a light colored waistcoat and breeches, a check shirt, an old hat, and an old pair of shoes, but no stockings. Whoever secures the above servants in any gaol, so that we may get them, shall receive FIVE POUNDS, and if brought to Mr. Sampson Matthews, in Richmond, the above reward.<sup>194</sup>

Colonial advertisements for convicts who were from the Old Bailey—like Walker—often characterized the women as particularly able-bodied and capable (sometimes even masculine in nature). The master of Anne Wheatley—who was described as "a lusty, well set woman with very dark hair, black eyes and a fresh complexion"—actually mentioned that Wheatley was a Londoner.<sup>195</sup> The advertisement for Hannah Wilson—a servant sentenced to transportation at the Old Bailey in 1754—expressed fear that the 50 year old woman:

went away with some Sailors that were in the Battle on the Monongahela, and were going to their Ship at Hampton . . . it is supposed that she has dressed herself in a Sailor's Apparel, in Order to go to London with the said Sailors.<sup>196</sup>

Elizabeth Berry, another London convict, was described as having "very large features, a fresh complexion, and a masculine voice."<sup>197</sup> Her voice may reveal another part of the legend about London's convict women.

One London convict woman ran away when pregnant. Mary Crab or Crabb, sentenced to transportation in December of 1731 for stealing bedding from her rented room and transported aboard the *Forward* that same month, ran away from her master

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<sup>194</sup> *Virginia Gazette*, 12 August 1773.

<sup>195</sup> *The Virginia Gazette*, 18 November 1737.

<sup>196</sup> *The Virginia Gazette*, 5 September 1755; OBPO, trial of Hannah Wilson, April 1754 (t17540424-44).

<sup>197</sup> *The Virginia Gazette*, 20 July 1769; OBPO, trial of Elizabeth Berry, December 1764 (t17641212-41).



two years later. In October of 1733, *The American Weekly Mercury* advertised for Crab and her fellow runaway:

Maryland, Prince Georges County,  
Runaway, about the 15<sup>th</sup> of August last, from George Buchanan, a servant woman named Mary Crabb, she had on when she went away two Holland striped gowns, a white apron, a pair of men's shoes, a Kenting cap, and a man's felt hat, she is middle sized, of pale complexion, and big with child. Also, a servant man named John Tyzard, had on when he went away, a pair of Saylor's trousers very much tarred, a blue pea-jacket, a white ozenbrigs shirt, a worsted cap, a felt hat, and a pair of old shoes; a short well-set man and fresh colored. He was very intimate with the above woman, being fellows servants.<sup>198</sup>

In both England and the colonies, many people feared the ability of convicted felons to return undetected to their homeland. The criminal biography of John Poulter—published in 1753—seemed to confirm these fears. *The Discoveries of John Poulter, alias Baxter* told the story of a highwayman, thief, horse stealer, and burglar. Although Poulter never disclosed that he was a returned transportee, his book related how runaway convicts could successfully return from transportation:

The general way is this:  
Just before they go on board a ship, their friend or accomplices purchase their freedom from the merchant or captain that belongs to the said ship, for about ten pound sterling . . . then the friend of the convict . . . gets a note from the merchant, or captain, and the person is free to go unmolested when the ship arrives between the capes of Virginia . . . there are ships coming home every week, if they can pay their passage they are refused in no ship. Some men will work their passage back again, and them that cannot free themselves, take an opportunity of running away from their master, and lay in the woods by day, and travel by night for Philadelphia, New York, or Boston, in which places no questions are asked them. This encourages a great many to commit robberies . . . they do not mind

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<sup>198</sup> OBPO, trial of Mary Crab, December 1731 (t17311208-18); Coldham, *English Convicts*, 37; *The American Weekly Mercury*, 11-18 October 1733, Early American Newspapers, Series I, 1690-1876, Archive of Americana, Published by Readex, a division of NewsBank, inc. (accessed June 16, 2006) <http://infoweb.newsbank.com>

transportation, it being but four or five months pleasure, for they can get their freedom and come home again.<sup>199</sup>

Eleanor Connor, a Bristol convict, used a similar method to avoid transportation altogether. While awaiting transportation she "bribed some of the ships' crew" and made good her escape.<sup>200</sup> Furthermore, these sensational biographies of female criminals like that of Mary Young, alias Jenny Diver—tales popular in London—seemed to encourage the view that women convicts were likely to return to England and continue their criminal (and possibly sexual) careers.

Yet, despite the numbers of female convicts who ran away, few probably returned to England—or if they did, few were ever discovered.<sup>201</sup> The penalty was, after all, death. Only 12 women were tried at the Old Bailey for returning from transportation during the years 1721-1774. Nine of these women received death sentences, although at least two women obtained conditional pardons, one had her sentence remitted on condition of undergoing experiment of inoculation for smallpox, and two of the sentences were respited—at least temporarily—for pregnancy.<sup>202</sup> Still, five were eventually executed. For the three women acquitted of returning from transportation, adequate proof of identity was lacking, and thus the women were set free. Women convicted of returning from transportation often tried to claim a different identity. Mary Barter, otherwise Jones, who had originally been sentenced to transportation in 1753 at the Exeter summer assizes, reappeared in London in 1757. Barter attempted to sway the court, stating that "this is all owing to Walker and his wife that were tried here; they sent a letter down to Exeter and

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<sup>199</sup> Quoted in Morgan and Rushton, *Eighteenth Century Criminal Transportation*, 98-99.

<sup>200</sup> Gwenda Morgan and Peter Rushton, "Running Away and Returning Home: The Fate of English Convicts in the American Colonies," *Crime, Histoire & Sociétés* 7 no. 2 (2003): 73.

<sup>201</sup> Morgan and Rushton, "Running Away and Returning Home," 72-73.

<sup>202</sup> See Table 9.

said I was the person, but I am not." She was, however, found guilty and sentenced to death.<sup>203</sup>

Alice Walker, the young woman who ran away from the Matthews brothers in 1773, returned to London sometime during the year. Whether or not she was with John Eaton, the man who posed as her husband, is unknown. Walker was brought to trial at the Old Bailey in January of 1774 and indicted on charges of returning from transportation. There, the head borough—petty constable—testified "I know the prisoner: I never saw her before the 28th December . . . [when] a young man charged me with her in Wellclose-square parish, St. John's Wapping; he charged her with returning from transportation; she confessed it." A witness for the prosecution, Mr. Howard, testified to the fact that Walker had been tried and sentenced to transportation in 1772. However, when asked if she was one of the transports shipped to Americas that year, he admitted "I used to have a list of the transports; but I have mislaid my papers." He was positive however, that Walker had spoken to him and asked him "not to be too positive." Walker disagreed. She stated that "I did not call him by his name; he bid me pull off my bonnet that he might see my face; I took my bonnet off, and then he said he believed he knew something of me; I never called him by his name . . . I am not the person." A man (assumedly a constable) spoke on her behalf, saying:

I took a woman up for a felony last August but one; this they say is that [same] woman; she was like her but not half so big nor half so lusty as this woman; the keeper came to me to look at this woman; I saw her; there is some likeness; but if it is her she has got remarkably fat since; I cannot swear to her.

Despite this testimony, Walker was found guilty and sentenced to death. The jury recommended mercy. Luckily—or perhaps unluckily—she was given a conditional

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<sup>203</sup> OBPO, trial of Mary Barter, otherwise Jones, April 1757 (t17570420-52).

pardon, under which execution would be stayed if she would agree to be transported for a further 14 years. Walker returned to the colonies. Her subsequent story is yet unknown.<sup>204</sup>

Mary North, indicted for shoplifting and sentenced to transportation in 1720, made her way back to London the following year. She was arrested and along with a group of male convicts tried for returning from transportation. She too, received a death sentence. Two months later, while awaiting execution, the Crown granted North a conditional pardon "on condition of undergoing experiment of inoculation for smallpox," then a new and mostly untried process in England. Her official reprieve was dated July 21, 1721. Thus, although many women received death sentences for returning from transportation, out of the nine women sentenced to death, for only five women was the sentence actually carried out.<sup>205</sup>

Defoe's title character, Moll Flanders, enjoyed a life of ease after her short stint as a convict servant, so her eventual return was a triumph. Moll owned a plantation, married her lover, prospered, and eventually returned to England, where she was properly penitent for her past life of crime. For the majority of convict women, this was not the case. Most convict women never made it back to England. Some of the London convicts did at least survive their terms of servitude and a few newspaper articles and marriage records reveal their later fates, although for the majority of women sentenced to transportation at the Old Bailey no such records exist.

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<sup>204</sup> OBPO, Trial of Alice Walker, January 1774 (t17740112-16); Punishment Summary from the Old Bailey Proceedings; Frederick Bull, Session II, Wednesday 12 January 1774, parts I-II (s17740112-1).Public Record Office, SP 44/91 C235833.

<sup>205</sup> OBPO, trial of Mary North, March 1720 (t17200303-10), trial of Mary North, March 1721 (t17210301-61); Found on the Old Bailey Session Papers Online the information concerning North's conditional pardon, Public Record Office, SP 44/79 f.409; Public Record Office, SP 44/79 ff.403-4, 434; Public Record Office, SP 35/27/72.

There is one noteworthy exception. A newspaper article in the *Virginia Gazette* reveals the eventual fate of Elizabeth Canning, whose earlier trial for perjury in London caused considerable excitement and ended with her transportation. In 1753 Canning testified at the Old Bailey against two women—one of whom, Mary Squires, was referred to as a "gypsy"—claiming the women had kidnapped her. According to the *Newgate Calendar*, Canning—who came from a well-respected family in Aldermanbury—related that after a visit to her aunt and uncle she was "assaulted in Moorfields by two men who robbed her." The men also took a great deal of her clothing and then bound and gagged her and dragged her to a house. When Canning awoke, two women took "Canning by the hand [and] asked her if she chose to go their way [and become a prostitute], and if, she would, she should have fine clothes." Canning refused, and was imprisoned in an attic room with minimal food supplies and only a pile of hay to sleep on. Canning stayed there for 28 days, until she finally pried off the board nailed to the window and jumped out of the house. Canning returned to London, and learned the names of the individuals who owned the house in which she was imprisoned. After Canning informed the authorities, a warrant was issued for the arrest of two women—Mary Squires and Susanna Wells. They were indicted in February 1753 for robbery, and found guilty. The jury sentenced Squires to death and Wells to branding and imprisonment. Quite a few individuals, however, testified that Squires was at Dorsetshire when the robbery took place. Later the court tried these individuals were tried for perjury, but acquitted. A number of important gentlemen at the trial questioned the evidence against the women, and due to their influence, Squires received a full pardon. In 1754, Canning was in turn indicted at the Old Bailey for perjury. Despite excellent references and public outcry, the court found Canning guilty

and sentenced her to transportation for seven years. Nearly twenty years later, in 1773, the *Virginia Gazette* reported Canning's death and conveyed her apparent rise in the world:

On Monday the 22<sup>nd</sup>, died at Weathersfield, in Connecticut, very suddenly, Mrs. Elizabeth Treat, formerly the noted Elizabeth Canning, whose case made such a great noise in England about twenty years ago . . . she was transported . . . in 1754 and has lived ever since in New England.<sup>206</sup>

Canning's particular situation, however, was unique, and she survives in the records only because her celebrated case in England made her fate in the colonies a matter of importance.

Some women capitalized on their skills as seamstresses or servants following their freedom. Elizabeth Crowder, another female convict for whom records survive, was described in 1746 as an English convict 40 years old, "pretty tall, and round shouldered, her hair very grey." Crowder ran away from her mistress Sarah Monro in 1746. Presumably she returned and served out her sentence, for in 1747 she placed an advertisement in the *Maryland Gazette*:

Elizabeth Crowder, Quilter  
(Who lately lived with Mrs. Carter in Annapolis)  
Is removed to Mr. Carroll's Quarter about two miles from town where she performs all sorts of quilting in the best manner and at the most reasonable rates: good petticoats for eight and ten shillings a piece and coarse petticoats for six shillings. Whoever may have occasion to employ her may depend on being faithfully served by  
Your humble servant

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<sup>206</sup> *Canning's Farthing Post, Containing the Whole Proceedings Relating to her Sufferings, From the Time of her being assaulted and robb'd in Moorfields, to her being Try'd at the Old-Bailey, for Perjury, with the Pleadings of the Council at large. As also, the Trials of Mary Squires, Susannah Wells, and the three Abbotsbury Men, viz. John Gibbon, William Clarke, and Thomas Greville, who were severally indicted and tried for Perjury on the Trial of Mary Squires; &c, &c.* (London: Tarfones near Billingsgate, 1754); *The Newgate Calendar*, Elizabeth Canning and Mary Squires, *The Ex-Classics Website* (accessed June 16 2005) <http://www.exclassics.com/newgate/ngintro.htm> ; Old Bailey Session Papers Online, trial of Mary Squires and Susannah Wells, February 1753 (t17530221-47); Old Bailey Session Papers Online, trial of Elizabeth Canning, April 1754 (t17540424-60); *Virginia Gazette* 1773-10-14 page 2 column 3.

Elizabeth Crowder<sup>207</sup>

An unknown number of female convicts married within the colonies. Edith Ziegler found that "by cross-referencing a sample of 5 percent of the convict women with records of marriages contracted in Maryland between 1730 and 1777, it can be deduced that possibly around 10 percent of convict women married within the province during this period, some to fellow convict servants." As Ziegler stated, however, determining the number of convicts who wed within the colonies is extremely difficult, due to the numbers of names common to many women.<sup>208</sup>

Some female convicts sought to leave their sentences early not by running away, but by seeking help locally. Elizabeth Young was indicted at the Old Bailey in 1759 for stealing "one brass kettle" worth four shillings. At her trial, the constable gave testimony that she was a "disorderly woman" or "common woman of the town." Despite her protestations to the contrary, Young was sentenced to transportation. Six years later, she walked into a vestry meeting in Fairfax parish and begged for support in gaining her freedom. The minister sent her back to her master, reminding Young that her term of service was not up until the following year.<sup>209</sup> No more is known.

Few documents survive to clarify the eventual fate of other convict women. The most significant records remain those that recount the "bad" behavior of female felons. Bastardy cases and runaway advertisements continue to inform historians about the lot of convict women transported to America. These records, however, reveal as much about the fears of colonials than they do about the women themselves. The sources tell us that

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<sup>207</sup> Found in Ziegler, "The Transported Convict Women of Colonial Maryland," 21; *Maryland Gazette*, 1 April 1746 and 28 October 1747.

<sup>208</sup> Ziegler, "The Transported Convict Women of Colonial Maryland," 21.

<sup>209</sup> OBPO, trial of Elizabeth Young, July 1759 (t17590711-9); Vestry visit quoted in Schmidt, "Colonial Convicts of the Northern Neck," 6188.

criminal females from metropolitan areas like London, with their hint of illicit sexuality, may have threatened the patriarchal order of the colonies and sometimes upset gender distinctions. If, so far, the records of "disorder" seldom singled out London convict women in particular, it is probably because these women were grouped together in colonial minds with their sisters transported from elsewhere in England. Though not "disorderly" when they left their homeland, their common experiences once in the colonies certainly made some of them seem so, at least in the minds of colonial men. The stories of these "disorderly women" stay in the foreground of colonial records, yet most of the women transported simply disappeared from further official records. The scholar is left to assume that they died poor, unable to rise above the status of a convicted felon. Perhaps for the colonists, or for the legislators at least, all transported convict women were forever linked to London and tainted by legends of gross criminal misconduct and streetwalking. We need to know. If history is the final judge, these women have not yet had their day in its court.



**Table 1**

**The Crimes of Women Sentenced to Transportation at the Old Bailey, 1718-1775<sup>210</sup>**

Specified for 982 women or roughly 20.8 percent of the total number of women sentenced to transportation

Drawn from 12 sample years during the years 1718-1775

<b>Crime<sup>211</sup></b>	<b>Number of Women</b>	<b>Percentage</b>
Simple Grand Larceny	455	46.3
Theft, unspecified	165	16.8
Theft, specified place	113	11.5
Shoplifting	63	6.4
Pick Pocketing	56	5.7
Unspecified Crime	35	3.6
Receiving Stolen Goods	27	2.7
Burglary	18	1.8
Housebreaking	15	1.5
Multiple Crimes <sup>212</sup>	14	1.4
Petty Larceny	8	0.8
Highway Robbery	7	0.7
Robbery	4	0.4
Theft, fraud	1	0.1
Perjury	1	0.1
<b>Total</b>	<b>982</b>	

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<sup>210</sup> See Appendix 3 for a discussion of the statistics.

<sup>211</sup> For the majority of theft related crimes, the court found women only partially guilty of the crime for which they were tried, and they were then convicted of a lesser offense. For instance, in most cases of simple grand larceny, women were given a sentence of 7 years transportation, which was typically the sentence for mere petty larceny.

<sup>212</sup> Usually a combination of theft crimes, making the actual number of women sentenced to transportation for various types of theft (simple grand larceny, unspecified theft, or theft from a specified place) higher than 53.9 percent.

**Table 2****Known Occupations of Women Sentenced to Transportation at the Old Bailey, 1718-1775<sup>213</sup>**

Specified for 213 women or roughly 4.5 percent of the total number of women sentenced to transportation

Drawn from 12 sample years, representing all women for the sample years where occupation is listed

<b>Occupation</b>	<b>Number of Women</b>	<b>Percentage of Total</b>
Domestic Servants <sup>214</sup>	137	64.3
Prostitutes	31	14.6
Washerwomen	13	6.1
Textile Workers <sup>215</sup>	9	4.2
Food dealers <sup>216</sup>	4	1.9
Apprentices and journey-women	3	1.4
Sold old goods and clothes	3	1.4
Shop-keepers	2	0.9
Rented out lodgings	2	0.9
Gardener	2	0.9
Fortune-teller	1	0.5
Keeper of a public house	1	0.5
Worked in a Coffee House	1	0.5
Kept a school	1	0.5
Ran a bawdy house	1	0.5
Hospital helper	1	0.5
Mill worker	1	0.5

<sup>213</sup> Occupations of defendants were normally given by their prosecutors, sometimes by their employers, and in a few cases by the women themselves.

<sup>214</sup> Includes household servants, housemaids, women employed to tend children, chambermaids, nursemaids, scullion women, char-women (women hired for odd work, or for single days), and housekeepers

<sup>215</sup> Includes mantua makers (made lady's gowns), dress makers, hat makers, shoe makers, silk weavers, women who did plain work (plain needlework), quilters, coat makers, stay makers (women who made bodices, usually stiffened with whalebone), and seamstresses

<sup>216</sup> Includes women who sold fruit, fish, sausages, eggs, and butter on the street

**Table 3**

**The Ages of Women Sentenced to Transportation at the Old Bailey, 1718-1775**

Specified for 40 women or roughly 0.8 percent of the total number of women sentenced to transportation

Drawn from 12 sample years where age is known or inferred from information in the session papers

<b>Age</b>	<b>Number</b>	<b>Percentage</b>
Children (14 years old and younger)	8	20
Young women (15-30 years old)	25	62.5
Older women (31 years or older)	7	17.5

**Table 4****The Known Occupations and Sentencing of Women Tried at the Old Bailey, 1718-1775**

Specified for 174 women

Drawn from 5 sample years where occupation is known

Percentages of occupations are based on the total number of women from sample years where occupation is known

<b>Occupation</b>	<b>Number</b>	<b>Percentage by Occupation</b>
<b>Domestic Servants</b>	114 (total)	
Transportation	67	58.8
Acquittal	22	19.3
Death	9	7.9
Whipping	12	10.5
Branding	4	3.5
<b>Prostitutes</b>	36 (total)	
Transportation	9	25
Acquittal	23	63.9
Death	3	8.3
Whipping	1	2.8
Branding	0	0
<b>Other<sup>217</sup></b>	24 (total)	
Transportation	12	50
Acquittal	6	25
Death	2	8.3
Whipping	4	16.7
Branding	0	0

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<sup>217</sup> Other occupations include linen workers, washerwomen, shopkeepers, coffee house workers, and wet nurses.

**Table 5****The Ages and Sentencing of Women Tried at the Old Bailey, 1718-1775**

Specified for 50 women

Drawn from 5 sample years where occupation is known

Percentages of occupations are based on the total number of women from sample years where age is known

<b>Age</b>	<b>Number</b>	<b>Percentage by Age</b>
<b>Children</b>		
(14 years and younger)	7 (total)	
Transportation	2	28.6
Acquittal	1	14.3
Death	0	0
Whipping	3	42.9
Branding	1	14.3
<b>Young Women</b>		
(15-30 years old)	30 (total)	
Transportation	14	46.7
Acquittal	5	16.7
Death	1	3.3
Whipping	5	16.7
Branding	5	16.7
<b>Older Women</b>		
(31 years or older)	13 (total)	
Transportation	3	23.1
Acquittal	4	30.8
Death	3	23.1
Whipping	1	7.7
Branding	2	15.4

**Table 6****The Geographic Locations of Women Sentenced to Transportation at the Old Bailey, 1718-1775**

Specified for 353 women or roughly 7.5 percent of the total number of women sentenced to transportation

Drawn from 12 sample years where residence is known

Percentages of residence are based on the total number of women from sample years where residence is known

Residence	Number	Percentage
St. Giles in the Fields	37	10.5
St. Martins in the Fields	36	10.2
St. Andrew Holborn	21	5.9
St. Clement Danes	21	5.9
St. James, Westminster	17	4.8
St. Giles, Cripplegate	14	4
St. Brides	14	4
St. Sepulchres	12	3.4
St. Annes, Westminster	12	3.4
St. Mary, Whitechapel	11	3.1
St. Margaret, Westminster	10	2.8
St. Botolph, Bishopsgate	9	2.5
Stepney	8	2.3
Aldgate	8	2.3
St. Paul's, Shadwell	7	2
St. Leonard, Shoreditch	4	1.1
St. Botolph, Aldgate	4	1.1
Wapping	4	1.1
St. Paul Covent Garden	4	1.1
All Hallows	4	1.1
St. Katherine Creechurch	4	1.1
All other locations	92	26

**Table 7**

**The Ages of Female Convict Runaways Advertised in Colonial Newspapers,  
1745-1773<sup>218</sup>**

Specified for 12 women where age was known

Age	Number	Percentage
Under 20	1	8.3
20-30 years old	6	50
30-40 years old	3	25
Over 40	2	16.7

**Table 8**

**Female Convict Runaways Advertised in Colonial Newspapers, 1745-1773  
Statistics on Runaway Experience**

Specified for 20 women

Experience	Number	Percentage
Ran Away Alone	11	55
Ran Away with a Man	5	25
Ran Away with Another Woman	2	10
Ran away with a group of 3 or more	2	10

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<sup>218</sup> The sample of 21 female convicts runaways from the years 1745 to 1773 were advertised in the *Virginia Gazette*, *The Maryland Gazette*, *The American Weekly Mercury*, *The Pennsylvania Gazette*, and *The Pennsylvania Chronicle*.

**Table 9**  
**Sentencing of Female Convicts Tried at the Old Bailey for Returning from Transportation, 1718-1775**

Statistics are drawn from the twelve known women tried at the Old Bailey for returning from transportation

<b>Verdict</b>	<b>Sentence</b>	<b>Number</b>	<b>Percentage</b>
<b>Guilty</b>	<b>Death (total number)</b>	<b>9</b>	<b>75</b>
	Executed	4	33.3
	Death, Remitted on condition of undergoing experiment of inoculation for smallpox	1	8.3
	Death, Respited for Pregnancy	1	8.3
	Death, Respited for Pregnancy, but later executed	1	8.3 <sup>219</sup>
	Death, Later Conditional Pardon	2	16.7
<b>Not Guilty</b>		<b>3</b>	<b>25</b>

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<sup>219</sup> Thus, five women tried at the Old Bailey were executed for returning from transportation, making the death rate for returning from transportation for London convict women 41.7 percent.



## Appendix I

### **Definitions of Crimes for which women were sentenced to transportation at the Old Bailey:**

**Burglary:** Breaking into a house at night with the intent of committing a felony, usually theft. The usual sentence for burglary was death.

**Housebreaking:** Breaking into a house during the day with the intent of committing a felony, usually theft.

**Petty Larceny:** Stealing goods worth less than one shilling (or 12 pence).

**Pick pocketing:** Privately stealing goods from a person; an act committed without the knowledge of the victim. The goods also needed to equal more than one shilling (12 pence)

**Receiving stolen goods:** Receiving goods, knowing them to be stolen. Usually carried a penalty of 14 years transportation.

**Shoplifting:** Stealing goods worth 5 shillings or more from a shop

**Simple Grand Larceny:** Stealing goods worth more than one shilling, without any extenuating circumstances, such as breaking into a home, stealing from a shop, or stealing privately from a person. Many of the women tried for simple grand larceny at the Old Bailey were given a partial verdict of petty larceny, thus making them eligible for a sentence of transportation.

**Theft, Specified Place:** Thefts taking place at a variety of places, including lodging houses, warehouses, or domestic dwelling, where breaking and entering was not an issue.

**Theft, Unspecified:** Usually a minor theft, possible petty larceny

**Robbery:** Assaulting an individual and taking or attempting to take their property

**Perjury:** Testifying falsely under oath during a judicial proceeding.

**Infanticide:** Killing a newborn child. Usually women could disprove this charge by proving that they had prepared for the baby's birth in some way.

**Returning from Transportation:** Returning to the homeland before a defendant's sentence was complete. Usually punishable by death.

## Appendix II

### Explanation of the British money system during the eighteenth century, and the relative value of goods

**Penny:** Twelve pennies, or pence, made up one shilling. Usually denoted by "d."

**Shilling:** Twenty shilling equaled one pound. Denoted by "s."

**Pound:** A pound, signified by £, was equal to 20 shillings.

**Guinea:** A guinea was 1 pound, 1 shilling.

Typical wages for an eighteenth century female domestic servant residing in England was around £2 per year plus food, lodging, and clothing. A housemaid made considerably more, around £6-£8 per year. Female housekeepers might net as much as £15 per year.

A complete set of clothing during this time usually cost between £2-£8. The fee for one night in a cheap lodging house typically was around 2 d. To rent an unfurnished room, individuals normally paid around 1 s. 4 d. per week. The charge for a full meal at a local establishment was around 1 d. and a half penny, while a loaf of bread or a single beer cost about 1 d.<sup>220</sup>

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<sup>220</sup> 'Currency, Coinage & the Cost of Living: Pounds, Shillings & Pence: Purchasing Power 1674-1834'. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), 9 April 2006).

## Appendix III

### A Note on Statistics

For each of the samples of women sentenced to transportation at the Old Bailey, twelve years were used.<sup>221</sup> The years chosen stem from the beginning of the systemized trade system to its end and usually cover two years per decade. The years sampled vary considerably both in the numbers of women sentenced to transportation each year (only 50 were sentenced to transportation in 1747, while in 1725 120 women received a sentence of transportation) and in the amount of detail provided about the women themselves. This last tendency, in particular, may reveal possible inconsistencies in the statistics. For instance, recorders at the Old Bailey often listed parish of residence for indicted women during the early decades of the eighteenth century, but during the last half of the century, residence of defendants rarely figured in the official record. Likewise, for some years recorders often omitted any mention of the female defendants' age, marital status, residence, or even the exact nature of her crime. In lieu of these discrepancies and trends in the Old Bailey Session Papers, the statistical analyses presented in this paper may—in some cases—reflect only a few years, rather than the twelve sampled.

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<sup>221</sup> 1719, 1721, 1725, 1728, 1730, 1733, 1740, 1747, 1750, 1761, 1768, 1775

## WORKS CITED

### Primary Sources

*The American Weekly Mercury*. Readex, Early American Newspapers, Series I, 1690-1876. <http://infoweb.newsbank.com>

*Anne Arundel County Judgment Records 1703-1765, 1740-1743*, Liber IB, no.1, pg. 250-252 (accessed April 4, 2006)  
<http://www.freeafricanamericans.com/AnneArundel.htm>

Bacon, Thomas. *Laws of Maryland at Large, with Proper Indexes*. Annapolis: Jonas Green, 1765. vol. 75. Archives of Maryland Online (accessed April 2, 2006)  
<http://www.mdarchives.state.md.us/megafile/msa/speccol/sc2900/sc2908/html/indx.html>

*Canning's Farthing Post, Containing the Whole Proceedings Relating to her Sufferings, From the Time of her being assaulted and robb'd in Moorfields, to her being Try'd at the Old-Bailey, for Perjury, with the Pleadings of the Council at large. As also, the Trials of Mary Squires, Susannah Wells, and the three Abbotsbury Men, viz. John Gibbon, William Clarke, and Thomas Greville, who were severally indicted and tried for Perjury on the Trial of Mary Squires; &c, &c.* London: Tarfones near Billingsgate, 1754.

*The Complete Newgate Calendar*. London: Navarre Society Ltd., 1926. Available on-line  
<http://tarlton.law.utexas.edu/lpop/etext/completenewgate.htm> (accessed February 28, 2005)

Franklin, Benjamin. *The Papers of Benjamin Franklin*. Vol 4, edited by Leonard W. Labaree et al. New Haven: Yale University Press, 1961.

*The Gentleman's Magazine Online* (<http://www.bodley.ox.ac.uk/ilej>, April 1 2005)

Great Britain. An Act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons, and unlawful exporters of wooll; and for declaring the law upon some points relating to pirates. [London ], [1718]. Based on information from English Short Title Catalogue. Eighteenth Century Collections Online. Gale Group.  
<http://galenet.galegroup.com/servlet/ECCO>

Green, W. (William). *The sufferings of William Green, being a sorrowful account, of his seven years transportation, wherein is set forth the various hardships he underwent, ... Written by W. Green, ... Who returned on the second of June, 1774. ....* London, [1775?]. Based on information from *English Short Title Catalogue*. Eighteenth Century Collections Online. Gale Group.  
<http://galenet.galegroup.com/servlet/ECCO>

Hening, William Waller. *Hening's Statutes at Large*, Laws of Virginia, May 1726, vol. 4, 168-173. (Accessed 4 April 2006). <http://www.vagenweb.org/hening/>

*Kent County Criminal Proceedings, 1724-1728*, pg. 74 KENT COUNTY COURT (Criminal Record) JS AD, 1724-1728, MSA CM649-1 Accession No.: CR 42838-1 (accessed March 3, 2006)  
<http://www.mdarchives.state.md.us/megafile/msa/speccol/sc2900/sc2908/html/index.html>.

Jefferson, Thomas. *The Papers of Thomas Jefferson*. Vol. 10, ed. Julian P. Boyd et al. Princeton, New Jersey: Princeton University Press, 1954.

Jefferson, Thomas. "Thomas Jefferson to John Banister, Jr." 15 October 1785. *Letters of Thomas Jefferson, 1743-1826*. Charlottesville, Virginia: Rector and Visitors of the University of Virginia, 2000, accessed 25 April 2006. Available from the University of Virginia electronic text center  
<http://etext.lib.virginia.edu/modeng/modengJ.browse.html>. Internet

Samuel Johnson, *The Works of Samuel Johnson*, vol. 4, November 5, 1751 [book on-line] (Seattle Washington: The World Wide School, 1998, accessed March 8, 2006); available from  
<http://www.worldwideschool.org/library/books/phil/modernwesternphilosophy/theworksofsamueljohnsonvolume4of16/toc.html>; Internet.

Lieber, Francis *Like a Sponge Thrown into Water: Francis Lieber's European Travel Journal of 1844-1845*. ed. by Charles R. Mack and Ilona S. Mack Columbia, South Carolina: University of South Carolina Press, 2002.

*The Maryland Gazette*. The Geography of Slavery in Virginia.  
<http://www.vcdh.virginia.edu/gos/>

Moraley, William. *The Infortunate: The Voyage and Adventures of William Moraley, an Indentured Servant*. Ed. Susan E. Klepp and Billy G. Smith. University Park, Pennsylvania: The Pennsylvania State University Press, 1992.

*Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), 15 February 2005).

*The Pennsylvania Chronicle*. Readex, Early American Newspapers, Series I, 1690-1876.  
<http://infoweb.newsbank.com>

*The Pennsylvania Gazette*. Readex, Early American Newspapers, Series I, 1690-1876.  
<http://infoweb.newsbank.com>

Public Record Office, SP 44/91 ff.322-3. SP 44/79 ff.403-4, 434, SP 35/27/72.

Revel, James. The poor unhappy transported felon's sorrowful account of fourteen years transportation, at Virginia in America. In six parts. ... By James Ruel the unhappy sufferer. Dublin, [1800?]. Based on information from English Short Title Catalogue. Eighteenth Century Collections Online. Gale Group.  
<http://galenet.galegroup.com/servlet/ECCO>

"The trappan'd maiden: or, The distressed damsel," Printed by and for W.O. and sold by A. Bettesworth, on London bridge (date unknown) Illus. Douce Ballads 2(219a), © Bodleian Library

*The Virginia Gazette*. Past Portal: Colonial Williamsburg's Foundation. Digital Archive.  
<http://www.pastportal.com/browse/vg/>

## Secondary Sources

### Articles

Backscheider, Paula R. "The Crime Wave and *Moll Flanders*." In *Moll Flanders* by Daniel Defoe, ed. by Albert J. Rivero. New York: W.W. Norton & Company, 2004. 460-471.

Balak, Benjamin, and Jonathan M. Lave. "The Dismal Science of Punishment: The Legal-Economy of Convict Transportation to the American Colonies." *Journal of Law and Politics*, (Fall 2002).

Beattie, J.M. "The Pattern of Crime in England, 1660-1800," *Past and Present* 62 (February 1974): 47-95.

Bullough, Vern L. "Prostitution and Reform in Eighteenth-Century England." *Eighteenth Century Life* 9 no. 3 (1985): 61-75.

Burstein, Andrew "Jefferson's Rationalizations." *The William and Mary Quarterly* 57 no. 3 (January 2000): 183-197.

Burstein, Andrew "Seductions of Jefferson." *Journal of the Early Republic* 19 no. 3 (Autumn 1999): 499-509.

Butler, James Davie. "British Convicts Shipped to American Colonies." *The American Historical Review* 2, no. 1 (October 1896): 12-33.

Ekirch, A. Roger. "Bound for America: A Profile of British Convicts Transported to the Colonies, 1718-1775." *The William and Mary Quarterly*, 3<sup>rd</sup> ser., 42, no. 2 (April 1985): 184-200.

- Fogelman, Aaron S. "From Slaves, Convicts, and Servants to Free Passengers: The Transformation of Immigration in the Era of the American Revolution." *The Journal of American History* 85, no. 1 (June 1998): 43-76.
- Grubb, Farley. "The Market Evaluation of Criminality: Evidence from the Auction of British Convict Labor in America, 1767-1775." *The American Economic Review* 91, no. 1 (March 2001): 295-304.
- Grubb, Farley. "The Transatlantic Market for British Convict Labor." *Journal of Economic History* 60 no. 1 (2000): 94-122.
- Hay, Douglas. "Property, Authority and the Criminal Law" in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. New York: Pantheon Books, 1975.
- Jenkins, Philip. "From Gallows to Prison? The Execution Rate in Early Modern England." *Criminal Justice History* 7 (1986): 51-72.
- Langbein, John H. "Shaping the Eighteenth-Century Criminal Trial: A view from the Ryder Sources." *University of Chicago Law Review* 50 (1983):1-136.
- MacKay, Lynn. "Why They Stole: Women in the Old Bailey, 1779-1789" *Journal of Social History* 32 (1999), 623-39.
- Morgan, Gwenda and Peter Rushton, "Running Away and Returning Home: The Fate of English Convicts in the American Colonies." *Crime, Histoire & Sociétés* 7 no. 2 (2003): 61-80.
- Morgan, Kenneth. "English and American Attitudes Towards Convict Transportation, 1718-1775" *History* 72 (1987): 416-431.
- Morgan, Kenneth. "The Organization of the Convict Trade to Maryland: Stevenson, Randolph and Cheston, 1768-1775." *The William and Mary Quarterly*, 3<sup>rd</sup> ser., 42, no. 2 (April 1985): 201-227.
- Morgan, Kenneth. "Petitions against Convict Transportation, 1725-1735." *The English Historical Review* 104, no. 410 (January 1989), 110-113.
- Prude, Jonathan. "To Look upon the 'Lower Sort': Runaway Ads and the Appearance of Unfree Laborers in America, 1750-1800." *The Journal of American History* 78 no. 1 (June 1991), 124-159.
- Rice, Jim "'This Province so Meanly and Thinly Inhabited': Punishing Maryland's Criminals, 1681-1850." *Journal of the Early Republic* 19 no. 1 (Spring 1999): 15-42.

- Schmidt, Frederick Hall. "British convict servant labor in colonial Virginia." *Northern Neck of Virginia Historical Magazine* 52 no. 1 (2002): 6171-6191.
- Siena, Kevin P. "Pollution, Promiscuity, and the Pox: English Vereneology and the Early Modern Medical Discourse on Social and Sexual Danger." *Journal of the History of Sexuality* 8 no. 4 (1998): 553-574.
- Smith, Alexander "Moll Cutpurse, a Pick-Pocket and Highwaywoman" in Daniel Defoe *Moll Flanders*, ed. Albert J. Rivero. New York: W.W. Norton & Company, 2004. 320-328.
- Smith, Abbot Emerson. "The Transportation of Convicts to the American Colonies in the Seventeenth Century." *The American Historical Review* 39, no. 2 (January 1934): 232-249.
- Ziegler, Edith. "The Transported Convict Women of Colonial Maryland, 1718-1776." *Maryland Historical Magazine* 97 no. 1 (Spring 2002): 4-32.

### **Books**

- Bailyn, Bernard and Barbara DeWolfe. *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution*. New York: Alfred A. Knopf, 1986.
- Beattie, J.M. *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror*. Oxford: Oxford University Press, 2001.
- Blumenthal, Walter Hart. *Brides from Bridewell: Female Felons Sent to Colonial America*. Westport, Connecticut: Greenwood Press, Publishers, 1962.
- Brown, Kathleen M. *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*. Chapel Hill and London: University of North Carolina Press, 1996.
- Coldham, Peter Wilson. *Emigrants in Chains: A Social History of Forced Emigration to the Americas of Felons, Destitute Children, Political and Religious Non-Conformists, Vagabonds, Beggars, and Other Undesirables, 1607-1776*. Baltimore, Maryland: Genealogical Publishing Company, 1992.
- Coldham, Peter Wilson. *English Convicts in Colonial America*. Volumes 1 and 2. New Orleans: Polyanthos, 1974 and 1976.
- Defoe, Daniel. *Moll Flanders*. Edited by Albert J. Rivero. New York: W.W. Norton & Company, 2004.
- Dekker, Thomas and Thomas Middleton, "The Roaring Girl," <http://www.tech.org/~cleary/roar.html> (accessed March 24, 2006).



- Dening, Greg. *Mr. Bligh's Bad Language: Passion, Power, and Theater on the Bounty*. New York: Cambridge University Press, 1992.
- Ekirch, A. Roger. *Bound for America: The transportation of British convicts to the colonies: 1718-1775*. Oxford: Clarendon Press, 1987.
- Foucault, Michael. *Discipline and Punish: The Birth of the Prison*. trans. Alan Sheridan, 2d ed. New York: Vintage Books, May 1991.
- Griffith, Arthur. *The Chronicles Of Newgate*. New York: Scribner and Welford, 1884.
- Henderson, Tony. *Disorderly Women in Eighteenth Century London: Prostitution and Control in the Metropolis, 1730-1830*. London and New York: Longman, 1999.
- Hill, Bridget. *Women Alone: Spinsters in England, 1660-1850*. New Haven and London: Yale University Press, 2001.
- Jarvis, Branwen. *Goronwy Owen*. Cardiff: University of Wales Press on behalf of the Welsh Arts Council, 1986.
- Jensen, Merrill, ed. *English Historical Documents: American Colonial Documents to 1776*, Volume IX. New York: Oxford University Press, 1969.
- Lockridge, Kenneth. *On the Sources of Patriarchal Rage: The Commonplace Books of William Byrd and Thomas Jefferson and the Gendering of Power in the Eighteenth Century*. New York and London: New York University Press, 1992.
- Morgan, Gwenda and Peter Rushton. *Eighteenth-Century Criminal Transportation: The Formation of the Criminal Atlantic*. New York: Palgrave MacMillan, 2004.
- Oxley, Deborah. *Convict Maids: The Forced Migration of Women to Australia*. Cambridge, New York and Melbourne: Cambridge University Press, 1996.
- Rudé, George. *Hanoverian London, 1714-1808*. Berkeley and Los Angeles: University of California Press, 1971.
- Walker, Garthine. *Crime, Gender and Social Order in Early Modern England*. Cambridge: Cambridge University Press, 2003.
- Wrightson, Keith. *Earthly Necessities: Economic Lives in Early Modern Britain*. New Haven and London: Yale University Press, 2000.

## **Unpublished Work**

Schmidt, Frederick Hall. "British Convict Servant Labor in Colonial Virginia."  
Unpublished Ph.D. Thesis The College of William and Mary, 1976.

Southall, Grace Tredwell. "Emptying their Jakes on our Tables: The Legislative  
Campaign Against Convict Transportation to Maryland, 1676-1776."  
Unpublished Masters Thesis. The University of Maryland, 1990.

Zahn, Geraldine. "Some Causes and Effects of Convict Transportation to the Colonies of  
Virginia and Maryland." Unpublished Masters Thesis. Indiana University,  
Bloomington, Indiana, 1939.