

Indenture, Transportation, and Spiriting: Seventeenth Century English Penal Policy and ‘Superfluous’ Populations¹

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The Atlantic colonies held by England in the seventeenth century meant many things for the state, including a source for resources, a market for manufactured goods, a zone for territorial expansion, a manifestation of success against rivals in the imperial struggle, and also territory for shunting populations that the state deemed undesirable. These unwanted persons consisted of poor vagrants, criminals, and rebels against the state, including the Irish, who were sometimes identified as part of the latter group. By sending these groups abroad as indentured servants, the English government sought, at various times, a cleansing of unwanted populations, a perceived moral redemption for the individuals involved, and a savings in detention expenses. In addition to these motivations for expelling certain populations, a further stimulus for shipping indentured servants was to supply labor to the new colonies in the Atlantic. Yet at the same time, the state also strove, not always successfully, to present itself as exerting impartial justice in the three kingdoms of England, Ireland, and Scotland, and attempted to maintain synchronization of penal solutions to sedition, crime, and poverty in both England and Ireland.

Fairness was intrinsically difficult to achieve because of significant conflicts of interests within the state. The greatest obstacle was the fact that many of the individual contractors involved in shipping servants held influential government offices, and were able to shape public policy to support their private interests. The period of the Interregnum is particularly revealing in this regard, because it demonstrates a shift in public policy from a focus on the removal of populations deemed excess, surplus, or disorderly to a focus on a simultaneous though competing set of imperatives—moral redemption, populating the colonies, and economic profit. Nonetheless, the English government, even during the Interregnum, continued to express uneasiness about its participation in human trafficking, while lacking sufficient political will to halt it.

1 I am indebted to the editors of this volume for their fruitful comments and suggestions.

During the sixteenth and early seventeenth centuries, overpopulation was a significant concern for the government. A number of authors have discussed the issue of population growth in early modern Britain and the perception of social danger that resulted.² Seventeenth century authors frequently addressed their fear that England was inundated with vagrants and the poor. For example, a 1610 pamphlet by Thomas Blenerhasset, a leading planter in Ulster, proposed that England, “overcharged with much people” should colonize Ulster to find room for its “overplus” population.³ In 1621 colonial entrepreneur Edwin Sandys encouraged plantation in Virginia, claiming that it would allow the “nation to disburden itself” of “the abundance of people.”⁴ Writer Gervase Markham urged that jobs in husbandry be found for “waste persons.”⁵ Rapid population growth combined with lack of adaptation to the increasingly capitalist economy drove the English government to react to problems such as vagrancy, crime, and the presence of large numbers of “masterless” men and women through a variety of measures during the sixteenth and seventeenth centuries, including the establishment of the Elizabethan poor laws and their periodic modifications.⁶ A key provision of the poor laws was forced labor or apprenticeships for indigent youths and the “undeserving poor,” and in the

2 The classic work is A.L. Beier, *Masterless Men: The Vagrancy Problem in England 1560–1640* (London: Methuen, 1985). See also Patricia Fumerton, *Unsettled: The Culture of Mobility and the Working Poor in Early Modern England* (Chicago: University of Chicago Press, 2006); John Pound, *Poverty and Vagrancy in Tudor England*, 2nd ed. (London: Longman, 1986); J.A. Sharpe, *Crime in Early Modern England 1550–1750* (London: Longman, 1984); Linda Woodbridge, *Vagrancy, Homelessness, and English Renaissance Literature* (Urbana: University of Illinois Press, 2001); *Poverty and Policy in Tudor and Stuart England* (London: Longman, 1988); *From Reformation to Improvement: Public Welfare in Early Modern England* (Oxford: Clarendon Press, 1998); Jeremy Boulton, “The Poor Among the Rich: Paupers and the Parish in the West End, 1600–1724,” in Paul Griffiths and Mark S.R. Jenner, eds., *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester: Manchester University Press, 2000), 197–225; Paul Griffiths, “Masterless Young People in Norwich, 1560–1645,” in Paul Griffiths, Adam Fox and Steve Hindle, eds., *The Experience of Authority in Early Modern England* (New York: St. Martin’s Press, 1996), 146–86.

3 Thomas Blenerhasset, *A Direction for the Plantation in Ulster* (London, 1610).

4 Edwin Sandys, quoted in Theodore K. Rabb, *Jacobean Gentleman: Sir Edwin Sandys, 1561–1629* (Princeton: Princeton University Press, 1998), 240.

5 Steve Hindle, “‘Waste’ Children? Pauper Apprenticeship under the Elizabethan Poor Laws,” in Penelope Lane and Neil Raven, eds., *Women, Work, and Wages in England, 1600–1850* (Woodbridge, Suffolk: Boydell Press, 2004), 17.

6 See Paul Slack, *The English Poor Law, 1531–1782* (Cambridge: Cambridge University Press, 1995) about attempts to reform the poor.

seventeenth century, as England acquired colonies, this was extended to indenture contracts in overseas settlements.⁷ Both apprenticeships and indenture were most likely cheaper than state-sponsored poor relief in the long run. While indenture was usually contracted voluntarily for four year terms, people sent unwillingly by the government, including indigents, rebels, and criminals, usually served for seven years or more—the same duration as a typical apprenticeship. In addition to constituting a criminal sentence, productive labor was seen as morally redemptive for the poor and unemployed.

In the seventeenth century, the colonies presented a zone where a population that was seen as a “burden” could be productively allocated—indeed where such a population was needed. The importance of this outlet is demonstrated by the gradual extension and expansion of the policy of transportation of purported undesirables, a policy that showed continuity between Royalist and Parliamentary governments. The chief motivation for transporting undesirable populations was not purely demographic, because rates of transportation actually rose during the Interregnum period, at a time when population had fallen as a result of the Civil Wars.⁸ Moral imperatives were thus a significant motivation. Furthermore, the government’s support of transportation also stemmed from the intertwining of public policy and private interests, as many influential members of the English and colonial administrations were also prominent entrepreneurs who were personally profiting from the transportation of servants.

As a consequence of both government policy and the existence of a real market for labor in the colonies, thousands of indentured servants crossed the Atlantic during the seventeenth and eighteenth centuries. The majority of servants from both Britain and Ireland sailed voluntarily, recruited by independent contractors, often fleeing destitution and unaware of the horrors of the Atlantic passage or the realities of hard labor that awaited them.⁹ For many,

7 Aubrey Gwynn, “Cromwell’s Policy of Transportation, Part I,” *Studies: An Irish Quarterly Review of Letters, Philosophy & Science* vol. 19 (1930): 617; Steve Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England c. 1550–1750* (Oxford: Oxford University Press, 2004), 191–219.

8 For example, see the figures in Charles Carlton, *Going to the Wars: The Experience of the British Civil Wars, 1638–1651* (New York: Routledge, 1994), 211–214.

9 Don Jordan and Michael Walsh contend in *White Cargo: The Forgotten History of Britain’s White Slaves in America* (New York: New York University Press, 2008) that indenture was often tantamount to slavery, and thus no real choice existed for the unfortunates that signed indenture contracts. Hilary Beckles analyzes the market forces behind indentured servitude in *White Servitude and Black Slavery in Barbados, 1627–1715* (Knoxville: University of Tennessee Press, 1989) and David Galenson analyzes the economic rationale behind servants’ willingness to

servitude was to be an exploitative experience during which they encountered severe hardships, extreme cruelty, or even death. It is worth considering whether signing an indenture under such circumstances was a real choice or simply an act of economic desperation. Yet many did not have even this slight opportunity to make a decision about their own fates. In addition to those servants who agreed to contract for indenture, there were numerous servants who were unwillingly transported under the auspices of state-sponsored policies. This chapter will focus on government-backed transportation of unwilling persons from 1618 to 1670, and explores the demographic, political, moral, and economic rationales for continuing state-sponsored indentured servitude. I also investigate complications arising from the divergence between government aims and the labor requirements of colonial masters, as well as the government's deviation from its ostensible commitment to protect its subjects.

The practice of indenturing servants remained relatively consistent during the seventeenth and into the eighteenth centuries. There were a number of categories of servants, including servants shipped by government contractors and those shipped by independent businessmen. Servants could also be divided into those sailing voluntarily and involuntarily, with the former consisting mainly of indigent youths who hoped to better their situations through the completion of a temporary contract.¹⁰ Involuntary servants included convicts, individuals deemed part of undesirable populations, such as indigents, orphans, or vagrants, and those seen as dangerous undesirables such as criminals or religious, political, or military rebels.¹¹ In addition to licensed contractors, "spirits," often illegally employed by ostensibly legitimate recruiting firms, were responsible for "spiriting away" (kidnapping) or "trepanning" (conning) people into servitude, many of whom were then "barbadosed" or sent to the West Indies.¹² It was illegal to force servants into indenture, but the laws were

sign indenture contracts. *White Servitude in Colonial America: An Economic Analysis* (Cambridge: Cambridge University Press, 1981).

10 Farley Grubb argues that loss of parents and their support was a significant cause for voluntarily contracting into servitude. "Fatherless and Friendless: Factors Influencing the Flow of English Emigrant Servants," *Journal of Economic History* vol. 52, no. 1 (1992): 85–108.

11 In addition to English or Irish Royalist soldiers, the latter category also included Irish Catholic priests and Quakers.

12 On the practice of spiriting, as well as resistance to it, see John Wareing, "Preventive and Punitive Regulation in Seventeenth-century Social Policy: Conflicts of Interest and the Failure to Make 'Stealing and Transporting Children, and other Persons' a Felony, 1645–73," *Social History* vol. 27, no. 3 (2002): 288–308, and "Violently taken away or cheatingly duckoied." The Illicit Recruitment in London of Indentured Servants for the American Colonies,

widely evaded. In general whether obtained through legal or illegitimate means, the typical destination for indentured servants was the American mainland colonies or the Caribbean. Servants came from across Britain and Ireland, both sexes, and all ages, including small children, though youths predominated.

Substantial numbers of servants were sent overseas in the early days of the British colonies. Beginning shortly after the initial establishment of English colonists at Jamestown in 1607, a flow of approximately 300,000 English persons, of whom about 75% were servants, as well as between 20,000 and 40,000 Irish, 7,000 Scots, and some continental Europeans migrated to the West Indies and North America.¹³ Thus while most migrating Irish and Scots were servants, perhaps a larger percentage than among the English, by far most servants were English. By 1660, approximately 20% of the servants were Irish, though percentages ebbed and flowed at various times.¹⁴

Government-sponsored transportation proposals began in the early decades of the seventeenth century, and continued into the eighteenth. Once begun, the policy of transportation was continued through several government administrations. There was both continuity and disjunction between the policies of the royal governments of the early seventeenth century, and the policies of the Interregnum. As it took office in 1649, the Interregnum administration reiterated the previous government's right to apprehend, punish, and put to work English vagrants, beggars, rogues and poor children, thus reaffirming the Elizabethan and subsequent poor laws.¹⁵ In 1652 and 1654, Parliamentary Acts recommended shipments of the poor away from Britain, a policy reiterated by the Interregnum Council of State in 1656, and by the Restoration government in 1662–4, 1667, and 1670, with a term of labor usually set at seven years for involuntary servants.¹⁶ In 1670 an Act of the Scottish Parliament established

1645–1718," *The London Journal: A Review of Metropolitan Society Past and Present* vol. 26 (2001): 1–22.

- 13 Alison Games, "Migration," in David Armitage and Michael Braddick, eds., *The British Atlantic World, 1500–1800* (New York: Palgrave, 2002), 38, 41. The first to provide a good estimate of numbers of servants was Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607–1776* (Chapel Hill: University of North Carolina Press, 1947), 336.
- 14 Beckles, *White Servitude and Black Slavery in Barbados, 1627–1715*, 38.
- 15 C.H. Firth and R.S. Rait, eds., *Acts and Ordinances of the Interregnum, 1642–1660* [hereafter *AOI*], (London, 1911), 104–110.
- 16 For example, "Rogues, vagabonds, idle and disorderly persons, and beggars" to be transported as magistrates see fit, "for a term not exceeding seven years" in Leo Stock, ed., *Proceedings and Debates of the British Parliaments Respecting North America, 1542–1688*, 5 vols. [*Parl. Deb. 1*],

transportation for those who refused to disclose evidence about rebels against the state or Presbyterian conventicles, an ever-present issue in culturally fractious and religiously divided Scotland.¹⁷

Most of this legislation focused on the English poor, criminals, or during the Civil War period, rebels. Government initiatives to transport vagrants, rebels, and other populations deemed undesirable had multiple aims. Vagrants and the indigent were perceived to cause disorder. They were believed to be idle and lazy rather than destitute as a result of economic circumstances, and were variously referred to as “rogues,” “vagabonds,” “idle,” “disorderly,” “lewd,” and “dangerous.”¹⁸ Labor itself was perceived to be morally uplifting—thus government officials believed that by forcing former vagrants to work, they were making the latter economically productive, as well as improving them morally. Transportation was a convenient way for the government to rid itself of individuals it would otherwise have been feeding in the jails or through parish relief. Transportation was costly—the government typically subsidized transport costs at approximately £5 per head—but it was relieved of the costs for feeding prisoners or convicts. The financial obligation incurred in providing poor relief or in maintaining poorhouses was considerably higher than the one-time shipping cost for servants.¹⁹ Consciousness of the relative benefits and costs must have encouraged the government’s readiness to lay out money for servants’ passages across the ocean. Furthermore, this policy meshed with early modern social values which mandated that the appropriate context for dependent individuals was under the dominion and discipline of a master.²⁰

v. 1, 1542–1688 (Washington, D.C.: Carnegie Institution, 1924) hereafter *Parl. Deb.* 1, in 1662 (293), and see also 1662 (306), 1663 (309–10), 1664 (320–321, 327), 1664 (351), 1667 (351), 1670 (353, 357). On August 14, 1656, the Council of State ordered that “lewd and dangerous persons, rogues, vagrants, and other idle persons, who have no means of livelihood, and refuse to work” be transported to the plantations. W. Noel Sainsbury, ed., *Calendar of State Papers, Colonial Series, America and West Indies, 1574–1660*, (London: Royal Stationary Office, 1860) [hereafter *CSPC, 1574–1660*], 447.

17 *Act Against such who shall Refuse to Depone Against Delinquents* (Edinburgh, 1670). See also *Parl. Deb.* 1, 448.

18 See footnote 16.

19 Robert C. Johnson, “The Transportation of Vagrant Children from London to Virginia, 1618–22,” in Howard S. Reinmuth Jr., ed., *Early Stuart Studies: Essays in Honor of David Harris Willson* (Minneapolis: University of Minnesota Press, 1970), 150.

20 On early modern ideas about the appropriate structure for the household, see Susan Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford: Basil Blackwell Ltd, 1988). Steve Hindle addresses attempts by government and parishes to “reconstitute” suitable households for poor children through apprenticeships. See Hindle, *On the Parish*, 193–195.

It was in the economic aspects of the servant trade that the complex interaction of public and private interests comes to the fore. Many of these interests actually competed with each other. For example, there is evidence that impoverished but self-supporting individuals were swept up with some regularity when servant cargos were assembled.²¹ This would seem disadvantageous for the government if it meant paying for the transportation of individuals who had not previously been the recipients of government funds for food or housing. However, although there were instances of administrative strictures against this practice, they were rarely enforced. This can be explained in two ways. In part, the perceived need to rid society of certain populations—the poor, disreputable, and disorderly—led local and national governments to turn a blind eye to their disappearance, or even to encourage it. But a further reason that this practice occurred was because the interests of national and local governments, local officials, shippers, and contractors did not always intersect. Thus while from a purely economic perspective, governments might favor sending only people enrolled in poor relief out of the country, those who profited through commissions or direct profits obtained by amassing or shipping individuals might be less fastidious about which individuals they chose to ship. Indeed, the shippers themselves preferred strong and healthy servants who would bring a greater price upon the sale of their contracts, and fit persons were perhaps less likely to come from the destitute poor. The very system of government-sanctioned indenture thus bred corruption. Farley Grubb has shown that in the eighteenth century, the necessity of convincing contractors to ship criminal servants resulted in adjustments to the length of the criminal sentences assigned to convicts, regardless of the magnitude of the crime committed, as the government sought to make convicts desirable to shippers who were primarily interested in profits. Thus equality of justice under the law was undermined in favor of capitalist concerns.²² This practice likely also shaped

21 See Johnson, "Transportation of Vagrant Children," 142, for some discussion of young street children being detained by the authorities without surety of vagrancy.

22 Criminals tended to have a reduced value relative to voluntary migrants because of the assumption that they would be less well behaved as servants. Thus sentences were longer than the contracts of voluntary servants, in order to equalize their value at auction, because otherwise shippers would be hesitant to take them. However, overlong sentences implied incorrigibility, and further reduced value. Thus most criminals, whether having committed serious crimes or more minor ones, were sentenced to the same length of indenture—seven years. Farley Grubb, "The Transatlantic Market for British Convict Labor," *The Journal of Economic History* vol. 60, no. 1 (2000): 94–122. See also "The Market Evaluation of Criminality: Evidence from the Auction of British Convict Labor in America, 1767–1775," *The American Economic Review*, vol. 91, no. 1 (2001): 295–304.

convict indentures in the seventeenth century, when the average sentence of seven years fits Grubb's model for the later period.

Perhaps the greatest stain on government policy came from the fact that a number of influential members of the administration realized significant personal gain from transporting indentured servants. Transportation was a profitable enterprise: top government contractors, such as the merchant Martin Noell, could realize a substantial profit, because the government subsidy for shipping as well as the profits from selling the servants' contracts at auction on disembarking made the shipping of servants under government contracts more lucrative than private shipping ventures.²³ Noell reaped profits during the Interregnum through his influence in Parliamentary politics, the Boards of Trade, and the Council of State. He was likely one of the authors of the Navigation Act of 1651.²⁴ He continued in favor during the Restoration, receiving a knighthood. At various times he also controlled excise farms in a number of colonial and domestic products, held contracts in military supplies, and helped fund Cromwell's expedition to take Jamaica from the Spanish. In addition, Noell was a sugar merchant and a colonial planter, owning estates in Jamaica, Barbados, Montserrat, and Ireland, and controlled a firm involved in a number of shipping ventures to the West Indies, including human cargoes of slaves and indentured servants as well as sugar, shoes, horses, and other goods.²⁵ Noell thus exemplified the tangled incentives and conflicts of interest inherent in the policy of transporting unwilling indentured servants. His public and private roles intertwined, allowing him enormous influence over government economic policies to his personal benefit, including laws regarding the transportation of criminals, vagrants, or rebels as indentured servants.

Although Noell might have been unusual in the number of commercial ventures that he was involved in or the amount of influence he exercised, he was by no means unique. There were many other merchant entrepreneurs, such as Noell's colleague Thomas Povey, who also exercised great governmental power,

23 For example, see Orders of the Council of State, May 22 1656, "Concerning the transportation of 1,200 men from Knockfergus, in Ireland, and Port Patrick, in Scotland, to Jamaica; Martin Noell contracting to send them over at 5*l.* 10*s.* per head." *CSPC 1574-1660*, 440-1.

24 An attempt to limit the freight trade by foreign shippers, especially the Dutch.

25 On Noell, see Russell Menard, *Sweet Negotiations: Sugar, Slavery, and Plantation Agriculture in Early Barbados* (Charlottesville: University of Virginia Press, 2006), 44, 54, 59, 93, 146; C.M. Andrews, "British Committees, Commissions, and Councils of Trade and Plantations, 1622-1675," *Johns Hopkins University Studies in Historical and Political Science*, vol. 26 (Baltimore: Johns Hopkins University Press, 1908), 49-51; Richard B. Sheridan, *Sugar and Slavery: An Economic History of the British West Indies, 1623-1775* (Kingston: Canoe Press, 2000), 90-92.

probably helped Noell write the Navigation Act of 1651, likely suggested the Council for Trade in the Americas, and who served as one of its more active members. He too held key government offices and controlled excise farms and Atlantic shipping ventures. Like Noell, Povey had a career spanning several administrations. He retained influence through the governments of Charles I, the Interregnum and into the Restoration.²⁶ There were many other entrepreneurs simultaneously active in colonization, human trafficking, military contracting, and government office; a few of the more prominent included Maurice Thomson, Andrew Riccard, and Robert Rich, second earl of Warwick.²⁷ Such men often retained influence through three government administrations which held supposedly disparate political principles, but which were united by an interest in the capitalistic exploitation of resources, whether colonial or human, as well as by an inability or disinclination to separate the private interests of their members from the will of the state.

And yet, even these merchant entrepreneurs were not able to fully control English transportation policy. Whether in England or Ireland, implementation of the state's commitment to the policy of shifting particular populations abroad often proceeded in a haphazard manner, like many policy initiatives of the early modern state. One difficulty involved disjunctions between the English government's desire to remove certain populations that were seen as unwanted and actual colonial desires for labor. Colonial planters themselves had distinct preferences regarding servants and tried to influence the demography of shipments of servants, though sometimes their aims contrasted with government desires to remove certain populations from Britain. Unsurprisingly, colonials favored servants who were healthy young adults without criminal records. One repeatedly expressed preference was for either English or Scottish servants rather than the Irish. Protestant colonists stereotyped the Irish as lazy and rebellious, while Scots, in contrast, were seen as hardworking and diligent. Irish Catholic servants were also seen as presenting a potential risk: there was danger of conspiracy with French Catholic forces in the Caribbean. These suspicions were not entirely unmerited, as shown by the collusion of Irish servants with the French in the Leeward Islands in the 1660s and 1680s. Irish servants had also previously been involved in revolts in Barbados in the 1630s, 40s, and 50s, and were suspected of participating in slave revolts in the 1670s, 1680s and 90s.²⁸

26 On Povey, see Andrews, "British Committees, Commissions, and Councils of Trade and Plantations, 1622–1675," 51–56.

27 Thomson is mentioned in Menard, *Sweet Negotiations*, 55, 59.

28 Discussed in Jerome Handler, "Slave Revolts and Conspiracies in Seventeenth-Century Barbadoes," *New West Indian Guide* vol. 56, (1982); Hilary Beckles, "A 'riotous and unruly lot': Irish Indentured Servants and Freemen in the English West Indies, 1644–1713)," *William*

Political prisoners, many of whom were Irish in the mid-seventeenth century, were seen as particularly troublesome, and hence less desirable as servants. Island planters repeatedly tried to control the composition of their newly recruited labor force, requesting more Scottish or English and fewer Irish servants, including petitions to the central government from the 1650s to the 70s.²⁹ For example, Barbadian planters sent a petition to Oliver Cromwell in 1655 to ask for relief from military service because of the dangers of leaving behind potentially rebellious African slaves, and Irish and Scots servants, the latter of whom were “formerly prisoners of war and ready to rebel.” They concluded by asking for more English servants.³⁰ Planters soon reconciled themselves to Scottish servants, as well as to slaves, but continued to try to eschew the Irish. In a 1675 petition by Barbados planters asking for increased shipments of slaves, the planters also insisted on receiving English and Scottish servants, since “Irish servants they find of small value.”³¹ In 1676 the government responded to similar concerns by discussing a plan to hire Scots to go to Jamaica “as being very good servants.”³² In August of the same year, Governor Jonathan Atkins of Barbados also complained that Irish servants were “idle.”³³ The disinclination to hire Irish servants likely resulted in a reduction in value of contracts to shippers, just as it occurred for convicts.

Nonetheless, there was an upsurge of Irish servants sent to the colonies, particularly during the Interregnum Commonwealth. Some authors have claimed that the English targeted the Irish in the practice of forced indenture, but the reality is complicated.³⁴ The seventeenth century was an era of tremendous

and *Mary Quarterly*, 3rd. Ser., vol. 47, no. 4 (1990): 515–521; Beckles, *White Servitude*, 100, 107–113.

29 Beckles, “Riotous and Unruly Lot,” 509–512, and Beckles, “The Colours of Property: Brown, White and Black Chattels and their responses on the Caribbean Frontier” in Paul Lovejoy and Nicholas Rogers, eds., *Unfree Labour in the Development of the Atlantic World* (London: Frank Cass, 1994), 44.

30 *The Humble Overtures of Divers Persons Nearly Concerned in the Present Posture and Condition of the Island of Barbados* (London, 1655), The National Archives CO 1/69, No. 2.

31 W. Noel Sainsbury, ed., *Calendar of State Papers, Colonial Series, America and West Indies, 1675–1676, also Addenda 1574–1674* [hereafter *CSPC, 1675–76*], (London: Royal Stationary Office, 1893), 304.

32 *CSPC, 1675–76*, 516. See also 105, as well as Beckles, *White Servitude*, 69; Nini Rogers, *Ireland, Slavery and Anti-Slavery* (New York: Palgrave, 2001), 40.

33 *CSPC, 1675–76*, 445. See also Beckles, *White Servitude*, 38–39, 123.

34 This contention has often been presented by amateur researchers, including Sean Callaghan, *To Hell or Barbados* (Dingle: Brandon Books, 2001); Michael Hoffman, *They were White and They were Slaves* (Dresden, New York: Wiswell Ruffin House, 1993); Lawrence Kelleher, *To Shed a Tear: A Story of Irish Slavery in the British West Indies* (Writers Club Press, 2001). The books cited here are historically problematic, participating in a public

English prejudice against the Irish and against Catholics, magnified by the Irish Rebellion of 1641 and Ireland's royalism during the English Civil War. There was a tendency during this period for the English government to view all Irish Catholics, including civilians, as dangerous and actively hostile to English rule. Sending the Irish to indenture overseas was a policy in concert with forced migration to Connaught on the western side of Ireland, especially as those who refused to relocate were further threatened with "banish[ment]" overseas within six months if they remained.³⁵ Violence targeting the Irish was condoned if not explicitly prescribed by the state. The Irish frequently became the object of vagrant removal orders promulgated by the Council of State, and applicable in both England and Ireland. In 1653, a Bristol merchant applied to ship 250 Irish women to New England. This was turned down, but a cargo of male and female "beggars and vagabonds" from Cork was granted.³⁶ In 1654, local town governors were ordered by the Irish Commissioners to hand rogues and vagabonds to three Waterford merchants.³⁷ This scheme was obviously subject to corruption as officials looking to rapidly fulfill quotas swept up non-vagrant individuals, or as shipping contractors pressured officials to ignore unhealthy indigents in favor of vigorous servants who would bring higher prices when their contracts were sold. These measures resulted in the transportation of many thousands of Irish civilians to the colonies, especially the Caribbean.

The precedents for the forcible indenture of rebels, vagrants, criminals, and the poor were initially developed in England, and continued to be utilized there during the same period. The orders for detaining Irish vagrants and indigents were consistent with Parliamentary orders for the rounding up of vagrants in England at the same time.³⁸ With the exception of the immediate

discourse claiming that slavery was less severe than previously thought. Some of the authors are affiliated with white supremacist groups. For a critique of such authors, see 45–46. A more accurately researched discussion of the forcible indenture of Irish servants, including children, can be found in Jordan and Walsh, *White Cargo*, 137–154. Also see the situation of Richard Mecane, discussed below.

35 *Parl. Deb.* 1, 241 n. 23. Evidence suggests that there were few instances of this being carried out.

36 Samuel Rawson Gardiner, *History of the Commonwealth and Protectorate: 1649–1656*, 4 vols. (London: Weidenfeld and Nicholson, 1989) 110.

37 Gardiner, *History of the Commonwealth and Protectorate*, 4: 110–111; John Prendergast, *The Cromwellian Settlement of Ireland* (New York: P.M. Haverty, 1868), 245.

38 For example, in May of 1653, the Commissioners of Ireland issued the following order: "all laws and statutes now in force in the Commonwealth of England for the correction and punishment of rogues, vagrants, sturdy beggars, idle and disorderly persons...and for

aftermath of the Irish rebellion, during which the Interregnum Council of State authorized several transports of Irish civilians, totalling many thousands of people, neither the English administration nor the Irish Commissioners authorized the forcible removal of the “deserving poor,” instead targeting groups that they saw as disruptive: unemployed vagrants, criminals, poorhouse occupants, and rebels against the government. In both England and Ireland, frequent exploitation of vulnerable people occurred as spirits, unscrupulous magistrates, and contractors conned and kidnapped individuals onto their ships, and the government often overlooked or even condoned these abuses. Yet at the same time, they did prompt the administration to investigate offenses and to enforce civilian protections, though perhaps more scrupulously in England than in Ireland. Thus forcible indenture policies were not a special punitive system applied exclusively to Ireland, but were part of an economic system that accepted ethnic prejudice, but in which both xenophobia and the contradictory impulse of the impartial application of justice were superseded by both capitalistic profit motives and the perceived needs of the state.

Forcible indenture and transportation policies also applied to criminals, who were in fact one of the first groups to be sent by the English government as involuntary servants. As early as January of 1615, the administration of James I issued a commission in which it authorized persons sentenced for lesser capital crimes to be reprieved by transportation to “parts abroad.”³⁹ The stated

relieving and setting of the poor to work, be and are hereby declared to be in force in Ireland.” Cited in Gwynn, “Cromwell’s Policy of Transportation,” 616–617. Also see Council of State Orders “touching the transporting of vagrants, felons, &c. to the foreign plantations” from November 8, 1653 in *CSPC, 1574–1660*, Council of State, Orders “touching the transporting of vagrants, felons, &c. to the foreign plantations,” November 8, 1653, 410, “a Committee to report upon...the transportation of vagrants to the foreign plantations,” Nov. 15, 1653, 410–411; “Draft of a bill...for transporting vagrants to the Western plantations, to be recommended to Committee of Parliament appointed to consider of the poor people of the Commonwealth,” December 9, 1653, 412; Orders of the Council of State “Concerning the apprehending of lewd and dangerous persons, rogues, vagrants, and other idle persons, who have no way of livelihood and refuse to work, and treating with merchants and others for transporting them to the English plantations in America,” August 5, 1656, 447; various resolutions from the council about vagrants, August 18, 1656, 448; Instruction for the Council, “To consider how the colonies might be best supplied with servants; that no persons may be forced or enticed away by unlawful or indirect ways; that those willing to be transported thither may be encouraged; and a course legally settled to send over vagrants and others who remain here noxious and unprofitable,” December 1, 1660, 493.

39 Capital crimes included offenses that would incur considerably lighter sentences today, and which were viewed as lesser crimes in the seventeenth century, such as theft, robbery, negligent manslaughter, assault, or poaching. In comparison, the commission specified

intentions were both that “justice be tempered with mercie,” and that the convicts might “yield a profitable service.”⁴⁰ This began the penal policy of transporting criminals, and it was readily adopted by successive governments who saw it as a way of reducing prison populations, saving costs, and reforming or rehabilitating prisoners.

The government typically transported criminals against their will, but in many cases individuals agreed to go in exchange for a remission of penalties. Transportation could be justified as merciful in these circumstances, usually as a reprieve from execution. Often this occurred as the result of the pleas of relatives, such as John Throgmorton’s grandmother, who begged that her grandson be transported to Virginia rather than executed, in the second decade of the seventeenth century.⁴¹ In 1619, Lord Russell requested that one Harry Reade, a highwayman, receive clemency by being sent to Virginia.⁴² In 1633 the king granted mercy to Thomas Brice, a condemned prisoner in Newgate, at the request of his father, commanding that Thomas be transported to Virginia.⁴³ Similarly, on June 18, 1635, John Haydon, a prisoner in Bridewell, petitioned the Court of High Commission to be freed if he voluntarily went to Virginia. He appears to have been a member of a dissenting sect, as his crimes included “preaching abroad.”⁴⁴ Haydon may have gone as a freeman, but many in the same situation agreed to have their passage paid for by their servitude. Two weeks after Haydon’s petition, a warrant was issued to send nine women and five men from Newgate to Virginia.⁴⁵

Sometimes transportation was employed as an alternative to keeping petty criminals in prison. In 1638, Elizabeth Cotterell, still imprisoned in the Marshalsea prison eight months after she had been reprieved, presumably for non-payment of prison expenses, successfully petitioned to be transported to Virginia.⁴⁶ For individuals like Cotterell, service overseas might have presented an opportunity, particularly when the fees for the passage across the ocean

that those convicted of more serious crimes such as intentional murder, rape, witchcraft, or burglary were not to receive transportation reprieves.

40 The text of the commission is excerpted in Abbot Emerson Smith, “The Transportation of Convicts to the American Colonies in the Seventeenth Century,” *American Historical Review* vol. 39, no. 2 (1934): 233–234.

41 *Parl. Deb.* 1, 176, 204; Smith, “Transportation of Convicts,” 235.

42 *CSPC*, 1675–76, 57.

43 *CSPC*, 1675–76, 75.

44 *CSPC*, 1675–76, 78.

45 *CSPC*, 1675–76, 79.

46 *CSPC*, 1574–1660, 281–2. See also similar incidents in *CSPC* 1574–1660, 410, 412, 447; *CSPC*, 1675–76, 81, 82.

were paid through her service agreement. Likewise, three hundred “malefactors” who had been made “free of fees from the gaols” were sent to St. Christopher in 1676.⁴⁷ It is evident that a sentence of transportation was not intended to be a death sentence, nor, for these felons at least, to be permanent. When a bill for transporting thieves (specifically those who had not committed burglary or murder, the latter group more likely to have been slated for execution) to the plantations was debated in 1667, some Members actually criticized it on the grounds that “it would be an encouragement to theeves and robbers to do it to get a stock to carry to the plantations.”⁴⁸ While the accuracy of this theory was dubious, it did reflect the opinions of some politicians that transportation was a desirable prospect for the poor. Expectations often did not match reality. Some servants probably saw their trip across the Atlantic as a second chance, but when they actually reached their destinations and encountered horrific conditions, they often regretted it, as attested to by a number of published written works, as well as the attempts of some to return to their homeland.⁴⁹

Even while influential and self interested members of the English government saw the shipment of servants as both a fulfillment of the state’s needs and a commercial proposition, the administration also had to pay heed to the specificity of demands for bound labor from the other side of the Atlantic. Like the Irish, criminal and child servants presented particular difficulties, because they were inherently less desirable to overseas masters. Nonetheless, the government attempted to balance the utility of removing certain populations at home against the actual labor needs overseas. Children in particular were more sought-after in the beginning of the seventeenth century than later, and more desirable in the mainland colonies than in the Caribbean, primarily in areas where plantation labor did not prevail.

Poor children were often targeted for transportation by the government, under the belief that they were destined to become beggars and vagrants. It is not clear whether such children were always orphans or merely destitute. The government displayed considerably more ambiguity about its motives for

47 *CSPC*, 1675–76, 346–347, 350.

48 *Parl. Deb.* 1, 351.

49 There were a number of written works that discussed the experience of indentured servitude, one of the most famous being Richard Ligon, *A True and Exact History of the Island of Barbadoes* (London, Printed for H. Mosely, 1657). Some of these were written by former servants themselves, and most of these were critical of the practice of servitude, including James Revel’s poem, *The Poor Unhappy Transported Felon’s Sorrowful Account* [York: C. Croshaw, ca. 1800], and William Morelay, *The Infortunate* (Newcastle, 1743). However some were less condemnatory, such as George Alsop, *A character of the province of Maryland* (London, 1666).

transporting children than it showed in the case of adults, and the implementation of such policies was virtually always justified on the grounds that transportation was morally and economically beneficial to the youths. Shipments of children were generally planned on a larger scale than those of adult voluntary servants, often one hundred or more, although there were exceptions.

The earliest attempt to transport large numbers of children occurred in 1618, when the Virginia Company, which had been agitating for vagrant adults to fill its labor needs, changed the request to vagrant children. The initial plan provided for “a hundred young boys and girls who lay starving in the streets” to be shipped from London to Virginia.⁵⁰ Before the City of London agreed, there were a series of tense negotiations between the City and the Virginia Company over the value of the freedom dues which the children would receive upon completing their indentures.⁵¹ Yet further obstacles appeared. Even children could protest against forcible transportation overseas. Of the one hundred “ill-disposed children, who under severe masters in Virginia may be brought to goodness, and of whom the City is especially desirous to be disburdened” a considerable number declared their reluctance to go, making it necessary for the City and the Virginia Company to request additional authority—from the Privy Council—in order to transport the children “against their will.”⁵² In 1620, the City of London was able to hand over these children “from their superfluous multitude” to be sent to Virginia as servants.⁵³ This incident is particularly instructive because it illustrates a number of contested moral, legal, and economic positions that would continue to reverberate in later initiatives to transport indentured servants: from the City of London’s attempt to provide for the children in its care by negotiating a more fair settlement of freedom dues for them, to its inability to transport them against their will, and its desire to “disburden” itself of a population deemed “ill-disposed,” and “superfluous.”

In 1623, it was proposed in the Council of New England that an Elizabethan statute intended to bind poor children as apprentices be used to send them as servants to the New England plantation, thus explicitly employing the Elizabethan poor laws to justify this newer punitive system.⁵⁴ This practice was

50 *CSPC, 1574–1660*, 19.

51 A detailed description of these events can be found in Johnson, “Transportation of Vagrant Children,” 138–144. Freedom dues were a payment upon release from indenture, and variously included land, money, tools, livestock, or clothing. The Privy Council was an advisory body to the monarch, but it also exercised some executive and juridical powers.

52 *CSPC, 1574–1660*, 23.

53 *CSPC, 1574–1660*, 23.

54 *CSPC, 1574–1660*, 37.

not devoid of potential hazard for the proposed servants, a fact of which Parliament was fully aware. Such dangers had been vividly illustrated a month earlier, when it was stated in the Privy Council that there were “not above ten men and boys living, of the whole number of servants taken to Virginia in the *Seaflower*.”⁵⁵ Presumably this included the hundred “superfluous” children referred to above, as well as others, most of whom did not survive their periods of indenture.⁵⁶

The transportation of children continued throughout the seventeenth century. On Jan 31, 1643, New Englanders petitioned Parliament for a collection on the next two fast days to pay for the transportation of “poor fatherless children” either “driven out of Ireland” or “of this kingdom [England]” that “are out of employment” to be “transplanted to New England.” The first shipment of these children arrived at New England the same year.⁵⁷

However, 1643 seems to have been the last time the government deliberately attempted to transplant English children during the colonial period.⁵⁸ Likely this cessation was a combination of increased public concern over forced indenture practices, especially in the case of children, along with an increase in appeals from colonial planters to transport only adult servants. Vagrant or available children continued to be transported by spirits and unscrupulous government contractors, however, and Irish children, perhaps seen as more expendable, continued to be sent overseas as well. In 1653, the Council of State agreed to grant a license to a New England merchant to take 400 Irish children to plantations in New England and Virginia.⁵⁹ Soon after, an act was drafted

55 *CSPC, 1574–1660*, 36. See also the discussion of servant death rates in Johnson “Transportation of Vagrant Children,” 147–8.

56 The *Seaflower* regularly plied the route between New England, the West Indies and Britain, and was mentioned frequently in Parliamentary documents. It often carried indentured servants, and was particularly noted for the bad conditions in which they were housed while onboard. See Arthur Percival Newton, *The Colonizing Activities of the English Puritans* (New Haven: Yale University Press, 1914), 90–1, 94, 98–99, 108, 111–113, 115, 118, 129, 135. Causes of death for the hundred children, mostly boys, included shipboard mortality, disease, and Indian attacks. Johnson, “Transportation of Vagrant Children,” 146–149.

57 *Parl. Deb.* 1, 140 and n.151.

58 See Wareing, “Preventive and Punitive Regulation,” 305 on the end of government-sanctioned mass transplantations of children.

59 *CSPC 1574–1660*, 407. The shipper, David Selleck of Boston, was a frequent contractor for government shipments of the Irish. A week after his commission to ship the children, he was paid by the Irish Commissioners to ship 250 Irish vagrant women and 300 vagrant Irish men into New England as indentured servants. Also see Prendergast, *The Cromwellian Settlement of Ireland* 245.

supporting the transportation of poor Irish children to England and the Western Plantations.⁶⁰

Fundamentally, however, shipments of children failed to meet the Caribbean demand for labor. While children were apparently somewhat desirable in the mainland colonies, presumably because they were bound for much longer terms than adults and were employable as household laborers, they were less sought-after on farms and plantations where hard labor was the main work for servants. In 1661, for example, Barbados' Master and Servant Act stipulated that children under the age of 14 not be brought in as servants.⁶¹ After mid-century, Caribbean planters repeatedly requested that only adults be sent, such as a request in 1697 that any convict servants sent would include only those "as are fit for laborious service, but no women, children nor other infirm persons."⁶²

However, the state did have a compelling reason to send children to the colonies, perhaps more significant than a desire to cleanse England and Ireland of undesired vagrant populations. Children could be seen as nascent colonists after they had completed their terms in bondage, and some transportation schemes, involving both children and adults, were intended to rapidly populate new English territories with white settlers, especially during the heyday of Cromwell's Western Design. In 1655 after the English seized Jamaica from the Spanish, they attempted to encourage settlement there as rapidly as possible, offering considerable incentives for New Englanders to transplant themselves to the new Caribbean colony.⁶³ These included white indentured servants who were intended to swell the island population of freemen once they had completed their indentures.⁶⁴ This aim was clearly indicated in a proposal to secure Antigua in April of 1656, which states that "no supplies of servants have of late arrived from England; number of fighting men very inconsiderable," or the

60 See Alderman Tichborne on October 11, 1653 in *CSPC 1574-1660*, 409.

61 *Acts, passed in the island of Barbados. From 1643, to 1762*, (London, 1764), 35.

62 On January 15 of 1697, Jamaica merchants "were quite at a loss" because the only people they could "prevail with" to go to Jamaica were "a few poor families of more women and children than men, who would not serve their end." On February 1, the Council of Trade and Plantations found that of the colonies only Barbados was willing to take "malefactors" and then only those "as are fit for laborious service, but no women, children nor other infirm persons." J.W. Fortescue, ed., *Calendar of State Papers Colonial, America and West Indies, Volume 15: 1696-1697* (1904), 303, 341.

63 Smith, "Transportation of Convicts," 240-241.

64 *CSPC 1574-1660*, 429-30. For further attempts to transport people to Jamaica in 1656, see *CSPC 1574-1660*, 448, and Smith, *Colonists in Bondage*, 170, describes the shipment of 1,200 soldiers—from government forces, not royalists—from Carrickfergus.

Antiguan governor's request for "a garrison of 500 soldiers be kept upon the island, or a supply sent of English and Scotch servants" with arms and ammunition.⁶⁵ Similar schemes also occurred for St. Christopher, where the three hundred convicts sent in 1676 were "for the better supply of white men in the Island."⁶⁶

There was an especially strong desire to rapidly populate Jamaica with British whites. On October 3, 1655 the Council of State notoriously ordered that 1000 Irish girls and 1000 Irish boys under 14 be sent to Jamaica, presumably as servants, but with a small stipulated settlement of cash, probably to be given after completing servitude at the age of 21.⁶⁷ This initiative blended many of the government's goals in encouraging transportation. Contemporaries could actually, if unrealistically, define this proposal as beneficial to the youths involved: Henry Cromwell wrote of the girls that "Concerninge the younge women, although we must use force in takeinge them up, yet it beinge so much for their owne goode, and likely to be of soe great advantage to the publique" that it would be a worthwhile endeavor.⁶⁸ In reference to the boys, Cromwell continued that "it will be necessarye, that care be taken for the clotheinge of them...(as)...it may be a meanes to make them English-men, I meane rather, Christianes." The undisguised underlying policy incentive was the desire to reduce the ranks of the Irish poor while supplying labor for the colonies; Cromwell acknowledged this, adding "we could well spare them, and they would be of use."⁶⁹ Women, including servant women, were often transported as potential wives for the colonists, which may have been an additional motivation for transporting the girls. Although government officials were less concerned with the rights of Irish than English youths, it appears that initiative was eventually abandoned, probably at least partially because of the infeasibility of transporting so many unwilling servant children, though hundreds of

65 April 1656. *CSPC 1574-1660*, 440, 443. The request demonstrated the desperate desire to populate the island with whites, asking for servants who were "prisoners and the like, if not, Scots and Irish." (440).

66 *CSPC, 1675-76*, 346-347.

67 *CSPC 1574-1660*, 431. On populating Jamaica with whites, see *CSPC 1574-1660*, 429-30. For further attempts to transport people to Jamaica in 1656, see *CSPC 1574-1660*, 448.

68 Thomas Birch, ed., *Collection of State Papers of John Thurloe, 1638-1660*, 7 vols. (London, 1742), 4: 23, 40. At various places Cromwell refers to the youths as both "boys" and "girls" and "men" and "women." In addition, he suggests numbers that range between 1000, 1500, and 2000 for the males.

69 Birch, ed., *Thurloe Papers*, 4: 40. It was seen as less politically feasible to transport unwilling Scottish servants during the same period. Rogers, *Ireland*, 47.

youths were transported during smaller ventures.⁷⁰ One of the striking aspects of this plan was the fact that these Irish youths were to be sent, in part, to swell the population of whites loyal to the English government, presumably after having been converted to Protestantism.

Another group of servants with a reduced value on the labor market abroad were enemy military combatants and rebels. Beginning in 1649, transportation was used to punish and remove military forces that had opposed the Interregnum government, following the precedents established for convicts.⁷¹ Such men were considered a threat to order, and might be transported if they seemed of no use in prisoner exchanges, were not charged with capital crimes, and presumably seemed too expensive to keep incarcerated. After the fall of the royalist garrison at Drogheda in 1649, Oliver Cromwell infamously wrote to Parliament that “When they submitted, their officers were knock’d on the head, and every tenth man of the soldiers kill’d, and the rest shipped for the Barbadoes. The soldiers in the other towns were all spared as to their lives only, and shipped likewise for the Barbadoes.”⁷² There were a number of instances in which such troops were sent to continental armies, a policy that acted as a double edged sword because it removed rebel soldiers from Britain, but meant that they might be deployed in French or Spanish armies supporting non-British interests. In 1654 then, the Irish Commissioners preferred to send a group of Catholic military prisoners to the West Indies, and attempted to enhance compliance by stipulating that these men would be treated the same as English servants “they will have as good condition as any English or other servants there,” with terms of four years rather than the usual criminal term of seven to ten years, “and after four years are to be free men to act for their advantage,” while officers, soldiers, and male civilians who traveled voluntarily would be offered a fourteen shilling stipend.⁷³ Women volunteers were to

70 Although it is not currently possible to know whether this grand transportation scheme occurred, there is no evidence that it was implemented, and most researchers agree that it did not occur. For instance, see Gardiner, *Commonwealth and Protectorate*, 4: 219; Smith, *Colonists in Bondage*, 169. Nini Rogers points out that it was seen as even less politically feasible to transport large numbers of unwilling Scottish servants during the same period. Rogers, *Ireland*, 47.

71 Beckles states that 1649 is the earliest date for the transportation of rebels, and 1614 for the transportation of convicts. Beckles, *White Servitude*, 53, 56. See also Smith, “Transportation of Convicts,” 233.

72 Sept. 17, 1649, *Parl. Deb.* 1, 211. Rogers suggests that most of the soldiers in this rebel army were likely English. Rogers, *Ireland*, 46. Such soldiers would have been seen as traitorous, however, for aiding the royalist and Catholic cause.

73 The Irish Commissioners were an administrative body established by the crown in the 1530s to implement royal policy in Ireland. The Interregnum government continued the Commission.

be given clothing.⁷⁴ A substantial number of the Royalist Salisbury rebels of 1654, many of whom were gentlemen, were also sent to work in the fields in Barbados.⁷⁵ In September of 1655, the Council of State ordered that the English, Scotch, Irish, and Dutch sailors held in the Castle of Plymouth, and “not fit to be tried for their lives” were likewise to be sent to Barbados.⁷⁶

Although the Interregnum Commonwealth had initiated the practice of transporting rebels, Restoration governments continued to employ transportation to punish and remove military forces that had opposed the government. The Scottish rebels of 1667, the 1685 Argyll rebels, and the 1685 Monmouth rebels were also sent to Barbados.⁷⁷ It should be noted that even captured rebels were not sent to permanent servitude. Rebels were normally sentenced to seven to ten years, with indenture contracts drawn up once they were aboard ship, and while conditions of servitude were often extremely harsh, there is also evidence that some survived to the end of their terms. Some of the political prisoners in Barbados were freed at the accessions of both Charles II and William of Orange.⁷⁸ It appears that some rebels, convicts, and those considered rogues or beggars were given life terms, but these were rare if they existed.⁷⁹

In addition to persons transported unwillingly by the government, a considerable illegal trade in servants persisted. There were sporadic attempts to regulate this trade that reveal much of what we know about it. Fear of the spirits was very real, even in the beginning of the century: in 1618 a warrant was issued against Owen Evans, Messenger of the Chamber, because he had “pretended a commission to press maidens to be sent to the Bermudas and Virginia, and raised money thereby.” Evans’ “undue proceedings breed such terror to the poor maidens, that forty have fled from one parish [in Somersetshire] to obscure places, and their parents do not know what has become of them.”⁸⁰ While this case suggests prosecution of an influential member of society, such cases were infrequent, and enforcement of the laws against spiriting in Britain was rare.

74 June 15, 1654, Irish Record Office, A/90, 50, 708, in Gardiner, *History of the Commonwealth and Protectorate*, 4: 111–112. The overwhelming desire to be rid of these soldiers is illustrated by the fact that their original intended destination had been the Catholic Spanish army on the continent. On this practice, see Smith, *Colonists in Bondage*, 163.

75 *Parl. Deb.* 1, 247–249.

76 *CSPC 1574–1660*, 428. See also Beckles, *White Servitude*, 53.

77 Beckles, *White Servitude*, 52–3; Jill Sheppard, *The “Redlegs” of Barbados, their Origins and History*, (Millwood, NY: KTO Press, 1977), 29.

78 Beckles, *White Servitude*, 5, 52–56, 165–166.

79 Beckles briefly discusses “lifers,” but it is unclear how widespread the practice was. Beckles, *White Servitude*, 7.

80 *CSPC, 1574–1660*, 19.

When spirits were prosecuted, it was often piecemeal, as a result of tips and the resolve of determined individuals: for example, in November of 1653, a ship's master and a spirit were served a warrant for stealing Bart Broome an 11 year old boy and forced to return the boy to his father.⁸¹ It appears that the senior Broome had traced his son to London, and his insistence was the driving force behind the boy's release, which the captain of the ship at first resisted. Likewise in August of 1657, a tip led to the investigation of a ship named the *Conquer* ready to embark for the West Indies. Of the 27 servants on board, fifteen were willing to go into service overseas, two women willing to go "if they had their clothes," presumably negotiating conditions of indenture even though they had been originally coerced. Eleven more had been spirited and wanted to leave. The ship was only allowed to continue after the eleven people "unduly enticed" were freed.⁸² In April 1668 the "lost child John Brookes" was rescued "after much trouble and charge"; apparently several other children "enticed from their parents" were still held in three ships and required government warrants to be released, as the ships' masters would not let the parents take their children without a payment.⁸³ Notably, in none of these incidents were the merchants or ships masters prosecuted.

There do not seem to have been systematic safeguards in the colonies, such as officials charged with inspecting all cargoes of servants to ensure that they were voluntary. This would have been difficult to enforce given the laxity of the early modern state, and indeed, it would have been detrimental to colonial interests. Once a ship with servants had set sail, there was little recourse. It was also clear that there was substantial government collusion in the activities of the spirits, diminishing any real attempts to punish them. Although some individuals were rescued, this was exceptional. On occasion even when kidnappers were apprehended, they were allowed to continue with their cargoes of captive servants because the latter were perceived as vagrants who would be better kept in custody.⁸⁴

At the same time, spiriting was one of the most emotionally resonant issues and there were repeated attempts within Parliament to prevent illicit kidnapping and to ensure that servants being transported were "willing to serve," including

81 *CSPC 1574-1660*, 411. The captain was told that he would resist the warrant "at his peril."

82 *CSPC 1574-1660*, 457. This investigation was taken seriously, sending the Lieutenant of the Tower to investigate, seize the captives, and report to the Council of State.

83 W. Noel Sainsbury ed., *Calendar of State Papers Colonial, America and West Indies, 1661-1668* (London, 1880), 555.

84 See Beckles, *White Servitude*, 50-52.

mandates to inspect all ships and register all servants leaving British ports. However, most attempts to authorize legislation faltered.⁸⁵ In 1643, government alarm resulted in one of the first of many ordinances to have every ship leaving London searched.⁸⁶ It is unlikely that this ever occurred. In 1645, Parliament ordered that anyone apprehended stealing children would “be brought to severe and exemplary Punishment” and that all ships at dock in London be immediately searched.⁸⁷ In 1647, while encouraging “adventurers” to colonize, Parliament stipulated that all servants being transported be registered as willing, uncoerced, and adult.⁸⁸ In 1660 there was an attempt to establish a registry to allow “for all servants and children to be transported to Virginia and Barbadoes, to declare their willingness to go.”⁸⁹ In the 1661 Master and Servant Act, Barbadian planters attempted to reassure the British government, perhaps deceitfully, that they were not encouraging kidnapping, by allowing servants who complained to the magistrates of kidnapping to regain their freedom. Nevertheless, they sought to limit access by stipulating that such an opportunity only existed during the first month of arrival, a rule which must have almost eliminated the likelihood of servants unable to prove their arrival dates or afraid of reprisals from brutal masters, from regaining their freedom through this method.⁹⁰ In 1670, William Haverland, John Steward, William Thiene, Robert Bayley, and Mark Collins were each individually charged with spiriting hundreds of people yearly (up to the astonishing number of 800) to Barbados, Jamaica, and Virginia.⁹¹

Yet while individual spirits were occasionally prosecuted, the merchants whose capital underwrote these voyages were not. Despite the various efforts to restrict spiriting, a considerable illegal trade in servants continued to persist. Evidence suggests that the regulations were only enforced when complaints were made. It is true that it was probably impossible to oversee the trade sufficiently, and there would have been logistical difficulties involved in employing the number of necessary officials and in regulating ships’ arrivals and departures, but there was also a lack of will to regulate a trade that was enriching people of influence, many of whom were in Parliament.

85 For 1647: See *Parl. Deb.* 1, 185–6; *AOI*, 912–913. Also debated in *Parl. Deb.* 1 in 1662 (303), 1670 (357–359, 361, 366), 1671 (375, 382), 1673 (397–398, 400–401). An act against this was passed in 1671. *CSPC*, 1675–76, 521. See also Beckles, *White Servitude*, 50. Also see the impassioned Parliamentary debates discussed below.

86 Beckles, *White Servitude*, 50.

87 *AOI*, 681.

88 *AOI*, 912.

89 *CSPC*, 1675–76, 138.

90 Beckles, *White Servitude*, 82; *Acts, passed in the island of Barbados*, 36.

91 *CSPC*, 1675–76, 521.

There was some recourse for individual servants who felt they had been treated unjustly once they had arrived in the colonies. Often it was extremely inadequate, exposing servants to reprisals, but sometimes they were able to publicize their grievances, even if their crimes had been against the state.⁹² For instance, in 1659, Rowland Thomas, a royalist who had been transported to Barbados as an indentured servant, petitioned Parliament that he had been sold for £100 by Martin Noell. Noell responded that “he never sold anyone for money,” avowing “I abhor the thoughts of setting £100 upon any man’s person. It is false and scandalous. I indent with all persons that I send over. Indeed, the work is hard, but none are sent without their consent. They were civilly used.”⁹³ Noell’s statement was disingenuous, as he typically shipped prisoners and convicts, but his defensiveness as well as the necessity to make a deposition before the government in this case was evidence of a need to emphasize legality and fair practices.⁹⁴ This case in particular was to have a big impact on Parliamentary consciousness, even if it ultimately led to little substantial change.

In another case, an Irishman, Richard Mecane, argued to a Maryland court in 1661 that he and seven other boys had been kidnapped from Ireland in 1654, and although he possessed no indenture contract, he was now 21 and according to the customs of the colony, he was due to be released. His master, Thomas Gerrard, contended that Mecane still had eight and a half more years to serve. The court took the complaint seriously, and determined that Mecane was nineteen, and had to serve two more years—thus dividing the difference, but favoring the servant’s claim more than the master’s. A further interesting aspect of the case is that the testimony of witnesses about the initial arrival and sale of the eight boys revealed the disapproval of community members six years before regarding Gerrard’s indenturing of children. The case also provides evidence for the kidnapping of children from Ireland in the 1650s.⁹⁵

Almost from the beginning, some in the government had misgivings about the policy of involuntarily indenturing servants, even convicted criminals. On one hand, the government appeared to have discovered a solution for reducing its costs related to the imprisonment of rebels, criminals, and the poor, while

92 Beckles, *Riotous and Unruly*, 514.

93 *Parl. Deb.* 1, 250.

94 Note the astronomical cost reported—more like a ransom than the cost of a normal indenture contract. The normal price for servants in North America during the 18th century was closer to £15. Abbot Emerson Smith discussed security payments of £100 required in St. Christopher for convicts, and something similar may have occurred in this case. Smith, “Transportation of Convicts,” 240–241.

95 *Proceedings of the Provincial Court, 1658–1662*, vol. 41, 476–8, Maryland State Archives Online, <http://www.aomol.net/html/index.html>.

supplying the colonies with labor, but on the other, during the mid seventeenth century the legality of the transportation policy was vigorously debated in Parliament (as slavery was not). There were at least three rounds of discussions about the legality of shipping “felons and prisoners” overseas in 1649, 1651, 1657.⁹⁶ This topic was debated in the early 1660s as well, yet the government failed to make the stealing of children a felony.⁹⁷ In 1660 the Privy Council referred to the kidnapping of children as “A thing so barbarous and inhumane that Nature itself, much more Christians, cannot but abhorre,” but the latest bill failed to pass.⁹⁸ A hint as to why may be found in the petition of a number of merchants involved in the servant trade in July of 1664. Although claiming that they “abominate[d] the very thoughts of” spiriting youths, they alleged that the legislation gave “the opportunity to many evil-minded persons to enlist themselves voluntarily to go the voyage, and having received money, clothes, diet, &c., to pretend they were betrayed or carried away without their consents.”⁹⁹ Thus this petition, although it presented itself as a disavowal of spiriting, in fact undermined the idea that it was occurring, or that spirited individuals could be reliably identified, by implying that poverty-stricken individuals were taking advantage of the supposed benefits of an indenture contract and then claiming to be kidnapped in order to take advantage of innocent merchants. This led to the evisceration of the bill then being debated, which in itself was relatively weak, as it only recommended but did not mandate that shippers register their cargoes of servants.¹⁰⁰ Similar opposition to outlawing the practice of transporting English prisoners meant that further bills were unsuccessfully introduced in 1670, 1674, 1675, 1676, and 1679.¹⁰¹ In 1670, a bill was introduced to allow prisoners to elect to be transported for a term of seven years. Yet again, the interests of merchant capitalists had been favored over the interests of the general population.¹⁰²

In addition to the fact that these failed attempts at regulation did not shield the vulnerable populations that they were intended to protect, in theory they did not apply to Irish or Scottish prisoners.¹⁰³ This was not because the Irish or Scots were specifically excluded, but because the nature of the discussions on

96 *Parl. Deb.* 1, 209–211, 222, 241.

97 See Wareing, “Preventative and Punitive Regulation.”

98 Quoted in Wareing, “Preventative and Punitive Regulation,” 296.

99 *CPSC, America and the West Indies*, 5: 220, 222. Also see Wareing, “Preventative and Punitive Regulation,” 294–295.

100 Wareing, “Preventative and Punitive Regulation,” 295.

101 *Parl. Deb.* 1, 1670 (354–355, 359–410), 1674 (404–405), 1675 (405–409), 1676 (410), 1679 (417).

102 *Parl. Deb.* 1, 1670, 355.

103 *Parl. Deb.* 1, (417). See also Wareing, “Preventive,” 298–299.

transportation centered on whether the government was overreaching by limiting the rights of free English subjects, a particularly striking reservation in some ways because the individuals being transported were vagrants, criminals, and rebels.

The Rowland Thomas case, as well as one filed at the same time by Marcellus Rivers and Oxenbridge Foyle, for instance, led to a particularly vigorous debate in Parliament from 1658–9 on the ethics of selling royalist rebels as indentured servants. Thomas had supported the Stuarts while Rivers and Foyle had taken part in the Salisbury rebellion—all of them had been transported as servants to Barbados.¹⁰⁴ The petitioners described the merchants who sold them as “their pretended owners, merchants that deal in slaves and souls of men,” who “enslave[d] those of their own country and religion,” in denial of their obligation to the “free-born people of England by whose suffrages they sit in Parliament.”¹⁰⁵ Some members responded by defending the forced indenture of royalists on the grounds that they were serving a punishment for their crimes, or claiming that if the petitioners were reprieved, then all royalist prisoners—Scots were particularly mentioned—would clamor for release.¹⁰⁶ However, several members responded like Sir Henry Vane: “I do not look on this business as a Cavalierish business, but as a matter that concerns the liberty of the free-born people of England,” or Sir John Lenthall “I hope it is not the effect of our war to make merchandize of men. I consider them as Englishmen.... We are the freest people in the world.”¹⁰⁷

Yet the very terms of this debate excluded those who were not English. Although the Irish were never mentioned in the debate, many of the speakers criticizing the servitude of Royalists explicitly indicated that they did not extend the same rights to African slaves, with Mr. Boscawen stating that “I would have you consider the trade of buying and selling men,” but specifying that if the plaintiffs were ignored, “our lives will be as close as those negroes.”¹⁰⁸ For Sir Arthur Hasleridge, one of the hardships of servitude was that “These men are now sold into slavery among beasts”—African slaves.¹⁰⁹

104 *Journals of the House of Commons, 1651–1659*, Vol. vii (reprinted London: House of Commons, 1813), 620; Marcellus Rivers, *Englands Slavery or Barbados Merchandize* (London: 1659).

105 Thomas Burton, *Diary of Thomas Burton, Esq., Member in the Parliaments of Oliver and Richard Cromwell from 1656–1659*, 4 vols. (London: Henry Colburn, 1828), 257.

106 For example, Burton, *Diary*, 263, 270.

107 Burton, *Diary*, 263, 270. See also Sir Arthur Hasleridge, 270.

108 Burton, *Diary*, 269.

109 Burton, *Diary*, 273. The entire debate is excerpted in Burton, *Diary*, 256–273. It is also discussed in Hilary Beckles, “The Concept of ‘White Slavery’ in the English Caribbean During

In the end, this attempt at regulation failed, as did most others, but the government continued to attempt, albeit inadequately, to ensure that the servant trade proceeded according to the law and included legal protections for individuals, both in England and Ireland. This was consistent with the government's self representation as a protector of freeborn Englishmen, and also with paternalistic interest in the welfare of servants, including servant children who were supposedly being shipped overseas for moral redemption. The debates about this practice centered on moral concerns—reforming the undesirable populations, removing negative influences from the commonwealth, or conversely, the rights of the transported. Yet evidence suggests that another unspoken imperative was stronger in the end: the economic interests and political influence of capitalist entrepreneurs like Martin Noell far outweighed the scant political will in elite circles to effectively curtail abuses in the servant trade.

At the same time, despite the focus on the abrogation of English rights only, there were sustained—though anemic—attempts to enforce transportation laws in Ireland as well as in England. Debates about the right of the government to involuntarily indenture and sell English subjects automatically seemed to exclude the Irish and Scots. Nonetheless, the English government did attempt to stem abuses in Ireland, even during the Interregnum period which saw the highest level of administrative contempt for the Irish. When town governors in the south of Ireland were ordered to turn in vagrants for transportation in 1654, they were asked for assurances that they would send no persons of good repute or members of families. This likely addressed real concerns of the populations from which servants were drawn.¹¹⁰ By December of that year, the Irish Commissioners ordered that all ships in Irish harbors bound for the colonies be searched to ensure that no persons on board had been detained without warrants.¹¹¹ In 1655, in the aftermath of fighting in Ireland, while rebel troops were still being shipped to the West Indies to involuntary servitude, a ship in Dublin harbor was ordered to be searched on the suspicion that the servants within its holds had been taken forcibly.¹¹² As in the English cases, the shippers

the Early Seventeenth Century," in John Brewer and Susan Staves, eds., *Early Modern Conceptions of Property* (London: Routledge, 1996), 580 and following.

110 Gardiner, *History of the Commonwealth and Protectorate*, 110–111.

111 Prendergast, *Cromwellian Settlement of Ireland*, 246. The warrants were for the detention of vagrants—thus the search was for servants who had been seized but were previously employed or supported by families.

112 Order by the Deputy and Council, July 6, 1655, Irish Record Office, A/5, 5, 188, in Gardiner, *History of the Commonwealth and the Protectorate*, 111.

were not prosecuted in these instances, although kidnapped servants found were usually released. Abuses continued, and in 1655 the Irish vagrancy laws were temporarily put in abeyance because they had been misused “to delude poor people by false pretences into by places, and thence they force people on board their ships.”¹¹³ The Irish Commissioners also stopped issuing licenses to contractors in 1655.¹¹⁴ In fact, during the 1650s, there were repeated attempts by the Commissioners General for Ireland to prevent non-vagrants from being transported unwillingly from Ireland, and to enforce the search of all ships bound for Barbados. Vagrants were to be identified by warrants signed by two Justices of the Peace. Widespread abuses of the vagrancy laws led to the transportation orders for Irish vagrants being repealed by 1657.¹¹⁵ It is notable that these measures did not occur in England, likely because rule breaking was less frequent, but it is also evidence that abuse of the Irish vagrant transportation laws was taken seriously. It should be noted that the 1655 measure to halt the collection of Irish vagrants expressed concern that English non-vagrant persons were being seized in addition to the Irish.¹¹⁶ It is difficult to assess the government’s level of assiduousness when many factors still remain unknown, including the extent of the government’s knowledge about outcomes and abuses of servant transportation, accurate tallies of numbers of individuals spirited, and the degree of success of government initiatives against spiriting.

For the English state, the policy of transportation of vagrants, criminals, beggars, and others that were seen as surplus or undesirable populations that strained the resources or disturbed the morality of the state was motivated primarily by public policy that sought to maximize both the practical gains to be achieved from transportation as well as capital investments for interested members of the government. It was also conducted according to a practice that was believed to provide moral benefit to the individuals involved, especially if government officials did not pay overly close heed to the actual conditions of indenture that awaited transported servants. Perhaps more importantly, it was part of a moral imperative to cleanse the commonwealth of disorderly and contaminating individuals, allowing the state to

113 Cited in Prendergast, *Cromwellian Settlement of Ireland*, 246.

114 Smith, 168.

115 Gwynn, “Cromwell’s Policy,” 622–623. Also see Smith, *Colonists in Bondage*, 163–169 on corruption among shippers and magistrates in shipping supposed vagrants from Ireland to servitude overseas, and governmental attempts to curtail it.

116 Prendergast, *Cromwellian Settlement of Ireland*, 246.

present itself as a moral guide, protector of its subjects, and guardian of the public good. The combination of practical utility, capitalist gain, and a commitment to the construction of consistent law and policy allowed the exercise of discrimination toward rebels or those of Irish ethnicity, but also mitigated against biased behavior in some instances.

Thus for the English authorities, transportation of both willing and unwilling servants, English, Scottish, and Irish, frequently carried out by licensed private contractors, served multiple needs. First, indentured servants made up the first unfree labor force of England's plantation empire, one that would be eventually dominated by permanently enslaved Africans. Furthermore, deportation of undesirables into indentured servitude was an expedient way of avoiding more costly options; mass executions or expensive incarcerations, even though the profit from the sale of servants' contracts went to the contractors who shipped them, and not into the state's coffers. Since many of the larger contractors were also government officials or agents, members of government also obtained significant profits from transportation even if the state as a whole did not. Transportation of the indigent built on established precedents from the English poor laws for dealing with vagrants and the poor, and government authorities believed that indigents, and especially destitute children, whether Irish or English, benefited from being placed in positions of indenture.

The government tried to provide assurances that it was protecting servants against kidnapping and inequitable indenture practices, even those shipped unwillingly. Yet these measures were diluted by the weakness and endemic favoritism of the early modern state and the lack of will to implement impartiality, particularly in the Irish context. Within this framework, the rights of the poor or of adversaries of the government were recognized, as evidenced by debates in the government and the attempts to regulate, but ultimately treated as almost negligible. Thus, the state's claim to protect its subjects was compromised by its willingness to countenance the intertwining of public and private aspirations. The violence of indenture demonstrates the complex and sometimes contradictory nature of state participation and intervention in unfree labor systems in the English Atlantic.