

Children at the Birth of Empire, c. 1600-1760

Kristen Grace Lashua  
Camas, Washington

M.A., University of Virginia, 2011  
B.A., Pacific Lutheran University, 2009

A Dissertation presented to the Graduate Faculty of the University of  
Virginia in Candidacy for the Degree of Doctor of Philosophy

Department of History

University of Virginia  
May 2015

## Abstract

Thousands of British children helped to build colonies and sail naval vessels during the first phase of British imperialism, from the rocky foundation at Jamestown to the victory in the Seven Years' War that left Britain the premier power in Europe. Often, we think of young men as the agents of empire, but the story is far more complex. It is only when we focus on children specifically, rather than lumping them together with adult migrants, that we realize that children have their own story. Telling that story offers new ways of understanding law, labor, poverty, charity, race, and migration in the early modern world. I argue that there were cultural and legal understandings that childhood was distinct from adulthood; that children—even poor and unattached ones—mattered to early modern Britons; that concerns over kidnapping led to an increased valuation of children's consent; and that issues of slavery, consent, and the legal definition of childhood helped to form English ideas of liberty and identity. Children were not merely commodities to be bought and sold, nor were they pawns to be deployed and sacrificed without thought or remorse. Instead, obtaining their consent to overseas employment became an important emblem of English liberty, a way to distinguish free English Selves from bound African Others.

*To the very best of parents,  
Dave and Charmaine McCabe,  
with gratitude and love*

## Table of Contents

Introduction: Children at the Birth of Empire	9
Part I: Understandings of Early Modern Childhood	
Chapter One: “To stock the next Generation with Noble Plants”: Cultural Concepts of Early Modern Childhood	28
Chapter Two: “The Law is their Guardian”: English Legal Concepts of Childhood	66
Part II: Destitute Children Abroad	
Chapter Three: Destitute Children and “Nursing Fathers”: The Care of London’s Youngest Vagrants	110
Chapter Four: A Global Answer to the <i>Poore Orphan’s Cry</i> : Children and the Growth of Empire	158
Part III: The Legalities of Child Migration	
Chapter Five: Spirited, Convicted, or Compelled: The Forced Migration of Children, c. 1607-1700	210
Chapter Six: Charity, Consent, and “Kidnapping”: Stolen Children and the Rise of Children’s Self-Determination, c. 1680-1760	250
Conclusion: Britain’s Children, Britain’s Liberty	301
Bibliography	315

## List of Abbreviations

BL	The British Library, London, UK
FSL	The Folger Shakespeare Library, Washington, D.C.
GL	The London Guildhall Library, London, UK
LMA	The London Metropolitan Archives, London, UK
NMM	The National Maritime Museum, Greenwich, UK
OBP	Old Bailey Proceedings, < <a href="http://www.oldbaileyonline.org">www.oldbaileyonline.org</a> >
OED	<i>The Oxford English Dictionary</i>
ODNB	<i>Oxford Dictionary of National Biography</i>
TNA	The National Archives, Kew, UK

The King James Bible was used for all biblical quotations

## Acknowledgments

I am gratified to be in the position of being able to thank the many people whose support have made this project a reality.

The Maass Grant from the Manuscript Society, Harvard's Dissertation Grant from the International Seminar on the History of the Atlantic World, and various grants from my home institution provided funding that enabled me to complete the archival work in the UK that was critical to this project. I received writing support from a Doris G. Quinn Fellowship that allowed me to finish the dissertation much sooner than would have otherwise been possible.

I am grateful to the librarians and archivists at the Bristol Record Office, the British Library, the Folger Shakespeare Library, Lambeth Palace Library, the London Guildhall Library, the London Metropolitan Archives, the National Archives at Kew, and the National Maritime Museum for their kind assistance. David Harris Sacks, Philip Stern, and Robert Tittler were enormously generous in offering advice about navigating various UK archives. Gary De Krey kindly helped me as I tracked down the story of John Wilmore's kidnapping case and its relationship to the Exclusion Crisis.

I must mention the remarkable mentorship, encouragement, and training in historical research I received at my alma mater, Pacific Lutheran University. In particular, Brenda Llewellyn Ihssen, Mike Halvorson, Sharon Jansen, Beth Kraig, and Dennis Martin were enormously influential in my decision to pursue an academic career. During a study abroad program in London, Lisa Bowers-Isaacson made me fall in love with the history of the British empire during her history walks through that amazing city.

I was fortunate to be in graduate school along with a wonderful "band of brothers," including Jim Ambuske, Kate Brown, Martin Kane, Margaret Lewis, and Emily Senefeld. It was Nir Avissar who told me it was really "the bit about the children" that I should pursue after reading my first graduate research paper on the Virginia Company. The faculty members with whom I studied during my graduate school years were particularly generous with their time and mentorship. I must thank especially Alon Confino, Max Edelson, Cori Field, Ted Lendon, Elizabeth Meyer, Allison Pugh, Sophie Rosenfeld, Erin Rowe, and the late Lenard Berlanstein.

How can I adequately express my appreciation and admiration for Paul Halliday? All graduate students ought to have a mentor who manages to be their wisest critic and greatest advocate, who simultaneously pushes them to be better and believes in them completely. I am still unsure of why Paul fished my application out of a pile and decided to give me a chance, but I am forever grateful that he did.

Finally, there are many people whose love and support carried me through my time in graduate school—far too many to name here. My brother David McCabe; my sister Annette McCabe, her husband Mike Hammond, and their daughter Ahlem; my grandparents Gene McCabe, Lavon Culley, and Barbara Jefferson; my friend Jessica Howard; and my in-laws Dave, Sarah, and Emily Lashua have all cheered me on every step of the way. I wish that Shirley McCabe, Bob Jefferson, and Bill Thomson could have seen this project completed; I know how delighted they would be. Along with teaching me how to read and write, my mom gave me essential foundational training for any historian: the love of a good story, the moral imperative to be as accurate as possible

when recounting the lives of past people, and the compulsion to “look it up!” when confronted with something you don’t know. Little did she realize that my need to “look it up” would lead me to scavenge 400-year-old manuscripts for tidbits about forlorn children. My dad gave me a priceless gift: he told me I could do anything I set my mind to, and he truly believed that I could. He also taught me by example the critical importance finding and pursuing one’s true vocation. Last, but by no means least, my husband Andrew Lashua has been my rock throughout this journey. We met while I was in the process of applying for graduate school, and ever since he has been my sounding board, my cheerleader, my shoulder to cry on, my personal comedian, my research assistant, my true partner, and my dearest friend. Only he can know how much I owe him; only he would give so generously of himself without expecting anything in return.

*A Prologue written by William Harvard, which he performed before the play Zara to benefit the Marine Society boys at Drury Lane on December 5, 1759.*

Britons! this night ye dignify your name;  
 The Sons of Virtue are the heirs to Fame.  
 And why Caeſtial virtue can outvie,  
 Thy merits, all relieving *Charity*?  
 O Charity! how pure thy off' rings rise  
 The ſweeteſt Inſenſe that aſcends the ſkies!  
 The Charitable ſoul on Seraphs wings,  
 Mounts to that God-head, whence his Virtue ſprings;  
 The pious effort Heav'n is pleas'd to raiſe,  
 And the preſerver ſhares the Makers praiſe.  
 If ſuch the merit when to low diſtreſs,  
 The bounteous hand is open'd to redreſs;  
 If but to wipe the tear from ſorrows eye,  
 Be ſuch a grateful office to the ſky,  
 How ſtrong muſt be our feelings of delight  
 Where Int'reſt & humanity unite,  
 And Briton's Glory crowns the point of ſight.  
 Ye ſons of Freedom! view this little band,  
 They owe their ſafety to your foſt'ring hand,  
 Snatch'd from the paths of vice & branded ſhame,  
 You point the road to honeſty & fame,  
 This ſmall plantation which your hands firſt laid  
 May riſe in time your ornament & ſhade  
 Our ſons perhaps ſhall ſee with glad ſurpriſe  
 In ſome of Theſe, new Drakes, new Raleighs riſe.  
 Nobly proceed. Exert your Chymic ſtrife  
 Extracting ſpirit from the Dregs of Life,  
 Our ſafety our humanity combine,  
 And every virtue glows in the deſign.  
 O may this glorious ordor ſtill improve,  
 This blend of Charity & patriot love  
 Th'increaſing number which your bounties ſave  
 Shall in your cauſe the boldeſt dangers brave  
 And riſe triumphant, o'er the ſubject wave  
 France ſhall look pale to ſee their glorious toil  
 And tremble at the gleanings of our Iſle  
 No more contend in rivalſhip again  
 But yield us the full Empire of the Main.  
 Nor can they ſtand another overthrow  
 For George by Hawke has ſtruck the final Blow.

## Introduction: Children at the Birth of Empire

In 1756, a philanthropic organization was founded in London to equip and dispatch boys as young as eight years old to war.<sup>1</sup> Over the course of the Seven Years' War, the Marine Society outfitted five thousand boys for the British Navy; twenty percent of the boys were completely without friends, family or even city officials to look after them and four-fifths were under the age of fifteen.<sup>2</sup> By recruiting street urchins to join the navy, the Marine Society's founders claimed that it had "pleased Divine Providence to make [the] Marine Society the Instrument of Mercy to that Rank of the People who are in need" by saving "Friendless Boys from absolute Destruction."<sup>3</sup>

According to modern sensibilities surrounding childhood, deploying boys in a war where they faced an estimated mortality rate of fifteen to twenty-five percent per year does not seem like any kind of salvation but rather a criminal act.<sup>4</sup> However, the Marine Society's founders operated on over a century's worth of experience of sending destitute children across the ever-increasing British Empire as laborers, translators, curiosities, sailors, and missionaries. To their minds, children who were "not provided for," who were already "lurking about the streets," were "in imminent danger of becoming the most profligate kind of Fellons, being totally without instruction or protection; except that which they receive in the nurseries of Thieves and Murderers."<sup>5</sup> Such children had to be rescued from falling into evil hands. Londoners began to see the empire as a solution to

---

<sup>1</sup> NMM, MSY/H/2, #961.

<sup>2</sup> Roland Pietsch, *The Real Jim Hawkins: Ships' Boys in the Georgian Navy* (Barnsley, England, 2010), 18-19 and 61.

<sup>3</sup> NMM, MSY/A/1, 141 and 144

<sup>4</sup> Pietsch, *The Real Jim Hawkins*, 145.

<sup>5</sup> NMM, MSY/A/2, 67.

this problem: the children would be employed and the streets would be cleared of their presence—all the while strengthening English power abroad.

### **Children in the Early English Empire**

As long as there has been an English empire, children have been an important part of it. When he published his early account of Virginia, John Smith listed the key words he had learned from the Algonquian language, including “*marowanchesso*, a boy.”<sup>6</sup> He also named Samuel Collier, Nathaniel Pecoock, James Brunfield, and Richard Mutton, all “Boyes,” as among the original 105 Englishmen to travel to Jamestown in 1607.<sup>7</sup> Boys initially worked as servants and laborers in the struggling colony but some soon served the much more important role of part-peace offering, part-translator. At least three boys were given over to various members of the Paspahugh tribe during the early years of the colony in order to show the settlers’ good intentions toward Powhatan and so the boys could learn Algonquian.<sup>8</sup> Such a life was full of considerable hardships, but could also prove profitable. One of the boys, Thomas Savage, arrived in Jamestown in 1608 at about the age of thirteen as a poor laborer but worked as a translator after he was given to Powhatan in exchange for one of Powhatan’s men and a bushel of beans. Savage frequently moved back and forth between the Paspahugh and the English, and he eventually found a considerable source of wealth in the fur trade. When he died around 1633, he was a planter who was able to leave his son a house, a barn, a boat, and a 150-

---

<sup>6</sup> John Smith, *A map of Virginia With a description of the country, the commodities, people, government and religion* (Oxford, 1612), 3.

<sup>7</sup> *Ibid.*, 8.

<sup>8</sup> Karen Ordahl Kupperman, *The Jamestown Project* (Cambridge, MA and London, 2007), 232. The belief that children could learn languages much more quickly than adults is discussed in Chapter One.

acre plantation.<sup>9</sup> Despite his tumultuous life—full of many tense moments when English-Paspaheg relations were strained—Savage undoubtedly achieved more than he could have had he worked as a laborer back in England. In that sense, the New World was very good to him.

Not all of the children who were involved in early British colonial enterprises fared so well. Over the next 150 years, many hundreds of British children were killed as a direct result of their involvement in labor on board ships or on plantations, while others were maimed, blinded, or sexually assaulted. In an era when travel was always dangerous, and when many parts of the world were utterly unknown to Europeans, British children were often sent to places where most British adults would refuse to go. Sometimes the children resisted their migration, but their wishes were not always respected.

The story of children and the early British Empire exposes some of the more unsavory aspects of empire-building and blurs the lines between free and unfree labor as well as voluntary and forced migration.<sup>10</sup> It raises questions of consent and agency during the early modern period, particularly in relationship to age. Further, it reveals how seventeenth- and eighteenth-century English men and women thought about childhood and their duty toward the poor and friendless children around them. Oftentimes in strange and surprising ways, the story of children in the early British Empire is one of greed, benevolence, illicit behavior, piety, struggle, and hope. Far from being insignificant, the

---

<sup>9</sup> Martha McCartney and Caitlin Newman, “Thomas Savage (ca. 1595-before September 1633),” *Encyclopedia Virginia* (Virginia Foundation for the Humanities, 14 September 2012). Accessed 3 May 2013.

<sup>10</sup> On the complications of the free/unfree labor binary, see Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (Cambridge, 2010), 9.

destitute children sent thousands of miles from England reveal a whole layer of early modern English life that has for too long remained unexplored.

Children mattered. Not just the children of the rich, the powerful, or the middling sort—not just children who had any parents at all. Children mattered without reference to their parents; they mattered outside of the parent/child relationship. Children mattered to the community around them, to the civic leaders, the charitably disposed, the wealthy, and the poor. Children mattered to those who cared about England’s position in a rapidly global world, one in which the small island kingdom had to jockey for power with larger European states. Children mattered to those who cared about England’s struggles with crime, poverty, and immorality. Children mattered to those who cared about their own and others’ eternal souls. In other words, children mattered to everyone.

But why should they? Children were—as they still are today—vulnerable, expensive, and prone to misbehavior. Children without families were particularly troublesome in an age without a comprehensive welfare system, orphanages, or foster care. Children who traveled or were brought into London were strangers: the community did not know the children or their parents and thus the children had no ability to make emotional or legal claims to friendship or kinship. There was no reason why these children should have mattered to anyone. Yet they did. This dissertation demonstrates that destitute children had cultural, social, religious, and legal significance. By moving the study of children from the domestic to the global, we can see how society responded to destitute children and the many ways in which such children were a necessary part of the early modern world.

The English had always had poor and parentless children amongst them, but in the seventeenth century one massive change occurred that affected how these children could be cared for: colonization. The explosion of London's population, and the poverty and vulnerability of the city's destitute children, left city fathers simultaneously overwhelmed and compelled to action. Moving children to English parishes outside of London was impossible unless they could prove that a child was that parish's legal responsibility. But there were no rules—no laws—about moving children beyond England. The colonies and England's expanding maritime network opened up this new possibility.

With the ability to send children abroad, however, came new perplexities. While few questioned the desirability of putting poor children to work, many wondered about the legality of sending them outside of England. The late seventeenth century was a time during which the English struggled to define what liberty meant; forcing vulnerable children to leave England to work under labor contracts to which they did not freely consent threatened notions of liberty that emphasized the ability to choose where one's body was and what one's body did. Obtaining the consent of poor children before they were sent abroad became an important emblem of English liberty by the eighteenth century, a way to distinguish free English Selves from bound African Others.

Children mattered because they forced the English to think about who they were as a people, about how their laws worked, and about what they wanted their society to become. Children were not just important economically as some have claimed; indeed, those who sought to profit from children's labor were considered criminals. While children were a part of the early modern economy, they were not merely commodities to be bought and sold. Destitute children mattered because the community believed it had

the religious, civic, and legal obligation to raise them to be industrious, Christian, and free men and women—and the duty to protect them from those who might prey on their vulnerability. Just because their concern for destitute children did not result in a perfect system of relief does not mean that these children were meaningless. As this dissertation demonstrates, destitute children concerned people in every level of English society.

### **Children in Early Modern Historiography**

The study of children and childhood has been given short shrift in scholarly literature. Often treated as a subset of women's history or social history, children flit in and out of work on a plethora of topics but are rarely the focus of investigation. Childhood studies, however, is an emerging field that insists that children ought be studied not as incidental to historical events but as key players in past societies. This burgeoning interest in childhood as a historical topic comes from the belief that the study of children allows us, as Steven Mintz has said, to “connect[] the personal and the public, the psychological and the sociological, the domestic and the state.”<sup>11</sup> It is not that we value children now and project our sense of the importance of childhood on the past: the more scholars have worked on the history of childhood, the more it has become clear that children bring together many aspects of the past that have heretofore been studied separately. As Holly Brewer has asserted, “Without understanding children's lives” during the colonial American period, “we cannot fully understand anything about it,

---

<sup>11</sup> Steven Mintz, “Why the History of Childhood Matters,” *Journal of the History of Childhood and Youth* 5.1 (2012): 17.

whether social, intellectual, cultural, economic, or political.”<sup>12</sup> Because early modern English and colonial American people alike viewed children as critical to their present and future societies, understanding how they raised those children reveals much about how they perceived their world and sought to shape the time to come.

For this reason, as Andrea Immel and Michael Witmore have argued, “children’s studies cannot be an island.”<sup>13</sup> Much of the reason why children’s history has been relegated to the side has to do with its origins in Philippe Ariès’s seminal book, *L’enfant et la vie familiale sous l’ancien régime* (1960). In this famous work, translated into English as *Centuries of Childhood* in 1962, Ariès claimed that childhood did not exist before the early modern period, and that even through the seventeenth century, children were treated as “little adults” and rushed along to adulthood. Indeed, through the seventeenth century, Ariès saw an “indifference” towards children, a feeling that they simply “did not count.”<sup>14</sup> Similarly, Ivy Pinchbeck and Margaret Hewitt characterized Tudor childhood as “of so little importance” that adults as well as children themselves pushed young people into the adult world as soon as possible. It was only in the eighteenth century, according to their account, that childhood was “regarded as an

---

<sup>12</sup> Holly Brewer, “Children and Parents,” in *A Companion to Colonial America*, Daniel Vickers, ed. (Oxford, 2003), 236.

<sup>13</sup> Andrea Immel and Michael Witmore, “Introduction: Little Differences: Children, Their Books, and Culture in the Study of Early Modern Europe,” in *Childhood and Children’s Books in Early Modern Europe, 1550-1800*, Immel and Witmore, eds. (New York and London, 2006), 3.

<sup>14</sup> According to Ariès, it was only in the eighteenth century that families withdrew from larger society into distinct and private social units. This in turn led to a much more emotional relationship between family members rather than one based on economics and social function. Philippe Ariès, *Centuries of Childhood*, trans. Robert Baldick (London, 1996), 125-127 and 385-387.

important part of the social structure” and children began to be valued by society as a whole.<sup>15</sup>

Following in Ariès’s, Pinchbeck’s, and Hewitt’s footsteps, Lawrence Stone’s influential *The Family, Sex and Marriage in England* (1979) characterized the English family prior to 1660 as one of “distance, manipulation and deference.” Ariès, Pinchbeck, Hewitt, and Stone believed that the high child mortality rate made it impossible for parents to become too emotionally invested in their children or in any other family bond. As Stone wrote, “Family relationships were characterized by interchangeability, so that substitution of another wife or another child was easy, and by conformity to external rules of conduct.”<sup>16</sup> In order to combat this initial vein of thought regarding children during the early modern period, revisionist scholars sought to demonstrate that children were indeed a separate group of people and that parents did have affection for their children despite the very real threat of losing them.

We owe much to Ariès, the first scholar to argue that childhood—the cultural concept surrounding what it means to be biologically young—has not been constant over time but rather has varied greatly depending on time and place.<sup>17</sup> However, many scholars have taken issue with his and subsequent scholars’ characterization of medieval and early modern childhood. One of the first to dispute the Ariès thesis was Linda Pollock, whose *Forgotten Children* (1983) asserted that parent-child relations were not cold and distant during the early modern period. Through hundreds of diaries and

---

<sup>15</sup> Ivy Penchbeck and Margaret Hewitt, *Children in English Society, Volume I: From Tudor Times to the Eighteenth Century* (London, 1969), 1 and 8.

<sup>16</sup> Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (New York, 1979), 88.

<sup>17</sup> Margaret L. King, “Concepts of Childhood: What We Know and Where We Might Go.” *Renaissance Quarterly* 60.2 (2007): 372.

autobiographies, Pollock traced the grief parents felt when their children died. She also used “sociobiological” theory to argue that it is natural for parents to love their children and that children who are not nurtured grow up to be stunted emotionally, physically, and intellectually. “If parents in previous centuries were as indifferent to their young children as has been suggested,” she wrote, “it would seem reasonable to assume . . . that they produced a group of damaged children who would develop into deficient adults.” Since scholars were unwilling to characterize the past as full of “less than competent adults,” Pollock argued that they should admit that children had been nurtured and loved.<sup>18</sup>

Continuing to dispute and revise the Ariès thesis, historians such as Anthony Fletcher, Barbara Hanawalt, Steven Ozment, and Alan Mcfarlane all argued for parental affection in the early modern period.<sup>19</sup> Indeed, Hanawalt demonstrated that as early as the twelfth century, parents took great care in raising their children and grieved over their loss.<sup>20</sup> Much of this work focused on middling or wealthy families; they are the ones, after all, who most often left accounts of their experiences and feelings. The late Patricia Crawford’s recent study, *Parents of Poor Children in England*, brilliantly recovers the sentiments of parents in the lowest ranks of society. Crawford argued that even the

---

<sup>18</sup> Linda A. Pollock, *Forgotten Children: Parent-Child Relations from 1500-1900* (Cambridge, 1983), 36 and 41.

<sup>19</sup> See Anthony Fletcher, *Growing up in England: The Experience of Childhood, 1600-1914* (New Haven, 2008); Barbara A. Hanawalt, *The Ties that Bound: Peasant Families in Medieval England* (New York and Oxford, 1986); Steven Ozment, *Ancestors: The Loving Family in Old Europe* (Cambridge, MA and London, 2001); and Alan Macfarlane, *The Family Life of Ralph Josselin: A Seventeenth-Century Clergyman: An Essay in Historical Anthropology* (New York, 1970).

<sup>20</sup> Hanawalt, *The Ties that Bound*, 186.

poorest parents cared about the welfare of their children and did their best to provide for them even in the midst of heartbreaking circumstances.<sup>21</sup>

But now that parental affection has been firmly established, it is time to ask about how society as a whole responded to children, and especially to children who had no wealth or familial connections to secure them friends and protection. The lives of poor children during the early modern period has been, according to Margaret L. King, “always a black hole.”<sup>22</sup> Even Crawford’s work, perhaps the most in-depth portrait to date of impoverished families in early modern England, focused on the “*parents of poor children in England*” rather than the children themselves.

Paul Griffiths’s *Youth and Authority* analyzes the experiences of “youths”—generally those aged fourteen to twenty-eight—as they navigated the “contested territory” of what we might now call adolescence.<sup>23</sup> Griffiths acknowledges the many different kinds of youth people experienced in early modern England, and seeks to paint a picture of the master-servant dynamic rather than focus on parent-child relationships.<sup>24</sup> This is an important way of exploring how youths functioned when they were outside of their own familial household; however, because the master was believed to take the place of the father, such young people were still in a kind of familial relationship, and most apprenticed children came from families who could afford to pay for indentureship fees. While Griffiths does discuss the masterless young people who were put into service by such institutions as Bridewell, his description of young people who emigrated is of young

---

<sup>21</sup> Patricia Crawford, *Parents of Poor Children in England, 1580-1800* (Oxford and New York, 2010).

<sup>22</sup> King, “Concepts of Childhood,” 388.

<sup>23</sup> Paul Griffiths, *Youth and Authority: Formative Experiences in England, 1560-1640* (Oxford, 1996), 18 and 21.

<sup>24</sup> *Ibid.*, 7, 389, and 402.

men who *decided* to go to the New World to search for service positions. His argument is that these young men still “exercised a measure of autonomy and choice.”<sup>25</sup> Griffiths’ work is critical to our understanding of early modern youth culture, but it does not fully explore the relationship poor children had with the wider community nor the ambiguities regarding consent that children’s emigration posed.

The respective work of A.L. Beier and Paul Slack are enormously important to our understanding of the poor in early modern England.<sup>26</sup> Even still, as David Hitchcock has recently pointed out, “vagrants are still—after 30 years of work—difficult to know about.”<sup>27</sup> While Slack and Beier both explore what it meant to be destitute and to have to rely upon the parish for relief, and though Beier especially notes how many vagrants were children and youths, their work is not focused on young people specifically. Additionally, they are particularly interested in migration, poverty, crime, and vagrancy *within* England.

When we focus on poor children specifically, we see that destitute children moved *outside* of England quite regularly and under circumstances that were particular to people their age. Poor children studied in the context of the early modern globe brings together separate scholarship on poverty, on childhood, and on global expansion. When we look at these three problems together rather than individually, we can begin to

---

<sup>25</sup> Griffiths, *Youth and Authority*, 354, 361, and 389.

<sup>26</sup> A.L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London and New York, 1985); A.L. Beier, *The Problem of the Poor in Tudor and Early Stuart England* (London and New York, 1983); Paul Slack, *The English Poor Law, 1531-1782* (Cambridge, 1990); Paul Slack, *Poverty and Policy in Tudor and Stuart England* (London and New York, 1988); and Paul Slack, *From Reformation to Improvement: Public Welfare in Early Modern England* (New York and Oxford, 1999).

<sup>27</sup> David Hitchcock, “Poverty and Mobility in England, 1600-1850,” *Rural History* 24.1 (2013): 2.

understand the true importance destitute children held in English society, especially once the English began to recognize that their local burden of excess children could become a national good.

### **Children in an Early Modern Global Context**

The many issues raised by examining children in a global context, and particularly as (forced) members of migration, have become a hot-button topic in today's politics as well as in scholarly discourse across the disciplines. In a recent issue of *Anthropology Quarterly* devoted especially to "Kids at the Crossroads: Global Childhood and the State," anthropologists Julia Hess and Dianna Shandy noted that current scholarship on childhood has departed from the traditional analysis of home and family and instead focused on "disruptive experiences" such as global migration in order to explore the tension between "structure and agency."<sup>28</sup> Demographers, economists, educators, sociologists and gender studies scholars have also been keen to study children and families in the context of immigration and migration.<sup>29</sup> Legal scholars have noted the

---

<sup>28</sup> Julia Hess and Dianna Shandy, "Kids at the Crossroads: Global Childhood and the State," *Anthropology Quarterly* 81.4 (Fall 2008): 766-767.

<sup>29</sup> A small sample of such scholarship includes, Cati Coe, et al., eds. *Everyday Ruptures: Children, Youth, and Migration in Global Perspectives* (Nashville, 2001); Nancy Foner and Joanna Dreby, "Relations between the Generations in Immigrant Families," *Annual Review of Sociology* 37 (2007): 545-564; Christian Dustmann, "Children and Return Migration," *Journal of Population Economics* 16.4 (Nov. 2003): 815-830; Alica Adserà and Marta Tienda, eds. "Migrant Youths and Children of Migrants in a Globalized World," Special issue of *The Annals of the American Academy of Political and Social Science* 643 (Sept. 2012); Marisa O. Ensor and Elzbieta M. Gozdziaik, *Children and Migration: At the Crossroads of Resiliency and Vulnerability* (New York, 2010); Robert Crosnoe and Ruth N. López Turley, "K-12 Educational Outcomes of Immigrant Youth," *The Future of Children* 21.1 (Spring 2011): 129-152; Aida Orgocka and Christina Clark-Kazak, eds., *Independent Child Migrations: Insights into Agency, Vulnerability, and Structure: New Directions of Child and Adolescent*

current “global migration crisis” in which millions of people from developing countries have migrated—some legally, some illegally—to industrialized nations and the legal complexities such migrations create.<sup>30</sup> Finally, child development specialists have studied the impact of migration on children themselves.<sup>31</sup> The study of children in global migrations is one that is truly interdisciplinary.

Scholars have put children at the center of accounts of migration in the modern world. Children are often the reason parents choose to migrate, and sometimes children themselves make this decision.<sup>32</sup> When adults decide to send children abroad, they often do so with the future in mind, hoping to provide a good life for the child.<sup>33</sup> Yet migrant children often suffer from increased stress, health problems, and developmental issues

---

*Development*, 136 (2012); and Marjorie Faulstich Orellana, et al., “Transnational Childhoods: The Participation of Children in Processes of Family Migration,” *Social Problems* 48.4 (Nov. 2001): 572-591.

<sup>30</sup> Guy de Lusignan, “Global Migration and European Integration,” *Indiana Journal of Global Studies* 2.1 (Fall 1994): 179. For the legal and rights questions raised by child migration, see for example, Jacqueline Bhabha, *Child Migration and Human Rights in a Global Age* (Princeton, 2014); Aubry Holland, “The Modern Family Unit: Toward a More Inclusive Vision of the Family in Immigration Law,” *California Law Review* 96.4 (Aug. 2008): 1049-1091; and Crystal J. Gates, “Working toward a Global Discourse on Children’s Rights: The Problem of Unaccompanied Children and the International Response to Their Plight,” *Indiana Journal of Global Legal Studies* 7.1 (Fall 1999): 299-334.

<sup>31</sup> For example, see Alejandro Portes and Alejandro Rivas, “The Adaptation of Migrant Children,” *The Future of Children* 21.1 (Spring 2011): 219-246; Valentina Mazzucato and Djamilia Schans, “Transnational Families and the Well-Being of Children: Conceptual and Methodological Challenges,” *Journal of Marriage and Family* 73.4 (August 2011): 704-712; Krista M. Perreira and India J. Ornelas, “The Physical and Psychological Well-Being of Immigrant Children,” *The Future of Children* 21.1 (Spring 2011): 195-218; and Elizabeth Washbrook, et al. “The Development of Young Children of Immigrants in Australia, Canada, the United Kingdom, and the United States,” *Child Development* 83.5 (Sept./Oct. 2012): 1591-1607.

<sup>32</sup> Deborah A. Boehm, et al. “Introduction,” in Coe, *Everyday Ruptures*, 3.

<sup>33</sup> Orellana, “Transnational Childhoods,” 587.

due to the emotional and physical tolls of adaptation to a new culture.<sup>34</sup> Overall, migrant children find themselves in a strange situation regarding agency: children are vulnerable and dependent, yet they are often actors, economic contributors, and participants in such processes as socialization and globalization.

The issues facing migrant children are not simply contemporary. As historians have shown, children have long been a part of globalization and international migration. Indeed, children have become compelling subjects of study for world historians. As Raymond Grew has argued, the study of childhood in the context of global history adds new depth to social history, allows for a better understanding of childhood both as a social construct and as a biological stage of life, and helps us better understand world history and the process of globalization.<sup>35</sup> The history of children in a global context, however, has focused almost entirely on modern history. Paula Fass has commented on the propensity to see global child migration as “a modern form of brutality” even though it has its roots in the early modern world.<sup>36</sup> We tend to think of globalization, and of forced migration, as modern phenomena, but in reality people have been forced to move around the globe for centuries.

Attempts to understand children in forced migrations in earlier times usually center on slavery, and particularly on the Atlantic slave trade, for good reason: while historians have traditionally thought of victims of the slave trade as adults, recent scholarship has focused increasingly on the fact that many slaves brought to the Americas

---

<sup>34</sup> Perreira and Ornelas, “The Physical and Psychological Well-Being of Immigrant Children,” 196 and 203.

<sup>35</sup> Raymond Grew, “On Seeking Global History’s Inner Child,” *Journal of Social History* 38.4 (Summer 2005): 854.

<sup>36</sup> Paula S. Fass, “Children in Global Migrations,” *Journal of Social History* 38.4 (Summer 2005): 937.

were children. For example, between 1600 and 1800 more than one million children under the age of fourteen were sent to the Americas in the Atlantic slave trade. The percentage of child victims of this trade increased throughout the centuries from 12.2 percent in the late seventeenth century to at least 40 percent by the 1860s.<sup>37</sup>

Alison Games has shown that the English who immigrated to the Americas in the 1630s were predominately young. According to her study, though people ages 15-25 were 17.72 percent of the English population, they made up 59.2 percent of people migrating to the Americas. It was not just “youths” who immigrated: 7.5 percent of migrants were aged 5-14 and 3.1 percent were aged 0-4. Taken together, 69.8 percent of people going to the Americas were under the age of 25.<sup>38</sup> As Chapter Two will discuss, all such immigrants were considered minors according to civil law.

Very little work has been done that considers European children in an early modern global context. While Bianca Premo has contributed important work on children in the early modern Iberian imperial world, our knowledge of children in the early modern French and Dutch empires is severely lacking.<sup>39</sup> In the English imperial context,

---

<sup>37</sup> Gwyn Campbell, Suzanne Miers, and Joseph C. Miller, “Introduction,” in *Children in Slavery Through the Ages*, ed. Campbell, Miers, and Miller (Athens, OH, 2009), 1, and Richard B. Allen, “Children and European Slave Trading in the Indian Ocean During the Eighteenth and Early Nineteenth Centuries,” in *Children in Slavery Through the Ages*, ed. Campbell, Miers, and Miller, 36.

<sup>38</sup> Alison Games, *Migration and the Origins of the English Atlantic World* (Cambridge, MA and London, 1999), 24.

<sup>39</sup> Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (Chapel Hill, 2005). See also, Ondina E. González and Bianca Premo, eds. *Raising an Empire: Children in Early Modern Iberia and Colonial Latin America* (Albuquerque, 2007). There has been a little bit of work on children in New Amsterdam. See Mariah Adin, “‘I Shall Beat You, So That the Devil Shall Laugh at It’: Children, Violence, and the Courts in New Amsterdam,” in *Children in Colonial America*, ed. James Marten (New York and London, 2007), 90-103. For work on German children in the French colonies, see Lauren Ann Kattner, “From German Catholic Girls to

we generally hear of children in two different settings: as members of emigrant families or as a small sideline in the larger story of adult indentured servants. In both circumstances, the focus is on the circumstances children found themselves in once they reached the other side of the Atlantic. Very little work has been done that asks how or why they migrated in the first place.

Sarah Pearsall has shown that families were integral to the Atlantic world and that family ties were critical for those who took part in building Britain's transatlantic empire.<sup>40</sup> The scholarship on "Puritan" family life on both sides of the Atlantic has been prolific; we now have a fairly complete picture of what childhood meant and how childhood was experienced with this particular set of English settlers.<sup>41</sup> There has also been some work, though not nearly as much, on the English family in the southern colonies.<sup>42</sup> Such work is helpful for our understanding of the circumstances and

---

Colonial American Women: Girlhood in the French Gulf South and the British Mid-Atlantic Colonies," in *Children in Colonial America*, ed. Marten, 175-190.

<sup>40</sup> Sarah M. S. Pearsall, *Atlantic Families: Lives and Letters in the Later Eighteenth Century* (Oxford and New York, 2008), 12.

<sup>41</sup> See James Axtell, *The School upon a Hill: Education and Society in Colonial New England* (New Haven, 1974); Karin Calvert, *Children in the House: The Material Culture of Early Childhood, 1600-1900* (Boston, 1992); John Demos, *A Little Commonwealth: Family Life in Plymouth Colony* (New York, 1970); John Demos, *Past, Present, and Personal: The Family and the Life Course in American History* (New York, 1986); Judith Graham, *Puritan Family Life: The Diary of Samuel Sewall* (Boston, 2000); Philip J. Greven, Jr., *Four Generations: Population, Land, and Family in Colonial Andover, Massachusetts* (Ithaca, 1970); Philip J. Greven, Jr., *The Protestant Temperament: Patterns of Child-rearing, Religious Experience, and the Self in Early America* (New York, 1977); Philip J. Greven, Jr., *Spare the Child: The Religious Roots of Punishment and the Psychological Impact of Physical Abuse* (New York, 1990); Steven Mintz, *Huck's Raft: A History of American Childhood* (Cambridge, MA, 2004); Edmund S. Morgan, *The Puritan Family: Religion & Domestic Relations in Seventeenth-Century New England* (New York, 1966); C. John Sommerville, *The Discovery of Childhood in Puritan England* (Athens, GA., 1992).

<sup>42</sup> Such work is almost entirely focused on the eighteenth century as family units were not a prominent part of the demography of the southern colonies. See Darcy Fryer,

experiences children who were fortunate enough to have families, but it leaves out the many thousands of British children who migrated to the New World by themselves or who joined the British navy because they had no one on land to offer them basic support.

Various historians have noted the remarkable amount of young people who made up the numbers of English who populated the New World, but it has not been analyzed in depth. Most of the work on children who traveled by themselves has been purely genealogical, that is, lists of names of children who were sent to the New World.<sup>43</sup> The stories of these children and the reasons why they were sent abroad have been ignored. Usually some vague sentiment about young men seeking new opportunities is offered up as the explanation for this exodus of children and youths. Generally, historians have seen them as no different than adult immigrants. Fass, for example, claimed that when children were kidnapped and “pulled” into the Atlantic world, the “ship captains and planters” saw the children as “cargo and a source of much needed labor (and if the young were girls, also fair sexual game). They were no more or less precious than 20 year olds.”<sup>44</sup>

---

“‘Improved’ and ‘Very Promising Children’: Growing Up Rich in Eighteenth-Century South Carolina,” in *Children in Colonial America*, ed. Marten, 104-115; Mintz, *Huck’s Raft*; Edmund S. Morgan, *Virginians at Home: Family Life in the Eighteenth Century* (Williamsburg, 1952); and Albert Alan Rogers, *Family Life in Eighteenth Century Virginia* (PhD diss., University of Virginia, 1939).

<sup>43</sup> Peter Wilson Coldham, *Child Apprentices in America from Christ’s Hospital, London, 1617-1778* (Baltimore, 1990); Peter Wilson Coldham, “The ‘Spiriting’ of London Children to Virginia: 1647-1685,” *The Virginia Magazine of History and Biography* 83.3 (July 1975); Robert Hume, *Early Child Immigrants to Virginia, 1618-1642: Copied from the Records of Bridewell Royal Hospital* (Baltimore, 1986); and Richard Hayes Phillips, *Without Indentures: Index to White Slave Children in Colonial Court Records: Maryland and Virginia* (Baltimore, 2013).

<sup>44</sup> Fass, “Children in Global Migrations,” 939.

Christopher Tomlins and Mary Bilder have also described children caught up in Atlantic migration and indentured servitude as perceived “commodities.”<sup>45</sup>

The story is far more complex. Children were in an entirely different situation than adult emigrants. First of all, as Chapter Two shows, children had a different legal status than adults, particularly in regard to self-determination. While the law was supposed to protect children—and often did—it could also leave them vulnerable to abuse or trapped in binding labor contracts to which they did not consent. Children generally had less agency than adults due to their weaker bodies and their dependent social and legal status. Finally, while kidnappers and their clients treated children as commodities, the rest of society was extremely contemptuous of such behavior. As John Wilmore described the crime, “of all theft, the stealing of a Child is the greatest, nothing being so dear in the world to Parents as their Children.”<sup>46</sup> It is only when we focus on children specifically, rather than lumping them together with adult migrants, that we realize that children have their own story that offers us new ways of understanding law, labor, poverty, charity, and migration in the early modern world.

### **Children, Consent, and Forced Migrations**

One of the key questions of this study is: were destitute children the victims of forced migration? As with many questions we ask about the past, the short answer is that it was complicated. As Chapter Six will show, children were granted more agency by the

---

<sup>45</sup> Tomlins, *Freedom Bound*, 80-81; and Mary Bilder, “The Struggle Over Immigration: Indentured Servants, Slaves, and Articles of Commerce,” *Missouri Law Review* 61.4 (1996): 764.

<sup>46</sup> John Wilmore, *The Case of John Wilmore: Truly and Impartially Related: Or, A Looking-Glass for all Merchants and Planters That are Concerned in the American Plantations* (London, 1682), 1-2.

middle of the eighteenth century, but were still often choosing between the lesser of two evils. Children's ambiguous legal status, as well as the limited protection of early modern law enforcement, left children vulnerable to coerced legal and illegal transportation. It is difficult therefore to place children in the "free" or "unfree" binary that scholars have so often used to categorize immigration and labor in the New World.<sup>47</sup>

Some children chose to emigrate, but only because it seemed like the best option for them when faced with bleak prospects at home. Some children emigrated because they were given the opportunity to make something of themselves by generous benefactors—though that opportunity came with risks. Others were clearly forced to emigrate, either by government authorities or by underworld criminals. Thus, the study of destitute children in the early modern English empire demonstrates how early in world history children were a part of global migration *and*, more importantly, upturns many commonly-held ideas about how English law and society functioned at home and around the globe.

The key work on children's consent in the Anglo-American context is Holly Brewer's *By Birth or Consent* (2005). Brewer's book has brought critical attention to children's studies. Though Brewer does not focus on the destitute children who are central to my study, many of my arguments are in conversation with hers concerning the legal status of children and the chronology of their ability to consent. While Brewer is concerned principally to explain American ideas as they arose from understandings about children's legal capacities, I explore the English and imperial antecedents of those later

---

<sup>47</sup> See Tomlins, *Freedom Bound*, 9.

debates.<sup>48</sup> In particular, I assert that ideas of legal capacity varied enormously depending on the kind of problem young people faced and upon the individual child in question. This variation was further complicated by the discretion left to adults in virtually all cases. While statutes and other norms sometimes drew a supposed age line separating the legal child from the legal adult, young people often did not know their own ages; even when they did, much discretion remained with judges and juries. Therefore, I see a much more ambiguous relationship between children and consent than Brewer throughout this period. Further, Chapter Six describes the increased valuation of children's consent in the eighteenth century, which is a different trajectory than the one Brewer describes.

As Christopher Tomlins has argued, law was a key way of legitimizing overseas colonization and the means by which that colonization was ordered and executed.<sup>49</sup> But because the law relating to poor children—and children generally—was often ambiguous, the English had to figure out *ad hoc* methods of legalizing children's migration as the empire continued to grow throughout the seventeenth and eighteenth centuries. They wanted children to be able to work abroad; that was never in question. Concern that such children were employed legally, through the use of legal indentures contracted properly, increased along with concerns about kidnapping, slavery, and a general sense that English liberty as a concept had to be protected and promoted. Tomlins claims that law and empire became crucially tied up in English identity; I agree. As Chapter Six demonstrates, advertising the legal overseas employment of children was a way for

---

<sup>48</sup> Holly Brewer, *By Birth of Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill and London, 2005), 8-9.

<sup>49</sup> Tomlins, *Freedom Bound*, 5-6.

organizations like the Marine Society to assert its patriotism and promote a version of Britishness as one of freeborn, law-abiding citizens.

### **Children at the Birth of Empire: The Scope of the Dissertation**

The chronological bounds of this dissertation mark the first phase of destitute children's involvement in the empire. Several hundred children went to Jamestown between 1618 and 1622. The 1760s saw two major changes at home and abroad. First, there was a series of laws that shifted the care of the poor from outdoor relief to a more institutionalized system centered on workhouses.<sup>50</sup> Second, Britain won the Seven Years' War in 1763, making it the leading power in Europe. Between 1618 and 1760, we can trace the story of the first age of imperial childhood. During this period, the English planned, and lost, and prayed, and hoped, and—despite the odds—created what would become the most powerful empire in the world. English children were a part of every stage of this process.

This story, however, is not told in a strictly chronological schema. While an increased emphasis on children's consent, as described in Chapters 5 and 6, is a key part of my argument, it is also important to stress the many continuities over this period. Ideas about childhood did not undergo the startling shift between the seventeenth and eighteenth centuries as has so often been described.<sup>51</sup> Neither did people suddenly

---

<sup>50</sup> See the Conclusion for a longer description of these laws, including the "Hanway Acts" proposed by Jonas Hanway, the founder of the Marine Society.

<sup>51</sup> Though Rousseau's *Emile* (1762) may be credited with beginning the trend of romanticizing childhood, which increased over the nineteenth century and still in many senses remains with us today, it was considered radical at the time and did not produce instant change. See Anthony Fletcher and Stephen Hussey, "Introduction," in *Childhood*

become more “humane” in their ideas about the poor in the eighteenth century. People in the seventeenth century could be just as charitably disposed towards destitute children as the “philanthropists” of the eighteenth century were; both centuries witnessed acts of great benevolence as well as acts of apathy and greed. Thus, the first four chapters of this dissertation primarily are organized conceptually rather than chronologically.

Chapter One shows that the fundamental difference between the conceptualization of children and adults in early modern culture was the idea that children were malleable while adults’ habits, characters, and life path were firmly set. Good children (i.e., pious, hardworking, obedient children) became industrious, law-abiding, godly adults. Bad children (i.e., those who were naughty, idle, and disrespected proper Sunday behavior) became felons, whose earthly life ended at Tyburn and whose eternal life was destined for hellfire. This clear binary was ubiquitous in early modern culture, and its effect was to emphasize the importance of proper childrearing. Since children were malleable, it was the responsibility of adults to shape children’s characters before they became irretrievably wicked. An examination of destitute children during this period demonstrates that this was a community-wide responsibility rather than one that belonged solely to parents. Of course, parents were the ideal role models for and fashioners of children, but when parents were poor, villainous, or nonexistent, the community had to step in to make sure that children were raised correctly. Even though early modern men and women feared poor children, they felt pity for them and believed that they could become respectable adults if trained properly.

---

*in Question: Children, Parents and the State*, ed. by Fletcher and Hussey (Manchester and New York, 1999), 2.

Deciding just when children became adults, however, was complicated. Chapter Two demonstrates that children occupied a distinct legal category in early modern England. Children, particularly those under the age of fourteen, were judged to have less discretion than adults; accordingly, they were given less autonomy when it came to decisions regarding their own bodies. This lack of control was a double-edged sword: while it could protect children from criminal prosecution, it could also leave them vulnerable to coercion and invalidate their testimony when they had been victimized. Judges and juries had a great deal of discretion as to whether children were treated as adults or as children; each child was judged separately based on his or her maturity. While there was a distinct legal category to which children belonged, judges and juries decided who was placed into that category based on the evidence before them.

The law protected destitute children: they were to have their basic needs, including apprenticeship in a trade or profession, provided for them by local officials such as justices of the peace, aldermen, mayors, and especially overseers of the poor. However, as Chapter Three demonstrates, there were far too many destitute children to take care of in early modern London. Leading men of the city became “nursing fathers” to London’s destitute children as a way of demonstrating their social status and of practicing their Christian faith. Though most scholars have rightly pointed out the failures of the Elizabethan poor law—which was carried into the seventeenth century—it does not follow that Londoners were apathetic to the suffering of those around them. Children in particular were often objects of charity, and a great deal of time and money was spent to try to alleviate their distress and set them up for a better future. While all children were objects of pity, orphaned children whose fathers had been citizens of London received

better treatment than the children of outside or unknown origins. Further, there were more opportunities for male children than for female children, even when women began to be involved in charitable organizations for children in the eighteenth century.

There were so many children in London's "superfluous multitude" that nursing fathers had to become creative about how to care for them. Chapter Four describes the decision to begin sending poor children overseas: first in small numbers to Ireland, and then by the hundreds to Virginia. Children were not sent abroad out of apathy or greed but rather out of a mixture of charity and enterprise. Whether they were young felons whose lives were spared if they agreed to travel to the New World, or they were homeless children offered the chance of an occupation on sea or in the colonies, these children were viewed as recipients of benevolence. They were also believed to be an important part of Britain's design to grow in naval and imperial strength. Thus, helping children become a part of the empire became a way of demonstrating one's patriotism. Increasingly, employing children in the empire became a national cause as well as a mechanism for relieving London of its excessive burden.

As soon as children were sent to Jamestown, there were questions as to whether they were sent legally. Chapter Five explores the legal questions raised during the first eighty years of forced overseas migration for poor children. Children's ambiguous legal capacity for self-determination made nursing fathers uneasy about forcibly sending them abroad. Did they have authority to send children overseas because they were legally obligated to care for the children and the laws did not specify *where* the children were to be provided with such care? Or was this forced migration a breach of Magna Carta, which outlawed the banishment of English subjects? After several hundred children were

sent to Jamestown between 1619 and 1922, there was a lull in sending children abroad strictly in the name of charity. Instead, children were transported when they had been convicted of crimes even though it was decades before transportation became codified in English law. However, as stealing children and selling them to American plantation owners became more and more prevalent, and as charitable institutions like Christ's Hospital began to send children abroad in the name of charity, questions regarding the legality of children's overseas employment came to a head.

During the Exclusion Crisis, rhetoric about liberty became central to political power and English identity. In 1682, debates over English liberty became tangled up in the affairs of John Wilmore, a prosperous London merchant and staunch Whig who was accused of kidnapping a child and sending him to work on his Jamaican plantation. Chapter Six charts the uproar caused by the Wilmore case and its aftermath. The case made questions about poor parents' and children's consent to their overseas employment a prominent part of public discourse. It tied the forced migration of children to ideas of English liberty, and people began to question whether English children could or should be treated as slaves. Following Wilmore's disgrace and flight to the Continent, there was a much greater emphasis on obtaining parental consent before a child could be sent overseas. As African slavery in the Americas continued to rise, obtaining the child's consent increasingly became important. By the middle of the eighteenth century, robbing a child of his or her ability to consent to a labor contract was not only seen as an assault against the child but also as an affront to English liberty and to British identity. Though Britain's poorest and youngest subjects were still needed to build the empire, they had to enter into this labor willingly.

\* \* \*

England's destitute children were an important part of the early modern world, and though their stories have been ignored, their lives still affect us today. They inspired magnificent art, including works by Hogarth and Handel: every time a choir sings the *Messiah*, they perform an oratorio written to benefit London's foundlings. So many of them were stolen off the streets and forced to labor in the Americas that a word, *kidnap*, was coined to describe this new phenomenon. And disputes over proper indentures for emigrating children led to clearer definitions of free and unfree, of constraint and liberty. Debates concerning their proper care contributed to a growing sense of what it meant to be British in an era when Britain was still finding its identity at home and abroad.

Judges and juries; charitable men and women; local government officials; kidnappers, kings, and queens; merchants, ships' captains, and planters: they all viewed the global deployment of destitute children as a necessary part of their changing world. Children were at times beneficiaries and victims as they traversed the globe. They often had no choice as to their destination or occupation, and in many cases they would never return to their homeland. They were needed laborers, but they were not mere pawns to be deployed and sacrificed without thought or remorse. Instead, destitute children were sent around the world because they mattered to the community around them. The complex story of destitute children in the early English empire demonstrates that even the most vulnerable members of society were a significant part of the early modern world.

## **Part I: Understandings of Early Modern Childhood**

## Chapter One: “To stock the next Generation with Noble Plants”: Cultural Concepts of Childhood

In the famous “All the world’s a stage” speech in Shakespeare’s *As You Like It* (c. 1599), the fool Jaques describes the seven ages of man. The first two ages are infancy and childhood: “At first the infant,/Mewling and puking in the nurse’s arms./Then the whining schoolboy with his satchel and shining morning face, creeping like snail/Unwilling to go to school.” After becoming “the lover,” “a soldier,” and “the justice,” man falls into old age and finally “second childishness.”<sup>11</sup> Shakespeare’s account of the life cycle was not original: the idea that there were specific stages in life went back to antiquity, though various authors divided a man’s life course into three, four, six, or seven distinct phases.<sup>22</sup> Despite this classical idea that people go through various periods in their life that are tied to their biological age, scholars have had a difficult time seeing distinct life phases in the lived experience of early modern Europeans. In particular, the line between childhood and adulthood has seemed blurry at best, nonexistent at worst.

Even though children made up a relatively large proportion of the population, historians have struggled to define what childhood meant in early modern England.<sup>3</sup> As

---

<sup>1</sup> William Shakespeare, *As You Like It*, ed. Barbara A. Mowat and Paul Werstine (New York and London, 1997), 2.7.146-173.

<sup>2</sup> J.A. Burrow, *The Ages of Man: A Study in Medieval Writing and Thought* (Oxford, 1986), 1-2.

<sup>3</sup> For a graph showing the fluctuations in age structure in English society between 1541-1871, see E.A. Wrigley and R.S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (Cambridge, MA, 1981), 215-219. Those between the ages of five and fourteen generally made up between twenty and twenty-five percent of the population, while those under the age of five represented another ten to fifteen percent of the population.

discussed in the Introduction, in his famous *Centuries of Childhood*, Philippe Ariès's claimed that there was no real distinction between children and adults during the early modern period; the only thing that truly separated them was the feeling that children "did not count."<sup>4</sup> Ariès and numerous scholars who followed in his footsteps argued that children were rushed to adulthood with all possible speed. While revisionist scholars have since argued that parents did care for their children, the question still remains: what did childhood mean to early modern people? How were children perceived by those who were not their parents?

Though childhood was not romanticized in the way it would be in the late eighteenth century and throughout the nineteenth and twentieth centuries, early modern men and women perceived children to be fundamentally different from themselves. Hannah Newton has recently demonstrated that children were thought to have a distinct physical makeup from adults: children were more vulnerable and weak than adults because their bodies contained moist and warm humors. Accordingly, children were given what Newton terms "children's physic," or medical treatment specific to children in a sort of proto-pediatric practice.<sup>5</sup>

It was not only physical difference that separated childhood and adulthood. As Chapter Two will demonstrate, there were key legal differences between the two life stages, though sometimes the distinction between the two was based on individual

---

<sup>4</sup> Philippe Ariès, *Centuries of Childhood*, trans. Robert Baldick (London, 1996), 125-127 and 385-387.

<sup>5</sup> Hannah Newton, *The Sick Child in Early Modern England, 1580-1720* (Oxford, 2012), 2. In Hippocratic medicine, perpetuated by Galen and carried into the early modern period, the four humors—blood, yellow bile, black bile, and phlegm, and their corresponding properties of heat, cold, dryness, and moistness—were key to understanding the human body and its medical treatment. William Bynum, *The History of Medicine: A Very Short Introduction* (Oxford, 2008), 9-10.

maturity rather than biological age. That legal distinction was tied to a cultural understanding that children were less capable of using reason than adults. As this chapter demonstrates, adults thought of children as people who had to be molded correctly on their path to adulthood: by the time they were capable of reasoning, they had to be able to think according to proscribed moral and legal norms. Children's perceived vulnerability and malleability before becoming adults were the two distinct features that set children apart from adults in early modern culture.

This chapter begins by describing early modern ideas about children's nature and mental abilities, and adults' subsequent ideas about how to best raise and educate children. Then, I turn to a case study about plans to build a school for the Native American children at Jamestown, which serves as an example of how children's perceived malleability was a key consideration in early colonization efforts. The second half of the chapter focuses on two specific kinds of children that are central to this project and the cultural ideas surrounding them: the destitute (and potentially criminal) child and the illegitimate child. As I show, while there was much anxiety about such children, there was also sympathy towards them and a desire to help them. These two feelings of fear and of charity were key in the decisions Englishmen and women made to send children abroad, as discussed in Chapter Four. Throughout this entire discussion, the question of "nature versus nurture" is repeatedly asked, and the answer is always firmly on the side of nurture. Children were what they were made to be. And because the way children were raised affected the adults they would become, contemporaries believed that their education and other decisions surrounding their care were critical to the wellbeing of society as a whole.

### Early Modern Childhood: Concepts and Contradictions

John Locke famously asserted that the child's mind is a *tabula rasa*, that “the minds of children [are] as easily turn'd this or that way, as water it self,” and that “of all men we meet with, nine parts of ten are what they are, good or evil, useful or not, by their education.”<sup>6</sup> Many have credited Locke with a supposedly Enlightenment idea that children were both malleable and innocent.<sup>7</sup> However, Locke was hardly the first to espouse this idea. In actuality, his description of the malleability of children's minds and characters was extremely common in early modern notions of childhood. Writing more than a century before Locke, the Elizabethan schoolmaster Roger Ascham described the baby's mind as “the newest wax, most [ ]able to receive the best and fa[i]rest printing.” Children were naturally innocent, he argued, but it was proper training that would keep them so: “to love or to hate, to like or con[d]emne, to plie this waie or that waie to good or to bad, ye shall have as ye use a child in his youth.”<sup>8</sup> Early modern parents, ministers, and educators believed firmly in the biblical proverb, “Train up a child in the way he

---

<sup>6</sup> John Locke, *Some Thoughts Concerning Education and Of the Conduct of the Understanding*, eds. Ruth W. Grant and Nathan Tarcov (Indianapolis, 1996), 10. *Some Thoughts Concerning Education* was originally published in 1693.

<sup>7</sup> See for example John Cleverley and D. C. Phillips, *Visions of Childhood: Influential Models from Locke to Spock* (New York and London, 1986), especially 15-27; and Alysa Levene, *The Childhood of the Poor: Welfare in Eighteenth-Century London* (New York, 2012), 3-4.

<sup>8</sup> Roger Ascham, *The Schoolmaster* (London, 1570), 10-11.

should go: and when he is old, he will not depart from it.”<sup>9</sup> Godliness instilled in children from their earliest years would result in upright adults in the following generations.<sup>10</sup>

Children were set apart from adults because of their ability to learn quickly and to be shaped according to whatever or whoever influenced them most. Children were sent to school to learn to read and write because their empty minds were waiting to be filled whereas the adult’s mind was already too full of thoughts to learn:

For can any growne man so moile him selfe, without to much cumber, with either the principles of Grammer, or cunning without booke, as a child will, the ones memorie being empty, the other being distracte with diversitie of thoughtes?<sup>11</sup>

Children also thought in a different way than adults: man was taught by reason whereas children generally only learned through rote.<sup>12</sup> Accordingly, children needed constant care to be sure not only that their education progressed correctly but also that they were the recipients of repeated and consistent moral training.

This idea of molding children into virtuous adults was not simply to benefit the individual person in question. Early modern Europeans considered the welfare of the community as a whole as the key reason to use children’s malleability to create a godly citizenry. Gerald Strauss has shown that Martin Luther was insistent upon educating children; in his 1530 treatise, Luther wrote that there ought to be

schools where children are trained in the liberal arts, in Christian discipline, and in the performance of faithful service to God, and where . . . [they] are raised to

---

<sup>9</sup> Proverbs 22:6.

<sup>10</sup> For the importance of the mother’s role in teaching the malleable young child, see Jennifer Heller, *The Mother’s Legacy in Early Modern England* (Burlington, VT, 2011), 43-46.

<sup>11</sup> Richard Mulcaster, *Positions* (London, 1888), 31. Originally published London, 1581.

<sup>12</sup> Ibid. Charles Hoole, *A New Discovery of the Old Art of Teaching Schoole, in Four Small Treatises*. Published 1660, written c. 1637. (Liverpool, 1913), 8-9.

become responsible men and women who can govern churches, counties, people, households, children and servants.<sup>13</sup>

The emphasis on educating children to become useful adults who would in turn benefit the community at large was also a common theme in English educational tracts. Charles Hoole began his treatise on education by declaring, “There is no calling more serviceable to Church and Common-wealth, then this of a School-Master.”<sup>14</sup> Richard Mulcaster claimed that the goal of education was to “see youth well brought up . . . that they may honour God, serve their country, comfort their freindes [sic], and aide one an other, as good countrey men are bound to do.”<sup>15</sup> Moreover, he wrote that “during those young yeares” children ought to be trained properly so that they “prove in their ripeness very . . . profitable, both to the parties which have them, and to their counties, which use them.”<sup>16</sup> Thus, being certain that children were raised properly was a key religious and proto-national concern, as Roger Ascham asserted: “the good or ill bringing up of children, doth as much serve to the good or ill service, of God, our Prince, and our whole countrie, as any one thing doth beside.”<sup>17</sup> Far from thinking of children as unimportant during this period, their very malleability, and therefore their ability to be shaped for good or ill, made them crucial members of society.

Children’s malleability was a double-edged sword, however. While children who were raised properly could turn into great blessings, children raised improperly would just as easily become the worst of villains. Poor children who were educated beyond their

---

<sup>13</sup> Quoted in Gerald Strauss, *Luther’s House of Learning: Indoctrination of the Young in the German Reformation* (Baltimore, 1978), 9.

<sup>14</sup> Hoole, *A New Discovery of the Old Art of Teaching Schoole*, xv.

<sup>15</sup> Mulcaster, *Positions*, 28-29.

<sup>16</sup> *Ibid.*, 25.

<sup>17</sup> Ascham, *The Schoolmaster*, 4.

stations (for instance, those who were taught Latin when they came from a common laboring family) could begin to plot against their betters: “it is the booke, which bredes us enemies, and causeth corruption to creepe.”<sup>18</sup> Even worse, however, were children who were left completely idle: early modern people had a great fear that children left to their own devices would become young hooligans, or worse. Once these thriftless children fell into the hands of hardened criminals they would become the apprentices to housebreakers and thieves. The key was to find proper employment for each child that was suitable to his or her station.<sup>19</sup>

Seventeenth-century Englishmen and women looked to the childhoods of individuals in order to understand the events of their adult lives. Parents who raised their children incorrectly—even by being too kind to them—could expect their children to end as felons. A common motif of gallows speeches was for the condemned to refer to childhood as the time when his or her life began on its path to evil. One clergyman attending the felon Thomas Savage before his execution complained that Savage was “sottishly ignorant . . . as if he had been brought up in a country of infidels, and not of Christians.” The famous traitor Robert Devereux, second earl of Essex, confessed that “many and great had been the sins of his youth” before his execution in 1601 for open rebellion against the Queen. The mother of John Marketman, who was convicted of murdering his pregnant wife in a drunken and jealous fit of rage in 1680, led her condemned son to the scaffold before fainting on the spot. Marketman proceeded to tell the assembled crowd that “he had been very disobedient to his too indulgent parents, and

---

<sup>18</sup> Mulcaster, *Positions*, 148.

<sup>19</sup> See Hugh Cunningham, *The Children of the Poor: Representations of Childhood since the Seventeenth Century* (Oxford and Cambridge, MA, 1992), 21-38.

that he had spent his youthful days in profanation of the Sabbath and licentious evils of debaucheries beyond expression.” This, of course, was every parent’s worst nightmare.<sup>20</sup>

Both parents and masters had to avoid such misery by being loving *and* strict toward their charges. It is a fallacy to think that early modern children were only treated with severity. There is plenty of evidence that parents loved their children. Barbara Hanawalt has shown that as early as the twelfth century children were carefully raised and deeply mourned if lost.<sup>21</sup> Alan Macfarlane’s microhistory of the seventeenth-century clergyman Ralph Josselin chronicles the great love and fierce grief early modern parents felt as their children grew and—too often—failed to survive.<sup>22</sup> Even so-called “Puritans,” who are famous for their view that infants are born with a sinful nature that must be destroyed, advocated a moderate form of childrearing. As Roger Cox has explained, “only by persuasion could the child learn, not only to fear damnation, but the anticipated joys of salvation. . . . The task of Puritan parents . . . was to represent to their children both the awesome power of God and his infinite love.”<sup>23</sup> If anything, childrearing manuals stressed strict discipline because parents were thought to be too indulgent, and as Marketman’s last speech demonstrates, his contemporaries believed that such leniency could prove fatal.

---

<sup>20</sup> J.A. Sharpe, “‘Last Dying Speeches’: Religion, Ideology and Public Execution in Seventeenth-Century England,” *Past & Present* 107 (May 1985), 144-145, 151, 153, and 157. It should be noted that the Thomas Savage mentioned here was a different individual than the boy who was an early immigrant to Jamestown.

<sup>21</sup> Barbara A. Hanawalt, *The Ties that Bound: Peasant Families in Medieval England* (New York and Oxford, 1986), 186.

<sup>22</sup> Alan Macfarlane, *The Family Life of Ralph Josselin: A Seventeenth-Century Clergyman: An Essay in Historical Anthropology* (New York, 1970).

<sup>23</sup> Roger Cox, *Shaping Childhood: Themes of Uncertainty in the History of Adult-Child Relationships* (London and New York, 1996), 35 and 37.

In order to counteract natural tenderness towards children, early modern Europeans insisted that discipline must be enforced and bad tendencies curbed, but only because they felt such harshness was ultimately best for molding the child into an upright adult. After all, as the book of Proverbs states, “He that spareth his rod hateth his son: but he that loveth him chasteneth him betimes.”<sup>24</sup> When Samuel Pepys’ servant, Will Wayneman, was careless with a tiny amount of gunpowder—leading to a small explosion in the boy’s trouser pocket and resulting in Will’s hand and side being burnt—and lied about when and where he got the powder, Pepys recorded that he “did extremely beat [Will], and though it did trouble me to do it, yet I thought it necessary to do it.”<sup>25</sup> Pepys did not enjoy punishing Will harshly, but he felt it he had to curb his tendency to tell lies or he would fail in his duty towards his young charge. In a similar vein, when Henry Newcome beat his twelve-year-old son, they prayed together afterward: “I discharged my duty of correction to my poor child, prayed with him after, entreating the Lord that it might be the last correction (if it were his will) that he should need.”<sup>26</sup> However, it is wrong to think that parents were cruel; many do not seem to have physically punished their children at all, while others only used mild physical punishment as a last resort.<sup>27</sup> Whipping or otherwise punishing a child until the child was ill, permanently hurt, or killed was considered an abhorrent crime.<sup>28</sup>

---

<sup>24</sup> Proverbs 13:24.

<sup>25</sup> Samuel Pepys, *The Diary of Samuel Pepys*, ed. Henry B. Wheatley (London, 1893), 380-381.

<sup>26</sup> Henry Newcome quoted in Anthony Fletcher, “Prescription and Practice: Protestantism and the Upbringing of Children, 1650-1700.” In *The Church and Childhood: Papers Read at the 1993 Summer Meeting and the 1994 Winter Meeting of the Ecclesiastical History Society*, ed. Diana Wood (Oxford, 1994), 333.

<sup>27</sup> Fletcher, “Prescription and Practice,” 333.

<sup>28</sup> For children in law courts, see Chapter Two.

As Vivian Fox and Martin Quitt have written, “Modern psychology did not discover the relevance of childhood to adult development.”<sup>29</sup> Parents’ main care was to assure that their children were taught to be respectable adults, which meant observing all religious rites, maintaining a good reputation among their neighbors, tendering allegiance to the king, and living within their income. Though parents were to be firm with their children, strict discipline was a result of a great deal of care and concern rather than callousness. As the minister William Perkins wrote in 1613, parents ought to make sure their children were baptized, catechized, and given a sound education that suited their age and temperament “that they may take it with delight.”<sup>30</sup>

The majority of early modern parents considered education to be of great importance. Literacy certainly rose throughout the early modern period and particularly in the seventeenth century. In 1600, an estimated thirty percent of men could read; only forty years later, half of all of men were literate.<sup>31</sup> As schoolmaster Richard Mulcaster described the early modern attitude towards schooling:

Everie one desireth to have his childe learned: the reason is, for that how hardly soever either fortune frowne, or casualtie chastice, yet *learning* hath some strength to shore up the person, bycause it is incorporate in the person, till the soul dislodge.<sup>32</sup>

---

<sup>29</sup> Vivian C. Fox and Martin H. Quitt, *Loving, Parenting and Dying: The Family Cycle in England and America, Past and Present* (New York, 1980), 41 and 45.

<sup>30</sup> William Perkins, *Works* (1613), quoted in Rosemary O’Day, *The Family and Family Relationships, 1500-1900: England, France and the United States of America* (New York, 1994), 48-9.

<sup>31</sup> Only one-tenth of women appear to have been literate, however, throughout this period as literacy for girls was generally considered of little or no importance outside of very elite circles or radical religious groups. Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain* (Cambridge, 2003), 89; and David Cressy, *Literacy & the Social Order: Reading and Writing in Tudor and Stuart England* (Cambridge, 1980), 2.

<sup>32</sup> Mulcaster, *Positions*, 142-3.

Education was more than learning how to read Latin or do arithmetic: it changed the whole person's being and would affect who that person was for the rest of his or her life. Educators were not just concerned about the individual child, however: boys were to be educated in order to serve the commonweal. Well-trained children meant a prosperous future; conversely, children who were spoiled, ignorant, and unlearned in the ways of Protestantism spelled ruin and despair for England.

Thus all good Protestants considered the building of schools to be an activity that would affect many generations. Long after Jacobean were dead and buried, it was believed, their piety would shine forth through the children they had raised. As the minister Patrick Copland, a great advocate of educating both the Native Americans and the East Indians with whom the English came into contact, argued:

our principall care should bee, that while our soules live in glory in heaven, our good actions may live upon earth, and that they may be put into the banke and multiply, while our bodies lie in the grave and putrifie.<sup>33</sup>

Educating children, then, was a lasting and living memorial, an investment in the eternal rather than the temporal. As a result of these ideas, during the Elizabethan period the building of grammar schools had proliferated. These schools, however, were meant to educate English children, to raise a future English society. Educational plans, however, were not limited to those born English. Instead, children's malleability meant that education could *create* English children out of indigenous people born in the New World.

### **Malleability, Education, and Empire: The Indian School at Jamestown**

---

<sup>33</sup> Susan Myra Kingsbury, ed. *The Records of the Virginia Company of London, Volume III* (Washington, 1933), 540.

The perceived malleability of children was so firmly rooted in early modern culture that the English looked to children as the best means of assimilation during their earliest attempts at colonization. The English believed that if the native peoples they encountered in the New World and in India were trained to be English from a young age that they could in fact become fully English. In an era before a firmly established notion of race, the English felt they could turn anyone into an Englishman or woman—provided they started that transformation when the person was young enough.<sup>34</sup>

On an early February morning in 1619, a curious letter was delivered to the treasurer of the Virginia Company, Sir Edwin Sandys, during a Company meeting held at his home in the heart of London.<sup>35</sup> The writer of the letter would only identify himself as “Dust and Ashes,” and he promised the Company the incredible sum of £500 if it would build a school to educate Indian children in Virginia for “the Convertinge of Infidles to the fayth of Christe.”<sup>36</sup> After this letter was read to the Company, its proposal was “putt to the question” and then “passe[d] . . . by erec[ti]on of hands.”<sup>37</sup> Thus, the Virginia

---

<sup>34</sup> For notions of race and identity in the seventeenth and eighteenth centuries, see Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia, 2000); Kathleen Wilson, *The Island Race: Englishness, Empire and Gender in the Eighteenth Century* (London and New York, 2003); and Dror Wahrman, *The Making of the Modern Self: Identity and Culture in Eighteenth-Century England* (New Haven and London, 2006).

<sup>35</sup> For detailed accounts of the Company’s foundation, management, and the eventual takeover by the Crown, see Wesley Frank Craven, *The Dissolution of the Virginia Company: The Failure of a Colonial Experiment* (Gloucester, MA, 1932); Theodore Rabb, *Enterprise and Empire: Merchant and Gentry Investment in the Expansion of England, 1575-1630* (Cambridge, MA, 1967); and, as Sandys was the Treasurer of the Company for the majority of its years, Rabb, *Jacobean Gentleman: Sir Edwin Sandys, 1561-1629* (Princeton, 1998).

<sup>36</sup> Susan Myra Kingsbury, ed., *The Records of the Virginia Company of London: The Court Book, from the Manuscript of the Library of Congress, Volume I* (Washington, 1906), 307.

<sup>37</sup> *Ibid.*

Company voted to construct a school so that Indian children could be taught “readinge and [the] understandinge [of] the principals of Xian Religion” and “brought upp in some lawfull Trade . . . and then enjoye like liberties and pryveledges wth [sic] our native English in that place.”<sup>38</sup> The school would simultaneously educate, Christianize, and acculturate Indian children into English colonial society.

The desire to convert Indians to Christianity was hardly novel in 1619. Ten years earlier, on a Sunday morning in April 1609, Archdeacon Robert Tynley ascended his pulpit in order to address a London congregation “concerning popish miracles.” After railing against English Catholics and those Protestant practices that Tynley felt still smacked of Catholicism, the Anglican minister turned to a description of the new English colony in Virginia. Tynley explained to his audience that the English were currently undergoing “great costs, labours, and perils for gaining and winning [the Indians] to Christ.” The reward, Tynley said, would be “reducing unto a civill societie . . . so many thousands of those sillie, brutish, and ignorant [fools, i.e., Indians], now fast bound with the chaines of error and ignorance, under the bondage” to the Devil. Tynley’s sermon, one of nine commissioned by the Virginia Company in order to tell the public about the new English colony, betrayed the Company’s vision of working for a purely Protestant England *and* a future Protestant world.<sup>39</sup>

Yet, beyond the Virginia Company’s rhetoric in pamphlets and sermons, the reality of the situation in the New World was that conversion was difficult to achieve. Very few Indians became Protestant proselytes during the first several decades of English colonization in the New World. The most famous conversion story during these early

---

<sup>38</sup> Ibid.

<sup>39</sup> Robert Tynley, *Two learned sermons* (London, 1609), 67.

years was that of Pocahontas, who, during a period when the English held her captive, seems to have willingly accepted the Protestant faith and been baptized as Rebecca. Pocahontas' experience was extremely uncommon, however, and, largely because of the language barrier between them, English settlers in the New World were generally in the position of wondering at the unfamiliar religion and rituals of the native peoples they encountered rather than proselytizing them.

Because of the initial lack of success with which it met in terms of Protestant conversion, the Virginia Company realized that there was a need to approach evangelization strategically. The plan that the members (and anonymous donors like "Dust and Ashes") developed was to build a school to educate and convert Indian children, a scheme that made sense to early modern Englishmen for several reasons. First of all, Jacobean knew that language acquisition was much speedier for children than for adults. Thus, the communication problems that the English and Indians had could be overcome much more quickly if the settlers taught Indian children English.

Secondly, as this chapter has already shown, early modern people thought of children as particularly malleable: once a person reached adulthood, his character was decided, but children could be molded for good or for evil. Accordingly, converting children served a second purpose: creating a society of Indians in the New World who were like the English in religious beliefs, culture, and knowledge of various trades. Around 1613, the English had made a treaty with the Chickahamania Indians, neighbors of Powhatan, the first article of which stated that the Chickahamnia "should for ever bee

called Englishmen, and bee true subjects to King James and his Deputies.”<sup>40</sup> But how were these people to be turned into Englishmen? How were they to be taught to be loyal subjects of the King? While adults might be set in their ways, acculturating Indian children from a very young age could create a future Indian population that was English in every way except for the fact that they were born to Indian parents.

As early as 1609, the Virginia Company decided that the best way of changing local Indians’ religion was essentially to adopt Indian children instead of converting adults. Indeed, the conversion of children and adults were expressly contrasted in the Company’s “Instructions[,] Orders and Constitutions” to the colony’s governor, Sir Thomas Gates:

you must [procure] from them some convenient number of their Children to be brought up in yo<sup>r</sup> language, and manners . . . you first remove them from their . . . Priestes . . . for they are so wrapped up in the fogge and miserie of their iniquity . . . Chayned under the bond of Deathe unto the Divell that while they [adult Indian leaders] live amoung them [the children] to poyson and infecte them . . . you shall never make any greate progress into this glorious worke.<sup>41</sup>

For the Company, children were the key to the achieving the Indians’ conversion, “the most pious and noble end of this plantacion”; further, it was only through the conversion and assimilation of Indian children into English society that the colonists could have “any Civill peace” with the Indians.<sup>42</sup>

The idea to proselytize the Indians via the adoption and education of their children persisted for about a decade but without firm plans for how this idea was to be

---

<sup>40</sup> John Smith, *The Complete Works of Captain John Smith (1580-1631) in Three Volumes, Volume II*, Philip L. Barbour, ed. (Chapel Hill and London, 1986), 246.

<sup>41</sup> Kingsbury, *The Records of the Virginia Company, Vol. III*, 14-15.

<sup>42</sup> Ibid.

executed. Then, at the end of 1618, the Company informed Sir George Yeardley, then the colony's governor, that plans were being laid for

the building and planting of a college for the training up of the Children of those Infidels in true Religion[,] moral virtue and Civility and for other godly uses[.] We do therefore . . . hereby ratifie[,] confirm and ordain that a convenient place be chosen and set out for the planting of a University at the said Henrico in time to come and that in the mean time preparation be there made for the building of the said College for the Children of the Infidels according to such Instructions as we shall deliver[.]<sup>43</sup>

By the next year, the Company had sent fifty men who were “by their labours to beare up the charge of bringing up Thirty of the *Infidels* children in true Religion and civility” and had raised £800 through two sizable donations in order to bring the plans to fruition.<sup>44</sup>

The principle donor was “Dust and Ashes.” In letters full of biblical allusions and imagery, “Dust and Ashes” depicted himself as fulfilling God’s plan for the people of the New World; the large sum of money he donated to the project was a “guift[.] devoted to Gods [sic] service.”<sup>45</sup> Though the £500 he gave was by no means insignificant, by styling the endowment as “tender[ing] my poore mite,” he imagined himself as the impoverished widow who offered her “two mites” to the Lord’s temple and so was praised by Jesus for “cast[ing] in all that she had, even all her living.”<sup>46</sup> But “Dust and Ashes” donated the money anonymously to demonstrate that he was advancing of a very particular kind of Christianity. He donated the sum without the belief in “papisticall merritt”—the Catholic idea that good works lessened time in purgatory—or for “pharasaicall applause,” which could be a comment leveled at the self-styled “godly,” the

---

<sup>43</sup> Ibid., 102.

<sup>44</sup> Ibid., 116-7.

<sup>45</sup> Ibid., 308.

<sup>46</sup> Mark 12:41-44.

so-called “Puritans” who believed that good works were a sign of election.<sup>47</sup> His gift was a result of his English Protestantism, and his hope was that through his donation this type of Protestantism—and “Englishness”—would spread.

Dust and Ashes dreamed of “the Convertinge of Infidles to the fayth of Christe,” and to that end he promised his money

for the maintenance of a Conveyent number of younge Indians taken att the age of Seaven years or younger & instructed in the readinge and understandinge of the principals of Xian Religion unto the Age of 12 years and then as occasion serveth to be trained and brought upp in some lawfull Trade wth all humanitie and gentleness untill the Age of one and Twenty years, and then to enjoy the like liberties and pryveledges wth our native English in that place.<sup>48</sup>

In other words, Dust and Ashes imagined a future in which Indian adults—having been raised by Englishmen since they were young children, taught Christianity, and trained to practice an English trade—would be like Englishmen. This was a very particular kind of “Englishness,” one that was not a birthright but rather obtainable through education and apprenticeship.

Dust and Ashes’ proposition that Indian children ought to be apprenticed to Englishmen was a new one. In 1609, Robert Gray had advised

our English tradesmen and Artificers . . . [to] be warie in taking the Savages to bee apprentices to teach them their trade, seeing there be meanes of employment sufficient besides to set many thousands on worke; and therefore not necessarie as yet to unstruct them in our trades and mysteries.<sup>49</sup>

According to Gray and others, the English knowledge in trades ought to be a closely-guarded secret to assure that there would be enough work to keep the English employed. Though England contained more people than its economy could support in 1609, at this

---

<sup>47</sup> Kingsbury, *The Records of the Virginia Company, Vol. I*, 307.

<sup>48</sup> Ibid.

<sup>49</sup> Robert Gray, *A Good Speed to Virginia* (London, 1609).

early point men like Gray could imagine sending many skilled laborers to the New World in order simultaneously to ease the over-burdened English economy and to bolster the struggling population numbers in the colony. A decade later, however, it was clear that many English people were unwilling to go to the New World no matter how much they were promised for doing so, and that those who did go usually died very quickly.

Training Indian children to practice English trades would be of enormous benefit to the colony in the years to come. Reimagining Indian children as people who were able to learn and practice English skilled work essentially meant reimagining the Indians as people who could become English.<sup>50</sup>

It seemed as though everything was in place to see the Company members' dreams of an Indian school realized. The school, however, continued to exist only as an idea. "Dust and Ashes" wrote the Company two years after his first letter to complain that the money "most painfully" earned had not been used to build a school but rather was "deceyted by a private" group of settlers.<sup>51</sup> The Company responded that it had encountered two problems that the members had not foreseen: the workers sent over to run the school either died or were needed for manual labor and the Indians were not willing to give their children up.

The former problem was one of logistics: the perils of the transatlantic crossing and the disease and deprivation of early Virginia generally took the lives of forty percent

---

<sup>50</sup> "Dust and Ashes" does not say if he envisions miscegenation as being part of his ultimate plan, but it seems likely considering that he did not think any distinction ought to be made between the Indians and English in the New World once the Indians had been educated and finished a period of apprenticeship.

<sup>51</sup> Kingsbury, *The Records of the Virginia Company, Vol. I*, 598.

of adults within their first year in the new colony.<sup>52</sup> Of the 2,000 men, women, and children who had journeyed to Virginia, only one-fourth of that number was still alive by 1619.<sup>53</sup> The surviving colonists had to work to grow tobacco—the revenue from which was only thing that kept the colony afloat—and the food needed to survive. There was not enough manpower to devote to building a school and raising Indian children within it. Though Indian labor would have been extremely helpful once the children were old enough to serve as apprentices, the colony simply did not have enough resources of raising Indian children until they were old enough to work. To overcome this problem, “Dust and Ashes” suggested that Indian children would live with Englishmen and be raised by them until the school could be founded.<sup>54</sup>

The second problem seemed more insurmountable. That Company members considered an English education to be objectively superior to any other way a child could be raised is made clear by the fact that they expressed surprise when Indian parents did immediately seize the opportunity to obtain this schooling for their children. In 1619, Sir George Yeardley explained to Sir Edwin Sandys, the Treasurer of the Company, that the “Spirituell vine you speake of will not so sodaynly be planted as may be desired, [as] the Indians [were] very loath upon any tearmes to part with their children.”<sup>55</sup> Several

---

<sup>52</sup> Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560-1660* (Oxford and New York, 2008), 130. A mortality rate of forty percent in the first year was the standard in Virginia for decades.

<sup>53</sup> James Curtis Ballagh, *White Servitude in the Colony of Virginia: A Study of the System of Labor in the American Colonies* (Baltimore, 1895), 14. Though it is difficult to arrive at exact figures, the vast majority of these early colonists were men. The Company constantly advertised for married men and their families as well as young unmarried women who would be willing to emigrate throughout this period, but the gender ratio imbalance remained for decades.

<sup>54</sup> Kingsbury, *The Records of the Virginia Company, Vol. I*, 307.

<sup>55</sup> Kingsbury, *The Records of the Virginia Company, Vol. III*, 128.

strategies were suggested to overcome the parents' objections. Yeardley proposed building houses so that Indian families could live amongst the English settlers: "we shall then both have the oportunity to Instruct their Children."<sup>56</sup> In the meantime, Yeardley said he would "doe [his] best to purchase some Children according to your former Directions."<sup>57</sup> A few months later, the Council in Virginia—the colony's governing body—wrote to the Company that the "Indians are in noe sorte willinge to sell or by fayer meanes to part wth their Children"; as a result, the Council suggested joining in a pact with Indian leader Opachancamo to make a raid on a neighboring Indian tribe, the Massituppanohtnock, from which the English would receive a "share [of] all the booty of male and female Children."<sup>58</sup> There is no other information about this raid, whether it took place, or if it was successful. It does not, however, seem as though the settlers gained any Indian children whether through persuasion, purchase, or as "booty."

This imagined school was never realized: the plan never left the pages of the Virginia Company's record books. In 1622, a group of Indians attacked the English colony and killed one third of its inhabitants; typical English discourse would henceforth describe Indians as "a false-hearted people," capable of "perfidious treachery" and "bruitish falshood."<sup>59</sup> The idea that Indians—if they began their educations at an early age—could become like the English was forgotten.

Nevertheless, the fact that the English tried so desperately to gain Indian children does require examination. After all, when the struggle to build the colony was literally a

---

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid., 228.

<sup>59</sup> Edward Waterhouse, *A declaration of the state of the colony and affaires in Virginia* (London, 1622).

matter of life or death for the settlers, when it was so difficult to grow enough food to feed themselves, how can we explain the effort that the Company put into gathering even more people to maintain? When the Company was consistently insolvent throughout this period, why did its members want so desperately to take on a project that was both expensive and seemingly so unnecessary? Clearly, the English settlers and Company members felt this project so important that they were ready to gain Indian children by any means, fair or foul. Had the Company members and donors like “Dust and Ashes” simply wanted to help poor children, there were plenty swarming the streets of London for whom a school could have been constructed. But London street urchins would not have created a link between English and Indian settlers that would build a future Anglo-Indian community. In order to understand why the school was of the utmost importance to the Company, it is critical to understand early modern English ideas about childhood and education.

The inability of the English to communicate with Indian adults was certainly one of the reasons Englishmen thought Indian children were crucial to better relations more generally. As we have already seen, English people believed that children could learn languages much more quickly than adults. After a relatively short amount of training, children could serve as translators and would eventually be able to explain Protestantism to Indian adults. As mentioned in the Introduction, in 1608 the English had given a boy called Thomas Savage to the Indian chief Powhatan; by 1612 Thomas was working as a translator “with much honestie and good successe.”<sup>60</sup> But however useful Thomas was in aiding communication, he lived with the Indians, and the English felt that they needed to

---

<sup>60</sup> Smith, *Complete Works*, 248.

have Indian children living in Jamestown who could understand both languages. Thus, the school was a critical step to building links between the two communities, links that would have to be formed should they ever become one society.

The school was vital because it would teach children—both Indian and English—Christianity *and* how to be proper members of an English society even if those children had never seen England itself. This project was so important to the Company that it trumped other ventures that may to modern eyes seem like more obvious choices for the English to make. For instance, Company members discussed whether or not they should work first on building the school or on constructing a church for the settlers. They decided that the school was the priority:

there was therefore a greater want of a Schoole then of Churches . . . it [was] most fitt to resolve for the erectinge of a publique free schoole wch being of the educa[ti]on of Children and groundinge of them in the principles of religion Civility of life and humane learninge served to carry with it the greatest waight and highest consequence unto the Planta[ti]ons as that whereof both Church and commonwealth take their originall founda[ti]on and happie estate.<sup>61</sup>

Building the school was achieving one of God’s designs for the colony: making the Indians into Protestant English subjects. To become truly English, however, would take time, and the English planned the school so that the next generation of Indians could become just like them in manners, education, trade, and religion. The school plans reveal a belief in cultural rather than racial superiority, of nurture rather than nature. This was precisely why men like “Dust and Ashes” wanted to start with very young Indian children, and why children in general were so vital to early modern people: whatever happened to children would direct the course of the future.

---

<sup>61</sup> Kingsbury, *Records of the Virginia Company, Vol. I*, 275-276.

### **Marginalized Children: Views of Destitute, Illegitimate, and Criminal Young People**

The children who are the focus of this dissertation did not have parents who worried over their proper schooling and acceptance of correct religious doctrine. They were not children who needed to be converted to Christianity and Englishness out of missionary zeal or calculating imperialism. Instead, they were poor children, children whose parents were dead, who had abandoned them, or who were too destitute to care for them. They were often already migrant children within England—as Chapter Three shows, many of the children who ended up in London during the early modern period were born elsewhere—and then through various means they traveled all over the known world. In order to understand what happened to them, we must first understand contemporaries' cultural perceptions of destitute, orphaned, and illegitimate children. While people still believed in the malleability of children, a great deal of anxiety accompanied these marginalized young people, which in turn tempered people's responses to them.

When the infant Tom Jones, perhaps the most famous foundling in English literature, is discovered in the bed of Squire Allworthy, his housekeeper, Mrs. Deborah, rails against the newborn: “for my own Part, it goes against me to touch these misbegotten Wretches, whom I don't look upon as my fellow Creatures. Faugh, how it stinks! It doth not smell like a Christian.” Further, she claims that “it is, perhaps, better for such Creatures to die in a State of Innocence, than to grow up and imitate their Mothers; for nothing better can be expected of them.”<sup>62</sup> Through Mrs. Deborah, Fielding

---

<sup>62</sup> Henry Fielding, *The History of Tom Jones, A Foundling*, ed. Sheridan Baker (New York, 1973), 31. The novel was first published in 1749.

exposed the harsh view of illegitimate children that many held. Fielding went further in this vein by having Captain Blifil, Allworthy's brother-in-law, object to raising Tom with his own son by arguing for

the Legality of punishing the Crime of the Parent on the Bastard. . . . Tho' the Law did not positively allow the destroying of such base-born Children, yet it held them to be the Children of No-body: That the Church considered them as the Children of No-body; and that, at the best, they ought to be brought up to the lowest and vilest Offices of the Commonwealth.<sup>63</sup>

However, Mr. Allworthy, likely representing the view of Fielding, disagrees: "however guilty the Parents might be, the Children were certainly innocent." Not only was punishing a child for the sins of his father and mother against biblical injunctions, but it was "acting against the first Principles of natural Justice, and against the original Notions of Right and Wrong." Allworthy therefore resolves to raise Tom as if he were "a legitimate Child."<sup>64</sup>

One of the questions that runs throughout *Tom Jones* is whether the titular character is a gentleman because he has been raised by Allworthy to have the education and manners of a gentleman, or whether he is tainted by his birth. This anxiety is emblematic of the uncomfortable position illegitimate children held during the early

---

<sup>63</sup> Of course, at the end of the novel Tom is revealed to be the son of Bridget Allworthy Blifil, and thus the half-brother of Captain Blifil's son, Master Blifil. Master Blifil is born "a fine Boy. The Child was indeed, to all Appearance, perfect; but the Midwife discovered, it was born a Month before its full time." In other words, Fielding is making fun of the fact that Blifil, clearly conceived out of wedlock, is respectable because his parents quickly married after Bridget became pregnant whereas Tom is looked down upon because Bridget did not marry his father. *Ibid.*, 60.

<sup>64</sup> *Ibid.*, 60-61. For more on the work of Henry Fielding and his brother, John Fielding, to help poor children in London, and in particular to support the work of the Foundling Hospital, see Chapter Three.

modern period. While they had clear legal disadvantages—being unable to inherit property by common law—their social status was more ambiguous.<sup>65</sup>

While the number of illegitimate births fluctuated throughout the early modern period, it was never high. Even still, at three percent in 1600 and up to five percent by the end of the eighteenth century, “bastard” children represented a small but significant portion of all live births.<sup>66</sup> According to Patricia Crawford, these numbers are likely a low estimate, and they represent the “immense social pressure on young women and men” to marry before entering into a sexual relationship. Women in particular ran the risk not only of criminal prosecution but also of social stigmatization: they were called “lewd,” “bastard-bearers,” “strumpets,” “whores,” and “unnatural” women.<sup>67</sup>

The earliest piece of legislation against bearing illegitimate children appeared in 1576: the Poor Law Act of that year declared that parents who had “Bastards begotten and borne out of lawful Matrimony (an Offence againste Gods Law and Mans Lawe)” created a problem for the parish who would subsequently have to support the child. Indeed, the legislation described these parents as “defrauding . . . the Reliefe of the impotent and aged true Poore” by giving “the evill Example and Encouragement of lewde Lyfe.” Parents were to be put in jail until they presented “sufficient Suretye” that

---

<sup>65</sup> As Lisa Zunshine points out, the prejudice against children born out of wedlock was remarkably long-lived in English law: the House of Commons rejected “A Bill to remove the legal disabilities of children born out of wedlock” as late as 1778. Lisa Zunshine, *Bastards and Foundlings: Illegitimacy in Eighteenth-Century England* (Columbus, OH, 2005), 19.

<sup>66</sup> Patricia Crawford, *The Parents of Poor Children in England, 1580-1800* (Oxford, 2010), 31. See also John R. Gillis, *For Better, For Worse: British Marriages, 1600 to the Present* (New York and Oxford, 1985), 111.

<sup>67</sup> Patricia Crawford, *The Parents of Poor Children in England*, 30-31.

they would provide for the child as well as they were able.<sup>68</sup> In 1609, an act against “Rogues, Vagabonds and Sturdye Beggars and other lewde and idle persons” stipulated that mothers of “any Bastard w[hi]ch may be chargeable to the Parish” were to be put in a house of correction to perform hard labor for a year. Repeat offenders could be jailed indefinitely unless they could “put in good sureties for her good behavior not to offend so againe.”<sup>69</sup> It is little wonder, then, that impoverished unwed mothers sometimes felt that abandoning their infants was their only option. While it is impossible to obtain precise numbers, it seems that while infanticide was sometimes practiced it was rare; instead, mothers might leave their babies at church doors, on the property of rich people, or simply leave them on the side of a road.<sup>70</sup> Mothers were charged to reveal who the father

---

<sup>68</sup> 18 Eliz. I, c. 3; and Ivy Pinchbeck and Margaret Hewitt, *Children in English Society, Volume I: From Tudor Times to the Eighteenth Century* (London and Toronto, 1969), 206-207. Pinchbeck and Hewitt note that there were no penalties for parents who could financially support their illegitimate offspring. See also Crawford, *Parents of Poor Children in England*, 32. For an example of a father promising to provide for his “Male Bastard Child,” see LMA, CLA/047/LJ/13/1675/002.

<sup>69</sup> 7 Jac. I, c. 4; and Pinchbeck and Hewitt, *Children in English Society, Vol. I*, 208.

<sup>70</sup> Pinchbeck and Hewitt, *Children in English Society, Vol. I*, 209 and Crawford, *Parents of Poor Children*, 36-37. On infanticide in early modern England, see Crawford, *Parents of Poor Children*, 41-48; Catherine Damme, “Infanticide: The Worth of an Infant Under Law.” *Medical History* 22 (1978): 1-24; J.R. Dickinson and J.A. Sharpe, “Infanticide in Early Modern England: The Court of Great Sessions at Chester, 1650-1800.” In *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000*, ed. Mark Jackson (Aldershot, 2002), 35-51; Marilyn Francus, “Monstrous Mothers, Monstrous Societies: Infanticide and the Rule of Law in Restoration and Eighteenth-Century England.” *Eighteenth Century Life* 21.1 (May 1997): 133-156; Peter Hoffer and N.E.H. Hull, *Murdering Mothers: Infanticide in England and New England, 1558-1803* (New York, 1981); Mark Jackson, *New Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester, 1997); William Langer, “Infanticide: A Historical Survey.” *History of Childhood Quarterly* 1.3 (1974): 353-366; Allyson N. May, “‘She at first denied it’: Infanticide Trials at the Old Bailey.” In *Criminal Justice in the Old World and the New: Essays in Honour of J.M. Beattie*, ed. Greg T. Smith, Allyson N. May, and Simon Devereaux (Toronto, 1998), 19-49; Josephine McDonagh, *Child Murder and British Culture, 1720-1900* (Cambridge, 2003);

of the child was: sometimes she was even asked while in the throes of childbirth in the hope that her fear of death would compel her to tell the truth before facing the afterlife. If the mother refused to name the father, the parish would have to support the infant; therefore, parish authorities sometimes put an immense amount of pressure on women to disclose the child's parentage.<sup>71</sup>

Public sentiment against premarital sex was on the rise in the seventeenth century. Whereas medieval Catholicism had been lax towards couples who had children out of wedlock, as long as they eventually married, "Puritans" and other strict Protestants insisted upon sexual purity for both men and women before marriage and spousal fidelity during marriage. Soon, even those who were not a part of dissenting sects were concerned that loose morals led to civic disaster: the only way to have a stable society was to have one filled with God-fearing men and women who only produced children within a lawful, church-sanctioned marriage.<sup>72</sup>

Literary scholar Lisa Zunshine places illegitimate children of the eighteenth century into four categories, based primarily on the wealth of their parents. First, children of the very wealthy were scarcely penalized for illegitimate birth. While they could not inherit noble titles, their parents were still wealthy enough to leave them sizable inheritances and they often carried little stigma in society. However, illegitimate children born to the middling sort were viewed as threatening: these families had less wealth to share, and bastard children were treated with suspicion as people who might gain family

---

and Keith Wrightson, "Infanticide in Earlier Seventeenth-Century England." *Local Population Studies* 15 (1975): 10-21.

<sup>71</sup> Crawford, *Parents of Poor Children*, 34 and 43. For a father's legal and social responsibilities toward bastard children, see Crawford, *Parents of Poor Children*, 74-111.

<sup>72</sup> Pinchbeck and Hewitt, *Children in English Society, Vol. I*, 203-206.

property that was not rightfully theirs. They also posed a threat to the social mores of middling society. Thirdly, children born to poor couples in common law marriages suffered relatively no disadvantages because of their birth: while they were still called “bastards” in parish registers, there was no property to worry about them inheriting and people do not seem to have treated them poorly. Finally, children born to poor, single mothers suffered the worst fate. Because single mothers could not obtain reputable employment when they had a child, they often were forced to abandon—or in the worst circumstances, kill—their babies.<sup>73</sup> It was for such children that Thomas Coram created the Foundling Hospital. However, as discussed in Chapter Three, helping these babies was not without controversy, as contemporaries worried that helping illegitimate infants would encourage female vice.

The concern about vice was an important one, but it should be clear that the anxiety was directed toward the adults in question rather than the resulting child. Objections to building the Foundling Hospital were not that foundlings deserved to be left in the streets but rather that providing for them would allow men and women to produce children out of wedlock and face no consequences. The argument for building such an institution, however, were that the lives of such children ought to be saved. As one would be founder of a failed attempt to create a “House of Charity to receive poor exposed Infants” contended, such an institution was noble because through it “many Murders and Abortions might be prevented.”<sup>74</sup> Contemporaries believed illegitimate children’s lives were worth protecting.

---

<sup>73</sup> Zunshine, *Bastards and Foundlings*, 2-5.

<sup>74</sup> Ruth K. McClure, *Coram’s Children: The London Foundling Hospital in the Eighteenth Century* (New Haven and London, 1981), 9.

In general, people in the early modern period believed that babies were innocents; they were not responsible for the sins of their parents. As David Cressy has shown, children born with physical deformities—so-called “monstrous births”—were treated with pity. They were thought to be the signs of other people’s sins, or to serve as a general warning against sinful behavior from God, rather than considered evil themselves.<sup>75</sup> In the same way, people generally acknowledged that illegitimate children were not at fault for their parents’ actions. Even still, it seems clear that there was some prejudice against them. As Ruth McClure writes, aside from the illegitimate children of nobles and of impoverished common law spouses, there was a definite corollary: “bastard equals disgrace.”<sup>76</sup> Thus, illegitimate children inhabited a strange role: innocent, but still somehow tainted by the sins of others.

A poem kept in the Foundling Hospital papers written by “Mr Fleet a Foundling Boy” is perhaps the best indicator of how the foundlings in the London hospital were taught to view themselves. Fleet does not describe himself as wicked or disgraced, but he imagines himself and other foundlings as the product of a “wretched Mother” whose “virtue [was] barter’d” by a “vile seducer” who subsequently abandoned her. The foundling himself is a “helpless Babe.” Once given over to the Hospital, the foundling finds himself in the care of a woman who loves him like a mother would, without, it seems, any prejudice against him because of his parentage: “The healthy nurse receives him to her Breast/Pleased with her charge to him no wrongs impart/But tend the foundling with a Mothers heart.” Through strict instruction in the Hospital’s school and

---

<sup>75</sup> David Cressy, *Travesties and Transgressions in Tudor and Stuart England: Tales of Discord and Dissention* (Oxford, 2000), 44-45.

<sup>76</sup> McClure, *Coram’s Children*, 9.

serving an apprenticeship, the foundling learns the value of hard work and to be “content” with his station in life regardless of whether he is a “rich man.” All foundlings, according to the poet, should be grateful when they reflect on “what we are and what we might have been.”<sup>77</sup>

The poem demonstrates the potential for good or for ill that contemporaries saw in illegitimate children. While the foundling “might have been” left for dead, or else raised in the streets to become a criminal, instead the foundling has secured a respectable living for himself through education, hard work, and training in an honest trade. He has no reason to be ashamed of himself; rather, he can feel gratitude toward those who helped him achieve his respectable life. As Chapter Three will show, this outcome was the goal when “nursing fathers” set about helping poor children.

Certainly, “what might have been” in the poem refers to the life of a destitute—and likely criminal—child. Destitute children were regarded with sympathy and suspicion during the early modern period. They were at once objects of pity as well as of fear. Books like Richard Head’s *The Canting Academy, Or, the Devils Cabinet Opened*, warned the general public of “Kynchen Coes”: “little children whose Parent[s] are dead, having been Beggars or else young Boys, such as have ran away from their Master, and instead of a Trade to live by, follow this kind of life to be lowsie by.” First, Head reported, these children were taught to “cant,” which was a secret language criminals were thought to use; then they became thieves; and then, after living a life of “sad disasters” that included incarceration in Newgate or Bridewell, they would be executed at

---

<sup>77</sup> LMA, A/FH/M01/8.

Tyburn.<sup>78</sup> While Head, and other authors who wrote about the early modern underworld, described these children as sad or pitiful, they were also afraid of these children.

This fear is perhaps best summed up in a simple image from Head's book. The frontispiece from *The Canting Academy* shows various scenes of crime, including a woman who carries a baby, her "Kinchin," while she begs for aid. A kindly gentleman stops to help her, but while he is distracted with the woman a child picks his pocket. Meanwhile, a hellish devil billows smoke and fire as he devours his prey. There are two children in this image, each being employed in different ways. The baby is what a 1699 pamphlet described as a "kinchin-mort": a baby a year or two old "whom the *Morts* (their Mothers) carry at their Backs in *Slates* (*Sheets*) and if they have no children of their own, they borrow or steal them from others."<sup>79</sup> This describes a fear that women would use babies to garner sympathy—and alms—from passersby. There was a repeated concern in rogue literature that women who did not have a baby of their own would steal other people's babies to use for this purpose.<sup>80</sup>

This assertion points to two ideas in early modern culture: children could be used to in criminal activity from a very young age and children were greater objects of pity than adults. If a woman was more likely to receive charity if she was carrying an infant, that signals a concern for the welfare of poor infants that outstripped any concern people might have felt for destitute adults. There was even rumors that children—either those

---

<sup>78</sup> Richard Head, *The Canting Academy, Or, The Devils Cabinet Opened* (London, 1673), 83.

<sup>79</sup> B. E., *A New Dictionary of the Terms Ancient and Modern of the Canting Crew in its several Tribes of Gypsies, Beggars, Thieves, Cheats, etc.* (London, 1699).

<sup>80</sup> This concern also appears in Thomas Dekker's *The Belman of London* (London, 1608), which was published nearly a century before B.E.'s text.

born to vagrants or those stolen by them—were sometimes purposely disfigured in order to arouse sympathy and charitable donations.<sup>81</sup>



Detail from the frontispiece of Richard Head, *The Canting Academy* (1675).

Secondly, the image portrays a child as a pickpocket. In London it was quite common for children and youths to be apprehended for crimes like pickpocketing, stealing from shops, and even stealing lead from roofs. As A.L. Beier has noted, vagrant children and youth were particularly worrisome to lawmakers: Elizabethan poor laws continuous mention of child vagrants demonstrate a “youth problem of huge proportions.”<sup>82</sup> Rogue literature repeatedly described children and apprentices as part of

<sup>81</sup> William C. Carroll, *Fat King, Lean Beggar: Representations of Poverty in the Age of Shakespeare* (Ithica, NY and London, 1996), 49-50.

<sup>82</sup> A.L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London and New York, 1985), 10 and 44. See Chapter Two for a discussion of the legal status of children. See Chapter Three for ways local authorities in London attempted to solve this “youth problem.”

the criminal underworld that was thought to exist at the time.<sup>83</sup> Thomas Harman's *A Caveat for Commen Cursetors Vulgarely Called Vagabonds* claimed that some children were "from . . . infancy traded up in trechery, yea and before ripeness of yeares doth permit, wollowing in lewde lechery." Among other crimes, he described how such children could be put through windows that were too small to admit adult thieves in order to rob houses.<sup>84</sup>

English men and women were extremely concerned with stopping child delinquency before it turned into something much worse. The protagonist in Richard Head's popular tale *The English Rogue* begins his life of crime at the age of eight with various petty offenses such as killing his father's turkey, tricking a woman out of cherries, robbing orchards, stealing milk, and killing geese. He eventually runs off to join a "Gang of Gypsies" and then commits robberies and seduces women all over the English countryside. By the time he is an adult, he is sentenced to transportation for his crimes.<sup>85</sup> This was an early modern trope: naughty children became wicked youths who became criminals, irrevocably lost to crime and vice.

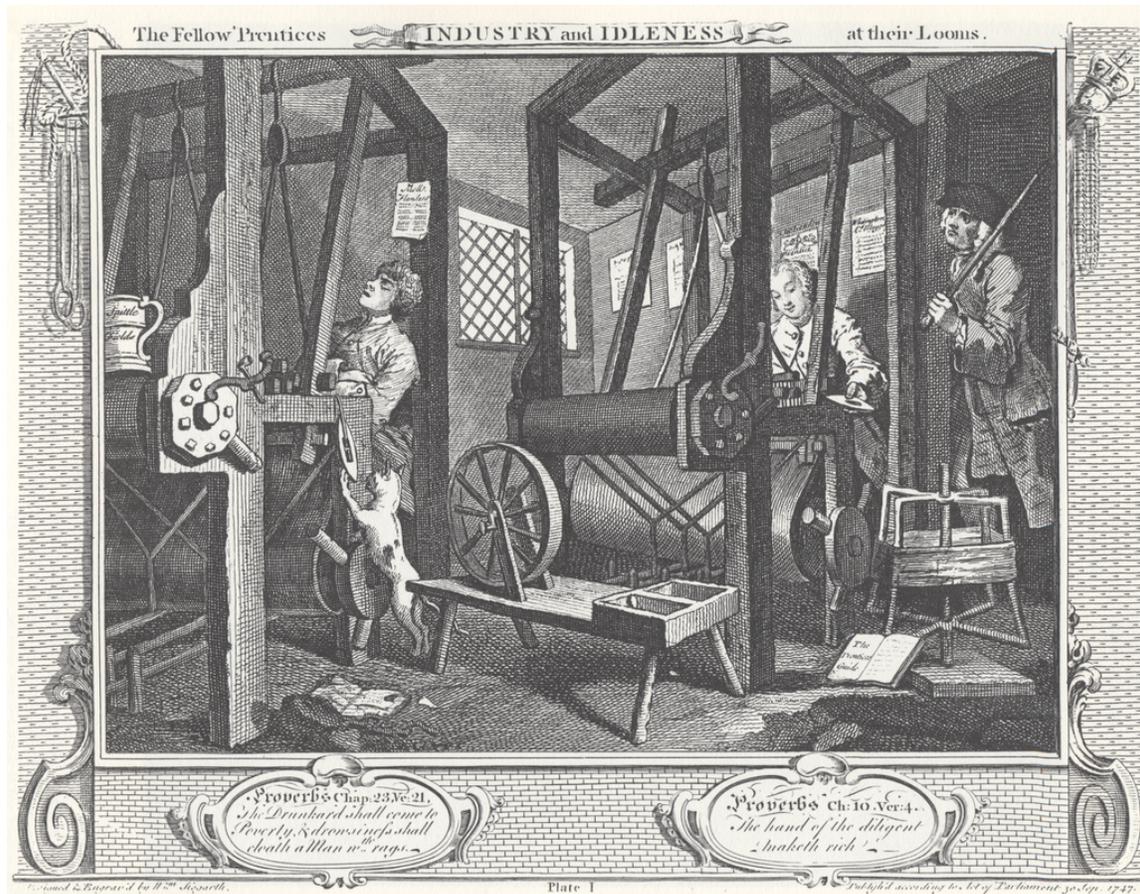
---

<sup>83</sup> Though rogue literature insisted that there was an organized criminal underworld where everyone spoke "cant," Beier argues that such reports have been exaggerated by historians and contemporaries alike. Beier, *Masterless Men*, 123. See also Arthur F. Kinney, ed. *Rogues, Vagabonds & Sturdy Beggars: A New Gallery of Tudor and Early Stuart Rogue Literature* (Amherst, 1990); Anna Bayman, "Rogues, Conycatching, and the Scribbling Crew." *History Workshop Journal* 63 (2007): 1-17; and Kate Loveman, "'Eminent Cheats': Rogue narratives in the Literature of the Exclusion Crisis." In *Fear, Exclusion, and Revolution: Roger Morrice and Britain in the 1680s*, ed. Jason McElligott (Aldershot, UK, 2006): 108-122.

<sup>84</sup> Thomas Harman, *A Caveat for Commen Cursetors Vulgarely Called Vagabonds* (London, 1561 and reprinted in 1567), 17 and 21.

<sup>85</sup> Richard Head, *The English Rogue* (London, 1688; first published in 1665), 3-4.

This trope appears again in William Hogarth's 1747 series of engravings, *Industry and Idleness*. In the first plate, Francis Goodchild works industriously as an apprentice, whereas Tom Idle sleeps at his loom.



**William Hogarth, *Industry and Idleness: plate 1. The Fellow 'Prentices at their Looms* (1747). Tate Britain, London.**

Soon, Goodchild piously attends church while Idle gambles in the churchyard during services; no one is checking to see if Idle receives religious instruction, and the result is that Idle falls in with bad company. It is only a matter of time before Goodchild marries his master's daughter and inherits the business, whereas the Idle runs away to sea after his master turns him away for bad behavior. Idle returns from sea and takes up with a prostitute, who contrasts with the wealthy merchant's daughter Goodchild has married.

Goodchild becomes rich and a sheriff of London while Idle becomes a thief who is betrayed by the prostitute.



**William Hogarth, *Industry and Idleness*: plate 3. *The Idle 'Prentice at play in the Church Yard during Divine Service* (1747). Tate Britain, London.**

Eventually, Goodchild becomes an Alderman, who must judge the criminal Idle for his crimes. The final two plates show Idle executed at Tyburn and Goodchild made the Mayor of London. Both paths—towards good and towards evil—began with behavior during apprenticeship. Once the boys had chosen their characters as young lads there was no going back.



William Hogarth, *Industry and Idleness: plate 10. The Industrious 'Prentice Alderman of London, the Idle one brought before him & Impeach'd by his Accomplice* (1747). Tate Britain, London.

Destitution and vagrancy have been called the only “crime of status” in the early modern world.<sup>86</sup> The vagrant was a criminal simply for being unemployed and destitute. Englishmen and women did not see this as problematic, however: they believed that if one wanted to find honest work then one could. It was believed that laziness caused destitution—not the population increase, inflation, or changes in access to what had been public land that historians commonly cite as the causes for rampant poverty during this

<sup>86</sup> David Hitchcock, “Poverty and Mobility in England, 1600-1850.” *Rural History* 24.1 (2013): 2.

period.<sup>87</sup> As the Hogarth engravings show, people believed that the sin of idleness took root in childhood and then grew into other forms of criminality.

But children, even poor children, were malleable. Therefore, Englishmen and women believed that a key component of dealing with the problem of poverty was to intervene in the life of poor children by setting them up in apprenticeships where they would learn a skilled trade *and* they would be molded into industrious people. Industrious people, it was believed, would never roam the streets, beg, steal, or commit violent offences. Industrious people would never be executed at Tyburn. Thus, putting children to work and shaping their characters was believed to be life-saving work and beneficial not only for the individual child but for the community as a whole. As Chapter Three will show, the reality was much different than this rosy view of solutions to poverty. What matters for our purposes, however, is that people truly believed that training up a child in the way he should go was essential—if that child’s parents were incapable of such training, then it was the responsibility of the community as a whole.

### **Conclusion: Malleable Children and the Fledging Empire**

The cultural idea of childhood mattered when it came time for Englishmen and women to decide what to do with their own children and—in some cases—the children who had no parents who could care for them. The emphasis on raising children correctly in order to avoid social decline, poverty, and crime in the next generation gave decisions about children clear importance in the eyes of contemporaries. If the “nursing fathers”

---

<sup>87</sup> As William Carroll rightly points out, “Two antithetical accusations” were made towards the poor: they were idle and they were mobile. Carroll, *Fat King, Lean Beggar*, 2, and 21-22.

discussed in Chapter Three failed to handle destitute children correctly, they not only failed the children directly in the care at that moment in time, but they also hurt the commonweal in immeasurable ways. This was a key reason why children—even destitute ones—mattered. As we will see in Chapter Four, this anxiety over destitute children found an outlet in global migration. If people would send children off into the empire to learn to be good, industrious, pious people, then they solved the immediate crisis of starving children on the streets and answered long term concerns about the welfare of society as a whole.

Children's perceived malleability was a key factor in this line of thinking. It justified employing children in difficult circumstances because those hardships would mold the children into adults who would be industrious and law-abiding. It also meant that the young people going out into the colonies, trading posts, and ships could adapt to their new surroundings more quickly than adults. In India, Muscovy, and Virginia, they could acquire new languages with relative ease, which would greatly assist settlement and trade. As Chapter Four shows, the men running the Royal Navy believed that on ships boys could accustom themselves to the swaying of the ocean and the deprivations and difficulties of a long voyage. Children transported for crimes, as Chapter Five will show, could reform their lives in the New World. Thus, children's perceived malleability made them valuable assets as all Englishmen and women had to adapt to their increasingly global world.

## Chapter Two: “The Law is their Guardian” English Legal Concepts of Childhood

At the Abingdon assizes in February 1629, John Dean, “an infant, between eight and nine years” was executed for “burning two barns in the town of *Windsor*.”<sup>1</sup> Dean’s execution, and scattered evidence of capital punishment meted out to other children, has led the few scholars who have studied the legal status of early modern English children to conclude that English law made little or no distinction between children and adults. Indeed, as Holly Brewer writes, “age was irrelevant” when it came to prosecution and punishment of children.<sup>2</sup> According to Ivy Pinchbeck and Margaret Hewitt’s seminal *Children in English Society*, this “apparent cruelty of the law . . . today fills us with horror.”<sup>3</sup> But before our initial revulsion at the idea of executing a child leads us to conclude that the English did not have a legal notion of childhood, it is critical to understand *why* the English found it necessary to execute *some* children for their crimes. The English were not callous toward children, nor did they see them as equal to adults in the eye of the law. Rather, the English realized that children mature at different rates; accordingly they left leeway in statutes for judges to decide what to do with each individual child.

---

<sup>1</sup> The original manuscript record of this trial has apparently been lost; the account of the trial is from Sollom Emlyn’s editorial notes in Matthew Hale, *Historia Placitorum Coronae: The History of the Pleas of the Crown*, 2<sup>nd</sup> ed. (London, 1778), 25. See also Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill and London: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2005), 185 n. 3.

<sup>2</sup> Brewer, *By Birth or Consent*, 182.

<sup>3</sup> Ivy Pinchbeck and Margaret Hewitt, *Children in English Society, Vol. II: From the Eighteenth Century to the Children Act 1948* (London, 1973), 351.

Take the case of John Dean: “upon examination” it appeared that “he had malice, revenge, craft, and cunning.”<sup>4</sup> In other words, upon hearing the evidence presented to the court, the judge decided Dean was mature enough to have planned his actions in advance even while knowing that arson was wrong. This discovery of his intelligence and deviance resulted in his execution, not a general apathy for Dean’s youth on the part of the men surrounding him. While we might still object that a child “between eight and nine years” is too young to be executed, regardless of his maturity or intent, it does not follow that the English had no understanding of or sympathy for children before the law because some of their judgments are different than what our modern ones might be. As this chapter will demonstrate, the English had a complex legal understanding of childhood, one made up of protections for very young children and one that allowed room for judges to make decisions based on the maturity of each individual child as children grew up.

This chapter describes early modern English children’s ability (or, at times, lack thereof) to have self-determination in the eyes of the law. It focuses on the many nuances regarding children’s ability to legally consent in matters concerning their own bodies, including decisions to marry, enter into a sexual relationship, indenture themselves or become indentured, testify in court, enlist in the army or navy, and commit a crime. Though there are many other questions regarding children’s legal status—including complicated issues regarding property through inheritance, political participation, and will-making—the control over the body is central to this dissertation as a whole as it seeks to understand how children moved voluntarily and involuntarily across the globe.

---

<sup>4</sup> Hale, *Historia Placitorum Coronae*, ed. Emlyn, 25.

Much of the notion that there was no legal understanding of childhood during this period is owing to the many different ages that appear throughout statutes and legal treatises when a person passed from “infancy” to “full age.” As this chapter will discuss, the age of consent to marriage was twelve for girls and fourteen for boys, but girls could consent to a sexual relationship at the age of ten. Children could be found culpable for crimes at the age of eight. Boys could not be conscripted for the army or navy until they were eighteen, but they could volunteer at younger ages. Girls had to obtain their parents’ consent to marry before the age of eighteen if she wanted to receive her inheritance, while boys did not inherit property until they were twenty-one. And age of indentureship and length of service often varied based on the social standing and gender of the child in question.

The seeming randomness of these markers to adulthood, coupled with the fact that eight seems to us to be a very young age to prosecute (and potentially execute) a child, has been mixed Philippe Ariès’s original claim that there was not a concept of childhood in the early modern world. This reasoning is flawed, however: simply because the early modern concept of childhood was different than our own does not mean that one did not exist at all.<sup>5</sup> I argue that it matters very little what age limits we in the twenty-first century use, and that they happen to be a bit older in some instances than they were centuries ago. We must move past our surprise that the ages mentioned in various laws are younger than we would like them to be and instead realize that there *were* appropriate

---

<sup>5</sup> As Brewer writes when describing her thesis that there was a great change over time regarding the understanding of children before the law: “I am able to show a real shift in the boundaries of acceptability. . . . We would not hang an eight-year-old for arson. We would not permit an eight-year-old to legally marry. We would not allow a five-year-old to bind himself to labor—and force him to abide by his agreement until he reached twenty-four.” Brewer, *By Birth or Consent*, 9.

ages set for virtually any reason a person might engage with the law whether as defendant, prosecutor, or contractee. It is only by approaching notions of age without the filter (and, very often, sentimentality) of our modern notion of childhood that we can understand that early modern Englishmen and women dealt with children in ways that were carefully considered rather than apathetic or even cruel. I do not want to suggest that I find the early modern treatment of children to be an appealing one, only that it should be considered in its context and its context only in order to be properly understood.

There has been some debate over whether children had rights during this period; Pinchbeck and Hewitt lamented that our “forebears [were] so slow to recognise the independent rights of the child” while Vivian C. Fox argued that children during this period enjoyed rights given “nearly everyone” as well as rights in specific response to the “special needs and vulnerabilities of children.”<sup>6</sup> However, the concept of “rights” has taken on new meanings since the early modern period, making a discussion of children’s rights during the seventeenth and early eighteenth century somewhat anachronistic and ultimately unhelpful. This chapter demonstrates that children were given certain legal protections and often granted a certain amount of laxity in terms of punishment, largely based on the early modern belief that children may not be able to discern right from wrong or be wise enough to make fully informed choices.

---

<sup>6</sup> Pinchbeck and Hewitt, *Children in English Society, Vol. II*, 348; and Vivian C. Fox, “Poor Children’s Rights in Early Modern England.” *The Journal of Psychohistory* 23.3 (Winter 1996): 286. On the history of children’s rights, see for example Beverly Edmonds, *Children’s Rights: A Reference Handbook* (Santa Barbara, 1996); Joseph M. Hawes, *The Children’s Rights Movement: A History of Advocacy and Protection* (Boston, 1991); and Philip Veerman, *The Rights of the Child and the Changing Image of Childhood* (New York, 1992).

### Who was an “Infant”? The Legal Age(s) of Majority

The anonymous book, *The Infants Lawyer*, appeared in 1697 and claimed to be the first legal treatise dedicated solely to the question of how infants stood before the law. The author described minority as “an Age of Impotence, Weakness, and Disability,” for children are “not capable of managing their Concerns with Discretion.” Accordingly, children received protections under the law, for “it is most certain that our Law hath a very great and tender Consideration for Persons naturally disabled, and especially for *Minors*.”<sup>7</sup> But who exactly counted as a minor in early modern English law?

According to civil law, a person reached “the complete full age as to matters of contract” at the age of twenty-five, but English common law used the age of twenty-one as the standard age of majority.<sup>8</sup> By the time an individual reached twenty-one, he or she was considered to be of “full age” in all legal matters. At twenty-one, a person could make an indisputable will, inherit property, and make actions in court without the aid of a guardian. Twenty-one was the true end of legal infancy, even if there were other markers along the way at which a person gained specific legal responsibilities and abilities. This designation of twenty-one as “full age” did not mean that there was a clear legal break between infancy and adulthood: people under the age of twenty-one might be treated as adults in the eyes of the law depending on their particular circumstance.

According to the great jurist Matthew Hale (1609-1676), the English did not have to be governed by civil law, but at times civil law provided a useful basis for how to

---

<sup>7</sup> Anon., *The Infants Lawyer: Or, The Law (Both Ancient and Modern) Relating to Infants* (London, 1697), iii-iv and 12-13.

<sup>8</sup> Hale, *Historia placitorum conorae*, 17. See also, Anon., *The Infants Lawyer*, 30.

understand “this business touching infancy.”<sup>9</sup> Civil law divided young people into four groups, particularly regarding their culpability when charged with crime: *infantia* (birth to seven years old), *aetas pubertati proxima* (eight to thirteen years old, generally), *aetas pubertatis* (fourteen to eighteen years old), and *aetas pubertatis plena* (eighteen to twenty-one years old).<sup>10</sup> There was dispute about *aetas pubertati proxima* especially; Hale noted that in England it was taken to end at twelve years for both males and females.<sup>11</sup>

For the first seven years of a child’s life, he or she could not be guilty of a capital offence. Both civil law and common law held these young children to be incapable of committing a felony because they were considered without “discretion or intelligence.”<sup>12</sup> Young children were also non-chargeable for misdemeanors. Punishing children for crimes committed while aged seven or under was considered unjust because everyone under the age of seven was automatically designated “*incapaces doli*,” or without the mental capacity to understand the difference between right and wrong.<sup>13</sup> Thus, while private punishment within the home was permissible—“the infant may be chastised by his parents or tutors”—such punishment could not endanger the child’s life. Further, should the child actually be charged with a felony, according to Hale, “he must be

---

<sup>9</sup> Hale, *Historia placitorum conorae*, 16.

<sup>10</sup> *Ibid.*, 17-20.

<sup>11</sup> *Ibid.*, 22. Civil law sometimes made a distinction between when boys and girls passed through this legal category based on the idea that girls finished going through puberty at a younger age than boys.

<sup>12</sup> Michael Dalton, *The Country Justice* (London, 1618), 215; and Hale, *Historia placitorum conorae*, 20.

<sup>13</sup> Hale, *Historia placitorum conorae*, 18. As Chapter Two will discuss at much greater length, homeless children aged seven and under also were not considered vagabonds or rogues; they were always put in the category of the deserving rather than the undeserving poor and were given charity rather than punishment for their vagrancy. 39 Eliz. 1. c. 4. See also Dalton, *The Country Justice*, 75-76 and 97-98.

aquitted [sic].”<sup>14</sup> In the eyes of the law, then, small children were protected from punishment because they were held to be too young to understand that they were committing a crime in the first place.

Once a child had obtained puberty, taken as fourteen in English law for males and females (except in the matter of marriage, as discussed below), he or she had reached “the age of discretion.” According to civil law, a person who had reached the age of fourteen ought to be treated as an adult in terms of punishment for criminal offences.<sup>15</sup> The age of fourteen was also used in English common law as the point at which people became *doli capaces*, able to “discern between good and evil” and therefore liable to receive the harshest punishments of the law.<sup>16</sup> According to the author of *The Infants Lawyer*, children were not allowed to bring suits or defend themselves against them in court; rather, they should be represented by a guardian until they reached full age.<sup>17</sup> However, beginning at the age of fourteen, children could sue their guardians for mishandling their inheritance or neglecting to collect their rents correctly.<sup>18</sup> Children could also be outlawed at the age of fourteen because, according to *The Infants Lawyer*, at this age a person could not be protected from trying to “fly[] from the Law.”<sup>19</sup> In other words, by the age of fourteen, a person was thought to have control over his conscious actions and his physical body.

---

<sup>14</sup> Hale, *Historia placitorum conorae*, 19-20.

<sup>15</sup> Hale notes that specific countries had variations on when children would be treated as adults in matters of criminal law. For example, in Spain this age was 17. *Ibid.*, 18.

<sup>16</sup> *Ibid.*, 25.

<sup>17</sup> Anon., *The Infants Lawyer*, 37-44. For the different types of guardians, all of whom were only appointed for heirs and thus were never a factor in the lives of the poor children, see Brewer, *By Birth or Consent*, 233-235.

<sup>18</sup> Anon., *The Infants Lawyer*, 58.

<sup>19</sup> *Ibid.*, 22.

Simply because fourteen was the age of discretion in criminal cases, however, does not mean that fourteen-year-olds were treated as adults in all legal matters. There were still numerous settings in which a person had to be older before crossing into the adult world; sixteen, eighteen, or twenty-one were often listed for various legal abilities or responsibilities. According to Michael Dalton, author of *The Country Justice*, a justice of the peace could compel anyone between the ages of sixteen and forty to be sworn to the peace. People eighteen and older could be compelled to take an oath of allegiance.<sup>20</sup> Anyone over the age of sixteen had to fulfill church attendance requirements or they would be considered a recusant.<sup>21</sup> A JP could invoke *posse comitatus* (the ability to seize people to aid the sheriff or JP) on anyone over the age of fifteen.<sup>22</sup> While boys aged sixteen and older could volunteer to join the army, they could only be compelled to join once they had reached the age of eighteen.<sup>23</sup> Boys were encouraged to join the Royal Navy as young as ten but could not be impressed into sea service until the age of eighteen.<sup>24</sup> These varied age markers demonstrate a realization that children come to the physical and/or mental maturity to have responsibilities or to take action at different stages in what we could call their adolescence.

Finally, the question remains: if eight marked the end of infancy, and fourteen was taken to be “the age of discretion,” what then were the years in between? These years were the most ambiguous in English law; judges and juries were often left to decide on an individual basis whether the child in question was *doli capaces*. As Hale said, it ought to

---

<sup>20</sup> Dalton, *The Country Justice*, 67 and 82.

<sup>21</sup> *Ibid.*, 80.

<sup>22</sup> *Ibid.*, 301.

<sup>23</sup> C.G. Cruickshank, *Elizabeth's Army*, second edition (London, 1966), 9-12 and 23-24.

<sup>24</sup> 2&3 Anne, c. 6.

be left *ad arbitrium judicis*, to the discretion of the judge, how to treat a child who was around the age of puberty and thus the age of discretion. Further, the judge ought to act cautiously (“*cautissime id aget*”): though most children seemed to be *doli capaces* by the time they were ten or eleven, each child matured differently and had to be considered individually.<sup>25</sup> While many ten-year-olds might be old enough to know good from evil, it was up to the judge “upon consideration of circumstance to judge one above ten years and a half, nay of twelve, thirteen years, or but a day within fourteen years, to be *incapax doli*, and so privileged from punishment.”<sup>26</sup> Further, while a judge could not change the punishment proscribed for a crime, the judge could decide to reprieve a child between the ages of eight and fourteen via the king’s pardon.<sup>27</sup> Dalton echoed this sentiment: though any child eight or over *could* be convicted for capital offences, “if an *Enfant* shall commit *Larcenie*, and shall be found guiltie thereof . . . it shall not be amisse for [JPs] to respite the judgement, & so hath it often bin done by the Judges.”<sup>28</sup> As we shall see, this flexibility allowed judges to decide on a case-by-case basis how to treat children in the courts of law.

One final, but important, note: many children did not know exactly how old they were. A child might easily be described as “between nine and ten” or “about thirteen” without anyone thinking it strange that the child (or the adults around him or her) was not certain about his or her exact age. When John Silk was questioned by the judges of a court martial in 1759 they began by asking him, “How old are you, do you know?” because it was perfectly reasonable that a poor boy like Silk—a servant on board Royal Navy

---

<sup>25</sup> Hale, *Historia placitorum conorae*, 18-19.

<sup>26</sup> *Ibid.*, 19.

<sup>27</sup> *Ibid.*, 19.

<sup>28</sup> Dalton, *The Country Justice*, 215 and 237-238.

ship—might not know. Silk, however, knew his exact age: “Thirteen the 13<sup>th</sup> of last January,” he replied.<sup>29</sup> This was unusual. It was more common to know children’s baptism dates rather than their birthdates, and as we shall see, even baptism dates could be unknown or even falsified. Therefore, when a child was “between seven and eight,” or “around 14,” the judge again had to use his own assessment of the child’s maturity to decide in which legal category the child ought to be placed.

### **Child Criminals**

In early modern England, there was no question as to whether street children could also be criminals. As Chapter One has shown, numerous books and pamphlets described them as “kinchin cos” and “kinchin mortis,” boys and girls, respectively, who had been brought up to thieving and roguery from their infancies.<sup>30</sup> In *A Caveat for Commen Cursetors* (1561), Thomas Harman said that a “kynchen co is a young boye” who was taught criminality from such an early age that “when he groweth two yeres, he is better to hang then to drawe forth.”<sup>31</sup> However, no matter how suspicious the English might have been of street children, no one was punishing—much less, hanging—such small children for criminal behavior. Once children got a little older, however, their legal

---

<sup>29</sup> TNA, ADM 1/5298.

<sup>30</sup> Arthur F. Kinney, ed. *Rogues, Vagabonds & Sturdy Beggars: A New Gallery of Tudor and Early Stuart Rogue Literature* (Amhurst, 1990), 25.

<sup>31</sup> Thomas Harman, *A Caveat for Commen Cursetors Vulgarley Called Vagabonds* (London, 1561), 31. For other pieces of rogue literature that mention kinchin cos and kinchin mortis, see Thomas Awdeley, *The Fraternity of Vagabonds* (London, 1565); Thomas Dekker, *The Belman of London* (London, 1608); Richard Head, *The Canting Academy, Or, The Devils Cabinet Opened* (London, 1675); and B.E., *A New Dictionary of the Terms Ancient and Modern of the Canting Drev in its Several Tribes of Gypsies, Beggars, Thieves, Cheats, etc.* (London, 1699).

status became more complex when they began to inhabit a grey area between *infantia* and “full age.”<sup>32</sup>

The criminal children we encounter in court records are the outliers, the children perceived to be beyond redemption because of past misdeeds or the repellent nature of the particular crime(s) they committed. As James Sharpe has shown, the English law enforcement system had some flexibility. Sharpe notes in particular that authorities were willing to allow informal settlements out of court.<sup>33</sup> Since such settlements would nearly always go unrecorded, it is impossible to know if they were more likely brokered when a child was involved. But their existence, coupled with the use of leniency this chapter describes when children were actually prosecuted, serves as a reminder that our understanding of how criminal children were dealt with may be skewed because of the limited nature of our source material.

It is also difficult to know if children who were formally prosecuted in court were consistently treated differently than adults. Even by the end of the eighteenth century, the age of the defendant was not generally recorded, but this fact alone does not necessarily mean, as Brewer has suggested, that the court was largely indifferent as to age.<sup>34</sup> When reference to age was noted (either by directly listing the age of the accused or by describing the accused as “a youth,” “a boy,” “a girl,” etc.), there was often reluctance on the part of the jury to convict or a staying of punishment from the justice. During the first

---

<sup>32</sup> Hale, *Historia placitorum conorae*, 17 and 19.

<sup>33</sup> J. A. Sharpe, *Crime in Early Modern England, 1550-1750* (London and New York, 1984), 47.

<sup>34</sup> Peter King, *Crime, Justice, and Discretion in England, 1740-1820* (Oxford, 2000), 288; and Brewer, *By Birth or Consent*, 184-186.

few decades of the eighteenth century, those condemned in London courts tended to be in their twenties or early thirties: child executions, while they did exist, were uncommon.<sup>35</sup>

Both J. M. Beattie and Cynthia Herrup have noted the impossibility of finding reliable statistics for sentencing based on age during this period, but as Herrup writes, juries were most likely to release suspects due to “some sense of extenuating circumstances and the most pertinent circumstances were those that reflected upon the defendant’s motives and character.” Age, it seems, was often one of the factors that juries considered. They could either find the child innocent altogether or find them guilty of a lesser crime than the one with which they were originally charged.<sup>36</sup> Beattie has shown evidence for the second half of the eighteenth century that suggests that the younger the offender the less time he or she was sentenced in the hulks, jails, or houses of correction.<sup>37</sup> Even when sentenced, age played a role in pardons, as children were more likely to receive mercy than adults.<sup>38</sup> By the end of the eighteenth century, when age statistics become more available, there is a clear pattern demonstrating that people under 17 generally received milder sentencing than those in their late teens and twenties. Young people were also much more likely to be pardoned in capital cases. Peter King argues that this leniency had less to do with any late-eighteenth century shifts in ideas about children

---

<sup>35</sup> Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991), 101.

<sup>36</sup> Cynthia B. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987), 158.

<sup>37</sup> J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), 613.

<sup>38</sup> *Ibid.*, 440.

and more to do with centuries-old legal traditions that held children to be incapable of *mens rea* (criminal intent).<sup>39</sup>

In 1675, a boy of thirteen years was accused of grand larceny and arson; his master's house had been robbed and "wares" inside had been burnt "with Fire-balls." At first the boy accused the house's maid, but it soon became clear that he himself was guilty by his own confession. Even still, his master claimed, "he did prosecute him to no other end but to get a discovery of what persons were accessaries with him . . . supposing it very unlikely that a young boy about 13 years of Age, should enterprise so mischievous an undertaking of himself." The master, who very likely lived with the boy and knew him quite well, felt that the child was too young to have perpetrated this crime and simply wanted to know who had influenced him. The boy's family offered compensation for the damaged and stolen goods and the verdict was returned not guilty.<sup>40</sup> In this instance, the boy's age and the belief that one so young could not act alone, along with his (family's) ability to settle out of court, resulted in the boy's acquittal even when he had confessed to committing two capital crimes. In fact, the whole reason to bring him into court in the first place seems to have been to scare him into naming his accomplices: there does not seem to have been any actual desire to punish the "young Lad." This case is an example of what very likely happened out of court, and thus went unrecorded, on a regular basis: the child was chastised for doing something wrong but ultimately left unpunished by the formal legal system.

---

<sup>39</sup> King, *Crime, Justice, and Discretion*, 290-296.

<sup>40</sup> *OBP*, 14 April 1675 (t16750414-2). The names of the individuals involved are not listed in this record.

When children were accessories to crimes they were often acquitted as well. Two cases were brought before the Old Bailey in October 1674 involving an adult and a child accomplice. In the first a man and “a Youth” were accused of stealing a horse; the man was found guilty of felony and consequently sentenced to death but “the Boy Acquitted.”<sup>41</sup> In the second, “A Little Boy” stole “a silver Beaker and spoon.” It soon appeared, however, that his master had forced him to commit this crime, taken the silver from him once it was accomplished, and “then threatened to kill the Boy if he should discover it.” The master was found guilty but the boy was “discharged.”<sup>42</sup> Such cases indicate that magistrates and juries realized that children could be easily forced or manipulated into committing crimes; such children were pitied rather than punished.

Hale argued that children aged fourteen and older had to be held legally responsible for their crimes: they were old enough to discern good from evil by this age, and “if the law should not animadvert upon such offenders by reason of their nonage, the kingdom would come to confusion.” It was common knowledge, Hale continued, that children above the age of fourteen were quite capable of committing the worst of crimes: “Experience makes us know, that every day murders, bloodsheds, larcenies, burning of houses, rapes, clipping and counterfeiting of money, are committed by youths above fourteen and under twenty one.” Accordingly, if they were not punished for their transgressions, “no man’s life or estate could be safe.”<sup>43</sup> Yet, the monarch’s mercy in the

---

<sup>41</sup> *OBP*, 14 October 1674 (t16741014-1).

<sup>42</sup> *OBP*, 14 October 1674 (t16741014-3).

<sup>43</sup> Hale, *Historia placitorum conorae*, 25.

form of pardons was a part of English legal system, and children, it seems, were likely candidates for such beneficence.<sup>44</sup>

When children were executed for their crimes, it was common to note that their young ages belied their evil, preternaturally adult natures. In the account of John Maccarty's execution for theft in 1680, his specific age was not noted, but he was described as a "notorious Offendor, who tho but young in years, [was] yet old in Sin."<sup>45</sup> This formulation that the person was young in actual years but their crimes proved them to be hardened offenders past redemption was repeatedly used to describe why young people received the full punishment of the law.<sup>46</sup> In the case of Maccarty, he was a repeat offender and it appears the adults around him felt his previous run-ins with the law—one of which resulted in his hand being branded to show he had already committed a felony—had not changed his wickedness. In another case, J.D., "a little boy about 14 years of age" was convicted of murder and sentenced to death. The court declared that he was "Young in years but old in wickedness: yet had he been older he could not have been more sensible of his fact."<sup>47</sup> The account of J.D.'s behavior stresses that he was highly aware of the difference between right and wrong—that he had an *adult's* understanding of what he had done and its consequences—and accordingly had to suffer the highest penalty for his crime.

---

<sup>44</sup> K. J. Kesselring, *Mercy and Authority in the Tudor State* (Cambridge, 2003), 95.

<sup>45</sup> Anon., *A true narrative of the confession and execution of the three prisoners at Tyburn, on Wednesday the 21<sup>st</sup> of this instant January 1679* (London, 1680), 3.

<sup>46</sup> Brewer, *By Birth or Consent*, 197. It is worth noting, however, that many cases do not say why a child was treated as *doli capaces*. When the eight-year-old Francis Russel was convicted of stealing and condemned to death in 1681, the proceedings do not give any explanation behind the judge's decision. See *OBP*, trial of Francis Russel, 20 May 1681 (t16810520-6).

<sup>47</sup> *OBP*, trial of "J.D.," 13 October 1675 (t16751013-4).

Hale gave the example of a nine-year-old who killed another child his age and then confessed to committing murder. The justices involved discovered that he had “hid the blood and the body,” which signaled to them that “he had discretion to judge between good and evil.” Accordingly, they sentenced him to hang. Though Hale acknowledged that this accorded with English law, he cautioned that only “very strong and pregnant evidence ought to . . . convict one of that age, and to make it appear he understood what he did.” Even the child’s own confession could not be used against him. Finally, if it was clear that the child had committed the deed, “It is prudence in such a case even after conviction to respite judgment, or at least execution” or to “leave him in custody till the king’s pleasure be known.”<sup>48</sup> Hale’s advice reflects an anxiety felt toward young offenders: while early modern Englishmen and women craved an orderly society, they felt unease about punishing young disturbers of the peace.

Though Hale wrote that judges must give the correct sentencing for the crime committed, and thus if a child was a felon he or she must be hanged, in reality judges would sometimes show more leniency. In 1684, Susanna Saunders, “a Girl about 12 or 13 Years old,” was convicted of committing grand larceny on two different occasions. Though the Old Bailey Proceedings note that both crimes were felonies, she was sentenced to be whipped rather than condemned to death.<sup>49</sup> Juries might also use the fairly common practice of lessening the value of stolen goods so that the accused was

---

<sup>48</sup> Hale, *Historia placitorum conorae*, 27.

<sup>49</sup> *OBP*, trial of Susanna Saunders, 9 April 1684 (t16840409-15). See also the case of Hannah Starky, “a Girl aged 10,” who was transported after the goods she stole on two separate occasions were only valued at 10 pence each even though their actual values were 4 shillings and 7 shillings respectively. Though only ten years old, she had apparently already picked up two different aliases (Hannah Norman and Hannah Smart). *OBP*, trial of Hannah Starky, 4 July 1722 (t17220704-59).

convicted of a misdemeanor rather than a felony.<sup>50</sup> When Margaret Beard, “a little Girl, aged 11 Years,” stole cloth worth “16 [shillings] 5 [pence],” she was found guilty but the cloth was only valued at 10 pence. Accordingly, she was whipped rather than hanged. Since it was a felony to steal anything worth more than a shilling (12 pence), the jury clearly did not want to hang Margaret (even though she “was known to be a pilfering idle Wench”) and so counted the cloth at a lower value than it was actually worth.<sup>51</sup> Eight months later, Margaret, then twelve, was convicted of stealing yet again and this time condemned to hang; however, the sentence was suspended and she was eventually transported.<sup>52</sup>

In the Royal Navy, an institution that employed thousands of boys, courts martial tended to be more merciful toward the young. Often, offences like desertion were chalked up to youthful indiscretion rather than treated as a capital offence. While boys were whipped, they were spared the hangman’s noose that would assuredly await adult deserters.<sup>53</sup> In the 1756 case of John Marshall, Thomas Horseley, and Richard Robson, when the lads (whose respective ages are not listed) were charged with desertion they had “nothing to say for themselves, but that they were in Liquor & took a Walk to recreate themselves, being young & not considering the Consequences, but had no intention to

---

<sup>50</sup> For the practice of undervaluing stolen goods to reduce a crime from grand larceny to petty larceny, and thus from a felony to a misdemeanor, see Sharpe, *Crime in Early Modern England*, 67-68.

<sup>51</sup> *OBP*, trial of Margaret Beard, September 1690 (t16900903-26).

<sup>52</sup> *OBP*, trial of Margaret Beard, May 1691 (t16910527-14). Margaret Beard is also discussed in Chapter Four.

<sup>53</sup> Markus Eder, *Crime and Punishment in the Royal Navy of the Seven Years’ War, 1755-1763* (Aldershot, 2004), 84. For a 1689 royal proclamation reiterating that desertion was a felony and expediting the process for desertion trials, see TNA, ADM 1/5249, 8-9.

desert.” The excuse of being young and thoughtless worked. The boys were “Only” whipped rather than executed “in Consideration of their being but Youths.”<sup>54</sup>

It is clear that some children, even children as young as eight, were executed in early modern England. But it is also evident from court records that child criminals were often shown more mercy than their adult counterparts. Judges and juries had to make a decision about the individual child standing before them: had the child knowingly committed a dangerous crime with malice aforethought and shown him or herself to be a hardened offender, or was the child guilty only of youthful indiscretion? Had the child acted on his own, or was he merely a pawn for adult criminals? Could the child be reformed and become a law-abiding member of society, or was the child’s depraved nature beyond hope of rescue? The fact that English law allowed for this leeway in child criminal cases demonstrates a debate over the age at which children could make the conscious decision to commit a crime, and some flexibility for each judge and jury to find their own answer.

### **Child Testimonies**

The same questions surrounding child culpability were also a factor when children were called on to give evidence in a court of law. Children were allowed to give testimony only when the judge presiding over the case felt the child was old enough to understand how imperative it was to tell the truth under oath. When 14-year-old John Wynn accused Henry Hambleton of raping him, and thus “commit[ting] the Sin of Sodomy,” Wynn was only allowed to testify in court after being asked “if he knew the

---

<sup>54</sup> TNA, ADM 1/5296.

Nature and Consequence of an Oath.” Wynn responded “if he did not speak Truth he would be d[am]n’d,” which seemed to satisfy the court as Wynn was able to proceed with his version of events.<sup>55</sup> When several boys came forward to accuse Michael Berry of sexually assaulting them while on board ship in 1761, one of them, William Townsend, “aged about 12 or 13 years,” said he did not know the nature of an oath, could not read or write, and had “never heard of such a thing as Perjury.” The court deliberated but decided that Townsend’s testimony would not be allowed because he was “not a fit Person to give Evidence.” However, 13-year-old William Lyrer said he did know the nature of an oath. Upon being subsequently asked, “What is the Consequence of taking a False [oath]? Do you believe if you was to take a False Oath, you would be Damned for it?” he replied, “Yes.” He also affirmed that he could read and write “a Little,” and he was then allowed to testify.<sup>56</sup>

One way of assessing whether a child’s testimony could be allowed was based off of literacy: if the child could read he was allowed to testify, but his testimony was disallowed if he was illiterate. This was likely rooted in the fact that early education was often religious. If a child could read he had very likely had a basic understanding of the catechism and thus of Christian principles.<sup>57</sup> In 1760, Andrew Richardson was accused of

---

<sup>55</sup> *OBP*, trial of Henry Hambleton, January 1729 (t17290116-11). Hambleton was not accused of “rape” because at this time the word was not used to describe a man forcing another man or boy to commit sexual acts; it was only used when the victim was female.

<sup>56</sup> TNA, ADM 1/5300. The third boy who had accused Berry did not testify at the court martial because he had since run away from the ship.

<sup>57</sup> For early modern English educational practices, see J. Howard Brown, *Elizabethan Schooldays: An Account of the English Grammar Schools in the second half of the Sixteenth Century* (Ann Arbor, 1964); David Cressy, *Literacy & the Social Order: Reading & Writing in Tudor & Stuart England* (Cambridge, 1980); Ian Green, *The Christian’s ABC: Catechism and Catechizing in England, c. 1530-1740* (Oxford, 1996);

“throwing overboard, a Black Boy called, Alexander Naim,” one of the ship’s servants. The two witnesses were also boys, perhaps suggesting that boys on board ship spent much of their time together. There was debate about whether these boys’ testimonies could be taken, however. Edward Hawkins, “a Youth Aged about 13 years” was asked whether he “knew the Nature of, and consequence of, an Oath.” He replied that he did not, “and as he was Illiterate, was not admitted to be an Evidence.” However, Joseph Coles, “a Youth Aged about 13 or 14 years,” claimed he did understand the nature of an oath and could “Write and Read a Little,” so he was allowed to give his account of the events that transpired. Coles and Hawkins were roughly the same age: the thing that set them apart was basic literacy and a claim to understanding the nature of an oath.<sup>58</sup>

Judges were careful to impress upon children the consequences of lying under oath and the gravity of the situation in which they found themselves. As the judge reminded ten-year-old Mary Craggs, who was in court to testify against her accused rapist, “You must speak the truth, here is a man’s life at stake.”<sup>59</sup> Sometimes the court took it upon itself to educate the child regarding what taking an oath in court meant. Roger Bickford, who described his age as “going to 14,” told the court that he did not understand the nature of an oath when called to testify in a sodomy court martial case in 1756. The court was cleared as the judges decided what to do. “After some Debate, the

---

Elizabeth Hanson, “The Register of The School’s Probation, 1607, from The Merchant Taylors’ School, London.” *The Journal of the History of Childhood and Youth* 6.3 (Fall 2013): 411-427; Eugene R. Kintgen, *Reading in Tudor England* (Pittsburgh, 1996); and Keith Thomas, *Rule and Misrule in the Schools of Early Modern England* (Reading: 1976).

<sup>58</sup> The other witnesses, all adults, had not seen the alleged murder and could only testify that they had heard Coles and Hawkins yelling that Richardson had thrown Naim overboard. Richardson was convicted of murder on this evidence and condemned. TNA, ADM 1/5299.

<sup>59</sup> *OBP*, trial of George Tennant, January 1749 (t17490113-15).

Question was put, whether the Boy Bickford should be sworn, & it was unanimously resolved that the Nature of an Oath should be first explained to him, And that he should then be sworn.” At thirteen, Bickford was considered capable of understanding what an oath meant, but he was clearly ignorant. The court decided that his testimony was critical to the case and therefore took the time to make sure he understood the importance of telling the court the truth.<sup>60</sup>

Even if the judge decided to allow a child’s testimony, it was up to the jury to decide how much credibility the child’s account held. According to Hale, juries had to assess the validity of all testimony and should consider the “Age” of the witness as one of the factors under consideration.<sup>61</sup> At the 1693 court martial of Antony Padoua, the signed testimony of Isaac Betty, “a Boy aged betwixt 12. & 13. years” was presented to the court as evidence that Padoua was “Guilty of ye unnaturall & Destestable Crime of Buggery” by raping Betty. However, another witness claimed that Betty was “so very young, and . . . allso reputed to bee very much addicted to Lying.” Padoua was acquitted.<sup>62</sup> There was some “Debate” about whether “the Boy Henry Pemble should be admitted as an Evidence” when he was one of several boys who accused the midshipman Francis French of forcing them to enter into “Sodomitical” practices in 1756. Pemble was 16 years old, which is older than most children whose testimony was debated on the basis

---

<sup>60</sup> At the same trial, there does not seem to have been a question as to whether John Britain Smith, “between 14 & 15 Years old,” or James Strivens, “aged 16,” knew the nature of an oath. However, their ages were noted in the court records, which seems to indicate that their respective ages appeared significant to the court. The debate about whether Henry Pemble, aged 16, could testify at this trial is discussed below. TNA, ADM 1/5295.

<sup>61</sup> Matthew Hale, *The History and Analysis of the Common Law of England* (London, 1713), 258-259.

<sup>62</sup> TNA, ADM 1/5254.

of age. The court decided to allow him to give his testimony, but it was immediately followed by a question to the ship's captain about the boy's character. The captain replied that "he thought [Pemble] to be a Liar, & suspected him to be a Thief." Another shipmate testified "that he had heard the Boy [Pemble] was called a Liar, but [did] not recollect that he ever told a Lie to him." However, Pemble was questioned by the court again and "repeated invariably his former Evidence." The court decided that there was not quite enough evidence to put the defendant to death (with six voting there was enough evidence to convict and seven voting that there was not); he was punished with 300 lashes.<sup>63</sup>

It was sometimes feared that children were too easily swayed by malice, fear, or bribery to testify truthfully. When, in 1747, 16-year-old Solomon Grow accused his master John Carter, a ship's master, of multiple sexual assaults, Carter claimed that Grow was a vindictive liar. Carter had whipped Grow for drunken, disorderly conduct and now, Carter claimed, Grow had found a way of seeking the ultimate revenge upon his master. Carter warned the court, "if the boys word is to be taken on his oath Implicitly any boy that is Wicked and Chastised for it has it in his power to take away boath [sic] his Masters Carrecter [Character] & life & no man could be safe."<sup>64</sup> Carter hoped that his judges would fear Grow rather than believe his story. He warned that in their youthful indiscretion, children could begin telling all sorts of lies against their masters due to pique. Carter was found guilty of attempted sodomy but as the court could not prove that sexual intercourse had taken place his life was spared. He was dishonorably discharged

---

<sup>63</sup> TNA, ADM 1/5295.

<sup>64</sup> TNA, ADM 1/5290.

from the navy and stripped of the pay due to him for his prior service. Clearly, the court decided to give credence to Grow's assertions despite Carter's warnings.

As with child culpability, the uneasiness over child testimonies demonstrates uncertainty as to whether children fully understood the gravity of committing crimes or giving false testimony. In some cases, children were allowed to speak for themselves in court and thus assert some agency in the prosecution of adults who had committed crime. In other cases, however, children's testimonies were disallowed or discredited. The legal understanding of childhood that protected them against unjust prosecution because of their youth was also a doubled-edged sword when it prevented them from seeking justice against their attackers.

### **Self-Determination and the Body: Marriage, Rape, and Sodomy**

Most early modern people did not marry until they were adults: between 1600-1649, the average age of first marriages in England was twenty-eight for men and twenty-six for women, and this average remained fairly constant throughout the seventeenth and early eighteenth centuries.<sup>65</sup> Because newly married couples rarely shared a house with the parent(s) of either spouse, they tended to wait to marry until the young man was capable of establishing and supporting his own nuclear family.<sup>66</sup> Aside from children

---

<sup>65</sup> Between 1700-1749, the average age of first marriages was 27.5 for men and 26.2 for women; a century later, between 1800-1849, the average had dropped considerably, to 25.3 for men and 23.4 for women. E.A. Wrigley and R.S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (Cambridge, MA, 1981), 255.

<sup>66</sup> Keith Wrightson, *English Society, 1560-1680* (New Brunswick, NJ, 1992), 68-69.

from families in the highest echelons of society, who might marry to solidify wealth or power through marriage alliances, it was most common to wait until adulthood to marry.

Though it was not generally exercised, children did have the legal ability to marry at early ages: girls could marry at twelve while boys could marry at fourteen. Families could arrange for marriages between their children at even younger ages (though these marriages were not supposed to be consummated), but children could decide at the ages of twelve and fourteen, respectively, whether they agreed to the marriage. If they did not consent to the marriage, it would be dissolved without a divorce and the child was free to marry someone else; if they did agree to the marriage at this point, then the marriage was legally binding. This was the case whether both or only one partner was under the age of marital consent when the marriage took place.<sup>67</sup>

While the low ages of marital consent may have allowed wealthy families to form advantageous connections through marriage, it also created a potential problem: young girls marrying whomever they chose and losing the family fortune by marrying a swindler. The solution was to allow women control of their property at a later age than they were allowed self-determination over their bodies. Accordingly, a girl could consent to marriage at the age of twelve, but an heiress had to receive the consent of her parent or guardian to marry before the age of eighteen if she wanted her inheritance. Should she

---

<sup>67</sup> Anon., *The Infants Lawyer*, 30-31. 1 Jac. I. c. 11 stipulated that the charge of bigamy (which was a felony) would not be extended to anyone who had contracted a “former Marriage [sic] . . . made within age of consent.” See also Hale, *Historia placitorum conorae*, 22.

elope without this consent, the next of kin would inherit all and she and her new husband would be left with nothing.<sup>68</sup>

Concern for property was also at the heart of laws against abducting an heiress and forcing her into marriage. As Chapters Four and Five will demonstrate, “spiriting” or “kidnapping” a child in order to sell him or her to the colonies was a misdemeanor. However, abducting a girl for the purpose of forcibly marrying her was a felony. Thus, in 1728, Mary Hendron, John Wheeler, and Margaret Pendergrass were accused of “aiding and abetting Richard Russel[l], in forcibly and unlawfully marrying and defiling Sibble Morris; against her Will . . . the said Sibble Morris being a Maiden, and having an Estate.” Sibble was “a young Girl between 16 and 17 Years of Age,” whose uncle had left her an estate of “20 Pounds per Annum clear to her (and would be more).” According to the testimony of Sibble and Anne Holliday, her maid, Sibble was “pulled” by Hendron and Pendergrass into a house and locked inside; there, a clergyman was immediately ready to perform the marriage ceremony with Russell, whom Sibble had only met once before. According to Holliday, her mistress was “was in a great surprise and Fright . . . being ready to faint . . . [and] she only said she would not be married.” But the “Mock-Marriage” proceeded, with Wheeler acting as clerk and the clergyman somehow convinced by Hendron and Pendergrass that Sibble wanted to be married but was simply overcome with emotion. Afterwards Sibble was “dragg’d” to an upper room where Pendergrass “pulled off her Cloaths by Force” and Hendron held her hands down and

---

<sup>68</sup> For laws surrounding inheritance and marriage, see Amy Louise Erickson, *Women & Property in Early Modern England* (London and New York, 2002), 61- 151. For marriage restrictions and clandestine marriages, see David Cressy, *Birth, Marriage, and Death: Ritual, Religion, and the Life-Cycle in Tudor and Stuart England* (Oxford, 1997), 298-332.

forced her onto a bed. After the women had left, Russell raped Sibble, “making an Advantage of her Surprize and Weakness . . . tho’ she resisted to the utmost of her Strength.” It is unclear what motivated Pendergrass and Hendron to assist in this violence against Sibble, but the most likely reason is that they were to receive some money from Russell. For his part, Wheeler was acquitted as someone who was possibly “imposed on” by Pendergrass and somehow did not realize that there was any “Force at the Marriage or otherwise.” By the time of the trial, Russell had “absconded” and escaped prosecution. But Hendron and Pendergrass were both found guilty and sentenced to death.<sup>69</sup> Thus, obtaining the true consent of a young lady to marriage was critical; forcing her into marriage, even if the marriage was witnessed and consummated, was a felony.

Each girl’s ability to enter into a sexual relationship was often deemed appropriate or inappropriate based on the physical maturity of the individual girl in question rather than her age. Culturally, it was considered “physically and morally abusive” to have sexual intercourse with a prepubescent girl.<sup>70</sup> According to the 1576 “Acte to take away Cleargie from thoffendours in Rape and Burglarye,” which was meant to protect girls and women from “the moste wicked and felonious Rapes or Ravishments,” “if any person shall unlawfully and carnally knowe and abuse any Woman Childe under the Age of Tenne yeeres everie suche unlawfull and carnall knowledge shalbe Felonye” without the

---

<sup>69</sup> *OBP*, trial of Mary Hendron, John Wheeler, and Margaret Pendergrass, May 1728 (t17380501-13). See also *OBP*, trial of John Johnson, December 1690 (t16901210-56).

<sup>70</sup> Sarah Toulalan, “‘Is He a Licentious Lewd Sort of a Person?’: Constructing the Child Rapist in Early Modern England.” *Journal of the History of Sexuality* 23.1 (Jan. 2014): 33.

benefit of the clergy.<sup>71</sup> According to Dalton's reading of the statute, "to know and abuse any woman child under the age of ten years, is felony, although such child consents before."<sup>72</sup> Thus, having sex with a girl aged nine or younger would be considered statutory rape. Further, it was a misdemeanor to have consensual sex with a girl aged 10-12.<sup>73</sup> A girl was considered old enough to consent to a sexual relationship by the time she was thirteen.

It was extremely difficult to prove that a very young girl had been raped because the testimony of the key witness—the girl herself—was often called into question due to her age. While each judge could decide what testimony to allow, girls eight and under were generally judged to be incapable of giving evidence, or they might be allowed to give evidence but might not be sworn in.<sup>74</sup> Thus, in the 1749 case of George Tennant, who had already been accused and acquitted of raping nine-year-old Mary Craggs, the testimony of seven-year-old Grace Howel was not admitted "on the account of her tender years" and Tennant was let go once again.<sup>75</sup>

Girls aged ten and older who claimed to have been raped would have to prove not only that sexual intercourse had taken place but also that she had attempted to resist it in some way. It was hard to obtain a conviction against an accused rapist: only seventeen of

---

<sup>71</sup> 18 Eliz. I. c. 7. For a brief history of English statutes regarding rape, including the this Elizabethan statute's lowering of the age of consent from twelve to ten, see Anthony E. Simpson, "Vulnerability and the age of female consent: legal innovation and its effect on prosecutions for rape in eighteenth-century London." In *Sexual Underworlds of the Enlightenment*, ed. G.S. Rousseau and Roy Porter (Chapel Hill, 1988), 182-185.

<sup>72</sup> Dalton, *The Country Justice*, 248.

<sup>73</sup> Jennie Mills, "Rape in Early Eighteenth-Century London: A Perversion 'so very perplex'd.'" In *Sexual Perversions, 1670-1890*, ed. Julie Peakman (New York, 2009), 158.

<sup>74</sup> Toulalan, "Is He a Licentious Lewd Sort of a Person?," 37.

<sup>75</sup> OBP, trial of George Tennant, January 1749 (t17490113-15).

the 115 rape cases in London between 1700 and 1750 resulted in a guilty verdict.<sup>76</sup> As Julie Gammon has shown, it was generally understood that girls could not fight off an attacker, but physical proof that a struggle had taken place—in the form of bruises or other marks on the body—was generally necessary to secure a conviction. In this way, girls over the age of ten were treated in the same way as adult prosecutrix. The key difference between the two was that women were often blamed for putting themselves in the way of potential rapists whereas girls were not blamed; instead, the parents of the girls were chastised for not taking better care of their daughters.<sup>77</sup>

At least there was a formal legal understanding that girls and women could be raped, even if rape was difficult to prove. There was no similar understanding that boys could be the victims of unwanted sexual assault, at least, insofar as the strict letter of the law was concerned. The 1533 “Acte for the punysshement of the vice of Buggerie” declared that “the destable and adhomynable vice of buggery comyttid with mankynde or beaste” was a felony without benefit of the clergy.<sup>78</sup> There is no mention in the act of an age of consent. Similarly, the “Act for the Establishing Articles and Orders for the regulateing and better Government of His Majesties Navies Ships of Warr & Forces by Sea,” promulgated nearly 130 years after the Buggery Act of 1533, stipulated: “If any

---

<sup>76</sup> According to Jennie Mills, some people during this period doubted whether rape was even physically possible, because a woman who truly wanted to defend herself could. While this may have been part of the discourse surrounding rape, and it may have led to stronger protections for the accused male, the concept of rape clearly existed in the early modern world. Mills, “Rape in Early Eighteenth-Century London,” 140-141.

<sup>77</sup> Julie Gammon, “‘A denial of innocence’: female juvenile victims of rape and the English legal system in the eighteenth century.” In *Childhood in Question: Children, Parents, and the State*, ed. Anthony Fletcher and Stephen Hussey (Manchester and New York, 1999), 78-81. On the necessity of the woman proving that she had resisted to her utmost ability, see also Mills, “Rape in Early Eighteenth-Century London,” 153-155.

<sup>78</sup> 25 Hen. VIII. c. 6.

person [or] persons in or belonging to the Fleet shall commit the unnaturall and detestable sin of Buggery or Sodomy with Man or Beast he shall be punished with death without mercy.”<sup>79</sup> “Any person” could mean man or boy since the law does not state a particular age at which the law became applicable. Thus, according to statute, any boy involved in what we would now call homosexual acts while on board ship or in England—whether or not those acts were consensual—was considered a felon whose only punishment could be death. However, as we shall see, trial records demonstrate that jurists often believed boys were victims of rape rather than participants in “sodomy.”<sup>80</sup>

In 1706, a court martial was held on board the ship *The Swallow* for James Ball, a quartermaster accused of “Compell[ing] Walter Jones, “A Boy Aged about Thirteen years,” to “suffer ye . . . Act of Buggery.” Jones accused Ball of raping him under threat of death, but both the boy and the man were tried for transgressing the Articles of War that banned sodomy. Ball was found guilty and sentenced to be hanged; however, the court decided “by ye Course of ye Evidence that the s[ai]d James Ball did by Threat[en]ing & by Force oblige ye s[ai]d Boy to Submitt to this his wicked Action.” Therefore, the court decided that “Walter Jones was not consenting to the s[ai]d Act of Buggery Committed upon him”; Jones was acquitted. Jones does not seem to have been spared because of his age, because the Articles of War quoted above say that “any

---

<sup>79</sup> 13 Car. II. c. 9, article 32. The 1749 Naval Act repeated this order: “If any Person in the Fleet shall commit the unnatural and detestable Sin of Buggery or Sodomy with Man or Beast, he shall be punished with Death by the Sentence of a Court Martial.” 22 Geo. II. c. 33, article 29.

<sup>80</sup> For more on sodomy in early modern England and the British navy, see B.R. Burg, *Sodomy and the Pirate Tradition: English Sea Rovers in the Seventeenth-Century Caribbean* (New York and London, 1995), especially 1-43; Hans Turley, *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity* (New York and London, 1999); and Richard Davenport-Hines, *Sex, Death, and Punishment: Attitudes to Sex and Sexuality in Britain Since the Renaissance* (London, 1990).

person” could be found guilty of sodomy, but rather because he and other witnesses testified that Ball had forced himself upon Jones.<sup>81</sup>

That same year on the ship *Suffolk* then at Port Royal, Jamaica, William Hughes and a “boy” of unspecified age, James Emmeson, “were discovered, to commit ye Unnaturall, & Destable sin of Buggary one to another, or actions tending to ye Same.” One witness testified against them, and afterwards Emmeson confessed “that they had each Carnally knowledge of one another.” The court decided that both were guilty of breaking the 32nd Article of War and ordered that Emmeson and Hughes be hanged. However, it was noted that “the Execution of ye Boy to be respited for a Month, or further it ye Admirall shall think fitt.” There is no further information about whether Emmeson was indeed executed, but this stay of orders in order to wait to see if the Admiral wanted to intercede in this case suggests an uneasiness about executing a boy for this offence.<sup>82</sup>

In both cases of rape and of forced sodomy, a surgeon’s examination was often used to accompany a child’s testimony. In part, this was because a child’s testimony was suspect.<sup>83</sup> One way of proving that sexual contact had been made between the alleged rapist and his victim was the appearance of venereal disease. However, such evidence was inconclusive that rape had taken place because there was debate about whether penetration was needed to spread venereal infection.<sup>84</sup> Even what seemed to be evidence of penetration, sore genitalia or rectum, was inconclusive. When a surgeon’s mate

---

<sup>81</sup> TNA, ADM 1/5266.

<sup>82</sup> Ibid.

<sup>83</sup> Arthur N. Gilbert, “Buggery and the British Navy, 1700-1861.” *Journal of Social History* 10.1 (Autumn 1976): 77.

<sup>84</sup> Toulalan, “Is He a Licentious Lewd Sort of a Person?”, especially 38.

examined Isaac Betty after he was allegedly raped, he found “ye verge of his Fundament extended somewhat more then [sic] is usuall, & some (tho very small) Inflammation in that part, but cannot say what might bee the occasion, having seen in a Tenasmus a much greater Inflammation.” The surgeon could not tell the difference between tenesmus, a medical condition involving inflammation of the rectum, and evidence of sexual assault. His examination, therefore, proved largely unhelpful.<sup>85</sup> Of course, even should the surgeon aver that penetration had occurred, it was nearly impossible for him to tell whether it had been consensual unless there were other marks of struggle on the body. The longer the child waited to come forward with his or her accusation, the less likely it was for surgeons to discover what had happened.

Complicating the issue of consent for both boys and girls was the child’s fear of discovery (having understood that something wrong had happened, but not fully understanding whether or not they had transgressed) and/or fear of punishment or violence from their superiors, who were often their abusers. Samuel McKensey, “a Boy,” testified that he was molested multiple times by Richard Beale, an officer on board the ship *Polacre*, but did not report what was happening right away. “I should have made A Declaration of it sooner than I did to Captain Chinnery,” he explained, “but I was affraid [sic] to do it.” He devised a plan to report what had gone on, but only after the ship had reached its destination. This seems to indicate that he was afraid of reprisals while on board a ship and thus unable to escape. Before they had reached port, however, McKensey and another boy, John Silk, conferred together and realized that they both

---

<sup>85</sup> TNA, ADM 1/5254.

were being victimized by Beale. They then spoke to Captain Chinnery.<sup>86</sup> Similarly, the 13-year-old boatswain's servant William Lyrer did not report Michael Berry's unwanted sexual advances because, he said, "I was afraid of being Flogged, if I had told my Master, he would have Flogged me directly." Upon being asked if he was afraid that the ship's captain would flog him for reporting the incident, he replied in the affirmative. When the court asked why he thought the captain would flog him, he replied, "I was afraid, and did not know the Consequence." Clearly, Lyrer knew that something wrong had happened but he was unsure whether or not he was in trouble. It was only after two other boys came forward to complain about Berry's sexual attacks that Lyrer spoke up.<sup>87</sup>

Girls over the age of ten and boys of any age were considered capable of giving consent to sexual acts. However, running alongside this acknowledgement of their legal ability to give consent was the understanding that they might be easily victimized due to their limited physical strength and/or fear of superiors. Judges and juries had to weigh all of these factors when they sat on rape and sodomy cases. Too often, the legal system failed child victims by failing to convict their attackers. Jurors and judges often protected boy victims of rape and sexual assault, however, by refusing to follow a strict reading of English and naval laws in the decision not to charge or, when charged, convict boys of sodomy.

### **Children's Contracts: The Legalities of Indentures**

---

<sup>86</sup> Beale was dishonorably discharged from the Royal Navy for indecent behavior unbecoming an officer. TNA, ADM 1/5298.

<sup>87</sup> TNA, ADM 1/5300. Similarly, in 1762, the ship's servant John Pyle did not tell anyone immediately that Robert Garbutt had tried to have sex with him multiple times because he was afraid of reprisals from Garbutt himself. TNA, ADM 1/5301.

According to *The Infants Lawyer*, children could not make bonds or covenants, “unless for Necessaries.” Children could pledge to pay back money they needed for “Diet, Apparel, Learning, and necessary Physick [medical care],” but, according to the author, any other pledges would be void.<sup>88</sup> Such contracts had to be carefully made; if someone tried to take advantage of child’s ignorance or indiscretion the contract would be nullified, for according to the author, “We take it for a Rule in general, That if the Contract have but a mixture of Prejudice to the Infant, it shall be void.”<sup>89</sup> Hale agreed that children did not reach “full age as to matters of contract” until the age of 21.<sup>90</sup> According to *The Infants Lawyer*, children were not allowed to enter into contracts to repair their property, for “No Contract binds [a child], but what concerns his own person.”<sup>91</sup> Thus, a child did not have control over his or her financial affairs until the age of 21, but did have the ability to make choices regarding his physical body at a younger age. We have already seen that one such choice might be to bind him or herself in marriage. Another choice, made by (or for) the vast majority of children in early modern England, was to bind him or herself in an apprenticeship.

The wealthiest in English society began sending their children to live with other families during the middle ages, though these were not technically apprenticeship arrangements. By the Tudor period, apprenticeship was being used by guilds as a way of technical training for boys who should be taught the arts of a particular trade. In the seventeenth century, apprenticeship became much more widespread: it was used as a means of “social control” among the poor as well as a way of achieving upward mobility

---

<sup>88</sup> Anon., *The Infants Lawyer*, 113-114 and 118-119.

<sup>89</sup> *Ibid.*, 119.

<sup>90</sup> Hale, *Historia placitorum coronae*, 17.

<sup>91</sup> Anon., *The Infants Lawyer*, 120.

amongst the middling sort. By the eighteenth century, nearly all children were placed in apprenticeships.<sup>92</sup>

Typically, an apprenticeship arrangement was made by the master and the father or other close family member working on behalf of the child. Though the terms of each indenture would be worked out between the two contracting parties, they usually followed fairly standard agreements. The master pledged to provide the child with housing, clothes, food, and training in his or her particular trade. Apprentices were to obey the master and complete work for him or her. Additionally, in most indentures the child was prohibited from contracting marriage without the master's permission, "commit[ting] fornication," "play[ing] at Cards, Dice, Tables or any other unlawful Games," "haunt[ing] Taverns or Playhouses," or leaving his master without permission.<sup>93</sup> Once a child was apprenticed, his or her master or mistress had control of his or her person, with the ability to physically punish, keep from marriage, and to "take their Bodies" should the child run away.<sup>94</sup> The master assumed parental control over the child: the master chose how to educate the child; how to feed, clothe, and shelter the child; and how to punish the child. If the parent wanted these responsibilities revoked from the

---

<sup>92</sup> The exception was that the children from the most elite families did not serve in apprenticeships. While placing out children had began as a custom among the wealthy, by the time of the industrial revolution, the apprenticeship "system was degenerating into the scandal of the factory child and the pauper apprentice." In other words, by the nineteenth century, only the lowliest of children were apprenticed, and generally into truly horrible conditions. Joan Lane, *Apprenticeship in England, 1600-1914* (Boulder, CO, 1996), 9.

<sup>93</sup> *Ibid.*, 251.

<sup>94</sup> 5 Eliz. I. c. 4., section 39.

master and returned to him or herself, he or she would have to take the master to court to settle the matter.<sup>95</sup>

Breaches in this agreement could lead to the severance of the apprenticeship, which had to be formally dissolved.<sup>96</sup> The child or someone acting in the child's behalf could sue to end the indenture due to abuse or the failure to instruct the child in the trade the indenture had specified. For example, in 1721 Stephen Dylon petitioned the London Sessions of the Peace to be free of his indenture to Elihu Bridecake because Bridecake was supposed to instruct Dylon to be a waterman but instead had "Set up an Alehouse and has all along made y[ou]r pet[it]ione[r] Tapster to Draw his Drink." Dylon further charged that Bridecake had been "cruel & barbarous" to him and that his body still showed "the marks given by his Masters inhumane Correction where both the Skin & flesh are cut." Dylon was afraid that Bridecake would never teach him an honest livelihood and would continue to "beat him within an inch of his life." Though Dylon was only on the second year of his seven-year indenture, the court decided to dissolve the contract due to Bridecake's abusive behavior.<sup>97</sup>

Fault on the part of the master was generally the reason for dissolving an indenture, though it could also be ended should the apprentice fail to abide by the terms of the contract. Often, the master might overlook minor infractions or choose to punish

---

<sup>95</sup> Lane, *Apprenticeship in England*, 2-3.

<sup>96</sup> According to 5 Eliz. I. c. 4, section 4, "no pson wch shall retayne any Servante shall put away his or her sayd Servant, and . . . no pson retayned according to this Statute shall departe from his M[aste]r M[ist]r[es]s or Dame before thende of his or her term . . . unlesse yt be for some reasonable and sufficient cause or matter." The persons who could decide on such cases were JPs, mayors, and/or chief officers of whichever town the master or mistress resided.

<sup>97</sup> LMA, JH 11/5/2001.

them in his or her own way.<sup>98</sup> Indeed, it was believed that masters ought to punish children for their faults. As long as the master was not particularly cruel, corporal punishments were an expected part of the master-servant relationship. Yet some actions on the part of an apprentice proved too much for a master to endure. If the child was prone to infractions, ran away, refused to work, gave away secrets of the trade, stole from the master or others, or became pregnant or caused a woman to become pregnant, the master might formally dissolve the indenture.<sup>99</sup>

Respect for the child's desires regarding the profession of his apprenticeship (and thus the profession in which he was supposed to remain for the rest of his working life) varied widely. Ideally, parents would consider the natural talents or predispositions of the child, the profitability of the proposed trade, and the worthiness of the proposed master before making this choice. Some fathers might place their sons in their own trade while others, despairing of their own lack of financial success, might seek out a different profession for their sons. Much depended on the financial resources of the parent: apprenticeships in lucrative professions required the payment of an expensive premium that many families could not afford.

In 1673, the 31-year-old Edward Barlow recalled his family's poverty and its effect on his own ability to secure a good apprenticeship. His father worked in husbandry and made only "about 8 or 9 pounds a year."<sup>100</sup> His father had six children, and on his meager income he could not afford to place them with tradesmen. Young Barlow, then

---

<sup>98</sup> Lane, *Apprenticeship in England*, 187.

<sup>99</sup> *Ibid.*, 187 and 198-199.

<sup>100</sup> Edward Barlow, *Barlow's Journal of his Life at Sea in King's Ships, East & West Indiamen & Other Merchantmen from 1659 to 1703, Vol. I*, ed. Basil Lubbock (London, 1934), 15. See also Patricia Fumerton, *Unsettled: The Culture of Mobility and the Working Poor in Early Modern England* (Chicago and London, 2006), 66-67.

around 13, was sent “a-liking” to a cotton bleacher: this was a kind of trial period during which time Barlow was supposed to decide whether or not he was amenable to the trade. Though his father’s options were limited, it seems he wanted his son to have a little choice in the matter of his occupation. Barlow disliked cotton-bleaching and found abuse at the hands of his potential master. He went back to his parents’ house and told his mother and father, “I could never like [cotton-bleaching], and if I did (go back) I was sure I could never stay out my time.”<sup>101</sup> He then set off for London on his own, eventually meeting up with his uncle, an innkeeper. Barlow’s brother had already been apprenticed to his uncle, but the brother had become ill; the brother was sent home to their parents and Barlow was apprenticed to the uncle instead. Barlow was once again unhappy, however. His uncle arranged for him to go “a-liking” at another tavern in Kent, but it would not do. Finally, as will be discussed in Chapter Four, Barlow went to sea and remained a sailor for the rest of his life.<sup>102</sup> Barlow’s story suggests that in some families, even very poor ones, parents and extended family worked together to try to find an occupation with which the child could be content.

The ability of a child to bind him or herself in an indenture was a complicated legal question. Technically, children were not allowed to bind themselves to contracts. The city of London, which is the focus of this study, had its own legal customs regarding apprenticeships. As *The Infants Lawyer* explained, an “Infant cannot bind himself Apprentice by the Common Law; but by the Custom of *London* he may bind himself Apprentice by Indenture, and it shall be good.”<sup>103</sup> According to the custom of London, as

---

<sup>101</sup> Barlow, *Barlow’s Journal*, 16 and 19, and Fumerton, *Unsettled*, 72.

<sup>102</sup> Barlow, *Barlow’s Journal*, 21-29, and Fumerton, *Unsettled*, 73.

<sup>103</sup> Anon., *The Infants Lawyer*, 194.

shown in the early seventeenth-century case, *Burton v. Palmer*, children under the age of fourteen could not bind themselves as apprentices.<sup>104</sup> A provision in the 1562 Statute of Artificers made clear that the customs of London and Norwich regarding apprenticeships ought to continue as they had done, for the statute would not be “prejudiciall or hurtfull” to the “lawfull Lyberties Usages Customes or Privilegies” of them.<sup>105</sup> It made sense for fourteen to be the standard age at which a child could bind him or herself. First, as we have seen, fourteen was the age of discretion, the age at which a child was considered old enough to make a marriage covenant or to be judged as an adult in criminal proceedings. Fourteen also just happened to work out mathematically: the typical apprenticeship lasted seven years and was to end when the child came to twenty-one, “full age,” and thus fourteen was the perfect starting point.<sup>106</sup>

This ideal scenario of apprenticeship at fourteen, completion of training at twenty-one, and a lifetime of steady employment was far from the reality for many children. As Holly Brewer, Patricia Crawford, and Joan Lane have shown, the laws and customs of apprenticeship protected and promoted the welfare of wealthy and middling families.<sup>107</sup> Poor children and their parents (if indeed they had any) had little or no control over their indentures. While the laws surrounding the apprenticeship children of propertied, merchant, and highly skilled artisan families were interested in protecting the

---

<sup>104</sup> Anon. *The Infants Lawyer*, 194, and 80 Eng. Rep. 1060-1061; 2 Bulstrode, 192-193.

<sup>105</sup> 5 Eliz. I. c. 4., section 33.

<sup>106</sup> Lane, *Apprenticeship in England*, 13.

<sup>107</sup> Brewer, *By Birth or Consent*, 245-246; Patricia Crawford, *Parents of Poor Children in England, 1580-1800* (Oxford, 2010), 170; and Lane, *Apprenticeship in England*, 13-14.

“mysteries” of various professions and regulating the labor market, the laws governing the apprenticeship of poor children were largely driven by social control.

As Chapter Three will discuss, the sixteenth and seventeenth centuries witnessed a massive vagrancy problem; London in particular was swollen with many more destitute people than its system of poor relief could handle.<sup>108</sup> Arthur F. Kinney has estimated that by 1600 there were 20,000 or more “begging poor” in London alone.<sup>109</sup> Many of these destitute people were children: as Patricia Fumerton found in her study of the mobile poor, most of the destitute people who poured into London from all over the British Isles “were children, adolescents, and young adults.”<sup>110</sup> The binding of poor children into “honest” labor contracts was viewed as one of the key measures to curb this rampant economic and social problem.<sup>111</sup> This meant that poor laws created a different legal reality for poor children than the one that existed for more privileged youths.

The 1562 Statute of Artificers was an attempt to fix prices, regulate employment and apprenticeship practices, and to set up a system of forced employment for those not “lawfully retyened.” It stipulated that “every p[er]son betwen [sic] thage of Twelve yeres and the age of Threeskore yeres” who had no regular employment, apprenticeship, land, or expected inheritance should be “compelled” to work in husbandry via yearly contracts. Though it said every *person* should be thus employed by these regulations, it meant every

---

<sup>108</sup> A.L. Beier has called vagrancy “one of the most pressing social problems of the age.” A.L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London and New York, 1985), xix. See also William Carroll, *Fat King, Lean Beggar: Representations of Poverty in the Age of Shakespeare* (Ithaca and London, 1996), 21-22 and 31.

<sup>109</sup> Arthur F. Kinney, ed. *Rogues, Vagabonds & Sturdy Beggars: A New Gallery of Tudor and Early Stuart Rogue Literature* (Amherst, 1990), 15-16.

<sup>110</sup> Fumerton, *Unsettled*, 8.

<sup>111</sup> Beier, *Masterless Men*, 10.

*man*, for women had their own set of rules. If unmarried, women between the ages of 12 and 40 could be compelled to serve “by the yere or by the weeke or daye.” In addition to these shorter agreements, apprenticeships in husbandry could be forced on boys between the ages of 10 and 18; they were to last until the boys were at least 21 and could last until the boys were 24 “as the p[ar]ties can agree.” It is unclear who the “parties” in this contract should be: the master and the apprentice in question, or the master and the local authorities (justices of the peace, head officers of the city or town, aldermen, or burgesses) who the statute put in charge of these matters? Certainly, it was the local authorities who decided which people were poor enough to be compelled to work and who could commit to ward those who refused to work.<sup>112</sup>

It is critical to note that this statute did not change the age of consent for children. Rather, it created a device through which children could be bound by indentures despite the fact that they were legally too young to enter into contracts. The statute declared,

And because ther[e] hathe bene and ys some Question and Scruple moved, whether any p[er]son being w[i]thin thage of one and twentye yeres, [can be] bounden to serve as an Apprentice . . . For the Resolucon of the said Scruple and Doubte, bee yt enacted by auctorite of this present Parliament, That all and every suche p[er]son or p[er]sons . . . bounded by Indenture to serve as an Apprentice . . . albeit the same Apprentice or any of them shalbee within the age of one and twentye yeres at the tyme of making of their severall Indentures, shalbe bounded to serve for the yeres in their severall Indentures contened, as amply and lardgly to every Entent as yf the same Apprentice were of full Age at the time of the making of suche Indentures.<sup>113</sup>

It seems there had been some debate, “some Question and Scruple,” about whether Parliament *could* compel children to be bound to labor contracts when they were under twenty-one. The statute answered this “Doubte” by declaring that labor contracts with

---

<sup>112</sup> 5 Eliz. I. c. 4.

<sup>113</sup> *Ibid.*

minors would be upheld in law courts “as yf” the child had been old to make them. The statute created the legal fiction of adulthood for children who, in all other respects, were still considered under age.

This was not the last piece of legislation that used the legal fiction of adulthood to bind minors to labor contracts. The 1601 “Acte for the Releife of the Poore” compelled poor children to labor contracts until they were twenty-four (for boys) or twenty-one or married (for girls); these indentures would be “as effectuall to all p’poses as if suche Childe were of full Age, and by Indenture of Covenant bounde hym or her selfe.” Further, it gave power to the overseers of the poor to bind such children to labor even if the child’s parent(s) objected if, in the judgment of those overseers, the parents were not “able to keep and maintaine their Children.”<sup>114</sup> According to Patricia Crawford, this stripped poor fathers of their status of patriarchs of their families and instead gave the powers and responsibility of fatherhood to “civic fathers,” the local men who stepped in to care for (and put to work) poor children.<sup>115</sup> As we will see in Chapters Five and Six, this practice became legally dubious when children were apprenticed to masters living outside of England, whether on board ships or in England’s colonies.

### **Conclusion: Children and the Law**

As this chapter has shown, children’s legal status was a complicated one. It often changed based on the wealth, sex, education, and individual maturity of the child in question. Despite all of the intricacies of common and civil law regarding minors, it is

---

<sup>114</sup> 43 Eliz. 1. c. 2.

<sup>115</sup> Crawford, *Parents of Poor Children in England*, 15 and 211. “Civic fathers,” or as I call them, “nursing fathers,” are central to Chapter Three.

critical to understand that there was an age of majority and minority in early modern England. Children before the law were different than adults. And when statutes failed to protect children, juries and magistrates tended to use their discretion to mitigate prescribed punishments.

It has been said that the early modern English were a particularly litigious people.<sup>116</sup> They have also been characterized as people who craved order more than anything else in their society, and a people who saw the family as the bedrock of social order.<sup>117</sup> It makes sense, then, that children would appear in courts of law both as prosecutors, witnesses, and defendants: the desire to maintain a well-regulated society meant that the law must be a strong presence in everyone's lives, including the lives of the very young. It does not follow, however, that children and adults were indistinguishable in the eyes of the law. Instead, jurists believed that children had special legal privileges due to their age, and as court cases demonstrate, this claim of privilege and protection was often a reality.

As Chapters Five and Six demonstrate, the ability for people to move outside of England created legal quandaries for young and old alike. As monarchs, philanthropists, and naval captains attempted to employ children abroad in a legal manner, kidnappers exploited children's vulnerability. The complexities of children's self-determination and ability to consent were only heightened when Englishmen and women were able to send children across the globe. By the late seventeenth century, when new rhetoric about

---

<sup>116</sup> See Erickson, *Women & Property*, 23.

<sup>117</sup> Hugh Cunningham, *The Children of the Poor: Representations of Childhood since the Seventeenth Century* (Oxford and Cambridge, MA, 1992), 18-19.

personal liberty and the ability to control one's own body became a key part of political discourse, migrant children became an important part of this wider public discourse.

**Part II: Destitute Children Abroad**

**Chapter Three: Destitute Children and “Nursing Fathers”: The Care of London’s  
Youngest Vagrants, c. 1600-1700**

Toward the end of the seventeenth century, a person identifying himself as Ned left his home in Somerset to visit London for the first time. He subsequently described the city in this terrifying rhyme:

What with the neeze and what with the smoake  
Twas Death in my ears and schor ready to choake.  
But oh how the coaches did vlee up and down  
Iz thought the whole world had a bee in ye Town.  
The stones did spet vire, the horses did vly  
Like thunder and lightning drough the sky.<sup>1</sup>

It is little wonder that the writer felt overwhelmed by the noise, crowds, buildings, and haze of the budding metropolis. It was a city unlike any other in England in size and wondrous variety. In 1600 the population was roughly 200,000, nearly four times the size it had been only a hundred years earlier.<sup>2</sup> By 1650 it would double in size again, reaching roughly 400,000 residents; its population would be over half a million by 1700.<sup>3</sup> Roughly one sixth of the English population passed through London at some point in their lives during the early modern period. Often, migrants were extremely poor and desperately hoped for employment of some kind in the great city; as John Howes complained in the

---

<sup>1</sup> Quoted in Carl B. Estabrook, *Urbane and Rustic England: Cultural Ties and Social Spheres in the Provinces, 1660-1780* (Stanford, 1999), 1.

<sup>2</sup> Paul Griffiths, *Lost Londons: Change, Crime, and Control in the Capital City, 1550-1660* (Cambridge, 2008), 1.

<sup>3</sup> Karen Newman, *Cultural Capitals: Early Modern London and Paris* (Princeton, 2007), 2. For a description of what constituted London in the early modern period, including its expansions beyond the City itself, see Peter Earle, *A City Full of People: Men and Women of London, 1650-1750* (London, 1994), 7-10.

1580s, “It is not the poor of London that pestereth the city, but the poor of England.”<sup>4</sup> It was a noxious, crowded, rank, filthy place to live: during the seventeenth century, the life expectancy of those living in the country was around 40 years whereas those living in London had a life expectancy of only 20.<sup>5</sup> The number of burials far outweighed the number of baptisms, yet the population of the city continued to swell.<sup>6</sup>

Accordingly, London was no place for children, and parents who could afford to do so customarily sent their children to the countryside to be nursed so that they would pass the dangerous years of infancy away from the disease of the capital. And yet the city was overflowing with young people. Bishop Goodman remarked in 1616: “As you walk in the streets . . . or looke into the register booke of your churches . . . you shall find more living under the age of thirtie than above.”<sup>7</sup> Drifting “big bellied women” and the abandonment of small children seem to have peaked around 1625, while the illegitimacy rates for all of England were at their highest between 1590 and 1630.<sup>8</sup> If one wanted to abandon an infant or get rid of an unwanted child, London offered a dizzying array of back allies and dark places—along with the added benefit of anonymity that small

---

<sup>4</sup> Griffiths, *Lost Londons*, 1; and Paul Slack, *Poverty and Policy in Tudor and Stuart England* (London and New York, 1988), 69.

<sup>5</sup> As more of the population moved to London, the national life expectancy dropped by a full year. E.A. Wrigley and R.S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (Cambridge, MA, 1981), 415.

<sup>6</sup> According to E.A. Wrigley and R. S. Schofield, between 1575-1599 there were 128,426 baptisms in London and 155,354 burials. Between 1600-1624, there were 220,716 baptisms and 239,221 burials in the city. Wrigley and Schofield, *The Population History of England*, 167.

<sup>7</sup> Paul Griffiths notes that early modern England possessed a very “youthful” society in general, especially between 1556 and 1671. Paul Griffiths, *Youth and Authority: Formative Experiences in England, 1560-1640* (Oxford, 1996), 5.

<sup>8</sup> Paul Slack, *The English Poor Law, 1531-1782* (Cambridge, 1990), 3-4; Paul Griffiths and Mark S.R. Jenner, eds., *Londonopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester, 2000), 2; and Griffiths, *Lost Londons*, xiv.

villages did not afford. City fathers reported that carriers (who gained their livelihood by transporting goods in and out of London) made extra money by taking unwanted children from the countryside and abandoning them in the capital: “daylye [they] bringe children to the city and leave them in the streets,” ran the complaint. The uncle of twelve-year-old orphan Agnes Goodwin arranged for her to be transported from Portsmouth to London and dumped in an alley.<sup>9</sup> Once abandoned in London, these children would find themselves helpless and alone.

Londoners, then, were faced with a problem: what to do with the countless children who were hungry and homeless on the city’s streets. As Patricia Crawford has shown, the poor laws were often ineffective in reaching such children.<sup>10</sup> The poor laws also made giving money to beggars illegal (unless those supplicants had a begging license), and so passersby were firmly discouraged from personally aiding those they saw around them who were in need. That does not mean, however, that children were simply left to starve to death. While some did tragically fall through the cracks, Londoners found ways of caring for poor children through which children were apprenticed, clothed, fed, and housed.

This chapter will demonstrate that the “nursing fathers” of London spent a great deal of time and money on destitute children. “Nursing fathers” was, as this chapter will show, a biblical term used by a group of boys from Christ’s Hospital to describe their relationship with the institution’s governors. I use it mean men who took upon

---

<sup>9</sup> Griffiths, *Lost Londons*, 106.

<sup>10</sup> Patricia Crawford, *Parents of Poor Children in England, 1580-1800* (Oxford, 2010), 203-204. According to Paul Slack, the “poor laws had less of an impact than their authors had intended” because of their reliance on parishes and parish officials. Slack, *Poverty and Policy*, 205.

themselves the care of London's poor children. While Patricia Crawford has used the term "civic father" to describe such men, I believe that "nursing father" better suits the dual paternal and maternal role that these men played in the lives of poor children.<sup>11</sup> Nursing fathers took upon themselves the responsibilities associated with early modern fatherhood: financial support, education, arrangement of apprenticeships, discipline, and protection from injustice. As substitutes for the children's biological mothers, they provided physical nurture (through hired wet nurses), religious instruction, and moral guidance. They did so out of civic duty, religious piety, fear of the children growing into criminals, and simply because they were moved with pity by the plight in which these children found themselves. In return, they hoped that the children would grow to be industrious and pious adults who would pray for their benefactors and bring them a higher social standing amongst their peers.

These nursing fathers were far from perfect. Their ideas about caring for destitute children were based on the means of caring for the poor put in place by the Elizabethan poor laws, but these laws were imperfect and required constant negotiating. As this chapter will show, there were municipal workers who took advantage of the fact that there was little-to-no supervision of their administration of duties. Some took from the funds meant for the children and put the money into their own purses. Others bickered over whether they had to provide for this particular child or that particular family, displaying a callousness towards the suffering of the individuals in question that may at times be shocking to modern readers. However, there were also the hospital governors

---

<sup>11</sup> For Crawford, "civic fathers" is used "for men who undertook public roles as fathers of poor children, substituting adequate fathers for inadequate or absent ones." Crawford, *Parents of Poor Children in England*, 194.

who took in children who clearly did not fit the standard criteria for admittance simply because they could not bring themselves to turn the child away, the people who gave great sums of money to charitable enterprises, and the men who wrote scathing indictments of the state of the poor and offered suggestions for their relief.

As Chapter Four will show, these men began looking to England's new colonies, trading posts, and navy to take care of children as soon as such an option was available. In order to understand why they turned to the globe to solve London's problem with destitute children, however, it is critical to understand how such children were cared for in the city itself.

### **Poor Relief for Children on the Continent**

Before exploring the details of London's methods of poor relief, it is important to understand systems of welfare for poor children in the broader European context. Whether Catholic or Protestant, early modern Europeans all tended to harbor fears of vagrant strangers, including children.<sup>12</sup> Since the Middle Ages, however, the Catholic Church had encouraged its followers to be kind to abandoned infants and children and had provided institutional mechanisms for their care (often in monasteries or convents). While the church was the main relief for abandoned children or children of the very poor, there were other systems of poor relief. For example, in Florence children of the poor were given to rich householders to keep as servants. Exposing infants was most common in Italy during the fourteenth and fifteenth centuries than elsewhere in Europe, which is may be one reason why foundling hospitals and orphanages proliferated there in the

---

<sup>12</sup> Brian Pullan, "Catholics and the Poor in Early Modern Europe." *Transactions of the Royal Historical Society* 5.26 (1976): 17.

fifteenth century.<sup>13</sup> At one such institution, the *Ospedale degli Innocenti* of Florence, city fathers were spurred to rescue foundlings by a desire for personal and group glory and by civic pride: the “preservation of our city and its state” appears on much of the legislation involving the institution.<sup>14</sup>

In early modern France, methods for the care of orphans was extremely regionalized due to the “legal ‘mosaic’” of pre-Revolutionary French law.<sup>15</sup> While the care of orphans (especially those with inheritances) typically depended upon kinship networks, urbanized areas began to build hospitals for foundlings and destitute children in the seventeenth century. These hospitals were often religious institutions; those initiated or inspired by Saint Vincent de Paul were particularly popular. The mortality rate in these hospitals was extremely high, with a survival rate of only 20 to 25 percent. Children were generally placed with foster families in the countryside until they were seven. At that age, they were either placed at work in the *Hôpitaux généraux* or stayed with their foster families as laborers or servants.<sup>16</sup>

Foundling hospitals were not confined to Catholic countries. In German Nuremberg where Protestant city leaders tried to “play a conciliatory role” between Catholicism and Protestantism, the city’s *Findel*, or foundling hospital, housed

---

<sup>13</sup> John Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe From Late Antiquity to the Renaissance* (Pantheon Books, 1988), 400-402 and 416. Another theory is that foundling hospitals “depersonalized and undermined medieval systems of abandonment and adoption that had previously worked to the benefit of abandoned children and their unfortunate parents.” Philip Gavitt, *Charity and Children in Renaissance Florence: The Ospedale degli Innocenti, 1410-1536* (Ann Arbor, 1990), 19.

<sup>14</sup> Gavitt, *Charity and Children in Renaissance Florence*, 8 and 22-23.

<sup>15</sup> Antoinette Fauve-Chamoux, “Beyond Adoption: Orphans and Family Strategies in Pre-Industrial France.” *The History of the Family* 1.1 (1996): 3.

<sup>16</sup> *Ibid.*, 8.

abandoned infants as well as orphans.<sup>17</sup> Protestant Geneva had one central institution, the *Hôpital-Général*, which housed orphans, foundlings, and other destitute children as well as those deemed too old, infirm, or ill to work. This hospital was created in 1535 by the laymen reformers who would soon after invite John Calvin to their city. There, the children received their education, most often from a theology student who was preparing for ordination. They would also have apprenticeships (for boys) and marriages (for girls) arranged for them by four annually elected *procureurs*, most of whom were merchants and part of the ruling elite. The *Hôpital-Général* was supervised by a single *hospitallier*, also annually elected and a man from the one of the merchant families who controlled the political life of the city. Taking care of the city's destitute children went far beyond Christian piety: being either a *procureur* or a *hospitallier* was a way of gaining political power and social prestige. Thus, while the system of poor relief for children in Geneva was much more streamlined than that in London (undoubtedly benefitting from the fact that it had much fewer—only several dozen children—to care for), but the motivations behind city fathers becoming involved seem in many ways similar.<sup>18</sup>

Across Europe, there was an emphasis on the moral as well as the physical welfare of abandoned children. Whether in Paris, Florence, Nuremburg, Geneva, or London, the men and women who ran charitable institutions or helped to fund them believed that it was not enough to feed and house children. One of the main results of the Counter-Reformation was “a campaign for the conquest of souls,” which often meant rescuing poor children before they could become thieves, prostitutes, or other

---

<sup>17</sup> Joel F. Harrington, *The Unwanted Child: The Fate of Foundlings, Orphans, and Juvenile Criminals in Early Modern Germany* (Chicago, 2009), 18.

<sup>18</sup> Robert M. Kingdom, “Social Welfare in Calvin’s Geneva.” *The American Historical Review* 76.1 (February 1971): 52, 56-59, and 62.

perpetrators of vice.<sup>19</sup> For Protestants, Martin Luther's strong insistence that educating every child was critical to the community as a whole necessitated the collective involvement in the lives of children whose parents were believed to be inadequate.<sup>20</sup> Whatever the case, foundlings, orphans, and other abandoned children were not ignored. Rather, Europeans were greatly concerned about the welfare of such children and found various means of raising them. Hospitals specifically for abandoned children had begun to spring up around Europe by the end of the fourteenth century in many urban centers.<sup>21</sup> Nursing fathers were not unique to London, but, as the following chapters will show, the London nursing fathers came up with new solutions to the age-old problem of what to do with destitute children. Long before following the European example of building foundling hospitals (one would not appear in London until the eighteenth century), London's nursing fathers used the globe as a nursery for destitute children.

### **The Care of Vagrant Children**

Centuries before there was talk of poverty cycles and how to break them, the English were thinking about how to eliminate extreme poverty through legislating the employment and trade education of children. Henry VIII's "Great Matter" was a watershed moment in English religious and political history, but it also affected the

---

<sup>19</sup> Brian Pullan, "Catholics and the Poor in Early Modern Europe," 29.

<sup>20</sup> According to Luther, when parents slight the education of their children, "children cease to belong to their parents and fall to the care of God and community." Children were to be instructed "in the liberal arts, in Christian discipline, and in the performance of faithful service to God, and where . . . [they] are raised to become responsible men and women who can govern churches, countries, people, households, children and servants." Gerald Strauss, *Luther's House of Learning: Indoctrination of the Young in the German Reformation* (Baltimore, 1978), 2 and 8-9.

<sup>21</sup> Boswell, *The Kindness of Strangers*, 415.

everyday lives of England's poorest subjects for at least two centuries. Though late medieval poor relief is difficult to document, it depended on a combination of church and private charity.<sup>22</sup> The English break from the Roman Catholic Church in 1534 and the king's subsequent dissolution of the monasteries combined with a rising humanist interest in social reform. Humanists largely rejected the notion that Jesus's comment, "For ye have the poor always with you," meant that poverty could never be eliminated; instead, they believed that a perfect (and godly) commonweal was one in which everyone earned their own bread.<sup>23</sup> Reformers like Thomas Wolsey, Thomas Cromwell, Thomas Starkey, William Marshall, and Christopher St. German believed that legislation should be enacted to suppress begging (rather than encourage it as the medieval system had done) and that the poor should be put to work.<sup>24</sup> Beginning in 1536, poor children aged 5 to 14 would be bound to apprenticeships in husbandry and other trades.<sup>25</sup> If the able bodied (including children) were put to honest work, it would decrease the number of vagrants and beggars, heal the problems of the commonweal, and reduce the number of people

---

<sup>22</sup> See Christopher Dyer, "Poverty and its Relief in Late Medieval England." *Past and Present* 216.1 (2012): 41-78.

<sup>23</sup> Matthew 26:11.

<sup>24</sup> Slack, *Poverty and Policy*, 114-122.

<sup>25</sup> "It is also enacted by thauthoritie aforesaid that the said Governours Aldermen Justices of the Peace and hede Officers Baylifes and Constables of evy Citie Corowe Towne Hundred and Parisshe of this Realme shall have auctoritie by vtue of this psent acte to take upp all and singuler children in evy parisshe within their limites, that be not greved with any notable dissease or syknes, and being under the age of xiiii yeres and above the age of fyve yeres in begging or idelnes, and appoynte them to maisters of Husbondrie or other craftes or labours to be taughte, by the whiche they may gette their livinges whan they shall come to age." Children between the ages of twelve and sixteen who ran away from such apprenticeships "without cause resonable" or refuse to work should be "openly whipped with rodde." If any officials refused to execute this punishment they would be set in stocks for two days. 27 Henry VIII, c. 25.

who needed poor relief to those who were lame, old, or otherwise unable to earn their own living.

Though the poor laws would be modified throughout the sixteenth century, the idea that poor children were different than poor adults always remained. It was not merely that children more easily aroused pity from the community around them. As Patricia Crawford has noted, the legislation always made a distinction between “idle adults” who were “work-shy” and children who were “trainable.”<sup>26</sup> In early modern England, there was no notion that people could not earn their bread because they could not find work to do; the assumption was that adults who did not work did so because they were lazy. Accordingly, such rogues deserved punishment. Destitute children, however, were far too young to have had their characters set for good or for ill: they could turn out indolent (like their parents), or they could be turned into respectable citizens through hard work with an honest master. As Chapter One discussed, because of their malleable natures, children could be saved from poverty rather than punished for it; this notion would last for centuries and become a driving force behind state and private plans for children’s poor relief.

Along with the idea of pity for children as innocents, there was also the idea of “deserving” and “undeserving” poor. Since the fourteenth century, English law had stipulated that no alms should be given to “able bodied beggars,” for such people ought to be forced to work for a living.<sup>27</sup> By the seventeenth century, the idea of two types of poor—those for whom one should feel pity and those who ought to be punished for idleness—was firmly a part of English culture and law. The mentally and physically

---

<sup>26</sup> Crawford, *Parents of Poor Children in England*, 12.

<sup>27</sup> Slack, *Poverty and Policy in Tudor and Stuart England*, 22.

disabled, infants, and the aged fell into the first category while those who seemed able to perform manual tasks were firmly placed into the later. However, this system was seldom a simple binary. The pamphleteer Michael Sparke, for example, claimed there were three categories of poor: “the sturdy Rogue and Whore,” who were best consigned to “a labouring prison, or . . . the Gallowes”; “the blinde and lame,” who ought to be helped but still forced to work as much as their infirmities allowed; and children, “those who have neither father nor mother, no, nor any friends, those that want wit, reason, and are not come to understanding, those whose yeeres speake not discretion, nor have wit to helpe themselves.”<sup>28</sup> However, it was difficult to know exactly when a person was a vulnerable child and when they had crossed the threshold into adulthood and thus “undeserving” status. This struggle regarding how exactly to categorize older children (i.e., those old enough to be apprenticed, but not yet adults) as deserving or undeserving created anxiety amongst city fathers, lawmakers, and charitable institutions alike.

Due to the belief in the willful idleness and bad characters of impoverished adults, most early modern Englishmen and women believed that poor parents did not deserve to raise their own children. According to Michael Sparke, “poore Parents” were “so foolish” because they “plant[ed] their Children on the root of ydlenesse, which will yeelde no other fruite, but the Berries of Iniquitie, whereby our Countrey is pittifullie and greevously pestered.” It would be much better if the children of such parents “those youthfull plants, may be trained up in some honest course of life, whereby they may hereafter get their livings by some good and lawfull meanes.” This would not only help the children in question but would “greatlie glorifie God . . . overthrow the power of

---

<sup>28</sup> Michael Sparke, *The Poore Orphans Court, or Orphans Cry* (London, 1636), 5-6.

Satan by the confusion of Idlenesse . . . and worke a publike profite to the whole Land, by freeing it from that extreame charge, to maintaine so manie thousands of people without their labor.”<sup>29</sup>

Critical to the care of poor children in London particularly was the foundation of the four great hospitals: St. Bartholomew’s (1546; for the sick), St. Thomas’s (1553; for the sick and aged), Bridewell (1553, for punishing the idle poor as well as housing destitute children), and Christ’s (1553; for poor children).<sup>30</sup> They were run by boards of governors made up of the city’s nursing fathers and civic leaders rather than by a religious order. They were supported through taxes initially, but were supposed to be sustained by private charitable donations thereafter. Such donations were popular with Londoners: nearly half of London’s testators left bequests to the hospitals in the 1550s.<sup>31</sup> As this chapter will show, Bridewell and Christ’s Hospital changed throughout the seventeenth century, with Bridewell’s increasing use as a prison and Christ’s Hospital’s continuously restrictive entrance requirements. Originally, though, they were created to house, educate, and apprentice orphans and other destitute children.

### **Qualifications for Aid: Which Children Counted as the Deserving Poor?**

---

<sup>29</sup> Michael Sparke, *Greevous Grones for the Poore. Done by a Well-willer, who wisheth, That the poore of England might be so provided for, as none should neede to go a begging within this Realme* (London, 1621), 5.

<sup>30</sup> St. Bartholomew’s and St. Thomas’s had been hospitals since the medieval period, but they were dissolved along with the monasteries. These dates are their reinstatement with new charters. The other great London hospital, Bethlem (later Bedlam) was the only hospital to escape dissolution, but was given a new charter in 1547. It is unclear when exactly it began to be used as a home and treatment center for patients with mental illness, but by the early fifteenth century most of its patients were considered insane.

<sup>31</sup> Slack, *Poverty and Policy in Tudor and Stuart England*, 120.

Though there were many in London who lived on a subsistence basis, not everyone qualified for aid. First and foremost, family members were expected to help each other. For example, parents of adult children had to rely on aid from their offspring; the parish would step in only in the event that those children were completely unable to afford helping their parents.<sup>32</sup> Grandparents could find themselves responsible for the care of their grandchildren, as in the case of Edward Erling, who was called before the Middlesex Quarter Sessions to answer why he had left his daughter-in-law and her two children to be the burdens of the parish when his son had abandoned the family.<sup>33</sup> Those who needed help, including parents who did not have enough to feed their children, had to petition their parish for succor, but it did not necessarily follow that they would receive it unless they made a compelling case.

According to the 1597 “Act for the punishment of Rogues, Vagabonds, and Study Beggars,” a child was considered a vagabond at the age of seven years. This meant that any abandoned or wandering child under the age of seven would automatically qualify as deserving of aid. At the age of seven, poor children were supposed to be apprenticed, and it was assumed that those wandering the streets had run away from their masters and broken the terms of their indenture. This crime was punishable by public whipping.<sup>34</sup>

---

<sup>32</sup> For the historiographical debate surrounding how much this law was enforced, see L.A. Botelho, *Old Age and the English Poor Law, 1500-1700* (Woodbridge, UK, 2004), 132-137.

<sup>33</sup> LMA, MSP 1709/01/011. See also LMA, MJ/SP 1702/10/005 for a case in which a grandmother was brought to court to provide for her grandchildren.

<sup>34</sup> “Every person which is . . . a Rogue, Vagabond or sturdy Beggar, which shall be . . . taken begging, vagrant, wandering or misordering themselves in any part of this Realm . . . shall upon their apprehension . . . be stripped naked from the middle upward, and shall be openly whipped until his or her body be bloody, and shall be forthwith sent . . . to the Parish where he was born . . . thereto put him or her self to labour as a true subject out to do . . . Provided also, That this Statue, nor any thing therein contained,

Such a law was difficult to enforce, however, when it was often impossible to ascertain how old vagrant children were. Homeless children presented a legal grey area and produced unease amongst the adults surrounding them.

Throughout the period, orphans were generally looked upon as objects of pity. Good Christians were commanded repeatedly in the Bible to care for orphans, and a deep pity for orphans during the early modern period is demonstrated in the emphasis on the vulnerability of the orphaned state of children in petitions, legislation, and popular stories.<sup>35</sup> It is important to note that at this time “orphan” meant that one parent was dead, but need not necessarily mean that both were dead. For example, the children admitted to Christ’s Hospital generally had lost their fathers, or both parents, though there were some instances where the father was still alive but had fallen into reduced circumstances and accordingly appealed to the institution for help. In such cases the mother of the child would have to be dead for him or her to qualify for aid. It was more customary, however, to consider children who were fatherless—and thus in a family without an adult male breadwinner—as more deserving of charity than children who were motherless.

London did have a Court of Orphans, but its purpose was to protect the inheritance of orphans whose parents were citizens of the city and who had left their child or children money, land, or other property. This court would appoint guardians, inventory the estate of the deceased, and make sure that the guardians did not cheat the child out of his inheritance or bring about an inappropriate marriage in the case of a female orphan.

---

shall [not] extend to any Children under the age of seven years.” 29 Eliz. 1, c. 4, Sections 3 and 15.

<sup>35</sup> For examples of biblical commands to protect or take care of orphans, see Exodus 22:22-24, Isaiah 1:17, James 1:27, and Psalm 82:3. God is described as “A father of the fatherless” in Psalm 68:5.

The court did not look after orphans who did not receive an inheritance, so poor or destitute children did not come under the court's jurisdiction.<sup>36</sup> Such orphans were left to the mercy of the parish.

### **The Power and Burden of the Parish**

Because there was not a centralized system of welfare in early modern England, the burden of poor relief fell upon individual parishes. There had been a move in the 1570s to use hospitals as the main resource for provision for the poor, but the 1598 Poor-Relief Act placed all responsibility and financial power in the hands of parish authorities. Hospitals—in London as well as across the country—at the discretion of a justice of the peace would receive only what funds were “remayninge” from the poor rate rather than being one of the main recipients of this tax.<sup>37</sup> In the case of Christ's Hospital, the amount collected from the poor rate went from £793 in 1579-80 to only £215 in 1625-6; by 1635-36, it received only £38.<sup>38</sup> This crippled the amount of work that Christ's Hospital was able to accomplish and required that they severely limit the amount of children they could accommodate.

---

<sup>36</sup> Note that the title of Michael Sparke's pamphlet, *The Poore Orphans Court*, is specifically speaking to the fact that poor children had no court to which they could appeal for protection and aid. For more on the Court of Orphans, see Charles Carlton, *The Court of Orphans* (Leicester, 1974); and Alice M. C. Le Mesurier, “The Orphans' Inventories at the London City Guildhall.” *The Economic History Review* 5.1 (October 1934): 98-101.

<sup>37</sup> 39 Eliz. 1 c. 3.

<sup>38</sup> It should be noted that the amount Christ's Hospital received in 1579-80 was already diminishing from what it had received when it was first established: the foundation received £1,820 in 1554-44. Slack, *Poverty and Policy in Tudor and Stuart England*, 128-129. These sums do not reflect what Christ's Hospital received from donations and benefactions.

Since there were many more young vagrants on the streets than housed in Bridewell or Christ's Hospital, something had to be done to provide for their current care and their future occupations. According to the 1598 Poor Relief Act, two justices of the peace could give assent to the binding of poor children by churchwardens or overseers. Such apprenticeships would last until "such Man child come to the Age of fower and twenty yeares, and such Woman childe to the Age of one and twenty years." Such indentures did not need the child's consent, but rather were "to be as effectuall to all purposes as if such Childe were of full Age and by Indenture of Covenant bownde him or her selfe."<sup>39</sup> The 1601 Act for the Relief of the Poor went even further: it created "Overseers of the Poore," men selected from churchwardens and "substanciall Housholders" by justices of the peace, who along with justices had the power to take poor children away from their parents and apprentice them at the overseers' discretion. The criteria for such removal was vague, for it applied to every parent "who . . . shall not by the saide Churchwardens and Overseers . . . bee thoughte able to keep and maintaine them" because they did not have a regular trade.<sup>40</sup> In other words, municipal authorities had complete power over the lives of destitute children, regardless of whether those children had parents or not.<sup>41</sup>

In most cases, parish authorities did not want such responsibilities. There are repeated instances throughout the seventeenth century of overseers of the poor and aldermen squabbling about the parish in which a particular child was born. Demonstrating that the child was from a parish other than one's own meant that the

---

<sup>39</sup> 39 Eliz. 1 c. 3.

<sup>40</sup> 43 Eliz. 1 c. 2.

<sup>41</sup> The issue of consent is discussed in Chapters Two, Five, and Six.

child's care became someone else's headache.<sup>42</sup> In 1624, the Court of Aldermen was concerned about the "multitude of rogues & wandering beggars, [that] dailie swarme in everie place, about the Cittie and will not bee avoided." Therefore, they charged the governors of Christ's Hospital to gather "all Children of Tenn yeres of age; and under" in order to "examine them where they were borne and whence they last abided, and thereupon cause them to bee conveyed thence, that they may be provided for accordinge to the lawe in that behalf made." All children above the age of ten would be taken to Bridewell "there to bee punished and sett on worke."<sup>43</sup>

Difficulties arose, however, when some children had no idea where they were born or were too young to speak at all. In one early eighteenth-century example, a stranger asked Thomas Cruttenden, a "Labourer," to "Nurse his Child at Two Shillings Six pence per weeke to be paid monthly," but the father of the child, four-year-old Lucy Fowell, then disappeared. Not knowing what to do with the child, Cruttenden felt himself "deceived & imposed upon" and so "used his utmost indeavours to find out & discover" the parents. When he finally had located them and found that Lucy was born in St. Martin in the Fields, he appealed to the parish officers to take her off his hands, but he "was put off & delayed." He therefore petitioned the justices of the peace to raise her and to compensate him for his expenses.<sup>44</sup> In cases where the parish of a child's birth could not be found, the child usually fell to the care of whichever parish he or she was found wandering in. Thus, it was often in overseers' best interests to turn a blind eye to

---

<sup>42</sup> For an example of overseers of the poor petitioning justices of the peace to remove a child to the place of his birth so that he would become the responsibility of that parish rather than theirs, see LMA, MJ/SP/1691/04/053.

<sup>43</sup> LMA, X109/164, pp. 1b-3. This age limit of ten is higher than the age limit of seven in the earlier mentioned 29 Eliz. 1, c. 4.

<sup>44</sup> LMA, 1707 Ap/11.

homeless children in the hopes that the child would move across the boundary into someone else's jurisdiction.

Some parishes were also better funded through the poor rate they collected (because they had wealthier subjects living within their boundaries) than other poorer parishes and therefore were better able to provide for any children left to their care. The churchwardens and overseers of the poor of the parish of St. Gregory's petitioned the lord mayor, Sir William Ashurst, in 1693 for help in supporting the 27 children "left & laid in the parish" (in addition to the eleven petitioners waiting for relief) because "the inhabitants of the said parish are generally of mean condition," which meant that "the Rates for [poor children's] maintenance are extremely abated."<sup>45</sup>

Once a parish did claim responsibility for the care of a poor child, the primary goal was to find an apprenticeship for him/her so that he/she would be taken care of in the present and provided for in the future. Finding willing masters for such children, however, proved problematic. Though the English were increasingly concerned with the issue of vagabondage (especially after the 1569 Rising of the North) and fearful of wandering children as well as adults, there simply never seemed to be enough masters to take on new apprentices. Across England, justices of the peace were left to deal with children who should have been pressed into service but instead were left idle.<sup>46</sup> In the traditional apprenticeship system, masters agreed to clothe, feed, house, and educate a

---

<sup>45</sup> LMA, JH 15/03/2001/1604/010. The MS itself is undated. The LMA gives the date 1694, but it was more likely written in 1693 when Ashurst was lord mayor as it is specifically addressed to him as the holder of that office. See Valerie Hope, *My Lord Mayor: Eight Hundred Years of London's Mayoralty* (London, 1989), 187.

<sup>46</sup> Slack, *Poverty and Policy in Tudor and Stuart England*, 124-125. See also A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (London, 1985).

child in the arts of a particular trade; in return, he received the child's labor for a set amount of years as well as a payment from the child's parent(s).<sup>47</sup> Not enough people were willing to care for a child without this premium.

Problems often continued for the children even if they were indentured. In a typical apprenticeship, the master took full control of the child's education, board, food, and discipline in return for the child's labor. The father (or, in the event of the father's death, another family member) would check in on the child, however, to make sure that he or she was being treated properly. If there was any abuse on the part of the master, or if the master was failing to train the child in the trade he or she was supposed to learn, the father could take the master to court and demand either that the terms of the indenture be met or that the indenture be dissolved altogether.<sup>48</sup> In the case of orphaned or abandoned children, however, there was no such advocate for the child. Once the child was apprenticed, officials did not have the resources to continue to check that the child was well. As Michael Sparke complained, such children were often "cast off from one [master] to another," for as long as "the Parish never heare of them againe, but be rid of them they are safe."<sup>49</sup> In other words, as long as the child was off the streets, he or she was no longer the parish's responsibility and therefore no longer their concern.

Though there was no foundling home until Thomas Coram established the Foundling Hospital in 1741, parish authorities would often turn to the various London

---

<sup>47</sup> For a description of the history of apprenticeship indentures, see Joan Lane, *Apprenticeship in England, 1600-1914* (London, 1996), 8-28. For the difference between the roles of masters and of parents, see Crawford, *Parents of Poor Children in England*, 21-22.

<sup>48</sup> For just a few examples of parents presenting such petitions to dissolve indentures, see LMA, MJ/SP/1699/02/010 and LMA, MJ/SP/1702/12/009.

<sup>49</sup> Michael Sparke, *The Poore Orphans Court*, 6.

hospitals to help with the care of abandoned, orphaned, or wandering children. For example, the Court of Alderman recommended children be admitted to Christ's Hospital while individual parish officers petitioned St. Bartholomew's to take in a child they found wandering in the streets.<sup>50</sup> The governors of the hospitals did not have to allow these children admittance, but they often did, showing a fair amount of willingness to work with municipal authorities.

Such men did not always get along, however. There was also a fair amount of fighting amongst the various men involved in the care of poor children when there were problems in the system. John Wilmer petitioned the Middlesex Sessions in 1678 because, as one of the overseers of Hackney Parish, "he had disbursed a considerable sum for the relief of the poor of the said parish, and the churchwardens of the same now being dead, the inhabitants refuse[d] to pay him."<sup>51</sup> In 1699, the governors of Christ's Hospital were alarmed that the institution was being used as a foundling hospital when that was explicitly not its purpose. "Frequently," they reported, "young children" were left within the Hospital's grounds. The complained that this was due to the "negligence of the Porter and Beadles in not giving their due attendance in the Cloysters and other places aboute

---

<sup>50</sup> LMA, COL/CA/02/01/1, entry for 16 November 1691 and LMA, JH/13/03/2001. The choice of St. Bartholomew's indicates that the child was ill in some way. Otherwise, it would have been more likely for a child to be recommended to Christ's Hospital or sent to Bridewell.

<sup>51</sup> W. J. Hardy, ed. *Middlesex County Records: Calendar of Sessions Books, 1689-1709* (1905), 47. Wealthy wool merchant and nursing father John Wilmer is discussed at length in Chapter Six because of his trial and eventual conviction in a kidnapping case.

the House,” and demanded that they consider “some way and means that may be most likely to prevent the laying downe of any Foundlings within this Hospitall.”<sup>52</sup>

Even worse than negligence on the part of the beadles was outright falsehood on the part of parish clerks. The Hospital received a report that the clerk of St. Albans Woodstreet signed a false certificate “on behalf of a Boy James Capper now in the House with respect to his Age.” It is unclear whether the clerk said that Capper was younger or older than was the actual case, but either way he falsified information so that Capper would meet the Hospital’s age requirements (and it had worked as Capper had already been admitted). Parish records were the only way of being sure how old an individual was, and it was illegal on the part of the clerk to issue an incorrect certificate. This one incident made the governors “suspect the same ill practice too often prevails” across the city, and they also feared that clerks might be issuing false certificates regarding “the Buriall of [the children’s] Parents.” Accordingly, they issued an “Advertizement” that “if any Parish clerk or other person whatsoever shall at any time hereafter Signe any such false Certificates that the Hospital will prosecute them with the utmost severity of the law.”<sup>53</sup> It is unclear whether the clerk in this particular instance was acting out of pity for Capper or whether he was acting in the interest of his parish. Whatever the case, the

---

<sup>52</sup> LMA, CLC/210/B/001/MS12806/8 (formerly at GL), 654. It is impossible to know from the record whether these night watchmen were simply dozing while mothers snuck by to leave their children, or whether they were purposely turning a blind eye, knowing that the governors would relent and take the infants in. However, as the falsification incident shows, city officials seemed willing to bend the rules if it would help place a child in a hospital.

<sup>53</sup> LMA, CLC/210/B/001/MS12806/10 (formerly at GL), 185. This is an early eighteenth-century example of a problem that would plague city fathers and charitable institutions throughout the seventeenth and eighteenth centuries: how to procure parish records for children who had no idea where they were from originally, or, if the records were produced, how to be sure that they were correct.

Hospital governors bristled at the idea of caring for a child who entered their establishment under false pretenses.

### **Nursing Fathers: The Children and their Benefactors**

The situation in which many poor children found themselves was bleak. It is true that some overseers, aldermen, and churchwardens neglected their duties toward the children starving on the streets, and that children died as a consequence. To only focus on the failings of early modern poor relief, however, would belie the efforts of many to help the destitute children who crossed their paths. Records from the Court of Aldermen, the Court of Common Council, Christ's Hospital, the Virginia Company, and the East India Company demonstrate that nursing fathers from charitable institutions and mercantile organizations worked together with municipal authorities to help the destitute children who passed their paths to the best of their abilities.

Who were the nursing fathers? As we have already seen, some of them were men whose municipal office included the care of the poor, such as Churchwardens (who would often have personal knowledge of the poor with whom they worked), Overseers of the Poor (typically young men with one-year appointments used as a stepping-stone to further municipal positions), city aldermen and common councilors, and the Lord Mayor. Judicial authorities such as magistrates, and in particular, justices of the peace, had the final decision in disputed cases involving the care of children.<sup>54</sup> Members of Parliament, the Privy Council, and even monarchs would at various times become caught up in the question of what to do with destitute children, and their ideas often shaped the course of

---

<sup>54</sup> For descriptions of these various municipal authorities and their relationships with poor children, see Crawford, *The Parents of Poor Children in England*, 194-197.

poor relief throughout this period. Thus, authorities from the most fledgling city officer to the king himself were involved in the care of destitute children.

The governors of the hospitals were elected to that office by a vote of the Court of Aldermen and the Lord Mayor. It was an important position to Londoners, and one that was taken seriously. The charge given the governors of Christ's Hospital reminded them that if they were

found negligent and unfaithful, ye shall not only declare your selves to be the most unthankful and unworthy Servants of Almighty God, being put in Trust to see the Relief and Succour of his poor and needy Flock, but also, ye shall shew yourselves to be very notable and great Enemies to that Work which most highly doth advance and beautifie the Common-wealth of his Realm, and chiefly of this City of *London*.<sup>55</sup>

Not only were the children depending upon the charitable actions of the hospital officers, but their fellow citizens and God himself were watching to make sure that they fully performed their duty.

Hospital governors were often drawn from the leading men of London's companies and were often aldermen as well. Accordingly, there was not a clear private/public distinction between municipal office holders, leading businessmen, and heads of charitable organizations: these men were often one and the same.<sup>56</sup> Samuel Pepys was heavily involved with the administration of Christ's Hospital for over three decades: he served as a governor; conducted a thorough report of its administration, paid for out of his own pocket; and urged Charles II to found the Royal Mathematical School, helped, in part, by the strong working relationship he had developed with James, Duke of

---

<sup>55</sup> Undated seventeenth century printed charge given to the governor of Christ's Hospital upon his acceptance of that office. LMA, MISC MSS/331/3/12. Though it is unclear why the charge was printed, it may have been distributed so that people knew the responsibilities associated with being a hospital governor.

<sup>56</sup> Crawford, *Parents of Poor Children in England*, 197.

York, while serving as Secretary of the Admiralty.<sup>57</sup> In another example, Sir William Cokayne was Lord Mayor of London 1619 as well as a longtime and powerful member of the Eastland Company, East India Company, and Skinners' Company. He was also the president of St. Thomas's Hospital between 1622-1626 and both a benefactor and governor of Christ's Hospital.<sup>58</sup> Much less illustrious men were "nursing fathers," however. Some were members of the "middling sort" who hoped that their philanthropic actions would lead to greater recognition in their community and particularly from their social and political superiors.<sup>59</sup>

Whatever their station, the men who helped destitute children liked to think of themselves as the children's benefactors. More importantly, they liked to think of themselves as the children's *fathers*. These men did not "adopt" children in the modern sense of the word. It was unusual for them to take children into their homes or to have personal relationships with them. The minister James Janeway recounted in 1676 that a friend of his took in a poor child, "a very lamentable case, so filthy and nasty, that he would even have turned ones stomach to have looked at him." The friend, "eying the glory of God, and the good of the immortal soul of this wretched Creature, discharged the Parish of the Child, and took him as his own, designing to bring him up for the Lord Christ."<sup>60</sup> This seems to have been an unusual action: even Janeway, a nonconformist minister known for having "his heart . . . set on the work of God, and the winning of

---

<sup>57</sup> G. A. T. Allan, *Christ's Hospital*, revised by J. E. Morpurgo (London, 1984), 19-20.

<sup>58</sup> Vivienne Aldous, "Cokayne, Sir William (1559/60-1626)." *ODNB*.

<sup>59</sup> Crawford, *Parents of Poor Children in England*, 197-198.

<sup>60</sup> James Janeway, *A Token for Children* (London, 1676), 56-69

Souls,”<sup>61</sup> seemed surprised and moved that his friend would take this step. Though the child died of illness around the age of nine, he lived long enough to become a godly child and thank the man who took him in for “tak[ing] such fatherly care of such a pitiful sorry creature as he was.” Janeway recounted this story so that naughty children would repent of their sins, not to advocate that nursing fathers raise destitute children themselves. His friend’s decision to become a surrogate father was “noble,” but odd.<sup>62</sup>

Yet, the men who supported the hospitals and distributed poor relief thought of themselves as a certain kind of surrogate father to the children they helped—and the children seem to have done so as well. In 1697, a group of youths who had been raised in Christ’s Hospital wrote a letter appealing to the governors for aid in their employment in the East India Company. They told the governors that they were asking for their help because they “looked on your [Worships] as our Nursing Fathers.”<sup>63</sup> What could the boys have meant by this appeal?

The seemingly gender-bending phrase is a biblical one: it appears twice in the Old Testament. In the Book of Numbers, Moses complains to the God because the Israelites have been grumbling about their lack of meat during their wanderings in the desert. Moses says, “Have I conceived all this people? have I begotten them, that thou shouldest say unto me, Carry them in thy bosom, as a nursing father beareth the sucking child, unto the land which thou swarest unto their fathers?”<sup>64</sup> In this passage, “nursing father” implies a biological connection between parent and child. Moses is upset because the

---

<sup>61</sup> Janeway’s contemporary Richard Baxter quoted in N.H. Keeble, “Janeway, James (1636-1674),” *ONDB*.

<sup>62</sup> Janeway, *A Token for Children*, 56-69.

<sup>63</sup> LMA, CLC/210/B/001/MS12806/8, 523.

<sup>64</sup> Numbers 11:12.

Israelites are not *his* children; therefore, he does not feel as though he should have to act as though he was their “nursing father.” As John Wesley paraphrased the verse in the middle of the eighteenth century, “Have I begotten them—Are they my children, that I should be obliged to provide food and all things for their necessity and desire[?]”<sup>65</sup> The idea is that a biological father owes his children both things necessary for their survival as well as things they might want.

The second place the phrase is used is the Book of Isaiah; the prophet writes,

Thus saith the Lord GOD, Behold, I will lift up mine hand to the Gentiles, and set up my standard to the people; and they shall bring thy sons in their arms, and thy daughters shall be carried upon their shoulders. And kings shall be thy nursing fathers, and their queens thy nursing mothers: they shall bow down to thee with their face toward the earth, and lick up the dust of thy feet; and thou shalt know that I am the LORD.<sup>66</sup>

In this passage the “nursing father” is not a biological father but rather a foreign dignitary forced to care for the Israelites’ children as a sign of submission. The nursing father has obligations toward the children, not because they are his but rather because he has been commanded to care for them. In this passage the phrase seems to describe a status into which a ruler would not want to fall. Yet William Annand, in his 1661 *Fides Catholica*, used the verses to defend monarchical power over the English and Scottish church: the king or queen (Annand made clear that the sex of the monarch was immaterial on this point) was “the chief Magistrate” who had “power in, and over the Church” for “God hath in a particular and special way promised to bless his Church, even as a Church with Kings and Queens, *Isa. 40.23 And Kings shall be thy nursing Fathers, and Queens thy*

---

<sup>65</sup> John Wesley’s Notes on the Bible. Wesley Center Online  
<<http://wesley.nnu.edu/john-wesley/john-wesleys-notes-on-the-bible/>>, Numbers 11:12.

<sup>66</sup> Isaiah 49:22-23.

*nursing mothers.*”<sup>67</sup> An anonymous 1626 pamphlet seemed to allude to the same verse in a prayer for Queen Henrietta Maria, the Catholic wife of Charles I:

So, foreasmuch as thou hast promised by the mouth of thy Prophet *Isaiah*, that *Queenes shall be Nurses to thy people . . .* Shee [sic], being the Queene to our King, who is to us a *Nursing Father*, may likewise in a mutuall consent of one and the same thy Religion, here established amongst us, employ all her Endeavour, Power, and Authoritie, for Her part, to the preservation of the Peace of Israell, which is in the person of a Queene, to be a carefull *Nursing Mother of the Church*.<sup>68</sup>

In this example, the author seems to suggest that Henrietta Maria reject her Catholicism in favor of English Protestantism so that she, along with her husband, could act as the proper nursing parents to the English church.

Fatherhood was an extremely significant role in the early modern world: monarchs ruled the land just as fathers ruled the home.<sup>69</sup> Early modern political thought was extremely patriarchal. Monarchs derived their kingly powers because they were supposed to be the fathers of their subjects. These subjects, in turn, owed the king obedience just as children ought to obey their fathers. As Sir Robert Filmer said, “subordination of children is the fountain of all regal authority.”<sup>70</sup> If the parent/child relationship broke down either on a personal level in the home or on a national level between the king and his people, the result could only be ruination and chaos.

---

<sup>67</sup> William Annand, *Fides Catholica, or, The Doctrine of the Catholick Church in Eighteen Grand Ordinances* (London, 1661), 30 and 35. Annand, a minister of the Scottish Presbyterian Kirk and eventual dean of Edinburgh, used the word “Catholic” to mean united, not Roman Catholic. See David George Mullan, “Annand, William (1633-1689),” *ODNB*.

<sup>68</sup> Anon., *Lachrymae Londinenses: or, Londons Lamentations and Teares for Gods Heavie Visitation of the Plague of Pestilence* (London, 1626), 26.

<sup>69</sup> See Crawford, *Parents of Poor Children in England*, 77-80 and 194-204; and Steven Ozment, *When Fathers Ruled: Family Life in Reformation Europe* (Cambridge, MA, 1983).

<sup>70</sup> Hugh Cunningham, *The Children of the Poor: Representations of Childhood since the Seventeenth Century* (Oxford and Cambridge, MA, 1992), 18.

Just as the king ruled over his people, fathers had a great deal of power over their children: they, after all, would choose the trade to which their sons were apprenticed and thereby choose which occupation the son would have for his entire life. As Patricia Crawford has noted, being a father enhanced a man's social status, but having one's children turn out badly was a humiliation for the father.<sup>71</sup> Thus, while maintenance of the child was the basic legal duty of fatherhood, culturally the role of father was packed with meaning: pride, responsibility, the ability to educate and discipline, and the financial resources to support a child. To become a nursing father, then, was to demonstrate the ability to provide all of this not only for one's own children but for the children whose own fathers had failed them. To be a nursing father to the poor children of the city was truly a status symbol in early modern London.

During the early modern period, the phrase "nursing father" had a positive connotation: a nursing father was someone who loved and nurtured and who in turn was to be loved and obeyed. In what is perhaps fitting for a biblical phrase, it often had religious overtones as well: the nursing father was one who protected the Christian church and the Protestant faith. Most commonly, it was the king who was described as a "nursing father" to his subjects. In the anonymous 1660 broadside in favor of the restoration of the monarchy, the author claimed it was every Christian's duty to "offer up daily Sacrifices of Prayer to the Almighty, to make him a Nursing Father to our deplorable and almost ruined Church, and to put an end to these dismal dayes of Blood, Rapine, and Oppression."<sup>72</sup> In 1685, the vicar Henry Anderson wrote a eulogistic text, *A*

---

<sup>71</sup> Crawford, *Parents of Poor Children in England*, 75-76.

<sup>72</sup> Anon., *Orthodox State-Queries, Presented to all those who retain any Sparks of their Ancient Loyalty* (1660).

*Loyal Tear Dropt on the Vault of the High and Mighty Prince, Charles II. Of Glorious and Happy Memory*, described the late king as “a most tender *Nursing Father* of the Church and People of *England*. He was *Pater Patriae*, Father of Gods *Israel*, and Defender of the Faith.”<sup>73</sup> It was common to describe the king in these terms.

Accordingly, when the Christ’s Hospital boys claimed that the governors were their “Nursing Fathers,” they showed reverence to the governors by implicitly comparing them to this kingly role. Simultaneously, they made claims upon the governors by insisting that they protect and nurture their children as a father should. The boys acknowledged the social prestige that came with being a nursing father, but they also wanted to remind the governors of the social and religious obligations that came with the title.

The status of being a benefactor to poor children was demonstrated in several ways. As has already been shown, men who had donated a handsome amount of money to institutions like Christ’s Hospital were granted the honor of suggesting particular children for admission. The Hospital made note in the admission records of who each child’s benefactor was: Anthony Atkins from Stepney was sponsored by the Earl of Macklesfield, Charles Vale from Lambeth was sponsored by Edmund Warner, and Nicholas Shawler of Whitefriars was admitted “on the gift of Mr. John Browne deceased.”<sup>74</sup> While it does not seem that these patrons had personal relationships with their sponsored child, they sometimes gave or bequeathed them money to help them set

---

<sup>73</sup> Henry Anderson, *A Loyal Tear Dropt on the Vault of the High and Mighty Prince, Charles II* (London, 1685), 13.

<sup>74</sup> CLC/210/F/003/MS12818/6 (formerly at GL).

up their own trade once they had finished their apprenticeships.<sup>75</sup> Thus, it seems that nursing fathers not only wanted to get the children off the streets to begin with, but also wanted to make sure that they were well provided for when they began their adult lives. This desire to maintain a child and secure his or her future is extremely consistent with the role biological fathers would assume in their children's lives.

Aside from the financial provision they gave to children and the social clout they gained from doing so, charitable fathers also provided protection and aid to the children in their care, just as an actual father was supposed to do. The boys of Christ's Hospital seemed to know that they could turn to these men for aid from mistreatment or injustice. In 1683, a group of six boys presented the following report on one Mr. Haggard, their schoolmaster:

Mr. Haggard. When he went a hunting and a fishing, and he sold a new bible, He did things in schoole time, he never lokkt [looked] to teach us, he made the [older] boyes to looke after us and he used to whip us with willowes and he let us goe into the markets and let them snatch apples and sett [older] boyes to whip us, and he went a shooting of Fowles.

After receiving this report that the schoolmaster had spent his time in outdoor sport rather than attend to his charges, punished the boys too harshly, and let them run wild and steal in the city's markets, the governors decided that he was not fit to teach children and promptly dismissed him.<sup>76</sup> In another instance, the governors intervened when they

---

<sup>75</sup> LMA, CLC/210/B/001/MS12806/8, 83. Gift amounts listed in this entry were usually £4, though one young man was lucky enough to receive a gift of £8.

<sup>76</sup> LMA, CLC/210/B/007/MS12873 (formerly at GL), 114-115. LMA, CLC/210/B/001/MS12806/3, 103 has another example of the governors stepping in when they received reports that the schoolmaster Robert Goodman had employed "hard and cruel dealing in his Correcting ye children," including testimony from one boy that Goodman "had stricken over ye hands wth ye great end of ye Rod in such sort yt both his hands were very much swollen therewth to ye indangering of ye losse of both his hands."

discovered a boy whom they had apprenticed to a sea captain was actually “detained in Carolina in a plantation.”<sup>77</sup> And, finally, the young men who had been sent to India felt they could turn to the governors as their “nursing fathers” when they had been overlooked for promotion in the East India Company. Rather than balk at this request as presumptuous, the governors decided to look further into the matter and see what could be done.<sup>78</sup> Though the young men were no longer children and their fate was no longer the governors’ responsibility, these “nursing fathers” still felt moved to take action on the young men’s behalf.

### **Nursing Fathers, Christianity, and the Social Order**

Being a nursing father meant spending time and money on the care of children who were not one’s own children. There were perks, however, to such good deeds. Caring for poor children brought spiritual and social benefits in the early modern world. The governors of Christ’s Hospital liked to remind wealthy donors of the poor boys in their care. For the Lord Mayor’s Day in 1689, a “Stand” one hundred feet long was erected in St. Paul’s Churchyard so that the children could see and be seen by “the King and Queene and other the Nobility as they passe to the Guildhall.” Even better than being seen, the governors hoped that “one of the Grammar scholars should make a short speech to their Majesties as they pass.”<sup>79</sup> It was important for the rich patrons of the city to see

---

It is unlikely that the governors would have been against corporal punishment, but they deplored the use of “unmerciful correction.”

<sup>77</sup> LMA, CLC/210/B/007/MS12873, 227 and 230; and SC BPRO Vol. 1, 313-316. My thanks to Lee Wilson for sharing with me that a petition and response for this case appears in SC BPRO.

<sup>78</sup> LMA, CLC/210/B/001/MS12806/8, 523.

<sup>79</sup> *Ibid.*, 39.

their charity on display in the form of formerly destitute orphans now dressed in their blue coats and able to give neat speeches to important passersby. It was a way of displaying the reforming impulses of the community in general and the successful implementation of the charity of the leading men of the city.

Helping poor children could also get an individual or a company notice from royalty. James I, Anne, and Charles II all took an active interest in helping the poor children of London. At the urging of his brother James, Charles II even went so far as to establish the Royal Mathematical School to train the best and brightest of the Hospital's boys in the art of English navigation.<sup>80</sup> According to the king, those who apprenticed the graduates of this school to their ships could be assured that not only were they doing something "well pleasing to God Almighty and profitable to the publick," but also that the king himself would be "ready on all occasions to express our gracious acceptance" of this good work. In other words, becoming a nursing father and a part of Charles's pet project was undoubtedly a way of gaining the monarch's good will.<sup>81</sup> Nursing fatherhood served as a kind of "bond," unifying municipal leaders through work on a joint cause.<sup>82</sup> It was a way for mercantile and other "middling sort" men to assert their wealth and gain social status.<sup>83</sup> After all, finding oneself in the company of the king in a shared charitable cause demonstrated affluence and power.

---

<sup>80</sup> The Royal Mathematical School will be discussed at greater length in Chapter Four. Issues over consent regarding Royal Mathematical scholars' sea apprenticeships will be discussed in Chapter Six.

<sup>81</sup> LMA, CLC/210/B/007/MS12873/1, 40-41.

<sup>82</sup> Crawford, *Parents of Poor Children in England*, 198.

<sup>83</sup> For the middling sort in early modern England, see Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford, 1988); Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730* (London, 1989); and Margaret R. Hunt, *The Middling Sort:*

Further, helping poor children was perceived as a particularly Anglican activity, and one in which nursing fathers could take pride as they furthered both civic and Christian ends. Hugh Cunningham has remarked on the early modern predilection for “order as a spectacle”: the delight Englishmen and women took in seeing thousands of formerly disorderly children dressed in identical uniforms, processing through the city, singing hymns, listening to sermons, and reciting verses.<sup>84</sup> The children of the Foundling Hospital sang Handel’s *Foundling Hospital Anthem* through which they reminded their audience that the “Charitable shall be had in everlasting remembrance”; the anthem was subtitled “Blessed are They That Consider the Poor.”<sup>85</sup> Joseph Addison described a procession of charity children upon the celebration of the Treaty of Utrecht in 1713 as “a Spectacle pleasing both to God and Man.” What is more, Britons began to look upon such processions as both symbols of their greatness as a people and of their particularly Protestant brand of charity. According to Cunningham, “it was deeply satisfactory that the Church of England had created its own unique ritual.”<sup>86</sup>

Prior to the English Reformation, men and women had been highly involved in the Catholic Church and its ceremonies. Late medieval Catholicism provided a world of ritual and social order, one based on communal worship and civic piety. Processions—like the traditional Ragationtide—and furnishing the church, along with other charitable works like feeding the poor, brought individuals closer to the divine and were a way of

---

*Commerce, Gender, and the Family in England, 1680-1780* (Berkeley, 1996). In his *English Society, 1660-1832: Religion, Ideology, and Politics During the Ancien Regime* (Cambridge, 1985), J. C. D. Clark dismisses the idea of a “middling sort” or “middle class” during the early modern period.

<sup>84</sup> Cunningham, *The Children of the Poor*, 38-39.

<sup>85</sup> Ruth K. McClure, *Coram’s Children: The London Foundling Hospital in the Eighteenth Century* (New Haven and London, 1981), 233.

<sup>86</sup> Cunningham, *The Children of the Poor*, 41.

showing how devout the community was. With the Reformation, many of these old ways of living in community with each other and of connecting to the divine were stripped away from laypeople.<sup>87</sup> I posit that acting as a nursing father was a way of reclaiming much of the public piety, good works, and connection to God that many felt they had lost in the (in many cases, unwilling) transition to Anglicanism.



Statues of charity children originally at the Hatton Garden School, now at St. Andrew's Church in Holborn.<sup>88</sup>

Though parishioners could no longer purchase statues of saints for their local churches, they could help the poor children in their community, and statues of poor

---

<sup>87</sup> Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England, c. 1500- c. 1580* (New Haven and London, 2005), especially xviii, 11-12, 93, 131-154, and 390.

<sup>88</sup> <[www.geograph.org/uk/photo/2695679](http://www.geograph.org/uk/photo/2695679)>.

children cropped up on churches and on charity schools.<sup>89</sup> They could not pray to such statues, but they served as a reminder of the community's dedication to the commonweal. The public spectacle of well-dressed charity children in which the people so delighted was a way of showing how pious and civic-minded the community was, the same function a well-decorated medieval church had served. Further, it helped to reinforce social order, as nursing fathers gained prominence from their philanthropy on display just as medieval men and women had shown their standing in the community via the rich gifts they had presented the church. Finally, children in particular became objects of charity because it was widely believed that children had a special connection with God, and an innate ability to have "divine insight" that was lost to adults.<sup>90</sup> Englishmen and women could no longer pray to saints, nor could they ask priests and monks to pray for their immortal souls. They could, however, be kindly towards destitute children, who would in turn pray for their benefactors. According to a strict understanding of Protestant theology, such prayers were no more efficacious than any others; however, that did not stop London's nursing fathers from prizing them. As John Wilmore said when he helped the poor Richard Civiter, "all my expectation and hope in this boy, was that God might make him an honest man, and . . . he might remember that God had raised him a friend here, to take that care of him, and provide for him."<sup>91</sup> What this nursing father really wanted was

---

<sup>89</sup> Walter George Bell, *Unknown London* (London, 1966), 323-330.

<sup>90</sup> Alexandra Walsham, "'Out of the Mouths of Babes and Sucklings': Prophecy, Puritanism, and Childhood in Elizabethan Suffolk," in *The Church and Childhood: Papers Read at the 1993 Summer Meeting and the 1994 Winter Meeting of the Ecclesiastical History Society*, ed. Diana Wood (Oxford, 1994), 295.

<sup>91</sup> John Wilmore, *The Case of John Wilmore* (London, 1682), 3. John Wilmore and Richard Civiter are discussed at length in Chapter Six.

that the child would be godly and would remember his patron: such spiritual blessings were the ultimate benefit to being a nursing father.

### **Charitable Women and London's Children**

If nursing fathers were supposed to inhabit both a patriarchal and matriarchal role towards charity children, we might well ask why women were largely excluded from this equation. Throughout the seventeenth century, women primarily were involved in the care of destitute children in two ways: the actual nursing of infants and by leaving money to institutions like Christ's Hospital. Women were not allowed to serve as administrators, aldermen, overseers of the poor, justices, or charity governors. The public charitable works women had practiced under late medieval Catholicism began to abate during the early modern period; aside from small religious dissenting groups like the Quakers, who prized motherhood, charitable women often became benefactors of the poor through leaving money in their wills to charitable establishments rather than being actively involved in the establishment during their lifetimes.<sup>92</sup>

Jeremy Boulton has shown that there was a robust system of parish nurses in early modern London. They could be the paid employees of the various hospitals or the parish might pay them to operate out of their own homes. Nurses often cared for children, the sick, homeless people, and the insane; they also served as midwives to pauper births. Keeping an infant or young child brought such nurses around 24 pence per week. By keeping multiple children, these women could earn their living: one nurse St Martin-in-the-Fields seems to have had 25 children living with her at one time. Such women could

---

<sup>92</sup> Crawford, *Parents of Poor Children in England*, 200-201.

rise to become what we might call businesswomen by running a small establishment out of her house, including servants to help her with nursing.<sup>93</sup>

It seems that sometimes nurses formed attachments to the children for which they cared; though usually they were given over to the care of schoolmasters at a much younger age, some children were left with their nurses until they were 14.<sup>94</sup> When two boys from Christ's Hospital were sent to the court of the Czar of Muscovy in 1698, the governors of that institution received notice "of their save [sic] arrival at Archangell, and of their being well used" because they had sent a letter to "their Nurse Cole."<sup>95</sup> This suggests that these boys felt a stronger tie to the woman who had been paid to raise them than to the men who employed her.

The question of why women were not more prominent in the governance of charitable institutions remains. What kept wealthy women from trying to become "nursing mothers" to London's poor children? Why was this status symbol reserved for men? In part, it seems that wealthy women did not want to be associated with nursing at all. Nursing in early modern England was a subject fraught with controversy.<sup>96</sup> The practice of hiring a wet nurse was common among the rich and even at times among the rising middling sort. However, moralists claimed that mothers ought to nurse their own children. Clergyman and scholar Richard Allestree, author of *The Ladies Calling*, a

---

<sup>93</sup> Jeremy Boulton, "Welfare Systems and the Parish Nurse in Early Modern London, 1650-1725." *Family & Community History* 10.2 (Nov. 2007), 135-141.

<sup>94</sup> LMA, CLC/210/B/007/MS12873, 63. It is important to note that the Christ's Hospital governors were upset to find out that some children had been left with nurses so long because it hampered the children's educational process.

<sup>95</sup> LMA, CLC/210/B/007/MS12873B, 18.

<sup>96</sup> For an account of breastfeeding throughout western history, which includes a discussion of the early modern period, see Valerie A. Fildes, *Breasts, Bottles, and Babies: A History of Infant Feeding* (Edinburgh, 1986).

manual for proper female living, chastised the “tender breeding” that led “Ladies” to “overthrow” breastfeeding their infants; he claimed that the “moderate hardships” incurred by nursing were outweighed by the fact that proper breastfeeding was conducive to the “strengthening of [children’s] constitutions,” and laid “a foundation for future health and vigor.”<sup>97</sup> Allestree warned mothers that they had a twofold duty: to love their child and to care for it. He was careful to stress that such care was not “a temporary, momentary duty, for some one critical instant, but is to attend the child through the several stages of its minority, viz. Infancy, childhood, and youth.”<sup>98</sup> It was not enough to simply breastfeed an infant: the mother’s role as careful nurse was to ensure that the child was healthy, pious, industrious, and well-educated by the time he or she reached adulthood. Doing anything less would be falling short of one’s motherly duty, for as Allestree made quite clear, simply loving one’s child was not enough. However, this did not mean that wealthy or middling women wanted to be thought of as nurses: nurses, after all, were poor women who were forced to nurse children to earn their bread.

Slowly there was a cultural shift that placed increasing emphasis on the importance of motherhood. By the middle of the eighteenth century, new ideas about sensibility equated motherhood with natural feelings of nurture, virtue, and tenderness. Motherhood was celebrated in literature and art. The mother who nursed her children was viewed as “natural,” while the mother who cast her children aside by hiring a wet nurse was seen as strange and unfeeling.<sup>99</sup> Accordingly, prominent women began to take a

---

<sup>97</sup> Richard Allestree, *The Ladies Calling in Two Parts* (London: 1673), 191-192.

<sup>98</sup> Allestree, *The Ladies Calling*, 191.

<sup>99</sup> G. J. Barker-Benfield, *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain* (Chicago, 1996), 217.

more active role in the care of poor children, and especially in the Foundling Hospital.<sup>100</sup> As Chapter Four shows, Thomas Coram did not believe he could open a home for abandoned infants without the input of women. Even still, women never served on governing boards. Instead, they might help by serving as private consultants of sorts—writing letters to the governors on matters related to childrearing—and as benefactors. In some cases, they even seem to have played with the foundlings. The fashionable Lady Vere, for example, went with her sister, Lady Temple, to visit the foundlings: Lady Temple went to “divert herself with the Children” while Lady Vere investigated whether the nurses were taking proper care to keep the children from getting lice.<sup>101</sup> Lady Vere recommended to the governors in 1752 that they “chuse some Lady of Distinction to be Chief Nurse” as a remedy to the “Great Objections” raised against the Hospital that there were not “any Woman of Fashion . . . in the Management of it.”<sup>102</sup> However, her suggestion was not followed and women were relegated to supporting positions within the institution.

### **The Increasing Exclusivity of Christ’s Hospital**

In early modern England hierarchies ordered every life—even amongst destitute children. Poor children whose father had been citizens of London had the chance to become the wards of Christ’s Hospital, an institution established by Edward VI to house

---

<sup>100</sup> B. Kirkman Gray, *A History of English Philanthropy: From the Dissolution of the Monasteries to the Taking of the First Census* (London, 1905), 159-160. For more on the Foundling Hospital, see McClure, *Coram’s Children*, and Gillian Wagner, *Thomas Coram, Gent., 1668-1751* (Woodbridge, UK, 2004).

<sup>101</sup> LMA, A/FH/A/6/1/6/1.

<sup>102</sup> LMA, A/FH/A/6/1/5/1.

orphan children in what had been Grey Friars Monastery.<sup>103</sup> Throughout the seventeenth century, the governors of Christ's Hospital did their best to support the children who were supplicants for aid, but the growing number of such objects of charity meant a continual restriction of the basic requirements for admittance. For example, the ages at which a child could be admitted were reduced, only one child per family could receive aid, and the requirement that the child's father was a citizen of London was more strictly kept.<sup>104</sup> Children lucky enough to be granted admittance to Christ's Hospital were not only given food and lodging, but they were also given a basic education and then typically apprenticed to higher-level artisans and merchants such as clockmakers, silversmiths, haberdashers, attorneys, joiners, and writing masters. The very brightest were even sent to Oxford or Cambridge.<sup>105</sup> In contrast, the majority of children in

---

<sup>103</sup> See LMA, CLC/210/B/001/MS12806/8, 48-49, for the 1690 qualifications for admittance to Christ's Hospital, including the rule that "noe child be taken in, but such as are Orphans, wanting either father or mother or both," and that "none be admitted, but such as are without any probably [sic] meanes of being provided for other wayes, nor without one Certificate from the Minister, Church Wardens and three or foure of the principall Inhabitants of the parish from whence such children came, certifying of the poverty and inability of the parent living (if any be living) to mainetaine and provide for such children."

For institutional histories of Christ's Hospital, see Allan, *Christ's Hospital*, and E. H. Pearce, *Annals of Christ's Hospital* (London, 1901).

<sup>104</sup> For example, the regulation that only "such as be freemen's children" was made in 1652; soon no children who were "lame or otherwise infirm in the body" were to be admitted, and by 1676 the children had to be over seven years old, could not be "lame, crooked, or deformed, or . . . have any infectious disease, as the leprosy, scald head, itch, scab, or . . . have the evil or rupture." Allen, *Christ's Hospital*, 13.

It should be noted that even though their rules continued to become more rigid, and included not taking in infants, the governors still broke their own rules at times by taking in foundling babies left on the doorstep of the institution. In spite of having limited resources, it is clear that they felt pity for such children and in the end could not bring themselves to cast them off.

<sup>105</sup> These are just some of the occupations listed in the 1726 apprenticeship registers as an example. LMA, CLC/210/F/003/MS12818/008.

Bridewell were apprenticed to weavers, a very low-level artisan occupation.<sup>106</sup> Thus, orphans of citizens of London—however pressed their current circumstances—had a definite advantage over children whose parents had not been citizens, or whose origins were simply unknown. The “Blue Coat” children—so nicknamed because of the blue coats they all were given to wear—occupied the highest ranking amongst the impoverished children of London.<sup>107</sup>

Children could be admitted to Christ’s Hospital several different ways. Sometimes the relatives of a child would petition for his admittance, though not necessarily to Christ’s Hospital’s governors directly. For example, Mary Rowe, “a poore Widowe,” petitioned the Court of Aldermen that one of her sons be admitted; since they were “sensible of the peticoners necessities” they “recomend[ed] her request unto the favourable consideracon of the President Treasurer & Governors of the said Hospitall.”<sup>108</sup> Petitioning aldermen was a shrewd way of putting one’s child forward: the governors of Christ’s Hospital had given each alderman the liberty of “preferring a poore child” to be received into the institution as a mark of gratitude for their patronage.<sup>109</sup> Accordingly, when a feltmaker’s widow petitioned that the aldermen recommend her ten-year-old son to the Hospital, being “very poore and utterly unable to provide for herselfe and Famely,”

---

<sup>106</sup> See LMA, CLC/275/MS33143/001. In the bundle of surviving apprenticeships of Bridewell children from 1710-1720, 44 of the 58 children were apprenticed to weavers. The second highest number, four, were apprenticed to longbow string makers, while a couple of others were apprenticed to cordwainers [shoemakers], one to a goldsmith, one to a pin maker, and one to a merchant tailor. LMA, CLC/275/MS33143/002.

<sup>107</sup> As Chapter Four will demonstrate, this privileged status even affected how the boys were employed throughout the empire.

<sup>108</sup> LMA, X109/200, 107b.

<sup>109</sup> LMA, X109/197, 31b.

the court was able to “earnestly recomend” to the president of Christ’s Hospital to admit the boy as soon as they had an opening available.<sup>110</sup>

Though children admitted to the Hospital were technically supposed to be the offspring of citizens of London, some exceptions were made. In 1655 Rebecca Child successfully petitioned the Court of Alderman to prefer her children, Francis and Elizabeth, for admittance after their father, “a poore man,” “dyed of hurts [received] in labouring at the late great fire in Threadneedle Streete.”<sup>111</sup> It seems the aldermen felt this man’s ultimate sacrifice for the safety of the city ought to be compensated in some way. In another example, Nathaniel Wood was allowed admittance even though he was not an orphan simply because the Hospital’s governors felt pity for the child whose “parents [were] in a very Sad and miserable condition.”<sup>112</sup>

Wealthy patrons of Christ’s Hospital often used their position to recommend particular children for admittance. For example, Sir Stephen Fox was “always [ready] to express his kindness” to the Hospital and had lately donated £370.10; as a result, he was allowed to recommend for admission “two children that were borne in Ireland, the Par[ents] being by the troubles here, reduced to great want.” He had been gifted the decisions over two admissions to the Hospital because of his patronage, so he was able to put forward these two children who otherwise would not have met admission qualifications.<sup>113</sup> A few years later, the Hospital took in two “fatherless and motherless

---

<sup>110</sup> LMA, X109/217, 8-9.

<sup>111</sup> LMA, X109/187, Rep 63, 387. On the threat of fires in early modern towns and cities and how such fires were fought, see Carl Bridenbaugh, *Vexed and Troubled Englishmen, 1590-1642* (New York, 1968), 144-146.

<sup>112</sup> LMA, CLC/210/B/001/MS12806/8, 129.

<sup>113</sup> LMA, CLC/210/B/001/MS12806/8, 90-7. Note that a rule had been in place since 1608 that no children of “forreniers” nor children born outside of the city limits

children” because Princess Anne (later Queen Anne) specifically requested them to do so.<sup>114</sup>

Destitute children whose fathers had not obtained freedman’s status or did not have wealthy benefactors to recommend them generally fared much worse than the boys at Christ’s Hospital. In the best-case scenario, they were apprenticed out to good masters by parish authorities. In the worst, they were apprenticed to abusive masters or left on their own to either starve or to be taken in as “apprentices” to criminals. Somewhere between those two ends of the spectrum was Bridewell Hospital.

### **Bridewell: Hospital or Prison?**

According to the charter between the king and the Corporation of London, Edward VI established Bridewell with a dual purpose: because of his “mercy, having pity and compassion on the miserable estate of the poor fatherless and motherless children,” the king would create a place where “neither the child in his infancy shall want virtuous education and bringing up, neither when the same shall grow unto full age shall lack matter whereon the same may virtuously occupy him self in good occupation or science profitable to the common weal.” In other words, it would house small children and put those at “full age” to work. Bridewell was meant to house and educate destitute children as well as punish and put to labor idle adults. Like the other London hospitals, it was based on the idea that some poor people were deserving of aid while others were deserving of punishment: “the fatherless poor man’s child” belonged in the former group

---

could be admitted to the Hospital “except it be upon very great consideration.” LMA, CLC/210/B/001/MS12806/3, 105.

<sup>114</sup> LMA, CLC/210/B/001/MS12806/8, 539.

while “the rioter that consumeth all[,] the vagabond that will abide in no place[, and] the idle person, as dissolute women and others” were all firmly placed in the latter. Indeed, the governors of Bridewell were instructed to “train the beggar’s child in a marketable skill; and to compel the willfully idle and dissolute to work.”<sup>115</sup>

What seemed problematic for Bridewell throughout the sixteenth, seventeenth, and eighteenth centuries was how to serve the dual function of school and refuge for poor children and prison for idle vagrants. Under Mary I, Bridewell was only used for the punishment of “rogues and dissolute women,” but Elizabeth I reinstated its original design of housing and educating children. During her reign over one hundred children at a time were housed, educated, and apprenticed out of Bridewell.<sup>116</sup> By 1600, Bridewell was considered a “good school” and an important part of Londoner’s desire to keep vagrants off the streets.

Throughout the seventeenth century, however, Bridewell was increasingly used as a house of correction, or even a station for soldiers. While it continued to be used as a school for poor children, three-quarters of its occupants were vagrants or other petty offenders who were whipped, washed, and soon sent out into the streets again. As with Christ’s Hospital, Bridewell felt increasing financial pressure due to lack of support from the poor rate, and the governors had to find ways of supporting the growing number of criminals and children brought to Bridewell. Children who were old enough to be considered vagrants (by statute, age 7) were supposed to be whipped six times and

---

<sup>115</sup> William G. Hinkle, *A History of Bridewell Prison, 1553-1700* (Lewiston, NY, 2006), 33, 16-17, and 67.

<sup>116</sup> *Ibid.*, 109 and iv-v.

sentenced to several months of hard labor.<sup>117</sup> Because the age of street children was often difficult to ascertain, the governors often had to decide what to do with children on a case-by-case basis, and the line between child to be helped and rogue to be punished was particularly blurred in this hospital-prison.

Accordingly, many seem to have regarded the children of Bridewell as quasi-criminals or lowlife. Certainly, they seem to be regarded as lesser than the Christ's Hospital children, whose fathers had been citizens of London. As has already been stated, the Christ's Hospital boys generally received better apprenticeships than the Bridewell boys. As Chapter Four will show, Christ's Hospital boys were the only ones given the opportunity to attend the Royal Mathematical School and subsequently be apprenticed to trading companies and sea captains. Meanwhile, as Chapter Five will discuss, beginning in 1618 with Jamestown, children in Bridewell were sometimes forced to migrate as indentured servants.

This difference also seems to have translated into tension between the boys and officers of the two institutions. In 1693, a feud broke out over seating arrangements at St. Bride's Church during the Easter services. The treasurer of Christ's Hospital wanted the Bridewell boys to sit in the "Back Pews" rather than in the gallery with the Christ's Hospital students as they had always done. Though the clerk of Bridewell objected and promised to attend to the boys' good behavior, this apparently did not satisfy one Samuel Sams, "an Officer" of Christ's Hospital. When the Bridewell boys tried to ascend the

---

<sup>117</sup> Hinkle remarks that "tourists" in seventeenth century London would stop by Bridewell to see male and female prisoners whipped, "while, only a few yards away, adolescent apprentices were learning a trade." Meanwhile, Bridewell was used as a detention center for impressed men until they could be sent to their regiments during the Civil War. *Ibid.*, 113-117 and 122.

stairs to the gallery, Sams “w[i]th a great Staff Struck Tho: Peacock on the head, knock’d him downe & sett him ableeding” before knocking over and striking several others. The governors of Bridewell warned the boys not to try to take revenge on Sams for this violence, so though the Christ’s Hospital boys were encouraged by Sams to call them “Bridewell Dogs” upon their next meeting, the Bridewell boys did not react.<sup>118</sup>

However, the fight between the two schools was not yet over. The Christ Hospital boys

(even after the Lord Mayor & Aldermen were in the Church) struck at the Bridewell boys with their instruments & would have sett on them in the very Church had they not been withheld by the Brideswell Masters who gott betweene them & their Boys: for w[hi]ch the Masters were abused in the Church & call’d by the [Christ’s] Hosp[ita]ll Boys Clowns Numskulls Loggerheads & other very ill & unbecoming Language: & in a very tumultuous & indecent manner used by them.

The following day, Sams again confronted several of the Bridewell boys in the street and struck one “over the Head & Shoulders with an Oaken Stick Several times.” For this abuse, Sams was finally indicted for assault.<sup>119</sup>

While Sams was clearly out of order, this episode suggests hostility between the two institutions, particularly regarding whether the Bridewell children were respectable or merely “Bridewell Dogs” who ought to be kept apart from their “betters,” the blue coat children. That the Christ’s Hospital boys would be abusive toward the Bridewell boys *and* their masters suggests that there was even a distinction made between the staff of the two institutions.

Clearly, though both Christ’s Hospital and Bridewell were meant to alleviate the burden on parish poor relief, they did not always work well together. Bridewell’s use as a

---

<sup>118</sup> LMA, CLA/066/01/005.

<sup>119</sup> Ibid.

prison rather than a hospital continued to increase over the seventeenth century, so much so that when a vagrant child was placed in Bridewell it was quasi-charitable relief, quasi-punishment. This predicament in which the children found themselves is aptly reflective of the tension the adults around them felt toward their dubious deserving/non-deserving status. Good fathers cared for their children, but also punished them when they went astray. It was sometimes difficult for London's nursing fathers to decide what to do with "their" children, and Bridewell offered an imperfect solution to this problem. As Chapter Four demonstrates, the ability to send children outside of England became a way of solving this dilemma—migration abroad was both an opportunity for pitiable children and a form of correction for children who were in danger of heading down the path toward vice and crime.

### **Conclusion: The "Superfluous Multitude"**

As much as nursing fathers tried—and as this chapter has shown, they did try to the best of their abilities—it was never enough. There was always, in the words of Sir Edwin Sandys, treasurer of the Virginia Company, a "superfluous multitude" of children on London's streets.<sup>120</sup> Despite the provisions for destitute children put in place by the poor laws, despite the charitable institutions of Bridewell and Christ's Hospital, and despite the donations and benefactions of many, there were still "children . . . Dead in the Street, or starved . . . *these poor Orphans, whose court is kept in a Cage, or under a Stall, or in S[t]. Paul's amongst the formes, the more is the pittie.*"<sup>121</sup> While London's nursing

---

<sup>120</sup> Susan Myra Kingsbury, ed. *The Records of the Virginia Company of London, Volume III* (Washington, 1933), 259.

<sup>121</sup> Sparke, *The Poore Orphans Court*, 2.

fathers shared with their European peers a similar charitable and reforming impulse towards destitute children, the sheer number of children in the city proved overwhelming. Something had to be done.

As the rest of this dissertation will describe, London's nursing fathers looked to their new colonies, trading outposts, and growing navy as a nursery for their superfluous multitude of children. Through this solution also had its problems, and some children still fell through the cracks, it was the culmination of nursing fatherhood. Through these global apprenticeships, children seemed assured of finding rigorous masters who would teach them to be industrious; skills in navigation, overseas mercantilism, or colonial farming (all rapidly growing trades); a rescue from poverty and an inevitable life of crime; and a way of bringing glory to the commonwealth. Adding to the bargain, it was also incredibly cheap.<sup>122</sup> Thus, the solution that nursing fathers found to dealing with the problem of destitute children had little to do with internal reformation of poor laws or building new local institutions. Beginning with colonization attempts in Ireland and Virginia, nursing fathers began to use the new opportunities presented by colonial expansion to the supposed benefit of the children in their care.

---

<sup>122</sup> Aside from the specialized training the scholars received at the Royal Mathematical School.

## Chapter Four: A Global Answer to the *Poore Orphan's Cry*: Children and the Growth of Empire

In his 1584 *Discourse of Western Planting*, Richard Hakluyt envisioned the Americas as a place where all sorts of laborers could find useful employment and even “olde folkes, lame persons, women, and younge children . . . shalbe kepte from idleness, and be made able by their owne honest and easie labour to finde themselues without surchardginge others.”<sup>1</sup> Though it would be over twenty years until the English had a viable colony in the New World, Hakluyt’s idea of sending disabled, young, or otherwise marginal people to the Americas remained in the English imagination. They believed that settling the Americas, and mining its rich resources, would result in wealth for members of trading companies and in labor opportunities for poorer Englishmen, women, and children. For the nursing fathers<sup>2</sup> of London, the Americas seemed to present an amazing opportunity to employ the many children in their care. No longer would poor children crowd the streets of London; rather, they could thrive in their new home.

This chapter describes how and why the nursing fathers of London decided to send London’s children all over the world in the seventeenth and early eighteenth centuries. This emigration was not the outcome of one centralized effort but rather the result of many different decisions all based on the premise that children were well suited

---

<sup>1</sup> Richard Hakluyt, *A particular discourse concerninge the greate necessitie and manifolde commodityes that are like to growe to this Realme of Englande by the Westerne discoveries lately attempted*, David B. Quinn and Alison M Quinn, eds. (London, 1993), 30-31.

<sup>2</sup> As explained in Chapter Three, “nursing fathers” were the civic leaders of London who cared for the poor children of the city through charitable institutions like Christ’s Hospital.

for colonization efforts. This belief coincided with the need to employ destitute, idle children in apprenticeships that were not costly to London's parishes.

Early efforts to send children abroad met with questionable—and even disastrous—results, and it was initially unclear whether the children were being punished or given an opportunity when they were put on board ship and sent across the world. However, as the seventeenth century wore on, employment in the growing English overseas trade was reserved for London's brightest charity children. By the beginning of the eighteenth century, apprenticeship to a great trading company or wealthy ship's captain was an opportunity most boys decided not to pass up. Punishment, reward, opportunity, death sentence: a part in early English global expansion was all of these things for London's poorest children.

Hakluyt was hardly alone in focusing on children as critical members of English colonizing and maritime efforts. Throughout the seventeenth century, children worked on board ships, as laborers on colonial plantations, and as apprentices to trading companies. Sometimes they served as translators and some were even given as diplomatic gifts. In all of these areas, their age was not viewed as a detriment but rather as a benefit. Because of the perceived malleability of children, discussed in Chapter One, early modern Englishmen believed that children were perfect for many different uses in colonization efforts. Their blank minds, “like the newest wax,” learned languages much more quickly than adults could, and they could assimilate into foreign cultures with much greater ease.<sup>3</sup> Additionally, children were often believed to be better workers than adults because they took instruction more readily. On board ship, boys were prized for their small size,

---

<sup>3</sup> Roger Ascham, *The Schoolmaster* (London, 1570), 10-11.

agility, and good eyesight, which allowed them to climb the riggings and serve as lookouts or quickly run back and forth to deliver gunpowder during battles.<sup>4</sup> Finally, it was firmly believed that boys must take to the sea early if they were to overcome seasickness and if they were to become a part of sailor culture.<sup>5</sup> For all of these reasons, children were ideal workers for early colonial expansion.

Critically, children were not sent across the globe due to purely economic motivations. While questions of political economy did enter into the equation, as this chapter will show, the men and women who sent children abroad always viewed their actions as charitable. The globe was used to employ children because it served both the children and England—or so nursing fathers claimed. It is a key contention of this project that we must take such claims seriously. While these men and women were under no obligation to help the poor children in their midst, they spent a great deal of time and money to set these children up for what they believed would be a better life. While the use of empire to employ children might smack of apathy and avarice to us, in the early modern world, using children as agents of empire appeared beneficial to everyone it concerned.

Though I had initially envisioned this dissertation as an Atlantic World project, as I read through my archival sources it became clear to me that this story was a global one. I discovered that children—and especially boys—were sent everywhere in the world to

---

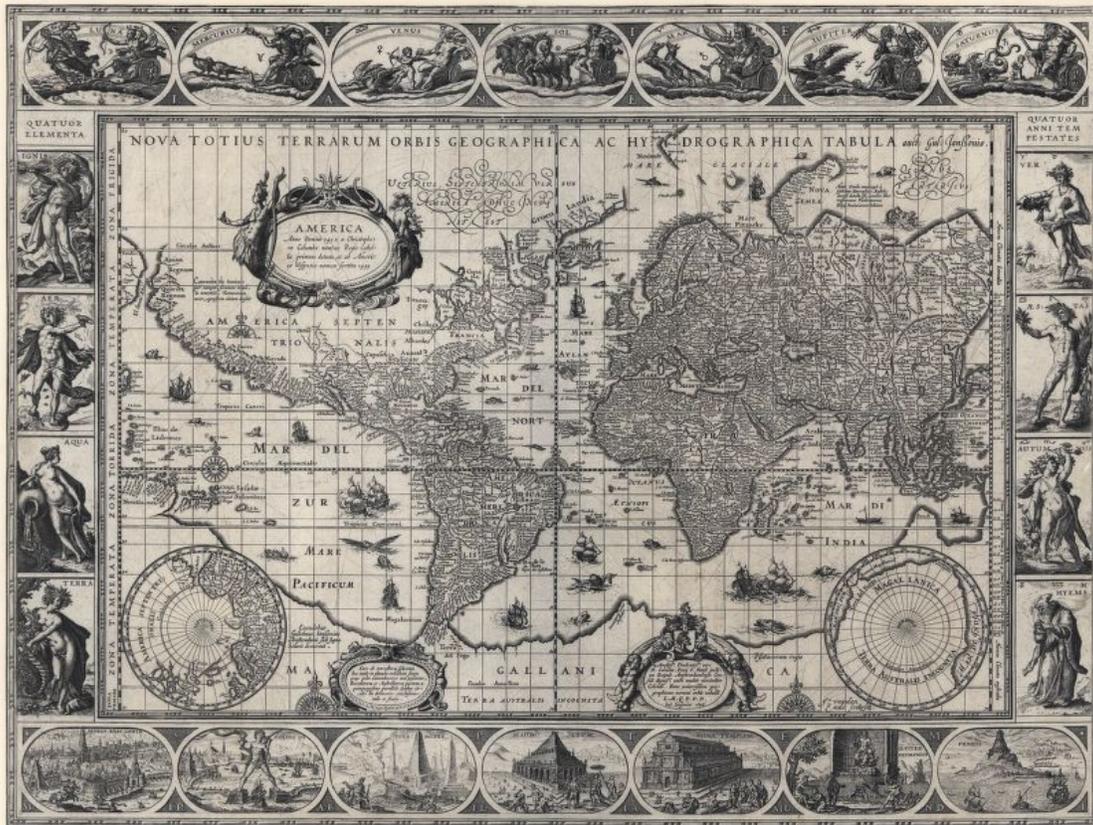
<sup>4</sup> This job of carrying powder between the guns and below decks during battle, which often necessitated running quickly in narrow spaces, had earned ships' boys the nickname "powder monkeys" by the eighteenth century. Roland Pietsch, *The Real Jim Hawkins: Ships' Boys in the Georgian Navy* (Barnsley, UK, 2010), 112-113.

<sup>5</sup> Pietsch, *The Real Jim Hawkins*, 5. This theme of seafaring men having their own culture, which had to be taught to boys while they were still young, is prominent throughout Pietsch's monograph.

which the English were capable of traveling. I then had to consider what “global” meant during this period. Initially, the English empire was not made up of conquered and colonized territories. Instead, as Alison Games has shown, it was “built on the ground, in the peripheries, in colonies and trading posts, on islands and in port towns, on board ship and within fortifications.” More often than not, the English were traders in someone else’s territory; at this time, “the worlds of commerce and colonization intersected in important ways.”<sup>6</sup> It makes sense that children were sent not only to colonies but also to trading posts and ports of call. Whether the English were building settlements, sailing ships, or exchanging goods, they needed the labor of young people all over the globe.

---

<sup>6</sup> Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560-1660* (New York and Oxford, 2008), 11 and 13.



1606 Dutch map of the world, printed one year before the English first landed at Jamestown.<sup>7</sup>

For the English, their empire was wherever they could sail or trek across the world as it was then known. As historical geographer Miles Ogborn has explained, between the sixteenth and eighteenth centuries the world became increasingly globalized. Through “trade, settlement, colonization, empire building, piracy, slavery, and science,” a “new world of global connection” was born.<sup>8</sup> The English were in North America, the Caribbean, Africa, Europe, and Asia. There were attempts to settle parts of South America as well. Thus, though the English were comparatively late in joining European

<sup>7</sup> Willem Janszoon Blaeu, *Nova totius terrarum orbis geographica ac hydrographica tabula* [A new map of the whole world’s land and waters] (Amsterdam, 1606). Library of Congress G3200 1606.B6.

<sup>8</sup> Miles Ogborn, *Global Lives: Britain and the World, 1550-1800* (Cambridge, 2008), 1-2.

imperial endeavors, by the seventeenth century they were eager to compete with the Dutch, French, Spanish, and Portuguese in their global ventures.

Early imperial efforts were fitful and lacked the confidence of later ones. They were prone to risk and failure. The first half of the seventeenth century in particular was a “period of experimentation.”<sup>9</sup> The treatment of children reflected this uncertainty. There was never a master plan for how to employ children across the globe. Instead, as the English attempted to create various settlements and networks, they also experimented with how children might be a part of empire-building. The story of children in the early empire reminds us, as Ogborn has shown, that empires are not simply about “political, economic and social structures.” Instead, they are the result of individuals—most of whom have been left out of the historical record—who created connections, encountered resistance, and met the unknown with creativity and resilience.<sup>10</sup>

### **Earliest Efforts: Ireland and Virginia**

Scholars such as David Beers Quinn and Nicholas Canny have stressed the relationship between Irish and North American colonization, suggesting that in many ways Ireland was a training ground for later imperial efforts in the New World.<sup>11</sup> This close connection between the two colonial enterprises also appears in the story of London’s destitute children. Around 1616, twelve poor boys were sent from London to County Londonderry in order to help establish the English colony there. Though not

---

<sup>9</sup> Games, *The Web of Empire*, 14.

<sup>10</sup> Ogborn, *Global Lives*, 8.

<sup>11</sup> See for example Nicolas P. Canny, “The Ideology of English Colonization: From Ireland to America,” *The William and Mary Quarterly* 30.4 (Oct. 1973): 575-598, and David Beers Quinn, “Ireland and Sixteenth-Century European Expansion,” *Historical Studies* 1 (1958): 20-32.

much is known about these boys, in his history of the Irish Society James Stevens Curl speculated that four of them were from Christ's Hospital because the names of four boys who were discharged from that institution match the names of four householders in Londonderry in 1628.<sup>12</sup> This evidence is tentative, but it seems that some of the boys were from London charities and some from the streets of the city.<sup>13</sup> If it is true that some of the boys became property owners, they simultaneously furthered English possession of Ireland while also achieving financial success far beyond what anyone could have expected for them when they were destitute children in London. Whatever the case, the boys who sailed across the Irish Sea present the first documented instance in which London's destitute children were sent out into England's infant empire.

About three years later, London's destitute children sailed across the Atlantic Ocean. It was a perilous journey to Jamestown, and in 1619—twelve years after the first Englishmen had landed in Virginia—the colony's mortality rate was exceedingly high. Of the first group of 105 men and boys who landed in Jamestown in June 1607, only thirty-six were alive six months later.<sup>14</sup> After this initial devastation of their numbers, the survival rate did not become much better for English colonists in the New World: by 1619, 2,000 Englishmen, women, and children had journeyed to Jamestown, and only

---

<sup>12</sup> James Curl Stevens, *The Honourable The Irish Society and the Plantation of Ulster, 1608-2000* (Chichester: Phillimore, 2000), 96.

<sup>13</sup> T.W. Moody, *The Londonderry Plantation, 1609-41: The City of London and the Plantation in Ulster* (Belfast, 1939), 168 and 173; James Steven Curl, *The Londonderry Plantation, 1609-1914: The History, Architecture, and Planning of the Estates o the City of London and its Livery Companies in Ulster* (Chichester, 1986), 64-65; and Stevens, *The Honourable the Irish Society*, 96.

<sup>14</sup> Karen Ordahl Kupperman, *The Jamestown Project* (Cambridge, MA and London, 2007), 227.

one-quarter of that number was still alive.<sup>15</sup> Due to disease, unhealthy water, and starvation, surviving was more unlikely than not. Because of these bleak circumstances, people were clearly terrified of emigrating: in 1614, Diego Sarmiento de Acuña, ambassador to Spain, wrote to Philip III that two “Moorish thieves” arrested in London were given the chance to go to Virginia rather than face the gallows. They answered “at once, decidedly with one accord, that they would much rather die on the gallows here, and quickly, than to die slowly so many deaths as was the case in Virginia.”<sup>16</sup> Four years later, Sir Edward Hext, a Justice of the Peace for Somersetshire, wrote to the Privy Council that Owen Evans had been arrested for pretending to have a

commission to press maidens to be sent to Virginia and the Bermudas, and received money thereby . . . Evan’s undue proceedings bred such terror to the poor maidens that forty have fled from the parish to obscure places, and their parents do not know what has become of them<sup>17</sup>

Fear of the difficult life in Jamestown, then, was enough to make young women run away from their families and men face death. Rather than an opportunity, many viewed the colonial experiment in the New World as a long, torturous death sentence. Though the Virginia Company produced ballads, sermons, and pamphlets to try to salvage Jamestown’s reputation and encourage both emigration and financial support, reports of conditions so extreme that they had produced cannibalism discouraged most people from crossing the Atlantic.<sup>18</sup>

---

<sup>15</sup> James Curtis Ballagh, *White Servitude in the Colony of Virginia: A Study of Labor in the American Colonies* (Baltimore, 1895), 14.

<sup>16</sup> Quoted in Kupperman, *The Jamestown Project*, 266-7.

<sup>17</sup> Quoted in William Hart Blumenthal, *Brides from Bridewell: Female Felons Sent to Colonial America* (Rutland, VT, 1962), 66.

<sup>18</sup> For examples of sermons and other promotional material commissioned by the Virginia Company, see Patrick Copland, *Virginia’s God be thanked* (London, 1622); William Crashaw, *A sermon preached in London before the right honorable the Lord*

In this context it is perhaps difficult to understand why nursing fathers thought it a morally upright plan to send hundreds of London's destitute children to Jamestown. By the time the first shipment of children left for Virginia, the idea of sending "idle" people to the New World had been around since Hakluyt's argument that disabled, young, or aged people could be sent to the Americas. Hypothetical solutions to poverty, however, are quite different than actually putting any plans into effect. It is unknown who first suggested sending London's children to Virginia, or whether that person got the idea from Hakluyt, the Irish example, or some other source. Perhaps it came from the King himself. On January 13, 1618, James I wrote to Sir Thomas Smythe, the governor of the East India Company and heavily involved in the Virginia Company as well:

Whereas our Court hath of late been troubled by idle young people having no employment, we have thought fit to have you send them away to Virginia, that they may be set to work there, wherein you shall do a deed of charity by employing them who otherwise will never be reclaimed from the idle life of vagabonds.<sup>19</sup>

If this was in fact the origin of the idea to send idle children abroad, it is significant that it stresses both the charitable aspect of sending children abroad (it will keep them from

---

*Lavvarre* (London, 1610); John Donne, *A Sermon upon the VIII Verse of the I. Chapter of the Acts of the Apostles* (London, 1622); Robert Gray, *A Good Speed to Virginia* (London, 1609); Robert Johnson, *Nova Birtannia* (London, 1609); Daniel Price, *Sauls Prohibition Staide* (London, 1609); William Symonds, *Virginia* (London, 1609); Robert Tynley, *Two Learned sermons* (London, 1609); and Alexander Whitaker, *Good Newes From Virginia* (London, 1613).

Recent archeological work has confirmed that cannibalism did indeed occur in the early years of Jamestown. During the 1609 "Starving Time," an extremely harsh winter in which many settlers died of starvation, at least one person, a fourteen-year-old girl, was dismembered and eaten. See Joseph Stromberg, "Starving Settlers in Jamestown Colony Resorted to Cannibalism," *Smithsonian*, May 1, 2013 <<http://www.smithsonianmag.com/history-archaeology/Starving-Settlers-in-Jamestown-Colony-Resorted-to-Eating-A-Child-205472161.html>> Accessed 7/13/2013.

<sup>19</sup> Quoted in Richard Hayes Phillips, *Without Indentures: Index to White Slave Children in Colonial Court Records: Maryland and Virginia* (Baltimore, 2013), xi.

being vagabonds; it will, in fact, “reclaim” their lives) as well as the desire to get rid of the annoyance of young people who were suspected criminals if not criminals in fact.

The plan as it was finally developed by the Virginia Company was a fairly simple one: rather than the parishes of London supporting destitute children, the City of London would collect a special poor rate to pay the Virginia Company a one-time fee of £5 per child to take the children to Jamestown. Upon arrival in Virginia, settlers would pay the company for the children, who would work as their servants and apprentices. Thus, the struggling company would receive money on both ends of the transaction. Once the children had grown up and completed their years of service, they would receive a sizable plot of land. For the City’s part, they would be rid of the expensive proposition of feeding, clothing, housing, and apprenticing the children and could think of themselves as putting the children in the way of a grand opportunity. For all parties involved, the plan seemed nearly miraculous—as long as one made a conscious decision to focus on the prospect of a blossoming future in Virginia rather than on the bleak situation there.

Whatever the case, by November 17, 1619, the first group of one hundred children, aged between eight and sixteen, arrived in Jamestown. Another group of one hundred were sent in 1620, and then another in 1622.<sup>20</sup> Of these three hundred children, very few seem to have survived. The first group “by the goodness of God . . . saffly Arived, (save such as dyed in the waie),” according to Virginia Company reports to Sir William Cockaine, the Lord Mayor of London; the Company did not say just how many

---

<sup>20</sup> Robert C. Johnson, “The Transportation of Vagrant Children from London to Virginia, 1618-1622,” in *Early Stuart Studies: Essays in Honor of David Harris Willson*, ed. Howard S. Reinmoth, Jr. (Minneapolis, 1970), 141 and 146.

children perished during the voyage.<sup>21</sup> In the 1630s, only three of the boys appear in colony records: Nicolas Granger, Nathaniel Tatum (both from the first group) and Henry Carman (from the second group) were landowners and thus seem to have fulfilled all of the wishes of City of London officials.<sup>22</sup>

Is it possible that out of the three hundred children only three survived to adulthood? It is possible, but unlikely; however, the death toll was probably quite high. In the 1625 census of Virginia only seven unnamed boys were listed; perhaps some of the boys were already considered grown up by this point, but their names do not appear on lists of adult inhabitants, either. Girls may have married and changed their names and so are even more difficult to trace. At least five unnamed boys were murdered in the infamous 1622 “massacre,” when local Native Americans, led by Opechancanough, killed a third of Jamestown’s settlers; however, we do not know if these boys were any of the destitute children sent over by London authorities.<sup>23</sup> Some of the children may have gone back to England, explaining their disappearance from colony records. However, as they had neither money nor friends it is difficult to see many of them having the means to return to their homeland. What is clear: in the first decades of its existence, the mortality rate of adults in their first year of emigration to Jamestown was forty percent.<sup>24</sup> Since children also had to contend with “childhood diseases,” it is very likely that the majority of the children simply did not survive.

---

<sup>21</sup> Susan Myra Kingsbury, ed. *The Records of the Virginia Company of London: The Court Book, from the Manuscript in the Library of Congress, Volume I* (Washington, 1906), 270.

<sup>22</sup> Johnson, “The Transportation of Vagrant Children,” 148-9.

<sup>23</sup> Johnson, “The Transportation of Vagrant Children,” 147, and Games, *The Web of Empire*, 120.

<sup>24</sup> Games, *The Web of Empire*, 130.

Even though the children had little chance of survival, it seems clear that no one wanted to kill these children. As Chapter One has shown, infanticide was considered abhorrent, even if the child involved was born to a destitute, unmarried mother. As Chapters One and Three demonstrated, Englishmen and women believed that poor children were deserving of charity and pity. Nor was this Jamestown project the result of callousness or apathy; on the contrary, much genuine good will and hard work drove this effort forward. Destitute children were both objects of pity and of fear, and this early Jamestown project demonstrates just how many people acted on those familiar emotions—and mixed them with a new desire to aid English overseas expansion—in order to send the children abroad. The project was always described in charitable terms: Londoners envisioned themselves as giving children a great chance at making something of themselves in the New World. It was not without risks, but they felt the potential benefits outweighed such concerns.

The Common Council did take it upon themselves to make sure that the Virginia Company upheld their end of the bargain when it came to the treatment the children would receive upon their arrival in Virginia. They appointed a committee to make sure “on the behalfe of the said Children that those things which are and shalbee undertaken by the said Company shalbee performed towards the said children.”<sup>25</sup> It is not clear, however, how the committee functioned or whether it secured the fair treatment of the children.

Many different men were involved in this project: London’s taxpayers, aldermen, Bridewell officials, the Virginia Company’s leading figures, the Common Council of

---

<sup>25</sup> The committee members appointed included several knights, aldermen, and a grocer. LMA, X109/070, 122-123.

London, the Lord Mayor of London, the Privy Council, and even King James himself. In other words, this was truly a city-wide effort, which cut across the usual boundaries of status and wealth. On the City's part, the Common Council seems to have been the main force behind sending children to Virginia. Sir Edwin Sandys, the Virginia Company treasurer, described the City's actions as taking place "by Act of their Common Counsell."<sup>26</sup> The Council acted in conjunction with the Lord Mayor, with the former acting as the supplier of the children and the latter putting his authority behind the project.<sup>27</sup> The Lord Mayor, aldermen, and Common Council agreed together that the aldermen would instruct churchwardens, constables, and collectors of the poor rate to exact a special "leavy" from every person dwelling in the City "or the lybertyes thereof" for "the right part of the yearely sume w<sup>ch</sup> hee shee or they are taxed or assessed to pay for the reliefe of the poore." Should anyone refuse this additional taxation, constables were given authority to collect the tax through distraint.<sup>28</sup> Thus, while the City technically paid for the children to be transported, the money was exacted from the inhabitants of London.

Some may have been unwilling to contribute their money towards the cause, or have even used the collection of money for their own ends: complaints against Dominick Lumley, a former churchwarden, were brought before the Court of Aldermen in October of 1619 "for deteyninge [part] of the moneyes collected for the transportation of the

---

<sup>26</sup> Susan Myra Kingsbury, ed. *The Records of the Virginia Company of London, Volume III* (Washington, 1933), 259.

<sup>27</sup> LMA, X109/070, 122-123.

<sup>28</sup> *Ibid.* Any money left over from the sale, once the tax was paid, would be returned to the individual.

poore Children to Virginia.”<sup>29</sup> On the other hand, some parishes seem to have sent extra money in as a sort of donation to the cause, asking in return that a particular child be a part of the project: eight-year-old Henry Mole was put forward in this fashion in 1620 and the Alderman’s Court promised to consider the case even though the Virginia Company had by this time requested that the children be twelve or older.<sup>30</sup>

The City of London’s Common Council remained committed to sending children to Virginia, despite all of the problems there. In reaction to the 1622 massacre, the Common Council Court pronounced their decision not to withdraw from the enterprise for fear of further violence but rather to do their best to replenish the Jamestown population with “one hundred persons from the age of twelve yeares and upwards.” This act would demonstrate their desire to glorify God and “expressed their readinesse to cherish and assist soe Noble and soe pious a worke.”<sup>31</sup> Additionally, they decided to take another £500 from London’s taxpayers in order to send another hundred children to Virginia.<sup>32</sup> They seem to have operated under the assumption that the colony would eventually thrive, and indeed the production of tobacco finally provided a little bit of financial success for the settlers. Even so, it is surprising that no objections were raised regarding the safety of the children in the wake of so many fatalities in the colony.

While the motivations of the Company to bolster their colony’s population and of the City to relieve themselves of their burden seem fairly straightforward, involvement by even higher-ranking individuals is somewhat surprising. The Privy Council became involved because of the direct petition of the Virginia Company. When in January 1620

---

<sup>29</sup> LMA X109/159, 233.

<sup>30</sup> It is not recorded whether or not the boy was sent to Virginia. *Ibid.*, 335.

<sup>31</sup> LMA X109/070, 66.

<sup>32</sup> *Ibid.*, 68.

certain children, “being ill disposed . . . declare[d] their unwillingness to goe to Virginia,” Sandys wrote to Sir Robert Naunton, King James’ Secretary of State, because under such circumstances he did not believe the City had the authority to hand the children over to the Company, nor the Company the authority to send them to Virginia.<sup>33</sup> He therefore requested the “higher authoritie” of the Privy Council to put their plans into action despite the children’s protests.<sup>34</sup> A few days later the Privy Council gave the Company permission to proceed, authorizing the City authorities to “Imprison, punish, and dispose any of those Children upon any disorder by them” committed. This order was given “for the better furtherance of so good a Worke.”<sup>35</sup> King James had long been pestering the Virginia Company to take adult offenders off of the state’s hands, so perhaps it makes sense that his Privy Council would approve of this plan to send vagrant children, and potentially future offenders, to the New World.<sup>36</sup>

The reaction of the rich to this plan is perhaps best expressed in the words of John Chamberlain, London newsmonger and correspondent to Sir Dudley Carleton, then ambassador at the Hague: “The citie is now shipping [to Virginia] an hundred younge boyes and girles that lay starving in the streetes, which is one of the best deeds that could be don with so little charge not rising to above [£]500.”<sup>37</sup> Chamberlain’s response to the Virginia plan is very telling: he felt both pity for the sad condition in which the children were living in London, and he rejoiced that an economical solution had been found to

---

<sup>33</sup> Kingsbury, *The Records of the Virginia Company of London, Volume III*, 259. The issue of authority and consent will be discussed in Chapter Four.

<sup>34</sup> *Ibid.*

<sup>35</sup> W.L. Grant and James Munro, eds., *Acts of the Privy Council of England: Colonial Series, Volume I, 1613-1680* (Hereford, 1908), 28-29.

<sup>36</sup> Ballagh, *White Servitude in the Colony of Virginia*, 30.

<sup>37</sup> John Chamberlain, *Memoirs of the American Philosophical Society: The Letters of John Chamberlain, Volume II*, ed. Norman Egbert McClure (Philadelphia, 1939), 170.

relieve their sufferings. For Londoners who knew that something must be done to help destitute children, but who were unable or unwilling to provide the money to clothe, feed, house, and apprentice them, Virginia was an ideal solution.

As for the children, it is difficult—if not impossible—to know how they felt about their fate. All that we can know for certain is that some declared they would not go and were sent anyway, but we do not know how many protested and how representative these protesters are of the feelings of the rest of the group. No documents survive that explicitly explain why certain vagrant children were sent to Virginia while others were sent to Bridewell. However, it does seem clear that young recidivist vagrants were targeted. Perhaps young Thomas Nicholls, apprehended for vagrancy in the London ward of Queenhithe on September 19, 1618, was selected because he was an “ould guest” of Bridewell: he had been arrested one too many times and they wanted to be rid of him.<sup>38</sup> James Tealler was described as “a notorious incorrigable Rogue old guest” and thus was “kept to goe to Virginia.”<sup>39</sup> Ann Momford was not only an “ould guest” of Bridewell but would also “take noe warning” and so was sent to the New World.<sup>40</sup>

The vast majority of the children, however, had their names recorded in the Bridewell Court records with no explanation given for why they were chosen to go to the New World. Sandys described “sundry” of the children as “ill disposed, and fitter for any remote place then for this Citie . . . of whom the Citie is especially desirous to be disburdened.”<sup>41</sup> However, whether the children selected all seemed the most troublesome

---

<sup>38</sup> Robert Hume, *Early Child Immigrants to Virginia, 1618-1642: Copied from the records of Bridewell Royal Hospital* (Baltimore, 1986), 3.

<sup>39</sup> *Ibid.*, 18.

<sup>40</sup> *Ibid.*, 20.

<sup>41</sup> Kingsbury, *The Records of the Virginia Company of London, Volume III*, 259.

of their peers to Bridewell authorities, or whether it fell out that some of the children were frequent offenders while others were simply at hand when authorities were looking for children to send remains unclear. With so many children about, City officials were happy to get some of them off of their hands: Sandys described “The Citie of London” as “appoint[ing] one Hundred Children out of their superfluous multitude to be transported to Virginia.”<sup>42</sup> Because of the opportunity to send them to Virginia, the ever-increasing demands of this rising tide of destitute children would be lessened if not quenched, whether or not the children themselves desired to make the life-altering journey across the Atlantic.

The earliest projects to employ London’s destitute children in colonization efforts were principally aimed at boosting the English population in Ireland and, especially, in Virginia. Though their path was quite perilous, children could become landowners through these schemes, which was much more than they could have expected should they have remained in London. This seems to be why the Virginia scheme was always described as laudable, as “so good a Worke,” or “one of the best deeds that could be don.” Yet, the fact that the children came through Bridewell suggests something else: that their migration is an extremely early example of English criminal transportation. Over the following decades, when trading companies were not heavily involved in children’s emigration, the impulse to use emigration as punishment seems to have grown stronger. However, the charitable motivations still remained and would become particularly strong after the Restoration.<sup>43</sup>

---

<sup>42</sup> Ibid.

<sup>43</sup> For more on the project to send children to Jamestown, see Kristen McCabe Lashua, “Shipp them out for Virginia, with as much expedition as may stand with

### **Child Emigration Between Significant Company Involvement: 1624-1668**

Despite the Virginia Company members' best efforts to stay afloat, they could not manage to keep their enterprise in private hands. Because it was constantly on the brink of bankruptcy and accused of financial mismanagement, the Crown dissolved the Company in 1624. Henceforward, the settlement of Virginia was a state rather than a private enterprise.<sup>44</sup> Since the Company seems to have been the instigator in the plan to send children to the New World, its disappearance signaled a temporary end to similar projects. Though it would be forty-four years until a concerted effort to involve trading companies with the care of destitute children once again took place, children were a continual part of the English empire throughout the seventeenth century.

Alison Games has shown that while the 1620s was still a difficult time for colonization, the 1630s and 1640s witnessed rapid growth in English colonies due to migration rather than natural increase: in only ten years the population of the colonies went from 9,500 in 1630 to 53,700 in 1640, and then increased by 55 percent between 1640 and 1650.<sup>45</sup> Children played a part in this massive emigration, and not just children traveling with their families. Generally, we think of children coming to the New World during this period as members of the "Puritan" clans who settled New England, and

---

conveniencie': The Transportation of London's Vagrant Children to Virginia, 1618-1622." Master's thesis, University of Virginia (2011).

<sup>44</sup> For detailed accounts of the Company's foundation, management, and the eventual takeover by the Crown, see Wesley Frank Craven, *The Dissolution of the Virginia Company: The Failure of a Colonial Experiment* (New York, 1932) and Theodore K. Rabb, *Enterprise and Empire: Merchant and Gentry Investment in the Expansion of England, 1575-1630* (Cambridge, MA, 1967).

<sup>45</sup> Alison Games, *Migration and the Origins of the English Atlantic World* (Cambridge, MA and London, 1999), 4.

certainly many children did travel under such circumstances.<sup>46</sup> However, focusing only on New England family units leaves out the many children who travelled to the New World because of their destitute, abandoned, or orphaned state in London.

In the very earliest years of Jamestown's development, boys had been of particular use as translators and tokens of exchange between the English and Native Americans. As discussed in the Introduction, Christopher Newport gave Powhatan "a Boy of thirteen yeares old," whom the English referred to as Thomas Savage but the Indians called Thomas Newport because they believed him to be Newport's son, as a token of goodwill. Savage would serve as translator, messenger, and assistant mediator between the two groups for the rest of his life. Samuell Collier and Henry Spelman, the latter the son of a poor widow, were also youths who served as translators in Jamestown's earliest years.<sup>47</sup> However, most children worked as servants upon their arrival in the Americas.

Life as a servant in the newfound colonies could be a miserable experience, as the letters of Richard Frethorne demonstrate. In early April of 1623, Frethorne wrote to his "Loveing and kind father and mother," in order to "let [them] understand that [their] Child [is] in a most heavie Case by reason of the nature of the Country is such that it Causeth much sickness, as the scurive and the bloody [flux]." It is unclear how old Frethorne was, but he noted that a "Goodman Jackson" had taken pity on him and "much marvailed that [his parents] would send [him] a servaunt," so it seems that Frethorne had not chosen to go to Virginia himself but rather had been bound by his parents. Frethorne

---

<sup>46</sup> For children in early New England "Puritan" households, see John Demos, *A Little Commonwealth: Family Life in Plymouth Colony, Second Edition* (Oxford and New York, 2000).

<sup>47</sup> Kupperman, *The Jamestown Project*, 232-235.

pleaded with his parents, “if you love me you will redeeme me suddenlie, for [which] I doe Intreate and begg,” for not only was he sick but he had “nothing at all, no not a shirt to [his] backe.” More pitifully still, he claimed, his cloak had been stolen “by one of my owne fellowes . . . some of my fellows saw him have butter and beife out of a ship, [which] my Cloke I doubt paid for, so that I have not a penny.”<sup>48</sup> Though it is unknown how his parents reacted when they read Frethorne’s pleas, their son was dead before the letter reached them.<sup>49</sup>

Bound servants such as Frethorne quickly became a main part of colonial populations: roughly 75 percent of Virginia’s total population throughout the seventeenth century were or had been servants, and eighty percent of Maryland’s bound labor was European until at least the 1670s.<sup>50</sup> Because the apprenticeship of children was so ubiquitous in England, and because colonial indentureship used much of the same legal language as apprenticeship bonds, it is easy to conflate the two different types of labor.<sup>51</sup> However, as both David Galenson and Edmund Morgan have demonstrated, there were key differences between the two institutions. To begin with, indentured servants would not generally learn skilled trades but rather would work as agricultural laborers. In England, labor contracts in husbandry only lasted a year in order to prevent masters from

---

<sup>48</sup> Susan Myra Kingsbury, ed. *The Records of the Virginia Company of London, Volume IV* (Washington, 1935), 58-9.

<sup>49</sup> Emily Rose, “The Politics of Pathos: Richard Frethorne’s Letters Home,” in *Envisioning an English Empire: Jamestown and the Making of the North Atlantic World*, ed. Robert Appelbaum and John Wood Sweet (Philadelphia, 2005), 108.

<sup>50</sup> David Galenson, *White Servitude in Colonial America: An Economic Analysis* (Cambridge, 1981), 4.

<sup>51</sup> Jacqueline Jones, for example, writes that migration represented “an extension, a logical outcome, of more incremental forms of labor mobility in England during the Tudor-Stuart era.” Jacqueline Jones, *American Work: Four Centuries of Black and White Labor* (New York and London, 1998), 61.

abusing their servants and to allow workers to have time to become apprenticed in a skilled trade after their turn at husbandry had ended; however, indentured servants in the colonies were usually bound to serve for many years in backbreaking work that taught them no profession.<sup>52</sup>

The key difference, though, between apprenticeship in England and indentured servitude in the New World was that colonial masters could buy and sell servants without the consent of the servant or of the servant's parents, something apprenticeship indentures in England expressly forbade. In England, parents would take great care to make sure that their child was apprenticed to a good master, and if that master did not fulfill his obligations specified in the indentures—generally feeding, clothing, lodging, paying for medical expenses, and educating the child—or was excessively cruel in his punishments, the parents could prosecute. But in the colonies, servants went to the highest bidder, and could be quickly sold again if the master so chose. Indentured servants thus became property—temporary property, but highly salable nonetheless.<sup>53</sup> To contemporaries, this meant that bound laborers in the colonies had become something other than servants: they had become slaves. Thomas Best wrote in 1628 from Virginia, “My Master Atkins . . . hath sold me for a £150 sterling like a damnd [sic] slave.”<sup>54</sup> It was even more difficult for the children without indentures—and thus some form of legal protection—Richard Hayes Phillips has recorded over five thousand such children in

---

<sup>52</sup> Galenson, *White Servitude in Colonial America*, 7-8 and Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975), 126.

<sup>53</sup> Morgan, *American Slavery, American Freedom*, 128.

<sup>54</sup> *Ibid.*

colonial Virginia and Maryland alone.<sup>55</sup> As Chapters Four and Five will discuss, these children were victims of “spirits” (the term used prior to the 1680s) or “kidnappers.”

However terrible the conditions, Londoners continued to think of the New World as a solution for London’s poor children rather than a death sentence. In his 1636 pamphlet, *The Poore Orphans Court, or Orphans Cry*, the printer, bookseller, and nursing father Michael Sparke deplored the fact that he weekly saw “children . . . Dead in the Street, or starved . . . these poor Orphans, whose court is kept in a Cage, or under a Stall, or in S[t]. Paul’s amongst the formes, the more is the pittie.” Sparke’s pamphlet—complete with drawings of dead, sick, and dying children crying out, “for y<sup>e</sup> lords sake, For Gods sake, For Crists [sic] sake, O somm Comfort”—made a distinction between the “sturdy Rogue and Whore” who, “being people not worth the speaking of,” ought to go to the gallows, and

these poore wretched miserable wretches, those who have neither father nor mother, no, nor any friends, those that want wit, reason, and are not come to understanding, those whose yeeres speake not discretion, nor have wit to helpe themselves, and those be they that make blood drop from my heart.<sup>56</sup>

---

<sup>55</sup> Phillips, *Without Indentures*, vii.

<sup>56</sup> M[ichael] S[parke], *The Poore Orphans Court, or Orphans Cry* (London, 1636), 5-6.



Frontispiece from Michael Sparke, *The Poore Orphans Court, or Orphans Cry* (London, 1636).

Sparke was outspoken in pointing out the failure of the poor laws to take care of these innocents and believed that something more must be done to help them. According to Sparke, parish officers apprenticed orphans and then never checked in on them again, leaving them to be “cast off from one [master] to another.”<sup>57</sup> The solution could not be further poor legislation or spending more money on their care because parish officers were only following the letter of the law rather than its spirit: as long as the children

<sup>57</sup> Ibid.

remained in London, they would be left to suffer and die in the streets by these careless men.

To solve this crisis, Sparke looked to the American plantations as well as England's expanding maritime world by devising a plan that would employ the children for a relatively short amount of time, set them up to do well either in the colonies or with a career at sea, and provide both colonies and mariners with much-needed labor: every ship navigating English waters should take at least one boy as part of its crew. Further, every ship travelling to the New World, whether to Virginia or to New England or "our other plantations," should "carry six *boyes* and sixe *girlles*." The parish would pay for the child's passage, and the child's new master would refund the parish "with thanks" once the child safely arrived in the American colonies. Such masters would keep the children for six years, so long as they gave "a true account" of how the children fared.<sup>58</sup>

For Sparke, the kindest thing to do for the children was to set them up in apprenticeships with masters who could make the children contributing members of England's growing maritime and plantation communities. Both parishes in England and masters abroad benefitted from the arrangement: the former found a free way of providing for their children while the latter gained much-needed laborers. For the children's part, they would serve apprenticeships shorter than the typical terms for charity children at home; they would soon be on their way to making their own fortunes.

Sparke's vision was never carried out, but in the several decades following the initial Jamestown experiment London's destitute children were sent to the American colonies. Most, however, were transported for misdeeds rather than kindly given charity,

---

<sup>58</sup> Ibid.

as will be discussed in Chapter Five. For many of the children sent abroad in the name of charity during this period, it is unclear how much agency they had in this decision. The wording of many of the entries in the Bridewell records, for example, seem to suggest that the children wanted to go, but it may actually have been that they volunteered to emigrate only to avoid some other form of punishment. In 1629 a child listed as “Orphan Strange” came to Bridewell “and offered himself to goe [to] Virginia.”<sup>59</sup> With such a name—or lack thereof—it seems clear that the boy had been without his family for so long that he did not even know what his name was, if he had ever been given one. For such a waif, indentured servitude in Virginia may have seemed better than a perpetual cycle of vagrancy and punishment. Similarly, Francis Bathurst was “desirous to goe to Virginia” in 1637.<sup>60</sup> Perhaps these boys wanted to immigrate. More often children were described as “willing to goe to Virginia” when brought before the Court of Bridewell for vagrancy and other minor crimes.<sup>61</sup> This wording may suggest that they considered indentureship in Virginia as the lesser of two evils when faced with a choice between immigration and punishment at home.

Though the focus of this project is on London’s children, it should be noted here that Cromwell used Irish children’s immigration to the New World as a method of simultaneously desolating the Irish population and culture and of increasing English colonial labor. In 1653, four hundred Irish children were sent to New England and Virginia. Two years later, one thousand Irish girls “and the like number of youths, of

---

<sup>59</sup> Hume, *Early Child Immigrants to Virginia*, 35.

<sup>60</sup> *Ibid.*, 41.

<sup>61</sup> *Ibid.*, 38-39, 41-43, and 45.

fourteen years or under” were sent to Jamaica.<sup>62</sup> Echoing ideas surrounding the plan to educate Indian children at Jamestown as discussed in Chapter One, Henry Cromwell, who was at that time in charge of recruiting Irish immigrants to go to Jamaica, believed that Irish could be made “english-men, I meane rather Christians,” and encouraged the secretary of state, John Thurloe to send even more.<sup>63</sup> This is another example of how the perceived malleability of children and their usefulness as laborers entwined to make them prime objects for forced migration into the colonies.

Meanwhile, back in London the Civil War and subsequent Interregnum seems to have ushered in a brief decrease in plans to send the children abroad. The most obvious explanation is that London’s leading men had more pressing concerns. Certainly, the city’s coffers were short on cash; at various times the Common Council had to borrow money from the Court of Orphan’s funds. Bridewell was used as a place to house men who had been impressed into the army before they were sent to their various regiments. The one key development during this period was the first piece of legislation that specifically targeted people who stole children and spirited them away to the colonies. Though this will be discussed at length in Chapter Five, it is significant to note that while the “charitable” transportation of children lulled, the illicit transportation of children was increasingly problematic during this period.

While there was not a program to send the children abroad, nursing fathers, city magistrates, and perhaps some children themselves used the New World as a solution to the perpetual homelessness and petty crime of destitute children in London during the middle decades of the seventeenth century. Indeed, the method of sending some children

---

<sup>62</sup> Phillips, *Without Indentures*, xiii.

<sup>63</sup> Games, *The Web of Empire*, 264-268.

abroad while punishing or apprenticing others at home would continue until well into the eighteenth century, gradually becoming more formalized as transportation became a legal and an increasingly popular form of judicial punishment.

### **“The Younger the Better”: The Demand for Child Mariners**

Though there were fears of overpopulation at the beginning of the seventeenth century, by the time of the Restoration the English were increasingly worried that their numbers did not measure up with other imperial powers like the French and the Dutch. But they were not just concerned with having the highest number of people; rather, the proportion of “productive to unproductive” workers was key. As Ted McCormick has described the political economy of this period, “the expansion of a free, commercial empire depended on the growth of a free, industrious population.”<sup>64</sup> Where would the English get this industrious population? As Chapter One has shown, the English believed that if a person was to be industrious, he or she must be trained to work during childhood. Accordingly, the English began to look to young boys as the key to their future imperial strength. In particular, boys were used to man the navy, one of the most difficult tasks of the English government throughout the seventeenth century.<sup>65</sup>

Sometime around 1690, an anonymous author likely connected with the Royal Navy wrote a short note he titled, “The Necessity of encreasing our English Seamen, and a Proposall towards it.” The author began by lamenting,

---

<sup>64</sup> Ted McCormick, “Population: Modes of Seventeenth-Century Demographic Thought.” In *Mercantilism Reimagined: Political Economy in Early Modern Britain and its Empire*, eds. Philip J. Stern and Carl Wennerlind (Oxford, 2014), 33-34 and 36.

<sup>65</sup> J.D. Davies, *Gentlemen and Tarpaulins: The Officers and Men of the Restoration Navy* (Oxford, 1991), 67.

‘Tis enough to break the Heart of any true English man, to see how France hath by method, & a little care, so multiplied their Ships, & Seamen, and soe struggled herein, against all the impediments of Nature, as at this day to bring Shame and even terrour upon us.

To remedy this bleak situation, the author wanted to train youths in the art of seafaring, for as England was “surrounded by the Sea, wee cannot have too many of those who may be able to understand it.” The author suggested that the two English marine regiments should “have none admitted therein above the Age of 22, and soe down to the Age of 16, and indeed the younger the better.”<sup>66</sup> In fact, the official minimum age of enrollment in the navy was thirteen, unless the child was the son of an officer in which case the minimum age was eleven. These rules, however, were not strictly kept, and there is evidence that boys as young as eight sometimes served aboard ship.<sup>67</sup>

The anonymous author also noted that “It were to be wisht, that in all the great Seatowns of England, such as London, Bristoll, Plimouth, Poursmouth, Liverpool, Hull, and Newcastle, there were free schools erected for the teaching of Navigation.” His idea of employing the boys of England went even further: “I think it were to be wisht, that one third part of all the Apprentices, and other the Youth of England (who are to live by their Labour) were bound to serve for some part of their time on Shipboard.” His proposal to increase the number of youths in the navy would “rouse up from the debauch into wch [England] is plung’d, and the true Genius and Glory of the nation might once again be

---

<sup>66</sup> NMM, ADL/J/8. The manuscript is undated, but the National Maritime Museum gives the date as c. 1690. Though the author is anonymous, this manuscript was a part of the Royal Navy Administration papers and thus it seems was composed by someone connected to the Royal Navy if not a part of it himself.

<sup>67</sup> Pietsch, *The Real Jim Hawkins*, 7 and 61-63.

restored.”<sup>68</sup> For this author, boys and young men were the key to English naval supremacy and thus English glory.

Boys were a necessary part of a ship’s crew, usually comprising between five and ten percent of a man-of-war.<sup>69</sup> However, the way boys came to be a part of that crew varied. According to J.D. Davies, the Restoration navy was made up of a “complex patchwork of ranks and posts” without a “naval ‘career pattern’ *per se*.” However, boys could be apprenticed to the navy for seven years to work as cabin boys, or, beginning in 1661, they could serve as a “volunteer per order,” which allowed them to sign up for specific voyages. Volunteers per order, or “the king’s letter boys,” had to be under the age of sixteen.<sup>70</sup> A person could not be compelled to enter the navy via impressment until he was eighteen; however, boys thirteen or older were encouraged to volunteer. Generally, boys worked as “ships’ boys,” commonly called “servants,” between the ages of thirteen and eighteen.<sup>71</sup> A 1699 “Scheme for Implying the Poor of this Kingdome,” presented to the king’s Commissioners for Trade and Plantations, suggested that “all men sound of Limb and mind, above 14 and under 50 years of age” who were caught begging in “Maritime Counties” that were not their home parishes be “seized on” and put to “hard Labour” until they were put on board ship for three years “under strict

---

<sup>68</sup> Ibid. The author also suggested that boys from the Christ’s Hospital Royal Mathematical School go across the country to teach at these various schools once they had finished their studies in London.

<sup>69</sup> Pietsch, *The Real Jim Hawkins*, 7.

<sup>70</sup> Davies, *Gentlemen and Tarpaulins*, 16.

<sup>71</sup> Pietsch, *The Real Jim Hawkins*, 7. Peter Earle gives the typical age boys first went to sea as between twelve and sixteen, though boys sometimes were on board ship as young as eight. Peter Earle, *Sailors: English Merchant Seamen, 1650-1775* (London, 1998), 19.

discipline.”<sup>72</sup> Though this plan was not followed, it shows the desire to employ boys in the sea service at a young age.

Life on board ship was a difficult one, and boys were exposed to many hardships. As Chapter Two has shown, they sometimes escaped the harshest punishments meted out to adult sailors, but that does not mean that they had easy lives. The diary of Reverend Henry Teonge, which he kept while serving as a chaplain on various voyages between 1675 and 1695, describes several instances of harsh punishment for the ships’ boys. One morning he noted the contrast between the “plesant [sic] Gale” and the mood of the boys: it “is black munday with the Boyes; who are many of them whipt with a Cat with 9 tayles for their misdemeanours.” On another day he described how several men and “the master’s boy” were tied up with “a Moudlen-Spike: viz an iron Pin clapt close into their mouths: and tyd behind their heads” for an hour. This punishment, he wrote, left “their mouths . . . very bloody,” which he felt was “An excellent cure for swearers.”<sup>73</sup>

Despite this harsh—what some might call cruel—life, nursing fathers persisted in seeing the navy as a fit place to send young boys. For men like Jonas Hanway, who founded the Marine Society in the middle of the eighteenth century, it was considered a kindness to send boys to sea at a young age. Hanway felt that it was a fact “beyond all

---

<sup>72</sup> The document was authored by Thomas, Earl of Stamford; Robert, Lord Lexington; Sir Philip Meadows; John Locke; and Abraham Hill. NMM, REC/4, 87-88. The same document suggests that females over the age of fourteen should simply be sent to their home parishes if caught begging outside of them. If caught a second time, she should be sent to a house of correction. Children under the age of fourteen should be sent to a “Working-Schoole.” See Chapter Three for Londoners’ solutions for the care of poor children. As Chapter Two discusses, fourteen was considered the age of discretion in English common law.

<sup>73</sup> NMM, JOD/6. For a detailed description of a boy’s life on board ship, see Pietsch, *The Real Jim Hawkins*, 110-140. For punishment of ships’ boys, see Earle, *Sailors*, 96-97 and 150.

contradiction, that those who are bred to the sea from the earliest part of life, generally become the ablest mariners.” Such boys became “inured to hardships” and so could “bear long voyages, winter cruises, and change of climate” more readily than those who had not been raised on board ship.<sup>74</sup> The sea could also offer career opportunities for boys who were trained to be navigators. Indeed, at Christ’s Hospital’s Royal Mathematical School, only the most promising boys were trained in mathematics so that they could be apprenticed to ships’ captains.

### **The Opportunities of Empire: Apprenticeship Abroad for the Blue Coat Boys**

As Chapter Three has shown, the children of Christ’s Hospital were a privileged set as far as poor children were concerned. Though they were orphans, their fathers had to have been citizens of London, and they often had to have a patron in order to gain admittance. Thus, while they were from families who had fallen into poverty—often due to the death of the family’s male breadwinner—they were treated better than the average destitute child. Certainly, they were given better apprenticeship opportunities than the children of Bridewell were. Nowhere is that difference more notable than in how the blue coat boys were employed across the globe.

It has already been noted that Christ’s Hospital boys appear to have been among the first charity children sent abroad when several were sent to Ireland in the first part of the seventeenth century. After this time the boys’ involvement in colonization efforts seems to have ceased for a period. Beginning in the 1660s, however, and increasing rapidly in the 1680s, Christ Hospital began to work closely with trading companies in

---

<sup>74</sup> Pietsch, *The Real Jim Hawkins*, 5.

order to send their boys all over the globe. Christ's Hospital already enjoyed a close relationship with the East India Company: the EIC rented warehouses at Leadenhall from the institution and annually gave money "towards the reliefe of the poore Children habored in the said Hospital."<sup>75</sup> In 1668, this relationship between the two institutions was demonstrated in a new way: four of the hospital's boys, John Nicks, John Thomas, John Davis, and William Probart, were apprenticed to the EIC. Only a few years later, they were EIC writers in Madras. While Probart, "an enjenious youth and good penman," died in 1671, Nicks went on to become a company secretary while Davis and Thomas became factors.<sup>76</sup> These young men were able to establish themselves into the mercantile colonial world thousands of miles away from England. Nicks was even able to send for his sister, who married an assayer of the mint in Madras in 1676.<sup>77</sup> This early successful partnering with the EIC to provide for boys turned into Christ's Hospital's consistent practice of apprenticing boys to trading companies, ships' captains, and colonial merchants.<sup>78</sup>

Normally, if a youth around the age of sixteen or seventeen wanted a position with the EIC, he would need family connections (for example, a father already in the Company) and he would need to show that he was properly trained for a life in the

---

<sup>75</sup> LMA, CLC/210/B/001/MS12806/6 (formerly at GL), entry for 4 August 1664.

<sup>76</sup> Thomas was even given 50 pagodas as a "language reward" in 1674. Sir Charles Fawcett, *English Factories in India, 1670-1677, Vol. II* (Oxford, 1952), 57, 126, 156-7, 164, 178, 207, and 250. In the EIC, writers were the lowest civil servants; the boys' promotion to writer meant they were no longer apprentices. Factors were the next rank for civil servants.

<sup>77</sup> Ibid.

<sup>78</sup> For an account of the lives of several Bengali pilot boys, see G. T. Labey and R. K. H. Brice, *The History of the Bengal Pilot Service: Being an Account of the Navigation of the Heeghly River* (unpublished thesis, 1970), NMM, THS 12/1 and NMM, THS 12/2.

Company's service. He would present a petition to the EIC signifying his age, including a record of his baptism with his parents' names and the parish in which he was born, usually signed by a vicar or churchwarden. Then, he would need a letter from a writing master, certifying that the boy had gone through "a regular course of Bookkeeping and Merchants Accompts." With this background, the fruits of being part of a family with some means, the youth might well become an EIC writer. Without them, a boy would have little chance of becoming part of the Company.<sup>79</sup>

One of Christ's Hospital's key benefactors, Sir Robert Clayton, seems to have been the one who suggested that Christ's Hospital begin to teach boys the mathematical and navigational skills to become ships' captains and overseas merchants. With encouragement from Samuel Pepys as well as from his brother James, then Duke of York and Lord High Admiral of England, Charles II issued letters patent in 1673 to establish the Royal Mathematical School. There, the forty brightest of Christ Hospital's boys could learn

the Art of Navigacon and the whole Science of Arithmatique until their age and competent proficiency in these parts of the Mathematiques shall have fitted and qualified them . . . to bee initiated into the practices of Navigation and to be bound out as Apprentices for seaven [sic] yeares to some Captaines or Commanders of Shippes.<sup>80</sup>

Less than seventy years after the English landed at Jamestown and barely managed to make the colony viable, they were in possession of thriving maritime networks and prosperous overseas colonies. They looked to intelligent charity boys to strength their imperial might through their increasingly powerful navy, or as an Easter anthem written for the Royal Mathematical School lauded the plan a few years later: "King Charles, our

---

<sup>79</sup> BL, IOR/J/1/2, 129.

<sup>80</sup> Pearce, *Annals of Christ's Hospital*, 100-101.

late (now blessed) King,/Hath enlarged our Foundation;/Whose glory through the world shall ring,/By means of navigation.”<sup>81</sup> The “King’s boys” would no longer be burdens on the city’s coffers. Instead, they would display the navigational ingenuity—and superiority—of the English.

In 1676, Charles II sought to enlist the help of London’s trading companies in his pet project. He sent a letter to the East India Company, Royal African Company, Merchant Adventurers “Trading into the East land” (better known as the Eastland Company), the Muscovy Company, and the Turkey Company, advertising that fifteen boys had already “ripened to a proficiency” in navigational knowledge. Therefore he wrote for the “good will and assistance of the severall principall Companies and Societies of Merchants” for the “effectuall secureing . . . of able Masters of the said Children.”

The king also made the company aware that

besides the Consideracion of its being a matter well pleasing to God Almighty and profitable to the publick what ever good offices you shall therein at any time doe to the Children of this our Royall Foundacion wee shall be ready on all occasions to express our gracious acceptance thereof from You.<sup>82</sup>

Helping poor children had always been a way to build treasures in heaven and secure municipal stability. Now, helping these particular poor children was a way to gain favor with the king. The companies would be foolish to ignore such a pointed message from their sovereign.

---

<sup>81</sup> Ibid., 99.

<sup>82</sup> LMA, CLC/210/B/007/MS12873 (formerly at GL), 40-41.



Antonio Verrio (1638-1707), *Charles II at Christ's Hospital*, c. 1680. Study for the Great Picture at Christ's Hospital in which Charles II gives audience to the governors, masters, and children (in their distinctive blue coats) of the institution. Victoria and Albert Museum, London.

As the image of Charles II with the Christ's Hospital boys painted by Antonio Verrio around 1680 demonstrates, the globe was central to the king's vision for the mathematical scholars and a point of great pride. In January 1678, the king was presented with a table showing all of the boys who been put forth as apprentices since the beginning of the Royal Mathematical School. Though two had run away before they

could be apprenticed, nearly half of the boys went to the East Indies, while the rest were sent across the globe.<sup>83</sup>

#### **Locations To Which First Group of Mathematical Scholars Were Sent**

East Indies	20
Jamaica	4
Cadiz	3
The Canaries	3
Smyrna	3
The Straights [possibly the Straits of Magellan]	3
Guinea	2
Scanderoone [Iskenderun, Turkey]	2
Virginia	2
Dantzick [Gdansk, Poland]	1
Lisbon	1
Royal Naval Service	1

The global destinations of the mathematical scholars continued throughout the rest of the seventeenth century and into the eighteenth; in the 1720s, the boys were apprenticed to ships traveling to the Barbados, the Carolinas, Portugal, Gambia, the Leeward Islands, Newfoundland, Spain, Jamaica, New England, Virginia, India, Gibraltar, Antigua, Italy, France, and China.<sup>84</sup>

Being a mathematical scholar meant that the boys had the protection of Christ's Hospital governors even after they had set sail to faraway places. In 1684, the governors received word that "William Fisher late one of the Mathematicall Children and placed to Sea with Elias Clifford his Master, is now detained in Carolina in a plantation which is

---

<sup>83</sup> LMA, CLC/210/B/007/MS12873, 95-96. The average age of the boys at the time of their apprenticeship was 15.9 years old, though the boys pictured in the Verrio painting appear to be much younger.

<sup>84</sup> For information regarding where boys were sent by Christ's Hospital, I used data from the institution's entry books, found at LMA, CLC/210/F/003/MS12818/1-12 (formerly at GL).

contrary to the Covenants entere[d] into by his Master to the King.”<sup>85</sup> Fisher had been pressed into indentured servitude rather than using his mathematical education to learn the art of navigation aboard ship. Upon hearing this news, the governors immediately wrote to the Earl of Craven, the governor of the Carolinas, to ask that his deputy, Richard Kerne, would see that “William Fisher may be sent into England with all speed to serve the remainder of his time in Sea Service according to his Ma[jesty’s] gracious intention.”<sup>86</sup> The king had decreed that the mathematical scholars would have a better fate than that of a normal charity child. Their status as orphaned children of London’s citizens had allowed them admittance to Christ’s Hospital, and their personal abilities had marked them out as boys worthy of receiving specialized schooling. This background gave them privileged status and assured their protection from indentured servitude: the Earl of Craven responded two weeks later that Fisher would be returned to England so that he could be sent into the sea service as planned.<sup>87</sup>

This protection even extended to the boys once they had finished their apprenticeships. As discussed in Chapter Three, nine young men who had been apprenticed to the East India Company in 1687 wrote to the Christ’s Hospital governors from Persia and posts “downe y<sup>e</sup> Coast of Mallabar” in 1696 that they had finished their apprenticeships but that they had been continually passed over for promotion.” The young men needed “Security for our truth £1000 each as usuall for Factors,” but because of their impoverished or nonexistent families they had no one to pledge such security for them. They were insulted that the governors of Christ Hospital did not count as security:

---

<sup>85</sup> LMA, CLC/210/B/007/MS12873, 227.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid., 230.

“Tis wonderfull & amazing to us, why we should be kept back from perform[en]t purely upon the accompt of having come from Christs [Hospital], when our Masters have such responsible and worthy Gent[leme]n for our Security.” Therefore, they looked to the governors as “our Nursing Fathers,” asking them to inform the East India Company that the young men should not be held back “because wee were poore Blewcoates.” Indeed, the men hinted that the Hospital owed them such help: as they were apprenticed to a trading company rather than to the master of an artisanal trade, if they could not achieve employment with the EIC their “Ruin [would] follow” because they would “never be admitted to any craft” without the proper apprenticeship training. The governors decided that they would look into the matter more extensively by interviewing one of the young men who had traveled back to London to deliver this plea personally. They clearly took seriously the charge that it was their obligation to look after these young men even after they had reached adulthood.<sup>88</sup> Once again, the privilege of being a “blue coat” gave protection to children who had no family or friends to care for them.

Though some mathematical scholars ran away or, as Chapter Six will discuss, refused to go abroad, the vast majority decided to take their chance at a life aboard ship or as part of an overseas trading company. For some, this decision resulted in the ability to become part of a wealthy mercantile enterprise. Others, however, met with frightening fates: shipwreck, injury, or death abroad. The blue coat boys’ privileged status could not protect them from the harsh realities of early global travel. Even still, most of the boys, their families, and the nursing fathers around them believed that this global employment

---

<sup>88</sup> LMA, CLC/210/B/001/MS12806/8 (formerly at GL), 523-524. The records do not indicate if and how the governors acted and what happened to the petitioners.

was greatly to their benefit. Though it was without guarantees, it at least offered the chance at leaving the slums of London for a potentially lucrative career.

### **The Foundling Hospital: Saving Britannia's Babies**

Thomas Coram (born c. 1668) seems to have been destined for a life in the mercantile Atlantic world. The details are far from clear, but it appears that his father was employed in merchant shipping. He lost his mother as a young boy and was sent to sea at the age of eleven. He was soon apprenticed to a shipwright and thus spent his youth involved in maritime endeavors. By the time he was in his mid-twenties, Coram's skills as an auditor of transports in Ireland led to his being put in charge of creating a new shipyard in Boston; he would spend the next ten years of his life as a shipbuilder in New England. Coram was extremely active in promoting the ties between England and her American colonies, including advocating colonization in what is now Maine and Nova Scotia.<sup>89</sup>

It was within the context of this Atlantic, mercantile world that Coram envisioned the creation of England's first home for foundlings. When Coram obtained a Royal Charter to establish London's Foundling Hospital in 1739, he built on the precedence of over one hundred years of Englishmen looking to the empire in order to solve the problem of destitute children at home. He created the home for abandoned infants not only to save their lives but also to "make them useful to the Publick either in the Sea or

---

<sup>89</sup> James Stephen Taylor, "Thomas Coram (c. 1668-1751)," *ODNB*. For more on Coram's early life, see Ruth K. McClure, *Coram's Children: The London Foundling Hospital in the Eighteenth Century* (New Haven and London, 1981), 16-26; and Gillian Wagner, *Thomas Coram, Gent., 1668-1751* (Woodbridge, UK, 2004), 7-59.

Land Service.”<sup>90</sup> Coram—as many Englishmen had before him—envisioned a world in which suffering children were not abandoned and their lives wasted but rather one in which they were given the chance to bring glory to England and create a successful life for themselves in the process.

London was the last of Europe’s major cities to have a foundling hospital. Christ’s Hospital had stopped admitting infants in 1676, and mothers who could not afford to raise their infants or who felt they could not keep them because of the shame of illegitimacy had nowhere to turn for aid.<sup>91</sup> In 1722, Coram was living in London after his successes across the Atlantic. As he traveled between his home on the outskirts of the city—probably Rotherhithe—and the heart of London to do business, he noticed “young Children exposed, sometimes alive, sometimes dead, and sometimes dying.”<sup>92</sup> He decided he must do something to help. He did not have enough money to build an institution to house them himself, but he hoped to prevail upon the king for a charter to create a home for London’s abandoned babies.

It took him seventeen years, however, to obtain a charter for the Foundling Hospital. Most of the resistance he encountered came from people who feared that allowing women to give up their children without consequence would encourage promiscuity.<sup>93</sup> He had to come up with a motivation to outweigh these fears. He knew from personal experience that laborers were needed in New England to build ships; if he could raise these babies until they were old enough to work across the Atlantic, he could

---

<sup>90</sup> Coram’s undated petition to the Princess of Wales for support for the Foundling Hospital, LMA, A/FH/A1/3/1.

<sup>91</sup> McClure, *Coram’s Children*, 8-9.

<sup>92</sup> *Ibid.*, 19.

<sup>93</sup> For early modern cultural views of illegitimate children, see Chapter One.

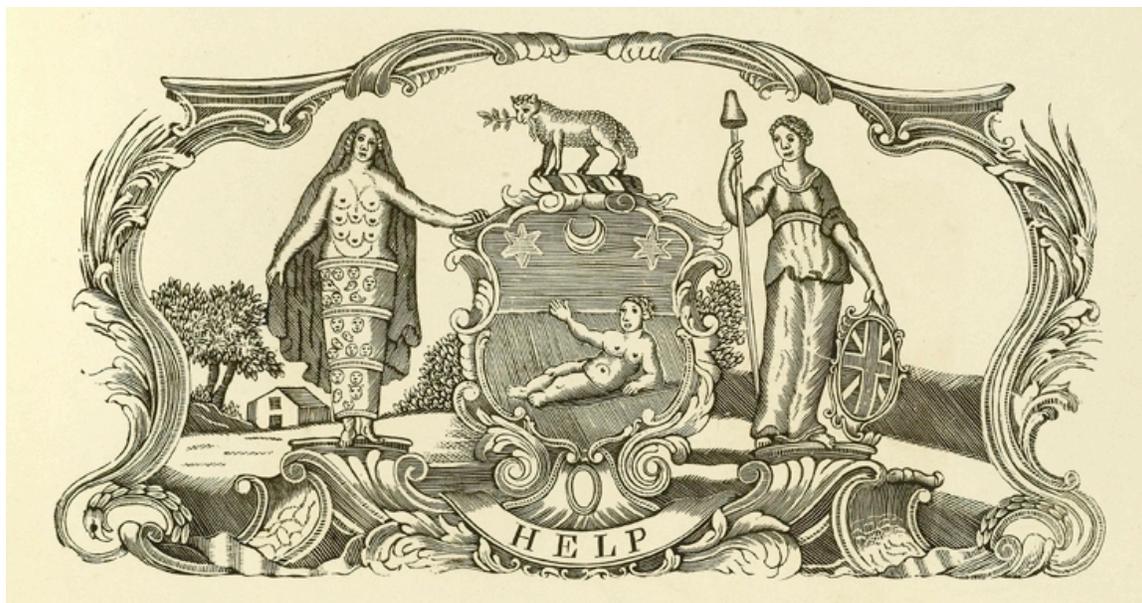
solve two problems with one charitable enterprise. He eventually gained success in his endeavors when he was able to obtain the backing of prominent ladies. It was not only their merciful feelings to which he appealed. Instead, he promised the women that the babies they helped now would become a blessing to the empire in the future.

For example, when he petitioned Princess Amelia, daughter of George II, and Augusta the Princess of Wales, wife of Prince Frederick, in the 1730s to encourage the king to grant the royal charter needed to begin the project, he described the proposed hospital as a place where children would be saved from “utter Destruction.” Once the children were saved, they would be given “a virtuous Education, so as to make them useful to the Publick, either in the Sea or Land Service, instead of being Robbers and Murderers.” In his petition to the king, Coram used the same promise that the children would be useful in the army or the navy if they were raised correctly.<sup>94</sup> Coram was able to appeal to potential supporters by promising that the children would be useful to the empire. He was appealing to a growing idea among political arithmeticians: the laboring poor must be turned into a valuable source in terms of production. In 1722, the solicitor Lawrence Braddon calculated that a “poor young child . . . as soon as [it is] born, and likely to live, upon a political account, may be valued at £15.” Such children could be “made the greatest wealth and strength of the nation.” But first they must be “well bred up.”<sup>95</sup> That was where the Foundling Hospital entered into the equation.

---

<sup>94</sup> LMA, A/FH/A1/3/1. The petitions are undated, but the charter was granted in 1739.

<sup>95</sup> Donna T. Andrew, *Philanthropy and Police: London Charity in the Eighteenth Century* (Princeton, 1989), 23.



William Hogarth, *The Grant of Arms* (1747). The coat of arms of the Foundling Hospital shows a baby crying for help while flanked by Nature (left) and Britannia (right).<sup>96</sup>

Saving children for the sake of Britain continued to be central to the Foundling Hospital's mission. A 1759 answer to criticisms of the foundation noted as its "first premise" that "the true original Greatness of any Kingdom or Nation as well as the natural strength of government consist in the Number of their Native Industrious Subjects."<sup>97</sup> The connection between the political economy of the realm and the number of its "industrious" people remained a key motivation for the Foundling Hospital's existence and a way of justifying its work of saving, in many cases, bastard children.

Interestingly, in practice the children were not only rescued according to their usefulness to the empire nor were they only employed in imperial endeavors. The boys did not necessarily join the navy or the army. As undated notes filed in miscellaneous Foundling Hospital papers explain, "The boys at thirteen, 14 or 15 years of age are put to some trade or business they seem most inclinable to & commonly have ye choice of a

<sup>96</sup> Image from the Foundling Museum, <[www.foundlingmuseum.org.uk](http://www.foundlingmuseum.org.uk)>.

<sup>97</sup> LMA, A/FH/A/01/004, 145.

master & stay a week or two on tryal.” This concern that the boys might have some choice in their apprenticeship echoes the larger eighteenth-century trend, discussed in Chapter Six, that children had some self-determination in their indentures and in their future careers. Girls were not needed in the land or sea service at all, but there was no preference for saving male over female babies. Rather, girls were put to work “in linnen, woollen & knitting or to make lace.”<sup>98</sup> Even still, many boys were apprenticed to mariners and became part of the sea service until they were twenty-four.<sup>99</sup> And Parliamentary funds were given to the Hospital in 1756, when war with France made the English particularly concerned with their ability to save babies and “recruit the nation.”<sup>100</sup>

The Foundling Hospital became an imperial project, supported by Britons living all over the empire. Patrons donated money from St. Christopher, Virginia, Jamaica, Antigua, Madras, India, and even Germany.<sup>101</sup> Coram’s original claim that saving abandoned children and training them properly would benefit the empire seems to have taken hold in a culture that was increasingly interested in patriotism and empire-building. The rhetoric of patriotism, however, was at its strongest during the creation of London’s first charity specifically established to put boys in the Royal Navy.

### **The Marine Society: “Charity and Policy United”**

Early modern Britons’ various schemes of to use the empire to employ its destitute children culminated in the Marine Society. Earlier plans, like the use of

---

<sup>98</sup> LMA, A/FH/A1/3/1.

<sup>99</sup> For the collection of the Foundling Hospital’s children’s indentures, see LMA, A/FH/A/12.

<sup>100</sup> James Stephen Taylor, “Philanthropy and Empire: Jonas Hanway and the Infant Poor of London.” *Eighteenth Century Studies* 12.3 (Spring 1979): 290.

<sup>101</sup> McClure, *Coram’s Children*, 179-180.

Jamestown or the creation of the Royal Mathematical School, had utilized extant institutions like Bridewell and Christ's Hospital. The Foundling Hospital had used the empire as a motivation to smooth over questions of morality, but the empire was not its sole reason for existence. The Marine Society was different. It was founded with only one purpose: to equip boys and young men to become sailors in the Royal Navy during the Seven Years' War.

The reformer Jonas Hanway founded the Marine Society in 1756 because the navy needed boys. As his biographer James Stephen Taylor wrote, Hanway was a tireless philanthropist who was constantly motivated by the question, "How could lives be saved and trained to the national good?"<sup>102</sup> At the outbreak of the Seven Years' War, the national need for boys in the navy was painfully apparent. In keeping with fears that if Britain did not have sufficient manpower it would be defeated by other European states, Hanway warned: "it is a self-evident proposition, that a puissant State, depending on Trade, must have fleets equally powerful to defend it against a formidable neighbor." France in particular, he worried, would try to outdo the British militarily if it could, but he used that fear to call his fellow subjects to action: "The various arts [France] continually employs to *depress* us, even by her naval strength, out to inspire us with *resolution*." However, if Britons failed to answer this call, they could expect to "soon be obliged to yield up those advantages for which our *fathers* have so often bled, and bid a long farewel [sic] to all our glory."<sup>103</sup> He looked to London's streets to meet this great national need.

---

<sup>102</sup> Taylor, "Philanthropy and Empire," 287.

<sup>103</sup> Jonas Hanway, *Motives for the Establishment of the Marine Society. By a Merchant* (London, 1757), 3-4.

As we have seen in Chapter Three, London was always crawling with homeless youth. The problem was, however, that they were in no way equipped to go to sea in an era before the navy provided uniforms and bedding. The lack of provision meant that boys either had to refrain from volunteering altogether or go to sea without warm clothing. This lack of provision could lead to victimization: in 1747, Hali Algiers was found guilty of “Notorious practises leading & tending to Sodomy” because he had assaulted ten-year-old William Mason. Algiers had initially befriended Mason with promises of help because the boy was so pitifully ragged: he was “naked . . . having no bedding[,] without any Cloathing, but a piece of a Shirt full of Lice.”<sup>104</sup> The plan, then, was to create a fund out of which boys could be clothed so they could escape such miserable conditions on board ships.

---

<sup>104</sup> TNA, ADM 1/5289.



**“For the Service of Our Country” (1757):** Charity leads ragged boys to Britannia, who gives them new clothes at the Marine Society’s Warehouse while a naval vessel waits for them in the background.<sup>105</sup>

The Society sought out the poorest of Britain’s children. Other boys, Hanway argued, could be used for other pursuits, like “Agriculture and Manufactory.” He did not want so many boys to join the navy that the domestic economy suffered from want of workers. Instead, he sought out “young recruits among those who are most destitute; whose parents have left them in extreme poverty, or friendless and exposed to those complicated miseries which are most disgraceful to human nature.” He saw this work as the best combination of philanthropy, political economy, and the new nationalistic fervor: “to teach those, who would have been otherwise totally lost to their country, an

<sup>105</sup> Illustration from Hanway, *Motives for the Establishment of the Marine Society*.

occupation on which commerce and naval strength depend,” he wrote, was “the very essence of charity, and include[s] the truest patriotism.”<sup>106</sup>

Though the Society promised to clothe both boys and men, the number of boys they assisted far outstripped the number of men. By April 1757, they had clothed 737 boys, 154 “Stout Lads clothed as Men,” and 249 men. Additionally, they had spent nearly £250 “Conveying 891 Lads & Boys to the several Ports” and £137.4.1 for “Maintenance [of the boys] till sent to the ports & curing 54 Boys who were distemper’d.”<sup>107</sup> It was critical to Hanway and other Society founders that recruitment of boys focused on the navy rather than on the army: “the common soldier may be more easily formed than the common sailor.” His reasoning was that “landmen must be seasoned, as well as disciplined; they must be the sport of winds and waves, before they become able mariners.” If the Society sent boys to sea to “season” them, they would soon have a fleet of able mariners. Hanway felt that Britons ought to consider how to “breed[] up a race of seamen.” His answer to this question was simple: “If the children of the poor are sent to sea before their constitutions and turn of mind are formed, they will be habituated to a sea life, and the duties of a ship will become less perilous and toilsome.”<sup>108</sup> Children’s perceived malleability, as discussed in Chapter One, was what made them perfect mariners-in-training.

The Society received applications for boys right away. They informed the Lords of the Admiralty on July 1, 1756, that they were ready to “Cloth a Number of Healthy stout Landmen . . . Boys as well as Men” in an “Enterprize” meant “to be really

---

<sup>106</sup> Hanway, *Motives for the Establishment of the Marine Society*, 8-10.

<sup>107</sup> NMM, MSY/A/1, 58-59.

<sup>108</sup> Hanway, *Motives for the Establishment of the Marine Society*, 5-6.

beneficial to the public.”<sup>109</sup> Before the month was over, they had already received a request from the commander of the *St. George* to clothe thirty boys that he could not afford to equip out of the navy’s coffers and, at an additional expense, to send the boys to Portsmouth for embarkation.<sup>110</sup>

The Society did not simply equip the boys that were presented to them by sea captains. They also heavily recruited boys from all over England, Ireland, and Scotland. Four years after its creation, the Marine Society reported that there had been “applications to them from the Navy Officers,” along with a “great call . . . for boys, for the Merchants Service,” and that boys were also needed for “numerous other Occasions . . . both by Sea and land, during this arduous War.”<sup>111</sup> To answer these calls, the Society hung up “whole Sheet Advertisements” in “the most conspicuous Places” that called on boys and men to go to sea.<sup>112</sup> Such advertisements called for “stout Boys” over the height of 4’3” to serve on warships, for which they would be “handsomely provided with Clothing and Bedding.”<sup>113</sup> The boys’ spiritual care was also considered: along with clothing and bedding, each boy was provided with a New Testament.<sup>114</sup>

Clearly, such advertisements worked. By the time that the Seven Years’ War ended in 1763, the Society had outfitted five thousand boys for the navy. Around twenty percent of those boys were without family of any kind.<sup>115</sup> Though the Society was desirous to send as many boys to sea as possible, they were also careful to make sure that

---

<sup>109</sup> NMM, MSY/A/1, 5.

<sup>110</sup> *Ibid.*, 13.

<sup>111</sup> NMM, ROD/1, 69.

<sup>112</sup> NMM, MSY/A/1, 51.

<sup>113</sup> *Ibid.*, 145. A boy who volunteered to serve on board the same ship as his father did not have to meet the height requirement.

<sup>114</sup> *Ibid.*, 158.

<sup>115</sup> Pietsch, *The Real Jim Hawkins*, 18.

they only sent boys who were considered capable of the hardships of life on board ship. For example, they tried to strictly enforce the height requirement for they felt “it is no Charity to send Boys under that Standard.”<sup>116</sup> They were also careful, as Chapter Six shows, to make sure that no boys were forced to go to sea “by Compulsion.”<sup>117</sup>

While we might balk at the idea of sending boys to war, the Marine Society founders saw their endeavors as entirely patriotic and charitable. In April 1757, just eleven months after the Society’s creation, they remarked in their meeting minutes:

When it is consider’d how many Men and Boys have been rendred [sic] useful who would have been Disturbers of the Peace; how many Lives of the men as Well as boys have been preserved, which would probably have been lost to God and their Country, we must thank Heaven for inspiring us with such Inclinations to do good to our Fellow Creatures. . . . when we Contemplate the great Utility of it in War, and that it includes the true Piety and most substantial patriotism, by promoting the Health, the Comfort and Happiness of our Fellow Subjects, we may flatter ourselves that those whom providence has placed in a Situation to be the Guardians of the Welfare of others, will contribute Liberally.<sup>118</sup>

Their call to the “Guardians of the Welfare of others,” i.e., nursing fathers, was clear: equipping men and boys to go into the navy not only helped the country but also did “good to our Fellow Creatures.” It was a charitable undertaking, one that kept such people from becoming outlaws by providing employment for them.

Perhaps the best way to understand the Marine Society is through three banners they proposed to make in 1758 for their annual dinner. The first was to be “a White Jack with a Union Cross.” The second showed a direct link between loyalty to the king and the clothing of boys. It was to be “a Red Flag with a Gold Anchor and Cable with the Motto God save the King and prosper his Arms on one side; and a Boy holding up a Jacket on

---

<sup>116</sup> NMM, MSY/A/1, 163.

<sup>117</sup> *Ibid.*, 164.

<sup>118</sup> *Ibid.*, 58-59.

the other.” The final flag was “A Blue Banner with Brittania [sic] leaning on the Shoulder of a ragged Boy with the Motto Charity and Policy united on one Side and a Book open, with a Motto, by Mercy and Truth on the other.”<sup>119</sup> Britannia leaned on her ragged boys in order to fill her navy. The men who supplied those boys to her felt that their plans showed “Charity and Policy united.” Early modern ideas of political economy and patriotism came together with notions of charitable duty toward children. As with the Foundling Hospital, charitable donations poured in from all over Britain and from abroad. Aiding Britannia’s boys became an important part of contributing to “the great Cause of national Welfare.”<sup>120</sup>

## **Conclusion**

The question remains whether these thousands of children were voluntarily employed abroad or were the victims of forced migration. Often the answer is murky at best. As the English ventured into new geographical space, they crossed into new legal territory as well. As Chapter Two has already noted, children often occupied a grey area in English legal thought and subsequent social action; as Chapters Five and Six will show, this problem was only compounded when those children were sent thousands of miles away from their parish of origin, often without their consent.

Whatever the case, children, often “the younger the better,” were essential members of England’s growing colonial enterprises. Many worked on plantations as indentured servants, while others served as ships’ boys or apprentices to the great trading companies. As the example of Richard Frethorne’s pitiful plea to his parents to redeem

---

<sup>119</sup> *Ibid.*, 172-173.

<sup>120</sup> *Ibid.*, 173.

him from indentured servitude demonstrates, these children were not necessarily orphaned or abandoned. However, Londoners took the opportunity of having access to a rapidly expanding colonial and trading network to unburden themselves of their unwanted children. It does not follow, however, that Londoners felt apathetic towards these children. Instead, they wanted the children to thrive and to simultaneously bring success to their overseas projects. Constantly couching their action of sending the children abroad in terms of charity—whether that charity take the form of setting them up in apprenticeships to great companies or simply by saving them from becoming rogues and villains—the English continued to consider the deployment of children across the globe as a “one of the best deeds that could be don[e].”<sup>121</sup>

---

<sup>121</sup> John Chamberlain, *Memoirs of the American Philosophical Society: The Letters of John Chamberlain, Vol. II*, ed. Norman Egbert McClure (Philadelphia, 1939), 170.

### **Part III: The Legalities of Child Migration**

## Chapter Five: Spirited, Convicted, or Compelled: The Forced Migration of Children, c. 1607-1700

Sometime in the 1580s, Sir Francis Bacon (1561-1626) wrote that the powers granted to the governor of Bridewell were “repugnant” to the liberties granted Englishmen in the Magna Carta. He claimed that the authority of the governor to “search, enquire, and seek out idle ruffians, tavern haunters, vagabonds, beggars, and all persons of evil name and fame . . . men or women, and then to apprehend and . . . commit [them] to Bridewell” was in direct opposition to the Great Charter’s provision that “No freeman shall be taken or imprisoned . . . or be outlawed or exiled, or any other way destroyed, nor we shall not pass upon him nor condemn him but by lawful judgment of men of his degree, or the law of the land.”<sup>1</sup> Bacon wrote several decades before the children of London’s streets and of Bridewell were sent to Jamestown, but the issues he raised are critical for this study: were the actions taken to send children abroad lawful, charitable works or the illegal imprisonment and exile of English subjects? Could Englishmen, women, and children have their liberties stripped from them simply by virtue of being poor? And did children have protection under the law from imprisonment or exile, or were they simply at the mercy of adults around them? Because of the ability to move poor children out of England, these questions increasingly demanded answers.

This chapter begins by describing the legal questions raised when, as discussed in Chapter Four, hundreds of children were forced to migrate to Jamestown. It shows how transportation was used increasingly throughout the seventeenth century as a way of

---

<sup>1</sup> Sir Francis Bacon, “Discourse Upon the Commission of Bridewell.” In *The Works of Francis Bacon, Vol. 15*, James Spedding, Robert Leslie Ellis, and Douglas Denon Heath, eds. (Boston, c. 1900), 15-16.

dealing with the anxiety Londoners had about what to do with child criminals. I then discuss the growing problem with “spiriting,” the illegal stealing of children in order to sell them as indentured servants in the New World. As Chapter Six shows, by the end of the seventeenth century there was a new emphasis placed on gaining the consent of children and (if they were still alive) parents before sending the children abroad. This chapter shows the legal ambiguities that made this change necessary.

Holly Brewer has argued that children’s ability to have consent in matters such as labor contracts, marriages, inheritance, and legal culpability for crimes committed decreased over the course of the seventeenth and eighteenth centuries. Finally, she asserts, the idea that children could give consent in these matters “began to seem absurd,” and children were “explicitly excluded” from politics at the time of the American Revolution.<sup>2</sup> However, I argue that the emphasis placed on children’s consent increased rather than decreased over the seventeenth and early eighteenth centuries. As the trade in English children kidnapped for the colonial American and Caribbean labor market developed, upstanding merchants and charitable institutions alike began to insist upon obtaining first the parent’s consent and then eventually the child’s consent before that child could be bound to a labor contract. Further, as the institutionalization of black slavery in the Americas began to be codified, the proof of a white child’s consent before servitude became a way to differentiate between African enslavement and English liberty.

### **Shipments of Children: The Forced Migration of Children to Jamestown**

---

<sup>2</sup> Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill and London, 2005), 2 and 4.

As Chapter Four discussed, between 1618 and 1622, the aldermen, Common Council, and lord mayor of London worked together with the Virginia Company to send at least three hundred children to Jamestown in the hopes of simultaneously boosting the population of the struggling colony and ridding London's streets of vagrant children. The City proceeded to gather the children—most of whom had been brought to London's Bridewell on petty vagrancy charges—and the funds necessary to complete this plan.

A problem arose, however, when some of the children refused to go. The Virginia Company treasurer, Sir Edwin Sandys, wrote to King James's Secretary of State, Sir Robert Naunton, on January 28, 1620, to acquaint him with the perplexing legal problem the City and the Company had run up against: "sundry" of the children, "being ill disposed, and fitter for any remote place then [sic] for this Citie, declare their unwillingnes [sic] to goe to Virginia." The Company was perplexed. While they felt that the terms of the apprenticeships presented "verie beneficiall condi[tions] for the Children," they also were afraid that the City "want[ed] [the] authoritie to deliver" the children to the Company, and the Company could not legally "transport theis [these] persons against their wills." Sandys, therefore, appealed to the king's Privy Council's "higher authoritie for the warranting thereof." In short, The Company and the City were nervous about the legality of detaining and transporting children to the New World if those children did not give their consent to the plan.<sup>3</sup> The question put before the king's closest advisors, the Privy Council, was whether the forced migration and apprenticeship of English children was legal if it was done in the name of charity, and if so, by whose authority could the children be transported?

---

<sup>3</sup> Susan Myra Kingsbury, ed. *The Records of the Virginia Company of London, Volume III* (Washington, 1933), 259.

The legal question was not about forced apprenticeship: the 1601 “Acte for the Reliefe of the Poor” gave the authority to “everie Alderman of the Citie of London” or “one or two Justices of Peace of any Countie” to sanction the decisions of churchwardens and overseers of the poor to apprentice “the Children of all suche whose Parentes shall not by the saide Churchwardens and Overseers . . . bee thoughte able to keepe and maintaine their Children.” Such children would serve their apprenticeships

till suche Man childe shall come to the age of fower and twentie yeares, and suche Woman childe to the age of one and twenty yeares, or the tyme of her marriage; the same to be as effectuall to all p[ur]poses as if suche Childe were of full Age, and by Indenture of Covenant bounde hym or her self.<sup>4</sup>

Poor children—those whose parents, in the opinion of local authorities, were unable to support them and those with no parents at all—did not have the power to refuse the apprenticeships chosen for them. Rather, the indentures were considered as legally binding as if the children had been consenting adults who arranged the matter themselves. As Chapter Two discussed, children were not allowed to bind themselves to contracts until they were twenty-one, but this statute created the legal fiction of adulthood for the purpose of apprenticing poor children in the hopes of training them in a skilled trade and keeping them from the poverty of their parents.

The issue, then, was whether aldermen and justices of the peace had the authority to arrange such apprenticeships when the Atlantic Ocean stood between the children and their proposed masters. The City—including the Court of Aldermen—did not believe that they had the power to transport children to their New World apprenticeships when the children refused to go, and thus they appealed to the king to settle this matter. This

---

<sup>4</sup> 43 Eliz. I c. 2. For more on impoverished parenthood, see Patricia Crawford, *The Parents of Poor Children in England, 1580-1800* (Oxford and New York, 2010).

petition was an acknowledgement that the City and the Virginia Company were wading into uncharted legal territory.

James I had decreed in 1615 that condemned prisoners, “whoe for strength of bodie or other abilities shall be thought fitt to be ymployed in forraine discoveries,” could be spared if they agreed to aid English overseas projects such as the colony at Jamestown or the development of trade in the East Indies. Sir Thomas Smith, governor of the East India Company, had received 17 men who had been pardoned under these terms that year and likely sent them to Virginia.<sup>5</sup> These were the first English convicts sent abroad, but they would not be the last. Transportation for any other reason than an exchange for a pardon if convicted of felony did not become legal until the 1717 Transportation Act.<sup>6</sup> Even this act of pardon was legally dubious, for, as Francis Bacon had argued, Magna Carta prohibits the exile of free subjects “except by lawful judgement” and transportation was technically a staying of punishment rather than a judgment.<sup>7</sup> Thus, while transportation allowed some “degree of legal flexibility” in a penal system where a felony conviction was an automatic death sentence, its legal validity was somewhat questionable until the eighteenth century.<sup>8</sup>

Furthermore, these convicts’ legal situation was quite different from the children’s for two reasons. First, the children’s worst crime, if they had committed one at

---

<sup>5</sup> Hamish Maxwell-Stewart, “Convict Transportation from Britain and Ireland, 1615-1870.” *History Compass* 8.11 (2010): 1221.

<sup>6</sup> *Ibid.*, 1226.

<sup>7</sup> Cynthia Herrup, “Punishing Pardon: Some Thoughts on the Origins of Penal Transportation,” in *Penal Practice and Culture, 1500-1900: Punishing the English*, ed. Simon Devereaux and Paul Griffiths (New York, 2004), 125.

<sup>8</sup> Maxwell-Stewart, “Convict Transportation from Britain and Ireland,” 1223. For the use of pardons under the Tudors, and before transportation was a viable option for the English, see K. J. Kesselring, *Mercy and Authority in the Tudor State* (Cambridge, 2003).

all, was that of vagrancy, which was not a felony. Thus, their transportation could not be viewed as a merciful staying of capital punishment. Second, the condemned criminals had to agree to go to Virginia; they were given the ability to decide for themselves whether emigration was preferable to death. In the case of the children, they already had made quite clear their unwillingness to go abroad. Could they be sent to the colonies anyway?

While banishment was used at various times during the Tudor period as a means of getting rid of Gypsy, Scottish, or French immigrants, these groups could be banished on the grounds that they were foreign.<sup>9</sup> Aside from the fact that banishment is different from transportation—one is an order to leave, while the other is a forced removal to a specific place with a term of bound labor upon arrival—the children in this case were English and so could not be treated as foreigners. The Magna Carta, as we have seen, protected Englishmen and women from banishment except by lawful judgment from a jury or by a specific English law. There had been no trial for these children. No law existed that addressed the transportation of adults or children from England to the New World, and no jury had presided over the decision to send the children to Jamestown.

Under these circumstances, it is understandable that the City and the Virginia Company felt the need to acquire a “lawful judgement” before proceeding further with their plans. They likely chose to present their case to the Privy Council both because of that court’s proximity to the king and because of the rapidity with which it could act. If speed was indeed their aim, they were not disappointed.

---

<sup>9</sup> Kesselring, *Mercy and Authority in the Tudor State*, 32.

Three days later the Privy Council—including Secretary Naunton, the Lord Chancellor, the Lord of the Privy Seal, and the Archbishop of Canterbury—gave their decision: despite the fact that “divers” children were “unwilling to be carried” to Virginia, the Privy Council gave the City and the Virginia Company to “deliver, receive and transporte into Virginia all and every the foresaid Children as shalbe most expedient.” Further, the Privy Council gave power to whomever had charge of the children to “Imprison, punish, and dispose any of those Children vpon any disorder by them or any of them committed, as cause shall require” if any of them were “obstinate to resist or otherwise to disobey such directions as shalbe given in this behalf.” It had become criminal for the children to resist this transportation.<sup>10</sup>

The justification the Privy Council gave was that the transportation was beneficial for both the children and the commonweal. By going to Virginia, the children, “appointed . . . out of the Multitudes that swarme” in London’s streets would be “in a Condition of use and service to the State.” The Privy Council believed that “the Citty [sic] deserveth thanks, and Comendations, for redeemeing so many poore Soules from mysery, and ruyne.” The Privy Council decided that they were better at assessing what was best for the children than the children were. That being the case, the Privy Council ordered, “And so to Shipp them out for Virginia, with as much expedition as may stand with conveniencie. For which this shall be unto all persons whom the same may any way

---

<sup>10</sup> W.L. Grant and James Munro, eds. *Acts of the Privy Council of England: Colonial Series, Volume I, 1613-1680* (Hereford, 1908), 28-29. The full list of those present: “Lord Archbishop of Canterbury, Lord Chancellor, Lord Privy Seale, Earl of Arundell, Earl of Southampton, Lord Carew, Lord Digbie, Mr. Treasurer, Mr. Comptroller, Mr. Secretary Naunton, Mr. Chancellor, Master of the Rolles, Master of the Wards.” Neither Sir Henry Yelverton, the attorney general, nor Sir Thomas Coventry, the solicitor general, seems to have been in attendance.

concerne a sufficient warrant.”<sup>11</sup> The matter was decided: both the City and the Virginia Company had a warrant from the Privy Council to do what they wanted with the children. It did not matter if the children objected; in fact, obstructing his or her own transportation in any way could lead to a child’s punishment and/or imprisonment.

For the nursing fathers involved in this enterprise, the ability to send the children to Jamestown was a godsend for all concerned. The children benefitted because they had to opportunity to escape the crime and destitution to which they were exposed on the streets of London. The City’s various parishes were able to disburden themselves of the responsibility of caring for and apprenticing these children to local masters—a task that Chapters Three and Four have shown was extremely problematic throughout the seventeenth century. For England’s part, Jamestown received a boost in population from the addition of several hundred children to a colonization effort that had become “a truly national venture.”<sup>12</sup> All of these considerations outweighed the fact that children would be transported to Virginia “against their Wills.” The shipment of children was accordingly sent, and another soon followed.

It should be noted that warrants to impress children were not entirely unprecedented. In 1600, Nathaniel Giles, Master of the Queen’s Chapel Children, held a warrant to impress talented young boys to sing and act for the court. However, this only applied to poor young boys: when Giles tried to take the only son of the wealthy Henry

---

<sup>11</sup> Ibid.

<sup>12</sup> Karen Ordahl Kupperman, *The Jamestown Project* (Cambridge, MA and London, 2007), 243.

Clifton, he was sued by Clifton before the Star Chamber and subsequently ruined.<sup>13</sup>

James Force has argued that during the late Elizabethan period Englishmen and women were so “accustomed to fees, bribes . . . and abuses of power by those in authority or their representatives” that both true government agents and conmen were able to demand money from people through the threat of impressment. There does not, however, appear to be anyone aside from the City of London and the Virginia Company who had the king’s warrant to send children to the New World until the Privy Council’s decision in the matter.

While it may seem that those involved in this enterprise were acting on dubious legal—and moral—grounds, it is actually clear that the City and the Virginia Company were very concerned about making sure that their actions were legal. In fact, the Company was extremely concerned about reports that young people were being taken from England and sent to Virginia illegally. In November 1618, London gossipmonger John Chamberlain reported to his principal correspondent, the English ambassador to Venice Sir Dudley Carleton, that a clerk named Robinson was hung, drawn, and quartered for counterfeiting the Great Seal. It was rumored that he was using this fake seal to—among other things—claim he had a “commission to take up rich yeomens daughters (or drive them to compound) to serve his Majestie for breeders in Virginia.”<sup>14</sup> The passage is vague, but it seems as though Robinson was taking bribes (“driv[ing]

---

<sup>13</sup> James H. Force, “Extortion in the Name of Art in Elizabethan England: The Impressment of Thomas Clifton for the Queen’s Chapel Boys.” *Theatre Survey* 31.2 (1990): 165.

<sup>14</sup> John Chamberlain. *Memoirs of the American Philosophical Society: The Letters of John Chamberlain, Volume II*, edited by Norman Egbert McClure (Philadelphia, 1939), 183.

them to compound”<sup>15</sup>) from rich yeomen on the threat that he had the king’s authority to transport their daughters to Jamestown. Whether or not this particular charge against Robinson was true, it illustrates the fears the general population held that their children might be taken from them in the name of boosting Jamestown’s struggling population. Nor was Robinson alone: as mentioned in Chapter Four, Sir Edward Hext, a Justice of the Peace for Somerset, reported that Owen Evans had been caught pretending to have a commission to press girls to go to the new world, causing young maidens to run away.<sup>16</sup> Such similar reports suggest how profitable it could be to threaten parents in this manner. That the young women in the Evans case ran way, and could not be found again, demonstrates how much common people all over England feared going to Virginia and makes even more pitiable the fact that the London children’s protests against going were overruled. Perhaps such reports, just months before the children fought their transportation, were what prompted the City and the Company to be absolutely sure they were free from culpability in their own designs to transport children.

Aside from the rumors swirling about false warrants to transport children, there were actual cases of children being “spirited” away to work as servants in English colonization efforts. Just as Londonderry was the first colony to which charity children were sent, the first reported case of “spiriting” involved stealing children to work as servants in Ireland. At the Middlesex Sessions in the spring of 1616, the instrument-maker Thomas Aldred and the cutler William Watkines accused Richard Lighterfoot,

---

<sup>15</sup> During this time the verb “to compound” could have the possibility of meaning “to substitute a money payment in lieu of any other liability or obligation,” “to accept terms of settlement in lieu of prosecution,” or “to make a pecuniary arrangement (*with* a person, *for* forgoing a claim, conferring a benefit, etc.).” “Compound, v.” *OED*.

<sup>16</sup> William Hart Blumenthal, *Brides from Bridewell: Female Felons Sent to Colonial America* (Rutland, VT, 1962), 66.

“gentleman,” of “enticing” the apprentice William Smyth away from his master, as well as “the apprentices of sundry other persons, with intention to have conveyed them into Ireland without privity and consent of their masters.”<sup>17</sup> Because the Irish Society had forbidden taking on Irish apprentices, it is understandable that English ones were desirable to masters trying to settle the “savage” country.<sup>18</sup> However, nothing more is known about this incident.

The issue of conmen tricking parents and/or children into agreeing that the child would emigrate to Virginia with verbal agreements rather than formal indentures arose a few years later; in fact, (perhaps not very coincidentally) it began the same year that the formal transportation of children to Virginia by the City and the Company ended.<sup>19</sup> In 1622, the Virginia Company discussed the problem:

First divers ungodly people that have only respect of their owne profit do allure and entice young and simple people to be at the whole charge of transporting themselves and yet for divers years to bind themselves Servantes to them upon hopes and promises of such rewards and recompence at the expirtacon of their times as they are no waye able to performe, but because the promise is onely made by worde of mouth and without wittnesse; at least of any that do understand the affaires of the Plantation they are bold to promise many things whatsoever and

---

<sup>17</sup> William Le Hardy, ed., “Sessions, 1616: 14 and 15 March,” County of Middlesex. Calendar to the sessions records: new series, volume 3: 1615-16, British History Online, <http://www.british-history.ac.uk/report.asp?compid=82365>.

<sup>18</sup> T.W. Moody, *The Londonderry Plantation, 1609-41: The City of London and the Plantation in Ulster* (Belfast, 1939), 168.

<sup>19</sup> It is not clear why the City and the Company ceased working together to transport children. The colony still needed people badly, and the streets of London were not short on destitute children. It may have been the result of some kind of falling out amongst City and Company leaders, or it may have been that the high mortality rate in Virginia was difficult to ignore since the project was always put forward in the name of charity. Whatever the case, both Company and City records simply stop talking about the project after the last shipment of children in 1622.

in this kind Divers complaints have come of late of fathers and others abused in setting forth his Children and Kindred.<sup>20</sup>

Because of the deceitful practices of these “divers ungodly people,” the Company was receiving complaints from both sides of the Atlantic. In England, fathers thought they were setting their child(ren) up well in the New World only to discover that they had been duped.<sup>21</sup> In Virginia, servants who did not have proper indentures were being “oppressed by unjust Maisters,” and masters who had no real contractual authority were being “wronged and abused by faithles [sic] servants.”<sup>22</sup> The long-established apprenticeship system had gone terribly wrong in its transference to the New World.

Despite this problem, servants were very much in demand in a colonization project that required much hard labor from the few people who managed to survive the voyage and the first months of arrival. Richard Bucke wrote the Virginia Company’s treasurer Sir Edwin Sandys in May of 1621 to ask for more money so that he could hire more help. He bemoaned the fact that he had only one “boy to be an helper to me in my busines, how precious therfor a few servante[s] would be to me.”<sup>23</sup> Demand for laborers was high; in fact, the colony’s survival depended on it.

The Company had no desire to end the practice of sending children to the colony, but they wanted to make sure that it was done legally. The governors decided that the

---

<sup>20</sup> Susan Myra Kingsbury, ed. *The Records of the Virginia Company of London: The Court Book, from the Manuscript in the Library of Congress, Volume II* (Washington, 1906), 129.

<sup>21</sup> Indeed, this could be what had happened in the Richard Frethorne case discussed in Chapter Four. Though Frethorne’s letter and these reports are not directly linked in the Virginia Company records, it may well be that the Frethorne letter was kept as an example of the kind of abuse that was taking place in Virginia.

<sup>22</sup> Kingsbury, *The Records of the Virginia Company, Volume II*, 130.

<sup>23</sup> Kingsbury, *The Records of the Virginia Company, Volume III*, 443-444.

remedy to this problem was a law that “all men [who] send or carry Servantes or Tenantes to Virginia should binde the said tenantes or Servantes unto them by Covenantes in writinge and that Coppies thereof should remayne here in the Court.”<sup>24</sup> Formal written contracts were to be the only method of signifying lawful consent of the parties involved. However, it is unclear whether such records were consistently kept. Though James I had forbidden anyone from leaving England for any foreign port in 1607 without express permission, and Charles I reiterated that command in 1630, it proved difficult to control the outflow of immigrants to Virginia or to the newly established (1620) colony of Plymouth Plantation in New England.<sup>25</sup> The only thorough record of immigrants leaving London for Virginia, Barbados, and New England that survives is from 1635; for every other year, the information is spotty at best.<sup>26</sup> Certainly, after the Crown dissolved the Virginia Company in 1624 there was a lack of control over who went to Virginia and who returned. While the Company was concerned about children and others being tricked by conmen and spirits into immigrating, in the end it seems that few if any steps were taken to stop this practice.

By the time of the Virginia Company’s collapse, issues of consent and forced transportation were already a source of anxiety for everyone involved in the burgeoning colonization attempts in the New World. Poor children who had no parents to speak for

---

<sup>24</sup> Kingsbury, *The Records of the Virginia Company, Volume II*, 130.

<sup>25</sup> David Cressy, *Coming Over: Migration and Communication between England and New England in the Seventeenth Century* (Cambridge, 1987), 130-143; and Alison Games, *Migration and the Origins of the English Atlantic World* (Cambridge, MA and London, 1999), 18.

<sup>26</sup> See Games, *Migration and the Origins of the English Atlantic*, for an excellent examination of this record. The officials at Bristol were much more diligent to record all of the apprentices who legally left that port starting in 1654. See Peter Wilson Coldham, *The Bristol Registers of Servants Sent to Foreign Plantations, 1654-1686* (Baltimore, 1988).

them tried to resist being sent to Jamestown, but their complaints were overruled in the name of acting for the good of the children, of the colony, and of the commonweal.

However, the anxiety over whether or not children had to consent to their employment overseas had only begun. For the next century and a half this question would continue to be worked out, especially as the illicit spiriting of children grew up right along side their legal transportation.

### **The Transportation of Children Prior to 1718**

Though the Virginia Company failed to thrive, the colony at Jamestown managed to survive its early bitter years and become a sustainable enterprise. There were also early English colonies established at Bermuda (1612) and Newfoundland (1615). During the course of the 1620s and 1630s, a series of English colonies were established in Barbados, St. Kitts, and Nevis, and throughout New England, first in Massachusetts and then in Maryland, Connecticut, Rhode Island, and New Hampshire. All of these new communities needed workers to be successful, and children were a part of their respective populations. Though many children emigrated as part of family units, particularly to New England, others were taken abroad under duress, either by municipal authorities or by “spirits.” It is impossible to know how many children were sent abroad through English courts during this period, but transportation was certainly a method through which children were sent to the colonies in the century prior to the 1718 Transportation Act. The legality of doing so, however, was still at times unclear.

In these early years following the dissolution of the Virginia Company, transportation to the colonies seems to have been used as a punishment for misdemeanors

rather than an alternative for execution in the case of felony, as would be the case later on in the century. What seems critical is that consent was stressed in the wording of court records, though sometimes it was the child's consent and at other times it was the master's consent that was obtained. For example, in 1626 the haberdasher's apprentice John Adis was accused of "the use of Katherin Bukill's body . . . severall tymes." While Adis denied the charge, his master consented that the court ordered that he be sent to Virginia.<sup>27</sup> Joseph Gardner's master also gave the court consent that he should be sent to Virginia in 1628 after he had run away from his apprenticeship nine times.<sup>28</sup> For these boys, indentured servitude in Virginia was a sentence meant to punish them for breaking the terms of their apprenticeships in England. It was critical for the court to obtain the boys' respective masters consent to relinquish their claims on the boys' labor before they could be sent to Virginia and essentially sold to new masters upon arrival. However, nowhere in the court records does it explain how the judges justified using the colonies in this way: they simply record that it was done.

As Chapter Four explained, for other children sent to the New World after facing charges at the Court at Bridewell, the records seem to reflect that the children themselves wanted to go abroad. They were listed as "desirous to goe to Virginia" or "willing to goe to Virginia" rather than face other punishment for their misdeeds.<sup>29</sup> This wording may suggest that they considered indentureship in Virginia as the lesser of two evils when faced with a choice between immigration or punishment at home, or it may simply have been how the court justified its own actions. It is impossible to know from the source

---

<sup>27</sup> Robert Hume, *Early Child Immigrants to Virginia, 1618-1642: Copied from the records of Bridewell Royal Hospital* (Baltimore, 1986), 32.

<sup>28</sup> Hume, *Early Child Immigrants to Virginia*, 34.

<sup>29</sup> Hume, *Early Child Immigrants to Virginia*, 35-45.

material how much agency these children were granted in these cases. It may have been that consent was stressed in all of these cases because jurists were still uncomfortable with the possible legal ramifications of sending individuals to the colonies as a punishment. After all, the Privy Council's warrant to transport the children to Virginia gave authority to the Virginia Company and to the City to transport children to prosper the work of the Virginia Company, which was no longer extant in the late 1620s and 1630s. Without this warrant, City leaders were back to the legally dubious territory the Virginia Company had found themselves in a few years earlier.

During this period, the transportation of all felons was low: Cynthia Herrup estimates that fewer than 150 felons were transported between 1615 and 1640.<sup>30</sup> Many more, however, seem to have been sent to the colonies for petty crimes, consenting to go to escape corporal punishment at home and perhaps hoping to make something of themselves in the New World once they had served their indentures. Whatever the case, for jurists and other authorities in England, transportation had its benefits: its "allure," according to Hamish Maxwell-Stewart, was that "it was possible to deliver punishment on the cheap."<sup>31</sup>

During the Civil Wars and the Interregnum, penal transportation in England changed. As large numbers of political prisoners, including thousands of Irish men, women, and children, were sent to the colonies, the "harshness rather than the possibilities of life in the New World" began to be emphasized. Further, transportation itself began to be viewed as a punishment in its own right rather than a means of

---

<sup>30</sup> Herrup, "Punishing Pardon," 122.

<sup>31</sup> Maxwell-Stewart, "Convict Transportation from Britain and Ireland," 1224.

pardon.<sup>32</sup> Everyone was well aware of the difficult life that awaited servants in the colonies; it was becoming harder to argue that sending children to work as laborers in the New World was a purely charitable exercise.

In 1664, the king received a petition requesting that an office be created “for transporting to the Plantations all vagrants, rogues, and idle persons that can give no account of themselves” as well as criminals of various kinds. There was concern that “For want of such an office no account can be given of many persons of quality transported in the late times of rebellion.” In other words, men involved in early Restoration politics were upset that royalists had been sent to the colonies under the Cromwellian regime and had seemingly been swallowed up into the plantation system. According to this new plan, everyone transported should be registered; those over the age of twenty should be bound to hard labor for a term of four years and those under twenty should be bound for seven years. However, “no person under 12 years of age [is] to be transported unless their friends and relations shall first personally appear at the office and give good reasons for the same.”<sup>33</sup> Here the petitioners seemed to view transportation of young as a kind of familial banishment for particularly problematic children: family could petition that their child be transported. However, municipal authorities would have no power to transport children until they were twelve. This transportation office was not built, however, and the transportation of criminals—children and adults—continued to be inconsistent, though it was on the rise. While it was still decades until the 1717

---

<sup>32</sup> Herrup, “Punishing Pardon,” 129.

<sup>33</sup> The author(s) of the petition are not named. W. Noel Sainsbury, ed., *Calendar of State Papers Colonial, America and West Indies, Vol. 5, 1661-1668* (London, 1880), 220-222. See also Mary Anne Everett Green, ed., *Calendar of State Papers Domestic, Charles II, Vol. 109* (London, 1863), 147.

Transportation Act, the number of transported convicts increased: it is perhaps impossible to come to a precise number, but Hamish Maxwell-Stewart has estimated that roughly 6,000 convicts were sent out of England between 1661-1717.<sup>34</sup>

Children were certainly among these numbers. For example, on May 27, 1691, 12-year-old Margaret Beard was brought before the Old Bailey for stealing a piece of silk. She was precisely the kind of child criminal contemporaries feared: the court records describe her as “very impudent in her Behaviour when taken, and had been an Old Offender, though Young; she said she was drawn away by wicked Company.” She was a repeat offender, having been convicted of theft the year before after shoplifting. At that time she had already, at the age of eleven, gained a reputation for being “a pilfering idle Wench.” At her second trial she was found guilty of felony and accordingly sentenced to death, but she “pleaded her Belly.” Because the authorities were not certain whether she was indeed with child, they suspended her sentence until it was clear if she pregnant.<sup>35</sup> The records do not indicate whether she was actually pregnant or merely stalling for time, but no further mention was made in the records of her alleged pregnancy or a baby.<sup>36</sup>

On January 15, 1692, Margaret was listed among a group of 35 convicts who, “upon their respective Knees, pleaded Their Majesties King William and Queen Maries

---

<sup>34</sup> Maxwell-Stewart, “Convict Transportation from Britain and Ireland,” 1224.

<sup>35</sup> *OBP*, trial of Margaret Beard, May 1691 (t16910527-14) and *OBP*, trial of Margaret Beard, September 1690 (t16900903-26).

<sup>36</sup> It was unusual during the early modern period—though certainly not unheard of—for a girl as young as Margaret to be pregnant, especially considering that as a poor child she was likely undernourished. Though there has been some debate on the subject, and it is impossible have actual statistics, it seems that it was common for healthy girls during this time to expect menarche around the age of fourteen. “Weak,” ill-nourished girls may not have menstruated until the age of eighteen. Sara Read, *Menstruation and the Female Body in Early Modern England* (London, 2013), 41 and 45. It may have been that she was allowed to plead her belly simply because there was concern for executing one so young.

most Gracious pardon.” Some were “freely pardoned,” but Margaret was listed under “Those to be Transported.”<sup>37</sup> Just as with the children sent from Bridewell to Virginia, there is no specific mention made as to why Margaret was chosen to be transported rather than released or hanged, but we might conjecture that executing one so young seemed distasteful to authorities while releasing one who was already “an Old Offender” back onto the streets seemed ill-advised. As Chapter Two discussed, justices and juries had to exercise their own judgment when deciding what to do with girls like Margaret, who was under the age of discretion (fourteen) but too old to be considered an *infantia* who would automatically be considered too young to commit a crime. At twelve, Margaret would technically be categorized as *aetas pubertati proxima*: about to go through puberty, but not yet an adult in the eyes of the law. As Chapter Two explained, the question of how to deal with criminals in this age category caused the most anxiety amongst jurists. The option of transportation, then, provided a convenient way of getting rid of Margaret without actually having to execute her.

Holly Brewer has characterized sixteenth- and seventeenth-century punishments as “brutal, meant to inspire terror and blind obedience.”<sup>38</sup> According to her reading of early modern law, children were held responsible for their crimes and there was a “general disregard of age” in English law, as evidenced by the fact that children could be executed for their crimes.<sup>39</sup> It is true that the punishment for all felonies was death, and the judge was allowed no discretion in this regard.<sup>40</sup> However, K. J. Kesselring has demonstrated that pardons were a key component to maintaining authority in the early

---

<sup>37</sup> *OBP*, Supplementary material, January 1692 (o16920115-6).

<sup>38</sup> Brewer, *By Birth or Consent*, 182.

<sup>39</sup> Brewer, *By Birth or Consent*, 193.

<sup>40</sup> Smith, *Colonists in Bondage*, 89.

modern state: “Mercy was considered an essential part of sovereignty, both a necessary and legitimate adjunct to justice.”<sup>41</sup> As Chapter Two discussed, children were particularly strong candidates for pardons. There have not as of yet been statistics compiled on the ratio of adult to child convicts who were pardoned to be transported during this period, but as the ideal person to receive the king’s mercy demonstrated both a malleable character (best suited for reform) and the ability to make a good servant, children—like Margaret Beard—may have been prime candidates.

It should be noted that colonists did not always want convicts, even if they did provide an extremely cheap and necessary labor force. For example, legislation was passed in Virginia (1670), Jamaica (1672) and South Carolina (1712) to either limit or stop convicts from entering their respective colonies. This legislation signaled the colonists’ fears that convicts were dangerous members of society and a wish to rid themselves of this potential menace. Colonies sometimes fought about who had to accept the convicts that English courts had sentenced to transportation; in particular, colonies were reluctant to receive female felons. In 1697, the Lords Justices told the Council of Trade and Plantations that there were fifty women “now lying in Newgate for transportation” and asked where they should be sent. The agent from Massachusetts claimed that colonists there had “from their first settlement earnestly desired to be excused from entertaining criminals” but suggested that the women could be sent to Virginia, Barbados, Jamaica, Maryland, or the Leeward Islands, for “it is well known that they will be willingly entertained” in those places. Not so, responded the agent from Virginia: referring to the 1670 law against receiving convicts, he suggested that only

---

<sup>41</sup> Kesselring, *Mercy and Authority in the Tudor State*, 3.

Jamaica and Barbados would take the women. Jamaica's agent said their preference was for male convicts, but that they would take the fifty women only if they received "one hundred and fifty male convicts with them." Barbados' agents felt that they could only take female convicts if they were the kind of "white women [who would] work in the field, as [in] Virginia and Carolina." Finally, the women were sent to the Leeward Islands.<sup>42</sup> This kind of wrangling over who had to accept convicts shows how transported children would not only face harsh physical labor in the colonies but also a general displeasure that they were there at all. In particular, young girls like Margaret Beard were deemed particularly unwanted as they brought all the dangers of potential criminality with them without the ability to perform as much labor on plantations as grown men.

### **Spiriting Children: The Illicit Transportation of Children**

As we have seen, fears that children could be "spirited" away to Virginia were a part of the original settlement of Jamestown. As the seventeenth century went along, those fears became a harsh reality as a London trade in stolen children began to take hold and flourish. The problem evoked passionate responses from the London crowds and attempts at curbing the flow of stolen child workers from Parliament, but neither response was effective in ending the trade in vulnerable people. Rather, by the end of the seventeenth century the area around the Royal Exchange was known as a place where merchants could pick up stolen children before setting sail to the Americas. There, "kidnappers" tricked young people into getting onto boats, or simply overpowered the victim and forcefully placed him or her on the ship. The biggest concern for those

---

<sup>42</sup> Warren B. Smith, *White Servitude in Colonial South Carolina* (Columbia, 1961), 39-41.

involved, however, was not the fate of the children themselves but rather that by circumventing the indentureship process there was no way to legitimate the master's authority over that child. Thus, while kidnapping supplied the high demand for labor in the New World, it created legal headaches for masters and jurists on both sides of the Atlantic.

Though we typically associate plantation labor regimes with the African slave trade, in the early years of British settlement in the Americas most plantation laborers were European in origin. Indeed, though there were a series of laws created throughout the seventeenth century that began to create the institution of black slavery, in truth African laborers were the minority when compared to white indentured laborers until the 1690s.<sup>43</sup> Many masters in the Americas had to personally recruit servants: they brought servants over with them when they initially emigrated or when they returned to England to conduct business, or they arranged for servants to be sent to them through their commercial or personal networks in England.<sup>44</sup> However, this type of arrangement was never able to keep up with the demand for more workers as colonists attempted to grow labor-intensive crops like sugar, rice, and tobacco or to create homesteads, farms, and villages in what had been uncultivated territory. Most masters had to depend upon

---

<sup>43</sup> The ratio of black-to-white plantation laborers varied depending on the region. The Caribbean saw the fastest growth in African slavery. Maryland and Virginia depended upon white labor until the end of the seventeenth century. Jacqueline Jones, *American Work: Four Centuries of Black and White Labor* (New York and London, 1998), 76.

<sup>44</sup> Lawrence William Towner, *A Good Master Well Served: Masters and Servants in Colonial Massachusetts, 1620-1750* (New York and London, 1998), 34-35.

merchants who would have servants apprenticed to them in London and then sold those indentures once arriving in the American colonies.<sup>45</sup>

The unscrupulous quickly came to the realization that a profit could be made out of this labor deficit. As already mentioned, accusations of stealing servants away to work on Irish or New World plantations began as early as 1616.<sup>46</sup> The major destination for child laborers quickly became the American colonies. In 1627 there was a report that “fourteen or fifteen hundred children” had been taken up and sent to Virginia illegally.<sup>47</sup> By the 1630s, the term “Barbadosed” was in use to describe an unfortunate person who had been stolen away to plantation labor.<sup>48</sup>

More commonly the crime was described as “spiriting.” To “spirit” someone could mean anything from tricking them to willingly apprentice themselves to masters in the New World under false pretences to forcefully abducting them and sending them abroad. For example, in a 1649 pamphlet William Bullock described “men nick-named *Spirits*” as those who “take up all the idle, lazie, simple people they can intice, such as have professed idleness, and will rather beg then [sic] work.” He noted that these idle souls “are perswaded by these *Spirits*, they shall goe into a place where food shall drop into their mouthes: and being thus deluded, they take courage, and are transported.” It is difficult to ascertain whether Bullock had more contempt for the spirits or for the “lazier” people they tricked, but it is clear that he felt little sympathy for either group and

---

<sup>45</sup> Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Chapel Hill, 1947), 19.

<sup>46</sup> Moody, *The Londonderry Plantation*, 168.

<sup>47</sup> Blumenthal, *Brides from Bridewell*, 65.

<sup>48</sup> Alison Games, *Migration and the Origins of the English Atlantic World* (Cambridge, MA and London, 1999), 77. While the OED does not list this particular definition of the word, it notes that beginning in the 1650s the verb “to Barbados” was used to describe the action of transporting convicts to that island.

dismissed the victims altogether: “More might be said upon this subject, were it fit: ‘tis most certaine, that one honest labouring husbandman shall doe more then [sic] five of these.”<sup>49</sup> But most victims of spiriting do not seem to have been adults who were too easily tempted by promises of a utopian New World. Rather, in nearly all of the known cases of kidnapping, the victims were children.

Only seventy-three cases of spiriting were brought before the Middlesex Sessions between 1625-1701, causing the first editor of the *Middlesex County Records*, John Cordy Jeaffreson, to remark on “the striking absence of annotations, verdicts, and sentences of kidnapping,” during this period.<sup>50</sup> Those cases that do appear in the records are ones in which an individual brought charges because a specific person was taken, as in the case of the victualler William Hudson and the widow Anne Welding, who were jointly accused by Roger Maydley for “assisting one Anne Lawton to intise and inveagle William Nicholis his covenant servant away from him to transport him beyond sea.”<sup>51</sup> In another case, the justices of the peace of Middlesex summoned Richard Harris and William Shorey to appear before the court on the charge brought against them by the father of Harris’s apprentice that they had “Carried him aboard Some Ship (without his Consent) So that the peti[oner] cannot Learne what is become of his said Son.”<sup>52</sup> There was not a municipal effort to crack down on the growing number of spirits. Though there were constables in London during this period, they were not like a modern police force

---

<sup>49</sup> William Bullock, *Virginia Impartially Examined, and Left to Publick View, to be Considered by all Judicious and Honest Men* (London, 1649), 14.

<sup>50</sup> Peter Wilson Coldham, “The ‘Spiriting’ of London Children to Virginia: 1647-1685.” *The Virginia Magazine of History and Biography* 83.3 (July 1975): 280; and Blumenthal, *Brides from Bridewell*, 73.

<sup>51</sup> John Cordy Jeaffreson, ed. *Middlesex County Records, Volume 3, 1625-67* (1888), entry for 28 January, 1657.

<sup>52</sup> LMA, MSP 1709/06/010.

and would not have organized themselves to suppress a particular crime.<sup>53</sup> Rather, the spirit was only punished if caught by an angry family member or master. Thus, abandoned or orphaned children were the perfect targets for the spirit trade because the risk for committing the crime was essentially negligible.

Spiriting was a lucrative trade. In the 1680s one could receive £12.10.0 from the treasurer of Barbados or an entire £13 from the planters themselves for each white servant brought to the island.<sup>54</sup> As it cost only £5 or £6 to transport a servant from England to the Americas, merchants could more than double their money through this black market in children.<sup>55</sup> Since stealing children was a misdemeanor rather than a felony, the penalty was payment of a fine and sometimes pillorying. For example, the “Labourer” John Smith was convicted of a misdemeanor for spiriting Samuel Cooper, “a Christian Youth, of the Age of 16 Years” and Joseph Portall “a Jew . . . from Ceuta in Africa” and binding them “to Mary-land, in parts beyond the Seas into Slavery.” Samuel Cooper’s parents brought forward the case after they had sent their son to church “and never saw him more.” Not only was Smith guilty of spiriting Cooper and Portall, but for binding “several Hundreds of young People . . . who are all sent for Slaves as aforesaid.”

---

<sup>53</sup> For early modern law enforcement, A. V Judges, ed. *The Elizabethan Underworld: A Collection of Tudor and Early Stuart Tracts and Ballads Telling of the Lives and Misdoings of Vagabonds, Thieves, Rogues and Cozeners, and Giving Some Account of the Operation of the Criminal Law* (London, 1930), xli-lv; and Clive Emsley, *The English Police: A Political and Social History, 2<sup>nd</sup> Ed.* (London and New York, 2014), 8-24.

<sup>54</sup> Prices quoted are from the first in a series of acts passed to encourage merchants to import white servants to Barbados in an attempt to deal with fears associated with the fact that plantation laborers were increasingly more likely to be African slaves. *At the Court at Whitehall, December the Thirteenth, 1682* (London).

<sup>55</sup> Carl Bridenbaugh, *Vexed and Troubled Englishmen, 1590-1642* (New York, 1968), 423.

Smith was sentenced to standing three times in the pillory and paying an £80 fine.<sup>56</sup> £80 was no small sum in 1700, but if Smith had indeed spirited “several Hundreds of young People” and sold them for several pounds a piece he would have made a tidy profit despite the fine.

It is impossible to know how many people were involved in spiriting, or how many children were stolen in this way. Court records, of course, only show how many people were apprehended and charged, and even that number can be deceptive: it has been suggested that spirits often were not tried but rather allowed by the court to compensate their prosecutors.<sup>57</sup> This claim has not been substantiated. However, as spiriting could be viewed as theft of the child’s potential wages the idea of compensation for losses makes sense. In such a scenario, the aggrieved party (the parent(s) or the master) would settle out of court with the accused kidnapper in exchange for a negotiated sum of money.

When William Haverland was convicted of being a “spirit” he gave information on others in order to save himself; he testified that there were some amongst his colleagues who had been spiriting children at the rate of 840 people a year for as long as twelve years.<sup>58</sup> According to Narcissus Luttrell’s account of John Wilmore’s kidnapping trial, “the witnesses against him were some to prove that there was in generall such a trade as kidnapping or spiriting away children, and that he did believe there had been above 500 sent away in two year.”<sup>59</sup> Both of these numbers are probably nothing more

---

<sup>56</sup> *OBP*, trial of John Smith, January 1700 (t17000115-26).

<sup>57</sup> Coldham, “The ‘Spiriting’ of London Children to Virginia,” 280.

<sup>58</sup> Smith, *Colonists in Bondage*, 74.

<sup>59</sup> Narcissus Luttrell, *A Brief Historical Relation of State Affairs from September 1678 to April 1714, Vol. I* (Oxford, 1867), 187-188.

than guesses, so it is problematic in the extreme to use them as anything more than an indication that a thriving underground market in children existed. Richard Hayes Phillips's work in colonial court records give a better—if incomplete—picture of how many children were spirited away: he counted over five thousand boys and girls who ended up in courts in Maryland and Virginia because they had no indentures and thus were brought to the New World and put to work illegally.<sup>60</sup> This number does not include any children who died on the voyage, any children whose cases were not brought to court, and, of course, the presumably large number of children who were sent to other colonies with plantation cultures such as Barbados, the Carolinas, and Jamaica.

### **The Rise of “Kidnapping”**

Spiriting was such a common problem that the slang term for it became mainstream, and in the middle of the seventeenth century, this new word appeared in print. In 1673, Richard Head's *The Canting Academy, Or, the Devils Cabinet Opened* proposed to educate the public about the dangers of the mysterious English criminal underworld. Head, like other early modern authors who wrote about vagabonds, cheats, and thieves, believed that rogues used a particular kind of slang language, “cant,” “which they make use of to blind the eyes of those they have cheated or robb'd.”<sup>61</sup> The purpose of Head's book seems to have been to educate and titillate simultaneously, and it is not clear how much of the “canting” vocabulary was genuinely in use or how much of it

---

<sup>60</sup> Richard Hayes Phillips, *Without Indentures: Index to White Slave Children in Colonial Court Records, Maryland and Virginia* (Baltimore, 2013), vii.

<sup>61</sup> Richard Head, *The Canting Academy, Or, the Devils Cabinet Opened* (London, 1673), 2.

belonged solely to the realm of fiction.<sup>62</sup> One word, however, that appears in *The Canting Academy* was a new one, one that described a growing criminal problem in English society, and one that we still employ regularly today: “Kidnapper.”

A “Kidnapper,” wrote Head, in what appears to be the first printed example of the word, was “A Fellow that walketh the streets, and takes all advantages to pick up the younger sort of people, whom with lies and many fair promises he inticeth on board a ship and transports them into forreign [sic] plantations.”<sup>63</sup> Head describes the kidnapper as someone who tricks someone into immigrating to the New World to work on a plantation as an indentured servant, presumably with promises of a much better situation than actually awaited him or her on the other side of the Atlantic. The word seems to be a combination of the slang words *kid*, “a Child,” and *napper* “a Cheat, or Thief.”<sup>64</sup>

This idea of the kidnapper as the trickster or cheat who deludes young people into indentured servitude on bad terms rather than someone who steals a child outright is how Edward Barlow recalled his encounter with a kidnapper when he was about fifteen or sixteen years old. Barlow, a poor country lad apprenticed to his innkeeper uncle in London, would often steal down to London Bridge to watch the ships and fantasize about going to sea. Upon one such occasion, a stranger asked if he wanted to go to sea and

---

<sup>62</sup> On rogue literature, see Anna Bayman, “Cony-catching and the Scribbling Crew,” *History Workshop Journal* 63 (2007): 1-17; William Carroll, *Fat King, Lean Beggar: Representations of Poverty in the Age of Shakespeare* (Ithaca and London, 1996); Arthur F. Kinney, ed., *Rogues, Vagabonds & Sturdy Beggars: A New Gallery of Tudor and Early Stuart Rogue Literature* (Amherst, 1990); Kate Loveman, “‘Eminent Cheats’: Rogue Narratives in the Literature of the Exclusion Crisis.” In *Fear, Exclusion, and Revolution: Roger Morrice and Britain in the 1680s*, ed. Jason McElligott (Berlinton, VT, 2006), 108-122; and John L. McMullan, *The Canting Crew: London’s Criminal Underworld, 1550-1700* (New Brunswick, NJ, 1984).

<sup>63</sup> Head, *The Canting Academy*, 40.

<sup>64</sup> Entries for “kid” and “napper” in B.E., *A New Dictionary of the Terms Ancient and modern of the Canting Crew* (London, 1699).

Barlow quickly tried to get his uncle's permission to sail with the man. The man claimed to be a ship's surgeon headed to Barbados and offered to take Barlow to the island with him, "where I should live very well and do nothing but take account of goods as [they] come in and out." But Barlow insisted that he wanted to be on board ship rather than on land, so the stranger then offered to apprentice him with a friend who owned a vessel that "traded from one island to another" upon which Barlow would "do nothing but take account of sugars and other commodities which the vessel carried . . . and as for work there was little or none at any time that I should do, for they had slaves . . . which did all the work, which made me very willing to go along."<sup>65</sup> The picture presented to Barlow was an attractive one: rather than be cooped up in his uncle's inn all day with his abusive aunt, he could live on board ship in the Caribbean, seeing the world, and doing virtually nothing. The harsh realities of indentured servitude were completely glossed over, and had Barlow been left to his own devices, he likely would have signed a legally binding indenture that sent him to a harsh—and likely short—life in the Caribbean. Luckily for Barlow, his uncle realized that this man was "a 'sperite' or kidnapper," a person who tricked "any country people or strangers . . . or any who they think are out of place and cannot get work" to agree to bind themselves to indentures in either the Caribbean or Virginia with the promise of "great wages and good fortune." His uncle refused to let

---

<sup>65</sup> Edward Barlow, *Barlow's Journal of his Life at Sea in King's Ships, East & West Indiamen Other Merchantmen from 1659 to 1703, Vol. I*, ed. Basil Lubbock (London, 1934), 26-27. While this portion of Barlow's journal was likely written in late 1672 or early 1673, this particular exchange occurred in 1658. He uses the word "kidnapper," but it is not clear if that was the word used when the incident occurred or whether he only employed the word later while recalling in incident. In other words, it is clear that the word was in use by the early 1670s, and possibly by the late 1650s or even earlier, but it is difficult to say exactly when it entered the lexicon of English slang terms because it likely circulated orally for a while (perhaps, as Barlow's journal suggests, several decades), before it was used in print.

Barlow leave with the stranger, and Barlow was saved.<sup>66</sup> Unfortunately, many did not have an uncle or other relative to intervene on their behalf.

It is clear that the general public hated spirits and kidnappers. As early as the Interregnum, calling someone a “spirit” was considered a libel for which one could be prosecuted. John Cole, John Garvas, and Jorris Follins, all laborers, were brought before the Middlesex Sessions for

reviling Capt. William Staff in the streete calling him “Spiritt” which is soe infamous a name that many have bene wounded to death, and the said Captaine is much beaten and bruised by the multitude, being a verie aged man.<sup>67</sup>

Calling someone a “spirit” was not only defamatory, but it was also a way to stir up a very heated London mob against the unfortunate victim. If “many” had been “wounded to death” due to this accusation, we might imagine that the general sentiment against spirits was intense. Susan Jones had to appear before the Middlesex Sessions for calling Rebekah Allen a spirit and thereby “raising a tumult against her” in 1656, while Jonas Antherson had to answer the charge of slanderous speech at the Middlesex Sessions for spreading the rumor that Nicolas Cooper had “spirited a maide to the Barbadoes.”<sup>68</sup> In 1656, John Hammond complained that he could not even suggest that a poor person living a “pittifull life” travel to the Americas in the hopes of bettering his condition “for fear of the cry of, a spirit, a spirit.”<sup>69</sup> As Chapter Six shows, toward the end of the

---

<sup>66</sup> Ibid., 27-28. Barlow did eventually go to sea and wound up bitterly regretting his choice to bind himself to an officer the Royal Navy. His journal is a depiction of the difficult life of sailors during this period.

<sup>67</sup> Jeaffreson, ed. *Middlesex County Records, Volume 3*, entry for 20 March, 1659.

<sup>68</sup> John Wareing, “Preventative 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* 27.3 (Oct. 2002): 298.

<sup>69</sup> John Hammond, *Leah and Rachel, or the two fruitfull sisters Virginia and Mary-land: their present condition impartially stated and related* (London, 1656), 16.

century, and ten years after his kidnapping trial, John Wilmore recalled being called “the dog *Wilmer*,” and he felt he had to write a pamphlet to clear his name.<sup>70</sup>

Kidnapping tainted not only the reputation of certain individuals but also became associated with particular areas of London. In December 1689, William Whitehead accused George Davies of setting fire to his cellar. When Davies denied ever setting foot in Whitehead’s house, Whitehead and his apprentice testified against Davies’ character, claiming that “he was wont to frequent the Kidnapping-office, (so called) near the Royal Exchange, viz. in St. Swithin’s Alley.”<sup>71</sup> The jury acquitted Davies, but the accusation against him opens a tantalizing glimpse into London’s underground market of stolen children. This “kidnapping-office” does not appear in any other Old Bailey record, nor have I been able to locate any other reference to it. However, it was clearly well enough known at the time that it could be referenced in a court case as evidence against the character of the accused.

St. Swithin’s Alley no longer exists, but its former location offers further clues about a possible “kidnapping office” and its connection to the early British empire. St. Swithin’s Alley, more commonly called Swithin’s Alley or Sweeting’s Alley, ran between Threadneedle Street and Cornhill, directly behind the Royal Exchange on its east side. It was the site of some of London’s earliest coffee houses, including John’s and the Sultanness-Head.<sup>72</sup> Coffee—a new, exotic drink from Turkey—had only been in England

---

<sup>70</sup> John Wilmore, *The Legacy of John Wilmer: Citizen, and late Merchant of LONDON; Humbly offered to the LORDS and COMMONS of England* (London, 1692), 22.

<sup>71</sup> *OBP*, trial of George Davies, December 1689 (t. 16891211-2).

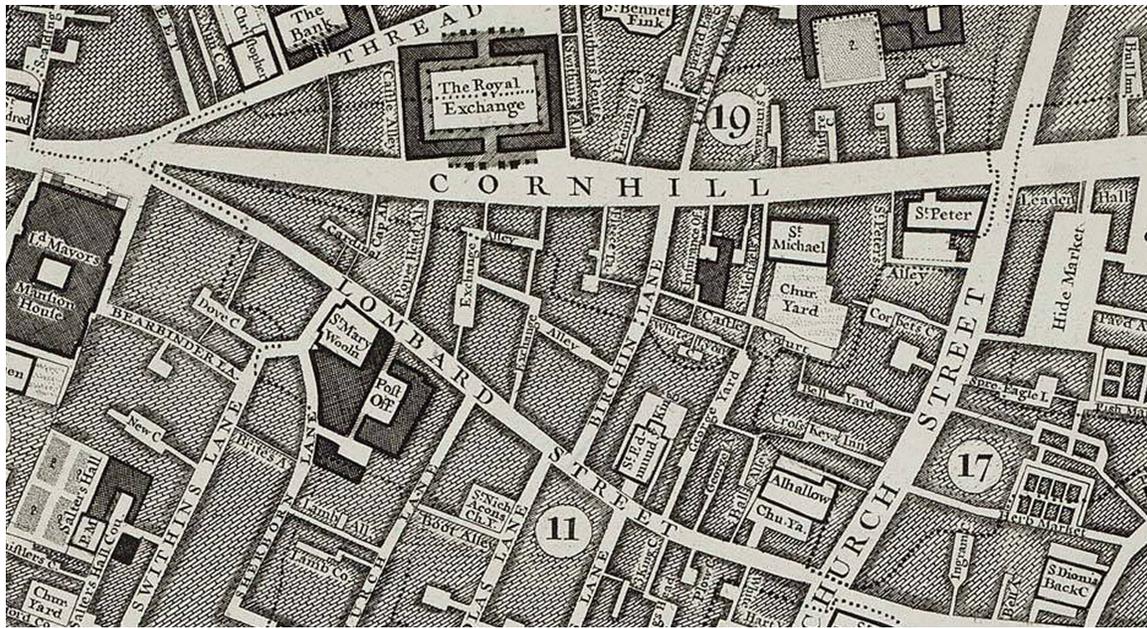
<sup>72</sup> Bryant Lillywhite, *London Signs: A Reference Book of London Signs from Earliest Times to about the mid-Nineteenth Century* (London, 1972), 303 and 525; Kenneth Rogers, *Old London: Cornhill, Threadneedle Street and Lombard Street, Old*

since 1650, but by the 1680s it was already immensely popular. The coffee houses that sprung around the Royal Exchange were where merchants from all over the globe gathered to read newspapers, make business transactions, and glean information; indeed, while drinking coffee was in vogue, the main purpose of coffee houses was the exchange of ideas and goods. The offices of the major trading companies, like the East India Company, were all situated nearby. In short, St. Swithin's Alley and the area immediately surrounding it were the hub of London's overseas merchant activity.<sup>73</sup>

---

*Houses and Signs* (London, 1935), 40-41; and Henry A. Harben, *A Dictionary of London: Being Notes Topographical and Historical Relating to the Streets and Principal Buildings in the City of London* (London, 1918), 513. My thanks to the staff at the London Metropolitan Archives and London Guildhall Library for their kind assistance in locating St. Swithin's Alley and identifying it as Sweeting's Alley. If John's Coffee House was the site of the "kidnapping office" in the 1680s, we may add this irony to the story: John's was also the meeting place for the Marine Society in its initial stages. Is it possible that this coffee house served as a den of spirits and then became the site of one of the most reputable charities to send boys overseas seventy years later? It's a tantalizing idea, but there is not enough information to know decisively.

<sup>73</sup> Jerry White, *London in the Eighteenth Century: A Great and Monstrous Thing* (London, 2012), 175. For more on the London coffeehouse, see Brian Cowan, *The Social Life of Coffee: The Emergence of the British Coffeehouse* (New Haven, 2011); Markman Ellis, *The Coffee House: A Cultural History* (London, 2004); and Steve Pincus, "'Coffee Politicians Does Create': Coffeehouses and Restoration Political Culture." *The Journal of Modern History* 67.4 (Dec. 1995): 807-834.



Detail of the Royal Exchange from John Roque's map, *London, Westminster and Southwark*, first edition (1746). Swithin's Alley runs between Threadneedle Street and Cornhill on the east side of the Royal Exchange.

It makes sense, then, that the center of London's mercantile affairs would also be the scene of this "kidnapping office." If a merchant wanted to finalize all the details for his latest shipping venture—including arranging to take children to the American colonies and sell them as indentured servants—he need only go to the Exchange.

Ned Ward's *London Spy*, published in 1698, describes walking with a friend and guide "to the back gate" of the Exchange. On the "east side," the guide turned to the narrator and explains, "Now . . . we are got amongst the Plantation traders. This may be called Kidnappers' Walk, for a great many of these Jamaicans and Barbadians . . . are looking as sharp for servants, as a gang of pick-pockets for a booty."<sup>74</sup> The guide further describes a house that is

<sup>74</sup> Ned Ward, *The London Spy: The Vanities and Vices of the Town Exposed to View* (London, 1927), 60. Originally published in serialized form in November 1698 and in book form in 1703. The book is a satirical account of London, but based on actual locations, people, and contemporary issues.

an office where servants for the plantations bind themselves to be miserable as long as they live . . . Those fine fellows, who look like footmen upon a holiday, are kidnapers, who walk the ‘Change and other parts of the town, in order to seduce people who want employment and young fools crossed in love to go beyond the seas. For every wretch they trapan into this misery they get so much a head from masters of ships, and merchants who go over. Those young rakes . . . you see so lovingly herded are drawn, by their fair promises, to sell themselves into slavery, and the kidnappers are the rogues that run away with the money.<sup>75</sup>

This passage presents a slightly different description of kidnapping—one in which young, foolish men are tricked into indenturing themselves rather than one in which children are literally stolen from the streets. Both forms of kidnapping seem to have occurred around the area of the Exchange, enabling merchants bound for the American colonies to take up young victims effortlessly. A 1751 newspaper account described the Royal Exchange as a place where one could meet a kidnapper. Clearly, the area remained an active site of the illegal trade in children for decades.<sup>76</sup>

If there was such strong sentiment against spirits, and if certain places in London were openly known to be the haunts of kidnapers, why was so little done to stop the practice? In 1645, Parliament passed the “Ordinance against stealing Children,” the first piece of legislation that specifically addressed transatlantic child theft. Because “divers lewd Persons do go up and down the City of London, and elsewhere and in a most barbarous and wicked Manner steal away many little Children,” Parliament ordered JPs to be “very diligent in apprehending all such Persons as are faulty in this Kind, either in stealing, selling, buying, inveigling, purloining, conveying, or receiving Children so stolen.”<sup>77</sup> The ordinance is vague about the punishment for this crime, saying only that it

---

<sup>75</sup> *Ibid.*, 45-46.

<sup>76</sup> *Penny London Post, or The Morning Advertiser*, London, January 23-25, 1751.

<sup>77</sup> C.H. Firth and R.S. Rait, eds. *Acts and Ordinances of the Interregnum, 1642-1660* (London, 1911), 681-2.

would be “severe and exemplary.” Further, though it enjoins Marshalls of the Admiralty and the Cinque Ports to “make strict and diligent Search, in all Ships and Vessels upon the River . . . for all such children,” it does not say what would be done with these children once they were rescued if they could not be reconnected with their parents.<sup>78</sup>

After the 1645 “Ordinance against stealing Children,” which does not seem to have been enforced, there was no further legislation to prevent spiriting for nearly forty years. In July 1660, three ships then at Gravesend were searched for “sundry such children and servants of several Parents and Masters, so deceived and inticed away Crying and Mourninge for Redemption from their Slavery.” Once again this seems to have been a case where spirits were apprehended because the parents and masters of the children were able to catch them, not because they were caught by municipal authorities. Lord Ashley, the eventual Earl of Shaftesbury, brought this case to the attention of the Privy Council and hoped that the House of Commons would make spiriting a felony. The bill to “make it a felony for those that steal and carry away children” was finally introduced to the House by John Fowke, an MP, one of London’s senior Aldermen, and a wealthy overseas merchant who had worked with the East India Company and the Levant Company. However, Fowke died soon after of “an apoplexy.”<sup>79</sup> Then the committee was asked to expand the bill to return Royalists who had been transported during the Interregnum back to England, to aid them in reestablishing themselves, to “examin[e]”

---

<sup>78</sup> Ibid. Considering how many of them may have been abandoned or orphans—probably the easiest prey for these “lewd persons”—this potentially could have been a massive problem.

<sup>79</sup> Wareing, “Preventative and Punitive Regulation,” 292-293; and Keith Lindley, “Fowke, John (c. 1596-1662), *ODNB*.”

those who had transported and “enslave[d]” them. The parliamentary session ended soon afterwards without the bill going to a vote.<sup>80</sup>

In 1664, “merchants, planters, and masters of ships trading to the Plantations to the King” petitioned Charles II for a “what may be done by law” to prevent “a wicked custom to seduce or spirit away young people to go as servants to the plantations.” They suggested a registry with the names, ages, place of birth, last residence, and “quality” of the person intending to set sail “as a means to prevent the betraying and spiriting away of people.” Though they deplored the spiriting trade, what they seemed truly concerned about was that it gave “opportunity to many evil-minded persons to enlist themselves voluntarily to go the voyage, and having received money, clothes, diet, [etc.], to pretend they were betrayed or carried away without their consents.” Codifying the procedures by which a person did consent to become an indentured servant would assure these merchants, captains, and plantation owners that their investments—in the form of indentured servants—were safe. Though an additional report was attached to the petition that testified to its veracity and seconded the need for a registry, the king did not act.<sup>81</sup>

The House of Commons passed a bill “to prevent stealing and transporting children and other persons” in 1670 and asked the House of Lords to approve of it. The House of Lords considered it for a year, added a proviso that no one should be punished for transporting anyone above the age of sixteen who had consented to go, and finally passed the bill in March of 1671. However, the Commons refused to pass the revised bill, and the matter seems to have been dropped. It is not clear from the records that remain

---

<sup>80</sup> Wareing, “Preventative and Punitive Regulation,” 293.

<sup>81</sup> Sainsbury, *CSP Colonial, America and West Indies, Vol. 5, 1661-1668*, 220-222.

why the Commons rejected the revised bill; John Wareing has speculated that merchants disliked that there was not a clear plan put in place for registering servants before they immigrated to the colonies, or that the Commons opposed making spiriting a felony when the line between kidnapping and lawfully indenturing servants to the plantations was blurry at best. Or it may simply have been that they felt they did not have enough time to debate the bill before the session ended.<sup>82</sup> Whatever the case, the bill failed to become law.

In 1673 there was yet another attempt to make “stealing away children” a felony, this time by creating a requirement that “all that go over to the plantacons [sic] as servants shall enter their names somewhere.” There were objections this time, however, because it was seen as a purely mercenary grab on the part of the merchant and MP Roger Whitley, who had been given letters patent in 1664 to become “Master of the Office of taking and registering [sic] the Consents, Agreements, and Covenants of such persons male and female, as shall voluntarily goe or be sent as servants to any of our said Plantations in America.” It was a lifetime appointment from which he earned £2 per year in addition to whatever fees he decided were appropriate for the use of his services. Obviously, if all servants going to the colonies were required to officially register with Whitley he could make a fortune. His fellow MPs decided that they were averse to passing legislation that seemed to be so directly connected to the personal profits of a

---

<sup>82</sup> The ambiguity between kidnapping and charitable overseas employment of children is a key theme of Chapter Six. Wareing, “Preventative and Punitive Regulation,” 295-296 and 302-303; and *Journal of the House of Lords, Vol. 12* (London, 1767-1830), 313, 325, and 462.

member. The bill once again failed. Kidnapping children did not become a felony in Britain until 1814.<sup>83</sup>

There was one important piece of legislation passed in the 1670s that, while not a law made to specifically address the problem of spiriting, could still be used in some circumstances to aid kidnapped children. The Habeas Corpus Act of 1679 protected all of the king's subjects from being "sent Prisoner . . . into any Parts Garrisons Islands or Places beyond the Seas."<sup>84</sup> However, the Act differentiated between being held as a prisoner and being an indentured servant in the colonies:

nothing in this Act shall extend to give benefit to any person who shall by Contract in writeing agree with any Merchant or Owner of any Plantation or other person whatsoever to be transported to any parts beyond Seas and receive earnest upon such Agreement although that afterwards such person shall renounce such Contract.<sup>85</sup>

The key here is that the indentured person had to have a legitimate written contract in order to be bound to labor in the colonies. A kidnapped person may have no such contract and could presumably sue to be brought back to England. However, that assumes the person is aware of this law and is capable of navigating the legal system in order to obtain his or her liberty. We have also seen that many victims of spirits did sign contracts, though under false pretenses; in such a case, the person would have no recourse for the Act did not allow indentured servants to renounce their contract.

Even so, this Act demonstrated a shifting view regarding English liberty. Liberty had meant the ability to act in prescribed ways; for instance, a corporation might be

---

<sup>83</sup> Wareing, "Preventive and Punitive Regulation," 280, 303-304 and 295. See also Paul D. Halliday, "Whitley, Roger (1618-1697)," *ODNB*.

<sup>84</sup> However, a person convicted of a felony, and thus sentenced to death, could still ask for pardon in the form of transportation. 31 Car. II. c. 2.

<sup>85</sup> 31 Car. II. c. 2.

granted the liberty to imprison its residents. However, beginning in the English Civil Wars and growing in strength towards the end of the seventeenth century, the English began to see liberty as a place: people ought to be “at liberty,” having both the ability to choose for themselves and to be free from physical constraints.<sup>86</sup> Such a shift in thinking about liberty was tied with the idea of consent, but a problem arose with the transportation of children. Because of the legal ambiguities regarding children’s ability to consent to labor contracts and in decisions regarding their own bodies, as discussed in Chapter Two, it was unclear if children could give consent to be transported, and if they could, what the proper means were of doing so. Over the next several decades the English would attempt to codify the means by which children could give consent to be transported, displaying an anxiety over the blurred line between apprenticing a child abroad out of charity and illegally kidnapping a child and thus infringing upon his liberty as an English subject.

### **Conclusion: The Forced Migration of Children**

With all of the concerns about kidnapping and the legalities of criminal transportation, the governors of charitable institutions had to be sure that their overseas employment of children was lawful. As this chapter has shown, this concern was expressed as early as the plan to send destitute children to Jamestown. In 1640, Christ’s Hospital declared that “there shal bee noe children sent to new England out of this house but such as their parents shall give consent for and discharge the house of them before

---

<sup>86</sup> Paul D. Halliday, *Habeas Corpus: From England to Empire* (Cambridge, MA and London, 2010), 178-187 and 197-198.

their Transportation.”<sup>87</sup> As Chapter Four discussed, there was not a significant amount of children sent to the New World in the 1640s out of Christ’s Hospital. Even still, the governors of the institution were worried about making sure that any potential child emigration was aboveboard. Significantly, they stipulated that the parents’ consent should be sought if the question of overseas apprenticeships arose, not the consent of the child in question.

The legal ambiguities surrounding kidnapping, transportation, and the charitable colonial employment of children came to a head in the early 1680s, as the Whigs and Tories were locked in a pitched political battle over who best represented English liberty. As the next chapter demonstrates, Englishmen and women began to believe that even the poorest English children should be at liberty to decide what happened to their bodies. While such children still had very limited agency, as Chapter Six shows, charitably disposed men and women believed that they must have the child’s consent before sending him overseas. While the forced migration of children who were the victims of kidnapping continued, the days of applying to the Privy Council for permission to send children to the New World against their wills were over.

---

<sup>87</sup> E.H. Pearce, *Annals of Christ’s Hospital* (London, 1901), 282-283.

## **Chapter Six: Charity, Consent, and “Kidnapping”: Stolen Children and the Rise of Children’s Self-Determination, c. 1680-1760**

By 1680, the English had colonies across North America—from Newfoundland to the Carolinas—and throughout the Caribbean. They had colonized Ireland under Cromwell and, though their relationship was far from peaceful, Charles II was the king of Scotland. They also had a network of trading posts in Europe, Africa, the Levant, and Asia. But as the English expanded their imperial reach, they battled with questions of identity, governance, and liberty at home. As the debates intensified and political parties—the Whigs and the Tories—formed, the legal and illegal means of transporting children abroad became a part of this contested political territory.

This chapter begins with the case of John Wilmore, a Whig accused of kidnapping a young boy and sending him to work on his Jamaican plantation. As Chapter Five discussed, by the 1680s there was a thriving underground trade in destitute children, so much so that the new slang word “kidnapping”—to steal a child to sell her to a plantation in the Americas—was widely in use. Areas around London, particularly near the Royal Exchange, were known to be the haunt of kidnapers, whom the London populace hated. The Wilmore case demonstrates that kidnapping was so reviled that a charge of kidnapping could be used as a means of ruining one’s political opponent. Kidnapping also became part of a larger conversation about English liberty and identity.

Even while English children were kidnapped and sent to the plantations, Africans were stolen from their native land and enslaved in the Americas. The English, who described kidnapping victims as “slaves,” became increasingly concerned that English children should possess liberty as a way of differentiating free English Selves with

enslaved African Others. English charitable organizations increased their efforts to send children to the Americas and to place boys in the Royal Navy and with trading companies, but they were careful to demonstrate that they were doing so with the children's consent.

This chapter presents the Wilmore case as a defining moment in which the legal ambiguities of sending children abroad became central to the debate over who got to champion English liberty. It then demonstrates how kidnapping and slavery were too close for comfort to many in England, and how charities responded to the increasing social and legal emphasis on children's consent. While the kidnapping trade did not end, reputable people had to be much more careful about how they employed children overseas if they did not want to be mistaken for kidnappers. By the time of the Seven Years' War, the Marine Society could only claim to be patriots if they were very clear that they were only using legal means to employ boys in the navy. The care of destitute children had become an important part of how the British defined liberty and defined themselves.

### **The Politics of Consent: The Case of John Wilmore**

In November of 1682, London Common Councilman and prosperous wool merchant John Wilmore (c. 1639 - c. 1692) found himself accused of being "a person covetous of Gain, not in the least caring by what wayes and means he Livelihood, Gain and Profit acquireth" and charged with taking Richard Civiter "an infant within 13 years of Age . . . [to] a certain Ship, by Force and Arms, falsly, subtilly, unlawfully and injuriously" to be "conveyed in that Ship into parts beyond the Seas, into a certain Island

called *Jamaica*.”<sup>1</sup> Wilmore protested that he was not “a *Kidnapper or Stealer of Children*,” for he believed that “of all theft, the stealing of a Child is the greatest, nothing being so dear in the world to Parents as their Children.” Further, he claimed, “I bless God, in my whole life, I never sent over Sea, Man, Woman, or Child, without their *free consent*.”<sup>2</sup> Thus, in his protestations, Wilmore underscored the key tension among child transportation, kidnapping, and indentured servitude: must consent be given before a person was bound to serve, and if so, who had the power to give that consent? The publicity of his case brought heightened awareness to this issue and served as a warning to merchants who were “charitably” indenturing street children abroad without seeking to legitimate the indentures through the proper means.

Wilmore’s early life is unknown to us, but he was active in London politics by 1670, the year he gave £100 to the London dissenting subscription.<sup>3</sup> He served as a common councilman for the ward of Aldersgate Without, where he had a house on Jewen Street, roughly a mile away from the Royal Exchange. In 1678 he was also serving as one of the overseers of the poor for the parish of Hackney, where he had “disbursed a considerable sum for the relief of the poor” out of his own pocket and then had trouble

---

<sup>1</sup> John Wilmore, *The Case of John Wilmore: Truly and Impartially Related: Or, A Looking-Glass for all Merchants and Planters That are Concerned in the American Plantations* (London: 1682), 15. Wilmer spelled his name both “Wilmer” and “Wilmore,” but “Wilmore” is the spelling most commonly used by scholars. He is most often mentioned in city records as a merchant or a Common Councilman, though a Treasury Book entry from 1691 list him as a wool merchant. *Calendar of Treasury Books, Volume 9: 1689-1692*, edited by William Shaw (1931), entry for April 8, 1691. I take his approximate birth and death dates from the fact he mentions he had “lived in the World near 54 Years,” in his 1692 pamphlet, which was published posthumously by his friends. John Wilmore, *The Legacy of John Wilmer, Citizen, and late Merchant of London; Humbly offered to the Lords and Commons of England* (London, 1692), 28.

<sup>2</sup> Wilmore, *The Case of John Wilmore*, 1-2. The emphasis is Wilmore’s.

<sup>3</sup> Gary S. De Krey, *London and the Restoration, 1659-1683* (Cambridge, 2005), 411 and 420. It is not known if he was a part of any particular dissenting sect.

receiving the money he was due from the inhabitants.<sup>4</sup> As his own account of sending Richard Civiter to Jamaica demonstrates, he liked to think of himself as someone willing to do “a Charitable deed” when the opportunity to do so presented itself.<sup>5</sup> But, as he discovered, whether sending Civiter abroad was charitable or illegal was a matter for debate.

At the same time that Wilmore was helping the poor in Hackney, all of England was caught up in the alarm that there was a “Popish Plot” to assassinate Charles II. Titus Oates claimed that there was a vast conspiracy to kill the king and put his Catholic brother, James, Duke of York, on the English throne; these accusations caused a three-year period during which the English felt they were in “a time of crisis.”<sup>6</sup> Certainly for Wilmore, a dissenter who felt that there was a “damnable Conspiracy to introduce Popery and Arbitrary Government, carried on long before the great Alarm thereof was given” in the autumn of 1678, this alleged plot only served as further proof that Catholicism would introduce absolutism into England, a belief many had held since the time of the early Stuart monarchs.<sup>7</sup> Over the next several years, Wilmore became a radical Whig, the emerging political group led by the earl of Shaftsbury and closely associated with dissenters.<sup>8</sup> Though there has been much historiographical debate regarding the development of the Whigs and the Tories, it is important to note that Wilmore found

---

<sup>4</sup> W. J. Hardy, ed. *Middlesex County Records. Calendar of Sessions Books, 1689-1709* (London, 1905), 47.

<sup>5</sup> Wilmore, *The Case of John Wilmore*, 2.

<sup>6</sup> Mark Knights, *Politics and Opinion in Crisis, 1678-81* (Cambridge, 1995), 3.

<sup>7</sup> Wilmore, *The Legacy of John Wilmer*, 1; and Knights, *Politics and Opinion in Crisis*, 9 and 25.

<sup>8</sup> Richard Ashcraft described Wilmore as a radical Whig because of his part in Monmouth’s Rebellion, which Wilmore appears to have helped to plan and finance. Richard Ashcraft, *Revolutionary Politics & Locke’s Two Treatises of Government* (Princeton, 1986), 412, 426, 435, 446, and 469.

himself—or possibly more accurately, placed himself—in the center of an extremely contentious political debate regarding, among other things, the respective powers of Parliament and the monarch and the personal liberties of English subjects.<sup>9</sup>

In the wake of Oates' accusations, many believed that if a Catholic took the throne that it would signal the end of English liberties; however, many others believed that altering the traditional rules of strict hereditary succession would result in another civil war.<sup>10</sup> Beyond theoretical discussions regarding the nature of kingship and subjecthood stood a very real problem: Charles had no legitimate children and thus the successor to his throne was his Catholic brother James.<sup>11</sup> For the Whigs, such a succession spelled disaster for the English, and on May 21, 1679, the majority in the House of Commons voted in favor of drawing up a bill to exclude James from inheriting the crown.<sup>12</sup> However, the king dissolved Parliament before the motion could be carried further.

---

<sup>9</sup> For the development of party politics in England during this period, see for example Ashcroft, *Revolutionary Politics & Locke's Two Treatises of Government*; Gary De Krey, *A Fractured Society: The Politics of London in the First Age of Party, 1688-1715* (Oxford, 1985); Paul D. Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650-1730* (Cambridge, 1998); Tim Harris, *Politics Under the Later Stuarts: Party Conflict in a Divided Society, 1660-1715* (New York, 1993); J. P. Kenyon, *Revolution Principles: The Politics of Party, 1689-1720* (Cambridge, 1990); Mark Knights, *Representation and Misrepresentation in Later Stuart Britain* (Oxford, 2005); and Melinda S. Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England* (University Park, PA, 1999).

<sup>10</sup> Gary S. De Krey, *Restoration and Revolution in Britain* (New York, 2007), 145.

<sup>11</sup> Charles's wife, Catherine of Braganza, had no living children, but it was well known that Charles had many mistresses and children by them. Charles' eldest son, James, Duke of Monmouth, was born to his mistress, Lucy Walter, in 1649. He was an extremely popular war hero and a protestant, and many—including Wilmore—felt he should inherit his father's throne. In 1685, Monmouth led an unsuccessful rebellion against his uncle, then King James, and was executed for treason that same year.

<sup>12</sup> De Krey, *Restoration and Revolution in Britain*, 163.

In November of 1680, Wilmore became a member of a Grand Jury in the King's Bench which sat on the case of whether James could inherit the crown; Wilmore himself, acting to achieve what he believed to be "the only humane Security for our Religion and Liberties," brought forward a bill of indictment against James as a "Popish Recusant."<sup>13</sup> The bill was defeated in the House of Lords. Wilmore at this point felt himself and all of England "fairly kidnapp'd to *Rome*."<sup>14</sup> Without the people's consent, the king, the duke of York, and the Tories had—Wilmore felt—laid the way for England to be transported back to Catholicism and absolutism. By this time Wilmore also felt his actions laid him open to attack from his very powerful political enemies, including the king:

I knew the War was begun, and my Name in the black Book, and I had hereby exposed my self to all the Rage and Malice of the Popish Party, that they would never leave pursuing me, until by one way or other they had my Blood, or ruined or removed me out of the way; the first God prevented, the latter they effected.<sup>15</sup>

If Wilmore's tone is highly dramatic in this account, it is indicative of the grave danger in which he soon found himself—and in which he believed all of England to be. Just as there had been retribution against known Catholics just after the discovery of the "Popish Plot," so followed the execution of several Exclusionists after the bill of exclusion failed. Among them was Stephen College, a reformed protestant with ties to Titus Oates and other witnesses from the Popish Plot. He was known as the "Protestant Joiner," and built several of the effigies used in pope-burning processions across London. He was most well known, however, for writing and reciting poems and ballads against the current regime, putting the political concerns at the heart of the crisis into the language of ordinary people. He was tried for treason in Middlesex in July 1681, and

---

<sup>13</sup> Wilmore, *The Legacy of John Wilmer*, 2.

<sup>14</sup> *Ibid.*, 3.

<sup>15</sup> *Ibid.*, 5.

Wilmore served as foreman of the jury. The verdict was *ignoramus*, but College was indicted and tried again in Oxford, allegedly the other site of his treasonous activity and away from the Whig juries found in London. This time, College was found guilty, and he was executed on August 31, immediately becoming a martyr for the Whigs.<sup>16</sup>

If Wilmore had been a lesser-known person in London, or had his political views been different, it is very likely that he would have never been charged with kidnapping. He claimed to have received word from Sir Thomas Linch, the former governor of Jamaica, that upon the verdict of *ignoramus* in College's London trial,

King Charles was in a great Rage, and angry with me . . . in his Rage, throwing his Hat and Periwig on the Ground, he was heard to express himself to this effect; *This Rogue Wilmer has broke all my Measures; God's Fish I will have his Blood, or ruine him, although it cost me ten thousand Pounds.*<sup>17</sup>

Whether the king actually had personal animosity towards Wilmore is unclear, but on the day that Wilmore expected to be subpoenaed to testify at College's Oxford trial, he was instead arrested himself on the charge of high treason. Sick with ague, and disputing the validity of the warrant with which he was arrested, Wilmore was taken before the king at Hampton Court.<sup>18</sup> The main charge against Wilmore was that he had "disbursed several sums to pull down the idol at Whitehall, meaning the king."<sup>19</sup> According to one report, Wilmore "did not soe much as bow his knee" in the presence of the king and was reprimanded by the Lord Chancellor for "his Sawcy & undutifull behaviour before his

---

<sup>16</sup> Gary S. De Krey, "College, Stephen (c. 1635-1681)," *ODNB*.

<sup>17</sup> Wilmore, *The Legacy of John Wilmer*, 14. The emphasis is Wilmore's.

<sup>18</sup> *Ibid.*, 15. Wilmore disputed the warrant because it came from the Secretary of State; because Wilmore was a citizen of London, he would only accept the warrant of the Lord Mayor or an alderman as being valid. For Wilmore's arrest warrant, warrant to be kept in the Tower without "use of pen, ink, and paper," and Mrs. Wilmore's request to visit her husband in the Tower, see *Calendar of State Papers, Domestic, Vol. 22* (London, 1860-1938), 399, 404-406, 408, and 424.

<sup>19</sup> *CSP Domestic*, 22, 406.

Maje[sty].”<sup>20</sup> Whether or not the king had a personal vendetta against Wilmore, it is clear that tensions were high.

Even putting the idea of a vendetta aside, Wilmore was popular enough that he may have posed a threat to his political enemies. On the night of 15 August, 1681, when several constables and messengers from the king came to arrest Wilmore at his house in Jewen Street on the charge of high treason, they only “with some difficulty obtained Entrance” and found that “a Multitude” had gathered to protest the arrest. When the messengers had finally put Wilmore in a coach to carry him back to their house before further transferring him to Hampton Court, “the Multitude Cryed out . . . Lets pull the Wheeles of the Coach, lets Cut the Harness” and were only dissuaded from mob violence by the messengers threatening that “ye first Assaylant should make way through the Muzells of their pistolls.” Even after he had been taken to the messengers’ house, “the House was Tumultuously Assaulted by the Rable, by throwing of Stones agt ye Windows & disorders soe yt [they messengers] were afraid of a Rescue.”<sup>21</sup> Wilmore, then, was popular enough to stir up a London crowd on his behalf.

It was not just the neighbors who knew Wilmore and decided to come to his aid: enough people knew of Wilmore that his arrest appeared in the newspapers. In August of 1681, a satirical account of Wilmore’s arrest and trial appeared in the *Observer in*

---

<sup>20</sup> FSL, Newdigate Newsletters, L.C. 1113.

<sup>21</sup> Ibid. For more on Wilmore’s time in the Tower while under arrest for high treason, and his petition that he might be brought before a jury with a writ of Habeas Corpus, see Anon., *The True Narrative of the Proceedings at the Sessions-House in the Old-Bayly which began on Monday the 17<sup>th</sup> of this instant October, and ended on Wednesday the 19<sup>th</sup> following* (London, 1681), 2; Anon., *The tryal and condemnation of several notorious malefactors, at a sessions of Oyer and terminer holden for the city of London, county of Middlesex* (London, 1681), 2; and Anthony Ashley Cooper, Earl of Shaftesbury, *An Account at large of the proceedings at the Sessions-House in the Old-Bayly* (London, 1681), 8.

*Dialogue*, describing the “Bawling of the *Common People*” when Wilmore was taken away. It mockingly described Wilmore as “a kind of *Martyr* . . . for the *Libertyes of the People*.”<sup>22</sup> In a debate over whether the Tories or the Whigs were the true guardians of English liberty, Wilmore had become a poster child for the Whig cause. His enemies had to find a way to smear his name; when the verdict of *ignoramus* was returned in the high treason case, they landed on the charge of kidnapping.

According to Gary De Krey, London’s courts rather than Parliament became “the kingdom’s principal tribunal” during this political crisis. Prosecutions became “public drama,” and both Whigs and Tories, “convinced that their opposites were determined to undermine both law and the Protestant constitution . . . sought to legitimate its position in the courts.” Keenly aware of their public image, court cases were pursued in the press in an unprecedented manner.<sup>23</sup> After the College verdict in particular, contestation in London’s courts “became a contest about public perceptions of propriety and impropriety, of who was acting within the law and who without.”<sup>24</sup> In this context, it is clear that much more than the fate of Richard Civiter, the boy Wilmore sent to Jamaica, was at stake. Rather, Wilmore and his enemies used the alleged kidnapping case as a means of debating what political party championed English liberty.

It is important to note that most of the information about the Wilmore case comes to us from Wilmore himself. He authored two pamphlets to try to clear his name; since we do not have court transcripts of either of his trials, we must rely upon his account of

---

<sup>22</sup> *Observer in Dialogue*, London, August 20, 1681.

<sup>23</sup> De Krey, *London and the Restoration*, 231-232.

<sup>24</sup> *Ibid.*, 234. For more on public perceptions of politics during this period, including the explosion of print culture, see Knights, *Representation and Misrepresentation in Later Stuart Britain*.

how they proceeded. Obviously, Wilmore presented himself in the best possible light, so his description of the case must be taken with some skepticism. I have noted corroborations and contradictions to his account whenever I have been able to find them. Perhaps the most telling thing about Wilmore's story is that he named his first pamphlet *The Case of John Wilmore: Truly and Impartially Related: Or, A Looking-Glass for all Merchants and Planters That are Concerned in the American Plantations*. This title suggests that he believed that in sending Civiter to Jamaica he had done just what other planters and merchants regularly did, and that he wanted to warn them that they too could be accused of kidnapping. Whether this was simply his way of deflecting blame, or whether he was right to assert that he was participating in a common practice is impossible to prove from the sources. It is certainly easy to see how someone like Wilmore could claim that the cultural ideas and legalities surrounding personal liberty in general and child migration specifically had shifted very quickly.

According to Wilmore, in March of 1680 he had arranged to send several men to Jamaica as carpenters and other workmen as well as “a boy bound to me by Justice Dashwood of Hackney, to send to Jamaica, being a poor boy he had kept; I had also with me a boy of Mr. Alexander Hoseas, bound to him by his friends, to go to Jamaica.”<sup>25</sup> Since Wilmore had been an overseer of the poor in Hackney in 1678 (and perhaps was still serving the parish in that capacity several years later), it makes sense that a JP would instruct him to apprentice “a poor boy” of that parish to an English colony where Wilmore had merchant contacts. The second boy had been bound “by his friends,” in other words, by the boy's family or someone else acting at the boy's protector, to be an

---

<sup>25</sup> Wilmore, *The Case of John Wilmore*, 2.

apprentice to a specific individual either traveling to Jamaica or already living there.

Everything thus far was entirely ordinary.

However, as the group waited until the tide was ready,

the boys went out to play upon the Key or Wharf, they had not been there long, but another boy, one *Richard Ceviter* [sic], as he said his name was, came to them, and discoursing together, the said *Civiter* understanding they were going to Sea, told them he would go too, whereupon the boys came and told me, there was a boy would go to Sea with them, I bid them bring him in, whereupon he came, when I saw him, I told him *I* supposed he was some mans *son*, or *Servant*, therefore would not meddle with him, and bid him go and mind his Fathers or Masters business, he replied to me, *He had neither Father, Mother, nor Master, nor any friend he knew of, where he might have Bread.*<sup>26</sup>

Wilmore, with experience as a common councilman, overseer of the poor, and citizen of London, felt he could spot the difference between a friendless, abandoned child and one who had parents or a master. Sensing that *Civiter* fell into the latter category, he continued to try to dismiss the boy, but, according to Wilmore, *Civiter* kept insisting that he had no one to help him and that he must go to sea. “He prayed me for Gods sake, and Cryed and Roared, and unless I would have turned him out by Head and Shoulders, he would not go,” Wilmore recounted of the pathetic scene.<sup>27</sup> Finally, Wilmore was convinced to send the boy to Jamaica with the others when a passerby

called to me and told me, if I took the boy I should do a *Charitable deed*, for that he had been a little before *pilfering of Sugar* upon the Key, and might come to the *Gallows* if he stayed here, but might make an honest man if he went beyond Sea.<sup>28</sup>

Thus, *Civiter* presented the archetypical story of the poor child who needed a kindly benefactor like Wilmore to rescue him. According to Wilmore, sending the boy abroad was a “charitable deed” that cost Wilmore himself money rather than an illicit attempt to

---

<sup>26</sup> Wilmore, *The Case of John Wilmore*, 2. Emphasis is Wilmore’s.

<sup>27</sup> Ibid..

<sup>28</sup> Ibid.. Emphasis is Wilmore’s.

profit from the boy's value as a plantation laborer.<sup>29</sup> Further, Wilmore was not only providing immediate employment for the boy, but he was saving him from ending his life at the gallows. As Wilmore knew quite well as he composed his pamphlet to make his case to the public, these were the common tropes leading men of the city used to describe their efforts to send London's destitute children abroad. Wilmore painting himself as Civiter's nursing father.

To add even more weight to his version of the affair, Wilmore stressed that he had explicitly sought out means of legitimating his actions. First, he presented the boy to the mayor, asking if he could find the boy's parents. When that question was answered in the negative, the mayor questioned the boy and saw "the case so plain, that the boy was in distress" and insisted on being sent abroad. Accordingly, the mayor bound Civiter to Wilmore with the express purpose of Civiter's being sent by Wilmore to Jamaica.

---

<sup>29</sup> Wilmore claimed that men were the only laborers with lucrative returns when sent to Jamaica: "it is well known to most Merchants, that its go *gain*, but commonly and mostly *loss*, for any man to send over any Boys, Girls, or Women to *Jamaica*, and that I had very good to prove at this very time, and in this Ship there were two boys bigger than Civiter, and by consent of their friends sent, who well *cloathed* them, and besides gave Money to the Merchants to send them to *Jamaica*, to be employed in Plantations, and I dare be bold to say, that to this time neither Planter nor Merchant to the said *Island* will take any such boy *without Money*, for they are at considerable charge of keeping, and are of little use for some years; and indeed were there safety to the Planter and the Island; I am sure the fewer *white* servants any Planter has, the more it would be for his profit: but there having been some disturbance by the *Blacks*, and the Government finding it might be of dangerous consequence, therefore made an Act for the future, every Plantation should have one *White* Servant, to every ten *Blacks*, being intended only for the *security* of the Island, and it is not the profit as I said before, but an Increase of charges to the Planters; what profit there is, comes out of the labour of the *Blacks*." While it was true that black slaves were, by the early 1680s, more profitable for plantation owners than white indentured servants, Wilmore is either misinformed himself or purposely misleading his readers by saying that there was not a market for white servants, including boys. The kidnapping trade was clearly lucrative or it would not have existed, and children were its main victims. As Wilmore owned a plantation in Jamaica, he was probably well aware of this reality. *Ibid.*, 3.

Wilmore believed this to be the best—and legitimate—means of proceeding legally: “the Law as, I take it, putteth the Magistrate to stand in the room of Parents, to poor Children they put out, having no Parents of their own, as this Boy always from first to last denied he had any.”<sup>30</sup> The mayor stood in for Civiter’s parents and gave his consent for the indentures, Wilmore became Civiter’s master, and Civiter was sent off on the ship *Granado* to Jamaica to the plantation Wilmore possessed there to work as an apprentice to a carpenter or joiner. Everything seemed completely aboveboard.

About fifteen months later, a man came forward claiming to be Civiter’s father and asking that Wilmore “make satisfaction” for depriving him of his son’s labor. Wilmore was skeptical that this man, a poor barber, was actually the boy’s father because young Civiter had been so adamant about being an orphan; further, he believed that if the elder Civiter was actually upset about the loss of his son that he would have made enquiries about his son sooner. He soon talked the elder Civiter out of pursuing the case any further, and Wilmore heard nothing more of the affair until after he had been charged and found innocent of high treason over a year later.<sup>31</sup>

The elder Civiter owed money to a neighbor, and during the course of their discussion the neighbor, a Mr. Grote, found out that Wilmore had sent young Civiter to Jamaica. Mr. Grote—perhaps aware of Wilmore’s recent notoriety—began to press the case. He summoned Wilmore, along with Captain Jones of the *Granado*, to appear before the Lord Mayor to discuss the case. There, Mr. Grote and Mrs. Civiter, the boy’s mother, told the mayor “how their Boy was lost, and how [Wilmore] had taken him up, and Capt.

---

<sup>30</sup> Ibid., 2-3.

<sup>31</sup> Ibid., 4-5.

Jones had carried him away.”<sup>32</sup> While Mrs. Civiter declared she wanted her child back, both Wilmore and the Lord Mayor chastised her for ingratitude (“you ought to give thanks to God and Mr. Wilmer for doing so well by the Boy,” declared the Lord Mayor), but Wilmore agreed to send for young Civiter if his parents would pay for his passage back.<sup>33</sup> When Mrs. Civiter said that she and her husband did not have the money to prosecute Wilmore in court on kidnapping charges, one Mr. Vavasor, who had been listening to the entire conversation, stepped forward and offered to take upon himself the charges in the case.<sup>34</sup>

Though nothing survives from Vavasor himself, Wilmore was convinced that he was an agent working on behalf of the king or the Tories. Wilmore also believed that the case would not have gone any further had not Vavasor become involved. Wilmore offered to pay for the boy’s expenses to come back if the boy wrote to say that he wanted to come back to England, but Vavasor insisted that the case go to court. Accordingly, Wilmore was bound to appear at the next sessions of the peace at Guildhall with a surety of £40. Even after this, Wilmore attempted to arbitrate the matter out of court, which he

---

<sup>32</sup> Ibid., 5.

<sup>33</sup> Ibid., 5-6.

<sup>34</sup> Nothing more is known about Mr. Vavasor at this point; he does not appear in the registers of the Inns of Court, nor is there an entry in the State Papers that is clearly referencing him. Wilmore claims that when he made inquiries he discovered that Vavasor was “a great Informer and an unnatural one; for, ‘tis reported, He informed against his Father in Law, Mr. Hooker, a Rope-maker, well known to be of an Estate, and an honest man: I think he was forc’d to pay 200£ or a considerable sum upon his Son’s Information against his Father, for going to Meetings.” Wilmore, *The Case of John Wilmore*, 11. It may be that Vavasor was related to the Vavasour family of Yorkshire, who were staunch Catholics. It may also be possible that Wilmore used Vavasor as a pseudonym for someone else because the name was so associated with Catholicism. For the history of the Vavasour family during this period, see Henry Foley, *Records of the English Province of the Society of Jesus: Historic Facts Illustrative of the Labours and Sufferings of its Members in the Sixteenth and Seventeenth Centuries* (London, 1878), 233-239.

claimed the Civiters and Mr. Grote were happy to do, but Vavasor kept insisting that the matter proceed in the court of law.<sup>35</sup> If Peter Wilson Coldham's speculation that many kidnapping cases were settled out of court—with the alleged kidnapper paying the parents damages for the loss of their child—then it makes sense that the impoverished Civiters and Mr. Grote, the man to whom they were indebted, would have rather had an out of court settlement than prosecute the case.<sup>36</sup> However, at this point Vavasor seems to have taken full charge of the case; Wilmore asserted that he managed to do so by promising the Civiters that an in-court settlement would amount to “hundreds of pounds and more.” Wilmore claimed that Vavasor's motives were simple: according to a witness, Wilmore wrote, Vavasor was heard saying, “*this Dog Wilmore, this Ignoramus Dog*, if I do but rout him, I shall be made the *Kings Attorney*.”<sup>37</sup> From Wilmore's point of view, the entire thing was a set up in order to gain the king's favor by exacting revenge on one of his political enemies.

When Wilmore's case was heard at the Guildhall sessions of the peace, the grand jury returned an *ignoramus*. However, Vavasor was not finished with his prosecution of the case. He “was in a very great Rage,” and his assistant, Mr. Beaumont, “was transported with Passion, saying, Altho an *Ignoramous* was brought in here, yet he would put in an *Information* in the Crown-Office against me, and lay it in KENT.”<sup>38</sup> In other words, Vavasor wanted to put the case out of the hands of a London jury—who were more likely to know (of) Wilmore and more likely to be sympathetic to his political

---

<sup>35</sup> Wilmore, *The Case of John Wilmore*, 6-8.

<sup>36</sup> Peter Wilson Coldham, “The ‘Spiriting’ of London Children to Virginia: 1648-1685.” *The Virginia Magazine of History and Biography* 83.3 (July 1975): 280.

<sup>37</sup> Wilmore, *The Case of John Wilmore*, 8.

<sup>38</sup> *Ibid.*, 11. The emphasis is Wilmore's.

leanings. For Wilmore, this second trial with a jury brought in from Kent was far too familiar for comfort: Beaumont threatened that Wilmore would be “serve[d] as Colledg [Stephen College] was serv’d.” Wilmore knew this was not an idle threat; though kidnapping was still a misdemeanor, Wilmore was convinced that if men like Vavator and Beaumont could select their own juries “they would not only hang me up, but Thousands more, like Ropes of Onions.”<sup>39</sup>

Wilmore took the threat against himself as emblematic of the Catholic, Tory menace he believed stalked the country. However, Narcissus Luttrell, a diarist and keen political observer whose own allegiances have been described as “not altogether consistent” but perhaps with stronger Whig sympathies, had the following to say about the second trial:

The 23<sup>rd</sup> [of May, 1682], was a tryall at the kings bench barr upon an indictment against Mr. John Wilmore, for spiriting or kidnapping away a young boy under the age of 13 years, called Richard Siviter, and sending him to Jamaica: the jury was a very good one, returned out of the county of Kent.<sup>40</sup>

So, for one disinterested observer, the choice of jury did not seem too prejudiced.<sup>41</sup>

Drawing the jury from Kent was technically justified because the boys had boarded ship at Gravesend, a port town on the River Thames in Kent at which many London maritime

---

<sup>39</sup> *Ibid.*, 11.

<sup>40</sup> Henry Horwitz, “Luttrell, Narcissus (1657-1732)” *ODNB*; and Narcissus Luttrell, *A Brief Historical Relation of State Affairs from September 1678 to April 1714, Vol. 1*. (Oxford, 1867), 183.

<sup>41</sup> Wilmore later asserted that the jury had been bribed, being “allowed a great Sum of Money upon pretence of their Travelling, besides upwards of 40£ spent at a Dinner upon them.” Wilmore, *The Legacy of John Wilmer*, 22.

transactions took place. Thus, if a crime had occurred, it had technically been committed in Kent rather than in London proper.<sup>42</sup>

In order to bring the case to the Kentish court, Vavasor had Wilmore served with the writ *de homine replegiando*, requiring a person illegally held to be delivered to a jury. Wilmore was confused by how to respond to what he called “an old Obsolete Writ,” for he did not hold Civiter himself and had no means of delivering him to the court.<sup>43</sup> He sought counsel, but before he or his advisors could respond he was served a *pluries* demanding that Civiter be replevied. In his return, Wilmore included a copy of the indenture he had drawn up with Civiter—an indenture that made Civiter Wilmore’s lawful servant for nine years—and Wilmore’s counsel advised that the matter would certainly be dropped after showing this legal proof that Wilmore was acting within his rights to keep Civiter on his Jamaican plantation.<sup>44</sup>

Somehow Wilmore’s original return was not actually submitted but instead an *elongavit* was returned simply stating that as Civiter was not in England he could not be replevied. Wilmore protested that this was not his return and that he did not know whence it came, but a writ of *capias in withernam* was served against him: since Wilmore could not return the body of Civiter to the court, he was himself to be taken into custody.<sup>45</sup> This warrant for his arrest described Wilmore “being a person covetous of Gain” who had “beat, wounded and evilly intreated” Civiter “so that of his Life he greatly despaired” before sending the boy to Jamaica “falsly, subtilly, unlawfully and injuriously.” It had

---

<sup>42</sup> It seems the boys boarded a smaller boat that took them down the Thames before boarding the ship that would take them on to Jamaica at Gravesend.

<sup>43</sup> Wilmore, *The Case of John Wilmore*, 12.

<sup>44</sup> *Ibid.*, 13.

<sup>45</sup> *Ibid.*, 14, and Luttrell, *A Brief Historical Relation*, Vol. I, 183.

been not only an assault against Civiter but also “against the Peace of our Sovereign Lord the King, his Crown and Dignity.” Wilmore, who prided himself on defending English liberty and law, was now being charged with robbing a young boy of that same liberty in a manner that would only serve as a “wicked Example of all others in the life case Delinquents.”<sup>46</sup>

Though we do not have a transcript of the trial itself, much of the prosecution’s argument must have rested on the fact that Civiter was less than thirteen years old and therefore, by law, had not reached the age of discretion. As Chapter Two discussed, this meant that Civiter was not old enough to make legal decisions, including the decision to bind himself to an apprenticeship contract. In his pamphlets Wilmore admitted that the boy was under the age of thirteen, but since the mayor had signed for the boy, Wilmore insisted that the apprenticeship had been legal. A satirical newspaper account of the case, however, blasted Wilmore for “*Kid-knapping* [sic] one *Richard Siveter*, a Child under the age of 13 years” while “insinuat[ing] that he was of years of discretion.”<sup>47</sup>

Wilmore entered a plea of not guilty, but it was in vain. Witnesses were brought who testified that “there was in generall [sic] such a trade as kidnapping or spiriting away children . . . that Mr. Wilmore had been a practiser of that trade, and particularly had sent away this child to Jamaica.”<sup>48</sup> Though witnesses for Wilmore’s defense claimed that the child had wanted to go to Jamaica and that Wilmore had been acting charitably, according to Luttrell, the “lord chief justice summ’d up the evidence, speaking very well against the horrid practice of kidnapping children, and left the matter very plain to the

---

<sup>46</sup> Wilmore, *The Case of John Wilmore*, 15.

<sup>47</sup> *Loyal Protestant and True Domestick Intelligence*, London, May 13, 1682.

<sup>48</sup> Luttrell, *A Brief Historical Relation*, Vol. I, 187-188.

jury . . . so that the jury, without goeing from the barr, brought him in guilty of the said information, and the court told them they had given a good verdict.”<sup>49</sup> Wilmore was given a fine (the amount of which is not known), and immediately sent for Civiter in the hopes that his fine would be mitigated. About seven months later, in January 1683, Richard Civiter arrived back from Jamaica and presumably was returned to his parents, though it is unknown what happened to him after his return.<sup>50</sup>

In the meantime, Wilmore hid himself in England for about a year—to, as he said, “keep out of the Reach of those who were bent upon my Ruin, and thirsted after my Blood”—before immigrating to Holland.<sup>51</sup> There, he was a close associate with John Locke and other émigré revolutionaries; he seems to have taken part in the preparations for Monmouth’s failed rebellion, including purchasing arms.<sup>52</sup> Clearly, he left England with no love for King Charles or his Catholic brother. For those remaining in England, his case served as a warning: even upstanding citizens could be kidnapers if they failed to obtain the consent of a child’s parent(s) before sending that child overseas.

---

<sup>49</sup> Luttrell, *A Brief Historical Relation, Vol. I*, 188. Luttrell also notes that “a waterman that was brought on Wilmore’s behalf being supposed to have witnessed what he knew not, but the severall contradictions and unlikelyhoods in his evidence, was committed to the custody of the marshall.” If Wilmore accused his enemies of drumming up false accusations against him, he was perhaps not above finding questionable witnesses for his own defense. For his part, Wilmore claimed he had “above 20 Witnesses of good Repute, whereof one half of them as I am Inform’d) was not sworn, nor several of those that were, ever so much as heard.” Wilmore, *The Case of John Wilmore*, 16.

<sup>50</sup> Luttrell, *A Brief Historical Relation, Vol. I*, 247.

<sup>51</sup> Wilmore, *The Legacy of John Wilmer*, 22-23; and Luttrell, *A Brief Historical Relation, Vol. I*, 188, 192, and 233.

<sup>52</sup> Locke stayed with Wilmer after Locke had fled England after the Rye House plot. Ashcraft seemed slightly confused to see “a curious listing of John Wilmer, *Legacy*” in the Locke library’s catalog as he was unable to find anything published by Wilmore. However, now that Wilmore’s *The Legacy of John Wilmer* pamphlet has been found, it seems certain it is the item to which the catalog referred. Ashcraft, *Revolutionary Politics*, 412, 426, 435, 446, and 449.

## The Aftermath of the Wilmore Case

Everyone wanted to avoid Wilmore's infamy: two years after the trial, "to Wilmore" was still used as a slang term for "to kidnap."<sup>53</sup> Sir John Hawles, a staunch Whig, felt he had to defend the legality of Wilmore's actions in a pamphlet written seven years after the case.<sup>54</sup> Eight years later, the case was still famous enough to be referenced in Samuel Clarke's *The Historian's Guide, or, Britain's Remembrancer* as a notable moment in English history.<sup>55</sup> And Wilmore wrote a second pamphlet to try to clear his name ten years after the trial when he contemplated returning to England before ultimately immigrating to his Jamaican plantation.<sup>56</sup> Wilmore had become a byword. Since kidnapers were so reviled, gentlemen with charitable aspirations had to make sure their own actions could not be the inadvertent means of ruining their fortunes and their reputations.

The decision in the Wilmore case demonstrated to the public that simply claiming to have good intentions was not enough to escape a kidnapping charge; it also decided that the lord mayor or other municipal authorities could not stand in the place of parents

---

<sup>53</sup> Philo Pater, *The observatory reprov'd more especially in relation to the controversie between that eminently pious, charitable, and worthy divine Mr. Smithye* (London, 1684), 4.

<sup>54</sup> Hawles' argument was that a master could dispose of his servant as he wished, which neatly avoided the question of whether Civiter had been legally indentured to Wilmore. Sir John Hawles, *Remarks on the trials of Edward Fitzharris . . .* (London, 1689), 52-55.

<sup>55</sup> Samuel Clarke, *The Historian's Guide, or, Britain's Remembrancer* (London, 1690), 137 and 144.

<sup>56</sup> Wilmore seems to have died just before this intended move and his friends published his *Legacy* posthumously.

when signing the indenture of a child.<sup>57</sup> However, it was still unclear how to legitimately bind a child to overseas labor. After all, the debate had never been whether or not children ought to work on colonial plantations or on board ships. Child workers were still needed for these labor markets, and the early modern English believed that work was beneficial rather than detrimental for children. According to Wilmore, some of the members of his London jury “confessed, They had many times done the same thing . . . and yet thought it no Crime in them.”<sup>58</sup> After the Wilmore case there was a heightened concern that children could continue to be procured for colonial labor but that it was done legally.

In the fall of 1682, just months after Wilmore’s very public kidnapping trial, Luttrell remarked that “the trade of kidnapping young children having been much used of late, authority has thought fitt, for the putting a stop to so prodigious a villany.” While he noted that Wilmore had been the first person prosecuted for this problem, Wilmore was not alone. “One Mr. Dessigny was tried for the same crime, and convicted, and fined 500£, and committed till payment.”<sup>59</sup> This was an enormous sum in 1682, perhaps demonstrating a desire on the part of “authority” to truly come down hard on this issue, though nothing more at present is known about this case. Certainly, the Wilmore case had brought heightened publicity to the issue: there had even been a broadsheet published that sarcastically suggested that parents whose children were missing might apply for help to “Mr. John Wilmore in Jewen-street, who is a Planter himself, and knows all the Tricks of those Rascals.” Gentlemen who were used to employing London’s street children as

---

<sup>57</sup> See 90 Eng. Rep. 23, Skinner 47.

<sup>58</sup> Wilmore, *The Case of John Wilmore*, 16.

<sup>59</sup> Luttrell, *A Brief Historical Relation, Vol. I.*, 233.

servants in their overseas plantations had reason to pause. The lampoon painted their actions in a whole new light: “These Kid-Nappers will tell you perhaps that a Child was ready to be eaten up with Vermin, and they took him in Compassion; that . . . he were ready to leap into the Sea.” Rather than being “Charitable,” however, the gentleman in question was not saving a child from “Want, and Slavery” in England but sending him to slavery in the colonies.<sup>60</sup> If simply applying to a justice of the peace or the local mayor could not save gentlemen from such accusations, something more had to be done to create the procedure by which a child could be apprenticed abroad.

In December of 1682, Charles II published a proclamation against “a lewd sort of People called Spirits” because he had received “Humble Applications” from merchants and planters who cited “spirits” as a hindrance to the trade. The proclamation stipulated that all people over the age of twenty-one, which as Chapter Two has shown was considered “full age” in English law, “or who shall, upon View and Examination, appear to be so in the Judgment of the Magistrate,” could decide themselves to become indentured and thus enter with “his free and voluntary agreement into the said Service.” Anyone who seemed to be under the age of twenty-one was to be examined by a judge or justice of the peace to see if he had parents or master, who would have to “give their Consent” before the child could be bound. Anyone under the age of fourteen, the legal age of discretion,

unless his Parents shall be present, and consent . . . is not to be carried on Shipboard till a Fortnight at least, after he becomes Bound, to the intent, if that there be any Abuse, it may be discovered before he be Transported.<sup>61</sup>

---

<sup>60</sup> Anon., *A Letter from Jamaica, to a Friend in London, concerning Kid-Napping* (London, 1682).

<sup>61</sup> *At the Court at Whitehall, December the Thirteenth, 1682* (London).

Magistrates were to decide what was to be done with children whose parents could not be found.

This proclamation essentially only protected the parent or master's ability to give consent for the child's indentures: it did nothing to protect orphaned or abandoned children from indentured servitude. Merchants wanted proof that a parent or master had given consent so that contracts could be binding; they did not want to pay for an indentured servant only to find that they had to return that servant to his or her angry parents. Neither they nor authorities in London wanted to do away with the bound labor of children, nor did they seem particularly bothered by the idea that destitute children may not have anyone to protect them from this fate. After all, if a child under the age of fourteen had no one step forward to claim him or her in the space of two weeks, that child could be transported without further question. This proclamation was, in the words of Luttrell, a way of "directing" merchants "how to proceed for the future in taking any persons they send beyond sea," not a way of stopping the kidnapping trade altogether.<sup>62</sup>

The king's proclamation did not even save gentlemen or local authorities from being charged with kidnapping. Two years later, a Mr. Baily, justice of the peace, was found guilty of kidnapping, fined £500 and "bound to good behaviour for a year." He also seems to have removed from his office. Another, "one Haviland," was also fined £500 for kidnapping and in addition had "to stand in the pillory thrice, at Westminster, at the Exchange, and at Ratcliffe."<sup>63</sup> The fact that Haviland had to stand in the pillory at the Exchange is particularly interesting as this was an area known for high levels of kidnapping. However, even these public punishments and enormous fines were not

---

<sup>62</sup> Luttrell, *A Brief Historical Relation*, Vol. I., 244.

<sup>63</sup> *Ibid.*, 322 and 329.

sufficient to end the trade. Despite the public sentiment against kidnapping children and forcing them into labor in the Americas, spiriting continued to be a misdemeanor.

On the other side of the Atlantic, colonial legislators also passed legislation to handle the issue of children arriving on their shores without proper indentures. Again, these statutes were meant to protect the interests of merchants and plantation owners rather than the children themselves. For example, in 1687 the South Carolinian parliament declared that all servants who “arrived in this Province without Indentures or other contracts” must serve their masters until the age of 21 if under the age of ten, for seven years if between the ages of ten and fifteen, and for five years if older than fifteen. In return for their bound labor, the person involved would receive “one suite of Apparell, one barrel of Indian Corne, one Axe and one Hoe” if they managed to survive their years of servitude.<sup>64</sup>

In the aftermath of the Wilmore case, there was a heightened awareness of the need for a legal procedure through which children could be apprenticed to colonial masters. No one wanted to end up like Wilmore, but no one wanted to give up the lucrative business of trading in child labor. Gentlemen and women of London still wanted to think of setting of children in apprenticeships as a charitable endeavor, but of course they did not want to run the risk of being an accidental kidnapper. Legislation on both sides of the Atlantic attempted to solve this problem by codifying the proper procedure for the overseas indentureship of children, but the legislation did little to protect the

---

<sup>64</sup> Thomas Cooper, ed., *The Statutes at Large of South Carolina, Volume II* (Columbia, SC, 1837), 30-31. For another example of colonial legislation that addressed the issue of servants arriving without indentures, see Virginia’s 1705 “An act concerning Servants and Slaves” in William Waller Hening, ed. *The Statutes at Large; Being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619, Vol. III* (Philadelphia, 1823), 447-463.

children themselves. It did give greater power to parental discretion than previous poor laws had done, demonstrating an impulse toward preserving liberties among even the poorest English subjects. The question of whether the child's consent was needed, however, remained undecided.

### **Slavery, Kidnapping, and English Liberty**

By the close of the seventeenth century, there was a direct connection between lack of consent, African slavery in the Americas, and anxiety that white Europeans were being used as slaves as well. Fear of slave uprisings was intense, and as early as the 1670s some of the colonies with plantation cultures began to pass legislation mandating specific ratios of white-to-black laborers for each plantation. For example, in Jamaica the 1703 Deficiency Law required that a master must have one white servant for every thirty slaves he owned.<sup>65</sup> Between 1675 and 1690, there was a marked decrease in the emigration of white servants to the colonies and a 57 percent increase in the price of servants relative to that of slaves.<sup>66</sup> Even while the number of African slaves was growing, procuring white laborers became part of meeting a colony's legal requirements. Montserrat notified the Board of Trade in fall of 1696 that they had passed a law that for every white servant "delivered on shore" the island, the provider of that servant would

---

<sup>65</sup> Edward Long, *The History of Jamaica. Or, General Survey of the Antient [sic] and Modern State of That Island: With Reflections on its Situation, Settlements, Inhabitants, Climate, Products, Commerce, Laws, and Government, Vol. 2* (London, 1774), 381. See also Gavin Wright, "Capitalism and Slavery on the Islands: A Lesson from the Mainland." In *British Capitalism & Caribbean Slavery: The Legacy of Eric Williams*, ed. Barbara L. Solow and Stanley L. Engerman (Cambridge, 1987), 297-298; and Marilyn C. Baseler, "*Asylum for Mankind*": *America, 1607-1800* (Ithaca, 1998), 82.

<sup>66</sup> David Galenson, *White Servitude in Colonial America: An Economic Analysis* (Cambridge, 1981), 154.

receive 2,500 pounds of sugar out of the public treasury. The Board of Trade was worried that such a law would “tend to encourage spiriting away Englishman [sic] without their consent and settling them there for slaves, which has been a very frequent practice and is known by the name of kidnapping.”<sup>67</sup> The deficiency laws in the colonies only increased the value of kidnapped English children.

In the seventeenth and early eighteenth centuries, white indentured servants often received similar treatment as African slaves: they performed the same tasks, slept in the same quarters, and ate the same food.<sup>68</sup> The similarities were anxiety inducing early on in the British colonial enterprise. There were clearly fears that the English may be used as slaves if sent to the colonies to work as indentured servants, especially if the servant was a victim of kidnapping and thus had been stolen from his or her homeland and bound to labor across the sea. As early as 1628, Thomas Best had written from Virginia “My Master Atkins . . . hath sold me for a £150 sterling like a damnd [sic] slave.”<sup>69</sup> Many kidnapping cases described the victim as being sold into slavery, not into servitude. In 1662, Margery Staples paid £20 recognizances in assurance that she would appear before the next Middlesex Sessions “to answer William Planer for selling her servant Ann Parker for a slave to Virginia.”<sup>70</sup> Two years later, the mariner John Piddock was charged at the Middlesex Sessions with “unlawfully transporting his apprentice,” Thomas

---

<sup>67</sup> J.W. Fortescue, ed. *Calendar of State Papers Colonial, America and West Indies, Vol. 15* (London, 1904), 200-201.

<sup>68</sup> Jacqueline Jones, *American Work: Four Centuries of Black and White Labor* (New York and London, 1998), 17-18 and 76.

<sup>69</sup> Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975), 128.

<sup>70</sup> John Cordy Jeaffreson, ed., *Middlesex County Records, Vol. 3: 1625-67* (London, 1888), entry for 7 August, 12 Charles II.

Durham, “to the Barbadoes, and there selling him for a slave for sixteene hundred pounds waight of suger.”<sup>71</sup>

Jacqueline Jones has called this use of the word “slave” a metaphor because these laborers “could claim membership in a historic English community . . . bound together by certain expectations of what was due them under law and custom.”<sup>72</sup> However, Jones also acknowledges that servants, and particularly child servants, did not avail themselves of the colonial court system. While they technically had the ability to sue and to enforce contracts, many preferred to attempt to run away from cruel masters rather than bring their case before the law. Either they did not understand their legal rights or they knew that if the court decided against them that they would be punished by having their term of service lengthened.<sup>73</sup> For such children, and for the English who knew about their plight, the comparison to slavery was likely much more than metaphorical. No, they were not technically chattel slaves as Africans were. But—as their labor contracts were bought and sold, as they suffered the same backbreaking work and abuse—they certainly would have had a harder time drawing the distinctions between the two types of laborers than historians typically have had.

In 1728, twelve-year-old James Annesley, the heir to earl of Anglesey, was kidnapped and sold into indentured servitude in Delaware by his uncle, who assumed the earldom. The story, which may have served as the inspiration for Robert Lewis Stevenson’s *Kidnapped*, caused a sensation in the early 1740s when Annesley, then a

---

<sup>71</sup> Ibid., entry for 11 December, 15 Charles II; and John Wareing, “Preventative 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* 27.3 (Oct. 2002): 297.

<sup>72</sup> Jones, *American Work*, 53.

<sup>73</sup> Ibid., 48-49 and 75.

young man, turned up in Jamaica, told his story, and secured a passage back to England. The newspapers described Annesley's ordeal by saying he was "sold as a Slave" and then kept "a Slave, in the greatest Hardship and Misery."<sup>74</sup> The legal case between Annesley and his uncle continued to be in the public eye until Annesley's death in 1760. Annesley's story was emblematic of the horrors that awaited British children when they were kidnapped and sold as "slaves." While Annesley managed to return to England—albeit after over a decade as a bound laborer—most children were not so lucky. The British public continued to equate kidnapping with slavery, and as the eighteenth century wore on, they became increasingly uncomfortable with the idea of European children bound in American slavery.

In 1757, Peter Williamson published an account of his life called *French and Indian Cruelty*, which began by stating that he had been kidnapped at the age of eight in Aberdeen. While playing near the docks, two men took notice of his "stout robust Constitution" and "cajoled [him] on board the Ship." This, Williamson explained to his readers, was "that villainous and execrable Practice, call'd *Kidnapping*; that is, stealing young Children from their Parents and selling them as Slaves in the Plantations abroad." After keeping him below docks for a month, the kidnappers set sail for the American colonies; he and the other kidnapped children in the vessel were sold in Philadelphia for "about [£]16 *per* Head." Williamson had the good fortune to be sold to another Scot "who had in his Youth undergone the same Fate as myself; having been kidnapped from

---

<sup>74</sup> *The Gentleman's Magazine*, Vol. 11 (London, February 1741), 110; and *Penny London Morning Advertiser*, London, January 9-January 11, 1744. See also John Martin, "Annesley, James (1715-1760)," *ODNB*; A. Roger Ekirch, *Birthright: The True Story that Inspired Kidnapped* (New York, 2011); and Lillian de la Torre, "New Light on Smollett and the Annesley Cause." *The Review of English Studies* 22.87 (Aug. 1971): 274-281.

St. *Johnstown* in *Scotland*.” His master was “a humane, worthy, honest Man” who “commserat[ed]” with Williamson’s “unhappy Condition” and treated him well. Indeed, Williamson’s master allowed him to go to school and learn how to read and write; Williamson lived with the man until he was seventeen years old, two years more than he was contractually obligated to serve. His master repaid him well, leaving him £200 as well as “his best Horse, Saddle, and all his wearing Apparel.” But Williamson acknowledged that such treatment was not normal. He lamented multiple times about the fate of his fellow children who were sold to less kindly masters. “Thousands” had gone to the colonies; “many,” even those not technically kidnapped but tricked into signing contracts with “cruel Masters” were “often induced to elope, to avoid Servitude, or (more properly) *Slavery* under such Tyrants.”<sup>75</sup> For Williamson and his readers, the line between white servitude and slavery was too blurry for comfort.

This close connection between white indentured servants and slaves was causing distress to a much wider audience than the servants themselves. By the early 1700s, there were still many white indentured servants in the American colonies, but their numbers were rapidly decreasing in comparison to the massive influx of African slaves. Throughout the eighteenth century, slavery was the principal labor force in the Caribbean and southern mainland colonies.<sup>76</sup> The decline of indentured servitude and the rise of slavery must be explained. There are generally two basic accounts for this divergence: an

---

<sup>75</sup> Peter Williamson, *French and Indian Cruelty; Exemplified in the Life and Various Vicissitudes of Fortune, of Peter Williamson, a Disbanded Soldier* (York, 1757), iii-7.

<sup>76</sup> See Morgan, *American Slavery, American Freedom*, 299 and 308, and Galenson, *White Servitude in Colonial America*, 153.

economic model based upon labor markets and an ideological explanation that focuses on race and ethnicity.<sup>77</sup>

David Eltis has contended that it was not economics at all but rather a sense of nationalism and racial superiority that fostered the preference for slave labor. Eltis posited that the English felt an “ethnic solidarity,” due in part to “a sense of nation [that] was already highly developed.”<sup>78</sup> In some senses, this argument agrees with Jacqueline Jones’ observation that early on in the seventeenth century English plantation owners preferred English workers because outsiders—whether African, Turkish, French, Dutch, Irish, or Scottish—were suspected of being subversive or disloyal towards English laws and officials.<sup>79</sup> If the English had possessed a strong sense of Self/Other and made their labor selections accordingly all along, a role reversal must have occurred at the end of the century. Rather than maintaining a preference for bound English laborers because of their common ethnic or national ties, plantation owners decided that keeping fellow countrymen in a servile state was unsavory and instead turned to the very Others for labor who had aroused fears only decades earlier.

Jacqueline Jones has noted that the history of colonial American labor has consistently involved “[t]he constant negotiation of ‘whiteness’ over the generations.”<sup>80</sup> If the English were initially wary of non-English laborers in their midst and preferred

---

<sup>77</sup> For economic arguments on the increase of slavery and decrease in indentured servitude, see Galenson, *White Servitude in Colonial America*, and Russell R. Menard, “British Migration to the Chesapeake Colonies in the Seventeenth Century,” in *Colonial Chesapeake Society*, ed. L.G. Carr, P.D. Morgan, and J.B. Russo (Chapel Hill, 1988), 99-132.

<sup>78</sup> David Eltis, *The Rise of African Slavery in the Americas* (Cambridge, 2000), 234.

<sup>79</sup> Jones, *American Work*, 35-37.

<sup>80</sup> *Ibid.*, 16.

workers from their own homeland, a change in their perception of “whiteness” began to shift their preference in workers. In the eighteenth century, a small contingent of pro-slavery petitioners in Georgia began emphasizing the fact that white laborers worked just as black slaves in the fields and tried to argue that this apparent equality in bound labor was horrific: “How shocking must it be even to a person of the least humanity to See his own Countrymen, perhaps his own Townsmen, Labouring in the Corn or Rice field, Broiling in the Sun, Pale and Fainting under the Excessive heat.”<sup>81</sup> Colonists’ sense of “humanity” was appealed to in order to argue that white laborers ought not to be treated as if they were slaves.

This attitude was not novel in the eighteenth century: as we have seen, Thomas Best complained of being treated “like a damnd slave” in the early years of the colony, which, according to sociologist Chris Smaje, is not only evidence of the “debased status of English servants, [but] may also perhaps carry some indication of what Best might have thought about ‘damnd slaves.’”<sup>82</sup> Eltis has claimed that Europeans could never even begin to fathom the enslavement of white workers: the “European conceptions of the other ensured that only non-Europeans could be slaves.”<sup>83</sup> However, as we have seen, Europeans had very little trouble imagining themselves and their fellow Europeans as

---

<sup>81</sup> Ibid., 78.

<sup>82</sup> Chris Smaje, “Re-Thinking the ‘Origins Debate’: Race Formation and Political Formations in England’s Chesapeake Colonies.” *Journal of Historical Sociology* 15.2 (June 2002): 208.

<sup>83</sup> Eltis, *The Rise of African Slavery in the Americas*, 280.

slaves. In fact, the growing emphasis placed on newly emerging concepts of race may have been a way of distancing themselves from the enslaved Other.<sup>84</sup>

### **Charities, Imperial Employment, and Consent: Christ's Hospital**

Even while the public continued to despise kidnappers, charitable institutions still wanted to employ children overseas. However, they had to demonstrate that those children were sent abroad with their consent. While the children may have been choosing between the lesser of two evils—life on the streets of London was perhaps only slightly worse than life on board ship or on a plantation—what mattered was that children were at liberty to choose what became of them.

As Chapters Three and Four has discussed, when the Virginia Company worked with Bridewell to send hundreds of destitute children to Jamestown, they did so in spite of the children's protests. After this episode, Bridewell governors seem to have limited the children they sent abroad to ones who had committed crimes and thus were legally transported. London's other great hospital for the care of poor children, Christ's Hospital, also sent a few children abroad in the early years of English colonization, though it is unknown what the feelings of these children were.<sup>85</sup> Between 1618 and 1621, nine boys and two girls were sent from Christ's Hospital to apprenticeships in Virginia and Bermuda. They would not send another child abroad until 1633, when they sent thirteen-

---

<sup>84</sup> For the development of the idea of race in eighteenth-century English society, see Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia, 2000).

<sup>85</sup> Three of these children were sent to parents who had already immigrated. Peter Wilson Coldham, *Child Apprentices in America from Christ's Hospital, London, 1617-1778* (Baltimore, 1990), 11.

year-old George Frith to Bermuda. After this, there was a gap of twenty-two years before a child was sent to the colonies from that institution.

Beginning in the 1670s, and increasing in the 1680s, Christ's Hospital began apprenticing boys to captains of trading vessels bound for ports across the world, including Jamaica, Virginia, Barbados, Angola, New England, Guinea, India, Lisbon, and Hudson's Bay.<sup>86</sup> Soon after this renewed effort to send charity children abroad, the institution began an effort to obtain the signature of *someone* signifying that proper consent had been given before the boys embarked. However, there does not seem to have been real consistency regarding who gave this consent. Thirteen boys were apprenticed to the East India Company in April 1694. Three of their discharges displays the mark of their respective mothers to signify her "consent," one had a sister sign her consent, while another had a grandmother sign and yet another an uncle, and finally one boy had a female relative of some kind sign for him, though their relationship is not clear. For another five boys, the commanders of the respective ships to which they were apprenticed signified their consent; presumably, the boys in question had no family members and thus the institution had to become slightly creative to obtain the needed signature. For the final boy, John Izard, his entry notes that he was "this day taken and discharged and sent by the East India Com[pany] to the East Indies by consent of me" but the space for the needed signature is left blank. It is impossible to know why no one stepped forward to signify their consent, but Izard was sent to India anyway.<sup>87</sup> If Christ's Hospital did not feel the absolute necessity of tracking down a signatory for each child, by the 1690s they

---

<sup>86</sup> Coldham, *Child Apprentices in America*, 12-18; Sir Charles Fawcett, *English Factories in India, 1670-1677, Vol. II* (Oxford, 1952), 57, 126, 156-7, 164, 178, 207, and 250; and LMA, CLC/210/B/007/MS12873 (formerly at GL).

<sup>87</sup> LMA, CLC/210/F/003/MS12818/6 (formerly at GL).

were at least finding it important to try to obtain proofs of lawful consent whenever possible.

The institution was also very careful not to overrule the wishes of the children or the parents if either party did not want the child sent abroad. In June 1683, the governors of Christ's Hospital were informed that five boys who had been trained in their Royal Mathematical School in order to become apprenticed to ships' merchants "declared their dislike of going to Sea." The parents of the children were sent for, and the governors debated what they ought to do. On the one hand, the boys had been admitted to the charity on the understanding that the parents "did under their hands leave the disposal of their said Children to the Care of this House." The governors worried that allowing the children and their parents to choose what became of the children after accepting admission under these terms would result in "ill consequences." However, the governors were also worried about forcing children to go abroad in opposition to their parents' and their own wishes.

The governors met with the parents and the boys, taking "a great deale of paines to persuade them" to agree to the apprenticeships by stressing "the great benefitt they would reap thereby." Three of the boys decided to agree to the indentures, while two boys and their parents remained steadfast in their refusal. The governors decided not to force the issue but also would not place the boys in local apprenticeships. In other words, the charity was afraid that they would essentially be acting as kidnappers if they forced the boys to board the ships, but they also refused any further help for the boys if they did not go along with their wishes. Most charity children did not have other options for aid

and so would have to concede to the wishes of the hospital's governors.<sup>88</sup> Christ's Hospital continued to turn away boys who "refuse[d] the badge," i.e., would not even enter into the mathematical school and thus the path to a naval career.<sup>89</sup>

Unfortunately for our purposes, there does not seem to have been a case where a child refused to go to sea but his parents wanted him to be thus employed. In each case where the child protested the parents also objected. This means that it is unclear whether it was the boy's refusal or the parents' dissent—or both—that halted the hospital's plans. It is interesting that the hospital governors called in the parent(s) when the child protested, but whether it was because the parent(s) had the final say in the matter or because the hospital hoped the parents would persuade the boy to go to sea is unclear from the records. What is important is that, sixty years after children had been forced to go to Jamestown, the wishes of the children of Christ's Hospital were heeded.

Perhaps the clearest example of children's—rather than parents'—consent being expressly sought out during this period is the curious case of the boys who were sent to teach English navigation to the tsar of Muscovy. In May 1698, the governors of Christ's Hospital received a letter from the king which told them that "We are hereby pleased to give leave to Stephen Gwyn and Richard Grice two of our Mathematical boyes from Christs Hospital to enter themselves into the Service of his Majesty the Czar of Muscovy, and there to remaine till Wee shall think fit to recall them."<sup>90</sup> The letter created a legal

---

<sup>88</sup> LMA, CLC/210/B/007/MS12873, 119.

<sup>89</sup> See for example *Ibid.*, 120 and 122. Upon entrance to the Royal Mathematical School, boys were given "the King's badge" as a symbol of obtaining this admittance to this elite institution. Boys who were not admitted to the school might also have been apprenticed abroad, but they were more likely to be apprenticed to merchants whereas the mathematical scholars by law had to be apprenticed to ships' captains.

<sup>90</sup> LMA, CLC/210/B/001/MS12806/8 (formerly at GL), 557.

headache for the governors. Joseph Wolfe, a governor of the hospital and a member of the Russia Company, told the rest of the governors that the tsar, Peter the Great, already had “entertained an English man [sic] a Master of the Mathematicks goe into his Service, with a very good encouragement.” The boys were wanted to assist this mathematics master; “if they behave themselves well,” Wolfe promised, they “may be certaine . . . of very good perferrm[en]t.” Perhaps sensing unease amongst his fellow governors, Wolfe further explained that he would personally take the boys to Muscovy and oversee their care and that “if the boyes doe not like their living there in a yeares time [Wolfe would] defrey the charge himselfe of bringing them over to England.”<sup>91</sup>

This is the only instance I have found in which children were promised they could return from their indentures abroad if they did not like their new lives. It likely arose from the perplexing legal situation in which the governors found themselves. They were asked to send the boys to Muscovy by the king himself. However, the governors “after a mature and Serious deliberation of the affaire did inspect and peruse the two Letters Patents granted by King Charles the Second for founding the Mathematicall Schoole,” wherein they found that the boys who had been educated at the school had to be “bound apprentices for Seaven yeares to Captaines or Cammanders of Shippes.” The governors did not want to displease the king, but they also did not want to do something illegal by sending two boys to work at the tsar’s court when the charter for the Royal Mathematical School said the boys could only be apprenticed to sea captains. When others who were not sea captains had applied to have a mathematical scholar as an apprentice they had

---

<sup>91</sup> Ibid., 558. Joseph Wolfe was admitted to full membership in the Russia Company on May 11, 1676, after serving as an apprentice with the Company for eight years. LMA, CLC/B/195/MS11741/001, 118.

been told that the boys had to go to sea but were promised a useful boy from among the usual Christ's Hospital children.<sup>92</sup> However, this was not just anyone who was asking: telling the king no could have serious ramifications. They decided to resolve this difficulty sending a delegation to "lay before [the king] the words of the Patents in order to know his Ma[jes]ties Royall pleasure, whether he will please to dispose wihthe said Rules."<sup>93</sup>

The men did not get to speak with the king. Instead James Vernon, "one of the Principall Secretaryes of State" dismissed the men by assuring them that he believed William "will insist upon the two boyes goeing into the Czar of Muscovy's Service and therefore advised them not tot trouble his Ma[jes]tie about that affaie." In other words, the king was not bothered about the strict legalities of the situation: he simply wanted to be obeyed.<sup>94</sup> Why did the king care so much? Peter the Great was an ally of William III: the English king had met the tsar at Utrecht in August of 1697. Peter, eager to understand shipbuilding, was upset that in Holland "this Art was not taught perfectly, in the Mathematical Way, but only some Principles of it." He was promised that "An English Man . . . told him, that with us in England, this kind of Structure was in the same Perfection as other Arts and Sciences, and might be learn'd in a short Time." Having been given a beautiful yacht, the *Royal Transport*, by William, Peter traveled to England himself and stayed there between January and April 1698, learning English shipbuilding techniques. For his part, William was especially keen to secure the importation of

---

<sup>92</sup> See for example LMA, CLC/210/B/007/MS12873, entry for 8 December 1681.

<sup>93</sup> LMA, CLC/210/B/001/MS12806/8, 558.

<sup>94</sup> *Ibid.*, 559.

tobacco to Russia.<sup>95</sup> By instructing Christ's Hospital to send navigational scholars to the tsar's court less than a month after Peter had left England, William was continuing the friendship based on commerce, shipbuilding, the desire to grow their respective empires, and a mutual hatred of the French. Therefore, the boys were to serve a special diplomatic purpose, using their ability to teach English navigational skills to the Russians as a way of keeping Peter happy with William specifically and the English in general.

The hospital's governors still seemed a bit uneasy, however. They reassured themselves by bringing "the Parents with the Boyes" into their meeting and recorded in their meeting minutes that the parents "did there freely give their consent that their boyes should goe into the the Czar of Muscovy's Service in the Governors thought fit." They reiterated that the boys could come back if they did not like life in Muscovy after a year. Though it was highly irregular and technically illegal, the governors decided to proceed.<sup>96</sup> In September of that year the boys wrote to "their Nurse Cole giving an acco[un]t of their sa[f]e arrival at Archangell, and of their being well used by Mr. Wolfe." They do not seem to have requested to return at the end of their year in Russia, so they either liked the post or perished in Russia.<sup>97</sup> What is critical in this case is that understanding the legalities of the matter and the consent of the parents and of the boys were an important part of the governors' decision-making process. They did not simply jump to obey when

---

<sup>95</sup> Anthony Cross, *Peter the Great Through British Eyes: Perceptions and Representations of the Tsar since 1698* (Cambridge, 2000), 5-40.

<sup>96</sup> LMA, CLC/210/B/001/MS12806/8, 559-560. Another mention of this case appears in the Christ Hospital School Committee Minute Book; there Gwyn and Grice were both called "very ignorant & not fit to be placed out" in December of 1697 but they had both passed their examinations by the end of May 1698. See LMA, CLC/210/B/007/MS12873B: 1697-1699, 1 and 9.

<sup>97</sup> Their letter was dated September 2, 1698 and the hospital received it on October 20, 1698. See LMA, CLC/210/B/007/MS12873B, 18. For another mention of this letter, see LMA, CLC/210/B/005/MS12811/6 (formerly at GL), 862.

the king gave his orders but instead thoroughly considered how they might proceed legally. This signals the shift that had occurred by the end of the seventeenth century: the means by which children were sent abroad had to withstand close scrutiny.

### **The Power of Maternal Consent: The Foundling Hospital**

Christ's Hospital was not the only charity that insisted on parental consent in deciding the fate of a child; for the Foundling Hospital, parental—and specifically maternal—consent was a key part of admission to the hospital. As discussed in Chapters Three and Four, the Foundling Hospital was established in 1741 to care for London's abandoned infants. The governors of the institution were adamant that babies could not be placed in the Hospital unless it was the mother's wish: the mother's decision trumped the will of the father and of parish authorities. This is a striking policy in light of the fact that the father generally had the power to govern his family and that parish authorities had the power to take poor children away from their parents and place them into apprenticeships.

In 1759, the parish authorities of Assington in Suffolk were found guilty of “taking away a Male Bastard Child from Elizabeth Cook of Assington Widow and sending the same to the Fondling [sic] Hospital contrary to the said Elizabeth Cooks consent.” The justice of the peace who presided over the case, a Dr. Tanner, ordered that the child be returned to his mother and that the parish support the child until he was seven years old. But it was not simply enough to reconnect mother and child: Tanner wanted to make sure that “the said Offenders” were brought to their “due shame and punishment for such inhuman Treatment of a fellow Creature[,] such notorious Violation of the Laws

of this Realm in General and such gross imposition on the [Foundling Hospital].” He also wanted other parish authorities to be warned from committing the same offence. Tanner ordered that the guilty parties pay for an “advertisement” of their “own misconduct” to be placed three separate times in the *London General*, the *Whitehall Evening Post*, and the *Ipswich Journal*.<sup>98</sup> The advertisement duly appeared, declaring that the parish officers had lost over £300 in costs, a sum they had to pay out of their own purses. Should other parish officers have seen this notice, we must assume such a formidable loss would have served as warning to honor the wishes of the mother in future cases.<sup>99</sup>

Depositions from other poor mothers demonstrate that women would sometimes appeal to the Foundling Hospital to get their infants back when the babies were taken from them by force. Mary Roberts claimed that the yeoman Samuel Sellman, the father of her baby boy, “by force & Violence wrested the said Child out of her Arms” in order to send him to the Foundling Hospital “contrary to her Will.” Mary claimed that such an action was not only a “Breach of his Majesty’s Peace” but also “against the Laws of Humanity, and Affection, which a Mother must naturally have for her sucking Infant.”<sup>100</sup> Dorothy Harper claimed that John Marsh, overseer of the poor, took her bastard child from her by force even though she said “she would not part with the Child but would go before a Justice first to know whether he could take it from her by force or not.” Marsh must have known that the JP would have sided with Dorothy, for he not only took her baby from her to send him to the Foundling Hospital without consulting the JP but also

---

<sup>98</sup> LMA, A/FH/A22/10/1.

<sup>99</sup> *Whitehall Evening Post, or London Intelligencer*, London, March 24-March 27, 1759.

<sup>100</sup> LMA, A/FH/M01/6/07.

taunted Dorothy cruelly by telling her to “Cry on for I love to hear you Cry.”<sup>101</sup> In both cases, the will of the mother (and her affection for her child) was given higher authority than the desires of the father or of parish authorities.

It should be noted that one critical difference between the Foundling Hospital infants and the Christ Hospital boys was their respective ages. Whereas no one could expect a baby to give or withhold consent, the question of who ought to have authority in the lives of poor children and youths was still uncertain. The Foundling Hospital governors were legally able to bind and put to work poor children without reference to the desires of the child or its parents; the institution was specifically given powers to house, employ, or apprentice children as it saw fit in its royal charter.<sup>102</sup> So there could be no doubt as to their authority, the Foundling Hospital declared this privilege the indenture of each child it apprenticed: “it shall and may be lawful for the said Corporation . . . to detain and employ in any sort of Labour or Manufactur[e] or in the Sea Service” until they were twenty-four (for males) or twenty-one or married (for females).<sup>103</sup> This seems to have been a preemptive measure to insure that the Foundling Hospital would not run into legal difficulties when it came to apprenticing children who had been left in their care as babies.

The preference for the feelings of the mother over the patriarchal authority of the father or parish officers likely stems from a rising emphasis on the sensibility of women generally and the natural affection mothers were supposed to have for their children. As Chapter Three discussed, G.J. Barker-Benfield has argued that motherhood was central to

---

<sup>101</sup> LMA, A/FH/M01/6/18.

<sup>102</sup> LMA, A/FH/A1/2.

<sup>103</sup> LMA, A/AF/A12/4/1/1.

the new cult of sensibility: the affectionate family—with the mother as its heart—was the cornerstone of society.<sup>104</sup> And since the mother was supposed to feel so much affection for her child, it was cruelty to rob her of her infant, even if she was poor and the child had been born out of wedlock. The cultural shift toward sensibility was changing the legalities of welfare for poor children (or, at least, poor children whose mothers were still alive and desirous to keep them).

As Patricia Crawford rightly pointed out, the agency of single mothers during this period was limited as they often were left with only “a number of undesirable options.”<sup>105</sup> However, by the middle of the eighteenth century they at least had the power to override the wishes of the parish authorities when it came to the decision of whether to keep their child. Their ability to have some sense of choice regarding what happened to their babies was a gain in parental—and particularly maternal—authority over that of the parish. As we have seen, parents of poor children in the Elizabethan and early Stuart period had no ability to keep their children if parish authorities deemed them too poor to raise them properly. By the middle of the eighteenth century, the emphasis on maternal affection had coupled with anxiety about unlawfully stealing a child away from his or her family. The Foundling Hospital wanted to be absolutely sure that the children they raised for Britannia were legally theirs.

### **The Marine Society, British Patriotism, and Consent**

---

<sup>104</sup> G.J. Barker-Benfield, *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain* (Chicago, 1992), 276. See also Patricia Crawford, *Parents of Poor Children in England, 1580-1800* (Oxford, 2010), 38.

<sup>105</sup> Crawford, *Parents of Poor Children in England*, 63.

Just as the Marine Society was the culmination of British patriotism and child welfare, as discussed in Chapter Four, it was also the charitable organization that was most concerned with demonstrating that the children they helped had given their full consent to their overseas employment. When the Marine Society began equipping boys to join the Royal Navy in the 1750s, they were determined to show the world that they were not kidnapping the boys. They made certain that boys were not runaway apprentices and that masters who were unhappy with their apprentices could not dissolve their indentures “unless the Indentures . . . be delivered with the Boy, by mutual Consent.” Further, “the Consent of the parents of such Boys” who were “Idle or Useless” had to be procured before parish officials could send them off to the navy.<sup>106</sup> The desires of the boys themselves were carefully assessed before the boys were deployed; though poor boys had very little means of procuring aid, and thus a limited range of agency in their actions, the Society insisted that their naval employment was always voluntary.

In May of 1757, the Society placed an advertisement in the newspapers to state that while they wanted to clothe as many boys as possible for the navy, they had to insist that such boys had the consent of their masters or of their parents before joining the navy. They were not merely concerned with obtaining consent from adults, however; they insisted that the child’s “Inclination” must be toward the sea service:

The Marine Society, tho’ Zealous for the Public Welfare, and assiduous in promoting the Interest of the Sea Service, and to relieve the Industrious poor, are resolved not to infringe on the Liberty of the Subject, being also persuaded that Volunteers will be most likely to serve their King and Country with Diligence and Fidelity: therefore they hope that the parents or Friends of those Boys will consult their genius and Disposition and they may be assured, that the Boys will be patronized by the Marine Society.<sup>107</sup>

---

<sup>106</sup> NMM, MSY/A/1, 71-73.

<sup>107</sup> Ibid.

The “Liberty of the Subject,” even when that subject was a destitute child, was to be preserved. The societal goods of relieving the country of its poor and of staffing the navy could not outweigh the individual’s claim to liberty.

From the beginning, the Society stressed that boys join the navy with the full consent of their parents or master; they promised to “tak[e] all possible care that no son leaves his parents, in violation of filial obedience; or deserts his master, in breach of the obligation of civil society.”<sup>108</sup> They were also clear that the boys themselves had to be willing to go to sea. When a group of men in Exeter proposed to start a chapter of the Marine Society in that city, they emphasized that they were equipping “Volunteers” who would become a “Race of strong, hardy, and experienced Mariners.” These “Stout docile Lads, Volunteers,” would become part of the “Common Cause” of bolstering British naval supremacy.<sup>109</sup> The voluntary nature of the child’s naval employment would result in a stronger British navy and a stronger British race. Indeed, the Society balked at the idea of impressment, which Hanway called a practice which most “sullies the beauty, or stains the luster of our constitution.” He saw the employment of young volunteers as a way to “supersede this necessity,” making it a cause “worthy [of] the highest attention of a free people.”<sup>110</sup>

The Marine Society’s governors believed that their charity allowed the public to “deliver[] down to posterity, whole and unsullied, those British Libertys and Honors, for

---

<sup>108</sup> Jonas Hanway, *Motives for the Establishment of the Marine Society. By a Merchant* (London, 1757), 7.

<sup>109</sup> NMM, MSY/A/1, 123. Later that year, the London Marine Society was notified that the plans for a branch of the charity at Exeter had been scrapped, but no explanation was given for this. NMM, MSY/A/1, 128.

<sup>110</sup> Hanway, *Motives for the Establishment of the Marine Society*, 22.

which our Ancesters so bravely fought.”<sup>111</sup> Such virtues could not be tainted by suspicion of forcing boys into the Navy who were by virtue of their age protected from impressment by law, though encouraged to volunteer: in 1703, a new law to encourage the growth of the navy was promulgated with the purpose of “giving due Encouragement to such of the Youth of this Kingdome as shall voluntarily betake themselves to the Sea Service.” It stipulated that boys over the age of ten could volunteer, but that boys under the age of eighteen were protected from impressment.<sup>112</sup> Interestingly, boys could volunteer for the navy before they had reached the age of discretion, which as Chapter Two discussed, was fourteen. This was likely due to the idea, shown in Chapter Four, that it was best for boys to go to sea “the younger the better.” Even still, the law protected boys under the age of eighteen from impressment, and the Marine Society was determined to respect that law. In their letters to the public, they insisted that “Our Religion, our Riches, and our Liberty, as individuals, perhaps our Constitution and very Being as a Nation, depend on a Right Understanding and Observance of this Rule of Conduct,” a rule of conduct that included “on our Parts Obedience to the Laws of our Country.”<sup>113</sup> Their insistence on the boys’ consent as they deployed the lads to serve the English nation was not only a way to observe the English laws prohibiting kidnapping but also a way to assert the liberty they felt belonged to each and every Englishman.

There were several ways that the Society made sure that what they were doing was legitimate. First, they required that each boy be “certified by the Clergyman, Magistrate, or Magistrate’s Officer, Church-warden or Overseer of the Parish, or some

---

<sup>111</sup> NMM, MSY/A/1, 104-105.

<sup>112</sup> 2&3 Anne, c. 6 .

<sup>113</sup> NMM, MSY/A/1, 123.

other reputable person, to the best of their Knowledge and Belief, that he is no Apprentice.” This was to keep boys from using the Society as a way of running away from their legal indentures and thus depriving the child’s master of his lawful consent. A boy with a master would only be accepted by the Society if “the Indentures on both Sides be delivered with the Boy, by mutual Consent.” Just as boys could not use the Society as a method of running away, masters could not use the Society as a means of ridding themselves of apprentices that they no longer wanted. The “mutual Consent” involved in this decision would be signified by the master and the child producing his respective side of the indenture, showing that the contract was willingly abandoned by both parties.<sup>114</sup>

The consent of the parents mattered, too. The Society suggested that rather than using the navy as an excuse for getting rid of the parishes unwanted children that the parish instead “endeavor to obtain the Consent of the parents of such Boys that they may serve on Board His Majesty’s Ships.” To be even more sure of parental consent and to provide proof that the child was not running away from his master, the Society preferred that the parents present themselves before the governors: “The Fathers who live in London, or, if they have no Father in Town, the Mothers of such Boys, are desired to attend the committee” in order to “bring with them the best proofs they can that the Boys are free and not apprentices.”<sup>115</sup>

Further, parish officers were only to send boys to the Society “whose Inclination lead them to try their Fortunes at Sea.” While the Society was reluctant to provide aid to boys who did not go to sea—thus limiting the true agency of the boys who found themselves in desperate straights—they also were concerned about the welfare of the

---

<sup>114</sup> NMM, MSY/A/1, 71-72.

<sup>115</sup> *Ibid.*, 71-73.

boys. They asked the parents or friends of the boys to think about the child's "genius and Disposition" to make sure their temperament was suited to life at sea.<sup>116</sup> Further, they intervened when a child was presented to the Society against his will; when "Stephen Wood from Cranborn in Kent Complained That he was sent up [to the Society] against his Inclination," the Society immediately wrote to the William Brightes, the local overseer, to inform him that the "Society takes no Boys by Compulsion."<sup>117</sup> When the Society was informed in 1758 that "Several Boys have been lately sent up to this Society by the Church wardens & overseers of parishes from distant Counties as well as the neighbourhood of London," and those boys "persisted in declaring that they were sent against their Will and without their consent," the Society returned the boys back to the overseers.<sup>118</sup>

After this incident, the Society decided to advertise that "it [was] in no ways agreeable to the Nature of the Institution of This Society, to use any means of perswasion contrary to the inclinations of Children, the intention of parents or the consent of masters" to get a child to go to sea. That being the case, the Society began insisting that no one send boys to them "but such as are desirous to try their Fortunes at Sea." The Society decided that the best way to ascertain a boy's willingness to go into the navy was that their consent "be Signified to the Secretary of the Society with the names of the Boys that it may be truly known whether they are capricious and do not known their own minds, or realy [sic] are not of a turn of mind of such an employment."<sup>119</sup> The Society seemed to believe that boys might change their minds several times about whether they

---

<sup>116</sup> Ibid.

<sup>117</sup> Ibid., 170.

<sup>118</sup> Ibid., 183.

<sup>119</sup> Ibid., 183.

wanted to join the navy; they did not want boys pressured into this decision, and they particularly did not want to accept boys who had firmly made up their minds against going. Signifying before the Society's committee of governors that they were willing to go abroad—accompanied by parents or masters when appropriate—was the best way to assess that the boy genuinely had chosen to become a ship's servant.

They also insisted that the boys meet the minimum height requirement of 4'4"; boys 4'2" or 4'3" would have to be examined by the governors to see if they were capable of going to sea, and no boys could go who were under 4'2" (though if boys served on board ship with their fathers or brothers they could be shorter).<sup>120</sup> The average height was just above this requirement, at 4'5". Roland Pietsch has noted that the poor boys who joined the Marine Society were on average one foot shorter than boys their age in modern England, and—perhaps even more remarkably—they were on average eight inches shorter than the boys from the middling or upper classes who enrolled in the Royal Military Academy at Sandhurst during the same period. During this time people were already aware of the fact that height was connected to nutritional adequacies or inadequacies.<sup>121</sup> It is likely that Marine Society governors did not want to send very short boys to sea because they were afraid they were too weak to handle the difficult life on board ship. When William Swanton, the town clerk of Salisbury, wrote to the Society in 1758 to ask if the height requirements might be overlooked for the "many Boys there desirous to go to Sea," the Society's governors replied that they could "receive no Boys under four feet four Inches high at least; and those Stout and well made, as it is no

---

<sup>120</sup> Ibid., 78 and 145.

<sup>121</sup> Roland Pietsch, *The Real Jim Hawkins: Ships' Boys in the Georgian Navy* (Barnsley, UK, 2010), 64-65.

Charity to send Boys under that Standard.”<sup>122</sup> The Society wanted to send as many boys as they could to sea, but they were not willing to place a boy in a situation he was physically unprepared to handle. While stocking the navy with good servants was their aim, “Charity” trumped other considerations.

In February 1760, the governors of the Marine Society heard alarming news: a ship’s carpenter and a sergeant had “by false pretenses enveigled a number of Lads to bind themselves as apprentices for 3 years . . . their design was to ship the said boys off in a forcible manner, for some of his Majestys Plantations.” Fortunately, the plot had been discovered, and the thirteen boys were being held on board the ship *Phoenix* and awaited the Society’s clothing and supplies before becoming, “with their free consent,” members of the Royal Navy. As for Reavely and Blackwood, the carpenter and sergeant in question, the Society’s meeting minutes record that its governors “would be glad to be instrumental in any such manner, as shall appear to be legal and practicable, to the punishment & prevention of a practice, so inhuman, & repugnant to the native freedom of every British subject.”<sup>123</sup>

This was not a debate regarding which fate—becoming indentured servants on colonial plantations notorious for brutal labor regimes or becoming “powder monkeys” who would scurry to deliver ammunition to gunners during naval battles—was a better one for the boys. Rather, the heart of the issue was whether the boys had freely given their consent. The Marine Society could not claim to be a patriotic institution unless they could show that they respected the liberty of Britain’s most vulnerable subjects.

---

<sup>122</sup> NMM, MSY/A/1, 162-163.

<sup>123</sup> *Ibid.*, 28 February, 1760.

## Conclusion

This chapter has demonstrated that there was an increasing need to obtain a child's consent before employing him abroad in order to contrast English liberty with African slavery. By the middle of the eighteenth century, there was a direct link between children's consent and "the native freedom of every British subject." During the century and a half that separated the foundation of England's first viable colony in the New World and Britain's establishment of imperial supremacy at the end of the Seven Years' War, the consent of destitute children became an important site of contestation over what it meant to possess British liberty.

Were it not for the Wilmore case, the kidnapping trade may not have become tied up in political questions of what English (and eventually British) liberty should mean. After Wilmore's conviction, there was a heightened awareness of the legal ambiguities of employing children abroad and subsequently an attempt to clarify the means by which a child could be legally bound before his or her migration. The practical, everyday treatment of poor laboring children had perhaps changed very little, but over the course of 140 years the impulse to disown the practice of kidnapping, and the desire to contrast freeborn Englishmen with the rising number of African slaves, had resulted in an increased valuation of their consent.

Edmund S. Morgan has described the simultaneous rise of slavery and of liberty and equality in America as "the central paradox of American history."<sup>124</sup> But this paradox was not contained to the Americas. Britons championed the liberty of its most vulnerable subjects, but the movement to end the slavery of Africans was decades away. In the

---

<sup>124</sup> Morgan, *American Slavery, American Freedom*, 4.

middle of the eighteenth century, African slaves still served as a foil for Britons who were trying to figure out what it meant to be British. As James Thomson's famous 1740 poem "Rule Britannia" proclaimed, "Britons never will be slaves"—even the poorest and youngest of them all. As demonstrated by the treatment of poor children by the middle of the eighteenth century, Britons wanted to think of themselves as law-abiding and, above all, free.

### Conclusion: Britain's Children, Britain's Liberty

As human rights lawyer Jacqueline Bhabha has recently written, our response to migrant children is—as I have described it in the early modern period—complex and ambiguous, contradictory and often ineffective. “We view the state as having a protective obligation toward vulnerable children in its role as *parens patriae*,” she explained, “but we also expect the state to protect us from threatening, unruly, and uncontrolled outsiders, even if they are children.” Migrant children remain “a moving target, compelling but shifting, and we are deeply ambivalent about our responses.” Too often, we neglect to protect migrant children’s rights because of this ambivalence, according to Bhabha, because our failure to act “enable[s] us to avoid the conceptual and political dilemmas raised by child migration and to sidestep the policy challenges it presents.” While Bhabha calls this a “contemporary phenomenon,” as this dissertation has shown, the complex issues raised by global child migration are at least four hundred years old.<sup>1</sup>

An astonishing number of children either moved themselves or were moved by others around and out of England during the early modern period. Many were children from the countryside who found themselves in London without anyone to care for them. Others were abandoned by parents too poor to provide for them or by single mothers too ashamed or simply unable to keep their infants. Some were the orphans of once-prosperous London citizens whose family had fallen on hard times due to the death of the male breadwinner. Others, as Charles Dickens would describe the pitiful nineteenth-century street urchin, Jo, in *Bleak House*, had no idea where they were, who they were, or

---

<sup>1</sup> Jacqueline Bhabha, *Child Migration & Human Rights in a Global Age* (Princeton and Oxford, 2014), 1 and 11.

what would become of them: they were left “To be hustled, and jostled, and moved on; and really to feel that it would appear to be perfectly true that [they had] no business here, or there, or anywhere; and yet to be perplexed by the consideration that [they *were*] here somehow, too.”<sup>2</sup> Some parish authorities simply turned a blind eye to these wandering children, but others were determined to help them. Often their solution was not to stop the children’s migration, however, but to have the children migrate much farther from England than anyone had been able to journey in previous generations. As they traveled the world on ships, boosted populations and labor supplies in struggling colonies, and forged ties between the English and their widening circle of contacts around the globe, these migrant children were critical in the creation of the British Empire.

Though they were often thrown into what we might think of as adulthood because of the amount and kind of labor expected of them, these children were different from adult migrants. The early modern English believed that children were unlike from adults physically, intellectually, legally, and culturally. Rather than disregarding the age of these children when making the decision to send them abroad, the children’s youth was the reason they were sent all over the globe. Though age has not been viewed as a particularly important category of analysis in studies of Atlantic World migration, this dissertation has show that age was often a determining factor in choices made about how to populate the New World with Europeans and the navy with hardy sailors.

This dissertation has demonstrated that in the early modern world children—even destitute ones without families—had cultural, social, and legal significance. Because children were thought to be malleable, people believed it was important to mold children

---

<sup>2</sup> Charles Dickens, *Bleak House* (London, 2011; originally published 1852-1853), 238.

into industrious Christians through work contracts with kind but strict masters. When enough of such contracts were impossible to obtain in England, London's nursing fathers began to look to the colonies and to the sea to provide this critical training ground. And while their actions may seem unconscionable to our modern sensibilities, they believed that they were acting in the children's best interest. Indeed, sending children abroad became a national endeavor, one that was supposed to stir every patriot's heart while easing every philanthropist's concerns over the welfare of street children.

But even in all the fervor for these plans, there were persistent questions about the legalities of their actions. Could children be sent abroad without their consent and/or the consent of their parents? How could such consent be signified? And what, if anything, separated British children forced to work on colonial plantations from the Africans the British were actively buying or capturing and selling to plantation owners as slaves? In seeking to answer these questions, Britons began to create clearer legal definitions of age, to reassess the terms upon which children should migrate, and to define what it meant to possess British liberty as a birthright.

In 1757, Jonas Hanway reflected on how future generations would view the work of the Marine Society. In his desire to gain support for the institution, Hanway told his readers that if the Society's aims were fully realized, "posterity will look back and view [the Society's work] with equal gratitude and applause, whilst they contemplate the solid motives which inspired the people with so generous an ardor in defence of Liberty."<sup>3</sup> Hanway, it seems, was more gifted in organizing philanthropic endeavors than in predicting the opinions of future men and women. But his claims are important. He

---

<sup>3</sup> Jonas Hanway, *Motives for the Establishment of the Marine Society. By a Merchant* (London, 1757), 11.

passionately believed that the motivations behind child migration and naval employment were good ones. He also believed that the work of the Society was to preserve liberty, not to strip children of their self-determination. As these pages have shown, Hanway could make this assertion because of the increased emphasis on children's consent throughout the seventeenth and eighteenth centuries.

Linda Colley has argued that in the eighteenth century British identity began to be formed around two important aspects of Britons' lives: Protestantism and militarism.<sup>4</sup> Through helping destitute children become agents of empire, Britons were able simultaneously to gratify their need to express their Protestantism (for, as Chapter Three has shown, nursing fathers enjoyed thinking of their philanthropic endeavors as a particularly Protestant expression of faith, despite the fact that Catholics in early modern Europe built foundling hospitals and other institutions to house orphans) and their desire to grow their navy and gain military superiority over France. As we have seen in the highly patriotic language employed by the Foundling Hospital and especially the Marine Society, helping children became a critical way of expressing and supporting this emerging sense of Britishness.

But Britishness could only be championed through saving and employing destitute children if everything was done legally. After the Wilmore case in particular, people became concerned that the wishes of the parent or master (if possible) and the child were consulted and respected before a child could be put on board ship. As the enslavement of Africans continued to rise, Britons worried that kidnapped children were essentially being sold into slavery as well. Out of this anxiety came an increased

---

<sup>4</sup> Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven, 1992).

emphasis children's self-determination, expressed through the ability to consent to migration. Londoners still had, by the middle of the eighteenth century, an imperfect method of poor relief in which children had limited agency. Yet they had established that all Britons—even the youngest and the poorest—ought to have liberty as a birthright. Anything else smacked of slavery, and Britons rejected the idea that they could ever be slaves.

This dissertation began by asserting that children mattered in the early modern world. They were at once a source of fear and pity, and they held the potential to be blessings or burdens at home and abroad. That was why they mattered to nursing fathers in London and to Britons around the globe. When we study the early modern response to destitute, migrant, and kidnapped children, we must conclude that these children did not just matter to people during the early modern period: these children matter to us now because they helped Britons define liberty as the ability to decide what happens to one's body. Their legacy informs our own notions of self-determination and freedom from constraint.

### **Afterword**

In 1838, many decades after this the scope of this dissertation, Charles Dickens published his second novel, *Oliver Twist*. It is the story most people think of when they picture destitute children on the streets of London. The fact that Dickens could write a story about a boy named Oliver Twist by the parish beadle because there was no one else to claim him, who is taught to be a pickpocket by another boy called The Artful Dodger, and who is only rescued from his miserable life by the kindly Mr. Brownlow, a

nineteenth-century nursing father, demonstrates that many of the early modern social ills and tropes about poor children were still unfortunate realities in the Victorian period. While the nursing fathers described in these pages tried to do their best by the poor children around them, they were never able to solve the problem of too little infrastructure with which they could meet the swell of London's destitute poor.<sup>5</sup>

And yet some things had changed for London's poor children since the early modern period. In particular, the explosion of legislation that Europe, and especially Britain, experienced starting in the mid-eighteenth century affected the way poor children were treated.<sup>6</sup> Beginning in the 1760s, several laws to better protect destitute children were enacted due to the work of one of the strongest advocates of poor young people, Marine Society founder Jonas Hanway. The 1762 Act for the Keeping Regular, Uniform and Annual Registers of all Parish Poor Infants—often referred to as the Act for Keeping Children Alive—required that parishes keep records of births and deaths of the children for whom they cared. This was to create greater accountability and prevent corrupt or apathetic parish officers from giving children, and particularly infants, over to nurses who would neglect them. The second statute, passed in 1767 and called the “Hanway Act,”

---

<sup>5</sup> For apprenticeship practices and poor relief in the late eighteenth and early nineteenth centuries, see Katrina Honeyman, *Child Workers in England, 1780-1820: Parish Apprentices and the Making of the Early Industrial Labour Force* (Aldershot, 2007). For poor children in the Victorian period, see for example, Troy Boone, *Youth of Darkest England: Working-Class Children at the Heart of the Victorian Empire* (New York, 2005); Hugh Cunningham, *The Children of the Poor: Representations of Childhood Since the Seventeenth Century* (Cambridge, MA, 1991); David R. Green, *Pauper Capital: London and the Poor Law, 1790-1870* (Farnham, UK, 2010); Lydia Murdoch, *Imagined Orphans: Poor Families, Child Welfare, and Contested Citizenship in London* (New Brunswick, NJ and London, 2006); and Ruth Richardson, *Dickens and the Workhouse: Oliver Twist and the London Poor* (Oxford, 2012).

<sup>6</sup> See David Lieberman, *The Province of Legislation Determined: Legal Theory in Eighteenth-Century Britain* (Cambridge, 1989), 15.

was the Act for the Better Protection of Parish Poor Children. It required that all children under the age of four should be nursed in the country surrounding London rather than in the city itself in an attempt to further stave off infant mortality rates amongst poor children. It shortened the apprenticeships of destitute children, stating that both boys and girls could serve a maximum of seven years or until they were twenty-one. Finally, it created the office of the Guardians of the Poor, made up of members of the nobility and leaders of parish communities, to oversee the poor relief system.<sup>7</sup>

Impoverished parents continued to have gains in the battle over who ultimately had authority in the lives of their young children. In 1783, Gilbert's Act required that parents must consent before parish authorities could send children under the age of seven to a workhouse or to provide them with any other type of provision such as an apprenticeship.<sup>8</sup> This legislation reversed Elizabethan and Jacobean poor law, which, as we have seen, allowed parish authorities to decide the fate of children whose parents were deemed too poor to care for them. As Hanway argued, taking children from their parents was against British notions of liberty and law: he felt it was impossible to "detain" children from their parents "consistently with liberty."<sup>9</sup> Evidence from late eighteenth-century workhouses show that babies were only sent to the country to nurse if their mothers chose to leave them with the workhouse governors.<sup>10</sup>

---

<sup>7</sup> 2 Geo III c. 22 and 7 Geo III c. 39; Alysa Levene, *The Childhood of the Poor: Welfare in Eighteenth-Century London* (New York, 2012), 45-61.

<sup>8</sup> Levene, *The Childhood of the Poor*, 9.

<sup>9</sup> Patricia Crawford, *The Parents of Poor Children, 1580-1800* (Oxford, 2010), 230. The idea of "liberty as a place," the ability to make choices for oneself that included the choice of where one's body was, was increasingly used in family custody cases by the middle of the eighteenth century. Paul Halliday, *Habeas Corpus: From England to Empire* (Cambridge, MA and London, 2010), 197-199.

<sup>10</sup> Levene, *The Childhood of the Poor*, 100.

Another key shift in the eighteenth century was an increasing emphasis on placing the poor in workhouses rather than depending on “outdoor relief” as earlier reformers had done. During the early modern period, money was given to the poor, who were left to find work, housing, food, and clothing on their own.<sup>11</sup> In 1727, Knatchbull’s Act or the Workhouse Test Act gave parishes the authority to deny aid to those who refused to enter a workhouse.<sup>12</sup> Workhouses, called “indoor relief,” began to spring up across Britain. By the end of the eighteenth century, the poor were housed, fed, clothed, and forced to do menial labor in a workhouse. Children under the age of sixteen made up approximately a third of the population of London’s workhouses.<sup>13</sup> However, workhouses did not solve the problem of the mobile poor or the begging child: the workhouse system was imperfect and, by the early Victorian period, notorious for its abuses.

Coupled with a new kind of poor relief came changes in the cultural perceptions surrounding childhood and labor. The late eighteenth century witnessed a massive cultural shift: the Romantic movement, and in particular, the romanticized child. Along with the idea that childhood was a sacred and innocent time came doubts about the desirability of children working at all. Instead of believing, as early modern people had, that industry in childhood would lead to an upright adult life, people began to feel that children—even poor ones—ought to have a childhood unimpeded by concerns of the adult world. Just because people thought children ought to be treated differently does not

---

<sup>11</sup> Jeremy Boulton, “Welfare Systems and the Parish Nurse in Early Modern London, 1650-1725.” *Family & Community History* 10.2 (Nov. 2007): 129.

<sup>12</sup> 7 Geo. I c. 7. See also Green, *Pauper Capital*; Tim Hitchcock, *Down and Out in Eighteenth-Century London* (London, 2004); and Elaine Murphy, “The Metropolitan Pauper Farms, 1722-1834.” *London Journal* 27:1 (2002): 1-18.

<sup>13</sup> Alysa Levene, “Children, Childhood and the Workhouse: St Marylebone, 1769-1781.” *The London Journal* 33.1 (March 2008): 41.

mean they actually were, however. Many children lived brutally short lives in mines and factories or as chimney sweeps.

Despite the incongruity between cultural perceptions of childhood and the lives of poor children, the cultural shift is important for us to understand because it was during this time that we find the roots of our modern ideas about childhood and children. Social reformers believed such children ought to be saved from dangerous and difficult occupations. “Ever a toiling *Child* doth make us sad,” wrote Samuel Roberts in 1837. Many agreed with him. By 1840, Douglas Jerrold claimed that factory children were “children without childhood.”<sup>14</sup> The relationship between childhood and labor had shifted, and many reformers spent the nineteenth and twentieth centuries attempting to keep children from having to work at all. They were just as sure that labor would ruin the lives of children as their seventeenth and eighteenth century predecessors had been that industry would save poor children.<sup>15</sup> Instead of seeing labor as necessary for a proper childhood, reformers began to argue that every child should receive a basic education. Of course, while these reformers made important strides in western countries, we still live in a global economy that is in part supported by child labor.

Though ideas about children and childhood changed over the centuries, several of the institutions created in the early modern period to serve children survived well into the

---

<sup>14</sup> Hugh Cunningham, “Saving the Children, c. 1830-c. 1920.” In *The Global History of Childhood Reader*, ed. Heidi Morrison (London and New York, 2012), 360 and 365.

<sup>15</sup> Cunningham, *The Children of the Poor*, 50-51. On children in the Industrial Revolution, see for example Francis Collier, *The Family Economy of the Working Classes in the Cotton Industry, 1784-1833* (Manchester, 1964); Marjorie Cruickshank, *Children and Industry* (Manchester, 1981); Clark Nardinelli, *Child Labor and the Industrial Revolution* (Bloomington, 1990); and Carolyn Tuttle, *Hard at Work in Factories and Mines: The Economics of Child Labor During the British Industrial Revolution* (Oxford, 1999).

modern era. Christ's Hospital still operates as an independent school. Though it has moved outside of London and its admissions requirements have changed significantly, its pupils still wear the distinctive blue coats of the Tudor period. The Marine Society continued to clothe and train boys on ships up until 1944; it survives to this day as a provider of education and other services to seafaring men and women.<sup>16</sup>

The Foundling Hospital continued to take in abandoned infants until it was dissolved in 1954 in favor of using the modern foster family system; the institution cared for over 25,000 children throughout its history.<sup>17</sup> Thomas Coram's vision of helping poor children lives on in the work of Coram, a children's advocacy group.<sup>18</sup> Meanwhile, the Foundling Museum in London showcases the tokens mothers left with their babies because they hoped to identify and claim them later, as well as a collection of George Frideric Handel material, including the score of the *Messiah*, his most famous work that he specifically wrote to support the foundlings.

The British Empire, of course, changed as well. After its victory in the Seven Years' War in 1763, Britain and its empire had a new place of prominence in the world. Britain effectively had control over India and North America, having achieved, as the Earl of Shelburne boasted, "total exclusion of the French from Canada and the Spaniards from Florida."<sup>19</sup> Britons at home and abroad believed that Britain was a second Roman

---

<sup>16</sup> See <[www.marine-society.org/history](http://www.marine-society.org/history)>.

<sup>17</sup> Ruth K. McClure, *Coram's Children: The London Foundling Hospital in the Eighteenth Century* (New Haven and London, 1981), 249; and Gillian Wagner, *Thomas Coram, Gent., 1668-1751* (Woodbridge, UK, 2004), 195.

<sup>18</sup> See <[www.coram.org.uk](http://www.coram.org.uk)>.

<sup>19</sup> Brendan Simms, *Three Victories and a Defeat: The Rise and Fall of the First British Empire* (New York, 2007), 502.

Empire, in control of the globe and destined to equal its greatness.<sup>20</sup> It had become, as Sir George Macartney famously declared in the 1770s, “a vast empire, on which the sun never sets.”<sup>21</sup> But Britain’s imperial hegemony did not mean that vulnerable children were no longer perceived as necessary for empire-building.

In 2009, Gordon Brown and Kevin Rudd, then the prime ministers of the United Kingdom and Australia, respectively, issued an apology to some 7,000 British children who had been sent to Australia during the first six decades of the twentieth century. These children, often from impoverished families, were used to increase the “good British stock” in Australia, i.e., to work as child laborers and then to increase the white population of the country. The children were often told that their parents were dead; their parents were told that their children had been adopted. While placed in institutions, the children were often abused physically and emotionally. Rudd apologized for this horrific behavior on the part of the British and Australian governments: “We acknowledge . . . the children shipped to Australia as child migrants, robbed of your families, robbed of your homelands, regarded, not as innocent children, but sources of child labour.” He said that the Australian government was “deeply sorry,” making clear the regret felt towards “those who were told they were orphans but were taken here without their parents[’] consent.” Ultimately, Rudd said that Australia was “Sorry for the tragedy—the absolute tragedy—of childhoods lost.”<sup>22</sup> Rudd’s apology is indicative of the repulsion we have in

---

<sup>20</sup> Jeremy Black, “The Making of the British Atlantic.” *History Today* (June 2013): 25.

<sup>21</sup> Simms, *Three Victories and a Defeat*, 502.

<sup>22</sup> Bonnie Malkin, “Australian PM Kevin Rudd issues apology to British child migrants.” *The Telegraph*. 16 November 2009.

contemporary society of separating children from parent—unless it is to protect the child from abuse—and our insistence that childhood is a sacred time that must be protected.

A 1998 report by the British Parliament's Select Committee on Health investigated the decision to send child migrants to Australia. It highlighted the tension discussed throughout this dissertation between protecting children from difficult lives at home, exploiting children for their labor, and the desire of the government to be rid of the expense of caring for them: "On the one hand, there was genuine philanthropic desire to rescue children from the destruction and neglect in Britain and send them to a better life in the colonies." But there was a colder reality that went along with this professed benevolence: "Child migration was often seen to be of economic benefit both to Britain (because it relieved the burden on public finances of looking after these children) and to the receiving countries (because child migrants were seen as being potential members of a health and well-trained work force."<sup>23</sup> In its best light, as the governors of the Marine Society would say, it was a case of "charity and policy united." In its worst light, it was child exploitation with dubious legal standing. Gordon Brown announced that the British government would provide £6 million to fund the efforts to reunite families who had been torn apart by the practice of forced child migration.<sup>24</sup>

In total, it is estimated that between 130,000 to 150,000 British children were sent to the colonies through government programs, beginning with the several hundred sent to Jamestown in the early seventeenth century and continuing through to the middle of the

---

<sup>23</sup> John F. Burns, "Apology Opens Wounds of British Migrant Program." *The New York Times*. 22 November 2009.

<sup>24</sup> "Gordon Brown apologizes to child migrants sent abroad." *BBC News*. 24 February 2010.

twentieth century.<sup>25</sup> As this dissertation has shown, many thousands more were kidnapped through underground trafficking networks. While they have been largely ignored by scholars, these children were a significant part of British imperial history—not just because of the number of children who were forced to migration, but also because of the complex array of motivations behind their migration.

The questions this dissertation has raised of what childhood means and the legalities surrounding child migration, children's liberty, and what society owes to children are still pressing concerns today. While we find abhorrent the idea that a young child could be kidnapped and sold for her labor, or forced to join the navy, or sent thousands of miles away from his home country, we have yet to find perfect solutions for abandoned, impoverished, or migrant children.

In 1989, the United Nations ratified the Convention on the Rights of the Child, which, among other things, attempted to protect refugee, kidnapped, trafficked, and delinquent children. It stipulated that “States Parties shall take measures to combat the illicit transfer and non-return of children abroad,” and that “States Parties shall take all appropriate national, bilateral, and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.” Further, “No child shall be deprived of his or her liberty unlawfully or arbitrarily,” with the right to seek legal assistance in the case of arrest.<sup>26</sup> The problems it sought to address were at once pressing contemporary concerns and as old as the English settlement at Jamestown. And twenty-

---

<sup>25</sup> Malkin, “Australian PM Kevin Rudd issues apology to British child migrants” and “Gordon Brown apologizes to child migrants sent abroad.”

<sup>26</sup> United Nations Convention of the Rights of the Child, 20 November 1989, Articles 11, 35, and 37.

five years after the Convention of the Rights of the Child, we still struggle to make these promised rights a reality.

## Bibliography

### Manuscript Sources

#### Bristol Record Office, Bristol

MS 04273: Ordinances of the Common Council, 1506-1695  
 NPM/B/16: Servants to Foreign Plantations, 1679-1680

#### British Library, London

IOR/B/247-252: East India Company Court Minutes: Rough Notes, 1690-1715  
 IOR/E/1/196: East India Company Miscellanies: Letters, 1699-1709  
 IOR/H/29: Misdemeanours of East India Company Servants, 1624-1698  
 IOR/H//36: East India Company Miscellaneous Papers, 1658-1699  
 IOR/H/420: Papers on Judicial Matters, Bengal, 1728-1803  
 IOR/J/1/2-3: East India Company Petitions, 1753-1759  
 IOR/P/155/72: Bengal Proceedings, 1728-1729  
 IOR/R/9/21/1: Trial of the Malay Oessoe on a Charge of Kidnapping, 1749

#### Folger Shakespeare Library, Washington, D.C.

L.C. 1113: Newdigate Newsletters, transcribed by Philip Hines, Jr., 1680-1682

#### Lambeth Palace Library, London

MS 933 no. 2: Humphrey Prideaux on the State of Factories and Plantations in the East Indies with Proposals for Improving Provision for the Spread of Religion, 1695

#### London Metropolitan Archives, London

A/FH: Papers of the Foundling Hospital, 1741-1979  
 ACC/0134: College of Infants, Clerkenwell, 1686-1687  
 CLA/047/LJ: London Sessions Papers, seventeenth and eighteenth centuries  
 CLA/066/01: Miscellaneous Bridewell Hospital Administration Papers, seventeenth to twentieth centuries  
 CLA/067: Miscellaneous Papers of Christ's Hospital, sixteenth to nineteenth centuries  
 CLC/B/195-1: Russia Company Papers, 1666-2005  
 \*CLC/210/B/001/MS12806/3-11: Christ's Hospital Court Minutes, 1592-1765  
 \*CLC/210/B/005/MS12811/001-012: Christ's Hospital Committee Minute Book, 1654-1769  
 \*CLC/210/F/003/MS12818/1-10: Christ's Hospital Children's Registers, 1563-1771  
 \*CLC/210/B/007/MS12873A and B: Christ's Hospital School Committee Minute Books, 1681-1699

- \*CLC/210/F/012/MS12875A: Royal Mathematical School Register of Children Discharged and Apprenticed
- \*CLC/210/F/013/MS12876/002-005: Register of Boys and Girls Discharged and Apprenticed, 1680-1777
- CLC/269/MS19502: Laurance M. Wulcko, Notes Relating to Threadneedle Street, Sweetings Rents, and Sweetings Alley, including Coffee Houses, c. 1960-80
- CLC/275/MS33011/015-016: Bridewell & Bethlem Minutes of the Court of Governors, 1684-1695
- CLC/275/MS33137/001: Bridewell Prisoners' Admission and Release
- CLC/275/MS33143/001-002: Bridewell Apprenticeship Records, 1672-1720
- COL/AC/13/001/23: E.S. de Beer, Statistics on London Hospitals (1634-1694), 1944
- COL/AD/01/061: City Laws Collection, Vol. III, Oaths to Young Men, 1416-c.1750
- COL/CA/01/01/030-168: Court of Alderman Repertory, 1605-1760
- COL/CA/02/01: Court of Aldermen Minutes, 1691-1716
- COL/CC/01/01/030-060: Journals of the Common Council, 1613-1762
- MJ/SB: Middlesex Sessions of the Peace: Court in Session, 1607-1889
- MR/E: Middlesex Sessions of the Peace: Plantation Work Agreements, 1683-1684
- X066/008: Plantation Work Agreements, 1683-1684

\*Formally at Guildhall Library, London.

### **The National Archives, London (Kew)**

- ADM 1/922-923: Letters from Commanders-in-Chief, Portsmouth, 1756
- ADM 1/1893: Letters from Captains, Surnames H, 1758
- ADM 1/5247-5250: Letters from the Privy Council—Naval Minutes, 1688-1714
- ADM 1/5254-5301: Courts Martial Papers, 1693-1762
- ADM 2/81-89: Admiralty: Out-Letters. Lords' Letters: Orders and Instructions, 1758-1763
- ADM 2/232: Admiralty: Out-Letters. Lords' Personal Letters, 1762-1763
- ADM 2/704-722: Admiralty: Out-Letters: Secretary's Letters: Common Letters, 1756-1763
- ADM 2/1056: Admiralty: Out-Letters: Legal Correspondence, 1757-1762
- ADM 3/65-70: Admiralty: Board's Minutes, 1756-1763
- ADM 12/26: Analysis and Digest of Court Martial Convictions, 1755-1806
- ADM 51/3748: Captains' Logs, *Active*, 1758-1762
- ADM 106/282-1105: Admiralty: In-Letters, 1673-1752
- ADM 106/3539: Navy Board, Miscellaneous Papers, 1681-1690
- T 70/75: Company of Royal Adventurers of England Trading with Africa Minute Books, 1664-1672
- PC 2/69: Privy Council Registers, Charles II, Vol. 16, 1680-1683
- SP 29: State Papers Domestic, Charles II, 1660-1688

### **National Maritime Museum, Greenwich**

- ADL/J/5: Proposal for Manning the Fleet, c. 1690

- ADL/J/8: Necessity of Increasing Our English Seamen and a Proposal Towards It, c. 1690
- ADL/Z/8: Naval Administration and Law, Various Documents, 1642-1706
- ADM/E/1-4: Sick and Hurt Board, In-Letters and Orders, 1702-1708
- AGC: Miscellaneous Naval Letters, 1394-1795
- AML/J/4: Merchant Shipping: Indenture of Sea Apprentice, 1734
- CLU/4: Orders for the Regulation of the Navy, 1660-1743
- CLU/5: Naval Orders in Council, 1660-1720
- CLU/6: Naval Notes and Wages Tables, 1732
- CLU/10: Miscellaneous Naval Manuscripts. 1602-1708
- DAR/4: George Legge, Admiral of the Fleet, First Baron Dartmouth, Journal from *The Resolution*, 1669-1670
- DUF/5: Robert Duff, Vice-Admiral, Instructions and Navigational Notes, c. 1720-1787
- GOS/5-6: Report of Proceedings by Sir Thomas Lynch, Governor of Jamaica, 1682-1683
- GOS/10-11: Letters Regarding Piracy, 1699-1701
- HAR/5: Mr. Sargeant Foster's Argument Concerning the Pressing of Seamen, 1743
- JOD/6: Diary of Rev. Henry Teonge, Chaplain, aboard the *Assistance*, *Bristol*, and *Royal Oak*, 1675-1695
- LEC/8: "Observations and overtures for a sea fight upon our coasts," c. 1607
- MSS/75/067: Warrant from JP to Impress Men for the Navy, 1705
- MSY/A/1-2: Fair Minutes of the Marine Society, 1756-1769
- MSY/H/1-2: Marine Society Entry Book, 1756-1762
- MSY/J/7/6: Counsels' Opinion as to the Society's Legal Power to Train Boys for Naval Service, 1784
- MSY/U/21: Marine Society Donations and Legacies, 1756-1842
- PST/56: Letter from Samuel Pepys to the Lord Mayor and Aldermen Regarding Christ's Hospital, 1698
- REC/4: Collection of Miscellaneous Documents, c. 1600-1715
- REC/6: Collection of Naval Documents, 1660-1700
- ROD/1: Robert Roddam, Admiral, In and Out Letterbook, 1719-1808
- ROD/2: Robert Roddam, Admiral, Active Command: Orders Received and Issued, 1746-1778
- RUSI/NM/5/A: Seamanship; a Dialogue Between Volunteers, Containing Account of Ship's Complement, Officers, Duties of Crew, Etc., 1742
- RUSI/NM/97: Orders to the Admirals, 1692-1693
- RUSI/NM/135: General Instructions to be Observed by Commanders of HM Ships, 1683
- RUSI/NM/159: Lt. R. K. Dickson, "History of R.M. Navigation School, 1729-1926: A Study in Naval Education," 1926
- RUSI/NM/218: Various Documents Relating to the Navy Board, 1661-1691
- SMP/3: Henry Mainwaring, "An Abstract and exposition of all things pertaining to the practise of Navigation," c. 1623
- THS/12/1-2: G.T. Labey and R.K.H. Brice, "The Bengal Pilot Service," 1970
- THS/19: Jon Press, "The Living and Working Conditions of the Merchant Seamen of Bristol, From the Creation of the Seamen's Hospital Fund to the Eve of the Napoleonic Wars." Bristol, 1973
- TID/5: Richard Tiddeman, Captain, Account Book Relating to Pursery, c. 1702-1762

- TRN/32/5: Samuel Pepys, Six Pamphlets Addressed to the Lord Mayor, Court of Aldermen, and Governors on the State of Christ's Hospital, 1698-99.  
 VAU/Z/5: Vaughan Collection, Establishment of Officers and Men for Three Guardships, n.d.  
 VER/1: Correspondence of Edward Vernon, Admiral, 1684-1757

### Printed Primary Source Material

- Allestree, Richard. *The Ladies Calling in Two Parts*. London, 1673.
- Anderson, Henry. *A Loyal Tear Dropt on the Vault of the High and Mighty Prince, Charles II*. London, 1685.
- Annand, William. *Fides Catholica, or, The Doctrine of the Catholick Church in Eighteen Grand Ordinances*. London, 1661.
- Anon., *The Infants Lawyer: Or, The Law (Both Ancient and Modern) Relating to Infants*. London, 1697.
- Anon., *Lachrymae Londinenses: or, Londons Lamentations and Teares for Gods Heavie Visitation of the Plague of Pestilence*. London, 1626.
- Anon., *A Letter from Jamaica, to a Friend in London, concerning Kid-Napping*. London, 1682.
- Anon., *Orthodox State-Queries, Presented to all those who retain any Sparks of their Ancient Loyalty*. 1660.
- Anon., *A true narrative of the confession and execution of the three prisoners at Tyburn, on Wednesday the 21<sup>st</sup> of this instant January 1679*. London, 1680.
- Anon., *The True Narrative of the Proceedings at the Sessions-House in the Old-Bayly which began on Monday the 17<sup>th</sup> of this instant October, and ended on Wednesday the 19<sup>th</sup> following*. London, 1681.
- Anon., *The tryal and condemnation of several notorious malefactors, at a sessions of Oyer and terminer holden for the city of London, county of Middlesex*. London, 1681.
- Ascham, Roger. *The Schoolmaster*. London, 1570.
- At the Court at Whitehall, December the Thirteenth, 1682*. London.
- Awdeley, Thomas. *The Fraternity of Vagabonds*. London, 1565.

- Bacon, Sir Francis. "Discourse Upon the Commission of Bridewell." In *The Works of Francis Bacon, Volume. 15*, 7-22. Edited by James Spedding, Robert Leslie Ellis, and Douglas Denon Heath. Boston: Houghton, Mifflin, and Co., c. 1900.
- Barlow, Edward. *Barlow's Journal of his Life at Sea in King's Ships, East & West Indiamen & Other Merchantmen from 1659 to 1703, Volume I*. Edited by Basil Lubbock. London: Hurst & Blackett, 1934.
- B. E., *A New Dictionary of the Terms Ancient and Modern of the Canting Crew in its several Tribes of Gypsies, Beggars, Thieves, Cheats, etc.* London, 1699.
- Bullock, William. *Virginia Impartially Examined, and Left to Publick View, to be Considered by all Judicious and Honest Men*. London, 1649.
- Chamberlain, John. *Memoirs of the American Philosophical Society: The Letters of John Chamberlain, Volume II*. Edited by Norman Egbert McClure. Philadelphia: The American Philosophical Society, 1939.
- Clarke, Samuel. *The Historian's Guide, or, Britain's Remembrancer*. London, 1690.
- Cooper, Anthony Ashley, Earl of Shaftesbury. *An Account at large of the proceedings at the Sessions-House in the Old-Bayly*. London, 1681.
- Cooper, Thomas, ed. *The Statutes at Large of South Carolina, Volume II*. Columbia, SC: A.S. Johnston, 1837.
- Copland, Patrick. *Virginia's God be thanked*. London, 1622.
- Crashaw, William. *A sermon preached in London before the right honorable the Lord Lavvarre*. London, 1610.
- Dalton, Michael. *The Country Justice*. London, 1618.
- Dekker, Thomas. *The Belman of London*. London, 1608.
- Donne, John. *A Sermon upon the VIII Verse of the I. Chapter of the Acts of the Apostles*. London, 1622.
- Fielding, Henry. *The History of Tom Jones, A Foundling*. Edited by Sheridan Baker. New York: W.W. Norton, 1973.
- Firth, C.H. and R.S. Rait, eds. *Acts and Ordinances of the Interregnum, 1642-1660*. London: His Majesty's Stationary Office, 1911.

- Fortescue, J.W., ed. *Calendar of State Papers Colonial, America and West Indies, Volume 15*. London: His Majesty's Stationary Office, 1904.
- The Gentleman's Magazine, Volume 11*. London, February 1741.
- Grant, W.L. and James Munro, eds., *Acts of the Privy Council of England: Colonial Series, Volume I, 1613-1680*. Hereford: Anthony Brothers Limited, 1908.
- Gray, Robert. *A Good Speed to Virginia*. London, 1609.
- Green, Mary Anne Everett, ed. *Calendar of State Papers Domestic, Charles II, Volume 109*. London: Longman, 1863
- Hakluyt, Richard. *A particular discourse concerninge the greate necessitie and manifolde commodityes that are like to growe to this Realme of Englande by the Westerne discoveries lately attempted*. Edited by David B. Quinn and Alison M Quinn. London: Hakluyt Socieity, 1993.
- Hale, Matthew. *Historia Placitorum Coronae: The History of the Pleas of the Crown*, 2<sup>nd</sup> ed. London, 1778.
- *The History and Analysis of the Common Law of England*. London, 1713.
- Hammond, John. *Leah and Rachel, or the two fruitfull sisters Virginia and Mary-land: their present condition impartially stated and related*. London, 1656.
- Hanway, Jonas. *Motives for the Establishment of the Marine Society. By a Merchant*. London, 1757.
- Hardy, W. J., ed. *Middlesex County Records: Calendar of Sessions Books, 1689-1709*. London: Middlesex Record Society, 1905.
- Harman, Thomas. *A Caveat for Commen Cursetors Vulgarely Called Vagabonds*. London, 1561.
- Hawles, Sir John. *Remarks on the trials of Edward Fitzharris . . .* London, 1689.
- Head, Richard. *The Canting Academy, Or, The Devils Cabinet Opened*. London, 1673.
- *The English Rogue*. London, 1688; first published in 1665.
- Hening, William Waller, ed. *The Statutes at Large; Being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619, Volume III*. Philadelphia: R. & W. & G. Bartow, 1823.
- Hoole, Charles. *A New Discovery of the Old Art of Teaching Schoole, in Four Small Treatises*. Published 1660, written c. 1637. Liverpool: The University Press, 1913.

- Janeway, James. *A Token for Children*. London, 1676.
- Jeaffreson, John Cordy, ed. *Middlesex County Records, Volume 3, 1625-67*. London: Middlesex County Record Society, 1888.
- Johnson, Robert. *Nova Britannia*. London, 1609.
- Kingsbury, Susan Myra, ed. *The Records of the Virginia Company of London, Volumes I-IV*. Washington: Government Printing Office, 1906-1935.
- Lashua, Kristen McCabe. “‘Shipp them out for Virginia, with as much expedition as may stand with conveniencie’: The Transportation of London’s Vagrant Children to Virginia, 1618-1622.” Master’s thesis, University of Virginia. 2011.
- Locke, John. *Some Thoughts Concerning Education and Of the Conduct of the Understanding*. Edited by Ruth W. Grant and Nathan Tarcov. Indianapolis: Hackett Publishing, 1996.
- Loyal Protestant and True Domestick Intelligence*, London, May 13, 1682.
- Luttrell, Narcissus. *A Brief Historical Relation of State Affairs from September 1678 to April 1714, Volume I*. Oxford: Oxford University Press, 1867.
- Mulcaster, Richard. *Positions*. London: Longmans, Green, and Co., 1888. Originally published London, 1581.
- Observer in Dialogue*, London, August 20, 1681
- Penny London Morning Advertiser*. London. January 9-January 11, 1744.
- Penny London Post, or The Morning Advertiser*, London, January 23-25, 1751.
- Pepys, Samuel. *The Diary of Samuel Pepys*. Edited by Henry B. Wheatley. London: George Bell & Sons, 1893.
- Philo Pater, *The observatory reprov'd more especially in relation to the controversie between that eminently pious, charitable, and worthy divine Mr. Smithye*. London, 1684.
- Price, Daniel. *Sauls Prohibition Staide*. London, 1609.
- Sainsbury, W. Noel. *Calendar of State Papers Colonial, America and West Indies, Volume 5, 1661-1668*. London, 1880.

- Shakespeare, William. *As You Like It*. Edited by Barbara A. Mowat and Paul Werstine. New York and London: Washington Square Press, 1997.
- Shaw, William, ed. *Calendar of Treasury Books, Volume 9: 1689-1692*. London: Public Record Office, 1931.
- Smith, John. *The Complete Works of Captain John Smith (1580-1631) in Three Volumes, Volume II*. Edited by Philip L. Barbour. Chapel Hill and London: University of North Carolina Press, 1986.
- . *A map of Virginia With a description of the country, the commodities, people, government and religion*. Oxford, 1612.
- Sparke, Michael. *Greevous Grones for the Poore. Done by a Well-willer, who wisheth, That the poore of England might be so provided for, as none should neede to go a begging within this Realme*. London, 1621.
- . *The Poore Orphans Court, or Orphans Cry*. London, 1636.
- Symonds, William. *Virginia*. London, 1609.
- Tynley, Robert. *Two learned sermons*. London, 1609.
- Ward, Ned. *The London Spy: The Vanities and Vices of the Town Exposed to View*. London: Cassell, 1927.
- Wareing, John. "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* 27.3 (October 2002): 288-308.
- Waterhouse, Edward. *A declaration of the state of the colony and affaires in Virginia*. London, 1622.
- Whitaker, Alexander. *Good Newes From Virginia*. London, 1613.
- Whitehall Evening Post, or London Intelligencer*. London. March 24-March 27, 1759.
- Williamson, Peter. *French and Indian Cruelty; Exemplified in the Life and Various Vicissitudes of Fortune, of Peter Williamson, a Disbanded Soldier*. York, 1757.
- Wilmore, John. *The Case of John Wilmore: Truly and Impartially Related: Or, A Looking-Glass for all Merchants and Planters That are Concerned in the American Plantations*. London, 1682.

------. *The Legacy of John Wilmer: Citizen, and late Merchant of LONDON; Humbly offered to the LORDS and COMMONS of England.* London, 1692.

### Secondary Source Material

- Adserà, Alica and Marta Tienda, eds. "Migrant Youths and Children of Migrants in a Globalized World," Special issue of *The Annals of the American Academy of Political and Social Science* 643 (Sept. 2012).
- Allan, G. A. T. *Christ's Hospital*. Revised by J. E. Morpurgo. London: Town & Country Books, 1984.
- Amussen, Susan Dwyer. *An Ordered Society: Gender and Class in Early Modern England*. Oxford: Basil Blackwell, 1988.
- Andrew, Donna T. *Philanthropy and Police: London Charity in the Eighteenth Century*. Princeton: Princeton University Press, 1989.
- Ariès, Philippe. *Centuries of Childhood*. Translated by Robert Baldick. London: Pimlico, 1996.
- Ashcraft, Richard. *Revolutionary Politics & Locke's Two Treatises of Government*. Princeton: Princeton University Press, 1986.
- Axtell, James. *The School upon a Hill: Education and Society in Colonial New England*. New Haven: Yale University Press, 1974.
- Ballagh, James Curtis. *White Servitude in the Colony of Virginia: A Study of the System of Labor in the American Colonies*. Baltimore: The Johns Hopkins Press, 1895.
- Barker-Benfield, G.J. *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain*. Chicago: University of Chicago Press, 1992.
- Baseler, Marilyn C. "*Asylum for Mankind*": *America, 1607-1800*. Ithaca: Cornell University Press, 1998.
- Bayman, Anna. "Rogues, Conycatching, and the Scribbling Crew." *History Workshop Journal* 63 (2007): 1-17.
- Beattie, J. M. *Crime and the Courts in England, 1660-1800*. Oxford: Clarendon Press, 1986.
- Beier, A.L. *Masterless Men: The Vagrancy Problem in England, 1560-1640*. London and New York: Methuen, 1985.

- . *The Problem of the Poor in Tudor and Early Stuart England*. London and New York: Routledge, 1983.
- Bell, Walter George. *Unknown London*. London: Spring Books, 1966.
- Bhabha, Jacqueline. *Child Migration and Human Rights in a Global Age*. Princeton and Oxford: Princeton University Press, 2014.
- Bilder, Mary. "The Struggle Over Immigration: Indentured Servants, Slaves, and Articles of Commerce," *Missouri Law Review* 61.4 (1996): 3-82.
- Black, Jeremy. "The Making of the British Atlantic." *History Today* (June 2013): 22-25.
- Blumenthal, William Hart. *Brides from Bridewell: Female Felons Sent to Colonial America*. Rutland, VT: Charles E. Tuttle, 1962.
- Boone, Troy. *Youth of Darkest England: Working-Class Children at the Heart of the Victorian Empire*. New York: Routledge, 2005.
- Boswell, John. *The Kindness of Strangers: The Abandonment of Children in Western Europe From Late Antiquity to the Renaissance*. New York: Pantheon Books, 1988.
- Botelho, L.A. *Old Age and the English Poor Law, 1500-1700*. Woodbridge, UK: Boydell Press, 2004.
- Boulton, Jeremy. "Welfare Systems and the Parish Nurse in Early Modern London, 1650-1725." *Family & Community History* 10.2 (Nov. 2007): 127-151.
- Brewer, Holly. *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority*. Chapel Hill and London: University of North Carolina Press, 2005.
- . "Children and Parents," in *A Companion to Colonial America*. Edited by Daniel Vickers, 236-258. Oxford, 2003.
- Bridenbaugh, Carl. *Vexed and Troubled Englishmen, 1590-1642*. New York and Oxford: Oxford University Press, 1968.
- Brown, J. Howard. *Elizabethan Schooldays: An Account of the English Grammar Schools in the second half of the Sixteenth Century*. Ann Arbor: University Microfilms, 1964.
- Burg, B.R. *Sodomy and the Pirate Tradition: English Sea Rovers in the Seventeenth-Century Caribbean*. New York and London: New York University Press, 1995.

- Burrow, J.A. *The Ages of Man: A Study in Medieval Writing and Thought*. Oxford: Oxford University Press, 1986.
- Bynum, William. *The History of Medicine: A Very Short Introduction*. Oxford: Oxford University Press, 2008.
- Calvert, Karin. *Children in the House: The Material Culture of Early Childhood, 1600-1900*. Boston: Northeastern University Press, 1992.
- Campbell, Gwyn, Suzanne Miers, and Joseph C. Miller, eds. *Children in Slavery Through the Ages*. Athens, OH: Ohio University Press, 2009.
- Canny, Nicolas P. "The Ideology of English Colonization: From Ireland to America." *The William and Mary Quarterly* 30.4 (Oct. 1973): 575-598.
- Carlton, Charles. *The Court of Orphans*. Leicester: Leicester University, 1974.
- Carroll, William C. *Fat King, Lean Beggar: Representations of Poverty in the Age of Shakespeare*. Ithaca, NY and London: Cornell University Press, 1996.
- Clark, J. C. D. *English Society, 1660-1832: Religion, Ideology and Politics During the Ancien Regime*. Cambridge: University of Cambridge Press, 2000.
- Clayton, Frederick. *London's Coffee Houses: The Stimulating Story*. Chichester: Phillimore, 2003.
- Cleverley, John and D. C. Phillips. *Visions of Childhood: Influential Models from Locke to Spock*. New York and London: The Teachers College Press of Columbia University, 1986.
- Coe, Cati et al., eds. *Everyday Ruptures: Children, Youth, and Migration in Global Perspectives*. Nashville: Vanderbilt University Press, 2001.
- Coldham, Peter Wilson. *The Bristol Registers of Servants Sent to Foreign Plantations, 1654-1686*. Baltimore: Genealogical Publishing Company, 1988.
- . *Child Apprentices in America from Christ's Hospital, London, 1617-1778*. Baltimore: Genealogical Publishing Company, 1990.
- . "The 'Spiriting' of London Children to Virginia: 1647-1685," *The Virginia Magazine of History and Biography* 83.3 (July 1975): 280-287.
- Colley, Linda. *Britons: Forging the Nation, 1707-1837*. New Haven: Yale University Press, 1992.

- Collier, Francis. *The Family Economy of the Working Classes in the Cotton Industry, 1784-1833*. Manchester: Manchester University Press, 1964.
- Cowan, Brian. *The Social Life of Coffee: The Emergence of the British Coffeehouse*. New Haven: Yale University Press, 2011.
- Cox, Roger. *Shaping Childhood: Themes of Uncertainty in the History of Adult-Child Relationships*. London and New York: Routledge, 1996.
- Craven, Wesley Frank. *The Dissolution of the Virginia Company: The Failure of a Colonial Experiment*. New York: Oxford University Press, 1932.
- Crawford, Patricia. *Parents of Poor Children in England, 1580-1800*. Oxford and New York: Oxford University Press, 2010.
- Cressy, David. *Birth, Marriage, and Death: Ritual, Religion, and the Life-Cycle in Tudor and Stuart England*. Oxford: Oxford University Press, 1997.
- . *Coming Over: Migration and Communication between England and New England in the Seventeenth Century*. Cambridge: Cambridge University Press, 1987.
- . *Literacy & the Social Order: Reading and Writing in Tudor and Stuart England*. Cambridge: Cambridge University Press, 1980.
- . *Travesties and Transgressions in Tudor and Stuart England: Tales of Discord and Dissention*. Oxford: Oxford University Press, 2000.
- Crosnoe, Robert and Ruth N. López Turley. "K-12 Educational Outcomes of Immigrant Youth." *The Future of Children* 21.1 (Spring 2011): 129-152.
- Cross, Anthony. *Peter the Great Through British Eyes: Perceptions and Representations of the Tsar since 1698*. Cambridge: Cambridge University Press, 2000.
- Cruikshank, C. G. *Elizabeth's Army*, second edition. London: Oxford University Press, 1966.
- Cruikshank, Marjorie. *Children and Industry*. Manchester: Manchester University Press, 1981.
- Cunningham, Hugh. *The Children of the Poor: Representations of Childhood Since the Seventeenth Century*. Oxford and Cambridge, MA: Blackwell, 1991.
- . "Saving the Children, c. 1830-c. 1920." In *The Global History of Childhood Reader*. 359-374. Edited by Heidi Morrison. London and New York: Routledge, 2012.

- Damme, Catherine. "Infanticide: The Worth of an Infant Under Law." *Medical History* 22 (1978): 1-24.
- Davenport-Hines, Richard. *Sex, Death, and Punishment: Attitudes to Sex and Sexuality in Britain Since the Renaissance*. London: Collins, 1990.
- Davies, J.D. *Gentlemen and Tarpaulins: The Officers and Men of the Restoration Navy*. Oxford: Oxford University Press, 1991.
- De Krey, Gary. *A Fractured Society: The Politics of London in the First Age of Party, 1688-1715*. Oxford: Oxford University Press, 1985.
- . *London and the Restoration, 1659-1683*. Cambridge: Cambridge University Press, 2005.
- . *Restoration and Revolution in Britain*. New York: Palgrave Macmillan, 2007.
- de la Torre, Lillian. "New Light on Smollett and the Annesley Cause." *The Review of English Studies* 22.87 (Aug. 1971): 274-281.
- de Lusignan, Guy. "Global Migration and European Integration," *Indiana Journal of Global Studies* 2.1 (Fall 1994): 179-190.
- Demos, John. *A Little Commonwealth: Family Life in Plymouth Colony*. New York and Oxford: Oxford University Press, 1970.
- . *Past, Present, and Personal: The Family and the Life Course in American History*. New York and Oxford: Oxford University Press, 1986.
- Dickinson, J.R. and J.A. Sharpe, "Infanticide in Early Modern England: The Court of Great Sessions at Chester, 1650-1800." In *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000*, 35-51. Edited by Mark Jackson. Aldershot, 2002.
- Duffy, Eamon. *The Stripping of the Altars: Traditional Religion in England, c. 1500- c. 1580*. New Haven and London: Yale University Press, 2005.
- Dustmann, Christian. "Children and Return Migration." *Journal of Population Economics* 16.4 (Nov. 2003): 815-830.
- Dyer, Christopher. "Poverty and its Relief in Late Medieval England." *Past and Present* 216.1 (2012): 41-78
- Earle, Peter. *A City Full of People: Men and Women of London, 1650-1750*. London: Methuen, 1994.

- The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730*. London: Methuen, 1989.
- Sailors: English Merchant Seamen, 1650-1775*. London: Methuen Publishing, 1998.
- Eder, Markus. *Crime and Punishment in the Royal Navy of the Seven Years' War, 1755-1763*. Aldershoot: Ashgate, 2004.
- Edmonds, Beverly. *Children's Rights: A Reference Handbook*. Santa Barbara: ABC-CLIO, 1996.
- Ekirch, A. Roger. *Birthright: The True Story that Inspired Kidnapped*. New York: W.W. Norton, 2011.
- Ellis, Markman. *The Coffee House: A Cultural History*. London: Weidenfeld & Nicolson, 2004
- Eltis, David. *The Rise of African Slavery in the Americas*. Cambridge: Cambridge University Press, 2000.
- Emsley, Clive. *The English Police: A Political and Social History, 2<sup>nd</sup> Edition*. London and New York: Routledge, 2014.
- Ensor, Marisa O. and Elzbieta M. Gozdzia, *Children and Migration: At the Crossroads of Resiliency and Vulnerability*. New York: Palgrave Macmillan, 2010.
- Erickson, Amy Louise. *Women & Property in Early Modern England*. New York and London: Routledge, 2002.
- Estabrook, Carl B. *Urbane and Rustic England: Cultural Ties and Social Spheres in the Provinces, 1660-1780*. Stanford: Stanford University Press, 1999.
- Fass, Paula S. "Children in Global Migrations." *Journal of Social History* 38.4 (Summer 2005): 937-953.
- Fauve-Chamoux, Antoinette. "Beyond Adoption: Orphans and Family Strategies in Pre-Industrial France." *The History of the Family* 1.1 (1996): 1-13.
- Fawcett, Sir Charles. *English Factories in India, 1670-1677, Volume. II*. Oxford: Clarendon Press, 1952.
- Fildes, Valerie A. *Breasts, Bottles, and Babies: A History of Infant Feeding*. Edinburgh: Edinburgh University Press, 1986.

- Fletcher, Anthony. *Growing up in England: The Experience of Childhood, 1600-1914*. New Haven: Yale University Press, 2008.
- . "Prescription and Practice: Protestantism and the Upbringing of Children, 1650-1700." In *The Church and Childhood: Papers Read at the 1993 Summer Meeting and the 1994 Winter Meeting of the Ecclesiastical History Society*, 325-346. Edited by Diana Wood. Oxford: Blackwell, 1994.
- Fletcher, Anthony and Stephen Hussey. *Childhood in Question: Children, Parents and the State*. Manchester and New York: Manchester University Press, 1999.
- Foley, Henry. *Records of the English Province of the Society of Jesus: Historic Facts Illustrative of the Labours and Sufferings of its Members in the Sixteenth and Seventeenth Centuries*. London: Burns and Oates, 1878.
- Foner, Nancy and Joanna Dreby, "Relations between the Generations in Immigrant Families." *Annual Review of Sociology* 37 (2007): 545-564.
- Forse, James H. "Extortion in the Name of Art in Elizabethan England: The Impressment of Thomas Clifton for the Queen's Chapel Boys." *Theatre Survey* 31.2 (1990): 165-176.
- Fox, Vivian C. "Poor Children's Rights in Early Modern England." *The Journal of Psychohistory* 23.3 (Winter 1996): 286-306.
- Fox, Vivian C. and Martin H. Quitt. *Loving, Parenting and Dying: The Family Cycle in England and America, Past and Present*. New York: Psychohistory Press, 1980.
- Francus, Marilyn. "Monstrous Mothers, Monstrous Societies: Infanticide and the Rule of Law in Restoration and Eighteenth-Century England." *Eighteenth Century Life* 21.1 (May 1997): 133-156.
- Fumerton, Patricia. *Unsettled: The Culture of Mobility and the Working Poor in Early Modern England*. Chicago and London: University of Chicago Press, 2006.
- Galenson, David. *White Servitude in Colonial America: An Economic Analysis*. Cambridge: Cambridge University Press, 1981.
- Games, Alison. *Migration and the Origins of the English Atlantic World*. Cambridge, MA and London: Harvard University Press, 1999.
- . *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560-1660*. Oxford and New York: Oxford University Press, 2008.

- Gammon, Julie. "A denial of innocence': female juvenile victims of rape and the English legal system in the eighteenth century." In *Childhood in Question: Children, Parents, and the State*, 74-95. Edited by Anthony Fletcher and Stephen Hussey. Manchester and New York: Manchester University Press, 1999.
- Gates, Crystal J. "Working toward a Global Discourse on Children's Rights: The Problem of Unaccompanied Children and the International Response to Their Plight." *Indiana Journal of Global Legal Studies* 7.1 (Fall 1999): 299-334.
- Gavitt, Philip. *Charity and Children in Renaissance Florence: The Ospedale degli Innocenti, 1410-1536*. Ann Arbor: University of Michigan Press, 1990.
- Gilbert, Arthur N. "Buggery and the British Navy, 1700-1861." *Journal of Social History* 10.1 (Autumn 1976): 72-98.
- Gillis, John R. *For Better, For Worse: British Marriages, 1600 to the Present*. New York and Oxford: Oxford University Press, 1985.
- Graham, Judith. *Puritan Family Life: The Diary of Samuel Sewall*. Boston: Northeastern University Press, 2000.
- Gray, B. Kirkman. *A History of English Philanthropy: From the Dissolution of the Monasteries to the Taking of the First Census*. London: P.S. King and Son, 1905.
- Green, David R. *Pauper Capital: London and the Poor Law, 1790-1870*. Farnham, UK: Ashgate, 2010.
- Green, Ian. *The Christian's ABC: Catechism and Catechizing in England, c. 1530-1740*. Oxford: Clarendon Press, 1996.
- Greven, Jr., Philip J. *Four Generations: Population, Land, and Family in Colonial Andover, Massachusetts*. Ithaca: Cornell University Press, 1970.
- . *Spare the Child: The Religious Roots of Punishment and the Psychological Impact of Physical Abuse*. New York: Vintage Books, 1990.
- Grew, Raymond. "On Seeking Global History's Inner Child." *Journal of Social History* 38.4 (Summer 2005): 849-858.
- Griffiths, Paul. *Lost Londons: Change, Crime, and Control in the Capital City, 1550-1660*. Cambridge: Cambridge University Press, 2008.
- . *Youth and Authority: Formative Experiences in England, 1560-1640*. Oxford: Oxford University Press, 1996.

- Griffiths, Paul and Mark S.R. Jenner, eds., *Londonopolis: Essays in the Cultural and Social History of Early Modern London*. Manchester: Manchester University Press, 2000.
- González, Ondina E. and Bianca Premo, eds. *Raising an Empire: Children in Early Modern Iberia and Colonial Latin America*. Albuquerque: University of New Mexico Press, 2007.
- Halliday, Paul D. *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650-1730*. Cambridge: Cambridge University Press, 1998.
- . *Habeas Corpus: From England to Empire*. Cambridge, MA and London: Belknap Press, 2010.
- Hanawalt, Barbara A. *The Ties that Bound: Peasant Families in Medieval England*. New York and Oxford: Oxford University Press, 1986.
- Hanson, Elizabeth. "The Register of The School's Probation, 1607, from The Merchant Taylors' School, London." *The Journal of the History of Childhood and Youth* 6.3 (Fall 2013): 411-427.
- Harben, Henry A. *A Dictionary of London: Being Notes Topographical and Historical Relating to the Streets and Principal Buildings in the City of London*. London: Herbert Jenkins Limited, 1918.
- Harrington, Joel F. *The Unwanted Child: The Fate of Foundlings, Orphans, and Juvenile Criminals in Early Modern Germany*. Chicago: University of Chicago Press, 2009.
- Harris, Tim. *Politics Under the Later Stuarts: Party Conflict in a Divided Society, 1660-1715*. New York: Longman, 1993.
- Hawes, Joseph M. *The Children's Rights Movement: A History of Advocacy and Protection*. Boston: Twayne Publishers, 1991.
- Heller, Jennifer. *The Mother's Legacy in Early Modern England*. Burlington, VT: Ashgate, 2011.
- Herrup, Cynthia B. *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England*. Cambridge: Cambridge University Press, 1987.
- . "Punishing Pardon: Some Thoughts on the Origins of Penal Transportation." In *Penal Practice and Culture, 1500-1900: Punishing the English*, 121-138. Edited by Simon Devereaux and Paul Griffiths. New York: Palgrave MacMillan, 2004.

- Hess, Julia and Dianna Shandy. "Kids at the Crossroads: Global Childhood and the State." *Anthropology Quarterly* 81.4 (Fall 2008): 765-776.
- Hinkle, William G. *A History of Bridewell Prison, 1553-1700*. Lewiston, NY: Edwin Mellen, 2006.
- Hitchcock, David. "Poverty and Mobility in England, 1600-1850," *Rural History* 24.1 (2013): 1-8.
- Hitchcock, Tim. *Down and Out in Eighteenth-Century London*. London: Bloomsbury, 2004.
- Hoffer, Peter and N.E.H. Hull. *Murdering Mothers: Infanticide in England and New England, 1558-1803*. New York: New York University Press, 1981.
- Holland, Aubry. "The Modern Family Unit: Toward a More Inclusive Vision of the Family in Immigration Law." *California Law Review* 96.4 (Aug. 2008): 1049-1091.
- Honeyman, Katrina. *Child Workers in England, 1780-1820: Parish Apprentices and the Making of the Early Industrial Labour Force*. Aldershot: Ashgate, 2007.
- Hope, Valerie. *My Lord Mayor: Eight Hundred Years of London's Mayoralty*. London: Weidenfield and Nicolson, 1989.
- Hume, Robert. *Early Child Immigrants to Virginia, 1618-1642: Copied from the Records of Bridewell Royal Hospital*. Baltimore: Magna Carta Book Company, 1986.
- Hunt, Margaret R. *The Middling Sort: Commerce, Gender, and the Family in England, 1680-1780*. Berkeley: University of California Press, 1996.
- Immel, Andrea and Micahel Witmore, "Introduction: Little Differences: Children, Their Books, and Culture in the Study of Early Modern Europe," in *Childhood and Children's Books in Early Modern Europe, 1550-1800*, 1-18. Edited by Immel and Witmore. New York and London, 2006.
- Jackson, Mark. *New Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England*. Manchester: Manchester University Press, 1997.
- Johnson, Robert C. "The Transportation of Vagrant Children from London to Virginia, 1618-1622." In *Early Stuart Studies: Essays in Honor of David Harris Willson*, 137-151. Edited by Howard S. Reinmoth, Jr. Minneapolis: University of Minnesota Press, 1970.
- Jones, Jacqueline. *American Work: Four Centuries of Black and White Labor*. New York and London: W.W. Norton, 1998.

- Judges, A. V., ed. *The Elizabethan Underworld: A Collection of Tudor and Early Stuart Tracts and Ballads Telling of the Lives and Misdoings of Vagabonds, Thieves, Rogues and Cozeners, and Giving Some Account of the Operation of the Criminal Law*. London: George Routledge & Sons, Ltd., 1930.
- Kenyon, J. P. *Revolution Principles: The Politics of Party, 1689-1720*. Cambridge: Cambridge University Press, 1990.
- Kesselring, K. J. *Mercy and Authority in the Tudor State*. Cambridge: Cambridge University Press, 2003.
- King, Margaret L. "Concepts of Childhood: What We Know and Where We Might Go." *Renaissance Quarterly* 60.2 (2007): 371-407.
- King, Peter. *Crime, Justice, and Discretion in England, 1740-1820*. Oxford: Oxford University Press, 2000.
- Kingdom, Robert M. "Social Welfare in Calvin's Geneva." *The American Historical Review* 76.1 (February 1971): 50-69.
- Kinney, Arthur F., ed. *Rogues, Vagabonds & Sturdy Beggars: A New Gallery of Tudor and Early Stuart Rogue Literature*. Amherst: University of Massachusetts Press, 1990.
- Kintgen, Eugene R. *Reading in Tudor England*. Pittsburgh: University of Pittsburgh Press, 1996.
- Knights, Mark. *Representation and Misrepresentation in Later Stuart Britain*. Oxford: Oxford University Press, 2005.
- Kupperman, Karen Ordahl. *The Jamestown Project*. Cambridge, MA and London: Belknap Press, 2007.
- Lane, Joan. *Apprenticeship in England, 1600-1914*. Boulder, CO: Westview Press for HarperCollins, 1996.
- Langer, William. "Infanticide: A Historical Survey." *History of Childhood Quarterly* 1.3 (1974): 353-366.
- Le Mesurier, Alice M. C. "The Orphans' Inventories at the London City Guildhall." *The Economic History Review* 5.1 (October 1934): 98-101.
- Levene, Alys. *The Childhood of the Poor: Welfare in Eighteenth-Century London*. New York: Palgrave Macmillan, 2012.

- . "Children, Childhood and the Workhouse: St Marylebone, 1769-1781." *The London Journal* 33.1 (March 2008): 41-59.
- Lieberman, David. *The Province of Legislation Determined: Legal Theory in Eighteenth-Century Britain*. Cambridge: Cambridge University Press, 1989.
- Lillywhite, Bryant. *London Signs: A Reference Book of London Signs from Earliest Times to about the mid-Nineteenth Century*. London: George Allen and Unwin Ltd, 1972.
- Linebaugh, Peter. *The London Hanged: Crime and Civil Society in the Eighteenth Century*. London: Penguin Press, 1991.
- Long, Edward. *The History of Jamaica. Or, General Survey of the Antient [sic] and Modern State of That Island: With Reflections on its Situation, Settlements, Inhabitants, Climate, Products, Commerce, Laws, and Government, Volume 2*. London: T. Lowndes, 1774.
- Loveman, Kate. "'Eminent Cheats': Rogue narratives in the Literature of the Exclusion Crisis." In *Fear, Exclusion, and Revolution: Roger Morrice and Britain in the 1680s*, 108-122. Edited by Jason McElligott. Aldershot, UK: Ashgate, 2006.
- Macfarlane, Alan. *The Family Life of Ralph Josselin: A Seventeenth-Century Clergyman: An Essay in Historical Anthropology*. New York: W. W. Norton, 1970.
- Marten, James, ed. *Children in Colonial America*. New York and London: New York University Press, 2007.
- Mazzucato, Valentina and Djamila Schans, "Transnational Families and the Well-Being of Children: Conceptual and Methodological Challenges." *Journal of Marriage and Family* 73.4 (August 2011): 704-712.
- May, Allyson N. "'She at first denied it': Infanticide Trials at the Old Bailey." In *Criminal Justice in the Old World and the New: Essays in Honour of J.M. Beattie*, 19-49. Edited by Greg T. Smith, Allyson N. May, and Simon Devereaux. Toronto, 1998.
- Maxwell-Stewart, Hamish. "Convict Transportation from Britain and Ireland, 1615-1870." *History Compass* 8.11 (2010): 1221-1242.
- McClure, Ruth K. *Coram's Children: The London Foundling Hospital in the Eighteenth Century*. New Haven and London: Yale University Press, 1981.
- McCormick, Ted. "Population: Modes of Seventeenth-Century Demographic Thought." In *Mercantilism Reimagined: Political Economy in Early Modern Britain and its Empire*, 25-45. Edited by Philip J. Stern and Carl Wennerlind. Oxford, 2014.

- McDonagh, Josephine. *Child Murder and British Culture, 1720-1900*. Cambridge: Cambridge University Press, 2003.
- McMullan, John L. *The Canting Crew: London's Criminal Underworld, 1550-1700*. New Brunswick, NJ: Rutgers University Press, 1984.
- Menard, Russell R. "British Migration to the Chesapeake Colonies in the Seventeenth Century." In *Colonial Chesapeake Society*, 99-132. Edited by L.G. Carr, P.D. Morgan, and J.B. Russo. Chapel Hill: University of North Carolina Press, 1988.
- Mills, Jennie. "Rape in Early Eighteenth-Century London: A Perversion 'so very perplex'd.'" In *Sexual Perversions, 1670-1890*, 140-166. Edited by Julie Peakman. New York: Palgrave Macmillan, 2009.
- Mintz, Steven. *Huck's Raft: A History of American Childhood*. Cambridge, MA: Belknap Press, 2004.
- . "Why the History of Childhood Matters," *Journal of the History of Childhood and Youth* 5.1 (2012): 16-28.
- Moody, T.W. *The Londonderry Plantation, 1609-41: The City of London and the Plantation in Ulster*. Belfast: W. Mullan and Son, 1939.
- Morgan, Edmund S. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: W. W. Norton, 1975.
- . *The Puritan Family: Religion & Domestic Relations in Seventeenth-Century New England*. New York: Harper and Row, 1966.
- . *Virginians at Home: Family Life in the Eighteenth Century*. Williamsburg: The Colonial Williamsburg Foundation, 1952.
- Murdoch, Lydia. *Imagined Orphans: Poor Families, Child Welfare, and Contested Citizenship in London*. New Brunswick, NJ and London: Rutgers University Press, 2006.
- Murphy, Elaine. "The Metropolitan Pauper Farms, 1722-1834." *London Journal* 27:1 (2002): 1-18.
- Nardinelli, Clark. *Child Labor and the Industrial Revolution*. Bloomington: Indiana University Press, 1990.
- Newman, Karen. *Cultural Capitals: Early Modern London and Paris*. Princeton: Princeton University Press, 2007.

- Newton, Hannah. *The Sick Child in Early Modern England, 1580-1720*. Oxford: Oxford University Press, 2012.
- O'Day, Rosemary. *The Family and Family Relationships, 1500-1900: England, France and the United States of America*. New York: Palgrave Macmillan, 1994.
- Ogborn, Miles. *Global Lives: Britain and the World, 1550-1800*. Cambridge: Cambridge University Press, 2008.
- Orellana, Marjorie Faulstich et al., "Transnational Childhoods: The Participation of Children in Processes of Family Migration." *Social Problems* 48.4 (Nov. 2001): 572-591.
- Orgocka, Aida and Christina Clark-Kazak, eds., *Independent Child Migrations: Insights into Agency, Vulnerability, and Structure: New Directions of Child and Adolescent Development*, 136 (2012).
- Ozment, Steven. *Ancestors: The Loving Family in Old Europe*. Cambridge, MA and London: Harvard University Press, 2001.
- . *When Fathers Ruled: Family Life in Reformation Europe*. Cambridge, MA: Harvard University Press, 1983.
- Pearce, E. H. *Annals of Christ's Hospital*. London: Methuen, 1901.
- Pearsall, Sarah M. S. *Atlantic Families: Lives and Letters in the Later Eighteenth Century*. Oxford and New York, 2008.
- Perreira, Krista M. and India J. Ornelas. "The Physical and Psychological Well-Being of Immigrant Children," *The Future of Children* 21.1 (Spring 2011): 195-218.
- Phillips, Richard Hayes. *Without Indentures: Index to White Slave Children in Colonial Court Records: Maryland and Virginia*. Baltimore: Genealogy Publishing Company, 2013.
- Pietsch, Roland. *The Real Jim Hawkins: Ships' Boys in the Georgian Navy*. Barnsley, UK: Seaforth, Publishing 2010.
- Pinchbeck, Ivy and Margaret Hewitt. *Children in English Society, Volume I: From Tudor Times to the Eighteenth Century*. London: Routledge & Kegan Paul, 1969.
- . *Children in English Society, Volume II: From the Eighteenth Century to the Children Act 1948*. London: Routledge & Kegan Paul, 1973.
- Pincus, Steve. "'Coffee Politicians Does Create': Coffeehouses and Restoration Political Culture." *The Journal of Modern History* 67.4 (Dec. 1995): 807-834.

- Pollock, Linda A. *Forgotten Children: Parent-Child Relations from 1500-1900*. Cambridge: Cambridge University Press, 1983.
- Portes, Alejandro and Alejandro Rivas. "The Adaptation of Migrant Children," *The Future of Children* 21.1 (Spring 2011): 219-246.
- Premo, Bianca. *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima*. Chapel Hill: University of North Carolina Press, 2005.
- Pullan, Brian. "Catholics and the Poor in Early Modern Europe." *Transactions of the Royal Historical Society* 5.26 (1976): 15-34.
- Quinn, David Beers. "Ireland and Sixteenth-Century European Expansion." *Historical Studies* 1 (1958): 20-32.
- Rabb, Theodore K. *Enterprise and Empire: Merchant and Gentry Investment in the Expansion of England, 1575-1630*. Cambridge, MA: Harvard University Press, 1967.
- . *Jacobean Gentleman: Sir Edwin Sandys, 1561-1629*. Princeton: Princeton University Press, 1998.
- Raymond, Joad. *Pamphlets and Pamphleteering in Early Modern Britain*. Cambridge: Cambridge University Press, 2003.
- Read, Sara. *Menstruation and the Female Body in Early Modern England*. London: Palgrave Macmillan, 2013.
- Richardson, Ruth. *Dickens and the Workhouse: Oliver Twist and the London Poor*. Oxford: Oxford University Press, 2012.
- Rogers, Albert Alan. *Family Life in Eighteenth Century Virginia*. PhD diss., University of Virginia, 1939.
- Rogers, Kenneth *Old London: Cornhill, Threadneedle Street and Lombard Street, Old Houses and Signs*. London: Whitefriars, 1935.
- Rose, Emily. "The Politics of Pathos: Richard Frethorne's Letters Home." In *Envisioning an English Empire: Jamestown and the Making of the North Atlantic World*, 92-110. Edited by Robert Appelbaum and John Wood Sweet. Philadelphia: University of Pennsylvania Press, 2005.
- Sharpe, J. A. *Crime in Early Modern England, 1550-1750*. London and New York: Longman, 1984.

- . "‘Last Dying Speeches’: Religion, Ideology and Public Execution in Seventeenth-Century England." *Past & Present* 107 (May 1985): 144-167.
- Simms, Brendan. *Three Victories and a Defeat: The Rise and Fall of the First British Empire*. New York: Basic Books, 2007.
- Simpson, Anthony E. "Vulnerability and the age of female consent: legal innovation and its effect on prosecutions for rape in eighteenth-century London." In *Sexual Underworlds of the Enlightenment*, 181-205. Edited by G.S. Rousseau and Roy Porter. Chapel Hill: University of North Carolina Press, 1988.
- Slack, Paul. *The English Poor Law, 1531-1782*. Cambridge: Cambridge University Press, 1990.
- . *From Reformation to Improvement: Public Welfare in Early Modern England*. New York and Oxford: Oxford University Press, 1999.
- . *Poverty and Policy in Tudor and Stuart England*. London and New York: Longman, 1988.
- Smaje, Chris. "Re-Thinking the ‘Origins Debate’: Race Formation and Political Formations in England’s Chesapeake Colonies." *Journal of Historical Sociology* 15.2 (June 2002): 192-219.
- Smith, Abbot Emerson. *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776*. Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture at Williamsburg, VA, 1947.
- Smith, Warren B. *White Servitude in Colonial South Carolina*. Columbia: University of South Carolina Press, 1961.
- Stevens, James Curl. *The Honourable The Irish Society and the Plantation of Ulster, 1608-2000*. Chichester: Phillimore, 2000.
- . *The Londonderry Plantation, 1609-1914: The History, Architecture, and Planning of the Estates o the City of London and its Livery Companies in Ulster*. Chichester: Phillimore, 1986.
- Stone, Lawrence. *The Family, Sex and Marriage in England, 1500-1800*. New York: Harper and Row, 1979.
- Strauss, Gerald. *Luther’s House of Learning: Indoctrination of the Young in the German Reformation*. Baltimore: The Johns Hopkins University Press, 1978.
- Sommerville, C. John. *The Discovery of Childhood in Puritan England*. Athens, GA: University of Georgia Press, 1992.

- Taylor, James Stephen. "Philanthropy and Empire: Jonas Hanway and the Infant Poor of London." *Eighteenth-Century Studies* 12.3 (Spring, 1979): 285-305.
- Thomas, Keith. *Rule and Misrule in the Schools of Early Modern England*. Reading: University of Reading, 1976.
- Tomlins, Christopher. *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865*. Cambridge: Cambridge University Press, 2010.
- Toulalan, Sarah. "'Is He a Licentious Lewd Sort of a Person?': Constructing the Child Rapist in Early Modern England." *Journal of the History of Sexuality* 23.1 (Jan. 2014): 21-52.
- Towner, Lawrence William. *A Good Master Well Served: Masters and Servants in Colonial Massachusetts, 1620-1750*. New York and London: Routledge, 1998.
- Turley, Hans. *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity*. New York and London: New York University Press, 1999.
- Tuttle, Carolyn. *Hard at Work in Factories and Mines: The Economics of Child Labor During the British Industrial Revolution*. Oxford: Westview Press, 1999.
- Veerman, Philip. *The Rights of the Child and the Changing Image of Childhood*. New York: Martinus Nijhoff Publishers, 1992.
- Wagner, Gillian. *Thomas Coram, Gent., 1668-1751*. Woodbridge, UK: Boydell & Brewer, 2004.
- Wahrman, Dror. *The Making of the Modern Self: Identity and Culture in Eighteenth-Century England*. New Haven and London: Yale University Press, 2006.
- Walsham, Alexandra. "'Out of the Mouths of Babes and Sucklings': Prophecy, Puritanism, and Childhood in Elizabethan Suffolk." In *The Church and Childhood: Papers Read at the 1993 Summer Meeting and the 1994 Winter Meeting of the Ecclesiastical History Society*, 285-300. Edited by Diana Wood. Oxford: Blackwell Publishers, 1994.
- Washbrook, Elizabeth et al. "The Development of Young Children of Immigrants in Australia, Canada, the United Kingdom, and the United States." *Child Development* 83.5 (Sept./Oct. 2012): 1591-1607.
- Wheeler, Roxann. *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture*. Philadelphia: University of Pennsylvania Press, 2000.

- White, Jerry. *London in the Eighteenth Century: A Great and Monstrous Thing*. London: Bodley Head, 2012.
- Wilson, Kathleen. *The Island Race: Englishness, Empire and Gender in the Eighteenth Century*. London and New York: Routledge, 2003.
- Wright, Gavin. "Capitalism and Slavery on the Islands: A Lesson from the Mainland." In *British Capitalism & Caribbean Slavery: The Legacy of Eric Williams*, 283-302. Edited by Barbara L. Solow and Stanley L. Engerman. Cambridge: Cambridge University Press, 1987.
- Wrightson, Keith. *English Society, 1560-1680*. New Brunswick, NJ: Rutgers University Press, 1992.
- , "Infanticide in Earlier Seventeenth-Century England." *Local Population Studies* 15 (1975): 10-21.
- Wrigley, E.A. and R.S. Schofield. *The Population History of England, 1541-1871: A Reconstruction*. Cambridge, MA: Harvard University Press, 1981.
- Zook, Melinda S. *Radical Whigs and Conspiratorial Politics in Late Stuart England*. University Park, PA: Penn State University Press, 1999.
- Zunshine, Lisa. *Bastards and Foundlings: Illegitimacy in Eighteenth-Century England*. Columbus, OH: Ohio State University Press, 2005.