



Austin, Angela (2017) Forgotten children: Scotland's colonial child servants, 1680 - 1760. MPhil(R) thesis.

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# **Forgotten Children: Scotland's Colonial Child Servants, 1680 - 1760**

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Degree of Masters of Philosophy in Scottish History**

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**10 January, 2017**

## Abstract

This thesis focuses on children sent from Scotland to the American colonies to work as servants between 1680 and 1760, with a particular emphasis upon those who were shipped against their will or without the consent of their families. It primarily examines the shipment of child servants to the Chesapeake and Middle colonies of North America, which were selected due to the availability of source material in these areas. Most of the work that has been done on indentured servants thus far has primarily focused on those from England, while research on child emigration has concentrated on children from England or Ireland. Virtually nothing has been written about children sent to the colonies from Scotland. Kidnapping, a problem in England since the reign of Charles II, became an issue in Scotland during the latter half of the seventeenth century. This thesis considers reasons for this shift in focus, and the factors contributing to the rise of the kidnapping industry in Scotland. It examines differences in English and Scottish law, as well as cultural and political influences at work during this time. Additionally, it takes a closer look at some of the people involved in carrying out this trade on both sides of the Atlantic. Chapter 1 discusses the restrictions on Scottish trade with the Americas in order to help explain the pressures facing Scottish traders which tempted many to engage in illicit trading activities, including the shipment of undocumented servants. Chapter 2 is a case study of two prominent merchant families, the Trents and the Coutts, and the evidence linking them to activities of this nature. Because extensive evidence has been drawn from the legal records of Aberdeen, from which some six hundred boys and girls are estimated to have been abducted during one six year period, 1740 – 1746, Chapter 3 examines the cultural and political situation of Aberdeen in the 1740s. Chapter 4 is a case study of some of the children taken from that town and the events relating to these abductions. My data has been compiled over an extensive research base, including a wide range of government records on both sides of the Atlantic, as well as family histories, birth records, land records, wills, contemporary letters, colonial-era newspapers, biographies, autobiographies, personal ledgers and diaries, indentured servant records, records of ship voyages, and data gleaned from colonial court order books. Many of these sources have never before been referenced regarding the transportation of child servants. The main point of this thesis is to provide a more complete picture of the shipment of child servants in Scotland during the colonial era, those involved, and the factors which contributed to the operation of the trade in children.

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## **Acknowledgements**

My warm regards and deepest gratitude to my supervisors Professor Karin Bowie and Professor Martin MacGregor for their invaluable guidance, patience, and encouragement throughout the process. Thank you for believing in me enough to take a chance this research, and for your advice on not only academic research, but on work/life balance and adapting to life in Glasgow.

Many thanks also to Dr. David Dobson at the University of St. Andrews for his helpful suggestions regarding resources on Scottish emigration and child servants, as well as for specific information related to some of the merchants, ships, and voyages discussed in this dissertation. Dr. Dobson.

Richard Bapty at the University of Glasgow Library and the staff at the National Archives of Scotland in Edinburgh assisted me in locating resource material I would not have discovered without their help, for which I am extremely grateful.

## INTRODUCTION

In Robert Louis Stevenson's famous novel *Kidnapped*, set in the mid-eighteenth century, a young boy is tricked by a close family member into boarding a ship bound for the Carolinas. Once on board, he finds himself held against his will, to be sold as an indentured servant. What many fail to realize is that Stevenson's novel, one of the best known literary adventures of all time, was actually based on the true story of James Annesley of Dublin, who was kidnapped in 1727 at the age of twelve and sold by his uncle into thirteen years' servitude in the colonies. James, known as Jimmy, returned in 1742 to prosecute his uncle in a case which electrified public interest across Britain and Ireland.<sup>1</sup>

The fact is the Annesley story was a familiar one in this era. Throughout the seventeenth and eighteenth centuries, child servants from all parts of Britain and Ireland were shipped to the Americas, many unwillingly, by both the state and their own families. This study focuses on children from Scotland who were sent as labourers to the colonies between 1680 and 1760, with particular emphasis on the practice of selling children without the consent of their family.

This paper will look primarily at children sent to North America, focusing on the Chesapeake and Middle colonies. This region was selected due to a higher availability of accessible source material in these colonies, and because of the particularly strong networks between Scottish merchants in these areas and traders in Scotland. Nevertheless, it must be noted that the Carolinas, along with Boston, ranked second to Virginia as destinations for indentured servants embarking from Scotland, based on a survey I have conducted of accessible colonial and Scottish newspapers, as well as extensive ship data compiled by David Dobson.<sup>2</sup> A number of Scottish servants did also sail from ports in England, which were not included in this survey.

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<sup>1</sup> Campbell Craig (lessee of James Annesley, Esquire), *Memoirs of An Unfortunate Young Nobleman: Return'd From Thirteen Years Slavery in America, Where He Had Been Sent By the Wicked Contrivances of His Cruel Uncle* (London: J. Freeman, 1743); A. Roger Ekirch, *Birthright: The True Story That Inspired Kidnapped* (New York: W. W. Norton & Company, 2010); Don Jordan and Michael Walsh, *White Cargo: The Forgotten History of Britain's White Slaves in America* (Edinburgh: Mainstream Publishing, 2007), pp. 232 – 232; Jon Henley, 'Stranger Than Fiction: The True Story Behind Kidnapped', *The Guardian* (February 18, 2010); Simon Edge, 'Kidnapped by a ruthless Lord', *The Daily Express* (March 1, 2010).

<sup>2</sup> David Dobson, *Ships from Scotland to America 1628 – 1828, vols. 1 – 4* (Baltimore: Genealogical Publishing Company, 1990 – 2011); Joseph T. Buckingham, *Specimens of newspaper literature: with personal memoirs, anecdotes, and reminiscences* (Boston: Charles C. Little and James Brown, 1850); Andrew Bradford, ed., *The American Weekly Mercury, 1686 – 1742* (Philadelphia, Colonial Society of Pennsylvania); *The Boston Newsletter, no. 1, 1704 - 1760* (Boston: John Campbell and Bartholomew Green); Benjamin Mechem and James Parker, eds., *The Connecticut Gazette, 1755 – 1760* (New Haven); Milton M. Klein, ed. *The*

The time frame 1680 to 1760 covers the majority of child servants sent to the colonies from Scotland. Prior to the late seventeenth century, child servants were more likely to be English in origin, with numbers of servants from England declining dramatically in the latter part of that century.<sup>3</sup> Data compiled from over 3,000 indenture forms filed at the London Guildhall puts the number of recorded servants aged 15 and under emigrating from English ports at only 38 between 1718 and 1759, or less than one per year.<sup>4</sup>

*The Universal Etymological English Dictionary*, published in 1737, defines a *kidnapper* as 'one that decoys or spirits (as it is commonly called) children away, and sells them for the Plantations.'<sup>5</sup> The modern Cambridge Dictionary definition is 'one who illegally takes a person away by force', while the Merriam Webster Dictionary definition is 'seizing and detaining or carrying away by unlawful force or fraud'.<sup>6</sup> It should be noted that during the colonial era, not all children shipped against their will were illegally abducted. Pauper children and orphans were often collected by the government and transported to the Americas, as were those convicted of a crime. There are records pertaining to children who were transported from jails and prisons. However, because of the legality of detaining those who were merely indigent or fatherless during the seventeenth and eighteenth centuries, it is difficult to prove how many non-felon child servants were

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*Independent Reflector, or, Weekly essays on sundry important subjects, more particularly adapted to the Province of New-York, by William Livingston and others* (Cambridge: Harvard University Press, 1963); W. Parks, Jonas Green, and William Rind, *The Maryland Gazette, 1728 – 1734, 1745- 1760* (Annapolis); Samuel Kneeland, ed., *The New England Weekly Journal, 1727 – 1741* (Boston); John Holt, ed., William Bradford, ed., *The New York Gazette, 1725 – 1744* (New York); James Franklin, ed., *The Newport Mercury or Weekly Advertiser, 1759 – 1760* (Newport); James Davis, ed., *The North Carolina Gazette, 1751 – 1759, 1756 - 1759* (Newbern); Thomas Whitmarsh, ed., *South Carolina Gazette, 1732 – 1760* (Charleston); Benjamin Franklin, *Pennsylvania Gazette, 1751 – 1760* (Philadelphia); William Bradford, ed., *The Pennsylvania Journal and Weekly Advertiser, 1719 – 1760* (Philadelphia); James Franklin, ed., *The Rhode Island Gazette, 1732 – 1733* (Newport); William Parks, ed., *The Virginia Gazette, 1736 – 1760* (Williamsburg); James Chalmers, ed., *The Aberdeen Press and Journal, 1748 – 1760, Caledonian Mercury, 1720 – 1760* (Edinburgh: William Adams, Jr.); James Watson, ed., *Edinburgh Gazette, 1699 – 1714* (Edinburgh); James McEuen, ed., *Edinburgh Evening Courant, 1718 – 1760* (Edinburgh); *The Glasgow Courant, 1715 – 1746* (Glasgow); *The Glasgow Courant, 1746 – 1760*, The British Newspaper Archive, <http://www.britishnewspaperarchive.co.uk/>.

<sup>3</sup> David W. Galenson, 'The Rise and Fall of Indentured Servitude in the Americas: An Economic Analysis', *The Journal of Economic History*, vol. 44 (March 1984) pp. 9 - 14; A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560 – 1640* (New York: Methuen, 1985); Christopher Tomlins, 'Indentured Servitude in Perspective: European Migration Into North America and the Composition of the Early American Labor Force, 1660 – 1775', *The Economy of Early America: Historical Perspectives & New Directions*, Cathy D. Matson, ed., (Philadelphia: Pennsylvania State University Press, 2006) p. 164; Brendan Wolfe and Martha McCartney, 'Indentured Servants in Colonial Virginia', *Encyclopedia Virginia* (Charlottesville: Virginia Foundation for the Humanities), <http://www.encyclopediaivirginia.org>; James Horn, *Adapting to a New World: English Society in the Seventeenth Century Chesapeake* (Chapel Hill: University of North Carolina Press, 1994); Kennedy Cohen Piehl, *The Brief American Pageant, vol. 1: To 1877* (Boston: Wadsworth, 2012) p. 51.

<sup>4</sup> Jack Kaminkow and Marian Kaminkow, *A List of Emigrants to America, 1718 – 1759* (Baltimore: Genealogical Publishing Co., 2013); David W. Galenson, 'British Servants and the Colonial Indenture System in the Eighteenth Century', *The Journal of Southern History*, vol. 44, pp. 43, 45.

<sup>5</sup> Nathan Bailey, *The Universal Etymological English Dictionary*, vol. II (London: W. Johnston, 1737).

<sup>6</sup> *Cambridge Dictionary* (Cambridge: Cambridge University Press, 2017), <http://dictionary.cambridge.org/>; *Merriam-Webster Dictionary* (Springfield: Merriam-Webster, Incorporated, 2017), <https://www.merriam-webster.com/>.

unlawfully abducted, rather than legally transported, however willing they or their families may have been.

Shipment of child servants to the colonies began in England in 1618, when the Common Council of London entered into an agreement with the Virginia Company to send one hundred orphans and children from impoverished families to the Virginia colony at the city's expense. This was considered beneficial to the city, as it helped to reduce the large number of street children stealing and being disruptive, and it was considered beneficial to the children, who would be given gainful employment.<sup>7</sup> The Lord Mayor of London ordered aldermen to inquire whether impoverished parents 'burdened' with too many children would care to send any of their offspring to Virginia. If the parents answered negatively, they were to be told their families would receive no further poor relief from their parish.<sup>8</sup>

The colonies continued to request further shipments of children throughout the early seventeenth century. In addition to the London orphans, the ranks of convicted criminals sentenced to transportation also included many children, since anyone over the age of seven was considered an adult in the eyes of the law, and was punished accordingly. A child who was transported for a capital offense served for fourteen years, while those who were sentenced for non-capital offenses were given seven years of service.<sup>9</sup>

Consistent high demand for colonial labourers soon gave rise to the practice of kidnapping, or 'spiriting' during the reign of Charles II.<sup>10</sup> A lucrative spiriting industry

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<sup>7</sup> Susan M. Kingsbury, ed., *The Records of the Virginia Company of London : Documents, I, 1607-1622, Vol. 1*, (Washington: Govt. Printing Office, 1906), pp. 270-271; Melvyn Dubofsky and Foster Rhea Duller, *Labor In America: A History* (Wheeling: Harlan Davidson, Inc., 1999), p. 4; David Galenson, *White Servitude in Colonial America: An economic analysis* (Cambridge: Cambridge University Press, 1981), p. 11; Robert C. Johnson, 'The Transportation of Vagrant Children from London to Virginia, 1618 – 1622,' *Early Stuart Studies*, Howard Stuart Reinmuth, ed. (Minneapolis: Oxford University Press, 1970), pp. 137 – 140; Philip Bean and Joy Melville, *Lost Children of the Empire* (London: Unwin Hyman, 1990), p. 1; Robert H. Bremner, ed., *Children & Youth in America: A Documentary History, Vol I: 1600 – 1865* (Cambridge: Harvard University Press, 1970), pp. 3 – 8; Barry M. Coldrey, 'a place to which idle vagrants may be sent: The first phase of child migration during the seventeenth and eighteenth centuries,' *Children and Society*, vol. 13, (February, 1999), pp. 32 – 36, 38 – 40.

<sup>8</sup> Johnson, 'Transportation of Vagrant Children', p. 142.

<sup>9</sup> Roger Kershaw and Janet Sacks, *New Lives for Old* (Kew: The National Archives, 2008), p. 13; Bean and Melville, *Lost Children*, p. 29.

<sup>10</sup> For labour shortage and growth of the tobacco and sugar industries, see Colin C. Palmer, ed., *The Worlds of Unfree Labour: From Indentured Servitude to Slavery* (Aldershot: Ashgate Publishing Limited, 1998), pp. 203, 225; Brian Kelly, 'Material Origins of Racism in North America', (Belfast, Queen's University, 1994), pp. 11 – 12; George Louis Beer, *The Old Colonial System 1660 – 1754*, (New York: The MacMillan Company, 1912), p. 33; William Forrest MacArthur, *History of Port Glasgow* (Glasgow: Jackson, Wylie & Co., 1932), p. 61; Jordan and Walsh, *White Cargo*, p. 113; For kidnapping problem in England, see Theodore W. Allen, *The Invention of the White Race, Volume Two: The Origin of Racial Oppression in Anglo-America* (London: Verso, 1997) pp. 120 – 121; Melvyn Dubofsky and Foster Rhea Duller, *Labor In America: A History* (Wheeling: Harlan Davidson, Inc., 1999), p. 4; Marcus Wilson Jernegan, *Laboring and Dependent Classes in Colonial America 1607 – 1783* (Chicago: University of Chicago Press, 1931), pp. 49 – 50; Edward Channing, *History of the United States, vol. 2* (New York: The Macmillan Company, 1918), pp. 368 – 369; Oliver Perry Chitwood, *A History of Colonial America* (New York: Harper & Brothers, 1961); James Curtis Ballagh, *White Servitude in the Colony of Virginia: a study of the system of indentured labor in the American colonies* (Baltimore: The



developed, with networks of agents and merchants on both sides of the Atlantic engaged in procuring servants through trickery, manipulation, and outright violence. Writing in his personal diary in the 1660's, Boston businessman John Hull casually mentioned that on his return from a recent trip to England, he had brought over 'several children....all in good health, and so disposed of them, and providentially missed the having of one Sam Gaylor, who was placed after with Master Clark, and fell overboard, and was lost by the way'.<sup>11</sup> In the year 1670 an estimated 10,000 servants were spirited from England.<sup>12</sup> Two English kidnappers caught in 1671 bragged about the number of abducted servants they had sent to the colonies in one year, one stating 500 and the other 840.<sup>13</sup> Because of the boasting nature of these claims, however, it is unlikely the numbers were quite this high.

Though indentured servants traditionally came from the lower ranks of society, Spirits targeted people across all social classes, particularly children and adolescents of both sexes.<sup>14</sup> 'Crimps' were the muscle behind the operation, agents hired by merchants and mariners to procure servants.<sup>15</sup> They employed a variety of means, one being a deceptive sales pitch, in which the gullible and naïve were basically promised that they would be taken to a land of milk and honey, clothed in the finest garments, and treated like royalty.<sup>16</sup> Adolescent boys were sometimes enticed with alcohol and prostitutes, while smaller children were coaxed onto ships with sweets and promises of fun activities.<sup>17</sup> All else failing, the crimps resorted to outright violence and seizure of unwilling victims.<sup>18</sup> In many cases an official-looking office was set up, staffed by an 'office-keeper', to give the enterprise an air of legitimacy.<sup>19</sup> Brokers printed bulk indenture forms, similar to modern contracts, with blank slots for the names of the servants to be filled in and blocks for their signatures, which the office managers, described by a contemporary as well-dressed, but utterly lacking in scruples, would obtain in any way they could.<sup>20</sup> Apparently this cloak of

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Johns Hopkins Press, 1895), pp. 38 – 39; Jordan and Walsh, *White Cargo*, pp. 127-136; Bremner, *Children and Youth in America*, pp. 9 - 12; Coldrey, 'Idle Vagrants', p. 41; Galenson, 'Colonial Indenture', p. 54.

<sup>11</sup> Lawrence William Towner, *A Good Master Well Served: Masters and Servants in Colonial Massachusetts, 1620 – 1750* (New York: Garland Publishing, Inc., 1998), p. 36; Jordan and Walsh, *White Cargo*, p. 119.

<sup>12</sup> Morgan Godwyn, *The Negro's and Indians Advocate Suing for Their Admission Into the Church* (Whitefish: Kessinger Publishing, 1680) p. 171.

<sup>13</sup> Channing, *History of the United States*, p. 369; Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607 – 1776* (Baltimore: Genealogical Publishing Company, 2009), p. 74.

<sup>14</sup> Jernegan, *Laboring and Dependant Classes*, p. 50; Jordan and Walsh, *White Cargo*, pp. 129 – 130.

<sup>15</sup> Douglas Skelton, *Indian Peter: The Extraordinary Life and Adventures of Peter Williamson* (Edinburgh: Mainstream Publishing, 2007) p. 24; Lois Green Carr, Phillip D. Morgan, and Jean B. Russo, eds. *Colonial Chesapeake Society* (Chapel Hill: University of North Carolina Press, 1988) p. 127; James S. Borlase, 'Kidnapped or The Adventures of Peter Williamson: A Tale of the Slave Dealers of Aberdeen', *Dundee Courier* (Tuesday, 23 May, 1882), p. 7.

<sup>16</sup> Jernegan, *Laboring and Dependent Classes*, p. 50; *Memorial for Peter Williamson against William Fordyce and Others* (Edinburgh: n. p., 1765), p. 45.

<sup>17</sup> Chitwood, *History of Colonial America*, p. 341; *Memorial for Peter Williamson*, p. 51; Smith, *Colonists in Bondage*, p. 69.

<sup>18</sup> Jordan and Walsh, *White Cargo*, p. 129; *Memorial for Peter Williamson*.

<sup>19</sup> Jordan and Walsh, *White Cargo*, p. 129.

<sup>20</sup> Ibid, pp. 118, 130

pseudo-respectability did serve to legitimize kidnapping operations in the eyes of many. In *Colonists in Bondage*, Abbot Emerson Smith states that ‘kidnappers and spirits instead of being deplorable outlaws in the servant trade were the faithful and indispensable adjuncts of its most respected merchants.’<sup>21</sup> We see this truth clearly revealed in the eighteenth century Aberdeen court cases examined in Chapter 4, but it was also true in other areas. In Bristol, England, even some local noblewomen and the mayor were involved in the business.<sup>22</sup>

To combat increasing public outcry over this problem, several ordinances of escalating seriousness were passed in England. In 1646, a law was passed requiring customs officials to keep a register of all those aboard ships sailing from English ports, and the governor of each colonial province was to provide a return certificate confirming the arrival of each person.<sup>23</sup> The Council of Bristol, one of the chief ports of disembarkation for colonial-bound vessels, passed an ordinance in 1654 ordering that a log be kept of all indentured servants sailing to the colonies, along with their destinations and the terms of their indentures.<sup>24</sup> In 1664, a plan was put forward by Parliament requiring that every colonial emigrant be personally interviewed to confirm they were sailing of their own free will, and failure to properly register a servant carried a £20 penalty. The permission of friends or relatives was required for the indenture of children under twelve years of age, and good reason for the indenture had to be shown.<sup>25</sup> Kidnapping was made a crime punishable by death without benefit of clergy in 1670.<sup>26</sup> A 1682 government initiative laid out stricter guidelines for indenture agreements.<sup>27</sup>

In contrast, an inspection of Scottish Parliamentary Records reveals very little legislation of this sort. In 1661, Barbados had passed *The Act for the Ordaining of Rights Between Masters and Servants*, banning the importation of English child servants under the age of 14 without written consent of a parent or guardian, but this act did not limit the shipment of children of any age from Scotland or Ireland.<sup>28</sup> It is true that the Scottish Parliament passed an act in 1700 stating that no one was to be transported out of the country

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<sup>21</sup> Smith, *Colonists in Bondage*, p. 77.

<sup>22</sup> Chitwood, *History of Colonial America*, p. 341; Ballagh, *White Servitude*, pp. 38 – 39.

<sup>23</sup> Abbot Emerson Smith, ‘Kidnapping and White Servitude’, *Childhood in America*, Paula S. Fass and Mary Ann Mason, eds. (New York: New York University Press, 2000), p. 349; Jordan and Walsh, *White Cargo*, p. 134; John Wareing, *Emigrants to America: Indentured Servants Recruited in London, 1718 – 1733* (Baltimore: Genealogical Publishing Company, 1985) p. 12.

<sup>24</sup> Ibid.

<sup>25</sup> Jordan and Walsh, *White Cargo*, p. 134; Wareing, *Emigrants to America*, pp. 12 – 13; Ballagh, *White Servitude*, pp. 30, 39.

<sup>26</sup> Jordan and Walsh, *White Cargo*, p. 134; Herbert L. Byrd, Jr., *Proclamation 1625: America’s Enslavement of the Irish* (Victoria: The Ingram Book Company, 2016), p. 54; Wareing, *Emigrants to America*, pp. 12 – 13; Ballagh, *White Servitude*, p. 30; Jernegan, *Laboring and Dependent Classes*, p. 50.

<sup>27</sup> Jordan and Walsh, *White Cargo*, pp. 135, 188; Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607 – 1776* (Baltimore: Genealogical Publishing Company, 2009) p. 19.

<sup>28</sup> Jordan and Walsh, *White Cargo*, p. 188.

against his will except for by his consent given before a judge, or by legal sentence, but this appears to have been the only catch-all legislation addressing the issue.<sup>29</sup>

Another highly significant contributing factor was that Scottish servants, unlike most exports, were exempt from the English Navigation Acts, therefore ships carrying servants from there would not have to pass through English customs and be subject to the same tariffs or guidelines as those sailing from England.<sup>30</sup> Hence, while England was tightening restrictions on the laws regarding English servants, this exemption did much to encourage the shipping of servants from Scotland. It seems obvious that the comparative lack of legal restrictions under Scottish law and specific exemption from laws governing shipment of English servants would make Scotland a prime location for the enterprise of human trafficking. The shift in focus of such operations from England to Scotland certainly cannot be accounted for by any possibility that the supply of impoverished English children had become depleted. Between 1696 and 1750, English expenditures on the poor doubled, and poor relief expenditures continued to grow throughout the eighteenth century as the birth rate and population increased.<sup>31</sup>

Further complicating the situation in Scotland was the atmosphere of political and social turbulence created by Jacobite Risings 1689 – 1745 and the Scottish famine of the 1690's, during which throngs of poverty-stricken Scots flocked to more populated areas in search of sustenance. Karen Cullen relates that so many destitute wanderers, many carrying diseases, flocked to Edinburgh during this period that in 1696 refugee camps were erected to provide for them.<sup>32</sup> Andrew Fletcher of Saltoun estimated in 1698 that 200,000 people, which would have amounted to one-sixth of Scotland's populace at that time, had become wandering beggars.<sup>33</sup> According to Robert E. Tyson, between one and two out of every ten persons perished, and in some places even more.<sup>34</sup>

Such a level of dearth and destruction would have been advantageous for the operators of kidnapping rings. Knowing that multitudes were in severe want, countrymen might

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<sup>29</sup> Parliamentary Minutes, 29 October, 1700, *Records of the Parliaments of Scotland*, [M1700/10/10], <http://www.rps.ac.uk/>; T. B. Howell, ed., *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors, From the Earliest Period to the Year 1783*, vol. 23 (London: T. C. Hensard, 1817), p. 862; Joseph Gerrald, *Lives and Trials of The Reformers, Part 1, Containing the Trial of Joseph Gerrald, Before the High Court of Justiciary at Edinburgh on the 13th and 14th of March, 1794, for Sedition* (Edinburgh: W. Tait, 1836) p. 27.

<sup>30</sup> Eric J. Graham, *A Maritime History of Scotland 1650 – 1790*, (Phantassie: Tuckwell Press, 2002) p. 44; Allan I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707* (Cambridge: Cambridge University Press, 2007) pp. 159, 161; 'Navigation Acts', Digital History website, <http://www.digitalhistory.uh.edu>.

<sup>31</sup> Paul Slack, *The English Poor Law 1531 – 1782* (Oxford: Macmillan Education) p. 32.

<sup>32</sup> Karen Cullen, *Famine in Scotland – the 'Ill Years' of the 1690s* (Edinburgh: Edinburgh University Press, p. 160; Karen Cullen, 'The Famine of the 1690's and Its Aftermath: Survival and Recovery of the Family', *Finding the Family in Medieval and Early Modern Scotland* Elizabeth Ewan and Janay Nugent, eds. (Aldershot: Ashgate Publishing Limited, 2008) p. 155.

<sup>33</sup> Andrew Fletcher of Saltoun, 'Two Discourses concerning the Affairs of Scotland', *Selected Discourses and Speeches* (Edinburgh: n.p., 1698) p. 55.

<sup>34</sup> Robert E. Tyson, 'Demographic Change,' *Eighteenth Century Scotland: New Perspectives*, T. M. Devine and J. R. Young, eds. (East Linton: Tuckwell Press, 1999), pp 48 – 50.

easily look upon conveyors of indentured servants as a type of philanthropist, providing starving children with the possibility of a better future, and at the same time clearing the countryside of troublesome vagrants, who were likely to be more feared as potential criminals and shiftless mischief makers than pitied.<sup>35</sup> This sentiment is illustrated by merchant Andrew Sympson, who declared that servants were 'rather a burden than a benefit to the nation'.<sup>36</sup> Fletcher of Saltoun, also, was of the mind that the poor were 'no way advantageous, but a very grievous burden to such a poor country', and that 'it were better for the nation they were sold to the galleys or West Indies, than that they should continue any longer to be a burden and curse upon us'.<sup>37</sup>

Another factor which must be considered is that during such times of severe shortage, with hordes of impoverished roaming the countryside and falling dead in the city streets, the number of people voluntarily indenting themselves naturally increased. In 'Famine in Scotland – the Ill Years of the 1690s', Karen Cullen quotes a 1698 letter stating that an 'abundance of all sorts' were ready to ship out for the colonies, and another in 1700 reporting that 'Our people in great multitudes have been forced to sell themselves as bond servants...to other Nations in their Plantations'.<sup>38</sup> An article written in 1699 references the prevalent societal attitude that the famine had actually been beneficial to Scotland, in encouraging emigration of the poor and miserable who would have otherwise starved, though the author points out that those most likely to starve would have been the lame, blind, crippled, maimed, sickly, or ill, rather than the young and healthy who were able to indent themselves.<sup>39</sup>

It seems logical that in such a climate the abduction of a child whose parents were not paupers could have been much more easily overlooked than it could have been in times of plenty. This would have particularly been the case if the abduction were carried out by a well-dressed businessman claiming to run a respectable practice that benefitted society. Barry M. Coldrey has shown that the traffic in English children kidnapped for labour in the colonies increased during the turbulent 1640s.<sup>40</sup> Why would the same not be true of Scotland during politically fractious decades?

Unlike Scotland, England suffered no dearth or famine during the 1690s.<sup>41</sup> All of the above elements worked together to produce a more favourable atmosphere for

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<sup>35</sup> Andrew Fletcher of Saltoun, 'Second Discourse concerning the Affairs of Scotland', *Selected Discourses and Speeches* (Edinburgh: n.p., 1698) p. 48; Cullen, *Famine in Scotland*, pp. 161 – 162, 168, 176; Robert E. Tyson, 'Famine in Aberdeenshire, 1695 – 1699', David Stevenson, ed., *From Lairds to Louns* (Aberdeen: Aberdeen University Press, 1986), p. 37.

<sup>36</sup> Quoted in Cullen, *Famine in Scotland*, p. 176.

<sup>37</sup> Fletcher of Saltoun, 'Second Discourse', p. 55.

<sup>38</sup> Cullen, *Famine in Scotland*, pp. 174 – 175 (Cullen references a letter from William Fall to Daniel Edward Mason, 6 August 1698 and an Anonymous letter to Parliament, 1700).

<sup>39</sup> Anonymous, 'An Essay Against The Transportation and Selling of Men to the Plantations of Forreigners; With Special regard to the Manufactories, and other Domestick Improvements of the Kingdom of Scotland' (Edinburgh: n. p., 1699), p. 6.

<sup>40</sup> Coldrey, 'Idle Vagrants', p. 41.

<sup>41</sup> Cullen, *Famine in Scotland*, p. 25.

kidnapping north of the English border. According to the author of a 1699 article, English merchants would coax Scottish colleagues into buying shares in English ships, then encourage the new owners to employ their relatives, friends, and acquaintances in Scotland in procuring servants to sail to the colonies. When the ships would arrive in Scottish ports bearing credential letters, these associates would go to work 'like as many Spaniel-Doggs to hunt and fetch the poor Birds'.<sup>42</sup>

Most of the material that has been written on indentured servants thus far has primarily focused on those from England. Over the last three decades, historians such as David Galenson, Farley Grubb, John Van der Zee, Sharon Salinger, Clifford Lindsey Alderman, and many others have more than amply covered the topic of indentured servants in general. British convict labour has also received a moderate amount of coverage by writers including Roger Ekirtch, Gwenda Morgan, Peter Rushton, Anthony Vaver, and Walter Hart Blumenthal. Robert Johnson has written on the London orphans shipped by the Virginia Company, Barry M. Coldrey has done work on child migration in the seventeenth and eighteenth centuries, and Peter Wilson Coldham has examined the apprenticeships of children from Christ's Hospital in London. Joseph Robins did extensive work on the plight of poor children in Ireland, including those transported as labourers, and John Wareing has studied the kidnapping of adult indentured servants 1645 to 1718.

As Coldrey states, "The course of child emigration in the seventeenth and eighteenth centuries has never been researched thoroughly".<sup>43</sup> What work has been done on the subject has focused on children from England or Ireland. Virtually nothing has been written about children sent to the colonies from Scotland. Very often, authors categorize all servants from the British Isles as 'English' or 'from England'.<sup>44</sup> When servants from Scotland are specifically spoken of, in works such as Jordan's and Walsh's *White Cargo* or Herrick's *White Servitude in Pennsylvania*, they are only mentioned briefly, amongst cases which occurred in the British Isles as a whole. David Dobson mentions the Scottish kidnapping trade in writing on Scottish emigrants to the Americas, but Dobson's material does not examine the subject in depth. T. M. Devine has written extensively about the Scottish tobacco merchants, who were often also exporters of indentured servants, but his work does not mention this connection. Though he does occasionally refer to servants kidnapped into indenture, Scottish indentured servants, and child servants in his works concerning the Caribbean slave trade, these topics are not given a great deal of attention. American historian Richard Hayes Phillips has painstakingly researched undocumented child servants from the British Isles, but he does not separate the Scottish children from English, Irish, and Welsh, and he does not discuss the issue, merely presents the data gleaned from colonial court records. Moreover, Phillips's work covers only the

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<sup>42</sup> Anonymous, 'Transportation and Selling of Men', p. 5.

<sup>43</sup> Coldrey, 'Idle Vagrants', p. 45.

<sup>44</sup> Anthony S. Parent, Jr., *Foul Means: The Formation of a Slave Society in Virginia, 1660 – 1740* (Chapel Hill: University of North Carolina Press, 2003) p. 86; Abigail Leslie Swingen, *Competing Visions of Empire: Labor, Slavery, and the Origins of the British Atlantic Empire* (New Haven: Yale University Press, 2015) p. 20; David Eltis, *The Rise of African Slavery in the Americas* (Cambridge: Cambridge University Press, 2000) p. 95.

colonies of Maryland and Virginia, 1660 to 1720. Thus far, no in-depth study has been done on child servants from Scotland or the rise of the kidnapping industry there.

This thesis examines the reasons Scotland became a focus of the kidnapping trade 1680 to 1760, as well as some of the people involved in carrying out this trade on both sides of the Atlantic, and details specific cases for which reliable documentation exists.

Unfortunately, as previously mentioned, there is no way of proving child servants were kidnapped with any real certainty. There are a handful of records of legal action involving kidnapping cases, but the bulk of information is found in indenture and shipping records, as well as a few incidents of servants declaring before colonial courts that they had been taken from home against their will. The material in this study has been assembled by piecing together information from a wide variety of sources in order to construct a more complete picture of a situation which has thus far escaped public scrutiny.

Data has been compiled over an extensive source base. Recent research on Scottish maritime history, colonial trade, indentured servants, emigration to the colonies, and the political and cultural influences at work in seventeenth and eighteenth century Scotland has been examined. The lists of undocumented child servants compiled from colonial court order books by Richard Hayes Phillips have been an invaluable resource, as has the extensive material on Scottish emigrants written by David Dobson. The work of Don Jordan and Michael Walsh, exemplified in their book *White Cargo*, has provided a wonderful overview of the kidnapping industry, as well as several specific examples of kidnap victims and the world of the colonial servant.

Data has also been collected from a variety of colonial and early Scottish newspapers, as well local and family histories, biographies, autobiographies, and personal ledgers and diaries of colonial figures such as William Penn, William Trent, James Logan, and others. Seventeenth and eighteenth century birth records and wills have helped to fill in some gaps regarding the families discussed and to illustrate the master-servant relationship. A wide range of English and Scottish governmental records have been searched, including the various Navigation Acts and ordinances regarding transportation of servants, as well as shipping permits, records of Scottish voyages to the colonies, burgh records, town records, port records, and government reports. Colonial court records, minutes of colonial council proceedings, patents, deeds, and other government archives have been analysed. Court cases in Scotland and the colonies regarding kidnapping and illicit trade have been studied, as have indenture records on both sides of the Atlantic. Letters written by noblemen are referenced, along with contemporary political essays, to illustrate societal views on the plight of the poor and the transportation of servants to the colonies.

Thus, the completion of this study has necessitated compilation of a very diverse range of source material, much of which has never been referenced regarding the transportation of child servants. The information collected in these pages has been assembled to provide a more complete picture of child abduction in Scotland during the colonial era,

those involved, and the factors which contributed to the operation of the trade in children.

Chapter 1 provides an analysis of Scotland's position in colonial trade and the challenges and opportunities facing Scottish merchants and mariners. Chapter 2 is a case study of two prominent merchant families, the Trents and the Coutts, and the evidence linking them to the kidnapping trade. Because extensive evidence is drawn from the legal records of Aberdeen, from which some six hundred boys and girls are estimated to have been abducted during one six year period, 1740 – 1746, Chapter 3 examines the cultural and political situation of Aberdeen in the 1740s, while Chapter 4 is a case study of some of the children taken from that town and the events relating to these abductions.

## Chapter 1

### An Analysis of the Pressures Facing Scots Traders 1680-1760

In order to develop a better understanding of the reasons colonial-era merchants would be tempted to engage in the illegal shipment of children, we must take a closer look at the situation Scottish merchants and mariners were facing at this time. By the late seventeenth century, Scotland was in a very complicated position in terms of colonial trade. On the one hand, English attempts to control trade with her colonies in the Americas resulted in an almost paranoid level of Anglo-protectionism in which matters were distinctly biased against the Scots. On the other hand, as the research of Allan Macinnes, T. C. Smout, L. M. Cullen and T. M. Devine has shown, Scots were able to meet these challenges by developing their own ways of dealing with trade restrictions, allowing some traders to reap a considerable profit, despite the difficulties they encountered.<sup>1</sup> According to Macinnes, colonial trade in the seventeenth century offered Scots an opportunity to break free from the dominance of European mercantilism, while also allowing them to sustain regal union with England in the absence of political incorporation.<sup>2</sup>

Prior to the Union of 1707, Scotland, though united with England via the Crown, continued to function as a separate nation with its own commercial interests and naval institutions. It is not illogical that English protectionist interests would favour restrictions on trade with her overseas colonies. Rather than being an exception to this policy by nature of their regal links, as they might have expected, the Scots became a particular target of these protectionist policies. In 1660, the English Parliament passed a Navigation Act mandating that all ships trading with England's overseas colonies must have an English shipmaster, and three-fourths of her crew must be English as well. Colonial imports were to go to England only, and any ships in violation of these guidelines were to be seized.<sup>3</sup> Scotland attempted to have the Act suspended, but the request was denied

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<sup>1</sup> See Macinnes, *Union and Empire*; T. M. Devine, 'Colonial Commerce and the Scottish Economy, c. 1730 – 1815', *Comparative Aspects of Scottish and Irish Economic and Social History 1600 – 1900*, L. M. Cullen and T. C. Smout, eds. (Edinburgh: John Donald Publishers, Ltd., 1977); T. M. Devine, *Recovering Scotland's Slavery Past: The Caribbean Connection* (Edinburgh: Edinburgh University Press, 2011); T. M. Devine, *The Tobacco Lords: A Study of the Tobacco Merchants of Glasgow and their Trading Activities c. 1740 – 90* (Edinburgh: John Donald Publishers, Ltd, 1975).

<sup>2</sup> Macinnes, *Union and Empire*, p. 137.

<sup>3</sup> Macinnes, *Union and Empire*, p. 156; Graham, *Maritime History*, p. 14; Nelson Klose and Robert F. Jones, *United States History: To 1877* (Hauppauge: Barons, 1994), p. 37; Hugh Edward Egerton, *A short history of British colonial policy* (London: Methuen & Co., 1897) pp. 70 – 71; 'Navigation Acts', Digital History website, <http://www.digitalhistory.uh.edu>; 'Import and Export: The Navigation Laws', Living Heritage, [www.parliament.uk](http://www.parliament.uk); Murray N. Rothbard, 'The Restoration and the Navigation Acts' (Mises Institute, Oct. 23, 2012) <https://mises.org/library/restoration-and-navigation-acts>.



by England in 1661.<sup>4</sup> The Scots responded by passing legislation in favour of their own mariners, and the struggle between the two nations intensified.<sup>5</sup> As the English reacted to the new Scottish Acts with hostility, Scottish Commissioners pressed their case that the Union of Crowns gave Scotland the right to participate in domestic trade with England and her colonies. In 1663, a compromise was reached, allowing the Scots access to colonial trade, provided all ships sailing to the colonies would pass through English customs, and shipmasters would submit a detailed list of the cargo. A handful of exceptions were made for certain exports to the colonies, such as salt, fish, grain, horses and servants, which were not subject to the tariffs or customs checks applied to other goods.<sup>6</sup> However, further acts were to follow in 1670-72 which required captains to give bond that all goods would be carried to England or another English colony within 18 months.<sup>7</sup> In 1673, the Plantation Duty Act was passed, imposing customs duties on exports from the colonies and appointing colonial customs agents to collect these duties, with a refund to be issues once the goods reached England or another English colony.<sup>8</sup> This would ensure that all exports would pass through English customs in order for merchants to receive their rebate. Scottish mariners found themselves subjected to increasingly high tariffs and strict regulations, particularly through the 1690s.<sup>9</sup> English tariffs on colonial goods imported to the British Isles as much as quadrupled 1690 through 1704. To avoid paying English import fees, Scot mariners would often bypass the required English customs checks and sail directly to a Scottish port, shipping their goods to England and Ireland at a later date.<sup>10</sup>

In addition to this, customs regulations became increasingly elaborate during the late seventeenth and early eighteenth centuries, as England attempted to guard her economic profits from the colonies.<sup>11</sup> Officials applied these regulations with unrelenting severity, to the point that vessels seeking shelter from storms or damaged and in need of harbour

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<sup>4</sup> Macinnes, *Union and Empire*, p. 159.

<sup>5</sup> *Act for encouraging of shipping and navigation*, [M1661/1/341], *Acts approved* [M1661/1/65] <http://www.rps.ac.uk/>; Graham, *Maritime History*, p. 15.

<sup>6</sup> Graham, *Maritime History*, pp. 14 – 18; Klose and Jones, *US History to 1877*, p. 37; 'Navigation Acts', Digital History website, <http://www.digitalhistory.uh.edu>; 'Navigation Laws', Living Heritage website, [www.parliament.uk](http://www.parliament.uk); Rothbard, 'Restoration and the Navigation Acts' (Mises Institute, Oct. 23, 2012) <https://mises.org/library/restoration-and-navigation-acts>.

<sup>7</sup> 'Navigation Acts', Digital History website, <http://www.digitalhistory.uh.edu>; Egerton, *British colonial policy*, p. 72.

<sup>8</sup> 'Navigation Acts', Digital History website, <http://www.digitalhistory.uh.edu>; 'The Navigation Acts', Chronicles of America, [http://www.chroniclesofamerica.com/southern-colonies/navigation\\_acts.htm](http://www.chroniclesofamerica.com/southern-colonies/navigation_acts.htm); Egerton, *British colonial policy*, p. 72.

<sup>9</sup> Graham, *Maritime History*, pp. 62 – 64; S. J. Brown and Christopher Whatley, eds., *The Union of 1707: New Dimensions* (Edinburgh: Edinburgh University Press, 2008), pp. 3, 10 – 12; Devine, *The Tobacco Lords*, p. 35; Devine, *Recovering Scotland's Slavery Past*, pp. 12 – 13; T. M. Devine, 'Did Slavery Make Scotia Great?', *Britain and the World*, vol. 4 (2011), pp. 40 – 64; MacInnes, *Union and Empire*, pp. 143 –160, 173, 187; L. M. Cullen, 'Merchant Communities Overseas, the Navigation Acts and Irish and Scottish Responses', Cullen and Smout, *Comparative Aspects*, pp. 165 – 166; Christopher Whatley, *Scottish Society 1707 – 1830: Beyond Jacobitism, towards industrialisation* (Manchester: Manchester University Press, 2000), p. 36, 74.

<sup>10</sup> Graham, *Maritime History*, pp. 102-103.

<sup>11</sup> Graham, *Maritime History*, pp. 73 – 75; Macinnes, *Union and Empire*, p. 3.

were seized on the Clyde because they had not passed through English customs first.<sup>12</sup> The situation was further complicated by warfare between England and France 1689 – 1697 and 1702 – 1714, resulting in prohibitions against trade with the pro-Jacobite French. As Scotland, traditionally sympathetic to France, lay immediately to the north of England, the possibility of a French invasion was a serious threat. The topography of heavily pro-Jacobite areas of Scotland and Ireland invited invasion by the French enemy, necessitating that close watch be kept on Scotland's western coast.<sup>13</sup> Embargos on all ships sailing from the west coast were imposed in 1689 and 1691.<sup>14</sup> At the same time, rumours of an imminent French invasion in the east prompted careful monitoring that coastline as well.<sup>15</sup>

Officers of the Crown did not hesitate to seize any ship suspected of Jacobite sympathies. Scottish vessels were regularly confiscated upon the flimsiest of pretexts, and if wrecked, ships risked being looted and the sailors beaten and stripped of their belongings.<sup>16</sup> The level of overzealous efforts by English officials is illustrated by the fact that in 1689 a vessel transporting the family of Sir Robert Barclay to the spa at Bath was seized and the family treated roughly and held on suspicion of communication with Jacobite forces.<sup>17</sup> Clearly, Scottish mariners not only had to suffer the cost of expensive English tariffs, but also now faced the possibility that their vessels might be attacked or seized upon suspicion of aiding and abetting Jacobite forces or for some infraction of customs procedures.

Facing such challenges, it was necessary for Scottish traders to play up whatever strengths they had in order to compete in the colonial market. Despite the immense obstacles thus placed in their path, Macinnes and Devine argue that Scottish merchants were able to become a substantial force in colonial trade through talents in networking, shrewd ability to size up opportunities, and willingness to take risks. They took an aggressive stance, avoiding spheres where their competitors had already established strongholds, and striking out into fresh territories where they could boldly forge their way.<sup>18</sup>

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<sup>12</sup> Eric Graham, 'In Defence of Scottish Maritime Interest, 1681 – 1713', *Scottish Historical Review*, vol. 71 (Apr.-Oct., 1992) p. 94.

<sup>13</sup> Graham, 'Scottish Maritime Interest', pp. 91 - 93; Graham, *Maritime History*, p. 64; Pádraig Lenihan, ed., *Conquest and Resistance: War in Seventeenth-Century Ireland* (Leiden: Brill, 2001), pp. 78-79.

<sup>14</sup> Lenihan, *Conquest and Resistance: War in Seventeenth-Century Ireland* (Leiden: Brill, 2001), pp. 78-79.

<sup>14</sup> Lenihan, *Conquest and Resistance*, p. 78; Siobhan Talbott, *Conflict, Commerce and Franco-Scottish Relations, 1560 – 1713* (London: Routledge, 2016), p. 123; Graham, *Maritime History*, p. 64; Graham, 'Scottish Maritime Interest', p. 91

<sup>15</sup> Graham, *Maritime History*, p. 64.

<sup>16</sup> Graham, *Maritime History*, pp. 64, 75, 95; Brown and Whatley, *Union of 1707*, p. 156, Graham, 'Scottish Maritime Interest', p. 95.

<sup>17</sup> Graham, 'Scottish Maritime Interest', pp. 93, 95; Graham, *Maritime History*, p. 37.

<sup>18</sup> Devine, *Recovering Scotland's Slavery Past*, pp. 12 – 14; Macinnes, Chapter 6, 'The Transatlantic Dimension', *Union and Empire*, pp. 137 – 187.

Particularly in the tobacco trade, Scottish merchants took leadership. The Philadelphia tobacco industry was described in 1700 by Robert Quarry, Judge of the Admiralty in Pennsylvania and New Jersey as being 'engrossed by the Scotch as almost all other trade is'.<sup>19</sup> Quarry complained that Scots dominated the market through competitive pricing, effectively excluding all other traders.

As Devine has established, Scot tobacco merchants gained a further advantage over their competitors by acquiring stocks of tobacco in advance in order to cut turnaround times of incoming vessels and thereby save on freight expenses. By reducing overhead costs and quickly re-selling the tobacco to customers in Europe, merchants were able to maintain very low operating expenses, and thus to quote especially good prices to colonial planters.<sup>20</sup>

The work of Devine, Macinnes and Dobson has explained how Scottish traders, building on a cultural loyalty to family and clan, and a history of networking, formed a transatlantic web of social and personal connections linked by ties of marriage, kinship, and community, which ensured that Scots mariners and merchants trading in the colonies were insulated to a degree from English customs officials.<sup>21</sup> Many families set up business on both sides of the Atlantic, some members establishing themselves in the colonies while other relatives remained behind in Scotland managing sister operations there. This growing new merchant class was made up of upwardly mobile middle and upper-middle class families who were quick to seize upon entrepreneurial opportunities where they could be found. In English-controlled colonies, Scots traders often networked with merchants in London, but Macinnes notes that they also traded with associates in the Netherlands, Germany, Spain, France, and Ireland.<sup>22</sup>

Scots quickly gained a foothold in the Caribbean by avoiding English-dominated areas such as Barbados, and instead developing other islands like St. Christopher, also known as St. Kitts, a formerly French territory officially partitioned in 1626 to allow for British settlement.<sup>23</sup> Ambitious young Scotsmen were lured by the promise of quick fortunes to be made on Caribbean sugar plantations, after which they would often retire to London to live as gentlemen of means.<sup>24</sup> Vast material success achieved by Caribbean plantation owners prompted attempts at similar quick fortunes by many more hopeful friends and relatives, and Scottish networks were soon in place on the islands as well as the North American colonies. From the 1640s such networks were facilitating importation of

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<sup>19</sup> Joseph Redington, *Calendar of Treasury Papers*, vol. 73 (London: Her Majesty's Stationery Office, 1871) no. 43, April 8, 1701, references papers of Robert Quarry, 1699 – 1701.

<sup>20</sup> Devine, *Tobacco Lords*, p. 58.

<sup>21</sup> See Devine, *The Tobacco Lords*; Devine, *Scotland's Slavery Past*; Macinnes, *Union and Empire*; for more on cultural traditions of familial loyalty and networking, see also Steve Murdoch, *Network North: Scottish Kin, Commercial and Covert Associations in Northern Europe 1603 – 1746* (Leiden: Brill, 2006); David Dobson, *Scottish Emigration to Colonial America, 1607 – 1785* (Athens: University of Georgia Press, 1994).

<sup>22</sup> Macinnes, *Union and Empire*, pp. 149, 160; Devine 'Did Slavery Make Scotia Great?', pp. 44 – 45; Devine, *Scotland's Slavery Past*, p. 127.

<sup>23</sup> Devine, *Recovering Scotland's Slavery Past*, p. 14.; Graham, *Maritime History*, p. 37.

<sup>24</sup> Devine, 'Did Slavery Make Scotia Great', p. 45; Devine, *Recovering Scotland's Slavery Past*, p. 5.

Caribbean sugar to Scotland, particularly Glasgow.<sup>25</sup> In 1671, Charles II began encouraging Scots colonists to settle on the island of Dominica, as he did with St. Vincent in 1678.<sup>26</sup> By 1678 it is estimated that over 200 Scots had set up operation on the islands of Nevis, Montserrat and Antigua.<sup>27</sup> By 1711, enthusiasm had reached a sufficient fever pitch to prompt a land rush on sugar plantations in Jamaica and St. Kitts.<sup>28</sup>

One rather obvious avenue of response to rising tariffs and ever-increasing regulations to which Scottish traders were subjected was illegal smuggling, both before and after the Union of 1707. Scots merchants and mariners became quite adept at bypassing English customs, and were not above forging documents, smuggling, falsifying records, or short-cutting regulations in various ways.<sup>29</sup> The fact that the colony of Delaware was a hotly contested region between the English and the Dutch from 1632 to 1685, and therefore exempt from English regulation, was often taken advantage of by mariners, particularly those smuggling tobacco.<sup>30</sup>

In a report dated 1700, Edward Randolph, Secretary of the Dominion of New England, describes the extreme level of illicit trading in the colonies, particularly concerning the tobacco industry.

The Scotch merchants and others inhabiting that Province [Pennsylvania] used to carry their goods out of Delaware overland to the heads of Sassafrass, Bohemia and Elke rivers in Maryland where they purchased tobacco and paid no duty for it, carrying it the same way to Delaware, and shipped it aboard vessels which lay ready to receive it, 40 miles below the Port of Newcastle, which was carried directly into Scotland.<sup>31</sup>

Philadelphia in particular is regularly mentioned as an especially friendly locale for illegal trading in the North American colonies. The colony of Pennsylvania was founded and chiefly inhabited by Quakers, and the basic structure of that religion may have contributed to local government turning a blind eye to what they considered minor infractions of English law. Differences among Quakers were generally settled by committees appointed at the church Monthly Meeting rather than in courts of law, and

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<sup>25</sup> Graham, *Maritime History*, p. 37.

<sup>26</sup> NAS Records, GD205/40/1313, *Ogilvy of Iverquhart papers, warrant from Charles II to Sir John Nisbet, 10 Jul. 1671*; GD205/40/13/4, *Duke of Lauderdale to Sir John Nisbet, 22 Jul., 1671*; Dobson, *Scottish Emigration*, pp. 74, 76.

<sup>27</sup> T. C. Smout, N. C. Landsman, and T. M. Devine, 'Scottish Emigration in the Seventeenth and Eighteenth Centuries', *Europeans on the Move: Studies in European Migration 1500 – 1800*, Nicholas Canny, ed., (Oxford: Clarendon Press, 1994) pp. 76 – 112.

<sup>28</sup> T. M. Devine, *Scotland's Empire, 1600 – 1815* (London: Allen Lane, 2003), p. 231.

<sup>29</sup> Macinnes, *Union and Empire*, pp. 137, 159-160; Devine, *Recovering Scotland's Slavery Past*, p. 12; Brown and Whatley, *Union of 1707*, p. 12; Graham, *Maritime History*, pp. 108 – 112; Theodora Keith, 'Scottish Trade with the Plantations before 1707', *Scottish History Review*, vol. 6 (Oct. 1908), pp. 43 – 47.

<sup>30</sup> Gary Alden Smith, *State and National Boundaries of the United States* (Jefferson: McFarland & Company, Inc., 2004), pp. 37 – 38; Macinnes, *Union and Empire*, p. 159.

<sup>31</sup> C. G. Headlam, ed. *Calendar of State Papers, America and the West Indies, 1700 – 1701* (London: HMSO) no. 906.

courts were largely considered a necessary evil, intended for those who did not share the Quaker beliefs.<sup>32</sup> This was understandably at odds with the English legal system, and the Crown often butted heads with Pennsylvania officials, particularly concerning trade infractions by Quaker merchants there.

Even following the Treaty of Union in 1707, Scottish mercantile endeavours in the colonies were viewed as ventures which must be strictly monitored by the Crown and subject to stringent customs regulations. Despite customs posts in Scotland being filled with English officials following the law to the letter, tobacco merchants continued to engage in rampant smuggling, and between 1715 and 1716 alone, the amount of tobacco smuggled into Scotland from colonies in the Americas amounted to around 62% of that legally imported.<sup>33</sup> Gangs of smugglers, often violent, controlled Scottish ports, aided by the coercion and often willing support of the Scottish public, which had long been weary of English restriction. If smugglers were arrested, public mobs would form demanding their release.<sup>34</sup>

Skirting the law was not, however, the only means available to Scottish traders. One legitimate advantage lay in the fact that under Scots law merchant firms had greater protection than under English, being legally defined as separate entities which could transact business on their own terms.<sup>35</sup> Because individual partners were protected in the event of bankruptcy, Scottish firms were usually run by a greater number of co-partners, which had the effect of distributing the risks involved and safeguarding individual wealth.

Another popular loophole was the shipping of convicts, political prisoners, or indentured servants to the colonies to work, often on the plantations. Scottish labourers were among the small group of commodities, along with livestock, salt, and provisions, which could be shipped directly from Scotland, rather than being required to pass through English ports and be subjected to the gruelling customs regulations and cargo fees.<sup>36</sup> The reason for this most likely lay in contemporary societal attitudes towards the poorer classes, along with the dire need for labour in the Americas. Servants who willingly signed indenture contracts, along with deported vagrants, paupers, and convicts, were members of the lower strata of society, and as such tended to be viewed by the upper classes as being of little more value than animals. In fact, colonial servants were regularly appraised at a lower financial value than livestock or other possessions. The work of Don Jordan and Michael Walsh provides several examples gleaned from seventeenth century wills. A child servant of Abraham Moore of Virginia was valued at 1,200 pounds of

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<sup>32</sup> Edwin Bonner, 'Philadelphia County Court Quarter Sessions and Common Pleas, 1695', *Pennsylvania Magazine of History and Biography*, vol. 77 (Jan., 1957) pp. 457 – 480.

<sup>33</sup> Graham, *Maritime History*, p. 111; Whatley, *Beyond Jacobitism*, p. 54.

<sup>34</sup> Graham, *Maritime History*, p. 111.

<sup>35</sup> Devine, *Recovering Scotland's Slavery Past*, p. 127.

<sup>36</sup> Graham, *Maritime History*, p. 44; Macinnes, *Union and Empire*, pp. 159, 161.

tobacco, while one of Moore's horses was valued at 2,000 pounds. Elias Edmond's 1664 will valued his maid servant at half the price of his bedding, curtains, and rugs.<sup>37</sup>

Colin C. Palmer writes that during the latter third of the seventeenth century, demand for labour began to outstrip supply at an alarming rate, as colonial agriculture thrived and immigration failed to keep pace.<sup>38</sup> Prior to the rise of black slavery around the turn of the century, the financial profits involved in the provision of white labour were considerable. According to James C. Ballagh, during this time each servant could be transported from the British Isles to the colony of Virginia for £6 – 8 and sold for £40 – 60, therefore turning a considerable profit.<sup>39</sup> Abbot Emerson Smith reports the same rate in Virginia of £40 – £60 in the seventeenth century, but lists transportation costs as £4 – £10. Rates clearly varied from colony to colony, as Smith states that during this same time period servants in Maryland sold for £15 – £20.<sup>40</sup> Figures appear to have decreased considerably during the eighteenth century, as shipment of slave labour from Africa increased. The work of Farley Grubb shows that in 1745 the average expected price for male servants sold in Philadelphia was £15.50, while that for females was £13.23.<sup>41</sup> Peter Williamson, kidnapped from Aberdeen in 1743, reported being sold in Philadelphia for around £16, which matches Grubb's figures.<sup>42</sup> Nevertheless, even at these lower prices, merchants were selling at twice the expenses paid. Walter Hart Blumenthal also writes that indentured servants in the mid-eighteenth century were sold in North America for double or more their transportation costs, though he does not specify which cities or colonies this refers to.<sup>43</sup> Smith reports figures of £8 – £20 in Maryland throughout the eighteenth century, even for convicts.<sup>44</sup> We can, therefore, conclude that white servants during the seventeenth century could be sold in at least some colonies for between five and ten times their cost, and that while this decreased during the next century, the profit margin for white labour remained comfortable.

Those lucky enough to contract with local sheriffs for transportation of political prisoners or convicts profited even more, as the merchant would be paid for the expenses of the journey and all legal fees, then would profit from the sale of servants on the other side of the Atlantic.<sup>45</sup> Scottish officials, like their English counterparts, were eager to reduce

<sup>37</sup> Jordan and Walsh, *White Cargo*, pp. 109-110.

<sup>38</sup> Palmer, *Worlds of Unfree Labour*, pp. 203, 225.

<sup>39</sup> Ballagh, *White Servitude*, pp. 41 – 42; Estelle May Stewart and Jesse Chester Bowen, *History of Wages in the United States from Colonial Times to 1928* (Detroit: Gale Research Company, 1966), p. 29; Palmer, *Worlds of Unfree Labour*, pp. 203, 224 – 224.

<sup>40</sup> Smith, *Colonists in Bondage*, pp. 37 – 39.

<sup>41</sup> Farley Grubb, 'The Market for Indentured Immigrants: Evidence of the Efficiency of Forward-Labour Contracting in Philadelphia, 1745 – 1773', *The Journal of Economic History*, vol. 45 (December 1985), pp. 857 – 858.

<sup>42</sup> Peter Williamson, *French and Indian cruelty, exemplified in the life and various vicissitudes of fortune, of Peter Williamson* (York: Nickson, 1757), p. 5; Frances McDonnell, *Adventures of Peter Williamson*, p. 4; J. K. Gillon, *Eccentric Edinburgh* (Edinburgh: Moubay House, 1990) p. 30.

<sup>43</sup> Walter Hart Blumenthal, *Brides From Bridewell: Female Felons Sent to Colonial America* (London: Prentice-Hall International, 1962), p. 42

<sup>44</sup> Smith, *Colonists in Bondage*, p. 39.

<sup>45</sup> J. M. Beattie, *Crime and the Courts in England 1660–1800*, Oxford: Oxford University Press, 1986), p. 479.

overcrowding, and to rid the country of the criminal element. Members of the ambitious and aggressive new mercantile elite seized upon this new commodity, both as a means of avoiding customs and as a lucrative source of income. Beginning in 1662 and continuing through the mid-eighteenth century, Leith vessels were licensed by the Scottish Privy Council to transport felons, political prisoners, beggars, vagrants, and indentured servants to the colonies.<sup>46</sup> Some ships, such as the *Ewe and Lamb*, owned by Lawrence Trent, made annual trips. Though according to historian Eric Graham, Leith was the centre of Scottish shipping activity, other cities such as Port Glasgow and Greenock also saw many shipments of labourers set sail for the Americas.<sup>47</sup>

The flourishing of the tobacco trade and sugar industries in the late seventeenth century had resulted in a nearly insatiable demand for colonial labourers. When one considers the comparative lack of legislation governing such labourers, and their exemption from English tariffs and customs checks discussed in the introduction, it is not surprising that industrious merchants would be drawn to the prospect of indenturing servants for sale abroad. It is also not surprising that these merchants would be tempted to cut corners and skirt what legislation did exist in order to maximize their profits, as they had learned to do with other exports. It was very difficult to prove that a merchant or mariner had knowingly abducted a non-vagrant servant, and as the work of scholars such as James Ballagh, Don Jordan, and Michael Walsh has shown, when such cases were brought to court, the punishment was minimal. Even if a kidnapper confessed, he or she was often merely given a small fine of a few shillings.<sup>48</sup>

The question arises as to whether these colonial businessmen were lacking in conscience or empathy for the people they exploited in this manner. One must consider that the Calvinist-based ethic in post-Reformation Scotland valued hard work and industry and saw idleness as a grave sin. As Barry Coldrey and sociologist Gordon Marshall have shown, idleness and time wasting were considered extreme vices in post-Reformation Scotland, since a lack of employment was seen to equal immorality and resistance to lawful authority.<sup>49</sup> Masterless youths were considered lewd, and tradesmen and

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<sup>46</sup> Alexander Macdonald, James Dennistoun, and Joseph Robertson, eds., *Acts of the Parliament and of the Privy Council of Scotland relative to the establishing and maintaining of schools from the year 1496 to the year 1696* (Edinburgh: Maitland Club, 1840); Brown, ed., *Register of the Privy Council of Scotland*, vol. 11 (Edinburgh: HMSO, 1899) pp. 78, 257; John W. Fortesque, *Calendar of State Papers, Amer. & West Indies 1675 – 1676* (London: HMSO, 1899) p. 304; Marguerite Wood and Helen Armet, *Extracts From the Records of the Burgh of Edinburgh*, vols. 10 – 13 (Edinburgh: Oliver and Boyd, 1940 - 1967); Susan Mowat, *The Port of Leith: Its History and its People* (Edinburgh: John Donald Publishers Ltd., 1994) pp. 216 – 218, 220; Graham, *Maritime History*, pp. 44, 46 - 47; 218; Peter Wilson Coldham, *Emigrants in Chains: A Social History of Forced Emigration to the Americas 1607 – 1776*, (Phoenix Mill: Alan Sutton Publishing, Ltd., 1992; Peter Goldesbrough, 'An Attempted Scottish Voyage to New York in 1665', *Scottish History Review*, vol. 40 (Apr. 1961), pp. 56 – 62.

<sup>47</sup> MacArthur, *History of Port Glasgow* (Glasgow: Jackson, Wylie & Co., 1932), pp. 61 - 62; Graham, *Maritime History*, pp. 48 – 49; Dobson, *Scottish Emigration*, p. 55.

<sup>48</sup> Ballagh, *White Servitude*, p. 38; Jordan and Walsh, *White Cargo*, pp. 235.

<sup>49</sup> Gordon Marshall, *Presbyteries and Profits* (Belmont: Wadsworth, 1985), pp. 280 – 281; Coldrey, 'Idle Vagrants', p. 34.

manufacturers were to be encouraged in every possible way.<sup>50</sup> The work of Simon Newman and A.L. Beier has illustrated how these ideas, combined with the widespread belief that Britain was overpopulated, produced an outlook that promoted rather than frowned upon the transportation of servants to the colonies.<sup>51</sup>

The prevalent view was that transportation would benefit those forced into servitude by employing them in useful work which would save their souls from idleness, the community which would no longer be burdened with supporting the unemployed, and the plantation owners who would be supplied with a work force. The ideal was of a grateful servant, happy to be employed, and a generous and benevolent master, both working together to benefit not only themselves but also society.<sup>52</sup> The fact that this ideal was far from the reality of most servants did not seem to penetrate societal attitudes. Andrew Fletcher of Saltoun's 1698 essay, 'Two Discourses concerning the Affairs of Scotland' serves as a good illustration of contemporary thought. Fletcher suggests that Scottish vagrants, whom he apparently assumed were mainly Highland clansmen come down to scavenge off the people of the Lowlands, should be put into compulsory and hereditary servitude, so they would not 'die with hunger in Caves and Dens, and murder their young children' or 'rob as much food as they can out of the Low-country and retire to live upon it in those mountains.'<sup>53</sup>

The truth is that the poor in general had few rights at this time, as society viewed rights mainly in terms of property rights.<sup>54</sup> Servants were viewed as the property of their masters, and were almost entirely at their mercy. The work of Christopher Whatley has illustrated the plight of seventeenth and eighteenth century Scottish coal miners, including women and children, who were legally unable to leave their masters without permission for the duration of their lives, and were sometimes forced to work yoked with brass collars.<sup>55</sup>

There were voices of disagreement, to be sure. Jonathan Swift's biting satire, 'A Modest Proposal', published in 1729, is one example of this, in which Swift proposes that poor children be sold as food for the wealthy, as a method of making them 'sound, useful

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<sup>50</sup> Ibid.

<sup>51</sup> Simon P. Newman, P., *A New World of Labor: The Development of Plantation Slavery in the British Atlantic* (Philadelphia: University of Pennsylvania Press, 2013), pp. 17-18; A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (New York and London: Methuen, 1985); Dubofsky and Dulles, *Labor in America*, p. 4.

<sup>52</sup> Wilson, *Emigrants in Chains*, p. 41; Devine, *Recovering Scotland's Slavery Past*, pp. 51 – 52.

<sup>53</sup> Fletcher of Saltoun, 'Second Discourse', p. 48.

<sup>54</sup> Julian Goodare, 'Government and People: The Government of Scotland 1560 – 1625', *The Government of Scotland*, Oxford Scholarship Online, Oxford University Press, 2004). Available at: [www.oxfordscholarship.com](http://www.oxfordscholarship.com), p. 269.

<sup>55</sup> Christopher A. Whatley, 'Scottish Collier Serfs, British Coal Workers? Aspects of Scottish Collier Society in the Eighteenth Century', *Labour History Review*, vol. 60 (Sept. 1995), pp. 66 – 79; Newman, *New Worlds of Labor*, p. 32.



members of the Commonwealth', by providing income for the parents, averting the wealthy's depression over poverty, and reducing the number of Catholics in the realm.<sup>56</sup>

Another dissenting voice is heard in 'An Essay Against The Transportation and Selling of Men to the Plantations of Forreigners', an anonymous work published in 1699. It is thought to have been written by James Watson, Jr., an Edinburgh printer and founder of the Edinburgh Gazette, who was no stranger to imprisonment for voicing radical political views. Clearly written in response to an upsurge in the number of servants sailing abroad during the famine, the author of the pamphlet makes several excellent arguments for the employment of transportees in their own country rather than abroad. It would be much better, he contends, if the poor were made useful in their own sphere, through employment in industries such as fishing or linen production, rather than exporting the country's labour force abroad to enrich foreign regions.<sup>57</sup> The degree of danger involved in publishing such views is shown by the fact that the pamphlet ends abruptly at page 24, at which point the press was stopped by the Scottish government and the publication suppressed by Edinburgh authorities.<sup>58</sup>

Given the factors discussed in this chapter, it becomes clear that the merchants involved in shipping children far from their homes and families to struggle as labourers on foreign plantations were not always viewed by contemporaries as particularly unscrupulous. Their actions were perfectly in keeping with societal attitudes of the time.

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<sup>56</sup> Johnathan Swift, 'A Modest Proposal For Preventing the Children of Poor People in Ireland From Being a burden to Their Parents or Country, and For Making Them Beneficial to The Public', (Dublin: S. Harding, 1729).

<sup>57</sup> Anonymous, 'Transportation and Selling of Men', p. 10.

<sup>58</sup> Note, 'Transportation and Selling of Men'.

## Chapter 2

### Trent and Coutts: A Case Study of Two Scottish Merchant Families

As reflected in the previous chapter, recent historians have written extensively of the ingenuity and resourcefulness of Scottish merchants and mariners in overcoming barriers to colonial trade in order not only to survive, but to thrive and prosper.<sup>1</sup> What has not been touched upon is the possibility that these means often included the shipment of child labour, through both legal and illegal avenues. Based upon my inspection of records, I believe there were probably several highly respected families across Great Britain and Colonial America who became quite prosperous through the illicit shipment of servants.

Two Scottish families who were able to become powerful forces both at home and in the colonies were the Trent and Coutts families. Records imply that, like others involved in the Scottish network of transatlantic business dealings, these families were closely connected with one another. David Dobson has mentioned that the Trents were likely involved in the transportation of abducted children.<sup>2</sup> In this chapter I will provide evidence of the business partnership between the two families, and their involvement in illegal trading ventures, some of which concerned the transportation of undocumented child servants.

The name Trent is first found in Somerset County, England, in the eleventh century. A Somerset parish bears the name, implying that the family in that region may have taken their name from the parish or that the parish derived its name from the family. After the eleventh century, the name is regularly found across England, with a large cluster of Trents in and around London from at least the sixteenth century onwards. David Dobson surmises that the merchant branch of Trents active in transatlantic trade may have first come to Scotland when Cromwell's army set up headquarters in Leith following the battle of Dunbar in 1650.<sup>3</sup> Dobson bases this assumption primarily upon two facts. First, the family was historically Quaker, a religious sect not introduced to Scotland until Cromwell's invasion. Secondly, in February 1662, merchant Maurice Trent of Leith was referred to in the Records of the Privy Council as an Englishman.<sup>4</sup> In this same entry, Trent is recorded as having had a cargo of Barbadian sugar shipped to him in Leith. Dobson points out that West Indian tobacco was sold in Leith in 1643, implying that there may have been a direct trade route between Leith and Barbados. The Trents became one of the most powerful

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<sup>1</sup> See Macinnes, *Union and Empire*; Devine, 'Colonial Commerce'; Devine, *Scotland's Slavery Past*; Devine, *Tobacco Lords*; Brown and Whatley, *Union of 1707*.

<sup>2</sup> Dobson, *Scottish Emigration*, p. 52; Dobson, *Scottish Quakers*, pp. iv, 23 – 24, 27.

<sup>3</sup> Dobson, *Scottish Emigration*, p. 52.

<sup>4</sup> Brown, *RPC*, vol. 1 (Edinburgh: HMSO, 1899) p. 154.

Quaker families in both locations, as well as in the North American colonies of Pennsylvania and New Jersey.<sup>5</sup>

William Trent of seventeenth century Inverness was brother to Maurice, a prosperous Quaker merchant prominent in Leith 1650 - 1670, and father to sons William, Maurice, and James, all born in the 1650's. Dobson and Mary Ann Nicholson do not solidly link son William, born in Inverness in 1655, with Maurice and James, but evidence that he was their brother can be found in the two wills of James, the ledger of William's son, William III, and the William Trent Museum website.<sup>6</sup> Eli and William Cooley have the second William as the brother of James, based upon the wills of James Trent, but do not link Maurice with the family.<sup>7</sup> This William named one of his sons Maurice, further evidence of their close relation, and moreover, William is named as the son of William of Inverness in the latter's will proved 5 September, 1677.<sup>8</sup> William the father left land and money to his brother Maurice, merchant of Leith, with instructions to discharge his debts.<sup>9</sup> On 21 March, 1681, the Magistrates and Council of Inverness declared that the debts of William Trent the elder, deceased, had been paid by his brother Maurice.<sup>10</sup>

According to Dobson and Nicholson, the wife of the elder William of Inverness was Mary Burge.<sup>11</sup> However, this seems to be the result of confusion between this William and his son of the same name, as Mary Burge was the first wife of son William Trent, dying in Philadelphia in 1708.<sup>12</sup> The London will of James Trent, merchant of Inverness and Captain of the ship the *Charles*, was proved November 1698 by his mother, Isabella Stuart of Inverness. In the will, James leaves an eighth share in the *Charles* to his brother William, merchant of Philadelphia. The will does not mention his father, but this is understandable, as William Trent was long deceased by this time. The executor of the will was William, brother of James.<sup>13</sup> In his Philadelphia will, proved the same year, James, merchant of Inverness, leaves everything to his brother William, merchant of Philadelphia, including an eighth share in the ship the *Charles*, commanded by Edward

<sup>5</sup> Marguerite Wood, ed., *Extracts from the Records of the Burgh of Edinburgh, vol. 9, 1642 – 1655* (Edinburgh, Oliver and Boyd, 1938) p. 31; Dobson, *Scottish Emigration*, pp. 51-52, 90.

<sup>6</sup> Dobson, *Scottish Emigration*, pp. 52 -53; M. A. Nicholson, 'Stolen Children', *The Scottish Genealogist*, vol. 29 (Edinburgh: Scottish Genealogical Society, 1982) p. 11; William Trent, *William Trent's Ledger, 1703 – 1709, Collection 3061* (Philadelphia: Historical Society of Pennsylvania, 2004); Gregory B. Keen and William Penn, 'The Descendants of Joran Kyn, the Founder of Upland,' *Pennsylvania Magazine of History and Biography*, vol. 3 (Philadelphia: Historical Society of Pennsylvania, 1879) pp. 216-217; W. F. Corbett, ed., *Pennsylvania Wills and Abstracts, Book A: 1682-1699, Philadelphia County* (Philadelphia: Historical Society of Pennsylvania, 1891) p. 407.

<sup>7</sup> Eli F. Cooley and William S. Cooley, *Genealogy of Early Settlers in Trenton and Ewing*, New Jersey (Baltimore: Genealogical Publishing Company, 1977), p. 278.

<sup>8</sup> Will of William Trent, 5 September, 1677, Inverness Commissary Court, ref. CC11/1/3.

<sup>9</sup> Ibid.

<sup>10</sup> William MacKay, ed., *Records of Inverness, vol. 8* (Aberdeen: New Spaulding Club, 1911) p. 288.

<sup>11</sup> Dobson, *Scottish Quakers and Early America, 1650 – 1700* (Baltimore: Genealogical Publishing Company, 1998). p. 28; M. A. Nicholson, 'Stolen Children,' p. 11.

<sup>12</sup> William Trent, *William Trent's Ledger*, Historical Society of Pennsylvania, Collection 3061 (Philadelphia: Historical Society of Pennsylvania, 2004); *William Trent Museum website*, <http://williamtrenthouse.org>.

<sup>13</sup> Peter Wilson Coldham, *North American Wills Registered in London, 1611 – 1857*, (Baltimore: Genealogical Publishing Company, 1992) p. 62.

Burwash, as well as all money and goods in the hands of Thomas Coots of London, and Patrick Coots of Edinburgh. The executor of the will was again William Trent, brother of James.<sup>14</sup> Further proof that the elder William's wife was Isabella Stuart (or Stewart) can be found in his will, dated 5 Sept. 1677. Though William's wife is not named in the will, James Stewart, burgess of Inverness, is referred to as an in-law. The will also names son William, though it does not mention Maurice or James.<sup>15</sup> Presumably this was due to the fact that William was the eldest son, while Maurice and James, as younger sons, did not share in the inheritance of their father's estate. Maurice of Leith and his wife Margaret Young also had a son named William, baptized 28 October, 1666.<sup>16</sup> This cousin is sometimes confused with the younger William of Inverness.<sup>17</sup>

Lawrence Trent of Leith may have been another brother or relative engaged in similar trading ventures as first generation William and Maurice in the 1660s and 1670s, but there is no actual proof of their relation.<sup>18</sup> Dobson reports a Lawrence Trent of Midlothian, also a Quaker, as the owner of a Barbados plantation.<sup>19</sup> There could be a familial connection between the Trents of Midlothian and the family based in Leith and Inverness. Maurice Trent of Leith is known to have shipped Barbadian sugar to Britain and servants of all ages to Barbados.<sup>20</sup>

In 1664, Maurice of Leith purchased land in West New Jersey.<sup>21</sup> This was nearly 20 years prior to the charter of Charles II granting Scottish settlement of the eastern part of the state, which was quickly to become a thriving Scottish colony. Trent chose not to live on the land he had purchased, remaining based in Leith until his death 25 November, 1700, and employing his nephew Maurice to handle business transactions for him in West New Jersey.<sup>22</sup> In 1673, Maurice the elder petitioned the Privy Council for permission to transport 'a great multitude of vagabonds, idle and sturdie beggars and louse and masterless men, and women who have no visible way of livelihood' to Virginia in his ship the *Hercules*.<sup>23</sup>

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<sup>14</sup> Corbett, *Pennsylvania Wills and Abstracts, Book A: 1682-1699*, p. 407.

<sup>15</sup> Will of William Trent, 5 September, 1677, Inverness Commissary Court, ref. CC11/1/3.

<sup>16</sup> Old Parish Records, Births, 692/02 00300015 0015, Leith South.

<sup>17</sup> David Dobson, *Barbados and Scotland, Links 1627-1877* (Baltimore: Genealogical Publishing Company, 2005) p. 142; David Dobson, *The Original Scots Colonists of Early America 1612-1783* (Baltimore, Genealogical Publishing Company, 1989) p. 333.

<sup>18</sup> Dobson, *Scottish Emigration*, p. 52; Brown, *RPC*, vol. 2, p. 503; vol. 3, p. 407; vol. 4, p. 83.

<sup>19</sup> Dobson, *Barbados and Scotland*, p. 142; Dobson, *Original Scots Colonists*, p. 333.

<sup>20</sup> Brown, *RPC*, vol. 3, p. 154; Dobson, *Scottish Emigration*, p. 52; Dobson, *Barbados and Scotland*, pp. 11, 13, 16, 26, 32, 44, 50, 105, 113, 124, 133, 142, 145 – 146.

<sup>21</sup> John E. Pomfret, 'The Proprietors of the Province of West New Jersey, 1674-1702', *Pennsylvania Magazine of History and Biography*, vol. 75, p. 135; Dobson, *Scottish Emigration*, p. 52.

<sup>22</sup> *New Jersey Archives, 1631 - 1782 vol. 11* (Trenton: John L. Murphy Publishing Company, 2011), p. 88; William Nelson, ed., *Patents and Deeds and Other Early Records of New Jersey, 1664-1703* (Baltimore: Genealogical Publishing Company, 2000) p. 660; Pomfret, 'Proprietors of West New Jersey,' p. 135; William Nelson, ed., *New Jersey Colonial Records, vol. 21* (Patterson: New Jersey Historical Society, 1899) p. 666; Keen and Penn, 'Descendants of Joran Kyn', p. 216; Nicholson, 'Stolen Children', p. 11. Dobson, *Scottish Emigration*, p. 52.

<sup>23</sup> Graham, *Maritime History*, p. 47; Dobson, *Scottish Emigration*, p. 52.

Second generation Trent brothers William, Maurice, and James set up business in Philadelphia, excelling in trade, law, and business there, and partnering up with their uncle Maurice in Leith.<sup>24</sup> William settled in Philadelphia in 1682, and became a prominent merchant in that city, as well as being active in business in Boston, where he was a member of the Scots Charitable Society in 1697.<sup>25</sup> His Philadelphia residence was called the “most elegant mansion in the city”.<sup>26</sup> William and James are both listed as residents of Philadelphia on Pennsylvania tax rolls in 1693, though the exact date James emigrated is unknown.<sup>27</sup> He apparently had dual residences in Philadelphia and Inverness, based upon the wording of his wills. Their brother Maurice appears to have been living in New Jersey from the 1680’s, as a letter from Patrick Falconer dated 28 October, 1684, is addressed to Maurice Trent in Elizabethtown, East New Jersey.<sup>28</sup> By 1693, when he wed Mary Sandelands, Maurice was listed in a Pennsylvania deed as a mariner of Philadelphia.<sup>29</sup>

In 1714, following a scandal in which his much younger wife was rumoured to have been involved, William of Philadelphia bought land across the river in eastern New Jersey, and built a splendid mansion in the area that was later to become the capital of New Jersey, named Trenton, or “Trent’s Town”, in his honour.<sup>30</sup> In addition to being one of the wealthiest businessmen in Philadelphia, William later became active in colonial government, being elected Representative of Burlington in 1721, Speaker of the House of Representatives in 1723, and Chief Justice of the New Jersey Supreme Court in 1724.<sup>31</sup> During his political career, he was also a Member of the Provincial Council of Pennsylvania, Speaker of the Assemblies of both Pennsylvania and New Jersey, and Member of the Governor’s Council of New Jersey.<sup>32</sup> He conducted business in Boston as well, and was a member of the Scots Charitable Society of Boston.<sup>33</sup>

The second family in this study, Coutts, were linked with the Trents through commercial partnership. Though the Coutts family seat was historically Auchtercoul, Aberdeenshire, it was the Coutts of Montrose who made a name for themselves as merchants in

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<sup>24</sup> Dobson, *Scottish Emigration*, p. 52; Dobson, *Scottish Quakers*, p. 28; Nicholson, ‘Stolen Children,’ p. 11; A. Van Doren Honeyman, ed. *Documents Relating to the Colonial History of New Jersey, ser. 1, vol. 11* (Somerville: The Unionist-Gazette Association, 1924) p. 99; William Nelson, ed. *Documents Relating to the Colonial History of the State of New Jersey, First Ser., vol. 21* (Patterson: New Jersey Historical Society, 1899) p. 666.

<sup>25</sup> Dobson, *Scottish Emigration*, p. 90.

<sup>26</sup> Cooley and Cooley, *Genealogy of Early Settlers*, p. 279.

<sup>27</sup> William Trent Museum website, <http://williamtrenthouse.org>.

<sup>28</sup> Keen and Penn, ‘Descendants of Joran Kyn’, pp.216-217.

<sup>29</sup> Keen and Penn, ‘Descendants of Joran Kyn’, p.216; Samuel Hazard, *Pennsylvania Archives, vol. 1*, p. 128.

<sup>30</sup> Honeyman, *Colonial History of New Jersey*, pp. 88 – 89; Nicholson, ‘Stolen Children’, p. 11; William Trent House Museum website, <http://williamtrenthouse.org>.

<sup>31</sup> Thomas I. Montgomery, ed. *Pennsylvania Archives, vol. 13*, pp. 126, 128; H. B. McCall, *Some Old Families: a contribution to the genealogical history of Scotland : with an appendix of illustrative documents* (Birmingham: Watson and Ball, 1890) pp. 131, 138; Dobson, *Scottish Emigration*, p. 55; William Trent House Museum website, <http://williamtrenthouse.org>.

<sup>32</sup> William Trent House Museum website, <http://williamtrenthouse.org>.

<sup>33</sup> Dobson, *Scottish Emigration*, p. 53.

transatlantic trade. The family was already well-known in local politics. John Coutts was elected to the Council of Montrose in 1661, and in 1664 was appointed treasurer of the burgh.<sup>34</sup> After a few years serving as town bailie, he was elected provost of Montrose in 1678.<sup>35</sup> His son William, born June 1661, was elected to the Town Council in 1687. He served as Treasurer of the burgh, bailie, and in 1702 was also made provost.<sup>36</sup> Second son John, born April 1665, held town offices from 1692, culminating in his being elected provost in 1717.<sup>37</sup>

John's third son Thomas, baptized 18 August, 1667, is sometimes referred to as one of the founders of the Company of Scotland, the Scottish colony in the Americas intended to be a Scottish version of the English East India Company, which would establish Scotland as a power in international trade rather than simply the junior participant she had been thus far.<sup>38</sup> However, Douglas Watt, who has done detailed study on the founders of Darien, lists Coutts merely as one of the project's chief promoters.<sup>39</sup> By the time Darien was proposed, Thomas Coutts had relocated to London and was established in business there, along with many other Scotsmen, including William Paterson, founder of Darien.<sup>40</sup> Paterson charged Thomas, along with James Chiesly, with returning to Scotland to promote his scheme to fellow countrymen.<sup>41</sup>

The immensity of the Darien venture is shown by the fact that it was backed by 25 – 50% of all money circulating in Scotland at the time. Its failure, due to factors including opposition from English commercial interests and lack of support from the Crown, is often cited as a key factor leading to the Union of 1707. Ironically, according to Macinnes, 'persistent Scottish circumvention of the Navigation Acts was instrumental in the English government of William of Orange sabotaging the Darien Scheme.'<sup>42</sup>

Like many from the burgh of Montrose, who argued that Scottish trade interests lay squarely on the side of Union with England, Thomas took a very pro-Union stance.<sup>43</sup> Perhaps because of his experiences with Darien, as well as his family's first-hand knowledge of the difficulties facing Scottish merchants in transatlantic trade, he was

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<sup>34</sup> James G. Low, *John Coutts, or Notes on an Eminent Montrose Family* (Montrose: William Jolly, 1892), p. 9; David Dobson, *The People of the Scottish Burghs: The People of Montrose, 1600 - 1799*, (Baltimore: Genealogical Publishing Co., 2014) p. 17; Rogers, *Genealogical Memoirs*, p. 15; E. H. Coleridge, *The Life of Thomas Coutts, Banker* (London: John Lane, 1919) p. 6.

<sup>35</sup> Rogers, *Genealogical Memoirs*, p. 15; Low, *John Coutts*, p. 10; Coleridge, *Thomas Coutts*, p. 6.

<sup>36</sup> Low, *John Coutts*, pp. 12-13; Rogers, *Genealogical Memoirs*, pp. 16-17.

<sup>37</sup> Low, *John Coutts*, p.13.

<sup>38</sup> Coleridge, *Thomas Coutts*, p. 9.

<sup>39</sup> Douglass Watt, *The Price of Scotland: Darien, Union and the Wealth of Nations* (Edinburgh: Luath Press Limited, 2007) pp. 33, 37.

<sup>40</sup> Ibid, p. 37

<sup>41</sup> Ibid.

<sup>42</sup> Allan I. Macinnes, 'Scottish Circumvention of the English Navigation Acts in the American Colonies 1660-1707', *Making, Using and Resisting the Law in European History*, E. Medijainen and J. V. Sigurdsson, eds. (Pisa: Pisa University Press, 2008) p. 118.

<sup>43</sup> T. C. Smout, 'The Burgh of Montrose and the Union of 1707: A Document' *Scottish Historical Review*, vol. 66 (Oct. 1987) pp. 183-184.

convinced that the best hope for Scotland lie in Union with England. In a letter to Sir David Nairne dated 16 November, 1706, the Earl of Mar referenced material from Coutts - 'Tom Coutts has wryt doun some letters here, which I'm told had been of good use amongst the mertchants. But it's incredible to believe how ignorant our mertchants are even about trade any where out of this kingdome'.<sup>44</sup>

John's sons Patrick, Robert, and David did not take part in burgh government, but seventh son James was appointed second Baillie to his brother John in 1716, and elected Provost in 1727.<sup>45</sup> Patrick's grandsons John, James and Thomas, born in the 1730's would, along with their cousin Thomas Stephen, go on to make a name for themselves in the Scottish banking industry, amassing a large family fortune.<sup>46</sup>

John's eighth and youngest son Hercules, born in 1678, would set up business in the colonies sometime around the turn of the century. Dobson's work shows him to have been a merchant of both Montrose and Pennsylvania, dying in Newcastle, Pennsylvania around 1709.<sup>47</sup> The will of Hercules, proved 7 October, 1709, reveals that he was also a merchant of London. The will was executed by his brother James.<sup>48</sup> Dobson shows a James Coutts, burgess of Montrose, who became a merchant in Philadelphia by 1699.<sup>49</sup> If this was James, brother of Hercules, he must have returned to Scotland by 1716, when he began his political career there. As James and Hercules are often linked as partners in colonial trade during the late seventeenth and early eighteenth century, this may well be the case.<sup>50</sup> Another Hercules, born in 1714, was a merchant of Montrose and Maryland, settling in that state around 1751.<sup>51</sup> He is recorded as having been Sheriff of Kent County, Maryland in 1757.<sup>52</sup>

The families of Coutts and Trent appear to have been closely connected, Thomas and Patrick Coutts being mentioned in the Philadelphia will of James Trent.<sup>53</sup> In a March, 1702 letter to William Penn, Governor of Pennsylvania Colony, Penn's proprietary agent James Logan discussed the *Industry*, which had run into some difficulties at St. Malo while carrying a load of tobacco to England. Logan directed Penn to have his factor Samuel Vaus get in touch with Thomas Coutts, who had placed insurance on the ship for William

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<sup>44</sup> Thomas Erskine Kellie, *Report on the Manuscripts of the Earl of Mar and Kellie* (London: HMSO, 1904) p. 326.

<sup>45</sup> Low, *John Coutts*, pp. 15-17; Coleridge, *Thomas Coutts*, p. 8.

<sup>46</sup> See Low, *John Coutts*; Coleridge, *Thomas Coutts*; Richardson, *Coutts & Co.*

<sup>47</sup> Dobson, *The People of Montrose, 1600 - 1799*, p. 17.

<sup>48</sup> Coldham, *North American Wills*, p. 22.

<sup>49</sup> David Dobson, *Scots on the Chesapeake, 1607 - 1830* (Baltimore: Genealogical Publishing Co., 1992) p. 31.

<sup>50</sup> Constance J. Cooper, ed., *350 Years of New Castle, Delaware, Chapters in a Town's History* (Wilmington: Cedar Tree Books, 2001) pp. 40, 43; Darold D. Wax, 'Quaker Merchants and the Slave Trade in Colonial Pennsylvania' *Pennsylvania Magazine of History and Biography*, vol. 86 (1962), p. 146; Katherine Gerbner, 'We are Against the Traffick of Men-Body': The Germantown Quaker Protest of 1688 and the Origins of American Abolitionism,' *Pennsylvania History: A Journal of Mid-Atlantic Studies*, vol. 74, p. 153.

<sup>51</sup> Dobson, *Scots on the Chesapeake*, p. 31.

<sup>52</sup> Assembly Proceedings, Kent County, Maryland, Sept. 28, 1757 and December 1, 1757.

<sup>53</sup> Corbett, *Pennsylvania Wills and Abstracts, Book A*, Philadelphia County, p. 407.

Trent, as Penn had failed to take out any insurance himself. Again in May of that year, Logan suggested that Penn have Vaus consult with Thomas Coutts 'who serves William Trent'.<sup>54</sup> James Trent, merchant of Philadelphia, is recorded as having captained a ship owned by the Coutts family in 1697.<sup>55</sup>

Members of the Trent family in Scotland and America owned several ships which plied the seas between Scotland, the Caribbean, and North America 1660-1730, and possibly beyond, including the *William and Mary of Newcastle*, the *William and Mary of London*, the *Hopewell*, the *Industry* or *Cantico*, the *Hercules*, the *Mary of Leith*, the *Diligence*, the *Charles*, the *Fortune*, and the *Thomas and Benjamin*.<sup>56</sup> It is worthy of note that the *Diligence* was also called the *Happy Union*, in honour of the Union her owners hoped would soon be concluded between England and Scotland.<sup>57</sup> William Trent of Pennsylvania and New Jersey was part-owner of over forty trading vessels.<sup>58</sup> Lawrence Trent owned the ship the *Ewe and the Lamb*.<sup>59</sup> For their part, the Coutts owned ships the *Lillie of London*, captained by James Trent, the *Constant Alice*, the *Betty of Glasgow*, the *Jacob*, the *Salamander*, and perhaps others.<sup>60</sup>

Numerous records detail the illicit trading activity involving these families. The New Jersey Archives record Maurice Trent having had his brigantine the *William and Mary* seized in 1694 for evading English customs and sailing directly to Scotland.<sup>61</sup> In a report to the English Crown November 10, 1696, Edward Randolph complains that the Acts of Trade are not being observed by colonial merchants and mariners whatsoever. He details the discovery of nine vessels laden with tobacco, which had gone directly from the colonies in the Chesapeake without clearing customs. He calls Scottish-born Andrew Hamilton, Governor of New Jersey, the 'chief factor for the Scottish merchants,' who had transported three hundred hogsheads of tobacco from the Chesapeake illegally in one

<sup>54</sup> Albright G. Zimmerman, 'James Logan, Proprietary Agent,' *Pennsylvania Magazine of History and Biography*, vol. 78, pp. 150-152.

<sup>55</sup> William Hand Browne, ed. (1903). *Proceedings of the Council of Maryland, 1696/7-1698*, vol. 25, Baltimore: The Friedenwald Company, p. 267.

<sup>56</sup> Browne, *Proceedings of the Council of Maryland*, p. 163. Richard S. Dunn and Mary Maples Dunn, eds. *The World of William Penn* (Philadelphia: University of Pennsylvania Press, 1986), p. 356; Albright G. Zimmerman, (1954) 'James Logan, Proprietary Agent,' *The Pennsylvania Magazine of History and Biography*, vol. 78, pp. 142 – 176; Dobson, *Ships from Scotland to America*, vol. 1 – 4; Dobson, *Scottish Emigration*, pp. 52 – 54; Dobson, *Barbados and Scotland*, pp. 11, 13, 16, 26, 32, 44, 50, 105, 113, 124, 133, 145 – 146; The *Industry* or *Cantico* was erroneously given two names by her owners, see Zimmerman, 'James Logan', p. 162.

<sup>57</sup> Zimmerman, 'James Logan', p. 162.

<sup>58</sup> William Trent Museum website, <http://williamtrenthouse.org>.

<sup>59</sup> Brown, *RPC*, vol. 2, p. 503; vol. 3, p. 407; vol. 4, p. 83; Dobson, *Scottish Emigration*, pp. 52 – 53.

<sup>60</sup> Dunn and Dunn, *Papers of William Penn*, vol. 3, 1685 – 1700, p. 491; Wax, 'Quaker Merchants and the Slave Trade', p. 146; Gerbner, 'Traffick of Men-Body', p. 153; Dobson, *Ships from Scotland to America*, vol. 1 – 4; Cecil Headlam, ed., *Calendar of State Papers, America and West Indies, 1699* (London: HMSO, 1908) nos. 137, 138; Samuel Hazard, ed., *Minutes of the Provincial Council of Pennsylvania, vol. 2, December 18, 1700 to May 10, 1717* (Philadelphia: Joseph Severns & Co, 1852); Graham, *Maritime History*, p. 226; Charles Browning, ed., *The American Historical Register*, (Philadelphia: Historical Register Publishing Company, 1895).

<sup>61</sup> William Whitehead, ed. *Documents Relating to the Colonial History of the State of New Jersey* (Newark: n.p., 1881) No. 11:121, p. 15.



year alone. Specifically naming shipmaster Maurice Trent as 'an old offender,' Randolph reports that the *William and Mary* had in 1694 left Pennsylvania laden with goods, supposedly destined for England, and returned to Philadelphia the following year directly from Scotland, without having cleared customs at any point. In West New Jersey, the vessel, now carrying cloth, hosiery, and 40 tons of Scottish coal for the colonies, was seized on October 4, 1696 by Crown officer Captain Thomas Meech. Randolph reports with indignation that Governor Hamilton had denied Meech's jurisdiction in New Jersey. Trent claimed that his ship had been attacked at sea by French pirates, who had stolen his customs papers. Incidentally, in the same report, Randolph accuses Pennsylvania Governor William Markham of being in league with several pirates who carried on illegal trade, though he does not specifically link this allegation with the incident involving the *William and Mary*. He describes Pennsylvania as being "most commodiously to carry on all illegal Trade."<sup>62</sup> In letters to the Crown, Officer Thomas Meech states that Governor Hamilton not only denied his authority in that colony, but that he refused to allow the attorney or jury for the case to be sworn, and instead sat judge himself. Trent was defended by Scottish lawyer Patrick Robinson and Attorney General of Pennsylvania David Lloyd. Meech indignantly reports 'the King has had no justice done him here'.<sup>63</sup>

Clearly the Trents were known to employ illicit trading practices. It is further worthy of note that the ship the *Charles*, mentioned in the will of James Trent, is listed by Eric Graham as a known seventeenth century privateer.<sup>64</sup> The Coutts, too, bore their share of accusations. In a letter dated 1 March, 1697, William Penn accused James and Hercules Coutts of tax evasion and illegal trading. According to Penn, the pair were in the habit of exchanging goods for tobacco in Delaware and the Eastern shore of Maryland, then smuggling the tobacco forty miles to the Delaware River 'at a place a little below Newcastle called Bombay Hook', from which they shipped the contraband to Scotland or the West Indies." The Coutts sloop the *Jacob* was seized in 1699 for illegal trading.<sup>65</sup>

There is strong reason to believe that this illicit activity involved both material goods and servants. We can see from entries in the Records of the Privy Council, colonial records, and the work of Dobson, Wax, and Gerbner that ships owned by the Trent and Coutts families were used to transport indentured servants, convicts, and African slaves.<sup>66</sup> Such

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<sup>62</sup> Edward Randolph, 'Report of Edward Randolph concerning illegal trade in proprietary colonies, including a related petition from the proprietors, Nov. 10, 1696', *Documenting the American South: Colonial and State Records of North Carolina*, vol. 1, 1662 – 1712, pp. 467 - 468; Fortescue, *CSP, America and West Indies, 1696 – 1697* (London: HMSO, 1903) 558, 213; Dobson, *Scottish Emigration*, p. 52.

<sup>63</sup> Fortescue, *CSP, America and West Indies, 1696 – 1697*, pp. 558, 213; For Trent's defence, see *New Jersey Archives*, vol. 11, p. 15; For the report of Thomas Meech, see Headlam, *CSP, America and the West Indies, 1700 – 1701*, nos. 91, 634; Dobson, *Scottish Emigration*, p. 54.

<sup>64</sup> Graham, *Maritime History*, p. 20.

<sup>65</sup> Cooper, *350 Years of Newcastle*, p. 40; Headlam, *CSP, America and West Indies*, vol. 17, 1699, nos. 137, 138.

<sup>66</sup> Browne, *Proceedings of the Council of Maryland*; Brown, *RPC*; David Dobson, *Directory of Scottish Settlers in North America, 1625 – 1825* (Baltimore: Genealogical Publishing Company, 1983); Dobson, *Scottish Quakers*, p. 27; Wax, 'Quaker Merchants and the Slave Trade' p. 146; Gerbner, 'Traffik of Men-Body', p. 153; William Trent Museum website, <http://williamtrenthouse.org>.

transportation of human cargo was, of course, legal, but further examination of British and colonial records give the impression that not all of these individuals sailed of their own free will. In 1668 the *Ewe and Lamb*, owned by Lawrence Trent, was searched while at harbour in Leith, due to allegations of people and children having been kidnapped and forced on board against their will, to be transported as servants.<sup>67</sup> In 1673, the *Hercules*, owned by Maurice Trent, was searched in Leith harbour for possible kidnap victims as well.<sup>68</sup>

One of the ships owned by the Coutts family, the *Lillie of London*, made voyages to the colonies from Montrose and the Orkneys in the 1690's. The ship carried cargoes of indentured servants from the east coast of Scotland, among whom were many children. In Maryland colonial records we find an unnamed ship owned by James Coutts and captained by James Trent arriving in Philadelphia in 1697 with over 150 Scottish servants, but little goods. Trent had apparently sought to buy tobacco, but was unable to do so, as the tobacco crop had not yet come in that year. He stated the intention of sailing to Barbados from Philadelphia.<sup>69</sup> This ship was either the *Lillie of London* or another Coutts vessel used for the same purpose.

To this can be added the fact that the Trents were clearly actively employed in the selling of child servants shipped from Scotland without indentures. October 3, 1693, Maurice Trent appeared in Chester County Court of Quarter Sessions in Chester County, Pennsylvania with Scottish boys Alexander Ross, Daniel MacDaniel, James Hercules, George Leacy, Alex Mecany, Magnis Simson, James Canide, and James Driver in order to have their ages and terms of indenture determined, since they lacked proper documentation. The boys ranged in age from 8 to 14.<sup>70</sup> In September 1695, Maurice Trent brought Andrew Fraser, James Johnson, Henry Nichols, Robert Flatt, John MacEllfray, and John Robinson before the Chester County court for that same purpose, these boys ranging in age from 7 to 16. Robert Flatt and John MacEllfray were indentured to Maurice Trent himself.<sup>71</sup> October 10, 1695, Maurice again appeared in court with a Scottish boy lacking indentures, John Robinson, whose age is not recorded.<sup>72</sup> On 14 July, 1697, 30 children transported by Maurice were brought before the court, included four girls, one of whom was Mary Royle.<sup>73</sup> Mary's son Joshua Brown later reported that according to his mother, she was forcibly taken that year from Dumfries, Scotland when she was around 12 years old, along with many other children, and put on board a ship for

<sup>67</sup> Dobson, *Scottish Emigration*, p. 52.

<sup>68</sup> Brown, *RPC*, vol. 4, pp. 103, 104; Graham, *Maritime History*, p. 47.

<sup>69</sup> Brown, *RPC*, 1661 – 1691; David Dobson, *Ships from Scotland to America*, vol. 1, p. 73; William Hand Browne, ed., *Archives of Maryland: Proceedings of the Council of Maryland 1696/7-1698* (Baltimore: Maryland Historical Society, 1903) No. 163.

<sup>70</sup> Dorothy B. Lapp, ed., *Records of the Courts of Chester County, Pennsylvania 1681 – 1697*, vol. 1 (Philadelphia: Patterson & White Company, 1910), p. 300; Nicholson, 'Stolen Children', p. 11; Dobson, *Scottish Quakers*, pp. 23, 27.

<sup>71</sup> Lapp, *Records of Chester County*, vol. 1, p. 355; Nicholson, 'Stolen Children', p. 11.

<sup>72</sup> Lapp, *Records of Chester County*, vol. 1, p. 361.

<sup>73</sup> Lapp, *Records of Chester County*, vol. 2, p. 130; Nicholson, 'Stolen Children', p. 11; Dobson, *Scottish Quakers*, p. 24.

Philadelphia.<sup>74</sup> On 21 July, 1697, James Trent sold Scottish boys Daniel Cameron, George Douglas, George Slater, John Young and James Hadyard, ages 8 to 14, to men of Burlington County, New Jersey, where the boys were taken before the Burlington Court by their masters.<sup>75</sup> December 14, 1697, Maurice Trent brought 13 more children before the Chester County Court, with their indenture terms being reckoned from July of that year, the date of their arrival and sale.<sup>76</sup> At that same court, Alexander McKener, previously sold by Trent, had his term of indenture extended because he had run away from his master and tried to kill himself, and Alexander MacLean, another 'scotch lad', was reassigned to a master in Newcastle, Delaware.<sup>77</sup>

Between 1693 and 1697, Maurice Trent appeared in the courts of Pennsylvania counties Chester and Buck with at least 112 Scottish child servants without indentures, both male and female.<sup>78</sup> In some records, Trent is listed as the transporter of the children, in others as the owner. At least four boys do appear to have been indentured to Mr. Trent personally, though in other cases they were indentured to other masters, therefore we can assume the term 'owner' in reference to Maurice Trent is used in place of 'transporter' or 'seller'. Meanwhile, his brother James appeared with several other children in New Jersey.<sup>79</sup> A more thorough search of colonial records could potentially reveal a much larger ongoing operation in the selling of children. The family was clearly active in colonial trade and the transportation of servants for a generation before this, as well as the one after.

The activities of the Trent family spanned the latter part of the seventeenth century through the first half of the eighteenth, being carried forward by sons of Maurice and William, who became prosperous colonial merchants and mariners in their own right, continuing to build their fortunes through the slave trade. Though he was highly respected, the fact that Judge William Trent of Philadelphia and New Jersey, along with two of his sons, was poisoned by his black slaves on Christmas day, 1724, leaves the definite impression that he and his family were not universally revered.<sup>80</sup> The Coutts family also continued to prosper, flourishing as merchants in the colonies of Pennsylvania,

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<sup>74</sup> Gilbert Copy, *Genealogy of the Bailey Family* (Lancaster: Wickersham Printing Company, 1912) p. 20; Rev. A. W. Cornelius Hallen, ed., *The Scottish Antiquary, or Northern Notes and Queries* (Edinburgh: T. and A. Constable, 1896), no. 704; Walter H., *Brides From Bridewell: Female Felons Sent to Colonial America* (London: Prentice-Hall International, 1962) p. 65.

<sup>75</sup> H. Clay Reed and George J. Miller, eds., *The Burlington Court Book: A Record of Quaker Jurisprudence in West New Jersey 1680-1703* (Washington, D. C.: Genealogical Publishing Company, 1944) p. 197; Nicholson, 'Stolen Children', p. 11; Bremner, *Children and Youth*, p. 119.

<sup>76</sup> Lapp, *Records of Chester County*, vol. 2, p. 135; Nicholson, 'Stolen Children', p. 11.

<sup>77</sup> Ibid.

<sup>78</sup> Lapp, *Records of the Courts of Chester County, Pennsylvania 1681 – 1697; Records of the courts of Quarter sessions and Common pleas of Bucks county, Pennsylvania, 1684-1700* (Meadville: Tribune Publishing Company, 1943).

<sup>79</sup> Reed and Miller, *Burlington Court Book*, pp. 200-202.

<sup>80</sup> John F. Watson, *Annals of Philadelphia, and Pennsylvania, in the olden time; being a collection of memoirs, anecdotes, and incidents of the city and its inhabitants, and of the earliest settlements of the inland part of Pennsylvania*, vol. 1 (Philadelphia: Edwin S. Stuart, 1884) p. 164; *New Jersey Archives*, vol. 11, p. 524; William Trent Museum website, <http://williamtrenthouse.org>.

Maryland, and Virginia, though the family fortune appears to have been focused primarily in Britain, with the expansion of Coutts banking enterprises and other business ventures.<sup>81</sup>

The evidence presented thus far shows that the Trent and Coutts families were, in fact, involved in illegal trading practices. This is already relatively well-known concerning the Trent if not the Coutts family, and it becomes easy to understand, when we consider the heavy restrictions on colonial trade imposed upon Scottish merchants by England. Both families favoured union with England, as is shown by the pro-incorporation letters of Thomas Coutts, as well as the fact that one of the ships owned by William Trent in 1702-3 was known as the *Happy Union*. Their views on the issue must have been shaped at least in part by the difficulties Scot traders faced in the Americas.

Additionally, the evidence presented gives weight to the conclusion that these families were among those mariners who participated in conveying children, not always willingly, to the colonies as white labour. To be sure, they were not the only ones who did so, but the success of the Trent and Coutts families calls attention to their activities. Both families amassed sizeable fortunes in large part through these trading practices. The Trents were key members of the colonial elite, William Trent becoming highly successful in colonial government, and Maurice and James building strong reputations as prominent businessmen. The Coutts family saw their fortunes and influence expand greatly during the period in question as well. There may have been other Scottish family dynasties which were built upon this sort of enterprise. Research has barely begun to scratch the surface of this topic.

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<sup>81</sup> Devine, 'Colonial Commerce', p. 22; Ralph Richardson, *Coutts & Co.*; Coleridge, *Life of Thomas Coutts*.

## Chapter 3

### The Aberdeen Affair: A Tale of Government Corruption

Child servants were shipped to the American colonies from all parts of Scotland. In the preceding chapter we looked at the shipping network set up by the Trent and Coutts families, known to have been operating in Dumfries, Inverness, Edinburgh, Leith, Montrose, Port Glasgow, and the Orkneys. There are also records of shipments of servants sailing to the Americas from Greenock, Glasgow, Ayr, Argyll, and Irvine.<sup>1</sup> How many of these children were abducted, we cannot ascertain with accuracy. In most cases, existing evidence consists only of family histories and indenture records, or more importantly, the lack of indenture records for child servants in colonial courts. As Ian Whyte points out, crime in seventeenth and eighteenth century Scotland was likely to go unreported, and was very often poorly recorded. Surviving records of the time are fragmented and incomplete, with many cases being settled outside court.<sup>2</sup>

Colonial records, though still lacking, are somewhat better. The work of American historian Richard Hayes Phillips has revealed over 5,000 children from the British Isles with no indentures who were sold as servants in the colonies of Maryland and Virginia alone within a sixty year span, 1660 to 1720.<sup>3</sup> Because many of the colonial court order books are no longer in existence, the list even for these two colonies is incomplete. Until approximately the last fifth of the seventeenth century, most of these cases would have been children from England, but as discussed previously, after various legal statutes were passed to combat the problem there, Scotland became a primary target for traders in children. An examination of records from a mere two counties in Pennsylvania and one in New Jersey reveals approximately 120 Scottish children imported by the Trent family during one four year period, 1693 to 1697.<sup>4</sup>

Though Phillips refers to the servants as ‘slave children’, and it is true that the terms ‘slave’ and ‘slavery’ were frequently used by contemporaries in reference to indentured

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<sup>1</sup> Macdonald, Dennistoun, and Robertson, *APC*; Brown, *RPC*, vol. 11, pp. 78, 257; Fortesque, *CSP*, 1675 – 1676 (London: HMSO, 1899) p. 304; Wood and Armet, *Records of the Burgh of Edinburgh*, vols. 10 – 13; Mowat, *Port of Leith*; Goldesbrough, ‘An Attempted Scottish Voyage’, *SHR*, vol. 40, pp. 56 – 62; Graham, *Maritime History*, pp. 38, 44, 46 – 49; MacArthur, *History of Port Glasgow*, pp. 61 – 62; Dobson, *Scottish Emigration*, p. 55; Alexander Murdoch, *Scotland and America, c. 1600 – 1800* (New York: Palgrave MacMillan, 2010), p. 65.

<sup>2</sup> Ian Whyte, *Scotland Before The Industrial Revolution: An Economic & Social History c. 1050 – c. 1750* (New York: Routledge, 2013) p. 219.

<sup>3</sup> Richard Hayes Phillips, *Without Indentures: Index to White Slave Children in Colonial Records, Maryland and Virginia* (Baltimore: Genealogical Publishing Company, 2013).

<sup>4</sup> Lapp, ed., *Records of the Courts of Chester County, Pennsylvania 1681 – 1697*, vol. 1 (Philadelphia: Patterson & White Company, 1910), p. 300; Nicholson, ‘Stolen Children’, p. 11; Dobson, *Scottish Quakers*, pp. 23, 27; A. W. C. Hallen, *The Scottish Antiquary or Northern Notes and Queries*, vol. 10 (Edinburgh: T. and A. Constable, 1886), pp. 146 – 147.

servanthood, servants were distinguished from African slaves in that their servitude was to end after a set period of time specified by the indenture contract, rather than for a lifetime. Also, it should be noted that not all children without indentures were snatched off the streets by some ne'er do well intent on making an illicit profit. Certainly many were, but there is no distinction between such cases and children who were legally detained by officials due to vagrancy or extreme poverty, orphans transported by the state, or those purposely abandoned by their parents.

According to the work of Karen Cullen, cases of child abandonment during the latter seventeenth century appear to have been rare.<sup>5</sup> Records exist of children sent from orphanages, which appears to have occurred chiefly in England, at least until the second wave of child migration, which would begin in the next century.<sup>6</sup> From these facts we can conclude that the bulk of undocumented Scottish children appearing before colonial courts during the period in question consisted of pauper children who were detained and transported due to vagrancy, and those who were illegally abducted.

Phillips has been able to trace some of the children appearing before Maryland and Virginia courts. In eighty percent of these cases, both parents were still living, which further supports the idea that most of these were not orphans wandering the streets.<sup>7</sup> Three of these cases included children of clergymen.<sup>8</sup> Nearly 200 of the traceable children were known to be from Scotland, and 33 had indentures which were specifically declared illegal or 'kidnappers indentures' by the court.<sup>9</sup> Because less than one third of the children were traceable, it is impossible to get a more accurate estimate, but these statistics, limited as they are, do seem significant.

Numerous historical works refer to Aberdeen as a particular centre of kidnapping during the 1740s.<sup>10</sup> The phrasing used makes it clear that abduction for the colonies was known to be a problem elsewhere in Scotland during this time. For example, several works published in the early to mid-nineteenth century refer to the kidnapping trade in

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<sup>5</sup> Karen Cullen, *Famine in Scotland*, p. 105.

<sup>6</sup> See Kingsbury, *Records of the Virginia Company*; Kershaw and Sacks, *New Lives for Old*.

<sup>7</sup> Richard Hayes Phillips, *White Slave Children of Colonial Maryland and Virginia: Birth and Shipping Records* (Baltimore: Genealogical Publishing Company, 2013), p. 5.

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

<sup>9</sup> Phillips, *Birth and Shipping Records*, pp. xxix, 207 – 230.

<sup>10</sup> Gavin Turreff, ed, *Antiquarian Gleanings From Aberdeenshire Records* (Aberdeen: George & Robert King, 1859) p. 221; Adams and Somerville, *Cargoes of Despair and Hope*, p. 23; Norman Adams, *Hangman's Brae: true crime and punishment in Aberdeen and the North East* (Edinburgh: Black & White Publishing, 2005), p. 48; William Haig Miller, James Macaulay, and William Stevens, *The Leisure Hour: A Family Journal of Instruction and Recreation*, vol. 8 (London: W. Stephens, 1859) p. 589; William Kennedy, *Annals of Aberdeen, From the Reign of King William the Lion, to the End of the Year 1818, With an Account of the City, Cathedral, and University of Old Aberdeen*, vol. 1 (London: A. Brown and Co., 1818), p. 294; Joseph Robertson, *The Book of Bon Accord: A Guide to the City of Aberdeen* (Edinburgh: Oliver and Boyd, 1839), p. 86; Peter Higginbotham, *The Workhouse Encyclopedia* (Stroud: The History Press, 2012), p. 120; William and Robert Chambers, *Edinburgh Journal*, vol. 8 (London: W. S. Orr and Company, 1840) p. 182; Barry M. Coldrey, 'A Place to Which Idle Vagrants May Be Sent: the First Phase of child Migration During the Seventeenth and Eighteenth Centuries', *Children and Society*, vol. 13 (1999) p. 45.

Aberdeen, along with 'other towns' in Scotland.<sup>11</sup> A more detailed search reveals these works to be based mainly upon an account given in Robinson's *Book of Bon Accord*, published in 1839, and a series of eighteenth century Aberdeen court records of suits brought against the Aberdeen magistrates in the 1760s by Peter Williamson, a kidnap victim. According to Robinson, he based his account upon city records, which would have included these cases, and upon Kennedy's *Annals of Aberdeen*, written in 1818. In these annals, William Kennedy reports that he gleaned information from the Aberdeen court records, as well as a biography of Williamson which Kennedy had in his possession. This may have been the 1816 work by J. Neison, no longer in print.

According to Graham Milne, education officer at Aberdeen Museums and Galleries, this sort of thing was going on in other Scottish cities as well, but it was in Aberdeen that city officials were proved to have been involved in the trade.<sup>12</sup> The truth is that most victims and their families were unable to seek redress, and therefore left minimal legal evidence of these crimes. It is the lengthy battle waged in the courts of Aberdeen which sheds the spotlight on that city.

Historians depict Aberdeen and the surrounding area during the 1740's as a turbulent district torn by famine and war.<sup>13</sup> With the Jacobite movement in full force, and Aberdeen an area heavily sympathetic to the Jacobite cause, the political climate in the area was stormy. As Ronald G. Asche states, 'Scottish Jacobites posed a greater threat to British and English political stability than Irish Catholics.'<sup>14</sup> The topography of the predominantly rural country, with a vast quantity of unsettled uplands, which would have included the mountainous Aberdeenshire district of Mar, encouraged the formation of bands of lawless vagrants, some armed with weapons, who roamed the countryside, no doubt contributing heavily to the association between vagrancy and crime in the public mind.<sup>15</sup> At the same time, says Milne, 'a lot of the countryside in Aberdeenshire had very little work and young people were sent into the city. People were trying to get rid of the waifs hanging out in the streets.'<sup>16</sup>

Adverse weather conditions had led to harvest failure in 1739 and 1740, plunging the region into a state of famine once again, and provoking food riots, as well as outbreaks of

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<sup>11</sup> Turreff, *Aberdeenshire Records*, p. 221; Miller, Macaulay, and Stevens, *The Leisure Hour*, p. 589; Robertson, *Book of Bon Accord*, p. 86; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182; The Ministers of the Respective Parishes, *The New Statistical Account of Scotland*, vol. 12: *Aberdeen* (Edinburgh and London: William Blackwood and Sons, 1845); 'Kidnapping System of the Last Century', *Boston Weekly Magazine*, vol. 2 (September 21, 1839) pp. 25 – 26.

<sup>12</sup> Quoted in Alison Campsie, 'How Aberdeen Children Were Sold Into Slavery', *The Scotsman* (Thursday 29 October 2015). Available at The Scotsman Online: <http://www.scotsman.com/heritage/historic-events/how-aberdeen-children-were-sold-into-slavery-1-3931904>

<sup>13</sup> Robert E. Tyson, 'Demographic Change', p. 201.

<sup>14</sup> Ronald G. Asch, *Three Nations – A Common History? England, Scotland, Ireland and British history, c. 1600 – 1920* (Bochum : Universitätsverlag N. Brockmeyer, 1993) p. 40.

<sup>15</sup> Whyte, *Scotland Before The Industrial Revolution*, pp. 168, 221.

<sup>16</sup> Quoted in Campsie, 'Aberdeen Children'.

typhus and measles, as had happened in the 1690s.<sup>17</sup> Though there is little mention of increased criminal activity due to famine in Aberdeen during the 1740s, this was the area which had seen the highest level of famine-related crime previously.<sup>18</sup> Historians have frequently cited entries from an account book spanning 1742-43 as evidence that impoverished Aberdeenshire families were sometimes driven to the desperate measures of selling their own flesh and blood into servitude.<sup>19</sup> The book, which had been owned by Deputy Town Clerk Walter Cochran, listed entries such as:

‘To Robert Ross for listing his son, one shilling’, ‘To Maclean, for listing his brother, Donald, one shilling and sixpence’, ‘To Charles Innes’s brother, who came to town to get his brother off’, ‘To Colonel Horsie for his concubine’, and ‘to Webster’s Mother’.<sup>20</sup>

However, the use of the word ‘listing’ would seem to imply military enlistment, rather than indentured servanthood. This would obviously not have applied to the concubine, and Cochran is one of the Aberdeen officials proven to have been deeply involved in the shipment of undocumented servants to the colonies. Even so, it cannot be assumed that all entries in the book referred to family members selling one another into servitude.

In *Cargoes of Despair and Hope*, Adams and Somerville assert that the mid-eighteenth century surge in Scottish kidnappings had its roots in the food riots of 1740, because impoverished parents were often reduced to selling their children in the best interests of the children’s welfare. When conditions improved, they maintain, this ready source of servants dried up, and merchants were reduced to kidnapping as a means of procuring indentures.<sup>21</sup>

However, in the kidnapping trials which will be discussed in the following chapter, Peter Williamson and many other witnesses stressed that families who sold their children into servitude were distinctly in the minority.<sup>22</sup> Karen Cullen, foremost authority on the Scottish famine of the 1690s, mentions nothing about such activity taking place in

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<sup>17</sup> Michael Fry, *A Higher World: Scotland 1707 – 1815* (Edinburgh: Birlinn Limited, 2014) pp. 39 - 39; M. Flinn, ed., *Scottish Population History* (Cambridge: 1977) pp. 219 – 23; Tyson, ‘Demographic Change’, p. 201; Kennedy, *Annals of Aberdeen*, pp. 290 – 291.

<sup>18</sup> Whatley, *Beyond Jacobitism*, p. 37; Tyson, ‘Famine in Aberdeenshire’, pp. 32 – 52.

<sup>19</sup> Adams and Somerville, *Cargoes*, p. 23; Robertson, *Book of Bon Accord*, p. 87; Turreff, *Aberdeenshire Records*, p. 222; Miller, Macaulay, and Stevens, *The Leisure Hour*, p. 589; E. Littell, ed., *Living Age*, vol. 18 (Boston: E. Littell and Company, 1848) p. 85; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182.

<sup>20</sup> *Accompt, Bailie William Fordyce and Company to James Smith*, pp. 4 - 9, 17. No longer in existence, the account book is referenced in Peter Williamson, *Memorial For Peter Williamson merchant in Edinburgh, pursuer: against William Fordyce, Walter Cochran, Alexander Mitchell and others* (Oxford: Bodleian Library, 1765) p. 50; *Book of Bon Accord*, p. 88; Turreff, *Aberdeenshire Records*, p. 222; Miller, Macaulay and Stevens, *The Leisure Hour*, p. 589; Littell, *Living Age*, vol. 18, p. 85; Skelton, *Indian Peter*, p 24; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182.

<sup>21</sup> Adams and Somerville, *Cargoes*, p. 23.

<sup>22</sup> Peter Williamson, ‘A Discourse on Kidnapping’, *French and Indian Cruelty*, vol. 2, p. 100; *Memorial for Peter Williamson against William Fordyce and Others* (Edinburgh: n.p, 1765), pp. 2, 61 - 62; NAS Records, CS29/1769/2/10, *Peter Williamson v. Baillie William Fordyce, Walter Cochran Town Clerk Deputy and others*, p. 2; GD248/590/4 No. 5, *Letters Regarding Court Case: Peter Williamson v. William Fordyce and others*.



Scotland during times of shortage, though she does discuss an increase in numbers of indentured servants during famine periods.<sup>23</sup> Cullen asserts that ‘incidences of child abandonment, even in the largest burghs, were exceedingly rare’.<sup>24</sup> No other records of Scottish children being sold overseas by impoverished parents appear to have been found apart from the account book mentioned, and all references to this type of activity appear to be based on this one source. The book, entitled ‘Accompt, Bailie William Fordyce and Company to James Smith’, detailed expenses incurred in the kidnapping of sixty-nine children who sailed on the *Planter* in May 1743, and came to be known as the ‘kidnapping book’.<sup>25</sup> The ledger ran from 3 December, 1742, to 12 May, 1743 and showed that the company’s operations had extended as far as Inverness, with agents paid for children obtained there.<sup>26</sup>

Of course, the absence of other records regarding the selling of children by family members does not indicate that no other such sales ever took place. What seems more likely, based on the lack of other evidence, is that those inclined to procure servants through illegal means may have used the poverty rate and condition of the country as a ready excuse.

As mentioned in Chapter 1, demand for labour in the colonies continued to be high, and white servants in the 1740s could be sold in North America for at least double the transportation costs. Agents for local merchants and magistrates formed press gangs, snatching children from the streets of Aberdeen and surrounding towns.<sup>27</sup> The *Book of Bon Accord* relates:

The inhabitants of the neighbourhood dared not send their children into town, and even trembled lest they should be snatched away from their homes. For in all parts of the country emissaries were abroad, in the dead of night children were taken by force from the beds where they slept, and the remote valleys of the Highlands, fifty miles distant from the city, were infested by ruffians who hunted their prey as beasts of the chase.<sup>28</sup>

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<sup>23</sup> Karen Cullen, *Famine in Scotland*, pp. 174 – 175.

<sup>24</sup> *Ibid.*, p. 105.

<sup>25</sup> CS29/1759/2/10, p. 4; *Memorial for Peter Williamson*, pp. 30, 50 - 52; Turreff, *Aberdeenshire Records*, p. 234; Herrick, *White Servitude*, p. 152; Skelton, *Indian Peter*, pp. 212 – 215; McDonnell, *Adventures of Peter Williamson*, p. 25; Robertson, *Book of Bon Accord*, p. 88; Kennedy, *Annals of Aberdeen*, p. 234

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

<sup>27</sup> Turreff, *Aberdeenshire Records*, pp. 222, 233; Coldrey, ‘Idle Vagrants’, p. 45; CS29/1759/2/10, Pursuer’s Proof, p. 23 D and E, p. 20, B and H; *Memorial for Peter Williamson*, p. 2; McDonnell, *Adventures of Peter Williamson*, p. 28; John Van Der Zee, *Bound Over: Indentured Servitude and American Conscience* (New York: Simon and Schuster, 1985) p. 210; Robertson, *Book of Bon Accord*, p. 87; Miller, Macaulay, and Stevens, *The Leisure Hour*, p. 580; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182; James S. Borlase, ‘Kidnapped: Or the Adventures of Peter Williamson, a Tale of the Slave Dealers of Aberdeen’, *Dundee Courier* (Tuesday, 26 September, 1882) p. 7; Skelton, *Indian Peter*, pp. 25 – 26; Hugo de la Loy, *Hot Pressed Doctors Outwitted; or Who’s Afraid* (Edinburgh: J. Robertson, 1808) p. 214.

<sup>28</sup> Robertson, *Book of Bon Accord*, p. 87.

Here we see a particular conflict of interest, in that the magistrates, who were bound to declare indentures null and void if they were obtained unwillingly, were in league with the merchants and ship masters who profited from the sale of servants. In fact, most of the magistrates were also merchants.<sup>29</sup> Abbott Emerson Smith explains that merchants most often applied money made from the sale of servants towards purchasing colonial goods, which they would then import for sale in Scotland.<sup>30</sup> Thus, the merchants were basically using servants to purchase merchandise for their own businesses, thereby getting their merchandise for free, and greatly increasing their business profits.

The actions brought against the local officials and businessmen by Peter Williamson and the depositions of victims' family members paint a picture of the operations of the kidnapping ring. Twenty-one local men are named in the trials, sixteen of them merchants. Their ranks include five baillies, the justice of the peace, the town clerk deputy, the town clerk, and the Dean of Guild, who was also the Procurator Fiscal. Two tradesmen served as crimps: Hugh Mackie, a stabler; and James Smith, a saddler who also served as accountant for the company. These two were aided in their activities by a group of prostitutes, soldiers, and military sergeants.<sup>31</sup>

Merchants placed ads in the local newspapers requesting servants for the colonies, and a boy would be sent through the town beating a drum, calling for volunteers to sail overseas. As the constant demand for servants could not be met by the number of those who voluntarily indentured themselves, the merchants and tradesmen often attempted to coax their victims through the means already discussed – splendid promises of riches, treats, social fun and games, or women and alcohol, depending upon what the situation required. If a target resisted, they were not above resorting to physical force.<sup>32</sup>

The merchants involved were Alexander Mitchell, Patrick Baron, John Burnett, James Burnett, Andrew Garioch, John Elphinstone, James Black, Alexander Robertson, William Davidson, Alexander Wight, Alexander Lockhart, John Duncan, James Jopp, James

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<sup>29</sup> NAS Record CS29/1769/2/10, *Peter Williamson vs. Fordyce and Cochran*; NAS Record CS22/6/9407, *Peter Williamson against Alexander Cushnie and others*; NAS Record GD248590/4, *Papers of the Ogilvy Family, Earls of Seafield, Miscellaneous Papers, No. 5; Memorial for Peter Williamson*, pp. 2 - 3, 9, 12 - 13, 51; Skelton, *Indian Peter*, pp. 26, 189, 197; Tureff, *Aberdeenshire Records*, p. 222; Williamson, 'Case between the Author and the Merchants', *French and Indian cruelty, exemplified in the life and various vicissitudes of fortune, of Peter Williamson* (York: Nickson, 1757) p. 116; 'Discourse on Kidnapping', *French and Indian Cruelty*, p. 131; 'Letter from William Davidson and James Jopp, late Baillies of Aberdeen, to Walter Scott, Writer of the Signet' (February 4, 1764), GD248/590/4, no. 5, also in *French and Indian Cruelty*, pp. 145 - 146; Robertson, *Book of Bon Accord*, pp. 87, 89; Miller, Macaulay, and Stevens, *The Leisure Hour*, p. 589; Chambers and Chambers, *Edinburgh Journal*, p. 182; Harper, *Adventurers and Exiles*, p. 161; de la Loy, *Hot Pressed Doctors*, pp. 219 - 220; Skelton, *Indian Peter*, pp. 198, 201, 212; McDonnell, *Adventures of Peter Williamson*, p. 28.

<sup>30</sup> Smith, *Colonists in Bondage*, p. 39.

<sup>31</sup> *Memorial for Peter Williamson*, pp. 3, 12 - 14, 51; Skelton, *Indian Peter*, pp. 204, 212.

<sup>32</sup> CS29/1759/2/10, *Memorial for William Fordyce and Walter Cochran Against Peter Williamson*, pp. 2, 9 - 10; *Memorial for Peter Williamson*, pp. 4, 7, 47 - 50; Williamson, *Life and Curious Adventures*, p. 7; Williamson, *French and Indian Cruelty*, p. 3; Williamson, 'Discourse on Kidnapping', pp. 114 - 1115; Jordan and Walsh, *White Cargo*, pp. 236, 238; Skelton, *Indian Peter*, pp. 27, 40, 207; Herrick, *White Servitude*, p. 150; McDonnell, *Adventures of Peter Williamson*, pp. 1, 28; Harper, *Adventurers and Exiles*, p. 34.

Cruckshanks, Alexander Gordon, and Alexander Cushnie. Cushnie was also the Dean of Guild and Procurator Fiscal, while Jopp, Mitchell, and Davidson were baillies, along with William Fordyce and William Smith.<sup>33</sup> Alexander Gordon had the good foresight to drop out of the business early, and as a result was found to bear no legal responsibility, whereas Patrick Baron, who joined the group very late and according to witness testimony had no knowledge of the abductions, found himself implicated in the crime ring.<sup>34</sup> Baillie and Justice of the Peace William Fordyce appears to have been the leader of the group, assisted by Town Clerk Deputy Walter Cochran.<sup>35</sup> Also involved was Town Clerk Robert Thomson, though it is likely Thomson's culpability was low. He seems to have been a man tripped up by his belief that his colleagues were following proper procedure.<sup>36</sup> According to court records, Robertson, Duncan and Cruckshanks were also magistrates, though it is not clear what their titles were.<sup>37</sup> Baillie William Smith was the brother of crimp James Smith.<sup>38</sup> Rounding out the group was Cochran's cousin Robert Ragg, also related to Fordyce. Ragg and merchant John Elphinstone were mariners who captained ships to the colonies.<sup>39</sup>

Joseph Robertson estimated that more than 600 children ages six to fourteen were taken from Aberdeen and the surrounding area 1740 – 1746, a figure which has been quoted in numerous works on the subject.<sup>40</sup> This estimate was arrived at by virtue of the fact that of two vessels sailing from Aberdeen's harbour in 1743 carrying similar cargoes of children, one is known to have carried at least sixty-nine, and this trade was carried on for six years, with similar shipments embarking every few months.<sup>41</sup>

One thing which makes the Aberdeen cases striking is the degree of involvement of legal officials and prominent citizens. The cooperation of these officials enabled the children to be held not only in a barn on the outskirts of town and the house of a local woman named Helen Law, but in the town workhouse, the tollbooth, and the common prison.<sup>42</sup> This sort of thing could have been going on in other cities and ports of Scotland as well. Based upon Dobson's records and my own survey of Scottish and colonial newspapers,

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<sup>33</sup> *Memorial for Peter Williamson*, p. 12; Skelton, *Indian Peter*, pp. 197 – 198, 201; Harper, *Adventurers and Exiles*, p. 113.

<sup>34</sup> *Memorial for Peter Williamson*, pp. 2, 12; Skelton, *Indian Peter*, pp. 200 – 204.

<sup>35</sup> Skelton, *Indian Peter*, p. 203.

<sup>36</sup> *Memorial for Peter Williamson*, pp. 12 – 14; Skelton, *Indian Peter*, pp. 197, Herrick, *White Servitude*, p. 153; Smith, *Colonists in Bondage*, p. 81

<sup>37</sup> *Memorial for Peter Williamson*, p. 12.

<sup>38</sup> *Indian Peter*, pp. 201, 203 – 204.

<sup>39</sup> *Memorial for Peter Williamson*, pp. 3, 12; Skelton, *Indian Peter*, pp. 201 – 204; Harper, *Adventurers and Exiles*, p. 113.

<sup>40</sup> Tureff, *Aberdeenshire Records*, p. 223; Alexander Keith, *A Thousand Years of Aberdeen* (Aberdeen: Aberdeen University Press, 1972) pp. 317 – 319; Adams, *Hangman's Brae*, p. 48; Miller, Macaulay, and Stevens, *The Leisure Hour*, p. 590; Robertson, *Book of Bon Accord*, p. 90; Skelton, *Indian Peter*, p. 26.

<sup>41</sup> Tureff, *Aberdeenshire Records*, p. 223; Miller, Macaulay, and Stevens, *The Leisure Hour*, p. 590; *Memorial for Peter Williamson*, p. 3; CS29/1769/2/10, *Pursuer's Proof*, p. 16 D; Robertson, *Book of Bon Accord*, pp. 89 – 90.

<sup>42</sup> *Memorial for Peter Williamson*, p. 5; Miller, Macaulay, and Stevens, *The Leisure Hour*, pp. 589 – 590; Skelton, *Indian Peter*, pp. 33 – 34; Adams, *Hangman's Brae*, p. 48.

more servants sailed from the ports of Greenock, Glasgow and Port Glasgow than from any others in Scotland, including the also busy ports of Leith and Aberdeen.<sup>43</sup> Officials in these towns may or may not have been involved in similar activities as those in Aberdeen. Until these records are investigated more thoroughly, we have no way of knowing.

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<sup>43</sup> See footnote 2, page 2.

## Chapter 4

### Driven Like Sheep Through the Streets: The Aberdeen Children

The evidence in the Aberdeen cases consists of the Williamson court records, contemporary letters held in the National Archives of Scotland concerning the trials and matters relating to them, autobiographical accounts of Peter Williamson, and early works based upon records which no longer exist. There are also a wide variety of secondary sources which cover these events. As mentioned in the previous chapter, nineteenth century historian William Kennedy wrote his *Annals of Aberdeen* based upon an earlier biography of Williamson which is no longer in existence. There are accounts in some nineteenth century newspapers which provide interesting details not found in existing primary sources, giving the impression that they too may have been based upon earlier sources which have since been lost. There appears to have been a surge of interest in this case on both sides of the Atlantic during the mid-nineteenth century. This was during an era when, according to T. M. Devine and J. Wormald, historians were rehabilitating large areas of Scottish history as suitable for serious study.<sup>1</sup> Cheesman A. Herrick, writing about these events in 1926, reported that he was accessing a collection of historical documents in the possession of Samuel M. Pennypacker, of which there were no other copies.<sup>2</sup> The material in this chapter has been constructed through compiling various accounts of these events spanning the last four centuries, in an attempt to provide a more complete picture than that which has been presented thus far.

The first Aberdeen abduction of this era of which we have record is that of ten-year-old John Jamieson, son of a local shoemaker, who one spring day in 1741 went missing from his home in Oldmeldrum, a village approximately twelve miles outside Aberdeen.<sup>3</sup> John's father, William Jamieson, learned from neighbours that his boy and two other children of a similar age had been seen headed towards Aberdeen in the company of a servant of 'Bonny' John Burnett, a merchant known to be involved in procuring labourers for the plantations. The father hurriedly paid a visit to the merchant, only to be told by Burnett that even if he did have his son, Mr. Jamieson could do nothing about it.<sup>4</sup> Jamieson began a search through the town and dockside, and found John by the shore with a group of about sixty other children, being guarded by a man with a whip. He called to his son, and

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<sup>1</sup> T. M. Devine and J. Wormald, eds., *The Oxford Handbook of Modern Scottish History* (Oxford: Oxford University Press, 2012) pp. 2 – 3.

<sup>2</sup> Cheesman A. Herrick, *White Servitude in Pennsylvania: Indentured and Redemption Labor in Colony and Commonwealth* (Philadelphia: John Joseph McVey, 1926) p. 151.

<sup>3</sup> Herrick, *White Servitude*, p. 154; Jordan and Walsh, *White Cargo*, p. 236; Tureff, *Aberdeenshire Records*, p. 231; *Memorial for Peter Williamson*, p. 3; Williamson, 'Discourse on Kidnapping', p. 118; Skelton, *Indian Peter*, p. 29; McDonnell, *Adventures of Peter Williamson*, p. 22; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182; de la Loy, *Hot Pressed Doctors*, p. 211.

<sup>4</sup> Tureff, *Aberdeenshire Records*, p. 231; CS29/1759/2/10, *Pursuer's Proof*, p. 22 P; Williamson, 'Discourse on Kidnapping', p. 118; Skelton, *Indian Peter*, pp. 29 – 30; McDonnell, *Adventures of Peter Williamson*, p. 22; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182; de la Loy, *Hot Pressed Doctors*, p. 211.

the boy eagerly ran over to him, happy at the thought of going home, but at that moment, the guard lashed the boy with his whip and snatched him up, driving the children away, 'like sheep through the streets'. Jamieson ran after them, begging to speak to his son, and was told he would have a chance once they got to the barn where they were being held, but upon arriving at the barn, the guard locked the door and refused to let him in.<sup>5</sup>

When he attempted to obtain legal aid in town, he was told by numerous people that it would do no good, because the magistrates and town officials were in business with the kidnappers. Mr. Jamieson was told that if he complained too loudly about it, he himself would be sent abroad.<sup>6</sup> Determined to recover his child, Jamieson went to Edinburgh, and managed to obtain a warrant from William Setton, Writer to the Signet, for John Burnett to appear before the Lords of Session. Unfortunately, once he returned home, he found that no officer of the law would serve Burnett with the summons, reporting that they 'wouldn't disobey him for anything [he] could give them', so he was forced to send a messenger to town with the summons.<sup>7</sup> Upon receiving the summons, Burnett consulted the Earl of Aberdeen, who happened to be the landlord of William Jamieson's father, grandfather of the kidnapped boy. The Earl sent for the father and grandfather, and after some discussion it was agreed that Burnett would retrieve John Jamieson from Maryland, the destination for which the ship had already set sail, and would return him to his family within one year. William Jamieson was to be given a bond of £50 as guarantee that Burnett would keep his word. The Earl of Aberdeen promised to personally see that this was carried out.<sup>8</sup>

Unfortunately, through remarkably bad luck, the bond was never executed. Shortly after his reassurance to the Jamieson family, the Earl of Aberdeen died.<sup>9</sup> William Jamieson abruptly enlisted in the army, and it has been suggested that he himself was perhaps kidnapped for the trouble he had caused the merchants.<sup>10</sup> He was sent to fight in

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<sup>5</sup> Tureff, *Aberdeenshire Records*, pp. 222, 231 - 232; CS29/1759/2/10, *Pursuer's Proof*, pp. 21 F, 22 P, 24 A; *Memorial for Peter Williamson*, pp. 48 - 49; Williamson, 'Discourse on Kidnapping', pp. 108, 118 - 119; Skelton, *Indian Peter*, p. 30; McDonnell, *Adventures of Peter Williamson*, p. 23; de la Loy, *Hot Pressed Doctors*, p. 213.

<sup>6</sup> Tureff, *Aberdeenshire Records*, p. 232; *Memorial for Peter Williamson*, pp. 48 - 49; Williamson, 'Discourse on Kidnapping', p. 119; de la Loy, *Hot Pressed Doctors*, p. 213.

<sup>7</sup> Robertson, *Book of Bon Accord*, p. 90; CS29/1759/2/10, *Pursuer's Proof*, p. 22 F; Tureff, *Aberdeenshire Records*, pp. 224, 232; Herrick, *White Servitude*, p. 154; *Memorial for Peter Williamson*, p. 3; Williamson, 'Discourse on Kidnapping' in Williamson, *French and Indian Cruelty*, p. 119; Skelton, *Indian Peter*, p. 31; McDonnell, *Adventures of Peter Williamson*, p. 23; Miller, Macaulay, and Stevens, *The Leisure Hour*, p. 590; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182; de la Loy, *Hot Pressed Doctors*, p. 213.

<sup>8</sup> Tureff, *Aberdeenshire Records*, p. 232; CS29/1759/2/10, *Pursuer's Proof*, p. 22, Herrick, *White Servitude*, p. 154; *Memorial for Peter Williamson*, pp. 3 - 4; Williamson, 'Discourse on Kidnapping', p. 120; Jordan and Walsh, *White Cargo*, p. 236; Skelton, *Indian Peter*, p. 31; McDonnell, *Adventures of Peter Williamson*, p. 23; de la Loy, *Hot Pressed Doctors*, p. 213.

<sup>9</sup> Herrick, *White Servitude*, p. 154; Tureff, *Aberdeenshire Records*, p. 233; CS29/1759/2/10, *Pursuer's Proof*, p. 22; Jordan and Walsh, *White Cargo*, p. 236; Williamson, 'Discourse on Kidnapping', p. 120; Skelton, *Indian Peter*, p. 31; McDonnell, *Adventures of Peter Williamson*, p. 23, de la Loy, *Hot Pressed Doctors*, p. 213.

<sup>10</sup> Tureff, *Aberdeenshire Records*, p. 233; CS29/1759/2/10, *Pursuer's Proof*, p. 22.

Flanders for 'some years', and upon his return discovered that Bonny John had gone bankrupt and skipped town. Consequently, John Jamieson was never returned home, and his family never heard from him again.<sup>11</sup>

The idea that William Jamieson could have been unwillingly forced into the military is not far-fetched, considering that there are numerous reports of parents and other relatives being threatened with deportation, incarceration, charges of Jacobite involvement, or of receipt of smuggled goods when seeking their missing children.<sup>12</sup> In fact, Jamieson had reported being previously threatened in this manner.<sup>13</sup> Moreover, as mentioned in the previous chapter, some of the entries in the 'kidnapping book' imply that town officials may have also had a hand in enlisting individuals for military service. However, one would assume that if Jamieson had been forced to enlist against his will, he would probably have mentioned this in his deposition, given in 1760.<sup>14</sup>

Two years after the abduction of John Jamieson, Margaret Ross Ingram in the nearby village of Loanhead sent her 12-year-old son James to Aberdeen on an errand. When the boy failed to return, his mother heard that he had been taken by Alexander Gray, an Aberdeen merchant, like Bonny John Burnett, known to be involved in sending children to the plantations.<sup>15</sup> Upon hearing this, she went immediately to speak to Gray at his business in town, but the merchant physically threw the worried mother out of his shop. For eight days, James was missing, but on Sunday his mother caught sight of the boys at church, and managed to get her son away from the others and take him home.<sup>16</sup> The family's peace was not to last, for a few nights later, while the Ingrams were in bed asleep with James lying at his parents' feet, four agents woke the household, demanding the boy go with them. The child wept, his parents pleaded, but the men took him away by force. Mr. Ingram ran after the merchants, and saw that they went into the home of Alexander Gray.<sup>17</sup> The following day, the father spoke with the merchant, and was told that if he could pay seven pounds, his son would be returned.

Since the sum was well beyond the family's ability to pay, Mrs. Ingram took her story to the Provost of Aberdeen, who sympathized with her and gave Gray a good dressing down on the impropriety of taking a child from his or her parents. Gray replied that the child

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<sup>11</sup> Tureff, *Aberdeenshire Records*, p. 233; Jordan and Walsh, *White Cargo*, p. 236; CS29/1759/2/10, *Pursuer's Proof*, pp. 22 - 23; *Memorial for Peter Williamson*, p. 4; Williamson, 'Discourse on Kidnapping', p. 120; Skelton, *Indian Peter*, p. 31; de la Loy, *Hot Pressed Doctors*, p. 213.

<sup>12</sup> CS29/1759/2/10, Tureff, *Aberdeenshire Records*, p. 224; *Memorial for Peter Williamson*, pp. 3, 54; Robertson, *Book of Bon Accord*, pp. 89 - 90; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182; Skelton, *Indian Peter*, p. 28, 30 - 31; Miller, Macaulay, and Stevens, *The Leisure Hour*, p. 590; James S. Borlase, 'Kidnapped: Or the Adventures of Peter Williamson, a Tale of the Slave Dealers of Aberdeen', *Dundee Courier* (Tuesday, 26 September, 1882) p. 7.

<sup>13</sup> CS29/1759/2/10, *Pursuer's Proof*, pp. 22 P; Skelton, *Indian Peter*, p. 30.

<sup>14</sup> CS29/1759/2/10, *Pursuer's Proof*, p. 22 - 24.

<sup>15</sup> Williamson, 'Discourse on Kidnapping', pp. 115, 118; *Memorial for Peter Williamson*, p. 47; McDonnell, *Adventures of Peter Williamson*, p. 21; Skelton, *Indian Peter*, p. 208.

<sup>16</sup> Williamson, 'Discourse on Kidnapping', p. 116; *Memorial for Peter Williamson*, p. 47; Skelton, *Indian Peter*, p. 208; McDonnell, *Adventures of Peter Williamson*, p. 21.

<sup>17</sup> Ibid.

had told him he was being abused at home, and he was only trying to save him from a bad situation. The Provost was unconvinced by this line of argument, and ordered Gray to return the boy. The merchant asked who would reimburse him for the cost of maintaining the child while he had been under his roof, and reported that he had already passed James on to another merchant, a Mr. Copland in Applegate. Copland was summoned, and when ordered to return the boy, he also asked who would pay the cost of the child's maintenance. The frustrated Provost retorted that when his father, a stone cutter, became rich, he would cut stones for him by way of repayment. Following Copland to a barn on the far side of town, they found James being held with several other boys and girls. Before he would let him leave, Mr. Copland insisted on stripping James of the clothing he had bought him, so that his mother was forced to carry him home wrapped in her plaid shawl. It was a small price to pay, and the family was happily reunited.<sup>18</sup>

Sadly, the next time James went to town, he was again abducted, this time by another trader named Lunan. Apparently, his parents were unable to secure his release a third time. Though his mother tried again to appeal to the mercy of the merchants involved, she was treated harshly, and was forced to tearfully bid farewell to her son in the town Tolbooth, where he was being held, before he sailed away forever.<sup>19</sup> The Ingrams maintained that, though times were hard and food scarce, they were well able to support their child, and would never have consented to him being indentured.<sup>20</sup>

Just a year prior to the abduction of James Ingram, the kidnappers had made an especially poor choice in victims when they spirited away the young son of James Williamson of Aboyne, a village at the edge of the Highlands, on the River Dee. The boy was called Peter, and he would, through impressive persistence and strength of will, bring about the downfall of the Aberdeen kidnappers.<sup>21</sup> James Williamson of Aboyne was no pauper struggling to feed his family. He was a 'man of substance', one of the more prosperous tenant farmers in the area, working not just one but two properties on the rich lands of Lord Aboyne; one in Hirnley and another in Upper Balnacraig.<sup>22</sup> According to contemporaries, he had the means to raise and educate his children better than most,

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<sup>18</sup> Williamson, 'Discourse on Kidnapping', pp. 116 – 117; *Memorial for Peter Williamson*, p. 47; Skelton, *Indian Peter*, p. 208; McDonnell, *Adventures of Peter Williamson*, pp. 21 – 22.

<sup>19</sup> Williamson, 'Discourse on Kidnapping', pp. 117 – 118; *Memorial for Peter Williamson*, pp. 47 – 48; McDonnell, *Adventures of Peter Williamson*, p. 22.

<sup>20</sup> Williamson, 'Discourse on Kidnapping', p. 118; *Memorial for Peter Williamson*, p. 48; Skelton, *Indian Peter*, p. 208.

<sup>21</sup> CS29/1759/2/10, p. 2; Tureff, *Aberdeenshire Records*, pp. 224, 226; *Memorial for Peter Williamson*, p. 4; Williamson, *French and Indian Cruelty*, p. 3; Williamson, *Life and Curious Adventures*, p. 7; Jordan and Walsh, *White Cargo*, p. 236; Robertson, *Book of Bon Accord*, p. 91; Kennedy, *Annals of Aberdeen*, p. 295; Skelton, *Indian Peter*, pp. 20 – 21; Murdoch, *Scotland and America*, p. 40; Robertson, *Book of Bon Accord*, p. 91; Adams, *Hangman's Brae*, p. 49; Herrick, *White Servitude*, p. 150; Adams and Somerville, *Cargoes*, p. 23; Chambers and Chambers, *Edinburgh Journal*, vol. 8, p. 182; Coldrey, 'Idle Vagrants', p. 45; Marjory Harper, *Adventurers and Exiles: The Great Scottish Exodus* (London: Profile Books Ltd., 2003) p. 34.,

<sup>22</sup> *Memorial for Peter Williamson*, p. 4; Williamson, *French and Indian Cruelty*, p. 3; Skelton, *Indian Peter*, pp. 21, 209.



and there were ‘few bairns brought up like them in the parish.’<sup>23</sup> He had sent his third son, Peter, to stay with an aunt in Aberdeen so that he could attend school there.<sup>24</sup>

One day while playing with his friends, Peter was approached by two men who asked if he wanted to go play with a group of other children. Not sensing he was in any danger, he agreed to follow the men, and was soon confined with the other servants being held until there were enough to fill a ship.<sup>25</sup>

Upon learning of his disappearance, Peter’s father and older brother Alexander began a search of Aberdeen. Word on the streets was that the boy had been taken by merchant John Elphinstone, or those working for him.<sup>26</sup> Alexander finally discovered his brother in a barn on the outskirts of town with several other children, but the guards refused to allow him to speak with him. The older boy was told that if he did not stop causing trouble, he would be locked up and sent away with the others, so he returned home.<sup>27</sup> Hearing Alexander’s tale, James Williamson sought the help of local magistrates, but met with no success. Finally, he found a rural Justice of the Peace willing to sign a search warrant, and hurried to the old barn to retrieve his son, but by that time the children had been moved, possibly to evade just this sort of legal action.<sup>28</sup> After all, if Williamson succeeded in getting his son back, how many other families might be encouraged to do the same?

After they had gathered enough servants, the merchants loaded them onto two ships bound for the Americas. The vessel on which Peter Williamson sailed, the *Planter*, had been newly purchased in London by a group of eight of the local men discussed in the previous chapter, namely Captain Robert Ragg, Walter Cochran, William Fordyce, Alexander Mitchell, Alexander Gordon, James Black, and John Elphinstone. The owners’ intent was to import tobacco from the colonies. The money made from the sale of servants would cover overhead costs, ensuring that the voyage was pure profit for the owners.<sup>29</sup> Though the original destination was Virginia, the *Planter* ran ashore at Cape May, and after being abandoned by the crew, the servants were rescued by a passing vessel and taken to Philadelphia to be sold.<sup>30</sup>

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<sup>23</sup> *Memorial for Peter Williamson*, p. 4; CS29/1759/2/10, *Pursuer’s Proof* pp. 25 B, 27 B – E; Skelton, *Indian Peter*, pp. 21, 209.

<sup>24</sup> *Memorial for Peter Williamson*, p. 4; Skelton, *Indian Peter*, p. 21; Williamson, *Life and Curious Adventures*, p. 7; Jordan and Walsh, *White Cargo*, p. 236.

<sup>25</sup> *Memorial for Peter Williamson*, pp. 4, 7; Williamson, *Life and Curious Adventures*, p. 7; CS29/1759/2/10, p. 2; Williamson, *French and Indian Cruelty*, p. 3; Jordan and Walsh, *White Cargo*, pp. 236, 238; Skelton, *Indian Peter*, p. 27; Herrick, *White Servitude*, p. 150; McDonnell, *Adventures of Peter Williamson*, p. 1; Harper, *Adventurers and Exiles*, p. 34.

<sup>26</sup> *Memorial for Peter Williamson*, p. 44; Williamson, *French and Indian Cruelty*, pp. 109, McDonnell, *Adventures of Peter Williamson*, p. 21; Skelton, *Indian Peter*, p. 28.

<sup>27</sup> *Memorial for Peter Williamson*, p. 57; Skelton, *Indian Peter*, p. 28.

<sup>28</sup> CS29/1759/2/10, Skelton, *Indian Peter*, pp. 28 – 29.

<sup>29</sup> CS29/1759/2/10, Skelton, *Indian Peter*, pp. 36, 201 – 204, 208; McDonnell, *Adventures of Peter Williamson*, p. 25.

<sup>30</sup> CS29/1759/2/10, p. 3; *Pennsylvania Gazette* (shipwreck and rescue of servants 11 August, 1743; servants disposed of in Philadelphia 1 September, 1743; Ragg enters port of Philadelphia bound for North Carolina 13 October, 1743); *Memorial for Peter Williamson*, pp. 4 – 5; Williamson, *French and Indian Cruelty*, pp. 4 –

Upon his arrival in Philadelphia, Peter had the immense good fortune to be sold under a seven year contract to Hugh Wilson, a fellow Scot who had been abducted as a boy from his home in Perth, formerly known as St. Johns Town.<sup>31</sup> Understandably sympathetic, Wilson treated the boy with great kindness, allowing him to regain his strength and health before giving him any physically taxing work, and allowing him to attend school for five years.<sup>32</sup> When Wilson died childless, he made Peter his heir, leaving him two hundred pounds sterling, his best horse and saddle, and all of his clothing.<sup>33</sup>

Though he may have imagined so, Peter's struggles were not yet over. He married and settled down on a plantation of his own, but the English colonies were by now embroiled in the French and Indian War. One night in October 1754 while his wife was away, Williamson happened to have the misfortune to be attacked by Indians, his plantation burned, and he himself held captive for three months.<sup>34</sup> One winter night, he was at last able to make his escape unnoticed, and returned to Philadelphia. Upon learning that his young wife had died in his absence, he joined General Shirley's regiment of foot soldiers.<sup>35</sup> Captured again at the Battle of Oswego August 1756, Williamson was taken to Quebec as a prisoner of war, then sent to England as part of a prisoner exchange.<sup>36</sup> Because he had served in a colonial regiment rather than one raised in Britain, and was wounded in his left hand, Williamson was discharged. Anxious to see his home and family again, he began making his way towards Aberdeen, writing an account of his adventures along the way.<sup>37</sup>

By the time he reached York, Peter had run out of money, but a group of kindly local businessmen paid for the publication of his memoirs, entitled *French and Indian Cruelty, exemplified in the Life and various Vicissitudes of Fortune of Peter Williamson, who was*

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5, 8 - 9; Williamson, *Life and Curious Adventures*, pp. 7 – 9; Jordan and Walsh, *White Cargo*, pp. 238 – 239; Skelton, *Indian Peter*, pp. 44 – 47; Herrick, *White Servitude*, p. 154; McDonnell, *Adventures of Peter Williamson*, p. 25; Harper, *Adventurers and Exiles*, pp. 8 – 9.

<sup>31</sup> James Graham-Campbell, *Perth: The Fair City* (Perth: John Donald Publishers, 1997), pp. 1 – 2; *Memorial for Peter Williamson*, p. 5; Williamson, *Life and Curious Adventures*, p. 9; Williamson, *French and Indian Cruelty*, pp. 9 - 10; Skelton, *Indian Peter*, p. 54; McDonnell, *Adventures of Peter Williamson*, p. 2; Harper, *Adventurers and Exiles*, p. 9; Adams, *Hangman's Brae*, p. 49; de la Loy, *Hot Pressed Doctors*, p. 215.

<sup>32</sup> *Memorial for Peter Williamson*, p. 5; Williamson, *Life and Curious Adventures*, p. 11; Williamson, *French and Indian Cruelty*, p. 10; Skelton, *Indian Peter*, p. 55; McDonnell, *Adventures of Peter Williamson*, p. 4; Harper, *Adventurers and Exiles*, pp. 10 – 15; Jordan and Walsh, *White Cargo*, p. 239.

<sup>33</sup> *Memorial for Peter Williamson*, p. 5; Williamson, *French and Indian Cruelty*, pp. 7 - 10; Williamson, *Life and Curious Adventures*, p. 11; Skelton, *Indian Peter*, p. 57; Harper, *Adventurers and Exiles*, p. 15; Jordan and Walsh, *White Cargo*, p. 239.

<sup>34</sup> CS29/1769/2/10/1, p. 3; *Memorial for Peter Williamson*, p. 5; Skelton, *Indian Peter*, pp. 75 – 94; Williamson, *Life and Curious Adventures*, pp. 13 – 34; Williamson, *French and Indian Cruelty*, pp. 10 – 29, 73; Jordan and Walsh, *White Cargo*, p. 236; Herrick, *White Servitude*, p. 151.

<sup>35</sup> CS29/1769/2/10/1, p. 3; *Memorial for Peter Williamson*, p. 5; Williamson, *Life and Curious Adventures*, p. 36; Williamson, *French and Indian Cruelty*, p. 33; Skelton, *Indian Peter*, p. 102; Jordan and Walsh, *White Cargo*, p. 240.

<sup>36</sup> CS29/1769/2/10/1, pp. 3 - 4; *Memorial for Peter Williamson*, p. 5; Williamson, *French and Indian Cruelty*, pp. 83 – 99; Williamson, *Life and Curious Adventures*, pp. 89 – 90, 107; Skelton, *Indian Peter*, pp. 180 – 182.

<sup>37</sup> CS29/1769/2/10/1, p. 4; *Memorial for Peter Williamson*, p. 5; Williamson, *French and Indian Cruelty*, p. 104; Williamson, *Life and Curious Adventures*, p. 108; Skelton, *Indian Peter*, p. 182; Chambers and Chambers, *Edinburgh Journal*, p. 182; de la Loy, *Hot Pressed Doctors*, p. 205.

*carried off from Aberdeen in his Infancy, and sold as a slave in Pennsylvania.*<sup>38</sup> Only a few copies of the original exist today, one of which is held by the University of Pittsburgh Library in Pennsylvania. A few others are in the possession of private collectors. Within three weeks, the book had sold 1,000 copies in York and six hundred fifty copies in Newcastle, more than enough to get Peter back home to Aberdeen in June, 1758.<sup>39</sup>

Upon his return he found that his mother, father and older brother Alexander had all died while he was away. His mother had passed away shortly after Peter disappeared, perhaps hurried to her grave through grief, as he suggested in one of his publications.<sup>40</sup> Peter's father had died only a few years before they would have been reunited.<sup>41</sup>

The citizens of Aberdeen, like those of York and Newcastle, were extremely interested in buying Williamson's memoirs. Probably the book inspired much greater interest there than anywhere, due to the number of people who had lost children and other relatives in such a manner. However, not everyone was thrilled. Though Williamson hadn't named any names, and most likely had no idea of the names of the men who had been involved when he began writing his story, the local magistrates and businessmen were outraged. They had Peter arrested on charges of libel and copies of his book burned, ordering him to print a retraction of his allegations.<sup>42</sup> This line of action was the worst thing the magistrates could have done. An outraged Williamson embarked on a series of court cases determined to bring the full extent of the magistrates' participation in child abduction to light.

There is some confusion regarding the specifics of the Williamson case. Peter is listed in various places as having been eight years of age at the time of his abduction, while other sources give his age as ten, twelve, or thirteen. The reason for this lack of clarity is understandable. In the first version of his memoirs, based entirely upon his own recollections, Peter wrote that he was taken from the streets of Aberdeen in 1740, when he was eight years old.<sup>43</sup> After returning home and speaking with family members, he realised he had been slightly older. When he brought his action against the Aberdeen magistrates, they insisted that he had been much older, and was big for his age, so that

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<sup>38</sup> Williamson, *Life and Curious Adventures*, p. 108; Tureff, *Aberdeenshire Records*, p. 224; Skelton, *Indian Peter*, pp. 182 – 183; Robertson, *Book of Bon Accord*, p. 91; Kennedy, *Annals of Aberdeen*, p. 295; Chambers and Chambers, *Edinburgh Journal*, p. 182; de la Loy, *Hot Pressed Doctors*, p. 205.

<sup>39</sup> Williamson, *Life and Curious Adventures*, p. 108; Tureff, *Aberdeenshire Records*, pp. 224 – 225; Skelton, *Indian Peter*, p. 183; Robertson, *Book of Bon Accord*, p. 92; Chambers and Chambers, *Edinburgh Journal*, p. 182.

<sup>40</sup> Williamson, *French and Indian Cruelty*, p. 106.

<sup>41</sup> *Memorial for Peter Williamson*, p. 10; Skelton, *Indian Peter*, p. 185.

<sup>42</sup> Williamson, 'Discourse on Kidnapping', p. 105; Peter Williamson, 'A Short History of the Process between Peter Williamson and the Magistrates of Aberdeen' in Williamson, *French and Indian Cruelty*, p. 141; Tureff, *Aberdeenshire Records*, p. 225; Robertson, *Book of Bon Accord*, pp. 92 – 93; Kennedy, *Annals of Aberdeen*, pp. 295 – 296; Herrick, *White Servitude*, p. 151; Skelton, *Indian Peter*, pp. 186 – 190; de la Loy, *Hot Pressed Doctors*, pp. 203 – 204.

<sup>43</sup> Williamson, *French and Indian Cruelty*, pp. 7, 116; CS29/1769/2/10/1, p. 2.

he could easily have been taken for a boy of sixteen.<sup>44</sup> Many friends and relatives of the Williamson family countered that he had been a mere child. Their recollections of his age at the time ranged from eight to twelve.<sup>45</sup> During the trial, Williamson produced his certificate of baptism, which proved he was born in 1730, making him ten years old in 1740, the year he had been sent to stay with his aunt in Aberdeen.<sup>46</sup> Through the course of the investigation, further records were uncovered showing that he was actually kidnapped in late 1742 or January 1743, when he would have been twelve years old.<sup>47</sup>

The records of litigation surrounding this case are extensive. After his landlord had bailed him out of the Aberdeen prison, Williamson went to Edinburgh and marshalled a legal defence. In support of his story, he began collecting depositions of witnesses in 1760, and first raised action against the magistrates in the Court of Session for damages regarding his arrest for libel, fines, and the destruction of his property. At the time Peter first raised action against them, most of the men involved in the kidnapping operations were still living. James Black was deceased, and Williamson decided not to trouble Black's heirs.<sup>48</sup> He won the case, and in February 1762 was awarded damages of £100 and court costs of £80, that the defendants were ordered to pay out of their own pockets.<sup>49</sup> Disgruntled, the defendants wrote a letter of protest to Walter Scott, Writer of the Signet, insisting that they were not at fault. They had never heard of this man before his sudden appearance, and he gave the impression of being a mere vagabond and clown, making serious allegations against local men of good character and position. They were certain these claims must be false, and in any case, had only acted 'to vindicate those [they] believed to be innocent, and were unjustly reflected upon'.<sup>50</sup> In the end, the Earl of Findlater, patron of Aberdeen, pulled some strings, and the magistrates were allowed to pay the money out of the town's common good fund.<sup>51</sup>

Not satisfied with this outcome, Williamson brought action against the magistrates and businessmen for his abduction itself for £1,000 damages and £200 court costs.<sup>52</sup> Though

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<sup>44</sup> CS29/1769/2/10/1, *Memorial for Captain William Fordyce and Walter Cochran*, pp. 14 - 19; Herrick, *White Servitude*, p. 155; *Memorial for Peter Williamson*, pp. 13, 58.

<sup>45</sup> *Memorial for Peter Williamson*, pp. 44 - 45, 58; Tureff, *Aberdeenshire Records*, pp. 229 - 230; de la Loy, *Hot Pressed Doctors*, pp. 209 - 210; Skelton, *Indian Peter*, p. 40; McDonnell, *Adventures of Peter Williamson*, p. 21.

<sup>46</sup> CS29/1769/2/10/1, pp. 1, 6; *Memorial for Peter Williamson*, pp. 4; Skelton, *Indian Peter*, pp. 21.

<sup>47</sup> CS29/1769/2/10/1, 3; *Memorial for Peter Williamson*, pp. 51 - 52; McDonnell, *Adventures of Peter Williamson*, p. 25.

<sup>48</sup> Skelton, *Indian Peter*, p. 203.

<sup>49</sup> *Memorial for Peter Williamson*, p. 11; Tureff, *Aberdeenshire Records*, p. 225; Jordan and Walsh, *White Cargo*, p. 241; Robertson, *Book of Bon Accord*, p. 93; Kennedy, *Annals of Aberdeen*, p. 296; Herrick, *White Servitude*, p. 151; Adams, *Hangman's Brae*, p. 52; Chambers and Chambers, *Edinburgh Journal*, p. 182; de la Loy, *Hot Pressed Doctors*, p. 204; McDonnell, *Adventures of Peter Williamson*, p. 16; Skelton, *Indian Peter*, pp. 197 - 198.

<sup>50</sup> GD248/590/4; 'Letter From William Davidson and James Jopp'; Skelton, *Indian Peter*, pp. 198 - 199; McDonnell, *Adventures of Peter Williamson*, p. 28.

<sup>51</sup> GD248/590/4, Robertson, *Book of Bon Accord*, p. 93; Skelton, *Indian Peter*, p. 199; Adams, *Hangman's Brae*, pp. 52 - 53; Chambers and Chambers, *Edinburgh Journal*, p. 182.

<sup>52</sup> CS29/1769/2/10/1; GD248/590/4; Skelton, *Indian Peter*, pp. 201 - 202; Adams, *Hangman's Brae*, p. 53.

the prosecution brought forward numerous witnesses to testify about the illicit indentures, and additional evidence was brought to light, the defendants won this time, according to Williamson through tampering with witnesses and influencing officials. In his next suit, Williamson argued convincingly that the defendants had obstructed justice by intimidating his witnesses, and keeping the sheriff substitute, William Forbes, constantly liquored up. Forbes was a known alcoholic who had recently lost his beloved mother, and the defendants had filled his nights with card games, dining, and copious amounts of alcohol, so that he had to be carried to his bed on the night before judgment was to be rendered. The defendants' lawyer had failed to let the prosecution examine the ship logs, and Williamsons's lawyer had been unable to present to Forbes the newly uncovered account book filled with entries related to kidnapping expenses, so that his verdict was rendered without even having seen the key evidence.<sup>53</sup> Williamson and his attorney took their case before the Court of Session in Edinburgh, and on 3 December 1768, the ruling by Forbes was overturned and Williamson was awarded damages of £200 plus £105 court costs.<sup>54</sup> By the time the action was settled, only Walter Cochran and Patrick Baron were still living, though the heirs of the other men were deemed liable by the court.<sup>55</sup>

A key point in the court cases concerned Peter's age when he was abducted. According to the law of Scotland, a pupil was not allowed to enter into an indenture contract without the signature of his father or tutor.<sup>56</sup> Legal records from 1661 show that the 'age of pupillarity', as it was referred to at that time, was at that time considered to be sixteen. We can safely conclude that the age would not have decreased by the 1740s. This is very likely the reason the magistrates insisted Williamson could have passed for a boy of sixteen.<sup>57</sup> However, whether or not he may have looked older than his years, it was proven that Peter was only twelve years old, and well under the 'age of pupillarity', as he had said all along.

The magistrates claimed that no children under the age of pupillarity were indentured without the signature of a parent, and that they never transported servants under fourteen years of age, even when authorized, because they would not be bought by the planters in America. This was clearly a lie, as witness after witness testified that their young child was indentured without their consent, and that they had seen children as

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<sup>53</sup> CS29/1769/2/10/1, Pursuer's Proof, p. 11 E, State pp. 27 B, C; 33 C; 39 C; 46 D; 58 E; 85 A; 89E; GD248/590/4, *Memorial for Peter Williamson*, pp. 19 – 24, 27 – 32, 34 – 42, 62 – 72 – 80; Skelton, *Indian Peter*, pp. 216 – 218.

<sup>54</sup> GD248/590/4, Tureff, *Aberdeenshire Records*, p. 225; Skelton, *Indian Peter*, p. 221; Adams, *Hangman's Brae*, p. 52.

<sup>55</sup> Skelton, *Indian Peter*, p. 203.

<sup>56</sup> James Lorrimer, ed., *Hand-Book of the Law of Scotland* (Edinburgh: T. & T. Clark, 1862) no. 518.

<sup>57</sup> William Alexander, ed., *An Abridgment of the Acts of the Parliaments of Scotland: From the Reign of James the First in 1424 to the Union of With England in 1707* (Edinburgh: William and Charles Black, 1841) p. 241.

young as eight or even six being held for shipment.<sup>58</sup> Indisputable proof that the defendants were lying can be found in the numerous newspaper advertisements placed in the *Aberdeen Journal* by two of them, John Elphinston and Andrew Garioch 1748 – 1751 for servants to the Americas, ‘twelve years and up’.<sup>59</sup>

Another important factor was whether the servants were legally indentured. According to law, indenture contracts had to be certified before a Scottish magistrate prior to departure, and if a servant declared that the contract had been entered into unwillingly, the magistrate was to declare the contract null and void.<sup>60</sup> Cochran and Fordyce swore that everything was conducted by the book, and that indentures not properly certified were ‘not worth two pence in America’.<sup>61</sup> The staggering degree of falsehood regarding their statements that planters would not buy servants under fourteen, or those lacking properly certified indentures, is proved by the work of Richard Hayes Phillips, the statements of the witnesses, and indeed any cursory examination of colonial indenture records. In fact, the testimony of the town clerk, Robert Thomson, during the initial trial in 1761 clearly illustrated that legal procedures were not followed. Thomson reported that he kept no records of indentures signed by the magistrates, and did not know of any such records ever having been kept. He further gave his opinion that it would not be possible to keep such records, since the signed and processed indentures were given back to the servants. Thomson was under the impression that, since indentures not properly certified were said to be worthless in the colonies, such documentation was unnecessary.<sup>62</sup>

Prosecution attorney, John McLaurin painted a disturbing picture:

‘fathers and mothers running frantic through the streets, crowding to the doors and windows of the houses where their children were incarcerated, and there giving them their blessing, taking farewell of them for ever, and departing in anguish and despair, imprecating curses upon those who were the authors of their misery.’<sup>63</sup>

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<sup>58</sup> CS29/1759/2/10; Tureff, *Aberdeenshire Records*, pp. 229 - 232; *Memorial for Peter Williamson*, pp. 2 – 4, 44 – 49, 54, 57 - 58; Herrick, *White Servitude*, p. 154; Williamson, ‘Discourse on Kidnapping’, pp. 102, 120; Williamson, *French and Indian Cruelty*, pp. 109 – 113, 115 – 121, 126, 129; Skelton, *Indian Peter*, pp. 26 – 37, 54, 203, 207 - 209; McDonnell, *Adventures of Peter Williamson*, pp. 21 - 23; Herrick, *White Servitude*, pp. 153 - 155; de la Loy, *Hot Pressed Doctors*, pp. 209 - 213.

<sup>59</sup> David Dobson, *American Data From the Aberdeen Journal* (Baltimore: Clearfield Company, 1998) p. 2 no. 42, 3 nos. 54 and 55, 7 no. 103, 12 – 13 no. 162.; Harper, *Adventurers and Exiles*, p. 113.

<sup>60</sup> Thomas Thomson, ed., *The Acts of the Parliaments of Scotland*, vol. 10, 1696 – 1701 (London: Record Commission, 1823) p. 275; Alexander, *Abridgement of the APS*, p. 413; Lorrimer, *Hand-Book of the Law of Scotland*, p. 275; Achibald Alison, ed., *Practice of the Criminal Law of Scotland* (Edinburgh: William Blackwood, 1833) p. 209; John Louthian, *The Form of Process, Before the Court Justiciary in Scotland* (Edinburgh: Hamilton, Balfour, and Neill, 1752) p. 66; Adams, *Hangman’s Brae*, p. 49; Skelton, *Indian Peter*, p. 26.

<sup>61</sup> CS29/1769/2/10/1, *Memorial for William Fordyce and Walter Cochran*, pp. 11 – 14, 26 - 27; *Memorial for Peter Williamson*, pp. 54; Herrick, *White Servitude*, pp. 153 - 155; Skelton, *Indian Peter*, pp. 26, 203.

<sup>62</sup> CS29/1759/2/10; Herrick, *White Servitude*, p. 153; Smith, *Colonists in Bondage*, p. 81.

<sup>63</sup> *Memorial for William Fordyce and Walter Cochran*, p. 19; Herrick, *White Servitude*, p. 155.

In scrambling to defend themselves, the merchants and magistrates tried a variety of tactics. After being decisively proved wrong in their declaration that Williamson was a wandering vagrant with no connection to Aberdeen whatsoever, they then tried to deny he was ever aboard the *Planter*.<sup>64</sup> This was proven inaccurate by Helen Law, a woman who had boarded some of the boys at her house for a time; William Wilson, one of the ship's crew; Thomas Jeffrey, a doctor who had tended Peter while he was being held; James Robertson, hired to oversee the servants; and Alexander Middleton, apprentice of a shipwright who had been hired to craft beds for the ship.<sup>65</sup> If he was there, the defence countered, this story of abduction was merely childhood fantasy. The truth was that Williamson had been a pauper boy wandering the streets begging for food, and he had willingly indentured himself in hopes of a better life. His family had never come seeking him or asked for his return.<sup>66</sup> Peter called witnesses who testified to his father's financial position, his father's and brother's attempts to obtain his release, and his parents' great grief upon failing to do so. It was a story about which James Williamson had frequently wept bitterly to his neighbours over the years.<sup>67</sup> A certificate was produced from the Reverend William Forsythe attesting that Peter Williamson had left his parish in 1740 at the age of ten with a fair character and of a promising disposition and there was no known reason why he might not have been admitted into any Christian society.<sup>68</sup> A letter from two country gentlemen of property and position was produced attesting the good character of James Williamson and his family, and to the truth of Peter's story.<sup>69</sup>

The defence team grew increasingly desperate in their struggle to evade Williamson's claims. None of this could be true, they argued, because Peter's name did not appear in the ship logs. They refused, however, to provide these logs to the prosecution, insisting that their word that he was not listed was enough.<sup>70</sup> When Peter and his lawyer were finally given access to the ship logs during the last court case, a page had been mysteriously torn out.<sup>71</sup>

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<sup>64</sup> *Memorial for William Fordyce and Walter Cochran*, p. 12; *Williamson against Cushnie and Others*, pp. 11 – 12, 19; Peter Williamson, 'The True State of the Case between the Author and the Merchants of Aberdeen', pp. 118 – 119; *Attestation of Sir Archibald Grant Vindicating the Truth of Peter Williamson*, pp. 119 – 120; Skelton, *Indian Peter*, pp. 36, 203; Herrick, *White Servitude*, p. 154

<sup>65</sup> CS29/1759/2/10; *Memorial for Peter Williamson*, p. 55; Williamson, *French and Indian Cruelty*, pp. 127, 129; Skelton, *Indian Peter*, pp. 34, 36, 40, 209, 211, Herrick, *White Servitude*, p. 153.

<sup>66</sup> *Memorial for Peter Williams*, pp. 8, 10; *Memorial for William Fordyce and Walter Cochran*, pp. 10, 19 – 20; Williamson, *French and Indian Cruelty*, pp. 124, 126, Skelton, *Indian Peter*, p. 209.

<sup>67</sup> *Memorial for Peter Williamson*, pp. 2, 43 – 46, 56 – 59; *Williamson against Cushnie and Others*, p. 19; Williamson, *French and Indian Cruelty*, pp. 109 – 113, Skelton, *Indian Peter*, pp. 27 – 29, 209, ; De la Loy, *Hot Pressed Doctors*, p. 209 – 211

<sup>68</sup> CS29/1759/2/10, *Memorial for William Fordyce and Walter Cochran*, p. 7; CS29/1759/2/10, *Peter Williamson against William Fordyce and Others*, p. 6; Williamson, *French and Indian Cruelty*, p. 120; Skelton, *Indian Peter*, p. 21.

<sup>69</sup> Williamson, *French and Indian Cruelty*, p. 120.

<sup>70</sup> *Memorial for William Fordyce and Walter Cochran*, pp. 4 – 5, 17; *Memorial for Peter Williamson*, pp. 17, 30 – 31, 59, 72 – 76; Skelton, *Indian Peter*, pp. 219 – 221.

<sup>71</sup> *Memorial for Peter Williamson*, p. 60.

The prosecution produced Cochran's account book. Peter Williamson was mentioned in the book four times, including one entry stating 'To the man who brought Williamson, one shilling, six pence'.<sup>72</sup> The records showed that the company had extended as far as Inverness, with agents paid for children obtained there.<sup>73</sup>

Baron claimed innocence, by virtue of the fact that he had entered into the venture well after the date Williamson was shown to have been kidnapped. James Smith backed Baron's claim, and testified that Baron had never spoken to him about obtaining servants, and that Smith did not even hear Baron had invested in the operation until after the ship had set sail for the colonies.<sup>74</sup> Baron appealed to Walter Scott, who appears to have sided with him initially, but later changed his opinion on the matter. Thereafter, Baron's name continued to be linked with the group.<sup>75</sup>

Company leaders Cochran and Fordyce protested that they were not responsible for obtaining servants. They said they had delegated that responsibility to saddler James Smith, and really knew nothing about that end of the business.<sup>76</sup> Turning against his kinsman Robert Ragg, Cochran declared that Ragg, Baillie William Smith, and merchant John Elphinstone alone were responsible for the servants, once obtained. Cochran insisted that he had only taken a share in the ship to help his cousin. It had been Ragg's idea to take in servants, and he thought it had all been conducted legally.<sup>77</sup>

In any event, Fordyce and Cochran protested, Williamson had been of age, or if not exactly of age, he had looked old enough. It was an honest mistake on their part and on the part of their associates, and they should not be penalized. Williamson had willingly indentured himself, and this was all some cruel trick to smear the name of good, upstanding men such as themselves. In his closing argument, the defence attorney resorted to the claim that his clients' position in the community gave more weight to their side of the story:

The proof of the other Side is almost all hearsay — evidence of poor people from the country, concerning the practice of the merchants of Aberdeen, to steal boys to send them to America; which is a sort of evidence that your Lord- ships will certainly not put in the balance with the positive evidence of the merchants of Aberdeen, who themselves carried on this trade.<sup>78</sup>

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<sup>72</sup> CS29/1759/2/10, p. 4; *Memorial for Peter Williamson*, pp. 30, 52; Tureff, *Aberdeenshire Records*, p. 234; Herrick, *White Servitude*, p. 152; Skelton, *Indian Peter*, pp. 212 – 215; McDonnell, *Adventures of Peter Williamson*, p. 25.

<sup>73</sup> CS29/1759/2/10, pp. 11 – 12, 24 – 27; *Memorial for Peter Williamson*, pp. 51 – 52; Herrick, *White Servitude*, p. 152; Skelton, *Indian Peter*, pp. 203 – 204, 212..

<sup>74</sup> Skelton, *Indian Peter*, pp. 206 – 207.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Memorial for William Fordyce and Walter Cochran*, pp. 14, 24, 27; Herrick, *White Servitude*, p. 154; Skelton, *Indian Peter*, pp. 203 – 206

<sup>77</sup> Skelton, *Indian Peter*, pp. 203 – 204.

<sup>78</sup> *Memorial for William Fordyce and Walter Cochran*, p. 19; Herrick, *White Servitude*, p. 155.



In all, there were nearly a hundred pages of depositions from witnesses, including William Jamieson and Margaret Ross Ingram. The other stories were as heartrending as those discussed thus far. A widow named Elsmies had been robbed of her two young sons, one about seven or eight years of age, the other ten or twelve. As she frantically searched for them, other townspeople saw the boys among several other boys and girls in the same barn where Alexander Williamson had seen his brother.<sup>79</sup> John Kemp had lost his two sons, ages eleven and thirteen to agents of John Burnett and Robert Ragg. When the older boy escaped and returned home, their father was told that if he did not surrender his son, he would be arrested and transported. Kemp sorely regretted that he had not fought harder for his boys.<sup>80</sup> James Sheds, a boy of about six, was taken, along with his older brother William. Sold to a harsh master, James ran away multiple times, and by the time he was finally freed from bondage, had served for over sixteen years of his life.<sup>81</sup> These facts about James were related by George Johnstone, who as a boy had sailed to Virginia with over sixty other children in 1745 and had been acquainted with the Sheds brothers in Virginia. Apparently both of the brothers survived their indenture, which could not be said for the majority of child labourers. Alexander Grigerson reported a harrowing story from his childhood of being chased through wood and brush by three kidnappers and narrowly evading them.<sup>82</sup> George Leslie testified that he had often seen Hugh Mackie, one of Burnett's employees, seize children who struggled to break free. In one instance, he witnessed a boy sustain serious injuries when Mackie kicked him into a loch. Mackie was taken before the Provost and fined, but the boy was not released.<sup>83</sup>

The girls may have suffered an even worse fate. Sailor William Wilson reported that during the voyage of the *Planter*, an attractive girl from the Highlands was taken to the crew's quarters, and died there under mysterious circumstances.<sup>84</sup> Wilson also reported that when the children were put up for sale, one of the girls was kept by first mate Alexander Young, for what purposes one can only speculate.<sup>85</sup>

Despite the protestations of the magistrates that all servants had been legally indentured, no satisfactory records were ever produced for the children who sailed aboard the *Planter*, or any of the others named in the Williamson court cases.<sup>86</sup> It is almost certain, based upon the court testimony, that no such records ever existed. Though the 'kidnapping book' logged every expense made during the procurement and lodging of the servants, there was not a single record of any clerical fees for the writing of indentures, or

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<sup>79</sup> *Memorial for Peter Williamson*, pp. 45 – 46; Williamson 'Discourse on Kidnapping', p. 112.

<sup>80</sup> *Memorial for Peter Williamson*, pp. 54 – 55; Skelton, *Indian Peter*, p. 208.

<sup>81</sup> *Memorial for Peter Williamson*, pp. 44 - 47; Williamson, 'Discourse on Kidnapping', p. 113; Skelton, *Indian Peter*, p. 54.

<sup>82</sup> *Memorial for Peter Williamson*, p. 47; Williamson, 'Discourse on Kidnapping', pp. 114 – 115; Skelton, *Indian Peter*, p. 207.

<sup>83</sup> *Memorial for Peter Williamson*, pp. 47 - 50; Williamson, 'Discourse on Kidnapping', p. 115; Skelton, *Indian Peter*, p. 40; McDonnell, *Adventures of Indian Peter*, p. 28.

<sup>84</sup> CS29/1759/2/10; Skelton, *Indian Peter*, pp. 43, 209.

<sup>85</sup> CS29/1759/2/10; Skelton, *Indian Peter*, p. 54.

<sup>86</sup> Herrick, *White Servitude*, p. 155.

notarization fees for them being attested to before a magistrate.<sup>87</sup> There was, however, an entry itemizing a shilling a John Smith had spent on prostitutes at a tavern. Williamson contended that this must have either been for the purpose of getting the women drunk, then coaxing them aboard a waiting ship; or for hiring the prostitutes to help lure some young man into servitude. The only other possibility, Williamson argued, was that an employee listed his evening of personal entertainment on the company's expense sheet.<sup>88</sup>

It is difficult for modern readers to understand how this trade could flourish, with the whole countryside knowing of these activities, yet most feeling powerless to prevent it. It seems the best a citizen could do was to keep very close watch on his or her children to prevent their being taken and shipped away to foreign lands. Numerous witnesses testified that their parents had barred them from ever going into town, for fear they would be taken.<sup>89</sup>

It was only through the dogged persistence of Peter Williamson that the situation in Aberdeen ever came to light. How many more child servants like Williamson would have returned to their homeland and pursued recourse if they had the good fortune, as he did, to be bought by a kind master and educated?

Peter Williamson was a dynamic and energetic character. Described by witnesses as a robust, athletic child with a quick intelligence, he refused to let his early ordeals slow him down in life.<sup>90</sup> Making his home in Edinburgh, he bought a printing press and published many works on politics, poetry, and culture, including several abridged versions of his life story. He set up two weekly Edinburgh newspapers, printed the city's first directory and set up its first penny postal service.<sup>91</sup> He ran a popular coffeehouse and a bar frequented by writers and artists, as well as by the city's up and coming lawyers and businessmen.<sup>92</sup> Not to stop there, Williamson invented at least two industrial devices to aid workers in tasks such as reaping and the processing of linen before passing away at the age of sixty-nine.<sup>93</sup>

Nothing further is known about the other children abducted from Aberdeen during the 1740s. One glimmer of hope can be found in the testimony of Helen Law that occasionally some boys did return from the plantations after a few years.<sup>94</sup> There is no

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<sup>87</sup> Skelton, *Indian Peter*, p. 215.

<sup>88</sup> Skelton, *Indian Peter*, p. 213.

<sup>89</sup> CS29/1759/2/10.

<sup>90</sup> *Memorial for Peter Williamson*, pp. 13, 45; *Memorial for William Fordyce and Walter Cochran*, pp. 15, 18; Williamson, *French and Indian Cruelty*, p. 127; Skelton, *Indian Peter*, pp. 40, 209, 227 – 229.

<sup>91</sup> PO1/13, *Post Office Establishment Records and correspondence concerning the establishment of an official penny post in Edinburgh*; Skelton, *Indian Peter*, pp. 224 – 229; McDonnell, *Adventures of Peter Williamson*, p. 28; Adams and Somerville, *Cargoes*, p. 23.

<sup>92</sup> Skelton, *Indian Peter*, p. 109, 230; Adams and Somerville, *Cargoes*, p. 23.

<sup>93</sup> Skelton, *Indian Peter*, pp. 224 – 225, 251; McDonnell, *Adventures of Peter Williamson*, p. 28.

<sup>94</sup> CS29/1759/2/10, *Memorial for William Fordyce and Walter Cochran*; Williamson, *French and Indian Cruelty*, p. 128.

mention of any of the girls being able to make their way back home, and one can imagine how it would have been more difficult for them to do so. Examination of colonial records has thus far turned up no information on John Jamieson, James Ingram, the Elsmie children, or James and William Sheds. There is no record of any of them ever returning home or of their families hearing another word of them.

## Conclusions

Though there has been a recent surge of interest in servants sent to the American colonies against their will, the subject of child servants from Scotland has barely been touched upon by historians. The story told on these pages, based upon data gleaned from an extensive base of primary and secondary sources, has helped to provide a more complete view of Scottish children sent to the North American Chesapeake and Middle colonies between 1680 and 1760.

Cultural forces and events played a large part in the rise of kidnapping in Scotland. Jacobite Risings 1689 – 1745 resulted in a country politically fractured and torn by warfare. In addition, the famine of the 1690s plunged Scotland into extreme hardship, with impoverished souls wandering the countryside in search of food and flooding the cities with migrants seeking sustenance. This contributed to the ease with which merchants and their agents could indenture servants against their will with little legal ramifications.

Post-Reformation society found virtue in hard labour and viewed a lack of employment as sinful and lewd. Vagrancy became linked with crime in the public mind, due in part to the rise of gangs of armed vagrants during times of shortage. There was a tendency amongst those of in the upper echelons of society to view those below them in status as little more than animals, and this greatly influenced the treatment of servants. Flagrant abuses of power by officials in areas like Aberdeen led to a sense of public helplessness and fear of reprisal should parents seek justice against the abductors of their children. When legal action was finally brought against the Aberdeen magistrates for their actions by Peter Williamson, so eager were the citizens of Aberdeenshire to tell their stories that Williamson had over a hundred pages of witness depositions.

Another key factor contributing to the surge in Scottish colonial servants during the late seventeenth century was the discrepancy in English and Scottish law governing the documentation and shipping of indentured servants, as well as the exemption of Scottish servants from the English Navigation Acts. Scottish traders to the American colonies were faced with progressively higher tariffs and increasingly galling restrictions in the years before Union with England, which hampered their ability to keep their businesses afloat. As a result, many of them turned to smuggling and other illegal trade activities. The Scots' ability to prosper in this difficult climate, often through illegal trading, has been viewed as a positive thing by modern historians. Traders from Scotland have been depicted in recent works as entrepreneurial and enterprising, relying on networking skills and willingness to take risks to become prominent in colonial trade, particularly in the tobacco industry.

What has not been explored is the darker side of Scottish trading and the extent to which merchants and mariners would sometimes go to prosper through illicit trade, including the shipping of undocumented and often unwilling child labour. Two Scottish merchant families, the Trents and the Coutts, built illustrious reputations and family fortunes based at least in part upon their participation in illegal trading and the shipment of undocumented child servants. This is an important aspect of Scottish trading which needs to be investigated more thoroughly.

The activities of other Scottish merchants and mariners who shipped servants to the colonies should receive further scrutiny. There are many who warrant closer inspection, such as Glasgow merchant Walter Gibson, who shipped prisoners and indentured servants to the Carolinas and the Caribbean with great regularity during the 1680s on his vessel the *Carolina Merchant*. Like the families discussed in Chapter 2, Gibson is known to have been involved in illegal trading activity.<sup>1</sup> He partnered with Robert Malloch in Edinburgh to ship servants from Leith to the Carolinas.<sup>2</sup> Patrick Fyffe was an early conveyor of servants from Leith to Virginia and Barbados, and may have partnered with Lawrence Trent.<sup>3</sup>

Colonial records warrant further examination, as this paper only includes data from the Chesapeake and Middle colonies of North America. Data compiled by Richard Hayes Phillips, though extremely valuable in furthering awareness of kidnapped child servants, has only covered the colonies of Maryland and Virginia from 1660 to 1720. Further research should expand on Phillips's work, adding additional colonies and decades, to provide a more complete picture. Additionally, a further exploration of records pertaining to the Southern colonies is warranted. As mentioned in the introduction, the Carolinas ranked second to Virginia in terms of destinations for servants, with Charleston receiving the bulk of these.<sup>4</sup> The Caribbean received a steady inflow of indentured labour as well.

In 1647 a sailor in Ayr confessed and sought forgiveness for his 'ungodlie and unlawful gains by alluring and carrying of children to the West Indies'.<sup>5</sup> The earliness of this date suggests that kidnapping may have arisen in Scotland earlier than the dates investigated here, and this is a possibility that should receive additional attention.

In summary, this is an important and exciting new area of historical research, with much yet to be discovered. There are many facets of the subject which should be explored

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<sup>1</sup> Brown, *RPC* vol. 7, p. 178; Dobson, *Scottish Emigration*, pp. 56; David Dobson, *Directory of Scots Banished to the American Plantations 1650 – 1775* (Baltimore: Genealogical Publishing Co., Inc., 1983), p. 10, 17 - 19, 35, 37, 44, 55 - 56, 62, 71, 76, 79, 94, 156 – 157, 173, 177, 201 -203, 212, 230.

<sup>2</sup> Paton, *RPC*, vol. 9, p. 95; Dobson, *Scottish Emigration*, p. 64; Dobson, *Scots Banished*, p. 4, 7, 19, 30, 33, 44, 47, 50, 55, 68, 74 - 76, 82, 85, 97, 113, 118. 157, 169, 177, 217, 222, 228.

<sup>3</sup> Dobson, *Scottish Emigration*, p. 57; Dobson, *Scots Banished*, p. 192.

<sup>4</sup> See footnote 2, p.2.

<sup>5</sup> Graham, *Maritime History*, p. 38.

more fully, in order to provide a more thorough view of colonial child servants from Scotland.

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