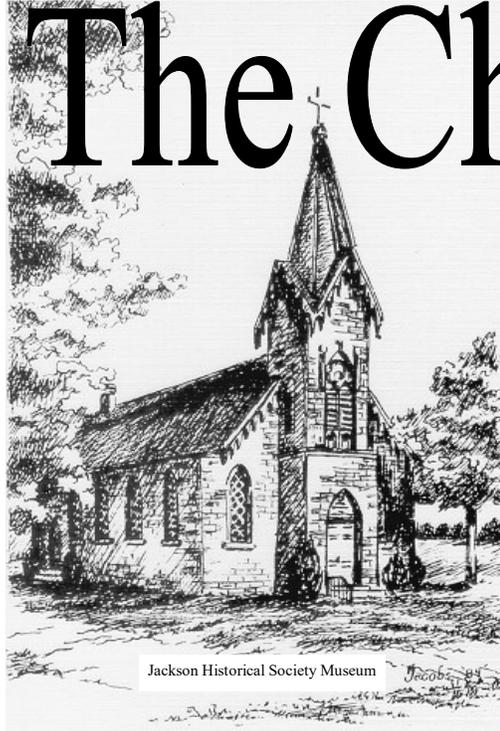


The Church Mouse



Jackson Historical Society Museum

Volume 30 Issue 2 Jackson Historical Society August 2022

CONVICTS SENT TO AMERICA DURING 18TH CENTURY

It is international humor that Australia was founded by a bunch of British criminals. There is truth here in that Britain did ship upward of 200,000 convicts to the land down under for about a hundred years, 1788-1868. The sad part of this humor is that Britain was exporting her convicts to America beginning in the 1600's until our independence was declared and won and she needed to look to another country to export her convicts to. Unlike Australia, the transportation of criminals to America is seldom discussed as part of our history. Yet, most colonies were involved, some greatly, others to a lesser extent. Maryland and Virginia accepted about 80% of convicts transported to America, industry and agriculture required cheap workers, and Pennsylvania and South Carolina accepted fewer. The West Indies also accepted some convicts. Some colonies passed laws against the transportation of convicts to their colony, only to have the laws declared unacceptable by the King of England. It is estimated that during the 1600's but mainly in the 1700's, about 50,000 convicts were transported to the American colonies.



THE CONVICT SHIP.]

During the 1600's and 1700's, British jails were overflowing with common criminals. At the same time British jails were not built to house criminals for long periods of time. Many of the crimes committed were petty like opportunistic stealing, etc., by uneducated, poor people. Britain also had a "two strikes and you're out" policy. First offence arrest with a "Benefit of Clergy" plea, usually got you released with a letter burned in the palm of you hand, i.e. "T" for thief, or perhaps a whipping. For repeat offenders, second strike punishment could be death by hanging. Convicted criminals could also be banished from the British Isles and transported overseas. However, such cases generally received a pardon from the Crown, and the criminals had to arrange their own transportation out of Britain, which they often neglected to do.

These actions were modified with the passage of the British TRANSPORTATION ACT OF 1718. Now judges could rid Britain of these criminals and empty the jails without resorting to the death penalty. In most cases, transportation of criminals only sent the trouble maker to a new jurisdiction, America.

The Transportation Act permitted Britain to shift the cost of transporting the convicts to America to the ship owners who could recover their shipping costs and make a profit when the convicts were sold at auction.

(Convicts sent to America continued on page 2)

MEMBERSHIP DUES

Your annual **\$20** dues cover a calendar year starting in **January**. The current year for your membership is shown on The Church Mouse address label.

Your dues include a subscription to the Church Mouse and help us preserve Jackson history.

JHS MEETINGS TIMES

The Jackson Historical Society meets the 3rd Monday of every other month, Jan/Mar/May/Jul/Sep/Nov, at 7:00pm.

May/Jul/Sep held at 1860 Mill Rd., Jackson, in our restored, log home. Nov/Jan/Mar held in Jackson Town Hall.

Jacksonwi.history@gmail.com

Send mail to P.O. Box 197
Jackson, WI 53037

JHS OFFICERS

Clif Koeller—President
Jerry Prochnow—Vice President
Lenore Kloehn—Treasurer
Doris Koeller—Secretary

BOARD MEMBERS

JHS Officers, Elmer Kloehn,
Gordon Ziemann, Russ Hanson



THE BRITISH TRANSPORTATION ACT OF 1718

A change in policy

After the passage of the Transportation Act in 1718, judges could sentence convicted felons guilty of certain crimes to transportation out of Britain to a British colony. This new act permitted judges to remove convicted felons from the streets and jails of England without instituting the death penalty.

The Transportation Act covered two types of crimes. For crimes where criminals would normally receive **Benefit of Clergy** (see **Benefit of Clergy** on page 3), the judge could now sentence the convicted individual to transportation for 7 years in lieu of branding or whipping, which had been in effect prior to passage of the act. The second category of offense covered by the Transportation Act was *non-clergyable* or more serious felonies where execution was the usual punishment. After being handed a formal sentence of death, the offender could receive mercy from the Crown and be pardoned on condition of transportation for 14 years or in special cases, life. Convicts who had been sentenced to transportation and returned before their term ended were liable to a death sentence.

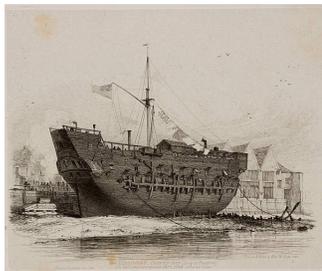
Prior to the Transportation Act of 1718, convicts had been banished from the British Isles and sent overseas. The Transportation Act of 1718 legalized the punishment, and made the British government responsible for transporting convicts out of the country.

Transportation became the popular form of punishment for lesser crimes. Transportation would account for roughly 50,000 convicts sent to America under the Act and who were estimated to be a quarter of all British emigrants to America during the eighteenth century. Transportation became the accepted method of emptying British jails and ridding the countryside of these troublesome individuals.

The shipping of convicts to America ended with the signing of the Peace Treaty with Britain in Paris in 1783, officially ending the Revolutionary War and establishing our independence as a nation.

Britain now had to figure out what to do with the convicts they had been shipping to America. Until they decided to begin shipments of convicts to Australia, they “stored” their convicts under terrible conditions in ship hulks in British harbors. So ended the shipping of convicts to America.

Of course, the United States now had to absorb the 50,00+ convicts already here, but that’s another story for another day.



Sourced from a variety of internet resources

CONVICT GENEALOGY

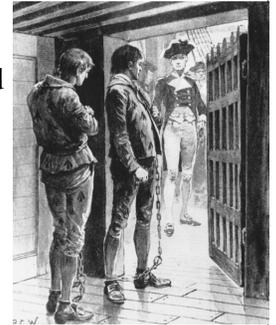
Some convicts escaped their buyers and fled to other colonies or west into the unexplored hinterlands beyond the Appalachians. Others completed their indenture and were set free. Some changed their names, or married and raised families. If a search leads to an indentured servant

(Convict Genealogy continued on page 3)

(Convicts sent to America continued from page 1)

SHIPPING OF CONVICTS

Convicts were chained in the ship’s hold and fed a poor diet. Some died during transportation and were dumped overboard.



Ship captains tried to keep them alive as a dead convict brought no profit.

Convicts sentenced to be transported to America were considered indentured servants, with a 7 year, a 14 year, or sometimes a lifetime sentence. Convicts were sold at auction to the highest bidder to perform any tasks needed. Most were bought by tobacco plantation owners in Maryland or Virginia as field hands. Plantation owners made certain that they received full value on their investment working the men hard under all conditions. Some died before the end of their indenture. Some ran away to other colonies with many being recaptured and returned to their owner. Some returned to England before the end of their indenture. If they were recaptured in England, the penalty was death by hanging.

The process of shipping convicts to America solved the British problem of overcrowded jails and did provide needed cheap labor for field and factory. It ended with American independence.

After a period of storing convicts in old ship hulks in British harbors, convict numbers grew and transportation of convicts began anew, with the destination country AUSTRALIA.

Sourced from a variety of internet resources



DOLLEY MADISON
Strengthened by Adversity

The 2022 Spring Presentation was brought to you by the Jackson Historical Society. It was enjoyed by 65 at the Jackson Town Hall on Tuesday, May 24. After a two-year pause due to COVID-19, this year’s presentation relived the history of Dolley Madison (a.k.a. Jessica Michna of First Impressions). “Dolley greeted us” as she returned to Washington in 1837, after the death of President James Madison (at the age of 85) and the loss of their home, plantation Montpelier.



Dolley Payne was born into a Quaker family on May 20, 1768, at a Quaker settlement in Piedmont, North Carolina. In 1769 her father took the family back to his home colony of Virginia. In 1783 they moved to Philadelphia City of Quakers. She was one of eight children. They were raised to be obedient and well behaved.

In 1790 she married lawyer John Todd Jr., selected by her father. The Todds had two children, John Payne and William. The yellow fever epidemic that swept through Philadelphia in 1793 took the life of her husband John on the same day the infant William died.

Dolley would then be courted by Congressman James Madison. He was a longstanding bachelor 17 years her senior and of the Episcopalian faith. They were married on September 15, 1794. From 1809 to 1817 James’ served as the fourth president of the United States. Dolley was tested in the calamity of the War of 1812. Dolley Madison’s charming, flamboyant, and strong willed personality was a complement to President Madison.



On July 12, 1849, Dolley Madison passed away at her home in Washington at the



age of 81. President Zachary Taylor eulogized Dolley as “the first lady of the land for half a century.” It was the first time a president’s spouse had been referred to as a “first lady,” although the term did not become an official title until the 1860s when newspapers began using it for Mary Todd Lincoln.

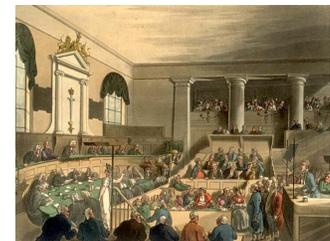
In closing the presentation “Dolley” stated: Well, I am not the same Dolley Madison who first

came here to Washington. But, I am indeed Dolley and Dolley I shall remain! Let us lift a glass to President Madison and to our beloved country. Thank you.

After Jessica Michna’s presentation, she was surprised to receive a little cake, as we remembered Dolley’s 254th birthday. The audience sang Happy Birthday, and then enjoyed refreshments and beverages while visiting with others.

Sourced from a variety of internet resources

(Convict Genealogy continued from page 2) who was transported” to America, you can check British court records, as the records of their trials were kept by British courts such as the Old Baily and are searchable on the internet. Go to the website www.ldbailyonline.org.



Old Baily in session

Sourced from a variety of internet resources

BENEFIT OF CLERGY

The **Benefit of Clergy** plea was originally a provision which clergymen could claim that they were not within the jurisdiction of the secular courts and should be tried in an ecclesiastical court under canon law. Reforms were instituted to reduce the scope of this legal provision to prevent its abuse, such as branding of the thumb upon a first use, to limit repeat uses by some offenders.

Benefit of Clergy continued on page 5)



FRANK FAMILY GENEALOGY

Jim Frank, a longtime member of the Jackson Historical Society has presented the Society with a precious gift, a copy of the Frank family genealogy encompassing a dozen large capacity ring binders.

On the first page of Book #1, Jim makes a statement about the effort he put forth and the support he received to create this Frank family genealogy. He also begins to describe the contents of book #1, #2, and #3. I have reproduced his comments below.

Frank Genealogy Books

Book #1

This book was assembled by James Frederick Frank, started in 2010 and semi finished in May of 2012; except for any new information or corrections that may show up in the future. What got me going on this project was the family history put together by Jennifer Lynn Kern, nee Wahouske. With her information and what I received from my niece, cousins, other relatives, family, Latter-Day-Saints Church of West Bend, and many hours spent at the Washington County Court House and the Washington County Historical Society and their assistance enabled me to make this a more detailed book. I am not into computers so I had to depend on these sources.

Thanks to all
James F. Frank
 June 21, 2013

Book #1 Consist of parents Samuel Frank and wife Maria Elisabeth Rieger and their 3 sons: Samuel B.; George Frederick; and Johann Gottlieb Frank and Samuel B.'s family.

Book #2 Consist of parents Samuel B. son—Johannes Martin David Frank and wife Louise Bertha Augusta Wendt and on into my Aunt Leona Ethel Clara and Uncle William Carl Gottlieb Frank family. Also Son #2, George Frederick Frank and his wife Charlotte Friederike Louise Prah family will be included in this book.

Book #3 will consist of sone #3, Johann Gottlieb Frank and wife Hanna Henreitte Wilhelmina Frederike Krause family right up the the latest of our side of the family

The Frank family has deep roots in the Jackson community. Our JHS history book, The History Of Jackson Wisconsin, 1843-2001 provides a complimentary summary of the Frank family in our area.

Thank you Jim for sharing your family's genealogy with us.

Jackson Historical Society
jacksonwi.history@gmail.com
P.O. Box 197, Jackson, Wi 53037

JACKSON HISTORICAL SOCIETY

PLAN A ONE-ROOM SCHOOLHOUSE CLASS VISIT IN 2022

For many years, school was taught in one-room schoolhouses throughout Washington County.

Let your students experience a class as it was for their grandparents and great-grandparents.

Arrange a class visit to the Jackson Historical Society's, fully restored, one-room schoolhouse.

Please contact the Jackson Historical Society* at jacksonwi.history@gmail.com or Doris Koeller @ (262) 677-3457 clifdoris@att.net

***Jackson Historical Society, 1860 Mill Road—on the Hwy. 60 round-about at Division Road (G), go south to Mill Road, turn west to the JHS site.**

HELP REQUESTED

The Jackson Historical Society could use some help building our genealogical database. We use Family Tree Maker software. If you can give us a hand, we'd appreciate it. Please e-mail us at jacksonwi.history@gmail.com if you're able to volunteer some time. Thanks.

Russ Hanson—Editor



Sweet Treat History Festival

Presented by the Jackson Historical Society

Sunday, September 11th, 2022

1:00 - 4:00pm

Bring your family & join us for a good ole fashion ice cream social

Join us for ice cream and Amish baked Raspberry Pie.

View historical demonstrations and antique engines.

Enjoy our strolling musician.

Local vendors and farm fresh produce

One-room school house presentation and yard games.

Tour the restored, 1850's Karl Groth log home.

Visit our Church Museum of local Jackson history.

Presentations by speaker on local history 1pm & 3pm

1pm - Town & Village of Jackson, A Look Back.

3pm - Immigrants & Their Money

DIRECTIONS

JACKSON HISTORICAL SOCIETY Museum & Grounds 1860 Mill Rd., Jackson, WI 53037

Directions: Driving, at roundabout take Division Rd. South off Hwy. 60 to Mill Road, turn

West to Jackson Historical Society Grounds and Festival location. Or, take Maple Rd.

South off Hwy 60 to Mill Rd., turn East to festival grounds. Parking in rear & along Mill Rd.

Benefit of Clergy continued from page 3)

In time, the **Benefit of Clergy** evolved into a legal ploy in which first-time offenders could receive lesser sentences for "clergyable" crimes. Proof of "clergyable" crimes was often the ability of the offender to recite Psalm 51 before the judge.

Thus, an illiterate person who had memorized the appropriate Psalm could also claim the **Benefit of Clergy**, and Psalm 51 became known as the "neck verse" because knowing it could save one's neck by transferring their case from a secular court, where hanging was the likely sentence, to an ecclesiastical court, where the methods of trial and sentences given were much more lenient.

Legislation in the 17th and 18th centuries increased the number of people who could plead **Benefit of Clergy**, but decreased the benefit of doing so.

The legal mechanism was abolished in the United Kingdom in 1827.

Sourced from a variety of Internet resources

**TODAY WILL BE HISTORY
TOMORROW**

**HELP THE JACKSON HISTORICAL SOCIETY
PRESERVE YOUR YESTER-DAYS**

**DONATE YOUR HISTORICAL ARTIFACTS
TO THE SOCIETY SO THEY
CAN BE SHARED WITH
OUR VISITORS**

**VISIT THE JACKSON HISTORICAL SOCIETY
AT OUR 1860 MILL ROAD
SITE—APPT. ONLY**



AREA HISTORICAL SOCIETIES COMING EVENTS

RICHFIELD HISTORICAL SOCIETY Thresharee and Historical Festival, September 17 & 18, Richfield Historical Park, 1896 State Rd. 164. Contact richfieldhistoricalsociety.org. for event details.

GERMANTOWN HISTORICAL SOCIETY Oktoberfest, September 24 & 25. Please contact the Germantown Historical Society at germantownhistoricalsociety.org. for information on this and future events.

POMMERSCHER VEREIN FREISTADT Please contact Pommerscher.org. for information and events.

THE TOWER HERITAGE CENTER Winery Bus Trip, September 9th, 1:00pm-9:30pm, leaving The Heritage Center 320 S. 5th Ave., West Bend, WI 53095. Contact www.thetowerheritagecenter.org or call (262)335-4678 for information on this fun event.



The Editor welcomes newsletter comments. Please mail all suggestions for articles, etc., to *** The Church Mouse, P. O. Box 197, Jackson, WI 53037, or phone (262) 353-3641 or e-mail 62734.rh@gmail.com Russ Hanson, Editor

HELP PRESERVE (Y)OUR HISTORY

It was during the Bicentennial Celebration period of the signing of the Declaration of Independence that a large group of Jackson area citizens gathered together to form the Jackson Historical Society. Meetings were held, and the society produced our first history book, The History of Jackson, Wisconsin, 1843-1976, a best seller. The society later produced our edited and expanded version of the history book, The History of Jackson, Wisconsin, 1843-2001, also a best seller. In between books, our society membership slowly declined, losing some active members. The enthusiasm for history shown in 1976 had begun to wane. During this period, we also took ownership of the Immanuel Lutheran Church and property, our meeting place, from the Town of Jackson, and proceeded to raise money to perform needed rehabilitation of the church and school buildings. Yet, our active membership continued to gradually decline. Later we moved the Karl Groth log home onto our property and restored it. And, we produced another well received history book, Pioneer Church Records Speak. Still, our active membership has continued to decline until today we have a few dedicated members, actively maintaining the society. If the community wishes to maintain the respected and financially stable Jackson Historical Society we have, we will need additional active members to step up and give us a hand.

How can you help? Join us for one of our meetings. Let us hear your suggestions on how we can continue to progress and grow. Questions? A meeting is a good time to ask them. We meet six times a year on the third Monday of every other month beginning in January, at 7:00pm. November, January, and March, the maybe snowy months, we meet in the Jackson Town Hall, same day, same time. May, July, and September, we meet in the parlor of our fully restored log home on Mill Road. Not been there? It's worth a visit, and a meeting is a good way to look around. If you've attended our popular Fall Festival in September, you know where we are located. Don't want to attend a meeting, but would still like to help? It can be as simple as occasionally helping us maintain our museums. Perhaps you've got a better idea on how to display our historical items or have new items to display. Maybe you like to meet new people? Help us open our museums to the public on some weekends so your new friends can stop by for a visit. If you're good at keeping things organized, our office and records are in need of your organizational skills as does our historical photo collection. Like to spend some time outdoors on a nice summer day? The society's grounds could use some T.L.C. to look good, so some trimming, flower planting, pruning, edging, or more will keep us looking good (or start us looking better!). And, the list of opportunities goes on and on. So, JOIN US. We need your help. We don't want to have to shut down the Jackson Historical Society due to a lack of active participants. If you're able to help, call Clif Koeller at 262-677-3457 and leave a message. Clif will return your call A.S.A.P.