

## **‘Wickedness Breaks Forth’: The Crime Of Sodomy In Colonial New England**

*by Kimberly N. Chehardy*

The lover of human beauty [will] be fairly and equably disposed toward both sexes.[1](#)

Then the Lord rained upon Sodom and upon Gomorrah brimstone and fire from the Lord out of heaven.[2](#)

The conception of sodomy has evolved over the ages from a sin to a sexual identity. Colonial New England and the pre-modern world viewed sodomy as an act that would lead to eternal damnation. However even with this mentality, that was largely due to Christianity, sodomy, as a crime, was rarely punished. The main reason for this was that sodomy was difficult to prove by court standards. Also, indiscretions were usually kept secret. Overall, when studying Puritan New England there tends to be an element of tolerance when dealing with the crime of sodomy. This stems from a recognition by Puritan society that man is flawed and deserves forgiveness.

The history of sodomy in Colonial America has been misrepresented, due to three important misconceptions that society has held. The first misconception is that there existed a unique homosexual character during the Colonial time period. The second misconception is that those found guilty of sodomy were to the full extent of the law, i.e. execution, for their crime. Finally, the last misconception is that of the mentality of the Puritans themselves. Popular culture has caused the identity of the Puritans and Pilgrims to become mixed, even though the two cultures were very different.

There is a myth in American society that the Puritans were a stringent people. This is not the case. Puritan society has been proven to be one of the most tolerant societies in the colonies in regards to crime, largely due to a repugnance of the death penalty. This is true in the case of sex crimes in the colonies, in particular in cases of sodomy. With regards to the issue of homosexuals and sodomy there was no persecution, due to the fact that there was no conception of a gay identity.

As stated above in Puritan New England there was no conception of a homosexual. Puritan society was pre-modern with pre-modern conceptions. The term homosexual did not originate until the late nineteenth century.[3](#) However, there were deviant sexual acts, which encompassed not only sodomy and bestiality, but also such acts as adultery and fornication.[4](#) For the Puritans, sodomy was a perverted act, but it was only an act. The sodomite was a sinner and was bound to be punished, but he/she was not differentiated from the community. This was due to the belief that all were flawed.[5](#)

This general acceptance of the “sodomite” changes a fundamental view of Puritan society. It is important to address not only the legal aspect of this issue, but also the social. By allowing “sodomites” to go free, even though convicted, there comes into question the Puritan mentality in regards to sin. The Puritans saw sin as necessary to reach salvation.[6](#) They were of “the Augustinian strain of piety.”[7](#) Puritan theology

strives for piety which for them was the ultimate goal in life. However, the Puritan mentality and ideology has been questioned by modern historians. As Perry Miller observed:

In no society are the formal or official tenets those which necessarily determine action, yet many observers find in the Puritan community a discrepancy between profession and practice that seems abnormally wide. Critics at the time, and since, have argued that the piety, with its degradation of man and its exaltation of God, should have driven its votaries in solitary flight to the desert and attired them in the hair shirt of repentance, after the example of the more straightforward saints of the Middle Ages. But the only desert into which Puritan saints fled was New England, where such as could afford it wore crimson waistcoats and expensive cloaks. Later generations have been puzzled, as was young William Ellery Channing, over the spectacle of their fathers pronouncing approval upon the morning's sermon—"Sound doctrine, Sir"—and then going whistling home to a warm house and a good dinner. The conclusion seems to them inescapable that the Puritans were arrant hypocrites.<sup>8</sup>

Miller addresses a cruel assertion. As he asserts, the fact that Puritans strove to be virtuous, did not mean that they were fanatical. In the case of sodomy this could explain why executions were rare.<sup>9</sup>

The key to the laws of the New England Colonies was religion. It had also been the basis for the mother country's laws. In the Puritan community, the bible was the most important book. The Puritans believed that it contained the laws that everyone must live by.

In the case of sodomy, the first references in the Bible come from the book of Genesis. Chapter 19 tells the story of two angels that are sent by God to the city of Sodom. There, they are confronted by the townsmen, who attempt to rape them. When Lot offered them protection, they stated their mission: "We are about to destroy this place, for the outcry reaching the Lord against those in this city is so great that he has sent us to destroy it."<sup>10</sup> The next morning, a sea of fire and brimstone rained down on Sodom and the town of Gomorrah. The towns were leveled and the people were killed. Early Christians claimed that the destruction was due to the attempted rape. Modern biblical scholars point out the fact that the angels were sent prior to that scene to destroy the city. In that sense, the attempted rape was simply an added reason. It is from this incident that the term "sodomite" originates.

The next mention of sodomy in scripture is the book of Leviticus, which is a collection of laws. In Chapter 20, "Penalties for Various Sins," it is stated: "If a man lies with a male as with a woman, both of them shall be put to death for their abominable deed; they have forfeited their lives."<sup>11</sup> The book of Leviticus gives a definite punishment for the sin, there is no longer a question as to what to do. This book establishes the death penalty as the proper punishment for sodomy. A sodomite "forfeits" his or her life. In this same chapter there is also a law against bestiality. "If a man has carnal relations with an animal, the man shall be put to death, and the animal shall be slain."<sup>12</sup> The Bible goes on to state that "if a woman goes up to any animal to mate with it, the woman and animal

shall be slain; let them both be put to death; their lives are forfeit.”<sup>13</sup> While the punishment for sodomy and bestiality is the same, it is important to acknowledge that the Bible does make a clear distinction between the two crimes.

In the New Testament there are no condemnations of sodomy. There is a general call out against sexual immorality by Paul, though. He states that “your body is a temple of the Holy Spirit with you.”<sup>14</sup> He asks for all to “avoid immorality.”<sup>15</sup> By immorality, Paul is referring to sexual deviance, including sodomy, bestiality, adultery, fornication, etc. Paul only singles out sodomy once in Letters to the Romans:

Therefore God handed them over to degrading passions. Their females exchanged natural relations for unnatural, and the men likewise gave up natural relations with females and burned with lust for one another. Males did shameful things with males and thus received in their own persons the due penalty for their own perversity...They are filled with every form wickedness, evil, greed, and malice...<sup>16</sup>

Paul’s injunctions against sodomy reinforced what had already been stated in the Old Testament. This was very influential to the Puritans.

In the secular realm of England the most important piece of legislation in regards to sodomy were the Sodomy Acts of 1533-4. This was a series of acts passed by King Henry VIII in an attempt to punish Catholic clergy. It was a Protestant belief that celibate clergy engaged in homosexual practices. The Puritans’ believed that “conjugal love should be demonstrated through conjugal union, by which [husband and wife] became one flesh.”<sup>17</sup> This was also a attack on the monasteries, which were the major landholders in England. The Sodomy Acts made the crime of sodomy a capital offense in England. Under the reign of Queen Mary the acts were repealed. But Elizabeth reinstated them in 1563. They remained in the same form as during Henry VIII’s reign until 1861, when the punishment was changed from death to life imprisonment.<sup>18</sup> The laws of Colonial New England, that were based on those of England, stated that sodomy and bestiality were capital crimes. The “Capital Laws” of the Connecticut colony testified to that fact:

6. If any Man or Woman shall lye with any Beast or Bruit Creature by carnal Copulation, they shall surely be put to death, and the Beast shall be slain and buried, Lev. 20. 15, 16  
7. If any man lyeth with Man-kinde as he lyeth with a Woman, both of them have committed abomination, they both shall surely be put to death; except it appear that one of the parties were forced, or under fifteen years of age. Lev. 20.<sup>13</sup><sup>19</sup>

The laws of Connecticut were taken directly from the Book of Leviticus. The only difference was that it made exceptions for rape and child molestation. Thirty years before the Connecticut laws were passed, Massachusetts Bay completed the Body of Laws and Liberties (1641), which named twelve capital crimes including sodomy and

bestiality.<sup>20</sup> Rhode Island followed suit by proclaiming in its 1647 charter:

First of sodomy, which is forbidden by this present Assembly throughout the whole colony, and by sundry statutes of England. 25 Henry 8, 6; 5 Eliz. 17. It is a vile affection, whereby men given up thereto leave the natural use of woman and burn in their lusts one toward another, and so men with men work that which is unseemly, as the Doctor of the Gentiles in his letter to the Romans once spake, i. 27. The penalty concluded by that state under whose authority we are is felony of death without remedy.<sup>21</sup>

Although each colony had its own laws, there was a circulation of legal pamphlets that were used by county courts as guidelines to upholding the law. In book two of William Lambard's *Eirenarcha* there is mention of the crime of buggery. Under "felonies, in lay causes,"<sup>22</sup> Lambard states that it is a felony "if any person have committed the Detestable vice of Buggerie, with man, or beast."<sup>23</sup> He does not state a punishment for the crime.

The case has been made that "villagers and townspeople were, moreover, seldom willing to invoke official sanctions against sodomy, despite theological and legal denunciation."<sup>24</sup> While the laws stated death for the crimes of sodomy and bestiality, it was hardly ever applied. The first recorded case that implies sodomy was in 1628 and no charges were brought against the perpetrators. By the end of the colonial era, there were only two executions in nineteen cases of sodomy. This shows that the Puritans were fairly tolerant towards sodomites. For the most part, evidence shows that those charged were deemed trouble makers by the society or had a history of deviant behavior. The following cases support the idea that Puritans were tolerant.

The strange case of Thomas Morton (1628) is the first, in colonial American history, in which the crime of sodomy was implied. Morton had been a business partner of Captain Wollaston. The two established a farm, Mount Wollaston, in Massachusetts Bay. That same year, Captain Wollaston began to seek business in Virginia. While in Virginia selling several slaves and scouting for new opportunities, Wollaston left the plantation in the Morton's hands. Wollaston had expected the plantation to be run as usual, however Morton had a different agenda. He "got some strong drink and other junkets and made them (servants) a feast."<sup>25</sup> In view of the evidence of what occurred, it seems as though Morton planned to swindle his partner. Once the servants had reached a sufficient alcohol level, Morton began to counsel them. He spoke out against Wollaston. Morton told the servants that it was his partner's plan to sell them all into slavery in Virginia. In exchange for their support, Morton offered to be their leader and to give them a partnership in Wollaston.<sup>26</sup>

While in Virginia, Wollaston sent one of his agents back to the plantation to do a routine check on the situation there. When Lieutenant Fitcher arrived at Mount Wollaston, he was not only denied access to the plantation, but was forced by the servants to leave the premises. Once Fitcher had left, a period of "great licentiousness" took place:

And Morton became Lord of Misrule, and maintained a School of Atheism...They also set up a maypole, drinking and dancing about it many days together, inviting the Indian women for their consorts, dancing and frisking together like so many fairies, or furies, rather; and worse practices. As if they had anew revived and celebrated the feasts of the Roman goddess Flora, or the beastly practices of the mad Bacchanalians.[27](#)

At this point the men chose to change the name of the plantation to “Merrymount.” William Bradford records that shortly after the period of “great licentiousness” Morton was recalled to England and the plantation was sold by Wollaston. The new owner, John Endecott, renamed the plantation Mount Dagon. His first act as the new owner was to cut down the maypole.[28](#)

In the case of Thomas Morton of Merrymount there was never an actual charge of sodomy. The only records of the case come from Bradford’s *Of Plymouth Plantation*. It has been deduced that sodomy occurred due to the reference of Bacchanalian practices. However the men are guilty, according to Bradford, of other crimes including fornicating with Indian women. Since the colony was so young and the situation appeared to be over, colonial officials chose not to prosecute.

An interesting fact about the Morton case is that its legend lived on in American society. Bradford wrote of it in his narrative. The Morton case also became fictionalized. It was addressed in this manner in 1824, by Lydia Child in *Hobomok*. Catherine Sedgwick, presented the case as a conspiracy against Morton in the 1827 work *Hope Leslie*. Henry Longfellow presented Morton as a sodomite having relations with another landholder in *Tales of a Wayside Inn* (1863). It was Nathaniel Hawthorne who made the case famous, however. He presented the case from a psychological view in “The May-Pole of Merry Mount.”[29](#)

The first clear case of sodomy that affected the colonies occurred in the year following the Morton case (1629) once again in Massachusetts Bay. That year the ship, *Talbot*, arrived in the colony. Upon docking, colonial officials were informed that during the voyage, “5 beastly Sodomiticall boyes...confessed their wickedness not to be named.”[30](#) At this point in the colony’s history, vice-Admiralty courts had not yet been established. Therefore, all five of the “sodomiticall” boys were denied access to the colony and returned to England.[31](#)

In 1636, the first trial for the crime of sodomy in the colonies occurred in Plymouth Colony. John Alexander and Thomas Roberts were accused of “lude behavior and unclean carriage one [with] another.”[32](#) Both men confessed to the crime. There is evidence that this was not the first time that Alexander had had charges made against him. While sodomy was a capital crime and there were two confessions, the courts chose lenience. As opposed to execution, Alexander was beaten and branded, then exiled from the colony. Roberts, who was an indentured servant, was whipped and returned to his employer.[33](#)

During this same time period, people in other parts of the British Empire charged with sodomy did not fare as well as those above. In the cases of Merrymount and *Talbot*, no charges were filed. In the Alexander-Roberts case, although convicted, their lives were spared. At this point of time in the Chesapeake there had already been one execution for sodomy. In the mid-1620s, Richard Cornish was tried, convicted, and executed for

committing sodomy in the Virginia Colony. Also in England, the case of the Earl of Castlehaven was unfolding. In 1631, the Earl was executed for crimes deemed “so heinous and so horrible that a Christian man ought scarce to name them.”<sup>34</sup> The condemning aspect of the Castlehaven case was not that he had committed sodomy with servants, but that he had aided a servant in the task of raping his (the Earl’s) wife. Castlehaven appealed for mercy, and King Charles I granted him beheading as opposed to hanging.<sup>35</sup>

As the above events were occurring in England and Virginia, there was a lapse in charging people with crimes of a sexual nature in New England. It would be eight years after the Alexander-Roberts case, before another was charged with sodomy in that region. In 1642, Edward Michell and Edward Preston were charged and convicted, in the Plymouth Colony, of committing sodomy. However this was not the only sexual exploit that these two men were involved in. During the trial, it came to light that Michell had been fornicating with a woman, while Preston had attempted to coerce another man to sodomy. In a bizarre twist, the woman that Michell was fornicating with, Lydia Hatch, was also having a incestuous affair with her brother, Jonathan. Michell, Preston, and the Hatches were all publicly whipped. Once again the death penalty was not applied.<sup>36</sup> It was in this same year (1642), Governor William Bradford declared that sex crimes were rampant in the colony:

And yet all this could not suppress the breaking out of sundry notorious sins (as this year, besides other, gives us too many sad precedents and instances), especially drunkenness and uncleanness. Not only incontinency between persons unmarried, for which many both men and women have been punished sharply enough, but some married persons also. But that which is worse, even sodomy and buggery (things fearful to name) have broke forth in this land oftener than once.<sup>37</sup>

In an attempt to explain this “criminal wave,” Bradford blamed the Devil as the source of evil and corruption. The fact that Bradford felt it necessary to mention the wave of sex crimes is important. It was not just sodomy and bestiality. People were fornicating. Couples were being adulterous. There was an obvious breakdown in the ideal Puritan society. This was a fundamental social problem, more so than religious. The constraints of the Puritan society were, at this point in time, being challenged.

It was during this time of the decay of social norms, that there is the first charge of lesbian activity. By colonial legal definitions, lesbian activity was not classified as sodomy, since penetration was not achieved. However, it is important to acknowledge that this behavior, which by modern standards would be classified as queer (much like sodomy today) was charged and recorded in court documents. In 1649, in Yarmouth, Mary Hammon and Sarah Norman were charged with “leude behavior each with other upon a bed.”<sup>38</sup> There is a tendency in society to dismiss lesbian behavior as simply intense friendships. This is a case in which society would not ignore the behavior. Norman was forced to publicly admit to her crime. She was warned that similar behavior would lead to harsher punishment. Hammon, was acquitted. How could one be guilty and the other not? There were actually two charges against Norman: sodomy and

making speeches. It is possible that the speeches were what Norman was actually on trial for. Yet, by Puritan standards, what could be more humiliating than admitting publicly to having a sexual affair with a woman? This might have been the court's way of attempting to silence Norman. The fact that Hammon was not punished enforces this view. Two accused and one found guilty and one not implies that there was more going on in this situation.<sup>39</sup>

Norman would again appear in Yarmouth court records in 1649. That year, Teage Joanes was accused of sodomizing Richard Berry. When the sodomy charges were raised, Berry claimed that Joanes was also fornicating with Sarah Norman. In the interlude of six months between charges and trial, Berry recanted his accusation and Joanes was freed. The two men's names reappear in court records three years later when they were ordered to "part their uncivell living together."<sup>40</sup>

The most famous sodomy case in New England was that of Nicholas Sension of Windsor, Connecticut. In 1677, Daniel Saxton, a citizen of Windsor, Connecticut, charged Sension with sodomy. Saxton was a neighbor and former employee of Sension. It was not until he was released from his position at the Sension household that Saxton came forth with the charge against his former employer. Although he denied that coupling with Sension, Saxton did bear witness to the fact that Sension had committed sodomy with another servant, Nathaniel Pond. Yet it would be uncovered that this was only scratching the surface.<sup>41</sup>

Sension had moved to Windsor, Connecticut in 1640. In Windsor, Sension became a prosperous merchant and farmer. He married a local woman in 1645, and was soon recognized as a prominent member of the Windsor community. For three decades, Sension was to lived what appeared to be a normal life, according to Puritan standards.<sup>42</sup> However while all seemed normal on the surface, something was amiss in the Sension household. Thirty years before he was tried for sodomy, Sension had been approached by the town elders. On this occasion, in the late 1640s, William Phelps had contacted a [Mr.] Horskins in regards to Sension. Phelps was concerned about the fact that Sension had been making sexual advances towards his younger brothers, Samuel and Nathaniel. It came to light in the 1677 trial that this matter was dealt with in private at the house of [Mr.] Henry Clark. Horskins and Clark, both representatives of Windsor to the General Court, confronted Sension. Sension explained that he had acquired his "sodomitical" ways while at school and promised to control himself. Believing that Sension was sincere and felt remorse, the matter was then dropped.<sup>43</sup>

Since Saxton had not engaged in sexual activity with Sension, the court pursued the question of Sension's relationship with Nathaniel Pond. A difficulty for the prosecution was the fact that Pond was killed two years earlier in Metacom's War, and therefore the only witness, other than Sension, was dead. Another difficulty for the prosecution was the fact that as the trial progressed it began to center on whether the act of sodomy had actually occurred; had penetration been achieved.<sup>44</sup>

During the course of the trial, several young men came forward to testify about Sension's sexual tastes and practices. What are described are scenes of attempted rape by modern standards. George Giswold testified:

I was in the mill house...and Nicholas Sension was with me, and he took me and threw me on the chest, and took hold of my privy parts.[45](#)

Another man stated:

I went out upon the bank to dry myself [after swimming], and the said Sension came to me with his yard or member erected in his hands, and desired me to lie on my belly, and strove with me, but I went away from him.[46](#)

The testimony of Thomas Barber was especially compelling and condemning in the trial. Barber had been hired by Sension to work in a Hartford warehouse. While in Hartford the two were given lodgings together and shared a trundle bed. It was Barber's testimony that "he was unwilling and afraid to lodge with him because of some reports he had heard."[47](#) He continued by stating that he decided to share the bed with Sension because two members of the General Court were sharing a bed above them. Barber described the events of that night as follows:

Goodman Sension soon after strove to turn his back parts upwards and attempted with his yard to enter his body which the deponent being awakened and heeling what he was bout was in a great straight fearing to disturb the courtiers in the other bed and more fearing he should be wronged and the deponent further saith that in the same time to hinder Him from prosecution of his devilish design he turned his elbows back to Sension's belly with several blows which caused him to resist for that time and so the said deponent slept in fear all night and in morning told his master Josia Ellsworth that he would lie no more with Goodman Sension as long as he stayed there nor did not.[48](#)

The relationship between Sension and Barber is a complicated one, which is revealed in the fact that Barber, in his testimony, admits to attempting to stop Sension, but is also protecting him. The 1677 trial is the first time Barber spoke to others of the events of that night. The two seem to have a sincere friendship. Barber also testified that "in time of troubles, he was much beholding to the said Goodman Sension for his entertainment in his house and therefore is much trouble that he should be any instrument to testify against him in the least measure."[49](#) It is known that Barber periodically borrowed money from Sension. Due to economic troubles, at one point, Barber and his wife moved into the Sension household.[50](#) Economics may have been one of the reasons that Barber kept the incident to himself. This would imply blackmail. However, in Puritan society, neighbors were important to each other. In the early colonial period, neighbors relied on one and another for survival. As New England developed, this reliance became increasingly important in other ways. There was a strong support network amongst the neighbors. Sension, as a good neighbor, helped Barber in his time of need. This may have influenced Barber and his actions. Besides the matter of social norms, it would have

been embarrassing for Barber to bring a charge of sodomy against a prominent citizen. He would not have been viewed kindly by the General Court. There were no benefits to Barber bringing charges against Sension.

The alleged relationship between Sension and Pond could be viewed as either Sension's downfall or his saving characteristic. Their relationship was complicated by many factors, including Pond's position as a servant in the Sension household. Witnesses (including Saxton) claim that the relationship began by Sension attempting to "sodomize" Pond in the sleeping quarters. Not only did other servants witness these advances, but Pond also complained to his older brother, Isaac, about Sension. Those that knew Sension testified that his feelings towards Pond were more than physical. It was reported that Sension highly praised the boy at everything he did. On the other hand, it was testified to that Pond was ambivalent towards Sension. He was displeased by the advances, but also felt loyalty to his employer. Pond often referred to Sension affectionately as uncle.<sup>51</sup>

When Isaac Pond became engaged to Sarah, the daughter of John Griffen, he decided to speak with his future father-in-law about the situation between Sension and Nathaniel. Griffen testified in 1677 that Isaac Pond, "lay upon the state and condition of his brother to me and did seriously desire my advice and counsel."<sup>52</sup> Griffen also testified that Isaac was "concerned about his brother and what temptations he was liable unto by reason of his master's sensuous grossly lascivious carriages toward him...his attempts were so violent and constant that he found it difficult work to keep him [Sension] off."<sup>53</sup> Griffen told the court that he advised Isaac to "use all means to procure his brother's release from Goodman Sension and that if he and some friends could not attain it of his master than to make his [complaint] to authority."<sup>54</sup>

Following the advice of Griffen, Isaac Pond and Timothy Phelps confronted Sension in 1669. Phelps, one of the wealthiest men in town, was chosen as mediator due to his status in Windsor. Phelps' role in the community included the rank of sergeant in the militia, he was the captain of the training band, and a selectman. His status outranked both Pond and Griffen. When Phelps demanded the release of Nathaniel Pond from Sension, the latter agreed. Sension really had no choice. The reality of the situation was that if he did not release Pond, he would be charged with the crime of sodomy.

Nathaniel, however, rebuked his freedom and decided to stay on with Sension. This perplexed his brother, but there is evidence that Nathaniel might have expected to be appointed heir of Sension's estate. For whatever reason, Nathaniel Pond chose to stay.<sup>55</sup>

It has been suggested that the death of Nathaniel Pond was influential in the charges of sodomy being pressed against Sension. No longer having Pond, Sension sought comfort elsewhere. It was after Pond's death that the attempts at "sodomizing other household employees became frequent. As Saxton stated, "you [will] never leave this devilish sin til you are hanged."<sup>56</sup> As the frequency of these advances grew, the feelings of the community towards Sension changed. Due to this change in sentiments, Sension was brought to trial.

At his trial, Sension pled guilty to attempted sodomy. He denied ever actually completing the act. It is apparent that Sension knew of his reputation in Windsor. He confronted several people before the trial and begged of them not to speak of his behavior. He seemed worried of both public criticism and knowledge. He proclaimed his remorse, which others testified too. Two victims of his attempts, stated that after they

had held him off, Sension prayed. He was said to have asked God “to force him from this wicked sin that he had lived in a long time.”<sup>57</sup>

Sension was ultimately found guilty of attempt sodomy. He was acquitted of the act of sodomy, due to the fact that penetration could not be proven. His entire estate was put into bond for his good behavior. Twelve years after his trial, he passed away. In the time between his trial and his death, Sension’s name does not reappear in court records. Whether or not he refrained from the act of sodomy after his trial cannot be known. However if Sension did engage again in acts of sodomy he was more careful as to not to get caught.<sup>58</sup>

Eighty years would pass before another sodomy trial took place in New England. In 1756, Stephen Gorton was charged with “unchaste behaviour with his fellow men when in bed with them.”<sup>59</sup> Gorton was not only a married man, but also a Baptist minister in New London. Like Sension, the trial was not the first time that charges had been made against Gorton. In 1726, thirty years earlier, Gorton had appeared in court for attempted sodomy. In that case, the charges were dropped. In 1757, at the General Meeting of Baptist Churches, Gorton was dismissed from his position. Although the charges of sodomy were originally filed in the secular court, Gorton was not tried in it. The colonial courts allowed the Meeting of Baptist Churches to decide his punishment. However, this by today’s standards would not be deemed much of a punishment. Even with his tarnished reputation, Gorton simply confessed his sins and then was returned to his pastorate. His congregation welcomed him back.<sup>60</sup>

The death penalty was only used twice in New England for cases of sodomy. The first case is that of William Plaine of Guilford, who was executed in New Haven in 1646. The official charge was “unclean practices.” What was found during the trial was that Plaine had committed sodomy while in England. He was said to have “corrupted a great part of the youth...by masturbations, which he had committed and provoked others to the like above a hundred times.”<sup>61</sup> One of the most interesting aspects of this trial is the fact that Plaine was not originally sentenced to execution. The governor’s consultants pressured the court to change the sentence to execution. There is no clear evidence as to why they did this. Some of the records from the trial suggest that Plaine may have been a repeat offender. There is also the possibility that he may have been seen as a problem element in the colony.<sup>62</sup>

The second case that warranted execution was that of John Knight. In the Knight case, the definition of sodomy is problematic. Knight was executed for, what would be called today, child molestation. In the colonial era, the term sodomy was applied to child molestation and hence was what Knight was charged with. The General Court of New Haven found Knight guilty of conspiring to commit sodomy on the child and ordered his execution.<sup>63</sup>

Due to the Plaine and Knight cases and the Connecticut colonial laws<sup>64</sup> one can conclude that the Puritans recognized and prosecuted child molestation. By doing this, the Puritans are separating the crime of sodomy from child molestation. This was rare, for in pre-modern times often the charge of sodomy was applied to child molestation. There was no differentiation.

There are many other court records that refer to crimes that might be of the nature of sodomy. There is a general sexual overtone in these court records. Men and women were accused of “lude & evell carriage,” “entertaining other men’s servants.”

“entertaining townsmen in his house,” and “unclean practises.”<sup>65</sup> However these cases could be sodomy, fornication, adultery, etc. The charges are open to interpretation. Often, though, the punishments for these crimes resemble those that were inflicted on people convicted of sodomy. An example is the case of John Dunford. Dunford was exiled, the same fate of John Alexander, for “evell carriage.” Yet, with these vague charges, one must look at each case individually and analyze the context of the trials.<sup>66</sup> In colonial New England, there is evidence of 151 sexual offenses. Of these 129 were heterosexual offenses, which includes fornication, adultery, etc. Only 19 were considered cases of sodomy. In Windsor, Connecticut, the percentage of “homosexual” vs. heterosexual crimes was 12. Out of 42 sex crimes, 5 were cases sodomy or bestiality (see table below). This evidence shows that the Puritans were concerned with many different deviant acts. However, in relation to sodomy, in 65 years there were only 5 charges. From the cases studied above, one must assume that there were many more instances that were not brought to the attention of the courts. The figure of 12% is significant for the reason that it is a large percentage for a town the size of 17th century Windsor. Also “unclean practices” could be of a homosexual nature, so perhaps the percentage was even higher.<sup>67</sup>

Sexual Offenses in Windsor, Conn.<sup>68</sup>  
1638-1703

Type of Crime	Number of Charges
Fornication	18
Adultery	9
Unclean practices	10
Sodomy and buggery	5
Total offenses	42

The New England colonies had begun well. Yet the dream of a “city on a hill,” an ideal religious community, was never to be realized. These colonies were of the declension model, and being so, after a prosperous beginning, they began to decline. It is the stability of the Puritan community, which made the colonies so successful in the beginning. However, by the late seventeenth-century, especially after the witchcraft trials of 1692, one saw a decline in this stability. In a sense this is what Bradford had predicted when he wrote of the sexual crimes in the colonies of the moral decay. The Puritans had turned a blind eye to sodomy. They rarely prosecuted the crime, preferring to deal with it in private. But the case of bestiality was very different. It was not something that one could turn their backs on and allow to occur. This was by far the most heinous of sex crimes.

In 1641, the first recorded case of bestiality in New England took place. William Hackett “was found in buggery with a cow, upon the Lord’s day.”<sup>69</sup> Ironically he was caught in

the act by a woman who missed church that day. Approximately 18 years old, Hackett appeared before the town magistrates. He confessed to attempting the crime, but argued that he could not complete the act due to interruption. Even with lack of witnesses (two being standard), Hackett's own testimony could not save him. The magistrates were united on the guilty verdict, but divided on the punishment. The majority of the magistrates voted in favor of execution. However, the colonial governor of Massachusetts Bay, Richard Bellingham, refused to endorse the sentence. There are no records on the grounds on which he refused or his reasoning. The deputy governor, John Endecott, differed in opinion from the governor. Endecott endorsed the death sentence. In a final act of spite or perhaps remorse upon hearing his sentence, Hackett confessed to his crime and stated that not only had he complete "this foul fact," but had attempted "the like before, with other wickedness." Before Hackett was executed, the cow was slaughtered in front of him and the gallows. Hackett was then hanged.<sup>70</sup>

In that same year, another man was hanged for bestiality. In New Haven, a sow gave birth to a deformed fetus, which was described as "a prodigious monster." In this case, George Spencer, a former employee of the owner of the sow, was felt by the community to bear a strong resemblance to the fetus. Due to this fact, Spencer was imprisoned, even though he denied the crime. While in jail, Spencer was approached by a magistrate, who promised him mercy if he confessed. Evidently, that mercy was not to come in this life. Believing that confession equaled mercy, Spencer willingly confessed during the next visit of the magistrates. He confessed not only to bestiality, but to "lying, scoffing at the colony's laws, and profaning the Lord's Day (calling itt the ladyes day)."<sup>71</sup> Spencer also confessed to engaging in other "act of filthyness," which were of a sexual nature, although he does not name the acts. Once he had completed his confession, Spencer was brought to trial. Not realizing before that he would be brought to trial, Spencer denied the confessions. This did not matter though, for the court was pleased with the evidence that Spencer had "butt one eye for us, the other hath a pearle in itt, is whitish & deformed,"<sup>72</sup> and so did the fetus. This convinced the court of his guilt and Spencer was put to death.

The case of Thomas Granger took place in Plymouth Colony, 1642. Granger was a young man, aged 16 or 17 years, that was charged with acts of bestiality "with a mare, a cow, two goats, five sheep, two calves and a turkey."<sup>73</sup> Granger was first caught, when someone spotted him in a compromising position with a mare. Upon being charged, Granger confessed to the crimes. He was convicted and sentenced to death. Unsure of which sheep were involved, the court had them lined up so that Granger could identify his partners. Before his execution, each animal was slaughtered in front Granger.<sup>74</sup>

In 1647, a case similar to Spencer's occurred in the New Haven colony. Once again it involved the deformed fetus of a sow. This time the fetus resembled Thomas Hogg. Convinced by this evidence, colonial authorities imprisoned Hogg. In an attempt to gain more concrete evidence, both the governor and deputy governor escorted Hogg to the scene of the crime (a barnyard) and had him "scratt" the sow in question. Upon being fondled by Hogg, "imedyatly there appeared a working of lust in the sow, insomuch that she powred out seede before them."<sup>75</sup> To be objective, Hogg was then forced to fondle another sow, which was not moved by his sexual approaches. This proved beyond a reasonable doubt to the authorities that Hogg was guilty. What is interesting about this case, is that as the evidence about bestiality became abundant, other charges were raised

against Hogg. He was accused of both lying and stealing. For these crimes, he was immediately whipped and sent to jail. Oddly the bestiality charge never came to trial. He does not reappear again in court records until the following year, when he was reprimanded for not appearing for watch.<sup>76</sup>

The final case of bestiality to be discussed involved an older and prominent man in the New Haven colony. The case of Potter (his first name is not recorded), a 60-year-old man, came to trial in 1662, the year that the colonies of New Haven and Connecticut were integrated. Potter was considered a pillar of his community. What was ultimately found was that since the age of 10, Potter had had sexual relation with many different types of animals. For 50 years, he had been able to commit bestiality without being found out. Potter's downfall was brought about by his own son. When the young man "saw him hideously conversing with a Sow,"<sup>77</sup> he reported his father to the authorities. During the trial, Potter's wife admitted that ten years earlier she had found him "confounding himself with a Bitch (dog)."<sup>78</sup> On the day of his execution, Potter was forced to watch the slaughter of "a Cow, Two Heifer, Three Sheep, and Two Soves, with all of which he had committed his Brutalness."<sup>79</sup>

In England, the years between the Senson and Gorton cases witnessed a change in the way that sodomy was viewed. A transformation occurred in the relationship between sodomy, gender, and social identity. For the first time, in the early eighteenth-century, a sodomitical subculture surfaced in London. Soon certain parks and taverns became recognized meeting places for the "mollies," as they were called. This was the first time that there was a recognized homosexual identity. Men and women could be identified by body language, dress, and slang. Some chose to become cross-dressers, while others adopted effeminate ways and stayed at "molly houses." Although the "mollies" were focused in London, subcultures began to emerge throughout Europe. Soon sodomy would no longer be viewed as an act, but as an identity.<sup>80</sup>

It is important to recognize the fact that many other sexual crimes did occur in the colonies. Between the years 1638 and 1703 the following sexual and familial charges were brought against the colonists of Windsor, Connecticut. There were eighteen counts of premarital fornication. Nine counts of adultery that were followed by divorce suits. Fornication and "unclean practices" were recorded ten times. Besides that there were also sixteen counts of family misbehavior and seven of failure to live in families.<sup>81</sup> It must also be remembered that these were the only crimes recorded. The Puritans lived in a very public community and due to this families knew to keep private things private. This is perhaps why there were not more accounts.

The fact that religion preached the destruction of the sodomites did not phase the Puritans. Court records imply that even the local magistrates and church elders felt that death was too strong of a punishment. In most of the cases, these elite of the community were asked to counsel the men who had gone astray. The magistrates and elders wanted to handle the cases personally. "The community used the law to enforce obedience only when other means had failed and violations of its norms were flagrant and existed in more than one area."<sup>82</sup> The guide to dealing with a problem such as sodomy was:

Given deviance in only one area the town would try to use private means to control behavior. Given the multiple deviancy of the ...the law was the community's last resort.

Those with any sexual deviance were remarkably vulnerable to community pressure. Legal penalties for sexual misbehavior were severe in accordance with Old Testament law. Prosecution for sexual sins could be used to rid the community of an offender, when perhaps what really bothered his townsmen was not sexual activity, but lapses from proper neighborly interaction.[83](#)

Social interaction was focal point in Puritan life. The status and wealth of a colonist could mean the difference between prosecution or an informal meeting. Overall though, the Puritans were forgiving. They saw the act of sodomy as a simple lapse in a person's morality. However it could be argued that the Puritans did not have a problem with the act of sodomy. This is plausible due to the treatment of the perpetrators of bestiality. In those cases, no mercy was shown.

Sodomy in the colonies was a crime that for the most part was accepted by the community. This set the stage for the future treatment of homosexuals in this country. Over the years there have been many changes in the view of homosexuals. The change began with the Molly movement in London and continues today with the gay rights movement. However, sodomy is still a crime in over half of the states of the Union. Once again, though, it is rarely prosecuted. One could say that this is the legacy of sodomy in the colonies.

### Notes

1 Plutarch, Dialogue on Love, as reprinted in John Boswell, "Revolutions, Universals, and Sexual Categories," Martin Duberman, ed., *Hidden from History: Reclaiming Gay and Lesbian Past* (New York: Signet, 1981), 24.

2 King James Version, Holy Bible (Nashville: Thomas Nelson, 1984) Gen. 19:24, 11.

3 Arthur N. Gilbert, "Conceptions of Homosexuality and Sodomy in Western History" (*Journal of Homosexuality*), 61.

4 The definition of buggery creates a problem for the historian. In colonial documents use three terms interchangeably: buggery, sodomy, and bestiality. Throughout the documents one finds a person charged with buggery, but the actual crime is sodomy. Or one also finds a person charged with sodomy and in the court records it shows that the crime was committed with an animal (bestiality). For the purposes of this paper, sodomy will refer to same sex activity, while bestiality will refer to person and animal relations. Buggery will only be used if it is found in the primary sources. (The Webster Collegiate Dictionary defines sodomy as "carnal copulation with a member of the same sex or with an animal; noncoital carnal copulation with a member of the opposite sex." Bestiality is defined as "sexual relation between a human being and a lower animal." Buggery is defined as "sodomy.")

5 Gilbert, 58-62.

6 Darrett B. Rutman, *American Puritanism* (New York: J. B. Lippincott Co., 1970), 99.

7 Perry Miller, *The New England Mind: The Seventeenth Century* (Cambridge: Harvard University Press, 1954), 4.

8 Miller, 35.

9 Miller, 35.

- 10 King James, Gen. 19:13.
- 11 King James, Lev. 20:13.
- 12 King James, Lev. 20:15.
- 13 King James, Lev. 20:16.
- 14 King James, Cor. 7:19.
- 15 King James, Cor. 7:18.
- 16 King James, Rom. 1:26-29
- 17 Samuel Willard, *A Complete Body of Divinity* (Boston, 1726) 674.
- 18 Louis Crompton, "Homosexuals and the Death Penalty in Colonial America" (*Journal of Homosexuality*, vol. 1, 1976), 278.
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- 20 Crompton, 279.
- 21 Crompton, 281.
- 22 William Lambard, *Eirenarcha: or of the Office of the Iustices of Peace* (Newberry and Bynneman, 1581) book 2, 323.
- 23 Lambard, book 2, 324.
- 24 Laura Auwers Bissell, *Family, Friends, and Neighbors: Social Interaction in Seventeenth-Century Windsor, Connecticut* (Ph.D. diss, Brandeis University, 1973), 120.
- 25 Bradford, 205.
- 26 Bradford, 205-6.
- 27 Bradford, 205-6.
- 28 Bradford, 206.
- 29 John P. McWilliams, Jr., "Fictions of Merry Mount" (*American Quarterly*, Volume 29, Issue 1, Spring 1977), 13-17.
- 30 *Records of the Governor and Company of the Massachusetts Bay in New England*, ed., Nathaniel B. Shurleff (Boston, 1853-4), I, 52, 54: "Francis Higginson's Journal," in Stuart Mitchell, ed., *The Founding of Massachusetts* (Boston, 1930), 71: as reprinted in Robert Oakes, "'Things Fearful to Name:' Sodomy and Buggery in Seventeenth-Century New England," (*Journal of Social History*, vol. 12, 1978), 269.
- 31 Oakes, 269.
- 32 *Records of the Colony of New Plymouth in New England*, ed. Nathaniel B. Shurleff and David Pulsifer (Boston, 1855-61), XI, 12; as reprinted in Oakes, 269-70.
- 33 Oakes, 270.
- 34 Caroline Bingham, "Seventeenth-Century Attitudes Toward Deviant Sex," (*Journal of Interdisciplinary History* I (1971), 447-472; as reprinted in Oakes, 270.
- 35 Oakes, 270.
- 36 Oakes, 271.
- 37 Bradford, 316.
- 38 *Records of Plymouth*, II, 137; as reprinted in Oakes, 271.
- 39 Oakes, 271.
- 40 *Records of Plymouth*, 146; as reprinted in Oakes, 272.
- 41 Bissell, 123.
- 42 Bissell, 123.

- 43 "Crimes and Misdemeanours," Connecticut Archives, 1st series (1662/3-1789), vol. 1, Connecticut State Library, Hartford, nos. 97-98.
- 44 Bissell, 123-5.
- 45 "Crimes and Misdemeanours," nos. 88a.
- 46 "Crimes and Misdemeanours," nos. 88a.
- 47 "Crimes and Misdemeanours," nos. 99.
- 48 "Crimes and Misdemeanours," nos. 99.
- 49 "Crimes and Misdemeanours," nos. 99.
- 50 Bissell, 125.
- 51 Godbeer, 274.
- 52 Bissell, 126.
- 53 "Crimes and Misdemeanours," nos. 89.
- 54 "Crimes and Misdemeanours," nos. 89.
- 55 Bissell, 127.
- 56 "Crimes and Misdemeanours," nos. 87.
- 57 Bissell, 128.
- 58 Bissell, 128.
- 59 Oakes, 272.
- 60 Oakes, 273.
- 61 John Winthrop, *The History of New England from 1630 to 1649*, ed., James Savage (Boston, 1853), II, 324; as reprinted in Oakes, 273.
- 62 Godbeer, 272.
- 63 Godbeer, 272.
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- 67 Oakes, 272.
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- 79 Oakes, 276.
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83 Bissell, 128-9.

[Back to the Table of Contents](#)