

“Things Fearful to Name”: Bestiality in Colonial America

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In the Old Testament, the Lord has no tolerance for either sodomy or bestiality.¹ He destroyed Sodom and Gomorrah with fire and brimstone and later empowered the people of Israel to slaughter the Benjaminites because of the sodomitical activities of the people of Gibeah.² His command was unequivocal:

If a man also lie with mankind as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death And if a man lie with a beast, he shall surely be put to death; and ye shall slay the beast. And if a woman approach unto any beast, and lie down thereto, thou shalt kill the woman and the beast; they shall surely be put to death; their blood *shall be* upon them (Leviticus 20: 13, 15-16).

In the New Testament, Paul shared the same revulsion:

For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature: And likewise also the men, leaving the natural use of the women, burned in their lust one toward another, men with men working that which is unseemly ... (Romans 1: 26-27).

By the early modern era, virtually all Christian theologians shared Paul's condemnation of “unnatural” sexual acts, a category that became so widely used that it is still deeply embedded in the criminal codes of American state governments. And yet, despite these shared beliefs, Christian societies differed dramatically in the kinds of unnatural sexual acts that they chose to prosecute.

To take two extremes from Protestant Europe, Sweden executed 600 or 700 people, mostly adolescent boys and young men, for bestiality, but hardly anyone for sodomy.³ The Netherlands reversed these priorities. The Dutch republic probably had only about ten bestiality prosecutions between 1630 and 1805, but when a partial collapse of the dikes coincided with the discovery of an extensive homosexual network in Amsterdam, Utrecht, and other cities, the Dutch put the two phenomena together in 1730 and 1731 and tried about 250 boys and young men for sodomy. Nearly all were convicted, of whom about two dozen were executed. They were strangled, then burnt at the stake,

and then heavy weights were attached to the remains, which were “drowned” in the sea.⁴

England stood between Sweden and the Netherlands. Sodomy and bestiality became capital crimes under Henry VIII (about a century later than in Sweden), probably as part of his campaign to suppress the monasteries and confiscate their lands. But prosecutions for either were rare, though not as infrequent as bestiality trials in the Netherlands—only thirty for bestiality in five counties during the long reign of Elizabeth I, and only six for sodomy over much of England in the seventeenth century plus four more in Surry between 1660 and 1800. On the other hand, because conviction for either offense required proof of penetration, which was always difficult to provide, trials for attempted sodomy or attempted bestiality were much more common. They did not involve the death penalty, but the offenders were certainly considered infamous. A common sentence was an hour in the pillory, which could have fatal consequences.⁵

These trials were selective in another sense as well. Although one woman and her dog were hanged at Tyburn in 1679,⁶ women were almost never tried for homosexual actions or for bestiality, largely because the requirement of penetration almost defined the offense as a male act. Protestant clergymen sometimes agitated for a broader definition of the crime, something more in keeping with the biblical mandates. But, for reasons that remain unclear, the law courts continued to insist on penetration.⁷

In the American colonies, only two cases have emerged, both in New England, that involved women engaged in sexual play with one another. They were treated as lewd and lascivious behavior, not as potential crimes against nature, even though one of the principal offenders, the servant Elizabeth Johnson, was also punished for the highly provocative offense of “stopping her ears with her hands when the Word of God was read.”⁸ Only two cases of female bestiality have come to light in the colonies. In 1702 the grand jury refused to indict one woman in Boston.⁹ But in Monmouth County, New Jersey, Hannah Corkin was indicted for buggery in 1757 but convicted only of attempted buggery. Her offense must have been flagrant, however, for she received an exceptionally severe sentence—four whippings, each of twenty lashes, in four different towns in consecutive weeks.¹⁰

Trials for deviant sex reversed the patterns that prevailed in trials for witchcraft. According to both the Bible and early modern theology, men and women could commit either crime, but only men were actively suspected of sodomy or bestiality, while women were always the prime targets of witchcraft accusations. Men who fell under suspicion of witchcraft were usually related to a woman who was the chief suspect. But in any sexual relation with an animal, as the Swedish bestiality trials reveal, a man was seen doing the devil’s work in a way that went beyond conventional sins. God had created an orderly

nature with clear boundaries between humans and beasts. Satan, and the buggerers who served him, were challenging those boundaries and threatening to reduce everything to confusion. Swedish sources are rich in this imagery, but it also appears in New England. In New Haven Colony, when one man interrupted another bugging a cow, the accused claimed that he was merely milking her. "Yet it is the Devills Milking and would bring him to the gallows," his accuser replied.¹¹ People still believed, as we shall see in several dramatic North American cases, that sexual unions between humans and animals, and between different species of animals, could produce offspring.¹² In Sweden, the Swiss Canton of Fribourg, the Republic of Geneva, and New England, the active prosecution of witchcraft and bestiality rose and fell together. For both clergy and magistrates, at least in regimes strongly dedicated to godliness, the two crimes seemed closely related.¹³ In the Netherlands, by contrast, the magistrates rejected clerical advice about both crimes. Bestiality was almost ignored. The last conviction for witchcraft occurred in 1595, and the last trial in 1610.¹⁴

Bestiality lowered a man to the level of a beast, but it also left something human in the animal. To eat a defiled animal thus involved the danger of cannibalism. The fear of human debasement ran deep enough to prevent men from milking cows. Women performed that chore. Any Swedish man who entered a barn that housed milk cows needed a superb excuse, or he would attract suspicion of bestial motives.¹⁵ So strong was the sense of defilement from any copulation with animals that in Sweden it overrode the double standard of sexual behavior. Men would turn in other men for this offense, even though conviction usually meant death. The lack of sodomy trials in Sweden suggests that, for 150 years after 1630, bestiality seemed uniquely odious among crimes that men were likely to commit. In Sweden, as in New England, the active suppression of bestiality was accompanied by a major witch hunt aimed mostly at women, but in New England the campaign against bestiality lost its energy far sooner than in Sweden.¹⁶

I

I have never done any research in Bermudan or West Indian records, but five cases from the islands have come to my attention. In Bermuda in 1622 two men were executed, one for sodomizing a boy, the other for bugging a sow. According to several witnesses, "a Dung-hill Cocke ... did continually haunt a Pigge" belonging to the buggerer's master. When that pig soon "languished and died," the cock turned its attention to the sow involved in the buggery case, and one of the cock's hens hatched a two-headed chick. Clearly bestiality threw all nature into upheaval in Bermuda.¹⁷

In October 1789 on the island of Dominica, a soldier named Sparrow, "the tallest straitest & cleanest Grenadier in the whole Regt.," was seen in full uniform by a thirteen-year-old girl bugging a turkey. Because the girl was too young to testify under oath, the bloodied turkey became the evidence against Sparrow. "The Turkey was killed her feathers plucked off & body thrown down the precipice. The soldier was dresst in her feathers and drummed out of the Regt. wt. the Rogue's March. ... if the Girl had been of age he would have been hung." Sparrow tried to take ship for America, but when the captain learned who he was, he denied him passage. "Oh says the Capt. I am to carry a Cargo of Turkeys & if you go with me I am afraid that I'll lose the sell of them." Evidently the offense was so notorious that news of it could be expected to cross hundreds of miles of ocean, spread enthusiastically, no doubt, by the ship's crew. In 1792 on the Dutch island of Curacao, two enslaved boys accused Juan Anthonij, a fellow slave, of bugging a she-ass. He was convicted, strangled at the stake, and then tied to the ass and thrown into a ferryboat that was sunk in the sea. In 1837, nearly half a century later, a former slave named Ben was condemned to death for bestiality on the island of St. Vincent, but the sentence was then reduced to hard labor for life. He was probably elderly. According to one report, "Breaks stones sometimes; is chiefly employed in cleaning the yard"¹⁸

Bestiality was probably rarer on the islands than the mainland, at least after the founding generation of indentured servants had moved on. Except in Jamaica, planters did not maintain much livestock because animals took valuable land away from sugar cane. And the sex ratio among African slaves, who rapidly became the chief labor source after 1645, was more evenly balanced than it was among servants in the Chesapeake colonies.¹⁹

II

In the early decades of settlement in Virginia and Maryland, men outnumbered women by five or six to one. Often a settler's main source of wealth was his livestock. Male servants who had served out their terms often teamed up with one another, living together in a small cabin while they worked and saved in an effort to acquire their own land. In this environment we would expect sodomy to be a frequent occurrence. And because men must have milked most of the cows, the danger of bestiality was ever present. New England, by contrast, was settled by families. Both sodomy and bestiality should have been comparatively rare events. And yet nearly all the trials for these two offenses, as for witchcraft, took place in New England, not in the southern colonies.²⁰

In 1624 Virginia executed Robert Cornish (alias Williams), a ship captain, for forcibly sodomizing William Couse, one of his ship's boys, who testified

that Cornish had put him “to payne in the fundament.” Two men, Cornish’s brother Jeffrey and one Edward Nevell, complained aboard a ship in far off Canadian waters that Robert Cornish “*was hang’d for a rascally boye wrongfully,*” and that “*he was put to death through a scurvie boys meanes, & no other came against him.*” When Nevell returned to Virginia, the governor put him on trial for his words, and Nevell suffered the loss of both ears in the pillory and was sentenced to serve the colony for a year. Even this cruel example did not stifle the criticism. In February 1625/26, James Hickmote heard Peter Marten “Commendinge ... *Cornish* for an excellant mariner and skillfull Artist.” Thomas Hatch agreed, adding “that in his consyence he thought the said Cornishe was put to death wrongfully.” Hickmote warned Hatch: “*you were best take heede w’ you saye, you have a president [precedent] before your eyes the other dye, And it will cost you yo’ eares yf you use such woordes.*” Hatch defiantly replied, “*I care not for my eares, lett them hange me yf they will[.]*” The court ordered Hatch whipped from the fort to the gallows and back again and then to lose one of his ears. Surviving records do not explain whether these critics thought an innocent man had been convicted, or that Cornish should have been tried by jury, or that the penalty was excessive, or that the hierarchy of the maritime community would be hopelessly compromised if authorities started hanging ship captains upon the unsupported claim of a cabin boy, whether or not a sexual encounter had taken place.²¹

No other sodomy case has yet surfaced in the court records of colonial Virginia, but some of the suicides look suspicious. In 1625 John Verone, a servant boy in a household of half a dozen males older than he, was kept at home doing women’s work while the others went out to the fields. He took care of the kitchen, cleaned up, and fetched water. One wonders whether he was also the object of sexual advances from some or all of his housemates. If so, nobody was foolish enough to volunteer that information to the authorities, who showed up to take depositions after Verone hanged himself in the loft of the house around noon on a workday. In Surry County, which probably never had more than 800 people living there between 1650 and 1670, at least two servant boys hanged themselves and another was found dead with bruised thighs. None of these deaths led to a criminal prosecution. The implication is, I think, that no one tried to stamp out sexual relations between consenting males and that nonconsensual sex may have occurred more often than magistrates cared to recognize. In Maryland, where the court records are much fuller than in Virginia, no sodomy or bestiality trials have yet been found.²²

Three bestiality cases survive in Virginia’s lower court records. In 1644 in Northampton County on the eastern shore, Robert Wyard and his wife Ellinor were walking home from a neighbor’s house between six and seven in the morning. While passing through the woods they happened upon Nathaniel Moore, one of the neighbor’s servants, bugging “a little Black Calfe.” They

approached close enough to strike Moore with a stick, but instead Robert surprised him by shouting "Villaine what are you doeing heere, hee made answere nothing Resting the Calfe what should I doe." Robert replied, "villaine you lye you are Bugging the Calfe hee Answered you lie." Then Ellinor interjected, "you lye for wee stode lookeing on you." Robert warned him, "Villaine you have done inough to be hang'd." Moore replied, "doe your worst. I care not what you cann doe." While the Wyards noted the animal's markings, doubtless to identify it so that it too could be executed, Moore "untyed the Calfe and came leadeing the Calfe and bid [Robert] stand by and lett the Calfe come by." The Wyards informed the calf's owner what they had seen, reported the incident to the county court, and posted bond to prosecute the case before the General Court in Jamestown. Two points emerge from this encounter. The Wyards were genuinely shocked by what they saw, but Moore seemed far more defiant than ashamed of what he had done.²³

A second case occurred in Lancaster County in 1712 when, on a Sunday morning in June, several people, including at least one woman, saw Robert Jones, a laborer, vigorously copulating with a mare. By then Virginia had become a community of conventional families, and, as the numerous depositions in the case indicate, the incident instantly became a major topic of local gossip, especially among women. When caught in the act, Jones claimed that he was merely trying to remove something ("spaniells") from the mare's back, but otherwise his voice does not come through in the records. The court spent some time trying to identify the mare, whose tail had been pulled or cut off between the incident and the court appearance. The owner, almost certainly, was trying to save the animal. Both Jones and the mare were bound over for trial in Williamsburg.²⁴

In Augusta County in 1763, William Sharp accused William Jones of bugging a mare. The local justices were "of Opinion that he is Guilty of the Fact wherewith he stands Charged" and ordered him to stand trial in Williamsburg three months later.²⁵

No records survive to indicate the final disposition of any of these cases. But in all of them the lower court was clearly establishing the basis for a capital trial. The only reason for sending the mare to Williamsburg in 1712 would have been to make it possible to slay the animal before Jones was hanged. Nobody claimed it had been bloodied and could thus be used as evidence. Quite possibly Virginia did hang the three men for bestiality, and since few of the higher court records survive, maybe more. On the other hand, the witnesses in each case would have had to travel considerable distances to convict the accused men and may just have dropped the matter. The 1644 incident occurred, for example, during a very dangerous Indian war. The total absence of bestiality trials in Maryland suggests that prosecutions for this offense must have been quite rare in the Chesapeake colonies.

What evidence that we have from the Carolinas confirms this suspicion. North Carolina's higher court records are reasonably full, but hardly any criminal records have survived for South Carolina. In the extant records for both colonies, no one was actually prosecuted for sodomy. But John Clark, Esq., did sue two brothers, William and Edward Wynne, for damages when they told people that he had often tried to sodomize them and other young men. Because Clark was a justice of the peace who had served as a militia captain and assemblyman, he was determined to protect his reputation and probably hoped to intimidate the Wynnes into silence by suing them. But at the next court when the trial was supposed to take place, the Wynnes appeared, he did not, and he suffered a nonsuit. They probably found enough supporting witnesses to make a convincing case. Perhaps the most striking feature about this confrontation was its ambiguity. Clark's homosexual inclinations had not prevented him from rising to the top of North Carolina society. His reputation suffered irreparable loss only after he tried to force himself upon unwilling partners.²⁶

In 1724 Thomas Handcock sued Solomon Hughes for trespass and assault for calling him "a Cow bugging Son of a bitch." But at the next court session Handcock announced that the two had reached an agreement, and he dropped the suit. Presumably Hughes apologized and probably paid Handcock to make the settlement.²⁷ Two prosecutions for bestiality were begun in the 1760s. John Everitt, a laborer, was accused of having "a venereal affair with ... a Mare," and Robert Johnston, a hatter, faced the charge that he "did commit and perpetrate that detestable and abominable Crime of buggery (not to be named among Christians)" with a black cow. Apparently these cases never came to trial.²⁸

The most sensational bestiality case in the southern colonies that has yet come to light occurred in South Carolina. In 1703 Francis Oldfield, an Indian trader, was unable to sleep one night. He heard a noise, got up, and looked in the room next to his in what was obviously a crude cabin. "By means of the light of the Moon shineing thro the holes and windows, And of a small fire on the floor, He plainly saw John Dixon ... In the very act of Bugging a Brown Bitch, which ... Bitch after ... Dixon had done the Beastly act, Jumpt from off[f] the Cabin, and turning about lickt her privy parts." After Oldfield confided to a friend what he had seen, Dixon "earnestly intreated [him], never to reveal the thing." Oldfield "concealled it for some moneths l[o]nger; But could not be at ease in his minde still thinking itt his duty to Informe a majestrate with what he knew." He brought the matter before Thomas Nairne, Esq., one of the most prominent men in the colony. Nairne also got a deposition from the widow Jannet Tibbs, who claimed "That John Dixon ... being at her hous and, as his custom is, discoursing Lewd Ribaldry with some of his companions, among other Beastly Expressions, was Instructing them how to

Bugger a cat and in particular told them to tye her head in a Bag, and hold up her Taill.” The widow “ordered s’d Dixon to Leave her house, and could never afterwards endure him.”

Presumably Nairne took some judicial action against Dixon, but it was not fatal. Five years later, after Nairne and the governor had fought a huge public quarrel over Indian policy, the governor got depositions from Dixon and an equally disreputable friend, who swore that they had heard Nairne speak treason against Queen Anne. The governor imprisoned Nairne for at least five months. What we know about this case stems from Nairne’s efforts to vindicate himself before British officials. Although some South Carolinians, such as Oldfield, the widow Tibbs, and probably Nairne, shared the conventional Christian loathing for all forms of bestiality, other colonists thought it amusing. Dixon suffered no permanent damage from Oldfield’s accusations. And though also accused at least twice of trading without a license, he played a prominent role in the colony’s Indian affairs for the next six years and was even involved in deciding which Indians would be enslaved and which remain free. Nairne finally won his release. In 1715, Nairne was tortured to death by Indians in the first days of the Yamasee War, begun by the Indians who feared that they would be the colony’s next targets for enslavement. Dixon may have been killed at the same time. The Indian traders were the Yamasees’ first targets, and Dixon’s name disappears from the colony’s Indian records after August 1714.²⁹

III

In the Middle Atlantic colonies, nearly everything we know about homosexuality comes from private sources, not public records. The most important exceptions occurred in New Netherland. In 1646 the colony executed “Jan Creoli, a Negro” slave, for raping Manuel Congo, a ten-year-old African boy. Creoli also admitted that he had committed sodomy in the West Indies. In keeping with Dutch custom, Creoli was strangled and then burned at the stake. The court also ordered Congo tied to a stake with wood piled about him to witness the execution. After Creoli’s sentence was carried out, Congo was beaten with rods and released. This sentence displayed the magistrates’ fear and loathing of the offense. The court acknowledged “the innocence and youth of the boy” but felt obliged to punish him for being part of an abomination.³⁰ A year later Harmen Meyndertz van den Bogaert, famous in the colony for his journey through the Iroquois country in 1634-35, was accused of sodomizing his black servant Tobias and fled to the Mohawks for protection. Hans Vos followed him, seized him in an Indian warehouse that burned down during the struggle, and returned him to Fort Orange for trial. In early 1648 Van den Bogaert tried to escape across the icy North (Hudson)

River, but drowned when the ice broke.³¹ In 1660 Jan Quisthout van der Linde, a soldier, was stripped of his arms, his sword was broken, and he was tied in a sack and cast into the river to drown for sodomizing an orphan boy in his service. The boy was privately whipped and then bound to another master in a different community.³² The Dutch horror of sodomy clearly carried over into New Netherland. In a colony with fewer than a thousand people in 1646 and just over 6,000 by 1664, three executions, or attempted executions, were a lot for this offense.

The only official proceeding against sodomy in New Jersey that I know of occurred in Burlington County in 1745. The grand jury presented Jacob Johnson, a cordwainer, “for assaulting Hans Peter Creiz and committing sodomy with him ... against his will and consent.” Apparently the case never went to trial.³³

Complaints to the home government forced Pennsylvania to toughen its laws in 1700. Sodomy and bestiality became punishable by imprisonment for life, with a whipping every three months for the first year. A married man convicted of sodomy or bestiality would be castrated, whipped every three months for a year, and imprisoned for life, and the spouse of any person convicted of either crime could receive a divorce. When London objected to castration, that penalty was removed in 1706. Both crimes finally became capital offenses in 1718 when Pennsylvania adopted most of the English criminal code in exchange for concessions to Quakers on judicial oaths.³⁴ Under this law Thomas White was both hanged for sodomy in 1748.³⁵ No one else was executed for either sodomy or bestiality in Pennsylvania or Delaware until John Ross was hanged for “buggery” in 1786, a year before the legislature removed sodomy and bestiality from the list of capital crimes.³⁶

Private sources show a surprising degree of tolerance for male homosexual activity. The most striking incidents involve some of the leaders of the Great Awakening in New Jersey. Theodorus Jacobus Frelinghuysen, who became the most effective evangelical preacher of the Dutch Reformed Church in the colony, was accused of intimate sexual relations with his schoolmaster and associate, Jacobus Schuurman. Schuurman was charged, without any known rebuttal, “with attempting scandalous undertakings by night, upon the person of more than one man with whom he happened to sleep.” He often slept with Frelinghuysen and, “both publicly and at home, often embraced him and kissed him.” Frelinghuysen had already aroused controversy for denying Holy Communion to his ecclesiastical opponents because, he insisted, “they *must first* grow to maturity and make confession of their faith.” They accused him of hypocrisy for continuing to give Communion to Schuurman. When challenged, Frelinghuysen insisted that it was “more necessary that Schuurman should be prayed for, than that he should be censured.” The controversy traveled all the way to the Classis of Amsterdam, which did its best to reconcile

the contending parties. Frelinghuysen quieted suspicion by taking a wife, and then Schuurman married her sister. The scandal did little to weaken Frelinghuysen's reputation. In the 1730s Gilbert Tennent, the most fiery preacher among New Jersey's evangelical Presbyterians, enthusiastically accepted him as a colleague in Christ. So did George Whitefield on his famous evangelical tour of the area in 1740.³⁷

The College of New Jersey, which moved into Nassau Hall in Princeton in 1756, had been founded to institutionalize and perpetuate the revivals, and yet it soon attracted similar criticisms. Hannah Callender, a Philadelphian who passed through Princeton in 1759, "Walked around the college and the President's house. Good buildings for so young a country, placed on a well chosen spot of ground, with the command of the country around as far as the ken of sight," she observed in her diary, "... but whether the college will bring forth more good than hurt, time will demonstrate; seeing as I thought some trace of the monster vice have made their appearance even in so short a time as three years." Not a hint of this problem appears in any of the college's extant sources for the colonial era.³⁸ But three surviving diaries from 1786-87 do document the passionate relationship between James Gibson (A.B. 1787) and a young Philadelphia merchant, John Mifflin, a cousin of Thomas Mifflin, soon to become the first governor of Pennsylvania under the new state constitution of 1790. Gibson and Mifflin both kept diaries, as did Gibson's roommate, John Rhea Smith, who sometimes found it embarrassing to be in the same room with the other two. When Mifflin visited Princeton, Gibson got permission—presumably from President John Witherspoon or Vice President Samuel Stanhope Smith, arguably the most prestigious Presbyterian ministers in North America—to spend several nights sleeping with Mifflin in a tavern on Nassau Street.

The diaries reveal the intense passion of both young men but do not indicate whether the relationship became overtly sexual. Yet Mifflin did record an extraordinary dream. He and Gibson were in a small boat without oars or paddles moving down a high Philadelphia pier toward the most treacherous part of the Delaware River. Observers called from above to warn them of their peril. At the last moment, Mifflin leapt onto the pier and pulled Gibson up with him. Gibson was naked. As the two scrambled to find Gibson's clothes, Mifflin awoke. A culture saturated in Sigmund Freud can easily interpret the dream as fear of exposure, degradation, and shame because of their relationship. But Mifflin lived in the eighteenth century. He wondered only if the dream had been a premonition, whether he and Gibson would both be in a small boat and reenact the entire scene. Gibson graduated, married, and had a successful career.³⁹

Homosexual inclinations did not necessarily undermine a man's reputation in the Middle Colonies. Nor did bestiality lead to death in the first half-century

of English settlement. Only three cases have come to my attention. In East New Jersey in 1688, John Laine was acquitted of bugging a mare at Myles Foster's stable in Perth Amboy. There must have been strong grounds of suspicion because the court bound him to good behavior for one year. In Pennsylvania, a Chester County grand jury would not indict William Pusey for bugging a heifer in 1705.⁴⁰

The Quaker colonies of West New Jersey and Pennsylvania never even defined bestiality as a capital crime in the seventeenth century. West Jersey made murder and treason punishable by death, but only if so directed by the legislature in each case. The colony never passed a statute defining sodomy or bestiality as crimes. Pennsylvania provided whippings for both offenses, plus the forfeiture of one-third of the person's estate, and imprisonment for six months--or, for a second offense, for life.⁴¹

But in Burlington, West New Jersey, in 1692, Harrie Negro, a "Servant" of Isaac Marriott, was seen bugging a cow by some girls. They summoned their mother, Mary Myers, who confirmed their story. After Harrie finished the unspeakable act, she reported, "the Cow turned and looked after him." Harrie pleaded not guilty. The jury heard testimony from the mother and one daughter, visited the site of the appalling deed, and found him guilty. "The Bench haveing Considered of the Sentence according to the Law," condemned him to hang. But then "Many of the Freeholders and Inhabitants [i.e., women?] of this County preferre a Petition to the Bench for Spareing the Negroes life, And to inflict other punishment upon him." The judges agreed to consider the request.

Nothing indicates the content of this petition. Did it point out that bestiality had not been defined as a capital crime in West New Jersey? What "Law" did the bench consider before passing sentence? An English statute? Or did the magistrates believe that New England law applied because the Jerseys had briefly been absorbed into the Dominion of New England in 1688-89? The petitioners may also have suggested that the Bible's stern standards ought not be applied to someone who had not been raised a Christian.

When the court again took up the case three months later, the sheriff reported that Harrie could not be found. Someone had probably left the jail door open for him.⁴² Harrie, perhaps reflecting that he who loves and runs away may live to love—or kill—another day, then disappeared from West Jersey records. But a man with the same name was tried for murder in East New Jersey in 1695 and found guilty of homicide in self-defense. The court then advised him to request a pardon.⁴³ We cannot be certain that they were the same man, but there could not have been many Africans named Harrie Negro in New Jersey in the 1690s. The sources do not tell us what happened to the cow, although it too had been condemned. Unless Mary Myers had ascended far above the folklore of her day, she probably would have regarded

its milk as contaminated. And yet we have to wonder. The West Jersey Concessions did specifically exempt animals, and anything else that happened to cause the death of a human, from judicial forfeiture, unless the animal itself was inherently dangerous to humans. Maybe the Quakers extended the same principle to bestiality. Perhaps the cow was spared.⁴⁴

If the court really had no legal basis for imposing the death penalty, this fact suggests that Quakers, like other Englishmen, found bestiality revolting. Yet when the question became life or death, they could not execute this man. To Burlington's Quakers, bestiality evidently seemed much less revolting than the sexual molestation of a child. When Charles Sheehey was convicted of that offense in 1688, the court ordered him whipped for an hour through the streets of Burlington, kept in irons for three months, then whipped again and released from the irons. He was also sentenced to return to the next seven quarter courts and receive a two-hour whipping at each one, for a total of nine over a period of two years. Puritans would have imposed the biblical limit of thirty-nine lashes. Quakers did not, at least for this particular offense. Sheehey's sentence is the most severe punishment short of death than I have encountered in any set of colonial court records.⁴⁵

Like Pennsylvania, New Jersey got tougher on "unnatural vice" in the eighteenth century. Salem County hanged Charles Conaway for bestiality in 1757. In 1774 John Taylor was also executed for this offense in Burlington, but since he had also been indicted for murder, the court probably had multiple reasons for executing him. In several other cases, accusations failed to produce a trial, or the jury convicted the defendant of the lesser offense of attempted buggery. These men were whipped, not hanged.⁴⁶

IV

By contrast, one man accused of bestiality in early New England had already argued explicitly that buggery was less repulsive than the molestation of a child. Unlike Harrie Negro and Charles Sheehey in West New Jersey, he had been hanged.

Sodomy and bestiality in colonial New England have come under considerable scrutiny in the last two decades. Robert F. Oaks argued that homosexual relations must have been far more common than surviving legal records indicate and that, measured against the punishments meted out for buggery, the region was fairly tolerant of sodomy. Roger Thompson has replied that the region was a bastion of homophobic sentiment and that deviant sexual behavior was extremely rare. John Canup has also stressed the distinctive Puritan preoccupation with "the beast within" to account for the region's extraordinary horror of buggery.⁴⁷

All of these scholars are making valid and important points. As in any society, many incidents of proscribed behavior never came to the attention of the authorities. But even if we multiply the known sodomy incidents by, shall we say, a factor of fifty, the number of participants would still be a tiny fraction of the total population, though probably not a trivial proportion of teenage boys. The ferocity of the rhetoric denouncing sodomy was indeed distinctive, and as Thompson points out, we have to wonder why the clergy and the magistrates worried so much about things that seldom happened. But then we have very little rhetoric at all from other colonies on this subject. New Englanders published sermons and even a few ponderous tomes of divinity or religious history. Other colonies did not. And yet if we set this rhetoric aside for a moment, the region's actual treatment of men or boys accused of sodomy was quite similar to what we have seen in other parts of colonial North America. Even the Puritans nearly always found a way to avoid executing the accused. The only two exceptions occurred in New Haven Colony, which was also the only colony to abolish jury trials.

In 1646 New Haven hanged William Plaine of Guilford, a married man who had committed sodomy with two men in England. In New England, "he had corrupted a great parte of the youth of Gilford by masturbation, which he had committed & provoked others to the like, above 100 tymes," reported John Winthrop; "& to some who questioned the lawfullnesse of suche a filthy practice, he did insinuate seedes of Atheism, questioning whither there were a God &c." Theophilus Eaton, the governor of New Haven, wrote to Winthrop on how to proceed in this case. The issue, no doubt was whether masturbation could be a capital crime. Winthrop agreed that this "monster in humaine shape ... exceedinge all humane Rules, & examples that ever had been heard off" deserved to die but remained vague about the biblical basis for executing him. Winthrop noted only his "frustratinge of the Ordinance of marriage & the hindringe the generation of mankinde." After the fact, New Haven adopted a law to cover the case. It declared that public masturbation, by "corrupting or tempting others to doe the like, ... tends to the sin of Sodomy, if it be not one kind of it"; and "if the case considered with the aggravating circumstances, shall according to the mind of God revealed in his word require it, he shall be put to death, as the court of magistrates shall determine." In short, Plaine's crime was inciting others to sodomy.⁴⁸

Unfortunately the New Haven Colony records do not survive for this case, or we would have a much fuller account of how many boys were involved with Plaine. But if these encounters happened more than a hundred times, they had been going on for months before any lad notified the authorities or some respectable resident interrupted one of the frolics. In the town of Guilford, many youths had sexual experiences for an extended period of time that godly adults knew nothing about.

Nine years later Thomas and Peter Richards interrupted John Knight and Peter Vincon, a servant boy, "Acting filthyness together," which the two brothers described in lurid detail. Vincon's testimony suggested that he had sometimes been a willing partner and on other occasions had resisted. On the day in question, Knight had said "shall we play" and Vincon had replied, "no play," but Knight "came to him" anyway. Partly because Knight had also tried to rape young Mary Clark several times, the court condemned him to death. Nothing in the record indicates that Vincon was punished, although he is described as "the age of fourteene yeares or somewhat more." This case is the only example of conventional sodomy that led to an execution in colonial New England, although Mingo, a slave in Charlestown, Massachusetts, was hanged for "forcible buggery" (i.e., homosexual rape) in 1712. In 1755 at Lake George, a Massachusetts soldier named Bickerstaff received the then unprecedented sentence of 100 lashes for "Profane swearing and a Sodomitical attempt." He was then drummed out of camp with a noose around his neck, a dramatic way of telling him that he deserved to die, and was kept in confinement for the rest of the campaign. But he was not executed.⁴⁹

Puritan New England's first known encounter with the problem of sodomy occurred aboard the *Talbot* on its way to Salem in 1629. According to Rev. Francis Higginson, "This day we examined 5 beastly Sodomiticall boys, which confessed their wickedness not to bee named. The fact was so fowl we reserved them to bee punished by the governor when we came to New England, who afterward sent them backe to the [Massachusetts Bay] company to bee punished in ould England, as the crime deserved." Those over fourteen could have been hanged, but since five executions would almost have doubled the known total executed for sodomy in seventeenth-century England, we can be reasonably certain that they suffered some lesser punishment.⁵⁰

Even New Haven Colony, the world's most severely Puritan society, learned to cope with youthful sex play among boys without resorting to the halter. At "a meeting of ye court extraordinary" in March 1653, the magistrates examined six "youthes" who "had committed much wickedness in a filthy corrupting way one wth another." Their confessions "were of such a filthy nature as is not fitt to be made known in a publique way," but all six were publicly whipped. John Clarke, a servant who was probably older than the "youthes," was "charged by one of them for some filthy cariag," which he denied. When one of the other boys "in some measure cleered him" of that accusation, the court left his punishment to his master but warned Clarke "that if ever any such cariag came forth against him hereafter, the Court would call these miscariages upon him to minde againe." The court feared, no doubt, that it might have another William Plaine on its hands. As this judgment indicates, hardly anyone in New Haven Colony ever received a complete acquittal.⁵¹

The most remarkable New England case was the whole adult life of Nicholas Sension of Wethersfield, Connecticut. He settled there around 1640, married a woman who then became a church member (he did not), and prospered. Quite often, he solicited sexual relations with other men. Once he even tried to seduce an unwilling bedmate while members of the Connecticut General Court were sleeping in the same room. The whole town seems to have known about his inclinations. He was reprimanded once in the 1640s and again in the 1660s, but people also liked him. Even a servant who resented and refused his sexual advances asked to remain in his service. Sension apparently established a long-term relationship with Nathaniel Pond, but after Pond was killed in Metacom's (King Philip's) War in 1675, Sension began once more to solicit sex from several young men. He was finally tried for sodomy in 1677, but the jury convicted him only of attempted sodomy. The court, dominated by magistrates from other communities who probably did not know Sension at all well, disfranchised him, ordered him to stand on the gallows with a noose around his neck, had him severely whipped, committed him to prison at the court's pleasure, and bound him to good behavior for a year. Had Sension lived about thirty miles southwest of Wethersfield in New Haven Colony, where there were no juries, he almost certainly would have been hanged, probably in the 1640s. The sentence, even though it could not be capital because of the jury verdict, reflects how one would expect a Puritan magistrate to respond to the foul crime of "going after strange flesh" (Jude: v. 7). Far more remarkable is the community's toleration of Sension's behavior for nearly forty years. Two centuries before the category of "homosexual" was invented, many ordinary residents of Wethersfield were willing, historian Richard Godbeer has argued, "to treat sodomy as a condition rather than as an act; it became in their minds a habitual course of action that characterized some men throughout their lives."⁵²

Like New Jersey, eighteenth-century New England had its own example of a clergyman, often accused of sodomy, yet accepted by most of his congregation. Stephen Gorton, minister to the Baptist congregation in New London, Connecticut, drew criticism for his homosexual inclinations from the 1720s into the 1750s. Several flagrant infractions prompted some church members to withdraw from the congregation, and in 1757 Gorton was suspended. Yet after he repented publicly for his sin, the congregation voted two to one to restore him to his pulpit. The women favored him by a margin of three to one, while the men split about evenly. But clearly these serious Christians believed that sodomy was a forgivable offense.⁵³

V

In New England for most of the seventeenth century, men who committed bestiality received no mercy. Those convicted of the act, as distinct from the attempt, were hanged. The court always allowed a fair amount of time between the trial and the execution so that the condemned man could have an opportunity to repent. God could forgive him. Humans dared not even try. "It is a *Crying* sin," explained Samuel Danforth; "it makes a clamorous noise in the ears of the holy God: it will not suffer God to rest in Heaven. ... It defiles the Land; the Earth groans under the burthen of such Wickedness."⁵⁴

The region experienced something close to a bestiality panic between 1640 and 1643. When the Great Migration finally ceased in 1641, New England probably had a higher percentage of young unmarried men than at any other point in the century. This group was much smaller than in colonies farther south. In Massachusetts the sex ratio (the number of men per one hundred women) was about 132 in 1641 at a time when it may still have exceeded 400 in Virginia. Yet young unmarried men, usually without known family attachments, provoked most of the cases of bestiality in the 1640s.⁵⁵

In July 1640 Aaron Starke of Windsor was accused of bugging a heifer. A year earlier he had been whipped and fined, and the letter R was burned upon his cheek (for attempted rape?), for "the wrong done to Mary Holt ... and when both are fit for that Condition to marry her." Instead, a month or two later she was whipped and banished for "vnclene practises" with John Bennett. Starke was still single when accused of bestiality. He "confesseth that he leaned crosse over the heifers Flanke, though at the first he denyed that he came neere her, lastly he acknowledgeth that he had twice committed the acte wth the heifer but that shee was to narrowe." The court ordered a constable to keep him "wth locke and Chaine and hold him to hard labour & course diet" until summoned to trial. Nicholas Sension, the lifelong homosexual, was fined for not appearing to testify at this trial. One has to wonder how intimate the relationship was between these two men. The records of the next several courts have not survived, but Stark was not executed. Connecticut had not yet declared bestiality a capital crime, and the court may also have concluded that his confession amounted to no more than admission of the attempt, not the act. At any rate, Starke survived to be whipped for some other, unstated offense in 1643. He was also condemned to serve Capt. John Mason during the pleasure of the court.⁵⁶

Massachusetts began to experience similar trouble in the winter 1640-41. "A wicked fellow, given up to bestiality, fearing to be taken by the hand of justice, fled to Long Island, and there was drowned," noted John Winthrop with equal measure of disgust and satisfaction. "He had confessed to some, that he was so given up to that abomination, that he never saw any beast go

before him but he lusted after it.” In December 1641 The General Court (the whole legislature) sentenced William Hatchet, an eighteen or twenty-year-old servant in Salem, to be hanged for buggering a cow on the Lord’s day. He had always been “a very stupid, idle, and ill-disposed boy, and would never regard the means of instruction, either in the church or family,” claimed Winthrop. He was seen by a woman too ill to attend public worship that day who, “looking out at her window, espied him in the very act; but being affrighted at it, and dwelling alone, she durst not call to him, but at night made it known” to a magistrate. Hatchet then “confessed the attempt and some entrance, but denied the completing of the fact.” During the trial, “much scruple there was with many, because there was but one witness,” whereas the Bible requires two for conviction of a capital crime. A majority voted to convict him on the strength of the woman’s testimony and Hatchet’s admission of some penetration, but when Governor Richard Bellingham could not overcome his own doubts and pronounce the sentence of death, the deputy governor, John Endicott, performed that function. The cow, of course, was condemned “to bee slayne & burnt or buried.”

Only then did Hatchet confess “the full completing this foul fact, and attempting the like before.” He became so penitent that his execution was postponed an extra week to let the grace of the Lord complete its work. “There is no doubt to be made but the Lord hath received his soul to his mercy,” Winthrop affirmed. In March 1643 the Court of Assistants sentenced an Irish servant, Teagu Ocrimi, to stand at the place of execution with a halter around his neck and to be severely whipped “for a foule, & divilish attempt to bugger a cow of M^r. Makepeaces.” The moral was sobering. “As people increased, so sin abounded, and especially the sin of uncleanness,” concluded Winthrop, “and still the providence of God found them out.”⁵⁷

In neighboring Plymouth Colony, not long after Hatchet had been hanged in Massachusetts, someone saw Thomas Granger buggering a mare. His parents lived in Scituate, but this sixteen- or seventeen-year-old lad was a servant in a respectable household in Duxbury. During his examination, he confessed to having sex with “a mare, a cow, two goats, five sheep, two calves and a turkey.” A large part of some poor farmer’s flock of sheep had to be paraded before him so that he could identify which ones he had bugged and which could be spared. All of the defiled animals were slaughtered before his face on September 8, 1642, and then he was hanged. The animal carcasses were “cast into a great and large pit that was digged of purpose for them, and no use made of any part of them.” Governor William Bradford wondered why “even sodomy and buggery (things fearful to name) have broke forth in this land oftener than once.” The vigilance of churches and magistrates provided one answer. In populous old countries, such deeds “lie hid, as it were, in a wood or thicket and many horrible evils by that means are never seen nor known; whereas here

they are, as it were, brought into the light and set in the plain field, or rather on a hill, made conspicuous to the view of all"—surely a less than inspirational application of John Winthrop's ideal of a city upon a hill!⁵⁸

In New Haven Colony, the exposure of abomination took an even more dramatic form when the Lord intervened directly to reveal the unspeakable wickedness of a lewd and irreverent servant. George Spencer, an ugly balding man with one "pearle" or false eye, had probably been whipped in Boston for receiving stolen goods, and had also been punished in New Haven for botching an attempt to escape to Virginia. He admitted that he had gained no spiritual benefit from the ministry of the famed John Davenport, that he had not said a single prayer during his five years in New England, and that he read the Bible only when ordered to do so by his master. In February, 1642, Spencer's life took a cruel turn when a sow gave birth to a dead deformed piglet. The "monster" was completely bald and had "butt one eye in the midle of the face, and thatt large and open, like some blemished eye of a man." Out of its forehead "a thing of flesh grew forth and hung downe, itt was hollow, and like a mans instrum' of gen'ation."

The magistrates arrested Spencer and put him in prison. New Haven had not yet tried a capital crime. Spencer had seen enough of the colony's system of justice to know that the magistrates expected offenders to confess and repent. He had recently seen a man merely whipped for molesting a child, and as Spencer made clear, he thought that child molestation was a more disgusting crime than bestiality. Yet he denied his guilt until one magistrate "remembered him of thatt place of scripture, he that hideth his sin shall not prosper, butt he y' confesseth and forsaketh his sins shall finde mercie." Spencer then "answered he was sory and confessed he had done itt," only to learn that his confession would get him hanged and that mercy would come only from the Lord, not the Colony of New Haven. He retracted and repeated his confession several times in a desperate attempt to find a formula that would save his life. But on April 8, 1642, two months after the birth of the monster, the sow was put to the sword in front of the unrepentant Spencer, and he was hanged, "a terrible example of divine justice and wrath."⁵⁹

The bestiality panic of 1641-43 passed, but the precedents remained. In late 1645 another New Haven sow gave birth to two deformed piglets that reminded observers of another servant whose name was, incredibly, Thomas Hogg. Although imprisoned for two or three months—longer than anyone else in the colony's history—Hogg refused to confess. The magistrates clearly believed he was guilty. They even brought him to the sow, made him fondle her, and noted that "immedyatly there appeared a working of lust in the sow" but not in another one that they also made him "scratch," and then asked him "what he thought of it, he said he saw a hand of God in it." Hogg wore a steel truss for his hernia, and because it kept cutting open his britches, his private

parts had become rather too public. Apparently the deformed eyes of one piglet reminded observers of the hang of his scrotum, which far too many people had seen. But he never confessed, and without a second witness, the court did not hang him. It whipped him instead for general lewdness, which included at least one incident of masturbation.⁶⁰

In 1647 a Connecticut jury found John Nubery, the seventeen-year-old son of a respectable settler, guilty of bestiality. Out “of horror of Conscience &c: to gloryfie God,” he went before a magistrate and voluntarily confessed to several such attempts, “once to penetration but not to effution of seed.” Connecticut hanged him, but as the elder Winthrop noted, “his Repentance & godly ende” were “very observable.” This case, more clearly than any other, displays the Puritan hope that God would pardon an offence that humans could not forgive.⁶¹

By 1647 Massachusetts, Plymouth, New Haven, and Connecticut had each convicted and hanged one young man for bestiality. But then the pace fell off. New Haven hanged two more men. Walter Robinson, a fifteen-year-old boy who was seen by a sailor bugging a bitch in Milford, ran away when the sailor called to him that “he would be hanged,” and finally admitted slight penetration of the animal, which was enough for the court to hang him in 1655.⁶² Far more spectacular was the case of William Potter, one of the original founders of New Haven Colony, a member of John Davenport’s church (it had the strictest admission procedures in all of New England), and a family man. A “weake infirme man,” he was about sixty years old and had recently been exempted from the military watch because of his poor health. But his ailments did not impede his unusual sex life. In 1662, his teen-aged son saw him bugging one of their sows and went to get his mother, who confirmed what father was doing. In what was clearly a lethal decision that they both understood, mother and son informed a magistrate. Confronted with two witnesses, Potter confessed. He admitted to a lifelong fondness for this activity beginning in England at about age ten. His wife had caught him some years earlier copulating with his bitch. He had persuaded her not to tell the authorities and had even hanged the dog, apparently in a fit of remorse. This time he was, of course, condemned to die. In what remains the most awkward moment in any early American court record that I have read, Potter led his wife through his flocks, pointing out to her every animal that had been a sexual partner. On the day of his execution, a cow, two heifers, three sheep, and two sows all died with him. The case was so scandalous that Cotton Mather was still casting anathemas upon it thirty-seven years later.⁶³

New Haven even detected an abomination when animals of different species grew amorous with one another. In 1655 Nicholas Bayley’s dog tried to copulate with a sow. When a neighbor admonished Bayley to execute the dog, Bayley’s wife retorted, “what would you have the poore creature doe, if he

had not a bitch, he must have some thing.” The court found this remark so shocking that it banished the depraved couple. It may be no coincidence that the Bayleys had also fallen under suspicion of witchcraft.⁶⁴

Bestiality seemed so loathsome that even jokes about it were punishable. Young Jeremiah Johnson, the only person whose sense of humor emerges from the voluminous court records of New Haven colony and town, once overheard Edmund Dorman praying loudly in a swamp for a wife: “Lord thou knowest my necessity & canst supply it, Lord bend & bow her will & make her sensible of my condition.” When someone later asked him for whom Dorman was praying, Johnson replied, “it may be his mare that God would make her seruisable.” Dorman, who married Hannah Hull three months later, sued Johnson for slander in September 1662. After several witnesses recounted other irreverent remarks that Johnson had made, the court warned him “that it was a fearefull thing to come to that height of sinning as to sit in y^e seat of y^e scorner,” put off its decision for several months, and then imposed a good-behavior bond of £10 on him, the only one I can recall seeing that had no time limit.⁶⁵

Puritan missionaries even tried to impose their standards on the Indians. In January 1647 the first group of “praying Indians” agreed to abide by a set of laws that punished both adultery and bestiality with death. New England’s priorities emerged quite clearly here. The code said nothing about sodomy, an offense that did occur among Indians, but instead prohibited bestiality among a people who had no large domesticated animals before the Europeans arrived and who had never shared the Christian prohibition of premarital sexual relations between men and women. The offense may have been unknown among the Indians.⁶⁶

They did not remain ignorant for long. In 1656 two Indians informed Roger Williams, the founder of Rhode Island and at that time the president of the colony’s Court of Trials, that they had seen Richard Chasmore of Pawtuxet, known locally as “Long Dick,” bugging a heifer. One had seen him in the winter, the other in the spring. Williams tried to arrest Chasmore, but some men of Pawtuxet were able to protect him until he could flee to New Netherland. Pawtuxet was then on territory disputed between Rhode Island and Massachusetts. One measure of Williams’s outrage at this abomination is that he wrote to Governor Bellingham of Massachusetts and urged him to arrest Chasmore when he returned to Pawtuxet and bring him to trial in Boston. Chasmore’s friends seemed willing to subject him to trial in Rhode Island. “I guesse y^e bottome of y^e Councell js,” Williams explained, that the Chasmore faction expected “an easier doome with us where Indian Testimonie will not easily passe,” although Williams had also heard that some men of Pawtuxet were beginning to believe the allegations against Chasmore “from his owne expressions.”

Massachusetts did arrest Chasmore. But while the party was passing through Providence on its way to Boston, a group of local men, supported by an emergency Providence town meeting, liberated Chasmore who, however, agreed to stand trial in Newport in March 1657. Williams not only stepped down from the bench to prosecute Chasmore, but he also accused Chasmore's liberators and even threatened to send them to England for punishment by Oliver Cromwell's government. When no one was willing to testify for the prosecution in any of these cases, everyone went free. The Puritan horror of bestiality had finally encountered a stronger force in New England, the determination not to let the testimony of Indians condemn a white man to death. Williams understood those odds, which is no doubt why he tried Chasmore "upon a Comon fame of Buggarie" and not for the act itself, but the jury acquitted him anyway. No Indians testified in the case, but for the first time in New England records there is more than a hint that in at least one town, bestiality did not destroy a man's standing in his community.⁶⁷

In the same year, 1657, the Massachusetts Court of Assistants not only dismissed the charge of bestiality that Ruben Cuppie made against Richard Pitfold but also whipped Cuppie for an irresponsible allegation that could have threatened the life of another. But in 1674 Massachusetts hanged Benjamin Goad of Roxbury, the seventeen-year-old son of godly parents, who was caught bugging a mare in an open field in the early afternoon of a sunny day. Goad did not fit the profile of an irresponsible and unattached servant, and the jury hesitated before convicting him, asking the bench to decide whether an initial admission and only one witness provided sufficient evidence to hang him. Others must also have thought that the penalty was too severe. "You pity his Youth and tender years," replied Samuel Danforth in the only published New England sermon that focused specifically on bestiality, "but I pray pity the holy Law of God, which is shamefully violated; pity the glorious name of God, which is horribly profaned; pity the Land, which is fearfully polluted and defiled." Goad, he added, "was extremely addicted to Sloth and Idleness" and "lived in Disobedience to his Parents; in Lying, Stealing, Sabbath breaking, and was wont to flee away from Catechism." Yet the critics made their point in a quieter way. Goad became the last New England colonist to hang for bestiality.⁶⁸

VI

Between 1642 and 1662 New England executed six men for bestiality. During nearly the same years, these colonies hanged thirteen women and two men for witchcraft. The bestiality trials began when the population of single servants was at its peak, but the witchcraft trials started a few years later, only when the region finally had enough post-menopausal women, who were always

the prime suspects in New England, to attract a significant number of accusations. Nine of the executions (seven women and two of their husbands) were in Connecticut, four in Massachusetts, and two in New Haven. Hartford had a severe witch panic in 1662-63 when eleven people were tried, of whom four were executed and two escaped. The willingness of the courts to execute witches faltered when some people were convicted who simply did not match the stereotype of what a witch should be. In Massachusetts the deputies outvoted the magistrates to insist on the execution of Ann Hibben, a magistrate's widow, in 1656. The Hartford trials placed Judith Varlet, the niece of Peter Stuyvesant, in peril of her life, although she did survive. Between 1663 and the Salem outbreak in 1692, only one person was executed for witchcraft in New England—Goody Glover in Boston in 1688. During the same three decades, Benjamin Goad was the only man executed for bestiality.⁶⁹

On the eve of the Salem trials, the totals stood at about two to one: sixteen executions for witchcraft (fourteen women and two men), and seven men for bestiality. The Salem outbreak was truly bizarre. There the testimony of lowly orphan girls acquired more credibility than that of respected churchmembers, such as Rebecca Nurse and Mary Easty. No one who confessed was ever hanged, but all of those who were hanged insisted they were innocent. Had the Salem frenzy not occurred, the parallels between the earlier witch and bestiality prosecutions probably would have emerged long ago. Salem has diminished the significance of all of the early witch trials. But after Salem, no one else was executed for witchcraft in New England.⁷⁰

After Benjamin Goad, no one else was executed for bestiality in colonial New England. Plymouth convicted Thomas Saddeler in 1681 but only had him whipped. In Maine, Benjamin Preble "utterly disownes" what the court called "a scandalous report ariseing from some publique fame of Buggery." But "severall evidences have been taken, although the treuth lyes darke & undiscovered, relating either to the Accusers or accused." The court let the matter drop. In Massachusetts, when John Barrett of Chelmsford was accused in 1674, the Middlesex County Court merely admonished him and never sent him to Boston for trial. Petty juries refused to convict Jack, a black "servant" in 1676, or John Lawrence of Sudbury a year later. Grand juries refused to indict Samuel Bayley of Weymouth in 1683 and Jonathan Gardiner of Roxbury in 1685. As Judge Samuel Sewall noted, there was only one witness against Gardiner. Thirty years later when a cow "brought forth a calf, which had so much of a human visage as to make the attentive spectators apprehensive that the poor animal had been impregnated by a beastly Negro," Cotton Mather did not launch a grim hunt for the human perpetrator. Instead he wrote up a description of the "monster" for the enlightenment of the Royal Society in London.⁷¹

In Connecticut a petty jury tried Simon Drake for sodomizing a cow in 1674 but found the accusation not “legally proved” although there was “great Ground of Suspition.” The court released him. A year later a grand jury refused to indict John Sherwood of “some sodimeticall practices.” Three later cases show that things had changed decisively. In 1697 John Arnoll (or Arnold) of Fairfield was caught in the act of bugging a mare by Phillip Lewis. Lewis reprimanded him and then returned with a friend, to whom Arnoll confessed that he was “very sorrowfull” for what he had done. Thirty years earlier this testimony would have satisfied the two-witness rule, and Arnoll would have hanged. But he was not even brought to trial.⁷²

In 1713 two interlocking Connecticut trials showed some of the ways that settlers linked bestiality and witchcraft in their own minds. While walking into the woods in Colchester, Connecticut one July day, Bethiah Taylor came upon Joseph Chapman copulating with a cow, “but she being afraid for her own Life dare not call to him but went immediatly ... to Deacon Samuel Loomis” and asked his advice. He had little to offer, and when Chapman also showed up, she went home. Two or three weeks later Chapman came to her house, told her that he had been expecting a court summons upon her complaint, and threatened to sue her to protect his name if he was not brought to trial. One suspects that Taylor, having got nowhere talking with the deacon, had consulted her own friends. The story was spreading, probably among local women, and Chapman hoped he could intimidate her into silence. But instead the authorities came to arrest him, and he fled and had to be pursued and captured.

Then, in a pretrial deposition, eighteen-year-old John Brown testified that two years earlier he had heard Goodwife Taylor call the wife of Thomas Brown (probably a relative of John) a witch who had turned herself into a cat to torment the Taylor children. Brown, no doubt, hoped to discredit Taylor’s testimony. Someone who cried “Witch” might also accuse a man of buggery. But Jonathan Lisburn, a fifty-year-old man, testified that three years earlier, in 1710, he had come upon Brown, then fifteen years old, bugging a mare. The “Sight being So amazing i did not Know what to doe wharfore i whent unto naibor pumry for advise,” he reported. Pomeroy hesitated and then advised him to consult with a clergyman and “to discors with John to See if he colde no way Be made Senciabile of his Sin.” Bestiality was becoming forgivable. Lisburn took this advice and talked with the local minister and with Brown. When he asked Brown why he did such a thing, Brown replied “that he did not Know what was the mater he thought that he was Beweched” In other words Chapman’s defender was himself a buggerer willing to accuse others of witchcraft. Brown also escaped for a time, but the court clamped both men in irons, convicted them, and had them shamed on the gallows and whipped, but not hanged. Goody Taylor’s testimony held up. In a Puritan society that

offered no legal protection for personal confessions to a clergymen, even the minister was forced to testify in court about what Lisburn and Brown had told him.

In 1710 Brown had been detected in the act by a man, who kept the matter private among the two of them, a trusted neighbor, and a minister. Nobody alerted the legal authorities. In 1713 Chapman was interrupted by a woman, who also went first to a prominent member of the local church, but then the news got out, probably through the female gossip network, as in Virginia a year earlier. At a distance of nearly three centuries, we have to wonder how much Chapman and Brown knew about each other's buggery. Had it become, as in parts of England a century before, something that older boys showed to younger ones?⁷³

By 1713 the double standard of sexual behavior had reasserted itself throughout the region. It had been in some jeopardy in the Puritan era, when courts had sometimes punished men more severely than women for the same act of fornication, and when quite a few men had pleaded guilty to sexual offenses and accepted their punishment. After 1700, almost without exception, men would not plead guilty to any sexual offense except making love to their own wives before their wedding day. Some husbands, just to avoid a small fine, pleaded not guilty to that charge as well, even though that plea left their pregnant wives open to acute embarrassment. Juries nearly always sided with the men, not the women. As the 1713 bestiality convictions indicate, the double standard now extended to that crime as well. Brown and Chapman tried to protect each other.⁷⁴

Benjamin Goad was hanged in 1674. Metacom's (King Philip's) War broke out in 1675, and New England spent most of the next four decades at war with neighboring Indians and New France. The massive mobilization of men for these wars created an ethic of male bonding powerful enough to overcome the disgust and loathing that the previous generation had felt for bestiality. When men live together for a long time without women, some of them will turn to one another for sexual gratification.

No doubt some will also turn to the animal population. After 1713 occasional accusations of bestiality turn up in the court records of the New England colonies, but they simply reinforce the pattern already in place by 1713. When James Warren saw Gershom Thomas having sex with a heifer on a Sunday morning in 1746, Thomas's friends urged Warren to keep the matter private and even offered to pay him. When Mary Corey awoke one morning in 1743 and heard her husband Seth copulating with his bitch, she fled to a neighbor's house, while Seth sought out his brother as a mediator and, perhaps in contrition, executed the dog. Confronted by Joseph Hebard, who was probably Mary's father, Seth confessed that "I am a Deav[il]." Hebard "advised him to go Into some hole or Corner and Cast himself on y^e Earth Before God

and Beg of God that he would Brake his hart and humble him.” The case went before a magistrate but never came to trial. Between 1713 and the Revolution, only one case that I know of was actually tried. It ended in acquittal when three jurors outlasted the nine who favored conviction. In this area, as in so many others, New England looked a lot more like old England in the eighteenth century than it still resembled the city upon a hill once envisioned by John Winthrop.⁷⁵

VII

Bestiality discredited men in the way that witchcraft discredited women. At least in New England, both began as unforgivable crimes that were becoming forgivable by the end of the seventeenth century. No one was executed for bestiality after Benjamin Goad in 1674. During the Salem witch trials, no one who confessed was executed. All nineteen of those hanged insisted they were innocent. In the eyes of the court, they remained unrepentant. But when Mary Lacey, Jr., confessed in court in July 1692 that she had actually worshipped Satan, a magistrate reassured her that “you may yet be delivered if god give you repentance.” “I hope he will,” she replied. She survived.⁷⁶ In all likelihood, acts of sodomy and bestiality were much rarer in New England than in other mainland colonies. Yet New England prosecuted both offenses, and witchcraft, far more vigorously than the other colonies except New Netherland with its singular horror for male sodomy.

Within New England, bestiality stigmatized young men, mostly teenagers, with the spectacular exception of sixty-year-old William Potter in New Haven. The panic of the early 1640s involved mostly male servants who had no relatives in New England. (The exception was Thomas Granger in Plymouth Colony, and even he was living in someone else’s household). After the mid-1640s, the accused were much more likely to come from respectable households, and the passion for executing them began to diminish. The offense usually involved an actual transgression against a real animal, except in the New Haven pig cases when deformed piglets provided the only tangible evidence.

Witchcraft, by contrast, stigmatized mostly older women, often grandmothers. When men were the accusers, the typical offender was a woman past menopause who had acquired title to property and had no male heirs. When women were the primary accusers, as at Hartford in 1662-63 and Salem in 1692, elderly women remained the primary suspects, but more of them were churchmembers with no lack of male heirs. And more men were accused, some of whom, such as Rev. George Burroughs, had acquired a reputation for abusing their wives and children. An accusation of witchcraft, unlike one for bestiality, usually did not involve a specific act. The crime was more in the imagination of the victim than in the deeds of the accused. Once spectral

evidence became sufficient for conviction, the accused were left with no effective defense. Nobody could prove that her spectre had *not* tormented somebody.

In the early American bestiality cases, women—who seldom spent time in the fields or forests—appear quite disproportionately as accusers. This pattern suggests that the double standard of sexual propriety probably protected most men from accusations by other men most of the time. Men must have witnessed this offense far more often than women, but they hardly ever pursued the matter into a court of law. Harrie Negro's accusers in West Jersey were all women. At least one woman was involved in the Virginia cases of 1644 and 1712. A South Carolina woman testified against John Dixon. Even though Francis Oldfield finally brought Dixon before a magistrate, he agonized for months before taking that step. In New England the record does not indicate who denounced Thomas Granger in Plymouth, Benjamin Goad in Massachusetts, or Aaron Starke in Connecticut. God, or the piglets, denounced George Spencer and put Thomas Hogg's life in peril, while John Nubery denounced himself. But in the cases that have left adequate information about the accusers, women played an outsized role in New England as well. Only Walter Robinson of New Haven, denounced by a sailor, and John Arnoll of Connecticut were prosecuted by men. William Hatchet of Massachusetts, William Potter of New Haven, and Joseph Chapman of Connecticut were all turned in by women. The Chapman case, by exposing John Brown's earlier act of buggery, gives us a clear glimpse of men shielding other men from the law while also trying to reform the malefactor. Quite possibly, even in New England, the double standard operated effectively most of the time for most men when the offense involved sodomy or bestiality. Rather more slowly, men began to apply it once again to fornication as well.

The legal system offers indirect evidence for this hypothesis. Magistrates belonged to the social and cultural elite. Jurors were often ordinary farmers. All six men sentenced to death for sodomy in the seventeenth century—one in Virginia in 1624, three in New Netherland, and two in New Haven—were condemned without a jury trial. The only colonial jury known to have condemned anyone to die for this offense gave its verdicts in Pennsylvania in 1748. By contrast, New England juries were willing to convict young men of bestiality at least until 1674. After 1674 no one was executed for bestiality in New England before the Revolution and only two men in New Jersey. If male sodomy was indeed more common than bestiality, this pattern suggests that ordinary men in New England found buggery a much more loathsome offense--until the accused turned out to be the son of a friend or acquaintance.

Another striking pattern was the inability of contemporaries to see animals as victims in bestiality cases. In insisting on penetration as a defining element of the crime, the courts allowed legal custom to override Scripture. But in destroying the animals involved in this offense, they allowed Scripture to

override their own better sensibilities. In 1641 the Massachusetts Body of Liberties explicitly prohibited “any Tirranny or Crueltie towards any brute Creature which are usuallie kept for mans use,” and Quaker West New Jersey exempted animals from judicial forfeiture after a crime unless they were inherently dangerous. Yet courts in both colonies condemned animals to death after someone had buggered them. No one in the colonies took the initiative to intercede on behalf of such a victim the way a French convent and parish priest did in 1750 to prevent a court at Vanvres from condemning a she-ass to death. They bore “witness that she is in word and deed and in all her habits of life a most honest creature” who must have been an unwilling participant in the crime. The court agreed and set the animal free.⁷⁷

Epilogue

In August 1799, a century and a quarter after the execution of Benjamin Goad, the Connecticut Superior Court condemned Gideon Washburn of Litchfield to hang for acts of bestiality committed over a five-year period with two cows, two mares, and a heifer. In October Washburn petitioned the legislature for a pardon or a postponement of the execution, which was scheduled to take place on his eighty-third birthday. He protested his innocence but also complained that the jury had violated the Puritan two-witness rule. Of the four witnesses against him, “*three* of them [had testified] each to *one* fact, and the other to *three* several facts, that no *two* witnesses testified of any *one* fact.” Washburn’s memory, but not his morals, harkened back to the Puritan era when the biblical two-witness rule had been enforced. But under English common law, which was already beginning to prevail at the time of his birth, one witness became sufficient to convict even a capital offender if the jury found the testimony credible. Washburn’s petition provoked what must have been a furious debate. The original manuscript has orders and counter-orders written all over the reverse side. The lower house voted to comply with his request for a pardon, but the upper house would agree to no more than a postponement. The legislature finally ordered him hanged on the third Friday in January 1800.⁷⁸

Washburn was almost the prototype of the dirty old man, and yet people had obviously known about his inclinations for years before anybody brought his actions to the attention of the Superior Court. He became, I suspect, the victim of a Federalist political panic. Britain’s royal navy, after the massive 1797 mutinies at Spithead and the Nore, resumed executions for sodomy as part of its campaign to root out radicalism. Federalist New England, which had just seen the first publication of John Winthrop’s *Journal* by Noah Webster in 1790, went on a frenzy against the “Bavarian Illuminati” in the late 1790s. Their subversive activities, several prominent men warned, were undermining

the morals of America. Washburn's lonely sexual acts, which had once seemed pathetic, suddenly became dangerous in the most solidly Federalist state in the Union. In 1812 in a similar case in strongly Federalist Seneca County, New York, William Moulton, a fifty-eight-year-old veteran of the Revolutionary War and a prominent Democratic-Republican, was accused of bugging a bitch, which then delivered a litter of puppies that "had large heads, no hair on them nor tails, and on the side of their head they had small ears." Moulton denied the charge, which may have been no more than a political smear, although the depositions do convey a sense of both surprise and outrage. Whatever the result of the trial, Moulton lived through the ordeal.⁷⁹

Occasional bestiality trials have occurred in the United States since then. In Reconstruction Virginia a black teenager, Austin Robertson, was sentenced to a year in the penitentiary for bugging a heifer, but that conviction was overturned on the grounds that penetration had not been proved and was probably impossible because Robertson was too short. As late as the 1950s, an Indiana man was convicted of bestiality with a chicken. He appealed on the grounds that a chicken was not a beast under Indiana law. The court agreed with him but upheld his conviction for sodomy. Bestiality has never again become the abomination and obsession that it was, briefly, for seventeenth-century New Englanders.⁸⁰

Notes

1. This paper was prepared for a joint meeting of the Shelby Cullom Davis Center and the Philadelphia (now McNeil) Center for Early American Studies, held at Princeton University, January 16, 1998. The author wishes to thank William Chester Jordan for his persistent encouragement of the project, Mary Fissell for her thoughtful formal commentary, and the numerous participants for their many helpful suggestions.
2. All biblical citations are to the "Authorized" or King James version. In this paper I use sodomy to indicate sexual relations between men, and buggery to mean relations between men and animals, even though actual usage, then and now, was and is much looser.
3. Jonas Liliequist, "Peasants against Nature: Crossing the Boundaries between Man and Animal in Seventeenth- and Eighteenth-Century Sweden," *Focaal*, No. 13 (1990), 28-54, esp. pp. 29 and 50 n. 5. This essay is the most thoughtful discussion of bestiality in the early modern era that I have seen. My thanks to James Serpell for calling it to my attention and for giving me a copy.
4. Simon Schama, *The Embarrassment of Riches: An Interpretation of Dutch Culture in the Golden Age* (New York: Alfred A. Knopf, 1987), 601-06.
5. Keith Thomas, *Man and the Natural World: Changing Attitudes in England 1500-1800* (London: Allen Lane, 1983), 119; J. A. Sharpe, *Crime in Early Modern England, 1550-1750* (London: Longman Group Ltd., 1984), 49, 54; J.S. Cockburn, "The Nature and Incidence of Crime in England, 1559-1625," in Cockburn, ed., *Crime in England, 1550-1800* (Princeton: Princeton University Press, 1977), 58; J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton: Princeton University Press, 1986), 432; Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (London: Routledge, 1989), 283-85.
6. Thomas, *Man and the Natural World*, 98.
7. See, for example, the opinion of Rev. Charles Chauncy, 1642, in William Bradford, *Of Plymouth Plantation, 1620-1647*, ed. Samuel Eliot Morison (New York: Alfred A. Knopf, 1959), 410.
8. George Francis Dow, ed., *Records and Files of the Quarterly Courts of Essex County [Massachusetts]*, vol. I: 1636-1656 (Salem, Mass.: The Essex Institute, 1911), 44 (the quotation is from Dow's summary of the case); Nathaniel B. Shurtleff and David Pulsifer, eds., *Records of the Colony of New Plymouth in New England*, 12 vols. (Boston: William White, 1855-61), II, 137 (hereafter, *Phym. Recs.*). For a thoughtful discussion of both cases, see Richard Godbeer, "'The Cry of Sodom': Discourse, Intercourse, and Desire in Colonial New England," *William and Mary Quarterly*, 3d ser., 52 (1995), 259-86 at p. 268.
9. I recall seeing the accusation of female bestiality about twenty years ago in the manuscript records of the Court of General Sessions of the Peace for Suffolk County, Massachusetts, for somewhere around 1702. If I ever took a note on the case, I cannot now find it.
10. Henry Clay Reed, "Chapters in a History of Crime and Punishment in New Jersey" (Ph.D. dissertation: Princeton University, 1939), 462.
11. Liliequist, "Peasants against Nature," esp. pp. 33-39; Trial of John Ferris, June 30, 1657, Records of New Haven Colony: General Court, May 1653 to Dec. 1664, pp. 145-46 (Connecticut State Library, Hartford).
12. See Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), 28-32. For example, Willem Kieft, the director-general of New Netherland, accused Everardus Bogardus, the Dutch Reformed minister of New Amsterdam, of committing a crime for declaring in a public sermon "that in Africa, in consequence of the excessive heat, different animals copulate together, whereby many monsters are generated. But in this temperate climate you [the preacher] knew not, you said, whence these monsters of men proceeded. They are the mighty but they ought to be made unmighty, who have many fathers...." Even "Children," Kieft concluded, "can tell to whom you hereby allude." A. J. F. Van Laer, transl., Kenneth Scott and Kenneth Stryker-Rodda, eds., *New York Historical Manuscripts: Dutch*, Vol. IV: *Council Minutes*,

- 1638-1649 (Baltimore: Genealogical Publishing Co., Inc., 1974), 295-96. My thanks to Evan Haefeli for retrieving this citation for me.
13. See especially E. William Monter, *Witchcraft in France and Switzerland: The Borderlands during the Reformation* (Ithaca: Cornell University Press, 1976), Monter, "La sodomie à l'époque moderne en Suisse romande," *Annales: Économies-Sociétés-Civilisations*, 29 (1974), 1023-33; and Bengt Ankarloo, "Sweden: The Mass Burnings (1668-1676)," in Bengt Ankarloo and Gustav Henningsen, eds., *Early Modern European Witchcraft: Centres and Peripheries* (Oxford: Clarendon Press, 1993), 285-317.
14. J. H. Huizinga, *Dutch Civilisation in the Seventeenth Century and Other Essays* (New York: Harper and Row, 1969), 59-60.
15. Liliequist, "Peasants against Nature," esp. pp. 39-40, 45-46. The dairy industry was just as highly gendered in England as in Sweden, but the skills that it required may have been a more powerful shaping factor than fear of bestiality. See Deborah Valenze, "The Art of Women and the Business of Men: Women's Work and the Dairy Industry c. 1740-1840," *Past and Present*, 130 (Feb. 1991), 142-69. My thanks to Mary Fissell for this suggestion.
16. Ankarloo, "Sweden: The Mass Burnings (1668-1676)," and E. William Monter, "Scandinavian Witchcraft in Anglo-American Perspective," in Ankarloo and Henningsen, eds., *Early Modern European Witchcraft: Centres and Peripheries*, 285-317, 425-34.
17. Philip L. Barbour, ed., *The Complete Works of Captain John Smith (1580-1631)* (Chapel Hill: University of North Carolina Press, 1986), II, 387.
18. Jonathan Troup Journal, October 26 and 29, 1789 (MS 2070), Department of Archives and Special Collections, University of Aberdeen, Scotland; [British] *House of Commons: Accounts and Papers* (1839), XXXVII, 708. My thanks to Roderick A. McDonald for calling these sources to my attention and for sending me copies of them. For the Dutch case, see the trial of Juan Anthonij, black slave of Anna Sophia de Windt, widow of Dirk de Windt, Curacao, August 23, 1792, Algemeen Rijkskarchief, Staten-Generaal 5814 (The Hague). My thanks to Willem Klooster for sending me this case.
19. See generally Richard S. Dunn, *Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713* (Chapel Hill: University of North Carolina Press, 1972).
20. For the demography of the early Chesapeake colonies, see especially Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975), and the essays in Thad W. Tate and David L. Ammerman, eds., *The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society* (Chapel Hill: University of North Carolina Press, 1979). For New England, perhaps the single most influential study has been Philip J. Greven, *Four Generations: Population, Land and Family in Colonial Andover, Massachusetts* (Ithaca, NY: Cornell University Press, 1970).
21. H. R. McLwaine, ed., *Minutes of the Council and General Court of Colonial Virginia*, 2nd edn. (Richmond: Virginia State Library, 1979), 34, 42, 47, 81, 83, 85, 93 (italics in original; hereafter cited as McLwaine, ed., *MCGC*). The first deposition (p. 34) gives Couse's age as twenty-nine, but all the other evidence treats him as a boy. Either the original clerk made a mistake, or the editor misread the manuscript.
22. McLwaine, ed., *MCGC*, 53; Surry County, Orders, Deeds, Wills, 1645-1672 (transcript), 18-19, 156, 162 (Library of Virginia, Richmond). I have read nearly all of the surviving lower court trial records for seventeenth-century Maryland, published and unpublished, and the first two volumes of the published records of the Provincial Court, which tried cases involving the death penalty. No sodomy or bestiality cases appear in any of them, or in the index to the next ten volumes of the records of the Provincial Court (into the 1680s).
23. Susie M. Ames, ed., *County Court Records of Accomack-Northampton, Virginia, 1640-1645* (Charlottesville: University Press of Virginia, 1973), 371-73, 376.
24. Lancaster County Court: Orders, etc., Vol. V (1702-1713), 205-08 (Library of Virginia, Richmond). My thanks to J. Jefferson Looney

of the Library of Virginia for sending me photocopies of the depositions in this case. Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), 301 first brought this case to my attention.

25. Augusta County, Order Book VIII, p. 97 (Library of Virginia, Richmond). My thanks to Zbigniew Mazur for calling this case to my attention and providing me with a photo copy of the record.

26. William S. Price, Jr., et al., eds., *North Carolina Higher Court Minutes, 1709-1723* (Raleigh: The North Carolina State Department of Cultural Resources, 1974), 164-67, 173. Clark disappears from the court records after 1718, unless he was the John Clark, no longer "Esq." (i.e., no longer a justice) who was chosen to a jury in 1724 but who paid a fine rather than serve. Either reading suggests a man in disgrace. Robert J. Cain, et al., eds., *North Carolina Higher Court Minutes, 1724-1730* (Raleigh: Department of Cultural Resources, Division of Archives and History, 1981), 60, 65. These volumes are in *The Colonial Records of North Carolina*, 2nd ser., Vols. V and VI.

27. *Ibid.*, VI, 48-49, 92.

28. Donna J. Spindel, *Crime and Society in North Carolina, 1663-1776* (Baton Rouge: Louisiana State University Press, 1989), 51. In a recent e-mail exchange, Professor Spindel told me that she believes that she would have reported the results if these cases had actually been tried. But she would have to go through her notes to be certain.

29. Thomas Nairne to Earl of Sunderland, Charleston, S.C., October 16, 1708, and related depositions, petitions, and certificates, in Sunderland Collection, Box 1 (1704-1710), Henry E. Huntington Library, San Marino, California. My thanks to Steven C. Bullock for sending me copies of his notes on these documents. For Dixon's later career, see W. L. McDowell, ed., *Journals of the Commissioners of the Indian Trade, September 20, 1710-August 29, 1718*, Colonial Records of South Carolina (Columbia: South Carolina Archives Department, 1955), 5, 7, 50, 51, 57, 59. See also Richard L. Haan, "The 'Trade Do's not

Flourish as Formerly': The Ecological Origins of the Yamasee War of 1715," *Ethnohistory*, 28 (1981), 341-58.

30. Scott and Stryker-Rodda, eds., *New York Historical Manuscripts: Dutch*, IV, 326-28.

31. Charles T. Gehring and William A. Starna, eds., *A Journey into Mohawk and Oneida Country, 1634-1635: The Journal of Harmen Meyndertsz van den Bogaert* (Syracuse: Syracuse University Press, 1988), xxii-xxiii. My thanks to Evan Haefeli for bringing this incident to my attention.

32. Edmund Bailey O'Callaghan, ed., *Calendar of Historical Manuscripts in the Office of the Secretary of State, Albany, N.Y., Part I. Dutch Manuscripts, 1630-1664* (Albany: Weed, Parsons and Company, 1865), 211, 213.

33. Court of General Quarter Sessions, Burlington County, Minute Book, 1739/40-1763, pp. 40, 41; MS Collection 36, Box C, contains the undated indictment (New Jersey Archives, Trenton). My thanks to Jean R. Soderlund, who came upon this case in her own research and passed this material along to me. Douglas Greenberg, in his *Crime and Law Enforcement in the Colony of New York, 1691-1776* (Ithaca: Cornell University Press, 1974) tabulated and computerized all known criminal offenses in provincial New York. He mentions no sodomy or bestiality trials.

34. James T. Mitchell and Henry Flanders, eds., *The Statutes at Large of Pennsylvania from 1682 to 1801* (Harrisburg: Clarence M. Busch, State Printer, 1896-1908), II, 8, 183-84; III, 202.

35. According to J. Thomas Scharf and Thompson Westcott in their, *History of Philadelphia, 1609-1884* (Philadelphia: L. H. Everts and Company, 1884), III, 1827, White and Arthur Maginnis were both hanged in Philadelphia for sodomy in 1748. Such a double execution, if it was a punishment for a consensual sexual relationship between men, was probably a unique event in the history of the mainland colonies. I, at least, have encountered no others. But in all likelihood, it never happened. One Alexander Urie was executed in 1748 for murdering "Arthur McGinnes." Scharf and Westcott, apparently drawing on records of the Walnut Street

Prison, probably conflated White's sodomy trial with the murder of Maginnis. No other evidence survives for White's trial or execution. My thanks to Susan Klepp for the Scharf-Westcott citation and for good advice about "unnatural vice" in eighteenth-century Pennsylvania, and to Jack D. Marietta (e-mail to the author, June 26, 1998) for the Urie-McGinnes case.

36. I do not know whether "buggery" in this case meant sodomy or bestiality. See Negley K. Teeters, "Public Executions in Pennsylvania, 1682 to 1834, with Annotated Lists of Persons Executed; and of Delays, Pardons, and Reprieves of Persons Sentenced to Death in Pennsylvania, 1682 to 1834," *Journal of the Lancaster County Historical Society*, 64 (1960), 148-53 at p. 149. My thanks to Louis P. Masur for bringing this list to my attention. It is incomplete, however. Of the 54 executions listed in Scharf and Watson, *History of Philadelphia*, III, 1826-27, 15 are not on the Teeters list of 94 executions through 1775. Susan Klepp informs me that five men were convicted of "unnatural vice" between 1779 and 1815. Francis S. Fox has kindly sent me a copy of preliminary proceedings begun against Daniel Hughes for bugging a calf in Northampton County, Pennsylvania, on July 5, 1780, but apparently Hughes never came to trial. Northampton County, Miscellaneous Papers, Box 1, August 10, 1780, in Fox to author, February 28, 1998.

37. Randall H. Balmer, *A Perfect Babble of Confusion: Dutch Religion and English Culture in the Middle Colonies* (New York: Oxford University Press, 1989), 110-22. Balmer's most important source for this encounter is Joseph Anthony Loux, ed., *Boel's "Complaint" Against Frelinghuysen* (Rensselaer, NY, 1979), which Princeton's Firestone Library does not have.

38. George Vaux, ed., "Extracts from the Diary of Hannah Callender," *Pennsylvania Magazine of History and Biography*, 12 (1888), 432-56 at p. 436. At the time of Callender's visit, the college had no president. Jonathan Edwards had died in 1758. Samuel Davies, the Virginia revivalist, would not replace him until some months after Callender's visit of February 1759. With little adult supervision, some

students may have been displaying affection for one another more openly than Callender thought seemly. My thanks to Brendan McConville for bringing this source to my attention.

39. Linda K. Salvucci, "James Gibson," in Ruth L. Woodward and Wesley Frank Craven, *Princetonians, 1784-1790: A Biographical Dictionary* (Princeton: Princeton University Press, 1991), 188-89; *Journal of James Gibson, 1786*, which is bound with *Journal of "Leander" (Mifflin)*, Historical Society of Pennsylvania, microfilm copy at Princeton University Library; *Journal of John R. Smith, 1786*, Library of Congress, photocopy at Princeton University Library.

40. Preston W. Edsall, ed., *Journal of the Courts of Common Right and Chancery of East New Jersey, 1683-1702* (Philadelphia: American Legal History Society, 1937), 234; Dorothy Lapp, ed., *Records of the Courts of Chester County, Pennsylvania*, II (Danboro, Penn., 1972), 143-44.

41. Aaron Leaming and Jacob Spicer, eds., *The Grants, Concessions, and Original Constitutions of the Province of New Jersey, the Acts Passed during the Proprietary Governments, and other material Transactions before the Surrender thereof to Queen Anne (1752)*, 2nd ed. (Somerville, N.J.: Honeyman & Company, 1881), 404; Staughton George et al., eds., *Charter to William Penn, and Laws of the Province of Pennsylvania, Passed between the Years 1682 and 1700 ...* (Harrisburg: Lane S. Hart, State Printer, 1879), 110.

42. H. Clay Reed and George J. Miller, eds., *The Burlington Court Book: A Record of Quaker Jurisprudence in West New Jersey, 1680-1709* (Washington: The American Historical Association, 1944), 142-43, 148.

43. Edsall, ed., *Journals of the Court of Common Right*, 285.

44. Leaming and Spicer, eds., *Grants, Concessions, and Original Constitutions of New Jersey*, 404.

45. Reed and Miller, eds., *Burlington Court Book*, 75-80.

46. Reed, *Crime and Punishment in New Jersey*, 461-63. I have not found any statutory basis for these New Jersey prosecutions.

47. Robert F. Oaks, "'Things Fearful to Name':

Sodomy and Buggery in Seventeenth-Century New England," *Journal of Social History*, 12 (1978-79), 268-81; Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649-1699* (Amherst: The University of Massachusetts Press, 1986), esp. 71-82; Thompson, "Attitudes Towards Homosexuality in the Seventeenth-Century New England Colonies," *Journal of American Studies*, 23 (1989), 27-40; John Canup, "'The Cry of Sodom Enquired Into': Bestiality and the Wilderness of Human Nature in Seventeenth-Century New England," *American Antiquarian Society, Proceedings*, 98 (1988), 113-34. See also Bradley Chapin, *Criminal Justice in Colonial America, 1606-1660* (Athens: The University of Georgia Press, 1983), which is very useful because it looks at more than New England. By contrast, Jonathan Goldberg, "Bradford's 'Ancient Members' and 'A Case of Buggery ... Amongst Them,'" in Andrew Parker et al., eds., *Nationalities and Sexualities* (London: Routledge, 1992), 60-76 adds nothing important to the discussion.

48. Richard S. Dunn, James Savage, and Laetitia Yeandle, eds., *The Journal of John Winthrop, 1630-1649* (Cambridge: The Belknap Press of Harvard University Press, 1996), 629; J. Hammond Trumbull, ed., *The True-Blue Laws of Connecticut and New-Haven* (Hartford: American Publishing Co., 1879), 201. By contrast, when two married men and two younger men were caught in what seems to have been competitive masturbation on Long Island in May 1654, the town court of East Hampton, which was nominally under Connecticut's jurisdiction, declared that the offense was not "worthy of loss of life or limb." The magistrates had probably heard of the notorious William Plaine case and did not approve of New Haven's severity. *Records of the Town of East-Hampton, Long Island, Suffolk County, N.Y., With Other Ancient Documents of Historic Value*, I (Sag-Harbor, N.Y.: John H. Hunt, 1887), 57. The quotation is a summary by the unnamed editor of the volume, who evidently regarded the actual documents as too lurid to publish.

49. Records of New Haven Colony: General Court, May 1653 to Dec. 1664, pp. 89-91;

M. Halsey Thomas, ed., *The Diary of Samuel Sewall, 1674-1729* (New York: Farrar, Straus and Giroux, 1973), II, 677, 678; Louis Effingham de Forest, ed., *The Journals and Papers of Seth Pomeroy, Sometime General in the Colonial Service* (New York: Society of Colonial Wars in the State of New York, 1926), 106.

50. "Francis Higgeson's Journal," in Stewart Mitchell, ed., *The Founding of Massachusetts* (Boston: Massachusetts Historical Society, 1930), 71.

51. Franklin Bowditch Dexter, ed., *New Haven Town Records, 1649-1662* (New Haven: New Haven Colony Historical Society, 1917), 178-79. Because the boys are named in the record, the ages of at least some of them could probably be determined, but I have not tried to do that research. On the New Haven system of justice, which I have described elsewhere as inquisitorial rather than adversarial, see Gail Sussman Marcus, "'Due Execution of the General Rules of Righteousnesse': Criminal Procedure in New Haven Town and Colony, 1638-1658," and John M. Murrin, "Magistrates, Sinners, and a Precarious Liberty: Trial by Jury in Seventeenth-Century New England," in David Hall, John M. Murrin, and Thad W. Tate, eds., *Saints and Revolutionaries: Essays on Early American History* (New York: W. W. Norton and Co., 1984), 99-137, 152-206, esp. pp. 170-82.

52. Godbeer, "'The Cry of Sodom,'" 259-86, esp. p. 283 (quotation). This outstanding essay also contains a list of all known sodomy prosecutions in colonial New England at pp. 285-86. Godbeer is mistaken about Sension's sentence, however, when he claims that he was not even whipped and was merely bound to good behavior (p. 260). See Norbert B. Lacy, *The Records of the Court of Assistants of Connecticut, 1665-1701* (M.A. Thesis, Yale University, 1937), I, 67-69 (hereafter cited as Recs. Conn. Ct. Assts.). I have used the copy in the Connecticut State Library, Hartford.

53. Godbeer, "'The Cry of Sodom,'" 277-79.

54. Samuel Danforth, *The Cry of Sodom Enquired into; Upon Occasion of the Arraignment and Condemnation of Benjamin Goad, for his Prodigious Villany. Together with a Solemn Exhortation to Tremble at Gods Judgements, and to Abandon Youthful Lusts*

- (Cambridge, Mass.: Marmaduke Johnson, 1674), 8.
55. Virginia DeJohn Anderson, *New England's Generation: The Great Migration and the Formation of Society and Culture in the Seventeenth Century* (New York: Cambridge University Press, 1991), 223.
56. *Records of the Particular Court of Connecticut, 1639-1663* (Hartford: Connecticut Historical Society, 1928), 3, 4, 13, 20; J. Hammond Trumbull, *The Public Records of the Colony of Connecticut*, 15 vols. (Hartford: Brown & Parsons, 1850-90), I, 77.
57. Winthrop, *Journal*, ed. Dunn, 342-43, 374-76; Nathaniel B. Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England, 1628-1686* 5 vols. in 6 (Boston: William White, 1853-54), I, 344 (hereafter cited as *Recs. Mass. Bay Co.*); John Noble and John F. Cronin, eds., *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630-1692* (Boston: Suffolk County, 1901-28), II, 121 (hereafter cited as *Recs. Mass. Ct. Assts.*).
58. Bradford, *Of Plymouth Plantation, 1620-1647*, ed. Morison, 320-22, 316-17. As Bradford makes clear, Governor Bellingham of Massachusetts had written him about the Hatchet case and other troublesome questions just before the Granger case arose.
59. Charles J. Hoadly, ed., *Records of the Colony and Plantation of New Haven, from 1638 to 1649* (Hartford: Case, Tiffany, and Company, 1857), 62-73.
60. *Ibid.*, 295-96. Hogg was successfully reabsorbed into the community. He was standing watch for the colony by 1648, took the standard oath of submission to the colony in 1654, and died insolvent, a ward of the town, sometime before the March 12, 1686 session of the New Haven County Court. *Ibid.*, 378, 140; New Haven County Court Records, 1666-1698, p. 159 (Connecticut State Library, Hartford). In 1655 when a third monster piglet was born, the whole town of New Haven filed past to see if it resembled anyone in particular. It did not, and no one was accused. Dexter, ed., *New Haven Town Records, 1649-1662*, 245-46.
61. *Recs. Partic. Ct.*, 48, 49; Winthrop, *Journal*, ed. Dunn, 771.
62. Records of New Haven Colony: General Court, May 1653 to Dec. 1654, pp. 85-87 (Connecticut State Library, Hartford).
63. Charles J. Hoadly, ed., *Records of the Colony or Jurisdiction of New Haven, from May 1653 to the Union. Together with the New Haven Code of 1656* (Hartford: Case, Tiffany, and Company, 1858), 180, 440-43; Cotton Mather, *Pillars of Salt. An History of Some Criminals Executed in this Land; for Capital Crimes. With some of their Dying Speeches; Collected and Published, For the Warning of such as Live in Destructive Courses of Ungodliness.* ... (Boston: B. Green and J. Allen, 1699), reprinted in Daniel E. Williams, ed., *Pillars of Salt: An Anthology of Early American Criminal Narratives* (Madison, Wis.: Madison House, 1993), 65-93, at pp. 67-69.
64. Dexter, ed. *New Haven Town Recs., 1649-1662*, 245-46; John Putnam Demos, *Entertaining Satan: Witchcraft and the Culture of Early New England* (New York: Oxford University Press, 1982), 403.
65. Franklin B. Dexter, ed., *New Haven Town Records, 1662-1684* (New Haven: New Haven Colony Historical Society, 1919), 7-8, 22-23.
66. Thomas Shepard, *The Clear Sun-shine of the Gospel Breaking Forth upon the Indians in New England* ... (London: R. Cotes for John Bellamy, 1648), in Massachusetts Historical Society, *Collections*, 3d ser., 4 (1834), 40. My thanks to David Silverman for bringing this reference to my attention. Indians were raising livestock by the 1660s. See Virginia DeJohn Anderson, "King Philip's Herds: Indians, Colonists, and the Problem of Livestock in Early New England," *William and Mary Quarterly*, 3d ser., 51 (1994), 601-24.
67. All of the documents in this case are assembled in Bradford Fuller Swan, *The Case of Richard Chasmore alias Long Dick* (Providence: Society of Colonial Wars in the State of Rhode Island and Providence Plantations, 1944). See pp. 8 and 21 for the quotations. Williams was not reelected to the Court of Trials for the coming year.
68. Noble, ed., *Recs. Mass. Ct. Assts.*, III, 66-67; I, 10, 14; Thomas, ed., *Diary of Samuel Sewall*, I, 4; Danforth, *Cry of Sodom*, esp. p. 8.
69. Nathaniel J. Sheidley first suggested to me, in a 1992 graduate seminar, that accusing a

male of bestiality was the moral equivalent of accusing a woman of witchcraft. For a very useful list of New England witch trials, see Demos, *Entertaining Satan*, 401-09. Demos lumps New Haven and Connecticut together. In my tabulation, the Basset and Knapp trials on p. 403 are included under New Haven. The scattered documentary evidence for the early trials is collected in David D. Hall, ed., *Witch-Hunting in Seventeenth-Century New England: A Documentary History, 1638-1692* (Boston: Northeastern University Press, 1991).

70. The most recent narratives of the Salem trials are Peter Charles Hoffer, *The Devil's Disciples: Makers of the Salem Witchcraft Trials* (Baltimore: Johns Hopkins University Press, 1996), and his *The Salem Witchcraft Trials: A Legal History* (Lawrence: University Press of Kansas, 1997). The other recent studies that have most influenced my thinking on New England witchcraft are Carol F. Karlson, *The Devil in the Shape of a Woman: Witchcraft in Colonial New England* (New York: W. W. Norton and Co., 1987); Richard Weisman, *Witchcraft, Magic, and Religion in 17th-Century Massachusetts* (Amherst: The University of Massachusetts Press, 1984); Bernard Rosenthal, *Salem Story: Reading the Witch Trials of 1692* (New York: Cambridge University Press, 1993); Elizabeth Reis, *Damned Women: Sinners and Witches in Puritan New England* (Ithaca: Cornell University Press, 1997); and Elaine G. Breslaw, "Tituba's Confession: The Multicultural Dimensions of the 1692 Salem Witch-Hunt," *Ethnohistory*, 44 (1997), 535-56.

71. Pulsifer, ed., *Plym. Recs.*, VI, 74; Robert E. Moody, ed., *Province and Court Records of Maine*, Vol. III: *Province of Maine Records, 1680-1692* (Portland: Maine Historical Society, 1947), 199; Thompson, *Sex in Middlesex*, 73; Noble, ed., *Recs. Mass. Ct. Assts.*, I, 74, 87-88, 251, 273, 281; Thomas, ed. *Diary of Samuel Sewall*, I, 64; Cotton Mather to the Royal Society, July 3, 1716, in Kenneth Silverman, ed., *Selected Letters of Cotton Mather* (Baton Rouge: Louisiana State University Press, 1971), 209-10.

72. Lacy, ed., *Recs. Conn. Ct. Assts.*, I, 52-53, 60; Connecticut State Archives, Crimes and Misdemeanors, 1662-1789, 1st ser., I, 216

(Connecticut State Library, Hartford).

73. For the depositions in this case, see Connecticut State Archives, Crimes and Misdemeanors, 1662-1789, 1st ser., II, 68-89 (Connecticut State Library, Hartford). For the sentence, I am indebted to Cornelia Dayton's notes on the case, which are based on the manuscript records of the Connecticut Superior Court.

74. The best study of the resurrection of the double standard in New England is Cornelia Hughes Dayton, *Women before the Bar: Gender, Law, and Society in Connecticut, 1639-1789* (Chapel Hill: University of North Carolina Press, 1995), esp. pp. 32, 161. Her research is primarily in the records of New Haven colony and county. My own research in the criminal court records of nine New England counties has convinced me that the phenomenon occurred throughout the region. Men stopped pleading guilty to sexual offenses in the decade 1700-1710. Incest was almost the only sexual crime for which a jury would convict a man.

75. Cornelia Dayton has sent me her notes on five more bestiality allegations in New Haven County between 1716 and 1770. See *Rex v. Gershom Thomas*, August 1746, New Haven Count Superior Court Files; and *Rex v. Seth Cory*, 1743, Windham County Superior Court Files, Box 171, both in Connecticut State Archives, Hartford. Only one of the five led to a prosecution. See the account of the split jury in the trial of Thomas Alderman of Simsbury for having sex with a sheep, in *Connecticut Journal*, Sept. 21, 1770.

76. Paul Boyer and Stephen Nissenbaum, eds., *The Salem Witchcraft Papers: Verbatim Transcripts of the Legal Documents of the Salem Witchcraft Outbreak of 1692* (New York: Da Capo Press, 1977), II, 520.

77. Edmund S. Morgan, ed., *Puritan Political Ideas, 1558-1794* (Indianapolis: The Bobbs-Merrill Company, Inc., 1965), 197; Leaming and Spicer, eds., *Grants, Concessions, and Original Constitutions of New Jersey*, 404; E. P. Evans, *The Criminal Prosecution and Capital Punishment of Animals* (New York: E. P. Dutton and Company, 1906), 150-51.

78. Connecticut State Archives, Crimes and Misdemeanors, 2nd ser., II, 87a, 87b, 87c, 88a (Connecticut State Library, Hart-ford —

emphasis in original); Albert E. Van Dusen, ed., *The Public Records of the State of Connecticut*, IX (Hartford: Connecticut State Library, 1953), 437-38.

79. Arthur Gilbert, "Buggery and the British Navy, 1700-1861," *Journal of Social History*, 10 (1976), 72-98. Vernon Stauffer, *New England and the Bavarian Illuminati* (New York: Columbia University Press, 1918); John L. Brooke, "Ancient Lodges and Self-Created Societies: Voluntary Association and the Public Sphere in the Early Republic," in Ronald Hoffman and Peter J. Albert, eds., *Launching the "Extended Republic": The Federalist Era* (Charlottesville: University Press of Virginia,

1996), 273-377; Neil Francis Byl, "William Moulton's Endless Revolution: Deep-Sea Mutiny and Frontier Politics in the Early American Republic," esp. 34-36 (graduate seminar paper, History Department, Pennsylvania State University, 1997). My thanks to William Pencak for sending me a copy of Byl's interesting essay.

80. Secretary of the Commonwealth, Executive Papers, Box 16, Dec. 16-31, 1870, Dec. 29 packet (Library of Virginia, Richmond). My thanks to Diane Sommerville for giving me copies of these documents). Gary Rowe showed me the Indiana case on the internet.