

Recovering Gay History from the Old Bailey

by Rictor Norton

AUTHOR NOTE

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ABSTRACT

Trials for homosexual offences at the Old Bailey provide evidence not only for a gay subculture and a collective gay identity in the ‘molly houses’ of eighteenth-century London, but also for a personal homosexual identity among ‘sodomites’ and ‘indorsers’ whose activity seems limited mainly to cruising grounds and bog-houses. This article argues that although homosexual prosecutions appear to focus primarily upon a sexual *act*, they can be used to understand an underlying sexual *orientation*. By exploring the impediments to recovering the gay history from criminal records – the distortions caused by a narrow focus on strictly jurisprudential issues, such as the misrepresentation of consenting relations as ‘criminal assault’ or the legalistic discourse of ‘sodomy’, a narrow sexological focus on strictly sexual behaviour, such as ‘active’/‘passive’ ‘roles’, and doctrinaire claims about ‘the homosexual’ not being ‘constructed’ until modern times – this article lays the foundation for a history of being gay in eighteenth-century London. It argues that a precise focus on the broader sociocultural content of trials, newspaper reports and satires can uncover a history of recognisably gay men.

I

Men who had sex with men in the eighteenth century were regularly arrested, pilloried and hanged in many cities across Britain, including Bristol, Cambridge, Reading, Maidstone, Ipswich and York.¹ However, by far the greatest amount of information available to historians relates to London, and is found in printed trial records such as the *Proceedings* of the Old Bailey, and in the burgeoning print culture of the capital. As a

¹ Material from these areas, plus many more, may be found by searching the newspaper reports published on my website *Homosexuality in Eighteenth-Century England: A Sourcebook* (rictornorton.co.uk/eighteen.htm); see, for example, ‘Sodomites in Bristol’ (rictornorton.co.uk/eighteen/bristol.htm).

result of both its size, and the unique sources charting the behaviour of its citizens, London is the only city in Britain in which a well-organised gay subculture has been detected.² In consequence it forms the principal exemplar for most gay histories of eighteenth-century Britain and even of Western Europe. This article will explore the difficulties of characterising this culture and history arising from the very sources upon which this history is based – the records of homosexuality as a crime. It will suggest that historians need to move beyond a ‘constructionist’ narrative of the history of homosexuality, with its over-reliance on legal and linguistic fictions, towards a new social history of gay lives rooted in behaviour recorded in court records, but which is understood on its own terms. This article will attempt to create a new gay history from below.

The unique character of gay London, with its ‘cruising’ areas and the ‘molly’ subculture is, in part, a simple outgrowth of the opportunities offered by a large metropolis. A critical mass has to be reached before there are sufficient numbers of homosexual men to network with one another, and before men can regularly pursue homosexual activities with a necessary degree of anonymity unavailable in small provincial communities. New migrants to the capital ensured that it possessed a remarkably youthful character, and while women formed a majority of this population, young men, fit, able, but largely unskilled, made up a significant minority.

Just as fresh faces from the country were an important component of female prostitution, so they were central to the male variety. Unemployed ‘porters’ and errand-boys thronged every street corner, eager to carry goods, and happy to be offered a drink and a meal from better-off gentlemen. Male prostitution, unlike female prostitution, did not become well organised until towards the end of the century, and full-scale male brothels are unknown until about 1810. Nevertheless, ‘disorderly houses’ where men could meet and have sex with one another are known from the beginning of the eighteenth century, and throughout the century, the casual practice of accepting ‘treats’ was widespread. More professionally, sexual services were regularly offered by Guardsmen, who seem always to have been in demand. As the Ordinary of Newgate said of Rowley Hanson, a 21-year-old drummer in the Guards who was hanged for stealing a watch in 1755, ‘Being young, and a youth of a comely aspect, as he walked the park at St. James’s, which was his wonted place of resort, he was daily taken notice of by one or other of those vile miscreants, called Sodomites, and taken into bye walks, or sometimes to taverns, or

² Rictor Norton, *Mother Clap’s Molly House: The Gay Subculture in England 1700–1830* (London, 1992).

alehouses proper for the purpose; 'till at length he became as common as the night.'³

What this new population created, was a newly visible and largely urban gay space – a distinct geography of homosexuality. The three types of homosexual cruising areas typical of large cities are well-documented in eighteenth-century London. First, it possessed major thoroughfares and piazzas where large numbers of people passed to and fro and where one could loiter unnoticed. Patterns of arrests establish the main cruising areas as London Bridge, the covered arcades of the Royal Exchange, Lincoln's Inn Fields, and the Savoy precinct. In 1707 alone, more than 20 men were indicted for homosexual solicitation on London Bridge and in the Royal Exchange.⁴ Second, London possessed large open spaces and public parks with easy access to all classes of people, and dark corners where one could withdraw and converse. The fields and parks most used for homosexual activity were St George's Fields, Moorfields and St James's Park. In Bird Cage Alley, St James's Park, homosexuals employed coded gestures and signals to indicate their desires to one another, such as poking a white handkerchief through the tails of their coats and waving it to and fro.⁵ The path that ran across the middle of Moorfields was notoriously known as 'the Sodomite's Walk'.⁶ The basic technique involved standing against a wall pretending to urinate, and waiting to see if any passer-by expressed an interest. Third, the sanitation facilities necessary in a large city were an integral part of gay cruising. What is now called 'cottaging' frequently took place in the 'houses of office' outside alehouses, and in the bog-houses or public latrines with multiple cubicles that were built in London from the late seventeenth century onwards. Men were frequently arrested in the bog-house of Lincoln's Inn Fields (built in 1692), and the bog-house in the Temple precinct had a hole cut in the partition between two

³ *The Ordinary of Newgate's Account of the Behaviour, Confession, and Dying Words, Of the Four Malefactors, Who were executed at Tyburn, On Wednesday the 12th of November, 1755*, reproduced on the *Old Bailey Proceedings Online* (hereafter *OBP*) (www.oldbaileyonline.org, 1 July 2004, oa17551112).

⁴ They were not tried at the Old Bailey, but at the Guildhall and at Hicks's Hall. See 'Newspaper Reports for 1707' (rictornorton.co.uk/eighteen/1707news.htm), 'Trial of Sodomites, 1707' (rictornorton.co.uk/eighteen/tryal07.htm), and 'The Tryal and Conviction of Several Reputed Sodomites, 1707' (rictornorton.co.uk/eighteen/trial07.htm).

⁵ George Parker, *A View of Society and Manners in High and Low Life* (London, 1781), 2: 85–8.

⁶ Trial of Benjamin Goddard and Richard Rustead, Jan. 1725, in *Select Trials at the Sessions-House in the Old-Bailey* (Dublin, 1743), 2: 173–6. The published *Proceedings* just refer to 'the Walks in Moorfields' (*OBP*, Jan. 1725, Benjamin Goddard and Richard Rustead (t17250115-65)). See also Norton, *Mother Clap's Molly House*, 76–8.

stalls as early as 1707 – the first recorded ‘glory hole’.⁷ To these spaces were also added new social institutions for public pleasure that flourished in London: innumerable coffee houses and masquerades such as those at Vauxhall Gardens, both of which were exploited by mollies.

In tandem with the creation of a subculture made possible by sheer demography, came an explosion of public knowledge about homosexuality. London was the centre of the publishing and news industry, and no opportunities were missed for exposing this sexual underworld in newspapers or satirising sodomites in broadsheets. The arrest, then the trial, then the pillorying (often two or three times) or hanging, were typically followed by separate waves of newspaper reports, often concluding with a satirical pamphlet exploiting public interest in the incident. Most of the satirical works about sodomites were directly prompted by trials, and were quickly produced to exploit topical interest.⁸ This publicity – including public holidays at the pillory or gallows where sodomites were frequently exhibited – not only contributed to popular perceptions, but effectively notified potential homosexuals about places where they could best meet men like themselves, and thus fostered the growth of the subculture.

London thus constituted not only the place with the greatest opportunity for men to express their homosexual inclinations, but also the place where their lives became most visible to future historians, through the written documents of newspapers, satires and trials. Above all, the activities of homosexual London are extensively documented in the *Proceedings of the Old Bailey*, which during the eighteenth century record about 85 trials for sodomitical offences, plus about 50 trials involving the blackmail of alleged sodomites. But when we use criminal records as our window on the past, we are looking through a window with bars across it. The *Proceedings of the Old Bailey* provide abundant information about the lives of non-élite people who are not well recorded elsewhere. But the

⁷ Randolph Trumbach, ‘London’, in David Higgs (ed.), *Queer Sites: Gay urban histories since 1600* (London and New York, 1999), 101.

⁸ For example, the entrapment of two dozen sodomites by agents of the Societies for Reformation of Manners in 1707 resulted in many newspaper reports, a broadsheet summary of the trial of seven of the men, a ‘pillory broadside’ *The Women-Hater’s Lamentation*, John Dunton’s *The He-Strumpets: A Satyr on the Sodomite-Club*, an article by Daniel Defoe condemning the publicity given to sodomites (*A Review of the State of the British Nation*, ‘Miscellanea’, Thursday, 27 November 1707, 4 (124): 495–6), and *The Play of Sodom, a Tragedy*. James Morphew, publisher of *The Tryal and Conviction of Several Reputed Sodomites ... at Guild-Hall, the 20th Day of October, 1707*, did not miss an opportunity for recycling old material, and simultaneously reprinted *The Case of Sodomy: In the Trial [in 1631] of Mervin Lord Audley, Earl of Castlehaven, for Committing a Rape, and Sodomy with Two of His Servants*.

legal framework and criminal context of this source can distort our knowledge. For most groups of people who appeared at the Old Bailey, alternative sources can offer a corrective to a model constructed from criminal records. But homosexuals become visible almost solely through the records of crime and scandal. To put this into perspective, imagine constructing a model of eighteenth-century *heterosexuality* solely on the basis of trials for adultery, prostitution and rape. Yet homosexual lives are regularly constructed from such skewed data. This article will focus on how to overcome some of the impediments to recovering gay history from these trial records.

II

Many historians of the gay past, particularly those following in Michel Foucault's footsteps, have characterised the gay culture of eighteenth-century London as a single step in the linear evolution or creation of homosexuality from a form of behaviour to a sexual identity, which is deemed to have been fully consolidated only following the medicalisation of homosexuality in the late nineteenth century. This 'constructionist' narrative has dominated academic studies of homosexuality and forms the basis of much 'queer theory'. But, there is little in the eighteenth-century sodomitical *Proceedings* of the Old Bailey that would not be recognised by any British or American gay man who grew up in the 1950s and 1960s, whether it be nelly queens or rough trade, cottaging or blackmail, shame or defiance, men in long-term partnerships, or men who join the club each night and resign from it each morning. Modern gay men recognisably come from the same stock as sodomites and mollies and indorsers. Recent work on pre-eighteenth century homosexuality has similarly emphasised the long-term nature of a gay identity. Michael Young, using the biography of King James I as a test case, has refuted the constructionist models of historians such as the late Alan Bray, and argued that a distinctively modern view of homosexuality was already well established by the early seventeenth century.⁹ Similarly, Bernd-Ulrich Hergemöller's studies of late medieval homosexual life in large cities in northern Europe document the existence of an everyday homosexual culture that in many respects is strikingly similar to modern gay subcultures. He wryly comments: 'With each finding of a new source the basis of "essentialist"

⁹ See Michael Young, *King James and the History of Homosexuality* (New York University Press, 1999). The foundation for most interpretations of early modern homosexual history is Alan Bray, *Homosexuality in Renaissance England* (London, 1982). For an extended critique of social constructionism *vis-à-vis* homosexual history, see Rictor Norton, *The Myth of the Modern Homosexual* (1997).

facts expands'.¹⁰ Even the hard-line 'queer theorist' David Halperin, who did so much to create a 'constructionist' model of the gay past, has begun to backpedal, acknowledging that his work in the 1980s and 1990s did not sufficiently recognise the unbroken continuities between ancient, premodern and modern homosexual identities and conceptions.¹¹ More historians are beginning to recognise the limitations of a rigid constructionist approach, and to grant some validity to a renewed 'essentialist' perspective, that sees homosexuality as a natural (i.e. endogenous or 'inborn' rather than exogenous or 'acquired') component of a significant minority of men and women, a constitutional orientation rather than a behaviour of choice or fashion, that has been expressed in all societies with a delimited range of patterns and types, and should be understood as a transcultural phenomenon, rather than the creation of a specific historical moment. To accept this more essentialist understanding of homosexuality, giving full credence to the long continuities of gay experience, is not to deny the importance of the eighteenth-century London subculture. Indeed, the records of that subculture become all the more important as reflecting a unique moment in history when a long-standing community was newly represented in the harsh light of a new world of print.

The project of gay history, however, must change. It needs to concentrate afresh on the sociocultural behaviour of individuals with a common sexuality, rather than on their sexual behaviour in itself – it needs to become a social history of homosexual men, rather than an account of social attitudes towards them. It should highlight how men who enjoyed sex with men socialised with one another, how their networks were built up and maintained, how they talked amongst themselves, what songs they sang, how they perceived themselves and how they constructed their identities. It should read records such as the Old Bailey *Proceedings* 'against the grain' of the judicial structure, rigorously distinguishing between their homosexual content and their homophobic framework. By stripping out descriptions of specific behaviour and testimony from their legal context, we can begin to perceive the homosexual subject rather than simply the object of prosecution, the person rather than the category.

The best evidence for a collective gay identity in the eighteenth century comes from the organised gay subculture revealed by raids on disorderly premises catering exclusively for gay men, the 'molly houses'.

¹⁰ Bernd-Ulrich Hergemöller, *Sodom and Gomorrah: On the everyday reality and persecution of homosexuals in the Middle Ages* (2001), pp. 63–4. (This is a poorly translated and abridged version of his original study in German.)

¹¹ See David M. Halperin, Introduction to *How to Do the History of Homosexuality* (Chicago, 2002).

(‘Molly’ derives from slang for a female prostitute; other terms for gay men used in the trials, in news reports and in satires, were ‘sodomites’, ‘buggerers’, and ‘indorsers’ – from boxing slang for ‘to cudgel on the back’. These terms were used interchangeably, often in the same way as the modern terms ‘queers’, ‘fairies’ and ‘faggots’.¹² ‘Indorser’ and ‘molly’ were so commonly used, among gay men as well as the general public, that they had lost most of their pejorative sting.) During the 1720s alone there were about 20 molly houses in London.¹³ Some of these were back rooms in gin cellars, some were private lodgings, and some were commercial alehouses and coffee houses where 50 or 60 men socialised, especially on Sunday nights. Several molly houses were kept by married men and women, though most of them were kept by gay men. Robert Whale and York Horner – known respectively as Peggy and Pru – lived together for at least three years before their molly pub on King Street, Westminster, was raided.¹⁴ Singing and dancing were common at many molly houses, for example at Thomas Wright’s molly house in Beech Lane,¹⁵ and during Christmas and New Year the mollies held masquerade parties and ‘festival nights’.¹⁶ John Bleak Cowland played the fiddle at private drag parties organised by Jonathan Muff – known as Miss Muff – at his house in Black Lion Yard, Whitechapel. Cowland, sentenced to death for sodomy, vainly protested ‘That he only went to Muff’s House, to learn to play on the Violin’.¹⁷

The most famous molly house was a disorderly coffee house in Field Lane, Holborn kept by Margaret Clap, known as Mother Clap. Her premises, frequented by mollies from 50 miles outside London, had what was called a ‘marrying room’.¹⁸ The Royal Oak, a large pub on the corner of St George’s Square, Pall Mall, allegedly had a room called ‘the Chapel’, where men could get ‘married’ to one another.¹⁹ One molly wedding was celebrated between a butcher named Thomas Coleman and John Hyons, a French immigrant known as Queen Irons. They had

¹² ‘Sir, here is a Molly, a Sodomite, or a Devil, I know not what you call him, not I’; *OBP*, Jan. 1746, Richard Manning (t17460117-48).

¹³ Seventeen are listed by Trumbach, ‘London’, 89–111, esp. n. 6, p. 111.

¹⁴ They were convicted at King’s Bench rather than the Old Bailey; I have reproduced relevant news reports at rictornorton.co.uk/eighteen/1726news.htm and rictornorton.co.uk/eighteen/1727news.htm.

¹⁵ *OBP*, Apr. 1761, Thomas Wright (t17260420-67).

¹⁶ *Weekly Journal*, 2 Jan. 1725 (rictornorton.co.uk/eighteen/1724news.htm).

¹⁷ *OBP*, Oct. 1728, John Bleak Cowland (t17281016-16). He was subsequently reprieved; see news reports reproduced at rictornorton.co.uk/eighteen/1728news.htm.

¹⁸ *OBP*, July 1726, Margaret Clap (t17260711-54).

¹⁹ *OBP*, Apr. 1726, George Whittle (t17260420-68).

previously been pilloried together and imprisoned for three months.²⁰ A bawdy song allegedly sung by Queen Irons celebrated ‘New Ways for Lechery’.²¹ One trial records the refrain of an authentic molly song: ‘Come, let us fuck finely’.²² One bridesmaid at this molly wedding was James Oviat, known as Miss Kitten; he regularly blackmailed men after offering to have sex with them.²³ Another bridesmaid was John Cooper, an unemployed gentleman’s valet and a regular cross-dresser known to everyone in the neighbourhood where he lived as ‘Princess Seraphina’. He went in drag to the first-ever ridotto al fresco given at Vauxhall Gardens in 1732. He earned money by picking up men, and by arranging assignations between sodomites.²⁴ Using a combination of pamphlet criminal biographies, newspaper reports, and trials at the Old Bailey, it is possible to establish Princess Seraphina at the centre of a network of about ten small-time thieves and about two dozen gay men, and to document the activities that regularly took place at several molly houses over the course of three or four years. Thus a representative picture of a well-organised homosexual subculture can arise from a biographical study centring upon this single individual who, like many others, lived and worked entirely within a social community of gay men.

Once inside a molly house, respectable working-class men and artisans let their hair down. They transformed themselves into outrageous queens, camping it up, talking bawdy, and having bitch fights, all captured in lively trial accounts as well as satires. A police infiltrator into Mother Clap’s reported: ‘I found between 40 and 50 Men making Love to one another, as they call’d it. Sometimes they would sit in one anothers Laps, kissing in a leud Manner, and using their Hand[s] indecently. Then they would get up, Dance and make Curtsies, and mimick the Voices of Women. *O, Fire, Sir! – Pray Sir. – Dear Sir. – Lord, how can you serve me so? – I swear I’ll cry out. – Your’re a wicked Devil, – and you’re a bold Face. – Eh ye little dear Toad! Come, buss! –* Then they’d hug, and

²⁰ See *A Genuine Narrative of all the Street Robberies committed ... by James Dalton* (1728), partly reproduced at rictornorton.co.uk/eighteen/1728dalt.htm. They were tried at the Guildhall. See *Weekly Journal*, 22 Oct. and 12 Nov. 1726 (rictornorton.co.uk/eighteen/1726news.htm).

²¹ ‘But Among Our Own Selves We’ll Be Free’, reproduced at rictornorton.co.uk/eighteen/lechery.htm.

²² Trial of Thomas Wright, *Select Trials* (London, 1742), 2: 367–9. This detail is omitted from the original published *Proceedings, OBP*, Apr. 1726, Thomas Wright (t17260420-67).

²³ See my annotations to *A Genuine Narrative ... by James Dalton* (1728), at rictornorton.co.uk/eighteen/1728dalt.htm. He was put in the pillory in 1728 for extortion: *OBP*, Feb. 1728, James Oviat (t17280228-82).

²⁴ *OBP*, July 1732, Thomas Gordon (t17320705-30).

play, and toy, and go out by Couples into another Room on the same Floor, to be marry'd, as they call'd it.'²⁵

They adopted camp nicknames and 'maiden names' (e.g. Pomegranate Molly, Dip-Candle Mary, Tub Nan, Old Fish Hannah, Susan Guzzle, Aunt England) to consolidate their self-identity as mollies. The widely-documented use of molly nicknames constitutes *prima facie* evidence of identity, for identification is the primary function of nicknames. Unlike homophobic epithets, a nickname that is voluntarily used within a circle of friends, is usually chosen or accepted because it seems to express one's true nature better than one's given name, or at least to reflect one's characteristic or distinguishing features. Some names identified places where men lived or worked, such as Duchess of Camomile (a street) and St Dunstan's Kate (a church). These nicknames clearly functioned to cement relations within a tightly-knit community. For example, they were acquired in mock baptism ceremonies. In a molly house on Tottenham Court Road kept by Julius Cesar Taylor, 'When any Member enter'd into their Society, he was christned by a female Name, and had a Quartern of Geneva [i.e. a glass of gin] thrown in his Face; one was call'd Orange Deb, another Nell Guin, and a third Flying Horse Moll'.²⁶

The predominance of specifically female nicknames might indicate a deeply rooted sense of one's gender, or alternatively it might be a way of situating oneself in relation to the gender of the object of desire – which is a matter of sexual orientation rather than gender. There is more to the maiden name tradition than just female identification: according to a newspaper report, Flying Horse Moll, Cochineal Sue, Green-Pea Moll, and Plump Nelly – some of the 25 men arrested after a raid in 1724 on a private masquerade party at a house in Hart Street, near Drury Lane – were named after horses in the Newmarket Races.²⁷ Plump Nelly's real

²⁵ Trial of Margaret Clap, July 1726, *Select Trials* (1742), 3: 37–8. The version in the original published *Proceedings* (OBP, July 1726, Margaret Clap [t17260711-54]) is slightly abridged.

²⁶ OBP, Oct. 1728, Julius Cesar Taylor (t17281016-60). The 'Queer as 18th-Century Folk' episode of Channel Four's *Georgian Underworld* broadcast a dramatic reenactment of this baptism ceremony on 8 May 2003, with my 'voice-over' commentary. Despite the obvious importance of this baptism ceremony for the historical study of homosexual identity, it has been largely ignored by historians of homosexuality – an indication of how under-exploited the Old Bailey records continue to be. Similarly, despite abundant data about molly nicknames, they await systematic study, perhaps along the lines of Norbert Shindler's chapter on beggars' nicknames in his *Rebellion, Community and Custom in Early Modern Germany* (2002), ch. 2, or David W. Maurer's study of the formation of argot and 'monikers' in criminal subcultures in his *Language of the Underworld* (1981).

²⁷ *Weekly Journal*, 2 Jan. 1725; they were not tried at the Old Bailey.

name was Samuel Roper. A year later he was arrested for keeping his own molly house in Giltspur Street, which was managed by him and his wife, and he was also charged with sodomy. He died in the Poultry Compter while awaiting trial.²⁸

Camp behaviour is part of the package of adopting a gay subcultural identity rather than simply a gender role. Yet, partly because gay history has been subsumed within ‘gender studies’, camp behaviour and female nicknames have been used to construct a model of the molly in terms of gender role rather than homosexual orientation. There were, however, many male couples in which both partners adopted female nicknames – such as Peggy and Pru mentioned earlier – and of the 14 men who were prosecuted following raids on molly houses, two-thirds were charged with taking the so-called ‘active’ role in sodomy. In any case, it is very clear from behaviour recorded in the trials and satirical pamphlets that the mollies did not imitate *ladies* – they imitated *whores*.

III

Social history created from criminal records can produce history of the sort outlined above, but too often it gets side-tracked into jurisprudential history, with a focus on criminal procedures, legal institutions, definitions of specific offences, and statistics about rates of conviction and sentencing. Legal history is of course an important discipline, but a history of the workings of the court is history written from above, privileging the voices of the élite, rather than written from below, privileging the voices of the accused.

Strictly speaking, a focus on the prosecution, conviction and punishment of sodomites produces a legal history of homophobia, rather than a history of homosexuality. The study of the perception and repression of homosexuals constitutes a history of heterosexual prejudice, rather than gay history proper. To focus on the legal control of homosexuality, rather than the structures and values of everyday homosexual life, is to construct the homosexual as little more than the victim of persecution. In many histories of homosexuality, a disproportionate amount of attention has been devoted to documenting oppression, to the extent of obscuring what has been repressed – the real lives of ordinary gay men and lesbians.

A serious limitation inherent in legal records is that female homosexual experience is almost invisible, since sexual relations between women were not illegal in England. We catch a rare glimpse of possible

²⁸ I reproduce relevant newspaper reports at rictornorton.co.uk/eighteen/1724news.htm and rictornorton.co.uk/eighteen/1726news.htm.

lesbian experience in an incident that occurred in 1746, when Ann Ellingworth picked up a man and his wife and invited them to share a pot of beer with her at a pub in Seven Dials. There, according to Ellingworth, the other woman ‘went to put her Hands up my Petticoats, and I did not like it from a Woman's Hands. I had never known such Doings from our own Sex.’ There was an altercation, and in due course Ellingworth was accused of picking the man’s pocket.²⁹ Since she was acquitted, the jury may have believed Ellingworth’s claim that the other woman made unwelcome sexual advances to her.

Such fragments of lesbian history seldom appear in the legal records. Female cross-dressing was often classed as fraud, but such cases were prosecuted at courts other than the Old Bailey. A scattering of cases can be found in the House of Correction lists,³⁰ but many records do not survive and many are still under-researched. Information about so-called ‘female husbands’ – women who pretended to be men and married women – comes mainly from newspaper reports and semi-fictionalised accounts rather than surviving trial records.³¹ Although women impersonating men are certainly part of *gender* history, it is not clear how directly they relate to *lesbian* history. Even striking instances of long-term female couples – such as the famous Ladies of Llangollyn – require speculation about an undocumented sexual desire.³² Perhaps the only advantage of being a sodomite in the eighteenth century is that your existence might be noted in the public record.

In order to extract gay history from this homophobic text we need to reconstruct cases from the *Proceedings* without emphasising the actual trial and its outcome. The trial is the end of each story, not the beginning. If we begin our story where the law steps in, we will write a negative history of persecution and punishment. But if we shift our focus to the period preceding the raid or arrest, our history will be largely positive, dealing with the pleasure of love-making, or the biography of a gay man,

²⁹ *OBP*, Sept. 1746, Ann Ellingworth (t17460903-4). There is no systematic way to search the *Proceedings* for this kind of material, which I discovered simply by reading all the trials for 1746, among other years.

³⁰ See Randolph Trumbach, ‘London’s Sapphists: from three sexes to four genders in the making of modern culture’, in Gilbert Herdt (ed.), *Third Sex, Third Gender* (New York, 1994), 111–36.

³¹ Norton, *Mother Clap’s Molly House*, Chap. 15 ‘Tommies and the Game of Flats’. See also Henry Fielding, *The Female Husband* (1746), facsimile reproduction together with my comments and annotations, in Alexander Pettit and Patrick Spedding (eds), *Eighteenth-Century British Erotica*, Set I, Vol. 5, *Sex Doctors and Sex Crimes*, ed. Rictor Norton (2002), 391–417.

³² For an overview, see Emma Donoghue, *Passions Between Women: British lesbian culture 1668–1801* (1993).

or the charting of a gay social network. If we re-tell each story almost as if the men never ended up in court, we will produce a more representative picture of homosexual experience, most of which was never prosecuted.

In order to undermine the impression that the homosexual exists only as an object of the law, it is important to resist the legal terminology used by officials of the court. Much legal language is an archaic survival from earlier centuries: it is not a safe guide to social views held in later centuries. Homosexual offences were prosecuted under a 1533 statute that defined sodomy as ‘feloniously making an assault ... against the order of nature ... to commit and perpetrate that detestable and abominable vice not to be named amongst Christians, called Buggery’.³³ But in the eighteenth-century *Proceedings*, this Tudor discourse was an empty formula, surviving mainly in the indictment. Outside of the actual indictments, the terms ‘sinful’, ‘abominable’ and ‘detestable’ were used by witnesses in only 2 trials out of a total of 135. The strongest terms used by witnesses who appeared at the Old Bailey to describe sex between men were ‘filthy’, ‘vile’ and ‘unnatural’. Despite the universal persistence of the word ‘sodomite’, perceptions deriving from the biblical narrative of Sodom and Gomorrah are nearly absent from the testimony in the *Proceedings*. A much more secular view prevailed, and demonisation played a decreasing role in constructing homosexual stereotypes. By 1772 the religious discourse of sodomy was being ridiculed in mainstream newspapers as ‘fire-and-faggot declamations’,³⁴ and the political origin of the Buggery Statute was well understood, as in this definition of the term ‘sodomy’: ‘unnatural commerce ... with the dung passage; or in another sense, a political stink-trap, invented by Henry VIII, demolished by his daughter Mary, and restored by Elizabeth, during the contentions betwixt the clergy and laity for dominion’.³⁵ This steady transition to secular attitudes is seen also in homophobic satires. Even Rev. William Jackson, a minister who was fully conversant with the Biblical stories of Sodom and Gomorrah and Onan, in his virulent satire *Sodom and Onan* (1776) constructs the homosexual not as a Christian sinner but as a practitioner of a filthy sexual vice, a degenerate. The old ‘discourse of sodomy’ has been superseded by

³³ Cited in the trial of Robert Crook and Charles Gibson (*OBP*, Sept. 1772 [t17720909-18]), and in many others.

³⁴ *Morning Chronicle*, 8 Aug. 1772.

³⁵ *Morning Chronicle*, 20 Aug. 1772. For a fuller discussion of public perceptions, see Rictor Norton, ‘The First Public Debate about Homosexuality in England: The Case of Captain Jones, 1772’, at rictornorton.co.uk/eighteen/jones1.htm.

the new ‘discourse of perversion’: Jackson even uses the term ‘inverted’ to characterise the sodomite.³⁶

Historians of homosexuality (especially those adhering to the theories of Michel Foucault) often foreground the legal discourse, which distorts our view of social conceptions and attitudes. But it is quite wrong to suggest, for example, that because bestiality was also prosecuted under the buggery statute, therefore in the eyes of society a sodomite was regarded in the same way as a man who has a venereal affair with a cow. Though the term ‘sodomy’ was occasionally applied to a wide variety of behaviours, in the vast majority of instances it related specifically to sexual relations between men. It is this representative meaning of the term, rather than its exceptional meanings, that should be foregrounded.

‘Assault’ is another term that can obscure what is being prosecuted. Although rape and coercion did occur, the term ‘assault’ in many cases is just a legal fiction. Many consenting partners were tried separately, each charged with ‘assault’ upon the other.³⁷ In at least seven trials where the men were tried jointly, one (or both) of them was prosecuted specifically for ‘consenting to’ and ‘voluntarily permitting’ the ‘assault’. For example, one set of charges read as follows: ‘John Deacon for unlawfully and wickedly laying Hands on Thomas Blair, with an Intent to commit the detestable Crime of Sodomy; and Thomas Blair, for unlawfully, voluntarily, and wickedly permitting and suffering the said John Deacon to lay Hands on him the said Thomas, with an Intent to commit the said detestable Crime of Sodomy.’³⁸ Similarly, in 1736, following an encounter in the privy of the Bell Inn, Newgate Market, George Sealey was indicted for ‘committing the horrid and detestable Sin of Buggery’ with Thomas Freeman, and Freeman ‘for wickedly and wilfully consenting, and permitting the said Sealey to commit the horrid Crime aforesaid’, and, as their encounter involved taking turns, Freeman was further indicted for ‘committing the said horrid and detestable Crime with the said Sealey; and Sealey for wickedly and wilfully consenting and permitting the said Freeman, to commit the horrid Crime aforesaid.’³⁹

³⁶ For a fuller discussion of the construction of the homosexual in satires, see Rictor Norton, ‘Introduction’, in Alexander Pettit and Patrick Spedding (eds), *Eighteenth-Century British Erotica*, Set II, Vol. 5, *Sodomites, Mollies, Sapphists and Tommies*, ed. Rictor Norton (London, 2004), vii–xxiii.

³⁷ E.g. *OBP*, Oct. 1728, Julius Caesar Taylor (t17281016-60) and his partner John Burgess (t17281016-61).

³⁸ *OBP*, Jan. 1743, John Deacon and Thomas Blair (t17430114-31).

³⁹ *OBP*, Sept. 1736, George Sealey and Thomas Freeman (t17360908-67). See also Dec. 1730, William Holliwell and William Huggins (t17301204-22); Oct. 1761, William Bailey (t17611021-35; his partner Robert Stimpson absconded); Sept. 1772, Robert

Cutting through the convolutions of this legal language, all that the social historian needs to say is what the witness who peered through a chink in the bog-house said to his companion, 'By God, they are buggering one another!'

Most instances of 'assault' in fact involved mutual consent. And aside from four or five violent assaults upon young boys, most other genuine assaults involved no more than unwanted sexual solicitation, mainly expressed through indecently groping the front of a man's breeches, or thrusting one's naked privates into the hand of another man. Such 'assaults' were often dealt with summarily, outside the courts, by ducking the sodomite in a nearby horse-pond, and such incidents are frequently reported in the newspapers. Even in cases of genuine rape, the assault was seldom treated with the severity we would expect. For example, Richard Read, who was nearly raped by Roger Sweetman while sharing a bed with him at the Crown, Lad Lane, was content to chastise his assailant with 'two or three good pelts over the head', saying 'you take care for the future, never offer any such thing any more to any man, if you do you will get into a hobble'.⁴⁰ He then turned over and went back to sleep. This case is a striking example of the gulf between the language of the law (the indictment refers to 'that most horrible, abominable and detestable crime') and the language (and perception) of ordinary people.

IV

In order to recover gay history we must resist the structure as well as the rhetoric of the judicial process. As with Roman legal practice, British sodomitical trials are designed to determine 'agent' and 'patient' roles in anal intercourse. But in the majority of cases, the men were arrested before they could get any further than mutual masturbation, whatever their intentions may have been. The most common charge was 'assault with sodomitical intent', as in the trial of Thomas Chamberlain in 1727, who showed a newcomer to London the sights in St James's Park and then made advances to him in a pub in Milk Street: 'Upon the whole, the Court examining into those Niceties which are not proper to be mentioned in a publick Paper, found that he was guilty of Actions that are in their Nature

Crook and Charles Gibson (t17720909-18); Apr. 1777, Thomas Jackson and Thomas Dawson (t17770409-76); Apr. 1798, Edward Dawson and John Hall (t17980418-77).

⁴⁰ *OBP*, Sept. 1785, Roger Sweetman (convicted of assault with sodomitical intent; t17850914-164). A hobble is an awkward or perplexing situation. Sweetman was also tried for the felony of sodomy for forcibly raping one Henry Sansum (Sept. 1785, t17850914-163), but acquitted.

both immodest and filthy, though they did not amount to that grand Action of Inhumanity call'd Sodomy'.⁴¹

A gay history from below will resist the discourse of so-called 'sodomy', and instead foreground a more nuanced and more comprehensive appreciation of *gay sexuality*. The *Proceedings* contain ample evidence that so-called 'sodomites' enjoyed an extended range of activities, including kissing, cuddling, love talk, fondling, sexual display, masturbation, oral intercourse, and reciprocal anal intercourse. Sometimes all of these occurred over the course of a single encounter: Charles Gibson kissed a 19-year-old man in the Red Lion, Moorfields, then went out back with him to make water, where he took hold of his 'yard' and said 'It was a very good one, and he liked it very well'; then they went into the pub's bog-house, where Gibson pushed the other man down on the seat and masturbated him until he came; then kissed him 'very heartily' while putting the man's hands on his own yard; then began tickling, rubbing, kissing and sucking the other man's yard until it was again erect, then turned around and sat down naked in the man's lap, directing his yard into his body. Afterwards, he asked the other man to change positions with him.⁴² Behaviourist typologies of so-called 'active' and 'passive' 'roles' are quite inadequate for analysing this material. The discourse of penetration, as it is used in the legal records and as it is employed by theorists who reduce sexuality to relations of power, does not help us understand the history of homosexuality, which ought properly to focus on the nuances of desire.

Historians who employ trial records regularly fall into the trap of focusing on acts rather than persons or desires. While Jeffrey Weeks is strictly correct in noting that the central point of the Buggery Act of 1533 was its criminalisation of 'a series of sexual acts, not a particular type of person', he is clearly wrong to conclude from this that 'There was no concept of the homosexual in law, and homosexuality was regarded not as a particular attribute but as a potential in all sinful creatures'.⁴³ Social constructionists have blinkered themselves by foregrounding the *theory* of statute law rather than the *practice* of law. Statute law is indeed scrupulous to define acts rather than persons, but the people who enforced and prosecuted the law, as well as society at large, regularly classified certain types of *persons* as habituated 'criminals': thieves, highwaymen, pickpockets, streetwalkers – and sodomites.

⁴¹ *OBP*, Aug. 1727, Thomas Chamberlain (t17270830-39).

⁴² *OBP*, Sept. 1772, Robert Crook and Charles Gibson (t17720909-18).

⁴³ Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain, from the Nineteenth Century to the Present* (1977), 12.

If we look beyond the formulaic indictments we will begin to appreciate that many men were in effect prosecuted simply for *being homosexuals*. In 1727 watchmen found two men lying in the porch of St Dunstan's, Stepney, in each other's arms, naked from the waist downwards, asleep or pretending to be asleep. 'The Jury considering the Shamefulness of the Posture in which they were taken, concluded they were no better than two of those degenerated Miscreants from the Race of Men, called Sodomites, and brought them both in guilty.'⁴⁴ These two men were pilloried and imprisoned for an undefined and unspecified 'misdemeanour', which referred neither to sodomy nor to assault with intent nor even to indecency, mainly because they were recognised as belonging to a class of degenerates.

During the eighteenth century, judges, juries, prosecutors, witnesses, and the accused themselves, recognised two mutually exclusive sexual orientations. Sodomites were perceived as comprising a distinct minority, whose sexual behaviour was considered to be very strange if not abhorrent, to be an integral component of their essential character, and to be incompatible with a heterosexual inclination. It was the men themselves rather than their acts or roles which occupied centre-stage in the trials. Despite the statutory law's focus on prohibited acts, sexual orientation was a major consideration in prosecutions for sodomitical offences. More witnesses were brought forward to give evidence of character, than to give evidence of any sexual act. Neighbours sometimes acknowledged having 'heard it whisper'd' that a defendant was 'inclinable to Sodomy',⁴⁵ or revealed that a prosecutor in a blackmail case 'bore the character of a sodomite'.⁴⁶ Character witnesses were often called to vouch for the heterosexuality of the accused, as in the trial of John Burgess, for whom Katherine Maranda deposed, 'I know the [Defendant] to be ... too fond of a pretty Girl, to fall into sodomitical Actions; and this I know by Experience, upon my Word, and my oath, and my Honour.'⁴⁷ William Brown, entrapped by an *agent provocateur* in Moorfields, called witnesses to depose that he 'loved the Company of Women better than that of his own Sex'.⁴⁸ In 1761 William Bailey called *eighteen* witnesses to confirm that they 'never saw any thing like any unnatural inclination by him ... he had a natural passion for women, and none for his own sex'.⁴⁹ The trial records suggest that the popular perception of a distinct binary of

⁴⁴ *OBP*, Aug. 1727, John Painter and John Green (t17270830-53).

⁴⁵ *OBP*, Apr. 1726, George Whittle (t17260420-68).

⁴⁶ *OBP*, July 1774, John Clarke, John Pullen and William Rooke (t17740706-60).

⁴⁷ *OBP*, Oct. 1728, John Burgess (t17281016-61). He was convicted.

⁴⁸ *OBP*, July 1726, William Brown (t17260711-77). He was convicted.

⁴⁹ *OBP*, Oct. 1761, William Bailey (t17611021-35).

heterosexuality and homosexuality arises from accurate observation. Of 65 men implicated in sodomitical offences prosecuted at the Old Bailey from 1715 through 1760, a period when the run of trial records is complete and fairly detailed, nearly two-thirds (63%) appear to have been unmarried and to have had no connection with women: typically they lived alone in single-room lodgings, or on the premises of their master if they were apprentices or servants. Only one-sixth (17%) were married or called witnesses to testify that they loved women. This minority of men who possibly had relations with both men and women, included men who had been widowed for several years, men who were separated from their wives, and men like Thomas Rodin, nicknamed Ellinor, who was heard to say that ‘he took more Pleasure in lying with a Man, than with the finest Woman in the World; and, that he had not touch’d his Wife these nine Months.’⁵⁰ (In about a fifth of the cases (20%) not enough information is available for us to determine marital status or relations with women.)

V

The Old Bailey records do not support Tim Hitchcock’s claim that ‘The vast majority of eighteenth-century men who committed sodomy did not think of themselves other than as ordinary, everyday members of their society [who] would have seen sex with another man simply as an extension of the forms of sexual behaviour common in courting and marriage [and who] would have considered sodomy ... not as something which fundamentally changed their self-perception [and who] saw sodomy, and likewise bestiality and masturbation, as available alternatives to heterosexual/vaginal intercourse.’⁵¹ Though relatively few sodomites went on to develop a subcultural identity, many of them were driven by their desire and possessed a self-aware sexual identity, like John Twyford of St Clement Danes, who said ‘he loved a soldier as he loved his life’;⁵² or like Samuel Taylor and John Berry, who acknowledged their desperate search ‘from one part of the Town to another, to find a convenient Place’ before they went into a bog-house on the Strand where they were caught;⁵³ or like Henry Thorp, who hanged himself in St George’s Fields after being picked up by a hustler-cum-blackmailer and succumbing to desires he had successfully suppressed for five years.⁵⁴ Shame was a

⁵⁰ Trial of Thomas Rodin in *Select Trials* (London, 1742), 1: 280–2; the original published *Proceedings* is less detailed (*OBP*, Oct. 1722, Thomas Rodin [t17221010-2]).

⁵¹ See Tim Hitchcock, *English Sexualities, 1700–1800* (Basingstoke, 1997), 63–4.

⁵² *OBP*, July 1745, John Twyford (t17450710-17).

⁵³ *OBP*, Feb. 1738, Samuel Taylor and John Berry (t17380222-5).

⁵⁴ *OBP*, Aug. 1729, George Wood and Joseph Pinhorn (for theft/highway robbery, t17290827-35).

factor in some eighteenth-century homosexual identities, as it was in the 1950s, and I have traced newspaper accounts reporting about a dozen suicides following arrests for soliciting.⁵⁵

A bisexual temperament, which we associate with seventeenth-century libertines, makes no appearance in the Old Bailey (though we do know that some bisexuals, such as Lord Hervey, did indeed exist). The putatively bisexual practice of ‘Sodomite Macaronis’ or fops was regarded as simply a case of keeping women for cover: ‘Mistresses they have several for *two* purposes: first, they remove all suspicion; secondly, they are at hand to appear in case of need at the Old Bailey, and exculpate the charge laid against them. For, is not the Gentleman addicted to women?’⁵⁶

Prosecutions related to cruising reveal that gay sex, though it could arise as an incident during the course of ordinary daily life, was often deliberately sought out, by men who went to specific places known as the ‘molly markets’, where they knew they could find other men wishing to have sex with them.⁵⁷ Dutch gay men in the early eighteenth century used the word ‘kruisen’ to denote going to places known to be frequented by men seeking sex with men. In eighteenth-century London cruising was called ‘picking up trade’, exactly the same term as modern gay slang. The Sodomite’s Walk in Moorfields and Bird Cage Walk in St James’s Park were used so regularly by gay men that it is clear that their main aim was to make contact with one another, or with hustlers, rather than simply to pick up straight errand boys or innocent passers-by. What is certain is that they were narrowly focused on homosexual experience, not on an indifferent choice among several alternatives of a broad polysexual life which might accidentally arise during their strolls.

The soldier James Brown and his brother acknowledged that they had picked up and then blackmailed *five hundred* gentlemen in Bird Cage Alley.⁵⁸ It is likely that many of these gentlemen were seeking rough trade, and found it. John Mitchell, who bragged that his penis was nine inches long, said that ‘when he wanted Money, he took a Walk in the Park, and got 4 or 5 Guineas a-Night of Gentlemen, because they would not be expos’d’.⁵⁹ It can be difficult to sort out the truth of the various counter-accusations made by blackmailers and their victims, but my impression is that most of the victims were indeed indorsers cruising the parks and streets in search of sex, and that most of the blackmailers were

⁵⁵ For two cases in 1752, see rictornorton.co.uk/eighteen/1752news.htm.

⁵⁶ *Public Ledger*, 5 Aug. 1772; see full text at rictornorton.co.uk/eighteen/jones7.htm.

⁵⁷ Norton, *Mother Clap’s Molly House*, 70-91.

⁵⁸ *OBP*, Dec. 1759, Thomas Brown and James Brown (t17591205-24) and Sept. 1763, James Brown (t17630914-52).

⁵⁹ *OBP*, Apr. 1729, John Mitchell (t17290416-51).

hustlers who had learned that they could earn more money by blackmail than by prostitution. Just as the practice of female prostitution consisted largely of stealing gentlemen's watches, so the practice of male prostitution consisted largely of extortion.

Many blackmail trials seem to involve either thieves who laid a counter-charge of sodomy against their victim to avoid prosecution, or sodomites who laid a counter-charge of robbery against their pick-ups if their encounter was overseen by a third party and they found themselves arrested. Men prosecuted specifically for extortion (or robbery) by threatening to expose their victim as a sodomite were usually acquitted (even when the blackmail had obviously occurred) because the judge pointed out 'awkward circumstances' suggesting that the alleged victim was indeed a sodomite. Prosecutions were seldom successful unless there was evidence of a false accusation of sodomy. For example, in 1774 John Clarke, John Pullen and William Rooke picked up William Pretty in Kensington Gardens and then extorted money from him by threatening to charge him with sodomy. At the trial it was revealed that William Pretty, whose wife was long dead, had been similarly blackmailed four years earlier, and his neighbours said he bore the character of a sodomite. It also transpired that William Rooke had previously blackmailed someone else by threatening to prosecute him for sodomy, but Rooke was nevertheless acquitted. Rooke was then charged with robbing another man, Joseph Fowle, whom he picked up near the gate of St James's Park and who subsequently paid him large sums of money to avoid being charged with sodomy. Rooke was acquitted of the specific charge of robbery. The Court recommended that Fowle prosecute him specifically for extortion – but there was no subsequent prosecution.⁶⁰

It is probably a mistake to separate the eighteenth-century homosexual world into molly houses on the one hand, and cruising grounds and bog-houses on the other. Through the activities of entrappers and blackmailers-cum-prostitutes, we know that at least some of the men who frequented molly houses also made use of cruising grounds and bog-houses, and I find it difficult to believe that many sodomites and endorsers would not have had a homosexual identity as well as the mollies who more actively used subcultural institutions. When indorsers were captured and dragged through the gutter, they were stigmatised with names such as 'sodomite', 'molly' and 'buggerer'. By such labelling they were forcibly made aware that they belonged to a category of men different from the norm. Men who had sex with men read the same newspapers and satires as the rest of society, and witnessed men like themselves standing in the

⁶⁰ *OBP*, July 1774, John Clarke, John Pullen and William Rooke (t17740706-60).

pillory at many street corners and hanging from the gallows at Tyburn. Sodomites alone could not have remained oblivious to their identity when everyone else in society had some notion about it.

Indorsers were also regularly challenged about the nature of their sexuality by the errand boys they picked up for sex. After sodomising the younger man, the older man often asked the younger man ‘to act the same with him’, but the younger man usually declined, saying he was ‘not that sort of man’.⁶¹ Clearly that *sort* of man was classed as a *homosexual* who desired reciprocal sex, while his non-homosexual partner, though not averse to being sodomised for profit, was not willing to initiate sex and thereby put himself in the same category as a homosexual. Sociologists, by excluding from consideration the older man’s desire to ‘reverse roles’, have used cases such as this to construct a model claiming that ‘active’ older men paired with ‘passive’ younger men. A more accurate model would simply classify the older man as a man with a homosexual orientation, and his partner as a man who is not (yet) homosexual. The orthodox anthropological model claims that only those men who engage in ‘passive’ sex are identified as homosexuals because of the stigma attached to passive sex, while the ‘active’ partner is not stigmatised or given a specific identity because he takes the same role as heterosexual men. But the records in the Old Bailey show that the reverse is often true: the one who is stigmatised and hence given an identity is the one who expresses a homosexual desire, regardless of the sexual role or specific act, while the one who submits to the sexual request, even if it involves ‘passive’ sex, does not feel implicated in the desire, hence escapes the stigmatisation and the identity. (In most of these cases, the prosecution was instigated by a third party who witnessed the encounter, and the younger man feigned drunkenness in order to avoid being prosecuted as a *particeps crimen*.)

Self-identities are especially likely to take shape when men are challenged to justify their behaviour. Many ‘indorsers’ met that challenge repeatedly and thought about it, because they were ready to defend their actions and justify themselves. One response was for them to say that they had enjoyed previous and regular experience of the same sort, and it was therefore nothing to get upset about: ‘No harm, nothing but love’.⁶² Some homosexual men expressed Enlightenment views about owning their own bodies. When William Brown, entrapped in Moorfields, was asked by the

⁶¹ *OBP*, Dec. 1721, George Duffus (t17211206-20).

⁶² Trial of George Duffus, Dec. 1721, in *Select Trials* (London, 1742), 1: 105-8. In the original published *Proceedings* (t17211206-20), Duffus tells the man he has just raped, ‘he need not be troubled, or wonder at what he had done to him, for it was what was very common, and he had often practised it with many others’.

constable why he had taken such indecent liberties, Brown ‘was not ashamed to answer, I did it because I thought I knew him, and I think there’s no Crime in making what use I please of my own Body’.⁶³ John Bowes, castigated by a watchman for making love to a man against the church rails of St Paul’s, Covent Garden, countered, ‘Sirrah what’s that to you, can’t I make use of my own Body? I have done nothing but what I will do again.’⁶⁴ Captain Edward Rigby in 1698 even placed himself in a historical tradition, telling the lad he picked up in St James’s Park on Guy Fawkes Night that famous rulers did it, and ‘it’s no more than was done in our Fore-fathers time’.⁶⁵

VI

In December 2003, and again in December 2004 the London Metropolitan Archives sponsored a Gay and Lesbian History Conference, and a similar conference was held at the National Archives in June 2004. Both of these repositories officially recognise that many minority groups, including specifically the gay and lesbian community, are important stakeholders in the country’s archives and have a legitimate interest in their use.⁶⁶ An explicit aim of the online *Old Bailey Proceedings* is to facilitate access to material relating to blacks, Jewish and immigrant communities, gypsies and travellers, and gays and lesbians.⁶⁷ And despite the pervasive legal language, when read with care the *Proceedings* can help us write a history of homosexual identity, rather than just one of homosexual acts. Used in this way, historians of homosexuality can write and pursue their research with a gay audience in mind. Not only will this produce a more useful and interesting history, but also a more accurate one. ‘Gay history’ is not simply a tolerable gay liberationist sideline, but a goal even for academic and legal historians.

⁶³ *OBP*, July 1726, William Brown (t17260711-77); and *Select Trials* (London, 1742), 3: 39–40.

⁶⁴ *OBP*, Dec. 1718, John Bowes and Hugh Ryley (t17181205-24).

⁶⁵ I reproduce the complete trial pamphlet, together with newspaper reports, at rictormorton.co.uk/eighteen/rigby.htm.

⁶⁶ The National Archives is actively attempting ‘to make gay and lesbian history accessible to those to whom it matters’, Matt Houlbrook, ‘“Lady Austin’s Camp Boys” and Other Stories: Gay and Lesbian History at The National Archives’, *Places of Deposit Bulletin* (November 2003), 7. See also ‘Gay and Lesbian History at the National Archives: An Introduction’ (<http://catalogue.pro.gov.uk/ExternalRequest.asp?RequestReference=ri2260>, 1 July 2004).

⁶⁷ See the ‘Community Histories’ sections of the *OBP* website.