

B) Urban Conflicts and their Control

Bringing great shame upon this city': Sodomy, the Courts and the Civic Idiom in Bristol and South West England (1730-1800)

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In 1756, Emmanuel Collins, a Bristol pamphleteer, penned an extraordinary vindication of his city following the disclosure of a pederasty scandal. 'I am not unacquainted with the many foul reflections that have been cast on my Fellow-Citizens of BRISTOL concerning this most abominable vice', Collins began, but 'tis the fate of all cities to be the conflux of bad men'. They go there 'to hide themselves in the multitude and to seek security in the crowd'. It was no more the fault of the citizens of London that the capital attracted thieves, than it was the fault of those of the second city if it attracted sodomites. 'Must the enormous vices of the provinces in our neighbourhood be charged to our burgesses?' he demanded.

Conceiving moral reputation in civic rather than personal terms here, Collins pursued the politics of native genius and identity. 'I challenge the bitterest of our enemies to bring an instance to prove that ever a *Bristol*-man was guilty of so black an offence', he continued; 'I would be understood not to mean one apprenticed here from neighbouring counties, or imported from islands with which we have a connection, but one of the Aborigines, whose ancestors had enjoyed the freedom of the place'¹. Certainly, local newspapers regularly commented that convicted sodomites were 'not of this city'; indeed Bristol convicts were often either Irish or soldiers; sometimes both. And civic denial was endemic. 'To the honour of the county of Southampton it is to be remarked', observed a paper in that city after a conviction in 1776, 'he is not a native thereof'². The disproportionate number of accused men from Ireland, France and Spain - in Bristol, Bath, Southampton and Exeter, doesn't tell us that foreigners were homosexual of course, but that sodomy was believed a foreign and catholic crime. However, Collins's determination to distinguish native genius from the perversions visited upon it by contact with the outside world is particularly poignant at Bristol, the nation's second trading city, where the consequences of cultural dilution and global diaspora could be seen and heard in the course of a morning's walk along any of its teeming quays.

The public representation of sodomites as highly visible and effeminate 'mollies', was chiefly a rhetorical construction of a new urban masculinity. In failing to control or master transgressive desire, sodomites were 'unmanly', but also - in a crowded urban environment - insidious. The representation of the sodomite as a master of concealment was endemic to an age of anxiety about masquerade - he was frequently a 'devil in human shape'; respectable on the outside but ruinous within. Collins imagined them everywhere, their amorality duplicitously masked, 'undaunted and upright they crowd our publick Walks, unaw'd by Guilt, and unappal'd by the Fears of any Impeachment'³. One, 'an old lecher from Leicester', convicted at Bristol in 1737, had according to press accounts, 'infested this country upwards

¹ Emanuel Collins, *The Saints Backsiding: or, The Remarkable Case of a Late Reverend, Holy, Anabaptistical Preacher belonging to Their Meeting in Bristol, Who Had Been Too Fond a Pastor of the Ram Lambs, to the Great Offence of the Young Neglected Ewes, To Which is Added an Historical Account of his Armour, Intrigues, Successes and Disappointments Amongst his Male Sweethearts* (Bristol, c.1756)

² *Hampshire Chronicle*, 25 March 1776.

³ Collins, *Saints Backsliding*.

of five years lurking for his Prey under the different Characters and Disguises of a Solicitor, a Gentleman of an Estate, a Steward to a Nobleman, a Cook, a Tapster, and other Shapes'⁴.

Sodomy was severely punishable; a capital crime if the evidence was strong, but more easily prosecuted as a less specific misdemeanour for sodomitical assault. And it mattered because it wasn't *just* about sex. The Biblical Sodomites had been 'arrogant, overfed and unconcerned' burgesses, condemned as much for false pride and inhospitality to strangers as for buggery. Moral debilitation was symptomatic – but its cause was the classical sin of luxuria – and economically successful Bristolians had been publicly saddled with aspersions of that kind for many decades. As Theo Van der Meer puts it, 18th century sodomites were identified with 'all disasters that were supposed to wreck the country, the decline of trade and the Bourse, and the decline of morals'⁵.

As a moral crime however, the laws against sodomy were not enforced equally throughout the Nation, as a survey of prosecution and punishment in England's south-western counties reveals.

1730-1800	Acquitted, discharged or outcome unknown	Convicted (misdemeanour)	Convicted (capital felony)	Total cases	Individuals reported but not apprehended
<i>Bristol</i>	36 (3 for bestiality)	16	6	58	9
<i>Somerset</i>	22 (7 for bestiality)	4		26	3
Gloucestershire	14 (5 for bestiality)	2 (both bestiality)		16	
Wiltshire	15 (5 for bestiality)	7 (1 for bestiality)		22	2 (1 for bestiality)
Devon	11 (4 for bestiality)	17 (1 for bestiality)	2	28	1
Hampshire	22 (7 for bestiality)	9 (1 for bestiality)	1	31	

Figure 1: recorded accusations against sodomites in South West England, 1730-1800

The enormous discrepancies in the ratio between prosecution and conviction rates here, for example, is unlikely to have been caused by chance. In fact, the relationship was stronger in counties with busy borough or city courts of session augmenting the county sessions and assize. Borough courts, typically presided over by an aldermanic bench of the civic elite, were a suitable forum for the reinforcement of moral prejudice and virtue, and not always as scrupulous in matters of evidence as the assize. Local pride was restored at Southampton in 1772 for example, not just by the conviction of a man for sodomising 'a lad of this town', but by the unusual efforts of the 'gentlemen of the bench' to appoint him counsel at civic expense⁶. In Gloucestershire, where borough courts were mostly moribund by mid century,

⁴ *Newcastle Courant*, 24 September 1737. I am grateful to Pete Rushton for sharing this reference with me.

⁵ Theo van der Meer, 'The Persecutions of Sodomites in Eighteenth Century Amsterdam: Changing Perceptions of Sodomy', in Kent Gerard and Gert Hekma (eds.), *The Pursuit of Sodomy: Male Homosexuality in Renaissance and Enlightenment Europe* (New York, 1989), pp. 283-4.

⁶ *Hampshire Chronicle*, 12 October 1772

acquittal was far more likely than in Devon, where the heavy conviction rate was certainly influenced by activity in local courts in Exeter and Plymouth. Of course, borough sessions conviction rates were also dependent upon rules of jurisdiction – the only sizeable town with its own sessions in Somerset was Bath, but since it was debarred from trying felonies, the court was under-used and only one misdemeanour for sodomy was tried there. The politics of sodomy at Bath were possibly further complicated by fact that its economy was reliant upon luxuria, it had little moral reputation to maintain, and indeed one of its own aldermen was involved in a sodomite scandal in 1740⁷.

In any case, it would be wrong to assume that all towns *chose* to reveal and parade sodomites at every opportunity. As a leisure resort, Bath made little use of the pillory for any crime. And as Bristol's experience suggests, too much exposure prompted counter-productive reflections upon civic character. There is a surprising absence either of prosecutions or formal accusations before justices at the busy borough sessions at Portsmouth, for example. The only two cases connected with the town, in 1749 and 1765 respectively, were both prosecuted at the assize. Moreover, whilst it was customary to exhibit men convicted of attempted sodomy in the pillory, only the first of the two Portsmouth cases was pilloried in the town. The second was sent to Winchester for his punishment, and there were no further pilloryings at Portsmouth for *any* offence, until 1802. In Devon, a total of six convicted sodomites stood in the pillory between 1773 and 1794. With the exception of one, sentenced at the county sessions and exhibited in his village, they were all convicted and pilloried in their home cities by the sessions at Exeter and Plymouth. The pilloried men represent two thirds of all convictions for sodomy at county and borough sessions in Devon between 1730 and 1800. There were exactly the same number of convictions at the assize (9), yet none were sent from that court to the pillory. By contrast with Portsmouth then, the public exposure of Devonian sodomites was certainly a local matter, presumably serving parochial ends. Further anomalies show up in comparisons between the south west region as a whole and the north-east. Only six sodomy cases came before the assize north eastern circuit between 1718 and 1800 and four of those were for bestiality. Not one came before the Berwickshire, Northumberland or Durham county sessions, nor even before the city sessions for Newcastle, a mercantile centre only marginally less important than Bristol by the middle of the eighteenth century⁸.

Any city whose historical pre-eminence and sense of identity were centred upon the virtuous properties of trade might be expected to take a firm line against any aspersions of associated moral debilitation, but Bristol's concern with the exposure and suppression of sodomites was both extraordinary and unparalleled – as Collins's polemic makes clear. 'The very Reason that our Town has been talk'd of', he explained, 'was because it always appear'd diligent and unwearied in discovering and prosecuting such Offenders, wheresoever they came from, that were found within our Jurisdiction', and the city press was in full agreement. 'If we take a survey of what had formerly passed', reflected *Felix Farley's Bristol Journal* after a double hanging in 1753, 'we shall soon perceive how ardent, how zealous, the magistrates of this city were in bringing every Wretch of this stamp to condign punishment. They have condemned, - they have pillor'd, - they have punished in every shape, where the least evidence appeared to convict'⁹.

⁷ Bath Guildhall Record Office, *Corporation Minute Book*, 1740

⁸ The data referred to throughout this paper was compiled from the surviving record of the borough courts at Bath, Salisbury, Portsmouth, Southampton, Gloucester, Exeter, Plymouth and Bristol, and from the county quarter session and assize courts in Gloucestershire, Bristol, Devon, Wiltshire, Somerset and Hampshire. For the North-eastern circuit record I am indebted to Pete Rushton.

⁹ *Felix Farley's Bristol Journal*, 17 September 1752; Collins, *Saints Backsiding*.

The heavy emphasis placed in both of these accounts upon the dutorious virtues of the city magistrates was itself indicative of a row that had been simmering since the 1730s about the record of the local courts in bringing sodomites to justice. In Bristol, a city in which the aldermanic bench held absolute power and unlimited jurisdiction, a magistrate was not expected to be impartial and disinterested, but ‘vigilant and active in the suppression of faction and in the promotion of unity and concord’¹⁰.

As shown in *Figure 1*, at least 58 allegations of sodomy were prosecuted at Bristol between 1730 and 1800, 61% of them ending in conviction – a record unequalled anywhere in the South West except Devon. But Bristol’s impressive record was by no means consistent. *Figure 2* shows prosecution outcomes in the same region during the 1730s alone. As the table shows, this was an extremely active decade at Bristol, accounting for 40% of all prosecutions before 1800. Yet only 4 men were convicted from a total of 23 prosecutions, a conviction rate of 17%.

1730-1739	Acquitted, discharged or outcome unknown	Convicted (misdemeanour)	Convicted (capital felony)	Total cases	Individuals reported but not apprehended
<i>Bristol</i>	19 (1 for bestiality)	3	1	23	7
<i>Somerset</i>	1	1		2	
Gloucestershire	3 (1 for bestiality)			3	1 (bestiality)
Wiltshire		2		2	
Devon					1
Hampshire					

Figure 2: recorded accusations against sodomites in South West England, 1730-1739

Between 1740 and 1756 when Collins pamphlet was published, the pattern at Bristol changed – prosecution rates fell and charges were sometimes moderated to common assault to accommodate ambivalent evidence, but the outcome was 6 convictions from eleven prosecutions – a somewhat more encouraging figure, given local attitudes to the crime. In the 1730s, when prosecution was in heavy demand but convictions rare, the authority of the courts had been challenged by vigilantism. One suspect was almost ‘torn to pieces before he could either be examined by a magistrate or committed to prison’, another had his penis almost severed with a knife, and another found himself ‘well mobb’d, confoundedly pelted, and beat thro’ divers streets’ where ‘the butchers got him into their common Beast Penn, and dragg’d him thro’ the filth, till the wretch was almost suffocated’¹¹. Public opinion in the 1730s was uninterested in judicial impartiality and little inclined to praise the magistrates for their alacrity.

Matters came to a head in 1738 when, having finally secured a capital conviction against David Reid, not only an alleged sodomite but a soldier and a Scotsman to boot, the authorities were over-ruled by Whitehall and Reid’s execution respited. The ambiguous reputation of the aldermanic bench was founded in the controversy that followed. Reid himself, now

¹⁰ Rev William Batt, *Union and Loyalty Recommended: A Sermon Preached at the Mayor’s Chapel, 15th September 1754* (Bristol, 1754)

¹¹ *Read’s Weekly Journal*, 22 August 1730, 9 September 1732; *Gloucester Journal*, 28 December 1731, 18 July 1732, 1 February 1737.

languishing in gaol, became haunted not only by lynch mobs goaded on by the city press, but by a mayor who remained ‘determined to hang me himself if I was the last man in England’, so that despite clemency, he protested to ministers, ‘I die hourly’¹². But this was one version of events - others *blamed* the mayor for granting Reid his life, a story with the potential to inflict heavy damage on the Corporation at a sensitive time.

Although nominally Whig, the Corporation had long sought to neutralise party faction in Bristol by steering a course independent of Walpole’s ministry. By asserting this independence both publicly and forcefully in vociferous opposition to the Excise Bill in 1733 however, ministerial loyalists had become locally alienated and the resulting split in the Whig party rejuvenated a moribund Tory rump and ended with acute embarrassment as the Recorder lost his seat in the ensuing election. These signs that the oligarchy was losing its grip coincided with early indications of decline in Bristol’s Atlantic trading supremacy and at a time of imminent war with Spain after two decades of peace, prosperity and relative growth. The idea that the aldermanic bench was soft on sodomy, already suspected by many in view of its poor conviction rates, was now seized upon by political opponents like the poet Richard Savage, embittered at his gaoling for debt in the early 1740s and forced to share a prison with the respited Reid. ‘Proceed great Bristol’, he mocked, ‘Still spare the catamite and swinge the whore/ And be whatever Gomorrah was before’¹³.

The fact that Reid’s case, and the controversy surrounding it, was dredged up by Emmanuel Collins eighteen years afterwards, speaks volumes about its impact on popular memory at Bristol, and – as Collins inferred – it was almost certainly the source of the city’s sullied moral reputation amongst outsiders. By the mid 1750s, the city’s relative economic decline was incontrovertible and Collins was determined to erase any suggestion that the spread of sodomy had contributed to it. Failure to check its growth in Sodom and Gomorrah had made inevitable the punishment of entire populations, he confirmed. ‘God in his Justice could do no less than punish them, and that too with Fire and Brimstone: a punishment suited to their hot and burning lusts’. But Sodom and Bristol differed not only because Bristol boasted a strong record of prosecution, but in the matter of strangers and native genius too. While the people of Sodom were themselves corrupted and Lot, the only virtuous figure in the tale, a complete stranger, Bristolians were virtuous burghers corrupted by strangers. Endemic Bristolian virtue was evidenced every day in the monetary temple of the Exchange where native sons inquired daily about progress in the fight against sodomy – ‘for would a man who knew his features to be monstrous be ever calling for a glass?’ The efforts of both Felix Farley and Collins now to historically situate the hanging of two consenting sodomites in 1753 as the natural culmination of an unceasing campaign to erase the ‘stinking foul effluvia’ of sodomy from the streets, are an indication of the enormous importance of progressive moral narratives in the construction of civic stories. ‘Tis my ardent wish’, wrote Collins, ‘that upon a strict and fair inquiry into the Dirty Deeds of these modern Offenders, the Honour of this Port may stand unsullied, and without Charge’¹⁴.

¹² National Archives, *SP 36/46*, David Reid to the Earl of Scarborough, 6 September 1738; Brigadier General Roger Handersyde to the Earl of Scarborough, 6 September 1738; Abel Dagge (keeper of Newgate) to the Earl of Scarborough, 16 September 1738; David Reid to the Duke of Montague, 20 September 1738; and Petition of David Reid (n.d.).

¹³ Richard Savage, *London and Bristol Compar’d – a Satire written in Newgate, Bristol* (London, 1744).

¹⁴ Collins, *Saints Backsiding*.