

**RUN AFOUL: SODOMY, MASCULINITY,
AND THE BODY IN THE GEORGIAN ROYAL NAVY**

by
Seth Stein LeJacq

A dissertation submitted to Johns Hopkins University in conformity with the
requirements for the degree of Doctor of Philosophy

Baltimore, Maryland
March 9, 2016

© 2016 Seth Stein LeJacq
All Rights Reserved

Abstract

This dissertation explores the homoerotic and the “social production” of sodomy within British naval culture and shipboard society from 1690 to 1840. It is based on the first comprehensive analysis of extant manuscript legal records; official and private correspondence; and the periodical press and other printed sources. The dissertation reconstructs the place of homosociality and homoeroticism within this institution crucial to national and imperial needs and aims. Formal repression of sodomy was far more common than has been appreciated. In particular, there were many more courts martial for homoerotic crimes than previous scholarship has recognized. At the same time, however, I show that naval life was built on homosocial relations that institutionalized homoerotic possibility, and that naval society permitted a great deal of erotic contact between seafarers. Most “sodomy” ran little or no risk of punishment. The navy followed the early modern judicial practice of rare but spectacular punishments into the mid-nineteenth century, even as judicial practice on land transitioned to heavy policing and frequent yet relatively milder punishment. I argue that sodomy was socially-produced in very particular circumstances in this culture. Those offenses the navy did prosecute were abuses of authority in which higher-ranking men used status and power to obtain sexual contact with lower-ranking men and boys. Prosecution only became common in periods of unsettled shipboard social relations, when shifting conceptions of masculinity and sexuality changed the limits of acceptable behavior and led officers to police gendered and sexual activity strictly. This analysis produces a much richer and more complex view of same-sex relations within face-to-face Georgian communities than has previously been

possible. In particular, it shows that the plebeian men of the “lower deck”—the working-class men who filled the navy’s muster rolls and provided most of the muscle power and much of the knowledge on which vessels depended—knew a great deal about same-sex relations and were fully integrated into broader British cultural discourses about the men who engaged in them. Previous literature has argued that sodomy was largely unspeakable, but this dissertation shows that there were multiple sites in this culture where extensive discussions of sodomy were conducted: from the lower deck of warships, to the upper reaches of the Admiralty, to the newspapers covering naval affairs for readers back on land. Even accused and convicted men had spaces in which to engage discursively, to shape and dispute discourses around sodomy. All of these areas were essential to the social production of sodomy in the Royal Navy of the long eighteenth century.

Dissertation Committee:

Mary E. Fissell
Philip D. Morgan
Toby L. Ditz
John W. Marshall
Randall M. Packard

Table of Contents

<i>Acknowledgements</i>	v
<i>List of Tables</i>	viii
<i>List of Figures</i>	viii
<i>List of Graphs</i>	viii
Introduction	1
Chapter 1. Sodomy at Sea	38
Chapter 2. Between Decks: Sodomy, Abuse of Authority, and Masculine Failure	118
Chapter 3. Reading the Sodomite's Body: Medical and Vernacular Body Knowledge	195
Chapter 4. Pressed: Naval Sodomy in Print	273
Chapter 5. Damned Buggers: The Experiences and Voices of the Accused	337
Conclusion	401
<i>List of Short Forms and Abbreviations used in Appendixes</i>	409
<i>Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900</i>	410
<i>Appendix B. Table of Examples of Sodomitical Crimes Cases Resolved Below Trial Level</i>	436
<i>Appendix C. Table of Examples of Non-Sodomitical Sex- and Gender-Related Courts Martial and Other Administrative/Legal Actions</i>	438
<i>Appendix D. Table of Pairing Patterns</i>	442
<i>Appendix E. Table of Charges, Verdicts, and Sentences</i>	461
<i>Appendix F. Table of Courts Martial Boards Members, 1796-1840</i>	504
<i>Appendix G. Table of Capital Sentences and Execution Information</i>	519
<i>Bibliography</i>	521
<i>Curriculum Vitae</i>	571

Acknowledgements

I cannot hope to adequately thank Mary Fissell for her support and guidance during my years in graduate school. Like so many others, I am deeply grateful to her for her teaching, mentoring, and example as a scholar and educator. John Marshall, Toby Ditz, Phil Morgan, Gianna Pomata, Alexandra Shepard, Laura Gowing, Rachel Weil, and many others have helped me with various aspects of my work, given me guidance with this project, listened and responded to presentations, and read and commented on portions of this dissertation. My deep thanks to all of these scholars for their valuable comments and criticisms. I would like to thank everyone at the Institute of the History of Medicine, and to express my particular gratitude to Randy Packard, Harry Marks, Dan Todes, Graham Mooney, and Christine Ruggere. My thanks too to Coraleeze Thompson. I owe a great deal to Eliza Hill.

While living and working in England I was truly fortunate to receive warm welcomes and support from many colleagues there. My thanks to everyone at the Oxford Wellcome, and in particular to Erica Charters and the group of scholars working on health, medicine, and the sea there. I am grateful to N.A.M. Rodger for supervising my pre-dissertation research when I was a fellow at the Institute of Historical Research, and to Katherine Watson for generously sharing her time and her ideas and advice about the history of forensic medicine. Many thanks too to everyone I met, worked with, and received help and support from at the National Maritime Museum, including Joshua Newton, Quintin Colville, and James Davey. I have had far too many valuable conversations to possibly thank every scholar I've spoken to about the topics and themes

I deal with in this work, but I would be truly remiss were I not to mention and thank Mary Conley, Matthew Neufeld, Amy Froide, and Margaret Hunt. I have also been fortunate to receive many thoughtful comments, questions, and criticisms when presenting this work in talks and at conferences. My thanks to all of the audiences to whom I have presented work. This dissertation has benefited in particular from workshopping at the Atlantic History and Gender Seminars at Johns Hopkins, and with the History of Medicine dissertation reading group.

I would like to express my deep gratitude to the organizations that so generously provided financial support for my research. My pre-dissertation research was possible thanks to a graduate travel fellowship from The Charles Singleton Center for the Study of Pre-Modern Europe at JHU and a Mellon Fellowship in the Humanities Pre-Dissertation Fellowship from the Institute of Historical Research. A Social Science Research Council International Dissertation Research Fellowship and a Council on Library and Information Resources Fellowship for Dissertation Research in Original Sources supported my dissertation research and gave me the opportunity to conduct extensive archival work in the United Kingdom. My sincere thanks too to everyone with whom I worked at these organizations.

So many friends, colleagues, fellow grad students, and others have helped me along the way that it would be impossible to thank everyone, or to do so fully or adequately. I am deeply grateful to Simon Thode, Marsha Libina, Mike Sherling, Hanna Roman, Julia Cummiskey, Marion Schmidt, Eli Anders, Alicia Puglionesi, Ren Pepitone,

Olivia Weisser, Katherine Arner, Amanda Herbert, Will Brown, Justin Rivest, Ada Link, and Matthew Franco, among many others.

Special thanks to JP and Yan, who have done so much for me over the years.

Thank you both. I love you guys. And of course thanks to my mom, Susan Stein, for everything.

List of Tables

1.1. Naval Bestiality Cases	52
2.1. Authority Levels of Ranks Found in Pairings	123
4.1. Examples of Press Coverage of William Berry and James Nehemiah Taylor Cases	276

List of Figures

4.1. Edward Rigby Trial Broadsheet	304
5.1. Detail from Arthur Walter Adair's <i>A Series of Letters</i>	363
5.2-3. Details from Letters Relating to Adair's Case	371
5.4. A Petition from Thomas Hook, a Marshalsea Prisoner	397

List of Graphs

1.1. Prosecution Rates, 1690-1865	76
1.2. Frequency of Officer Service on Sodomitical Crimes Courts Martial	107
2.1. Frequency of Pairing Types, 1690-1840	127

Introduction

In the summer of 1683 Samuel Pepys, sailing on HMS *Grafton* to Tangier, witnessed the punishment of one of her sailors for a serious crime, attempted sodomy. Pepys left us a brief account of the event: “This morning the Turk for an attempt of buggery before we came on board was whipped severely at the capstan and his beard burned with a candle.”¹ This was a notable enough event for the great naval administrator and diarist to record.² It was certainly not unique in his life, though; Pepys had recorded knowledge of sodomitical happenings at other points.³ This brush with sodomy, then, warranted mention, but only a terse line.

Concise as the episode is, Pepys’s experience nonetheless introduces us to the world of the homoerotic and sodomitical at sea in the age of sail, which is the focus of this dissertation. The episode is at once familiar and foreign to historians. The punished man was a Turk, an identity associated with sodomy for Britons. Indeed, for Pepys he is *only* a Turk, neither a sailor nor even a man with a name. He received harsh and humiliating public punishment for a crime that we know was officially feared and loathed. And yet there is more complexity and ambiguity here. For one, it is a surprise that Pepys would have experienced such a punishment at all. For all his importance to naval history, he actually sailed very little in his life. It would seem to have been a

¹ Edwin Chappell (ed.), *The Tangier Papers of Samuel Pepys* (London: for the NRS, 1935), 5.

² Pepys had long ago stopped keeping his famous private diary. For the history of his life writing see e.g. Claire Tomalin, *Samuel Pepys: The Unequalled Self* (New York: Knopf, 2002).

³ This other material has been widely discussed. See, for instance, B.R. Burg, *Sodomy and the Pirate Tradition: English Sea Rovers in the Seventeenth-Century Caribbean* (New York: New York University Press, 1995), 21-22.

remarkable coincidence that he witnessed the outcome of a crime that was, much previous historical literature assures us, both rare and rarely punished.⁴

Equally important is the apparent ambiguity of reactions to what had occurred. As with much of his writing, Pepys's description is laconic and gives us no indication of his thoughts on the matter. The actual treatment of the crime by those with disciplinary authority, however, conveys a similar impression. The man receives a harsh punishment for an offense that Pepys, at least, considers to have been proven. The offender appears to have been allowed to stay on the ship, though, and seems to have escaped trial. As a man familiar with the law, Pepys would have known that this misdemeanor crime was liable to criminal prosecution, and might have received heavier punishments than those bestowed here. There was already a long history of such treatment. In a Protectorate-era case, for instance, one William Sanders had admitted to sodomitical attempts. The sailor was sentenced to thirty-nine lashes, to have his nostrils slit in such a way that they would remain so when healed, and to be discharged from the fleet.⁵ In the 1690s, the first decade in which we have robust archival evidence from courts martial, a handful of men would face similar corporal punishments. A few were sentenced to death for more serious sodomitical crimes. Yet those disciplining the "Turk" neglected to bring him to trial for his crime, and did so publicly, in full view of an influential personage like Pepys.

Uneven treatment of crimes was no great surprise in the early modern era, and this case leads us into a series of ambiguities that lie at the center of this dissertation.

⁴ Most influentially: N.A.M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy* (Annapolis: Naval Institute Press, 1986), 80-81.

⁵ William Sanders court martial, 21 Sep. 1655, in Bodleian Library, Rawlinson MS 295A.

Sodomy was officially hated and legally proscribed. Navy men at all levels, like their peers on shore, shared and articulated such anti-sodomy views. Hatred of and intolerance towards the sodomitical (which comprised a shifting and slippery set of categories) was never the whole story, however. The homoerotic was ever-potential on naval warships, among the men and boys who formed both the largest and one of the most significant homosocial social groups in Britain during the long eighteenth century. Sodomy, or the perception or appearance of it, was ever-present among Britain's men-of-war's men, and occupies an important and complex place within the history of homosociality and masculinity. A few scholars have described this perception of sodomitical threat from the vantage of cultural depictions of sailors, but experience within naval society—particularly on the working-class “lower deck” of non-officers that has been relatively inaccessible to historians—has remained elusive.⁶ It is the goal of this dissertation to explore this aspect of maritime life, using an analysis informed by histories of gender, class, sexuality, medicine, and the body.

Some previous literature had been concerned to characterize the general sexual culture of warships or suggest the true frequency of homoerotic contact in the lived sexual experience of sailors.⁷ My goals are different, and I remain skeptical about our ability to gather sufficient evidence about sailors' sexual experiences, or to recreate typical sexual lives, much less to acquire robust enough data and evidence to make firm statements about those lives in general terms. Instead, I am interested in a different series

⁶ Isaac Land, “‘Sinful Propensities’: Piracy, Sodomy, and the Empire in the Rhetoric of Naval Reform, 1770-1870,” in Anupama Rao and Steven Pierce (eds.), *Discipline and the Other Body: Correction, Corporeality, Colonialism* (Durham, NC: Duke University Press, 2006): 90–114.

⁷ B.R. Burg, *Boys at Sea: Sodomy, Indecency, and Courts Martial in Nelson's Navy* (Basingstoke: Palgrave Macmillan, 2009).

of questions. I ask how the homoerotic was woven into the unique texture of naval homosociality and why, how, and when sexualized and gendered activity became queer—how the navy and maritime society socially produced sodomy.⁸ Previous work has not appreciated the frequency with which sodomy became visible in this fashion, nor has it appreciated the extent and complexity of discourses about naval sodomy both in the force itself and in British life more broadly. I ask here, then, about the conditions for the social production of sodomy, the ways in which shipboard life furnished the raw material for that production at the times in which the homosocial or homoerotic became problematic, and about discourses around the homoerotic that both allowed it to become visible and made use of it when it did.

There is no question that men, and men and boys, had homoerotic sexual contact on naval vessels. This sex may have been common and commonplace. For decades historians have suggested that male homoerotic contact was common throughout British history. Alan Bray, for instance, described “homosexuality... on a massive and ineradicable scale” in the early modern period.⁹ It is impossible for us to really determine its incidence in the navy, though I have at the very least documented thousands of alleged homoerotic sex acts over two centuries. More importantly for my interests, these sex acts,

⁸ For a model of a recent “social production” approach, from which I borrow this and associated language, see Steve Poole, “‘Bringing Great Shame upon this City’: Sodomy, the Courts and the Civic Idiom in Eighteenth-Century Bristol,” *Urban History* 34 (2007): 114-26. “Queer” was a category sailors sometimes deployed in a sense similar to that in which I use it here, though my use derives directly from modern queer theory rather than historicizing “queer” as an actors’ category. See e.g. William Taylor and James Barrett court martial (4 Dec. 1809, ADM 1/5400), where a seaman testified: “I said to him, it is a Queer story you were telling him, you were bugging the Boy.” I give other examples of similar uses of “queer” later in this dissertation.

⁹ Alan Bray, *Homosexuality in Renaissance England* (New York: Columbia University Press, 1995), 79. See too, for instance, Tim Hitchcock, *English Sexualities, 1700-1800* (New York: St. Martin’s Press, 1997), 64-5, and Randolph Trumbach, “The Heterosexual Male in Eighteenth-Century London and his Queer Interactions,” in Katherine O’Donnell and Michael O’Rourke (eds.), *Love, Sex, Intimacy and Friendship between Men, 1550-1800* (Basingstoke: Palgrave Macmillan, 2003): 99-127.

and even the more quotidian homoerotic realities and possibilities inherent to naval life, only became sodomy in certain circumstances. I argue in what follows that sodomy was above all a violation of hierarchy. Hierarchical social organization was essential to life at sea, and male-male sexual contact became problematic when it violated norms of social practice that maintained that hierarchy. By the same token, disordered social practices became legible as sexually suspect by virtue of their disorder. Neither concept automatically implied the other, but the two were closely related and inextricably linked in a web of cultural associations. Sustained discourses about sodomy and bodies of knowledge related to the homoerotic and sexual offenses allowed observers to see and read sodomy and to make use of what they identified. By analyzing sodomy in terms of models of knowledge creation and movement, I trace the ways in which the queer was created and in which knowledge of it circulated and was employed and contested, disputed and disrupted. To follow this knowledge, I move between a variety of locations, drawing on different bodies of sources and scopes of analysis as I do so: from shipboard communities to naval administrators, defendants in the dock to London newspaper readers, fugitives on the run from the law to gaoled convicts pleading for bedding and shoes.

A highly contingent outcome, the social production of sodomy changed a great deal over time, resulting in variable attitudes towards and efforts against sodomy. This was the exact period in which Britons began exercising their longstanding sodomy laws with real vigor, and the navy was no laggard. Thanks to Arthur Gilbert's work, historians of homosexuality have long recognized the navy as particularly savage in punishing

sodomitical activity.¹⁰ The frequency of naval activity in this area has, however, never been fully appreciated, and as a result this space has remained at best marginal to historians of sexuality. Formal repression of sodomy was in fact common in the navy relative to that on land. I show in chapter 1 that at various points throughout the eighteenth century naval courts tried more sodomitical crimes cases than did the Old Bailey, London's Central Criminal Court, which has captured the attention of historians studying homosexuality in this period far more than any other legal venue.¹¹ In certain periods, particularly between the closing years of the eighteenth century and the end of the Napoleonic Wars, sodomy courts martial were even frequent. This frequency renders the navy an important place in the history of sexuality and in the investigation of sodomy as social reality and in cultural perceptions, especially given the frequency of personal connections to the armed forces and the navy's massive cultural status in this period.¹²

The most visible manifestation of the navy's efforts against sodomy is the hundreds of courts martial it convened to try sodomitical crimes. As part of the process of bureaucratic record keeping and administrative review, courts martial produced highly detailed records of their activities. These include, crucially, full minutes of trials. Minutes of this sort survive at The National Archives in Kew for almost all of the trials I have been able to document between 1690 and 1840, after which few trial minutes survive in

¹⁰ See below for discussion and citations.

¹¹ For instance, Netta Murray Goldsmith, *The Worst of Crimes: Homosexuality and the Law in Eighteenth-Century London* (Aldershot: Ashgate, 1998).

¹² Linda Colley, "Whose Nation?: Class and National Consciousness in Britain, 1750-1830," *Past and Present* 113 (1986): 97-117, here 101, indicates that "[b]etween 1800 and 1812 the number of adult males in Scotland, Wales and England involved in some form of military service was never less than one in six; in the crisis years of 1803-5 the proportion was often more than one in five." The insight that personal connection to the wars was universal is also at the basis of her later *Britons: Forging the Nation, 1707-1837* (New Haven: Yale University Press, 1992).

the courts martial papers.¹³ The pre-1840 minutes provide us with a unique and uniquely rich source of serial records. Pepys, with whom we began, thus also presents us with another important starting point, because it was Pepysian reform and the growing, developing practices of bureaucratic record-keeping that began, late in the seventeenth century, to capture and record courts martial for sexual crimes.¹⁴ We know that punishments and trials occurred earlier, but it was not until later in the seventeenth century that the navy began producing what would become one of the richest—if not the richest—serial records of the repression of homoerotic behavior in this era of British history.¹⁵ The quality of these records improves over time, so that by the the period of my central focus, the French Revolutionary and Napoleonic Wars, cases are well documented, sometimes even voluminously so.

Naval regulations required judges advocate to minute proceedings and to send those minutes and accompanying trial documents to the Admiralty in London.¹⁶ Trials could take place far afield from home waters and central supervision. The Admiralty's printed *Regulations and Instructions* ordered that charges be put in writing, depositions recorded, trials minuted, and all materials sent back to London for centralized review and

¹³ See, for instance, notes about retention in ADM 1/5558; ADM 1/5586; ADM 1/5728; and ADM 1/5961.

¹⁴ Robert E. Glass, "Naval Courts-Martial in Seventeenth-Century England," in William B. Cogar (ed.), *New Interpretations in Naval History: Selected Papers from the Twelfth Naval History Symposium Held at the United States Naval Academy, 26-27 October 1995* (Annapolis: Naval Institute, 1997): 53-64, here 59. While my reading differs somewhat from his in this area, developing administrative and record-keeping practices are an important theme in Burg, *Boys at Sea*.

¹⁵ For earlier cases, see Bernard Capp, *Cromwell's Navy: The Fleet and the English Revolution, 1648-1660* (Oxford: Clarendon Press, 1989), 256-57. Cf. too Cheryl Fury, *Tides in the Affairs of Men: The Social History of Elizabethan Seamen, 1580-1603* (Westport: Greenwood, 2002), 205, 241, and her "Elizabethan Seamen: Their Lives Ashore," *International Journal of Maritime History* 10 (1998): 1-40, as well as J.D. Davies, *Gentlemen and Tarpaulins: The Officers and Men of the Restoration Navy* (Oxford: Oxford University Press, 1992), 93. Our knowledge regarding the homoerotic in earlier eras of British maritime history remains extremely limited, though as this work and the material I discuss above indicates, there is some extant evidence that may allow for scholarly work on the Elizabethan to Restoration periods at least. I have not attempted any comprehensive search for pre-1688 records.

¹⁶ John D. Byrn, *Naval Courts Martial, 1793-1815* (Burlington: Ashgate, 2009), xxviii.

collection.¹⁷ The 1806 edition of this document outlined the procedure to be followed, ordering that the judge advocate record oral testimony “and read the same to the Court in his [the witness’s] hearing, in case of a mistake, it may be corrected.”¹⁸ The minutes thus purport to be complete records of proceedings, including accurate representations of *viva voce* testimony and cross examination. This practice even came to be a focus of discontent in reform efforts. One Victorian petition complained of “the delay consequent on the question and answer both being written,” which vitiated the power of cross-examination, “however severe and searching.”¹⁹ Neither record production nor retention were perfect, but these procedures have left us with a very full record of naval justice in the long eighteenth century.²⁰

While this large group of sodomitical and related crimes trials—well over 500 trials involving far more than 600 defendants between 1690 and 1900—alone argues for the importance of the navy as a venue for exploring sodomy, I argue that its true value for historians is much greater than the raw numbers suggest. The navy’s voluminous bureaucratic records allow us to investigate knowledge and practice related to the sodomitical among its sailors in a way that has not been possible within other pre-modern plebeian communities. The navy’s records give us some of the richest accounts of plebeian sexuality, on land or sea, for the long eighteenth century. Sailors were a unique

¹⁷ *Regulations and Instructions Relating to His Majesty’s Service at Sea* (London, 1731), 4-6. *Regulations and Instructions Relating to His Majesty’s Service at Sea* (London, 1806), 405-10.

¹⁸ *Regulations* (1806), 408, as well as 409, which reiterates his minuting role.

¹⁹ “The Reform of Naval Courts-Martial,” *Hampshire Telegraph*, 1 November 1873.

²⁰ Byrn, *Naval Courts Martial*, xxviii. In his work on the Leeward Islands trials, Byrn calculated that less than 2% of trial transcripts were lost. Byrn, *Crime and Punishment in the Royal Navy: Discipline on the Leeward Islands Station, 1784-1812* (Aldershot: Scolar, 1989), 7n1. Materials loss poses a different challenge for my particular project, so this rate should not be taken to represent the situation for sex crimes trials over my longer period.

working-class community, one which was not necessarily representative of their peers on land. In this era, however, the level of direct involvement with the navy reached heights never before seen in British history. Equally importantly, as I have argued elsewhere, the navy was intimately connected to the land when it came to the issues that I investigate in this dissertation.²¹ The navy therefore represents a crucial area in which to pursue themes in the history of sex, sexuality, and gender, and one which is essential to integrate into the historiographies interested in those themes.

As will become apparent in ensuing chapters, it is difficult to precisely quantify the extent of the navy's legal repression of the homoerotic. One of my central goals here is to show that the homoerotic was more pervasive and more complexly woven into aspects of naval life than has heretofore been recognized. To this end, I deploy the contemporary category "sodomitical" to describe the broad range of activities that contemporaries understood as "queer" in any fashion related to sex and gender. By construing my subject widely, however, and because of challenges with the available records and imprecision and discretion inherent to the legal and disciplinary systems under consideration, it is not possible to arrive at perfectly firm numbers. As stated above, I have identified around 500 trials directly relevant to the questions that interest me here, many with more than one defendant, that deal with homoerotic crimes from 1690 to 1900. Most of these are listed in Appendix A.

²¹ "Buggery's Travels: Royal Navy Sodomy on Ship and Shore in the Long Eighteenth Century," *Journal for Maritime Research* 17 (2015): 103-116.

My reading of these records is primarily as fiction in the archives.²² As with any legal records, it is hazardous to try to come to any definitive conclusion about the truth of events in question. Brian Lavery has observed that the language of the legal records is not even in keeping with what one would expect:

On reading the court martial reports, one inevitably comes to believe that the evidence was edited, though not necessarily censored. There is no sign of any of the characteristic seamen's phrases, and it seems likely that the minute taker edited these out, and consistently put them into standard English. Of course, the witnesses were on their best behavior, and can be assumed to have talked in the style that would have pleased the officers who made up the court.²³

While in what follows I have made use of traditional social history methods, my primary focus draws from cultural historical methods of discourse analysis in keeping with a fiction-in-the-archives approach. Historians of homosexuality have relied heavily on judicial records, and have used them in a variety of ways. My approach follows closely to that of, for instance, H.G. Cocks, who reads legal records to understand what is speakable in judicial contexts and within certain discursive constraints.²⁴

Interpretive decisions of this sort are politically and intellectually freighted, caught up as they have been in vexed and vexing questions of role and identity formation, subcultural grouping, and the like. This dissertation, however, does not deal with many of these traditional questions directly. This is not a study of men engaged in the homoerotic on shipboard or the conditions and practices of homoerotically-inclined lives in that setting. Rather, it investigates the ways in which the homoerotic grew and existed

²² Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987).

²³ Brian Lavery, *Shipboard Life and Organisation, 1731-1815* (Aldershot: Ashgate, 1998), 371.

²⁴ For instance, Cocks, "Making the Sodomite Speak: Voices of the Accused in English Sodomy Trials, c. 1800-89," *Gender & History* 18 (2006): 87-107. Compare to the approach of, for instance, Rictor Norton, "Recovering Gay History from the Old Bailey," *London Journal* 30 (2005): 39-54.

naturally within the social world and social structures of a particular group of men, how the homoerotic periodically became the sodomitical, and how knowledge of the sodomitical was created and circulated. My central actors are the denizens of the “lower deck,” boys, common seamen, petty officers—the working class men and boys who filled the navy’s rolls and vessels, who provided the vast bulk of the muscle power and much of the knowledge that brought Britain through its wars and helped to build and maintain an empire. Traditionally, plebeian sexual knowledge has been seen as difficult to uncover and analyze.²⁵ This difficulty is compounded in the case of homoerotic contact, resulting in something of a historical irony: while the sodomitical subculture that emerged into consciousness in this period was heavily associated with working-class and middling men, we know very little about what they or others of their own class actually knew and thought about sex and the homoerotic.²⁶

My reading of court records is influenced by historiographical traditions that understand courts to have expressed in their actions dominant ideologies and cultural discourses.²⁷ I interpret naval courts martial as instruments of elite administrative and officer-class social social control and disciplining. Even more than in other contemporary court systems, there was very little division between naval elites and the judicial system they oversaw. That is, the court martial was entirely an institution of the elite within the

²⁵ For instance, Hitchcock, *English Sexualities*, chp. 2.

²⁶ Rictor Norton, *Mother Clap’s Molly House: The Gay Subculture in England, 1700-1830* (London: Gay Men’s Press, 1992).

²⁷ Including classic work like, for example, Peter Linebaugh, Douglas Hay, and E.P. Thompson (eds.), *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (New York: Pantheon, 1975). As will be apparent from what follows, while class is an important analytic for me, it does not play the same role as in this historiography.

officer corps and administrative hierarchy.²⁸ Top naval administrators and officers controlled the process of calling and seating courts, and courts were composed entirely of commissioned officers seated on the basis of seniority. In practice, the courts I discuss throughout were composed almost solely of captains, with a peppering of flag officers. When it came to matters of gender and sex, both as traditional criminal courts and de facto courts of honor, naval courts martial had the role and effect of disciplining behavior within the bounds of commonly-accepted elite and, especially by the period of the French Wars, middling cultural norms.²⁹

In using legal records primarily for cultural history and in following the historical instability of the categories that interest me, I locate this work in an important line of post-Foucault scholarship in history, literary studies, and queer theory that has understood pre-modern (usually male-centered) sodomitical and gender categories as relational rather than fixed, attaining unstable definition by the fashions in which they were employed.³⁰ Bray and Eve Kosofsky Sedgwick were key figures in and instigators of this literature, and their central focus on what the latter productively termed “homosociality” provides one of my key points of departure. An array of close male-male relationships were and are central to western social structures, and inherently contain within them the

²⁸ Marcus Eder, *Crime and Punishment in the Royal Navy of the Seven Years' War, 1755-1763* (Aldershot: Ashgate, 2004), chp. 4, deals with courts martial at mid-century, but his findings hold for the entire period I am treating as well.

²⁹ A.N. Gilbert, “Law and Honour among Eighteenth-Century British Army Officers,” *Historical Journal* 19 (1976): 75-87. Cf. too James E. Valle, *Rocks and Shoals: Order and Discipline in the Old Navy, 1800-1861* (Annapolis: Naval Institute Press, 1980), which provides a revealing point of comparison with the U.S. Navy in this respect.

³⁰ Significant works that have influenced my readings and approach include: Jonathan Goldberg, *Sodomities: Renaissance Texts, Modern Sexualities* (Stanford: Stanford University Press, 1992), as well as his edited collection, *Queering the Renaissance* (Durham: Duke University Press, 1994). Eve Kosofsky Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1985), and *Epistemology of the Closet* (Berkeley: University of California Press, 1990).

possibilities for becoming queer, sexual, or indeed both. Homosociality has its own history, and the conditions of male bonds and bonding becoming erotic (or coming to be seen to be so) are highly contingent. There is now a rich, historically-nuanced scholarship in this area, from Bray's excavations of the history of male friendships to Alan Stewart's work on the sodomitical within Renaissance humanism, with its novel and peculiar male bonds.³¹ These literatures have benefitted from the development of the historiography of masculinity over the last few decades, resulting in work carefully attentive to the historical conditions of maleness, homosocial relationships, and the place of the queer and sexual within both.³²

At the same time, as this is a study centrally concerned with the operation of the law, and interested in sodomy (or sodomies) in other discourses—like medicine—in which firm definitions often *did* exist, I have also been attentive to historically-specific and concrete meanings. Here I link my work to strands of scholarship located much more firmly in the mold of traditional social history. Often quantitatively-oriented, this scholarship has frequently proceeded—as I do—from counting and reading legal records in a more straightforward fashion. Doing so does not preclude, and has often deeply enriched, cultural historical analysis. I have taken as models classic works like Michael Roche's *Forbidden Friendships*.³³ Because of the particular history of the legal repression of sodomy in the Anglo-American world, work of this sort dealing with Britain has had to

³¹ Alan Stewart, *Close Readers: Humanism and Sodomy in Early Modern England* (Princeton: Princeton University Press, 2014 [1997]).

³² For instance, Katherine O'Donnell and Michael O'Rourke (eds.), *Queer Masculinities, 1550-1800: Siting Same-Sex Desire in the Early Modern World* (Basingstoke: Palgrave Macmillan, 2006).

³³ Michael Roche, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence* (New York: Oxford University Press, 1996).

focus on the eighteenth and nineteenth centuries, though the much scantier earlier legal records have allowed for rich work like that of Cynthia Herrup.³⁴ My work here fits equally into this tradition, building on a literature begun by studies like those of Arthur Gilbert and Antony E. Simpson, and attempts in the fashion of scholars like Rocke, Herrup, and Bray to use social history approaches to help enrich cultural historical analysis.³⁵

A few historians have mined portions of the Admiralty records for a variety of naval history studies dealing with crime, punishment, and homoeroticism and homosexuality. The most comprehensive work is that of Gilbert and B.R. Burg.³⁶ While once an entirely taboo subject in naval history, it has now become routine for historians writing about life at sea to briefly touch on the sodomy courts martial and the broader question of homoerotic behavior in the navy.³⁷ In recent years a few authors have even published transcriptions of a handful of long eighteenth-century trial records.³⁸ We have, however, lacked a comprehensive account of the judicial repression of sodomy in the Royal Navy, and the homoerotic within naval and maritime life has proven stubbornly resistant to close examination and analysis beyond this limited body of work. Put simply,

³⁴ Cynthia B. Herrup, *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven* (Oxford: Oxford University Press, 1999).

³⁵ For instance: Gilbert, "Sodomy and the Law in Eighteenth- and Early Nineteenth-Century Britain," *Societas* 8 (1978): 225-41; and Antony E. Simpson, "Masculinity and Control: The Prosecution of Sex Offenses in Eighteenth-Century London" (PhD dissertation, New York University, 1984).

³⁶ See my bibliography for a full list of their relevant publications.

³⁷ On the former point, see especially David Hannay, *Naval Courts Martial* (Cambridge: Cambridge University Press, 1914). A good recent example of the brief-mention approach is Brian Lavery, *Royal Tars: The Lower Deck of the Royal Navy, 875-1850* (Annapolis: Naval Institute Press, 2010), 74, 274-75. This observation should not be construed as a criticism of his work, which is not focused on this topic. My work has also revealed important research pre-dating Gilbert's publications. The notes of historian L.G. Carr Laughton (d. 1956) at the National Maritime Museum, for instance, show that he had investigated some of these trials in detail. See NMM LAU/11-12.

³⁸ Byrn, *Naval Courts Martial*; B.R. Burg (ed.), *Gay Warriors: A Documentary History from the Ancient World to the Present* (New York: New York University Press, 2002); Lavery, *Shipboard Life*.

there has been very little naval history focused on the sodomitical.³⁹ Within the historiography of (homo)sexuality, moreover, the early modern armed forces have been marginal areas of inquiry at best. These are curious gaps. First, modern militaries have been an area of robust inquiry among scholars of sexuality; and, secondly, the age of sail has produced vibrant bodies of work within gender history, and especially dealing with women. This move in women's history has been a prime inspiration for the present attempt to bring together the disparate historiographies combined here.

Indeed, these are particularly unexpected lacunae considering the wealth of scholarship in related areas and obvious contemporary popular interest in homoeroticism and gender nonconformity at sea and in armed forces. Same-sexuality holds an enduring fascination for contemporary Western—and certainly Anglo-American—culture in this context. Eroticized by audiences and sexual actors of all sorts, male sailors and marines (and warfighters generally) have long featured in erotically-charged media, erotica, pornography, and romance works depicting both homo- and heteroeroticism.⁴⁰ Such eroticization has its own instantiations in lived sexual experiences as well, and a variety of scholars have argued that oceans and armies alike have long provided spaces for

³⁹ While now both a bit dated when it comes to the relevant historiography, see Eugene L. Rasor, *English/British Naval History to 1815: A Guide to the Literature* (Westport: Praeger, 2004), 230, and Jo Stanley, "Homosexuality Among Sailors," *The Oxford Encyclopedia of Maritime History* (Oxford: Oxford University Press, 2007): 148-50.

⁴⁰ Rich modern examples are discussed and reproduced in Paul Baker and Jo Stanley, *Hello Sailor!: The Hidden History of Gay Life at Sea* (Harlow: Pearson, 2003).

gender and sexual nonconformity.⁴¹ Scholars have also shown that seafarers provided a powerful way for people centuries ago to think about sex and gender, a theme which I take up in chapter 4.⁴² They continue to play that role for us, from gay maritime romances to the wildly popular figure of Captain Jack Sparrow from the *Pirates of the Caribbean* film franchise, who, whatever his other qualities, is one of a long line of pop culture pirates open to queer readings.⁴³

Writers of modern historical naval fiction seem equally fond of the seafaring sodomite, including the dean of the modern Nelsonian naval novel, Patrick O'Brien. For instance, his *Master and Commander*, the first book in the much-loved Aubrey-Maturin cycle, purloins an actual historical bestiality case involving a seaman named Isaac Wilson, copying almost verbatim the surviving letter of complaint, but putting it in the hand of his protagonist Jack Aubrey.⁴⁴ More recently, Dan Simmons's naval novel *The Terror*, a supernatural horror retelling of the doomed Franklin naval arctic expedition of

⁴¹ For instance, see the work of Steven Zeeland: *Sailors and Sexual Identity: Crossing the Line Between 'Straight' and 'Gay' in the U.S. Navy* (Binghamton: Harrington Park, 1995); *The Masculine Marine: Homoeroticism in the U.S. Marine Corps* (Binghamton: Harrington Park, 1996); *Barrack Buddies and Soldier Lovers: Dialogues with Gay Young Men in the U.S. Military* (New York: Harrington Park, 1996); *Military Trade* (New York: Harrington Park, 1999); Zeeland and Mark Simpson, *The Queen is Dead: A Story of Jarheads, Eggheads, Serial Killers, and Bad Sex* (London: Arcadia, 2001). See too Baker and Stanley, *Hello Sailor!* and Stanley's "'They Thought They Were Normal--And Called Themselves Queens': Gay Seafarers on British Liners, 1945-1985," in Duncan Redford (ed.), *Maritime History and Identity: The Sea and Culture in the Modern World* (London: I.B. Tauris, 2014), 230-252. Burg, *Sodomy and the Pirate Tradition*, makes a form of this argument for a much earlier period. For heteroeroticism, see e.g. Rosemary Daniell, *Sleeping with Soldiers: In Search of the Macho Man* (Athens: Hill Street Press, 2005 [1984]).

⁴² Hans Turley, "Piracy, Identity, and Desire in *Captain Singleton*," *Eighteenth Century Studies* 31 (1997): 194-214, and *Rum, Sodomy, and The Lash: Piracy, Sexuality, and Masculine Identity* (New York: New York University Press, 1999).

⁴³ See e.g. the Goodreads list "Best Gay Pirate/Sailor Book," at https://www.goodreads.com/list/show/3841.Best_Gay_Pirate_Sailor_book (accessed 12/1/15). On the latter, see for instance: Isabel Karremann, "'The Sea Will Make a Man of Him?': Hypervirility, Effeminacy, and the Figure of the Queer Pirate in the Popular Imagination from the Early Eighteenth-Century to Hollywood," *Gender Forum* 32 (2011) (at <http://www.genderforum.org/issues/historical-masculinities-as-an-intersectional-problem/the-sea-will-make-a-man-of-him/>; accessed 12/1/15); Keike Steinhoff, *Queer Buccaneers: (De)Constructing Boundaries in the Pirates of the Caribbean Film Series* (Berlin: Lit Verlag, 2011).

⁴⁴ O'Brien, *Master and Commander* (New York: Norton, 1994), 116. Cf. the letter dated 24 March 1809 by Captain J.R. Lapenotière in Isaac Wilson court martial (1 April 1809, ADM 1/5395).

the late 1840s, uses a paralleled set of queer relationships between two pairs of men to explore themes of love, friendship, power, submission, honor, and good and evil.⁴⁵ While Simmons and, certainly, O'Brien were at pains to historicize their depictions of the navy, in the end contemporary renderings of naval sodomy in history tend to tell us more about our own times than the history they depict. Our enduring interest in this topic is therefore revealing; clearly books, movies, and other pop culture items along these lines are doing important cultural work for us. As chapter 4 shows, then, this interest puts us in a historical tradition stretching back many centuries.

Gender and sexual difference and non-conformity at sea and in military settings have likewise attracted substantial attention from historians and other scholars. There are now well-developed bodies of literatures dealing with women at sea, at war, and in a wide variety of roles in the maritime world. Consider the range of literature related to the age of sail in the Anglophone world alone: in both popular and academically-oriented works, authors such as Joan Druett, Lisa Norling, David Cordingly, and Suzanne Stark have written extensively about women's lives and work both at sea and as relations of

⁴⁵ Simmons, *The Terror: A Novel* (New York: Little, Brown, and Co., 2007).

seafarers in merchant and whaling services.⁴⁶ While there is a longer tradition of scholarship recognizing the roles of non-sailors as integral to maritime life, this literature has grown a great deal in recent years, expanding to describe the many roles and diverse experiences of, for instance, women connected to the navy and maritime trades.⁴⁷ Margaret Hunt's work, for instance, focusing on a somewhat earlier period than most of these studies, has established the essential contributions of the non-sailing portion of maritime communities—and women in particular—to the navy.⁴⁸ Cross-dressing female sailors and representations of women warriors and seafarers more broadly have also attracted much attention.⁴⁹ There is a much smaller literature dealing with male

⁴⁶ This has developed into a substantial historiography. Important works include: Druett, *Petticoat Whalers: Whaling Wives at Sea, 1820-1920* (Hanover: University Press of New England, 2001); idem, *Hen Frigates: Wives of Merchant Captains Under Sail* (New York: Simon and Schuster, 1998); idem, *She Captains: Heroines and Hellions of the Sea* (New York: Simon and Schuster, 2000); Lisa Norling, *Captain Ahab had a Wife: New England Women and the Whale Fishery, 1720-1870* (London: University of North Carolina Press, 2000) and the collection she edited with Margaret S. Creighton, *Iron Men, Wooden Women: Gender and Seafaring in the Atlantic World, 1700-1920* (Baltimore: Johns Hopkins University Press, 1996); Elaine Forman Crane, *Ebb Tide in New England: Women, Seaports, and Social Change, 1630-1800* (Boston: Northeastern University Press, 1998); Suzanne J. Stark, "Two Women Whalers," *American Neptune* (1984): 22-24; idem, *Female Tars: Women Aboard Ship in the Age of Sail* (Annapolis: Naval Institute Press, 1996); David Cordingly, *Seafaring Women: Adventures of Pirate Queens, Female Stowaways, and Sailors' Wives* (New York: Random House, 2007); John C. Appleby, *Women and English Piracy, 1540-1720: Partners and Victims of Crime* (Woodbridge: Boydell, 2013); Jo Stanley, *Bold in her Breeches: Women Pirates Across the Ages* (London: Pandora, 1995). See too Stanley's historiographical statements on this literature: "With Cutlass and Compress: Women's Relations with the Sea," *Gender and History* 12 (2000): 232-36; and "And after the Cross-Dressed Cabin Boys and Whaling Wives?: Possible Futures for Women's Maritime Historiography," *Journal of Transport History* 23 (2002): 9-22. Cheryl Fury's recent work has much material of relevance here as well. See esp. *The Social History of English Seamen, 1485-1649* (Woodbridge: Boydell, 2012), chp. 9.

⁴⁷ Evelyn Berckman, *The Hidden Navy* (London: Hamish House, 1973). See, for example, Margarette Lincoln, *Naval Wives and Mistresses* (London: National Maritime Museum, 2007).

⁴⁸ Hunt, "The Sailor's Wife, War Finance, and Coverture in Late Seventeenth-Century London," in Tim Stretton and Krista Kesselring (eds.), *Married Women and the Law: Coverture in England and the Common Law World* (Montreal: McGill-Queen's University Press, 2013): 139-162; "Women Confront the English Military State, 1640 to 1715," in Peter Ericsson, Fredrik Thisner, Patrik Winton and Andreas Åkerlund (eds.), *Allt på ett bräde. Stat, ekonomi och bondeoffer* (Uppsala: Uppsala University Library, 2013): 247-55; and "Women and the Fiscal-Imperial State in the late Seventeenth and early Eighteenth Centuries," in Kathleen Wilson (ed.), *A New Imperial History* (Cambridge University Press, 2004): 29-47.

⁴⁹ See for instance Markus Rediker and Dianne Dugaw's essays in *Iron Men, Wooden Women, and Dugaw's Warrior Women and Popular Balladry, 1650-1850* (Cambridge: Cambridge University Press, 1989).

homoerotic contact at sea. Unlike this other gender history it remains chronologically patchy and scattered, lacking historiographical coherence or attempts at broad synthesis.⁵⁰

The unique form and levels of social and cultural importance of militaries and maritime communities makes this oversight in the history of early modern sexualities puzzling. Modern militaries have received much historiographical attention in this respect. As large, important, and (crucially) well-documented institutions, they have provided the source material for influential histories and important theoretical contributions within the history of homosexuality, queer theory, and other areas. Paul Fussell's work on World War I roughly coincided with Arthur Gilbert's first article on the Royal Navy sodomy courts martial, published in the very first number of the *Journal of Homosexuality*.⁵¹ This is to say that military history was present at and in part responsible for the birth of the modern historiography of homosexuality. It has continued to play a key role, even if it is curiously marginal in the literature dealing with the pre-modern period.⁵² My interests, like that of many other scholars dealing with military topics, are

⁵⁰ In addition to what has been cited above, see: Jan Oosterhoff, "Sodomy at Sea and at the Cape of Good Hope During the Eighteenth Century," *Journal of Homosexuality* 16 (1998): 229-35; B.R. Burg, *Sodomy and the Pirate Tradition*; idem, *An American Seafarer in the Age of Sail: The Erotic Diaries of Philip C. Van Buskirk, 1851-1870* (New Haven: Yale University Press, 1994); idem, "Officers, Gentlemen, 'Man-Talk,' and Group Sex in the 'Old Navy,' 1870-1873," *Journal of the History of Sexuality* 11 (2002): 439-56; idem, *Rebel at Large: The Diary of Confederate Deserter Philip Van Buskirk* (Jefferson: McFarland, 2009), introduction; idem, "Nocturnal Emission and Masturbatory Frequency Relationships: A 19th-Century Account," *Journal of Sex Research* 24 (1988): 216-20; and idem, "Sodomy, Masturbation, and Courts-Martial in the Antebellum American Navy," *Journal of the History of Sexuality* 23 (2014): 53-78; Dian Murray, "The Practice of Homosexuality Among the Pirates of Late 18th and Early 19th Century China," *International Journal of Maritime History* 4 (1992): 121-30; Arne Nilsson, "Cruising the Seas: Male Homosexual Life on the Swedish American Line, 1950-1975," *Suomen Queer-tutkimuksen Seuran Lehti (SQS)* 71 (2006): 71-86 (at <http://www.helsinki.fi/jari/sqs/SQSNilsson.pdf>; accessed 12/20/15).

⁵¹ Paul Fussell, *The Great War and Modern Memory* (Oxford: Oxford University Press, 2013 [1975]), esp. chapters 6 and 8; Gilbert, "The *Africaine* Courts-Martial: A Study of Buggery and the Royal Navy," *Journal of Homosexuality* 1 (1976): 111-22.

⁵² In addition to the work I cite below, see, for instance, A.D. Harvey, "Homosexuality and the British Army During the First World War," *Journal of the Society for Army Historical Research* 79 (2001): 313-319; and Gert Hekma, "Homosexual Behavior in the Nineteenth-Century Dutch Army," *Journal of the History of Sexuality* 2 (1991): 266-88.

not primarily military. I began working with Royal Navy records (initially in search of surgeons) because of the great mass of documentation that survives and because of the considerable involvement, in one way or another, of ordinary people in the wars of the long eighteenth century. In both of these ways, study of the sodomitical during the Revolutionary and Napoleonic Wars resembles research into homosexuality during the World Wars, and I have drawn inspiration from innovative recent work on those later conflicts.⁵³

In my research I made as comprehensive as possible a search through the surviving records and have identified many previously unknown or little-noticed trials. My numbers should be understood, however, as soft counts, and subject to change based on how we choose to define the categories used and with the discovery of more evidence of trials and related events—of which I am certain some remain. Some may, for example, also choose to count trials directly related to sodomitical crimes in the total; these are prosecutions for allowing sodomy suspects to escape, for irregular dealings with charges and suspects, for false and malicious allegations, and other sodomy-adjacent violations. I have listed some of these in Appendix C, which gives examples of some of the “non-sodomy trials” I have discovered related to gender and sex. It has not always been clear

⁵³ Key examples that have influenced my work include: Emma Vickers, “‘The Good Fellow’: Negotiation, Remembrance, and Recollection—Homosexuality in the British Armed Forces, 1939-1945,” in Dagmar Herzog (ed.), *Brutality and Desire: War and Sexuality in Europe’s Twentieth Century* (New York: Palgrave, 2008): 109-34; idem; “Infantile Desires and Perverted Practices: Disciplining Lesbianism in the WAAF and the ATS during the Second World War,” *The Lesbian Studies Journal* 13 (2009): 431-441; idem, “Queer Sex in the Metropolis?: Place, Subjectivity and the Second World War,” *Feminist Review* 96 (2010): 58-73; idem, *Queen and Country: Same-Sex Desire in the British Armed Forces, 1939-45* (Manchester: Manchester University Press, 2013); Paul Jackson, *One of the Boys: Homosexuality in the Military during World War II*, 2nd ed. (Montreal: McGill-Queen’s University Press, 2010 [2004]); Gerard de Groot, “Lipstick on her Nipples, Cordite in her Hair: Sex and Romance among British Servicewomen During the Second World War,” in idem and Corinna Peniston-Bird (eds.), *A Soldier and a Woman* (Harlow: Longman, 2000): 100-118; and Matt Houlbrook, “Soldier Heroes and Rent Boys: Homosex, Masculinities and Britishness in the Brigade of Guards, circa 1900-1960,” *Journal of British Studies* 42 (2003): 351-88.

whether a trial rightly fits in one appendix or another. In choosing between A and C, to continue the example, I have followed my sense of whether the judicial process appeared to involve a consideration of whether or not a sodomitical crime had been committed—regardless of who the defendant actually was, or what the formal charge was on paper.

As my imprecision here indicates, there are challenges inherent to attempting (semi-)comprehensive coverage that come with the subject of sodomy and this particular archive. These include record loss and destruction and incomplete, poor, or nonexistent indexing of long stretches of the records. This is at root a repressive archive, one that restricts and confounds its own use and often resists reading it in the fashion that I have attempted. To take some simple examples, the Admiralty's internal descriptions of cases sometimes effaced sodomitical content. The contemporary table-of-contents listing for the case of Henry Burnett Henry simply describes his case as "Lieut Hy, Terror for drunkenness." In fact, Henry was tried for ill treatment, drunkenness, and a sexual crime against a boy, and convicted of the latter two charges.⁵⁴ Likewise, the cover page prefacing W.T. Chamberlain's trial documents simply states that he was tried "For having been off his Watch." This is not the full story. The court trying this officer also convicted Chamberlain of a sexual offense against a seaman described by shipmates as a "lad" and "boy."⁵⁵ Phrases like "drunkenness &c" cover a multitude of sins in the records. Anti-sodomy ideology designated homoerotic crimes as unspeakable, and cultural practices often militated against deep or precise discourse on the topic. Neither of these factors controlled practice, of course; my research has documented an enormous amount of

⁵⁴ H.B. Henry court martial (22 June 1801, ADM 1/5356).

⁵⁵ W.T. Chamberlain court martial (7-9 October 1809, ADM 1/5400).

previously unknown speech and practice related to sodomy in spaces traditionally thought to be void of and actively hostile towards both. But the slipperiness of discourse around and discomfort with the sodomitical make identifying it difficult.

Bearing these caveats in mind, I have attempted to produce as full and accurate as possible a count of trials, and in so doing have produced the most complete account to date. Previous historiography has suffered from persistent undercounting of the extant records, which must account in part for the marginal position of this rich archive in the historiography of homosexuality.⁵⁶ However, my main concerns do not center on the set of social history questions that can be answered by the sort of quantitative analysis found in chapters 1 and 2. These questions deal with patterns of crime and punishment, the ways they change over time, and reasons for those changes. My quantitative material presents only a jumping-off point for the cultural historical analysis that follows, and while I have been influenced by quantitatively-oriented social history dealing with crime and punishment (including an important body of work dealing with crime, punishment, and discipline in the armed forces), this is not intended as a substantial contribution to that literature.⁵⁷

There is fuzziness and indeterminacy in the numbers, and that is not only a result of the difficulty of the records and my research approach. This topic is resistant to clean quantitative analysis because of the nature of of shipboard life, naval justice and discipline, and epistemic instability surrounding “sodomy” and related categories that I

⁵⁶ For instance, A.D. Harvey, “Prosecutions for Sodomy in England at the Beginning of the Nineteenth Century,” *Historical Journal* 21 (1978): 939-48.

⁵⁷ Byrn, *Crime and Punishment*; Eder, *Crime and Punishment*; and Gilbert’s work. In addition, see my discussion and references in chapter 1.

am describing here as “queer.” The fuzziness is indeed part of my argument: this was a social and disciplinary system that operated erratically and with enormous degrees of discretion, and in which what was queer was both imprecisely defined and easily mutable. I have attempted to allow contemporary categories to become emergent through my analysis and in representing this material in what follows, though I have unquestionably imposed a great deal—knowingly and unknowingly—upon my sources. Ultimately the scholarly process of historicizing the homoerotic and the sodomitical within this world will need to be recursive; as with the quantitative material, I hope that my work leads to further analysis of this mass of records.

My approach to this cultural history draws on and contributes to an array of different literatures. The history of masculinity is central to my analysis, and particularly the concept of “hegemonic masculinity” as articulated and employed by historians like John Tosh. This idea provides a useful way to think about the disciplining work of the institutions I discuss, as well as the complicated fashions in which the normalized homoerotic becomes sodomy—that is, becomes something queer, discordant with normal masculinities.⁵⁸ Similar theoretical approaches have been widely used to analyze the ways in which dominant modes of masculinity structure power relations in different societies at a deep cultural level: dictating at the level of “common sense” what is appropriately and properly masculine. Employed methodologically, approaches like Tosh’s allow me to combine readings of explicit articulations about proper and improper

⁵⁸ John Tosh, “Hegemonic Masculinity and the History of Gender,” in idem, Stefan Dudink, and Karen Hagemann (eds.), *Masculinities in Politics and War: Gendering Modern History* (Manchester: Manchester University Press, 2004): 41-58.

masculinities with silences and lacunae, spaces and times in which the apparently discordant brought unexpected reactions or indeed no reactions at all. Interpreting historical silences is hazardous, but I have attempted to cast my net broadly in the records in an effort to reconstruct the practices of and thought about masculinities in this area.

In focusing on these processes and what they reveal, this dissertation shares more with a line of literature interested in conventional pre-modern masculinities and deviations from them than with the dominant strains within the historiography of homosexuality in early modern and Enlightenment Britain. This latter literature has focused on social attitudes, crime and punishment, identity and subculture formation, and the possibilities for conceptualization and articulation of desire, selfhood, and so on. I instead locate this project between two literatures in conversation with this historiography, but proceeding in different fashions. The first has developed from the work of Alan Bray, and closely investigates the conditions of male homosociality in the pre-modern world, including the ways in which the homoerotic was imbricated into life in male social structures, relationships, and institutions.⁵⁹ Bray provides both a theoretical approach and an empirical historical foundation for the story that I tell. He identifies a decline in the pre-modern practices of homosociality he describes in structures like apprenticeship precisely in the period that I investigate here, but the navy retained older modes of homosocial social organization that fit what he describes as pre-modern even as they disappeared in other areas of British life.

⁵⁹ Bray, *Homosexuality*, and *The Friend* (Chicago: University of Chicago Press, 2003).

George Haggerty's work emphasizing the importance of the affective in male homosociality provides another starting point for my analysis. His focus on the erotic within male-male love and friendship provides an essential strand for interpreting my material, suggesting ways in which relationships between men could contain—or be seen to contain—passion, romance, love, eroticism, and sex both in cultural representations and in lived reality.⁶⁰ Haggerty's approach is largely through literature and the men who produced it, but I attempt to map a similar reading onto the world of lower-deck sailors, accounting for the unique instantiations of masculinity and male homosociality in a very different world. The affective element of sailors' homosocial relationships has often been overlooked in historical literature describing their social world, but male-male affection, friendship, and indeed love—with and without erotic elements—were powerful.⁶¹ From the very beginning of this period we can find sailors conceiving of romantic-erotic interactions. As early as 1701, in one of the first surviving trial records in the court martial papers, a sailor named Jenkin Williams deposed that he heard coxswain Charles Worrell whisper "very kind expressions" to a young sexual partner: "my dear, my life, my soul."⁶² Over a century later and in similar circumstances, a marine sentry reported hearing one man whisper "let us have it now," and his partner respond, "with all my heart."⁶³ This deployment of the language of romantic-erotic affection may have been

⁶⁰ Of particular relevance here is his recent "Smollett's World of Masculine Desire in *The Adventures of Roderick Random*," *Eighteenth Century* 53 (2012): 317-30. His arguments are developed at length in his earlier *Men in Love: Masculinity and Sexuality in the Eighteenth Century* (New York: Columbia University Press, 1999).

⁶¹ An attempt along these lines is Susan Gane, "Common Soldiers, Same-Sex Love, and Religion in the Early Eighteenth-Century British Army," *Gender and History* 25 (2013): 637-51, though her approach, subject matter, sources, and conclusions differ from my own.

⁶² Charles Worrell court martial (2 Dec. 1701, ADM 1/5262), fol. 164.

⁶³ George Shandoff and James Johnson court martial (12 Sept. 1807, ADM 1/5383).

parodic in the way that representations of molly rituals appear to have been, but both of these witnesses intended their statements as damning evidence that they had witnessed illegal events. They could only have meaning in a working-class culture that recognized the possibility of sexualized love between males.

Homosociality, affection, love, and their various physical manifestations are only a few of the categories that are significant in what follows. Indeed, while they provide a broad cultural substructure for the social world I describe, they have little explicit presence in the trials that I analyze for reasons that I explore at length in chapters 1 and 2. Put briefly, courts largely confined themselves to cases involving abuses of authority and, because of the specific evidentiary requirements that attended sodomy prosecutions, focused closely on sex acts in particular. Both of these factors steered trials away from the affective, and so we must reconstruct this area of naval life from evidence at the margins. In reconstructing this texture, my work contributes detail to a body of literature interested in typologies of relationships, identities, and interactions within the history of male homosexuality. Haggerty's writing on love between men, for instance, is part of a highly productive debate with David Halperin that has worked to define the boundaries of male-male relationships.⁶⁴ Scholarship like Halperin's and that of Randolph Trumbach presents schematic accounts of masculinity and homoeroticism, while work like Haggerty's and my own both build on and challenge them through close attention to particular places, people, and discourses.

⁶⁴ David M. Halperin, "How to do the History of Male Homosexuality," *GLQ* 6 (2000): 87-123; and *How To Do the History of Homosexuality* (Chicago: University of Chicago Press, 2002).

I combine this approach with a strand of literature within the historiography of homosexuality interested in excavating the precise social and cultural conditions that permitted majority sexual cultures to recognize and identify queer acts and identities. I follow the example of classic work like that of George Chauncey on the early twentieth-century Newport Naval Training Station scandal that recovers the texture of the production of the queer—in my case, of “sodomy”—in highly contingent historical situations.⁶⁵ My move here is in keeping with other recent work that has variously attempted to carefully unpack the meanings of the sodomitical through attention to class, gender, and particular local circumstances. The work of Charles Upchurch provides a valuable model, and like my own focuses on the largely overlooked late-Georgian era. Recent scholarship by Steve Poole and Fariz Azfar have likewise shown the value of this approach in providing a deep understanding of the sodomitical at a particular point and time.⁶⁶

A close focus on local conditions and historical contingency cuts against strong trends in the literature towards broader narratives and the identification of large-scale cultural shifts. Among historians of homosexuality in Britain, Randolph Trumbach’s has been particularly influential.⁶⁷ The tendency towards broad accounts mapping changes in what we might call “sexualities” has a long pedigree, from Foucault through Halperin and

⁶⁵ Chauncey, “Christian Brotherhood or Sexual Perversion?: Homosexual Identities and the Construction of Sexual Boundaries in the World War One Era,” *Journal of Social History* 19 (1985): 189-211.

⁶⁶ Upchurch, *Before Wilde: Sex Between Men in Britain’s Age of Reform* (Berkeley: University of California Press, 2009). Fariz Azfar, “Genealogy of an Execution: The Sodomite, the Bishop, and the Anomaly of 1726,” *Journal of British Studies* 51 (2012): 568-93. Poole, “Bringing Great Shame.”

⁶⁷ Randolph Trumbach, *Sex and the Gender Revolution: Heterosexuality and the Third Gender in Enlightenment London* (Chicago: University of Chicago Press, 1998). See too his earlier *The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth-Century England* (New York: Academic Press, 1978), and the extensive series of essays I list in my bibliography.

beyond. Historians have been identifying competing eighteenth-century sexual revolutions for decades. In Anglo-American historiography we have a handful of notable recent examples. Faramerz Dabhoiwala's work offers an account of an Enlightenment "sexual revolution" in which heterosex decisively moved into the realm of the personal, and largely out of state and church control.⁶⁸ Trumbach describes the emergence of a homosexual third gender; Thomas Laqueur, in a provocative and much-contested series of works, a narrative of decisive transformation both in the conception of gender and in the appreciation of the danger of certain forms of sexual activity.⁶⁹ Two decades ago Tim Hitchcock described what we might term an English heterosex "penetrative revolution."⁷⁰ We have further examples dealing with North America and the Atlantic world as well. Richard Godbeer's broad history of an early American "sexual revolution" bears considerable similarity to some of the shifts Dabhoiwala identifies.⁷¹ Clare Lyons, meanwhile, charts a later set of transformations in the sex and gender systems operating in Philadelphia, where she finds "an expansive sexual culture" giving way to strict hierarchies of sexual power structured by class, gender, and race by the dawn of the Victorian era.⁷²

My account is not designed to oppose any of these narratives of profound long-term change. Instead, I argue for a parallel *longue durée* history of masculine

⁶⁸ He published a series of articles in addition to his monograph *The Origins of Sex: A History of the First Sexual Revolution* (New York: Oxford University Press, 2012). For further citations, see my bibliography.

⁶⁹ Thomas W. Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge: Harvard University Press, 1990), and *Solitary Sex: A Cultural History of Masturbation* (New York: Zone, 2003).

⁷⁰ Hitchcock, *English Sexualities*.

⁷¹ Richard Godbeer, *Sexual Revolution in Early America* (Baltimore: Johns Hopkins University Press, 2002).

⁷² Clare A. Lyons, *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730-1830* (Chapel Hill: University of North Carolina Press, 2006).

homosociality inherently inflected with homoerotic possibility—or threat, depending on the observer. My contention that a normalized, usually unproblematic potential for homoeroticism and reality of homoerotic practice persisted during the century and a half under study does, however, complicate narratives of change in both elite and working-class masculinities. Scholars like Isaac Land have argued that a reform of maritime masculinities was necessary for sailors both to attempt specific political goals and, in a more general sense, to become acceptable citizen-soldiers as European visions of war were radically remade in the post-French Revolution period.⁷³ It was essential for them to shed any cultural association with sodomy. While we still have much to learn about projections of martial masculinities—to say nothing of the realities of masculinity in men’s lives—it is clear that this transition was successful, as work like Mary Conley’s has shown.⁷⁴ In the cultural imagination, Victorian sailors were class-appropriate icons of proper manliness. The records suggest that life at sea remained more complicated, though.

This account also therefore qualifies readings of the development of working-class masculinities in the eighteenth and early nineteenth centuries following the influential interpretations of scholars like Anna Clark, Antony Simpson, and Randolph Trumbach. These works see plebeian men lashing out against women, the feminine, the effeminate, and the sodomitical for a variety of reasons—to assert masculinity in the face

⁷³ Land, “Sinful Propensities.” Stefan Dudink and Karen Hagemann, “Masculinity in Politics and War in the Age of Democratic Revolutions, 1750-1850,” in Dudink, Hagemann, and John Tosh (eds.), *Masculinities in Politics and War: Gendering Modern History* (Manchester: Manchester University Press, 2004): 3-21.

⁷⁴ Mary A. Conley, *From Jack Tar to Union Jack: Representing Naval Manhood in the British Empire, 1870-1918* (Manchester: Manchester University Press, 2009).

of economic challenges and social displacement, as part of radical political tactics, to combat moralizing judgement from above, and so on. Thus Clark, for instance, finds powerful “plebeian homophobia” operating within working-class culture and politics.⁷⁵ While anti-sodomitical cultural biases clearly had great cultural and rhetorical power in this period, my work draws on recent attempts to parse public speech and individual action more closely and thereby discover the limits of the discourses these scholars trace. (For this reason, “homophobia”—a truly recent term, even compared to “homosexual” and variants—is problematic in its tendency to obscure the nuances of actual practice, and I have avoided it.⁷⁶)

In what follows I explore plebeian knowledge and experience by combining approaches from disparate historiographies. I approach shipboard societies as a form of contemporary face-to-face communities, an analytical move used to great effect in Martin Hubley’s recent work.⁷⁷ Where Hubley’s explicit model for this approach is Keith Wrightson’s scholarship, however, I follow more closely the approach of Laura Gowing. Gowing has studied English communities with a strong emphasis on the relations of power inflected by gender, bodily control and physical interaction, and class power and tension.⁷⁸ Gowing’s introduction of body history to the study of community dynamics is essential to my approach and account, which locates the male body and its actions at the

⁷⁵ Anna Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class* (Berkeley: University of California Press, 1995), 116, 143, 154-55, 256; Simpson, “Masculinity and Control”; Trumbach, *Sex and the Gender Revolution*.

⁷⁶ The *OED*’s first example of usage is from 1969.

⁷⁷ Hubley, “Desertion, Identity and the Experience of Authority in the North American Squadron of the Royal Navy, 1745-1812” (PhD thesis, University of Ottawa, 2009).

⁷⁸ Especially Laura Gowing, *Common Bodies: Women, Touch, and Power in Seventeenth-Century England* (New Haven: Yale University Press, 2003). See my bibliography for a full list of citations to her relevant work.

center of naval society, even if that was rarely recognized explicitly outside of obviously relevant discourses like medicine and provisioning. My theoretical approach to body history is widely informed, but my specific methodological approach closely follows that of early modernists like Gowing, Mark Jackson, Silvia De Renzi, Gianna Pomata, and Mary Fissell, who have developed a variety of methods for exploring the creation and circulation of bodily knowledge outside of—and often quite apart from—elite cultural and “official” medico-scientific discourses.⁷⁹ De Renzi has written of the promise of legal records for pre-modern histories “of the body from below,” and whether drawing on legal records or not, these scholars have shown different ways to do just that.⁸⁰

Gowing’s approach to studying communities by way of the body shows that sex and other bodily interactions are rich sites for mining the complexity of community interactions and discovering the nuances of consensual and conflictual relations. By focusing as I have, my work also has important implications for scholarship most closely identified with Marcus Rediker and Peter Linebaugh, which proposes a unified and oppositional lower-deck culture.⁸¹ My work depicts a very different lower deck, one which could mobilize commonalities to protect its own and to oppose the quarterdeck, but could just as easily seize on internal differences and collaborate closely with those in

⁷⁹ Mark Jackson, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester: Manchester University Press, 1996); Mary Fissell, *Vernacular Bodies: The Politics of Reproduction in Early Modern England* (Oxford: Oxford University Press, 2006); Gianna Pomata, *Contracting a Cure: Patients, Healers, and the Law in Early Modern Bologna* (Baltimore: Johns Hopkins University Press, 1998), and “Blood Ties and Semen Ties: Consanguinity and Agnation in Roman Law,” in *Gender, Kinship, and Power*, ed. M.J. Maynes, A. Waltner et al. (Routledge, 1996): 27-42.

⁸⁰ Silvia De Renzi, “Medical Expertise, Bodies, and the Law in Early Modern Courts,” *Isis* 98 (2007): 315-22, here 317.

⁸¹ Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700-1750* (Cambridge: Cambridge University Press, 1987); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

power. By focusing on moments of intense community conflict that have little to do with labor directly, we find a wide range of relations which complicate the picture that Rediker and Linebaugh have offered. Men certainly found common cause; expressed affection and fraternity; clearly lusted after and slept with each other; and were even able to conceive of romantic-erotic bonding between men. Yet what follows more often presents truly bleak aspects of working-class community: forced and unwanted sexual contact; interpersonal violence; animosity on the basis of the full range of identity differences recognized in this culture. Elements of Rediker's long-term historiographical program have been important for my approach, particularly his emphasis on recovering the voices of common sailors.⁸² But what I have found by attending to those voices fits more closely with the work of critics of Rediker, including the social history of naval historians like N.A.M. Rodger, as well as more recent cultural historical criticism that has emphasized fissures, rifts, and conflict within the communities Rediker treats.⁸³

Finally, while the theoretical and methodological orientations of this project derive heavily from the history of medicine, little of this work looks like medical history at first blush. Chapter 3 is the closest to traditional history of medicine scholarship, dealing explicitly with practitioners, lay medical knowledge, and the history of forensic medicine. By following lines of inquiry suggested by the historians of medicine discussed above who are engaged with early modern body history, however, I hope to suggest a new approach to the body history of the homoerotic before the medicalization of

⁸² See e.g. Rediker, "Towards a People's History of the Sea," in David Killingray, Margarete Lincoln, and Nigel Rigby (eds.), *Maritime Empires: British Imperial Maritime Trade in the Nineteenth Century* (Woodbridge: Boydell, 2004): 195-206.

⁸³ For instance, Land, "The Many-Tongued Hydra: Sea Talk, Maritime Culture, and Atlantic Identities, 1700-1850," *Journal of American and Comparative Cultures* 25 (2002): 412-417.

homosexuality. This intervention is directed at historians of sexuality and of medicine. Body history has, of course, been an important strand of investigation in the history of pre-modern sex and sexuality, but insofar as historians of medicine have brought their particular skills and approaches to this history, it has been to explore what I would call “medicalization before medicalization.”⁸⁴ This is a valuable approach, but gives us little insight into the quasi-medical, “lay” or “vernacular” ways in which early modern people thought and spoke about sodomitical and sodomized bodies.

As Foucault, among many others, observed, medicine as traditionally understood in the historiography had little discursive purchase or explanatory power when it came to sodomy before the modern era. The area of greatest involvement was, I will show, in continental medico-legal practice. Even there, however, officially-sanctioned medicine was not discursively dominant. In Britain, moreover, practitioners had very little engagement with the entire subject. But ordinary Britons nonetheless understood sodomy in deeply bodily terms, and their speech reveals robust ways of thinking and talking about these supposedly unspeakable crimes and sins. Their bodily discourses appear idiosyncratic when compared to contemporary elite medical thought, though they did engage with “official” medical practice and theory in some respects.

My approach has implications for the history of maritime medicine as well.

Recent scholarship has significantly enriched our understanding of health, healing,

⁸⁴ Kenneth Borris (ed.), *Same-Sex Desire in the English Renaissance* (London: Routledge, 2004); idem and G.S. Rousseau (eds.), *The Sciences of Homosexuality in Early Modern Europe* (London: Routledge, 2008); Ivan Crozier, “The Medical Construction of Homosexuality and its Relation to the Law in Nineteenth-Century England,” *Medical History* 45 (2001): 61-82; idem, “Nineteenth-Century British Psychiatric Writing about Homosexuality Before Havelock Ellis: The Missing Story,” *Journal of the History of Medicine and Allied Sciences* 63 (2008): 65-102. See chapter 3 for additional discussion and citations.

medicine, and related topics at sea. It has also steadily been broadening the historiographical scope of health and healing.⁸⁵ By showing that seafarers' sexual activity falls within the remit of medical history, and yet outside of the bounds of inquiry as traditionally defined in the subfield, I argue that an even broader scope has much to offer this literature as well.⁸⁶ As was true in pre-modern Europe generally, most health, healing, and related work took place outside of formally-qualified practice, and our understanding of this area will necessarily remain incomplete without more work focusing on the medical history of sailors from below.

I develop my series of arguments in five chapters. Chapter 1 introduces the legal and disciplinary regime governing sodomitical offenses in the navy. The law and naval regulations took a harsh and unforgiving stance towards homoerotic contact. I show, however, that there were many pressures against bringing offenses to trial. Numerous lower-level methods of resolution existed, and any given homoerotic interaction was highly unlikely to arrive at a court martial. Chapter 2 builds on this insight, showing that those offenses that did come to trial involved abuses against the hierarchy—cases in which higher-status men used position and the powers and perks that came with it to

⁸⁵ See esp. Matthew Neufeld, "The Framework of Casualty Care During the Anglo-Dutch Wars," *War in History* 19 (2012): 427-44, and idem and Blaine Wickham, "The State, the People and the Care of Sick and Injured Sailors in Late Stuart England," *Social History of Medicine* 28 (2014): 45-63; and Erica Charters's work leading up to and including her recent book *Disease, War, and the Imperial State: The Welfare of the British Armed Forces During the Seven Years' War* (Chicago: University of Chicago Press, 2014). See my bibliography for a full list of her relevant writings.

⁸⁶ Important models include Mary E. Fissell, "Introduction: Women, Health, and Healing in Early Modern Europe," *Bulletin of the History of Medicine* 82 (2008): 1-17, and Richelle Munkhoff, "Searchers of the Dead: Authority, Marginality, and the Interpretation of Plague in England, 1574-1665," *Gender & History* 11 (1999): 1-29. See too my discussion in chapter 3 and related arguments I have made in "The Bounds of Domestic Healing: Medical Recipes, Storytelling, and Surgery in Early Modern England," *Social History of Medicine* 26 (2013): 451-68.

impose on lower-status men and boys. I argue that we must understand these as crimes violating norms of social order and masculinity rather than simply sexual offenses. It was this particular combination that produced naval sodomy. The authorities did not see all sexual crimes, and even all homoerotic infractions, as equal. Courts martial served to discipline abuses of authority in particular. Chapter 3 shows that in seeking to discipline this sort of misbehavior, the officer class relied heavily on the lower deck for knowledge about the bodies and behaviors of suspected men. Surgeons were ideal tools of officer-class power and well-positioned to serve as men with particular expertise in the human body. Yet they rarely did so. Lower-deck culture involved practices of pervasive bodily and spatial monitoring and bodily knowledge creation, and was instead the main source of crucial evidence. There were developed and sophisticated working-class discourses about sodomy and sodomites that borrowed from, but were also distinct from, medicine, elite cultural discourses, religion, and other, better-known realms of knowledge of the sodomitical in the long eighteenth century.

I conclude with a parallel set of chapters that consider public discourses about naval sodomy. The first, chapter 4, investigates textual representations of naval sodomites, focusing in particular on purportedly non-fictional accounts in the periodical press. While some saw sailors as potential sodomitical threats, as other historians have argued, the naval sodomite was a more complex figure than we have recognized. I show that the sodomitical sailor became involved in a broad range of discussions. He also served as an object of amusement or of pity, an example of the need for penal reform, or simply an amusing curiosity. Chapter 5 continues this focus on public statements by

exploring how accused and convicted men themselves spoke publicly. I show that the system of naval justice and discipline created substantial spaces for discourse by sodomites attempting to disrupt the social production of sodomy—men disputing the processes by which the navy and their society identified and stigmatized them as queer. Whether or not men were actually able to do so with success, they worked hard to access registers and discourses generally available to their peers in pressing their own cases, pointing to injury and grievance, rights and duties, and their status as members of recognized groups (Englishmen, Britons, sailors, etc.) to support claims, pleas, and demands. That spaces existed for such discourse, and that these claims were sometimes successful, shows us that the social production of sodomy was open to negotiation and contestation. Rather than forestalling discourse, the discursive production of sodomy was just as likely to produce more speech.

Jane Austen's *Mansfield Park* (1814), first published at the height of Royal Navy sodomy prosecutions, contains an ambiguous joke—a “pun” (as she labels it) about “Rears” and “Vices.” The joke plays on the name of the two lower grades of the rank of Admiral: Rear and Vice Admiral. The line's full meaning remains unclear. Some modern readers think it plausible that this is a sodomy joke; others strongly disagree.⁸⁷ Readings that reject the sodomy interpretation suggest that it is a modern and ahistorical imposition; that that interpretation it is really about our own culture today. Whatever

⁸⁷ For instance: Brigid Brophy, “Jane Austen and the Stuarts,” in B.C. Southam (ed.), *Critical Essays on Jane Austen* (London: Routledge & Kegan Paul, 1968): 21-38, here 25-26, and B.C. Southam, *Jane Austen and the Navy*, 2nd ed. (London: National Maritime Museum, 2005), 190-91.

Austen's true intent in the passage, it was certainly potentially legible to contemporaries as a sodomy joke. Sodomy generally, and naval sodomy in particular, were easily available in the newspapers to anybody who could have read the novel, as Brian Southam observes in reference to the passage.⁸⁸ And sodomy was indeed a laughing matter for some. I have found too that Austen's naval brothers had significant engagement with sodomy prosecutions as court martial members both before and after *Mansfield Park's* publication (see Appendix F). None of this information solves the question of the meaning of the passage for its author, but it does deepen our understanding of its rich and productive imprecision. In a context in which precision about sodomy was always challenging, the joke may be the visible remainder of discourse otherwise lost, perhaps an exchange between the great novelist and her brothers about the unspeakable crimes they had judged. Or it may have had nothing to do with sodomy at all. Much like Pepys, Austen—and the Austens—at once reveal and obscure naval sodomy. Ambiguities and uncertainties of these sorts are central to this history, as we will see right from the start of chapter 1.

⁸⁸ Southam, *Jane Austen and the Navy*, 190.

Chapter 1

Sodomy at Sea

On Monday, 2 September 1811, a court martial sitting in the Hamoaze, the Tamar estuary, sentenced a marine named James Parker to die. It was a small court, comprised of just six captains, but one with collective experience of at least eight previous sodomitical crimes prosecutions. The case was overseen, moreover, by a highly experienced officiating judge advocate, George Eastlake Jr., for whom this was at least the tenth such trial in this role.¹ The court convicted Parker of raping a boy 3rd class named John Nowland, who was about fifteen years old. A few weeks later another court, this one in Portsmouth Harbor, passed the same sentence on a seaman, Patrick Muleraty, for sex with a fowl.² This court was much larger and more distinguished, and had even greater experience with sexual offenses cases. Its president, Rear Admiral William Hargood, alone had already sat on eight other boards trying such crimes.³ Its deputy judge advocate, Moses Greetham, Jr., very likely had more experience with such cases than any other living navy legal actor.

These cases are disturbing, but, as the officers' collective experience suggests, largely unremarkable. Courts martial tried hundreds of sodomitical crimes during the long eighteenth century, and nothing about these particular trials makes them stand out. However, subsequent events increased their profiles. Post-trial reviews of the sentences

¹ See Appendix F, where this case is coded as #98. The board includes a handful of notable figures, including William Henry Dillon and Hood Hanway Christian, who would sit on a number of other such boards, and was himself tried for a crime involving female convicts.

² James Parker court martial (2 September 1811, ADM 1/5418) and Patrick Muleraty court martial (17 September 1811, ADM 1/5418; it is also held in TS 25/24 in addition to the locations cited below). The orders are in ADM 2/1124, pp. 165 and 223. The narrative of these cases below is drawn from these trial transcripts. For further relevant documents see citations below.

³ See Appendix F, where this case is coded as #100.

raised obscure questions in sodomy law in each case. As a result the identities and sexual misdeeds of these two previously unknown lower-deck men came to the attention of naval administrators, navy and crown lawyers, powerful common law judges, the Privy Council, and even the Prince Regent himself.⁴ Years after these cases had left these men's desks they continued to live on. The early modern legislation that outlawed sodomy on land, which was the basis for the navy's prohibition, survived into the Victorian era, and these two trials became recognized elements of the case law relevant both on land and at sea. Decades after Parker and Muleraty were in the dock on the *Gladiator* and *Salvador del Mundo* and would otherwise have entirely disappeared from historians' view, their names surface as citations in legal texts far removed from the context of the navy and its judicial and disciplinary systems.

This chapter considers the Parker and Muleraty cases at length as a way to explore the different sorts of importance and influence that naval sodomy prosecutions had in the long eighteenth century and beyond. Few cases proceeded as far as these two did, and thus neither is representative of sodomy cases generally. Rather, I use them in order to show some of the ways in which naval sodomy had reach heretofore unrecognized and emerged in unexpected locations. The unlikely path each followed in fact highlights an essential reality about naval sodomy: trials at court martial represent only a small, if important and highly visible, part of naval homoeroticism and the navy's efforts against it. In a disciplinary and judicial system with enormous opportunities for discretion and

⁴ Royal review of these cases occurred after late 1810, when George III was no longer able to rule. George, Prince of Wales, the future George IV, served as Prince Regent under the Regency Act of 1811 (51 Geo. I c. 3) until his father's death in 1820.

strong disincentives against convening courts martial, any given proscribed sex act had only a minute chance of coming before a tribunal. Even when prosecutions peaked during the Napoleonic period, the navy pursued an approach against sodomy characterized by infrequent prosecution with brutal, exemplary punishments for those unlucky enough to come to trial and be found guilty. A narrow focus on sodomy at the trial level therefore obscures a great deal, both the widespread practices of “resolving” sodomy cases at other levels, as well as discussions of sodomy that took place outside of the courtroom. I also argue, however, that there are good reason for historians to focus at the level of trials. The navy had few ways to “fix” knowledge of sodomy beyond trial at court martial, and thus resolution at other levels usually left little or no trace.

A number of influential historians, most notably N.A.M. Rodger, have downplayed the topic of erotic contact between men in the navy generally and naval sodomy prosecutions in particular based upon the perceived infrequency of trials and the absence of discussion of the topic in certain sets of primary sources. Rodger, for instance, finds few courts martial and little mention of sodomy in the letters of “senior officers” during the Seven Years’ War period.⁵ Curiously, historians of homosexuality have likewise largely ignored the armed forces, and especially the navy, during the period under study. Randolph Trumbach and Tim Hitchcock, for instance, both regard naval sodomy as marginal to British sexual cultures in civilian life and implicitly treat naval

⁵ N.A.M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy* (Annapolis: Naval Institute Press, 1986), 81. “If senior officers were concerned” about sodomy “they gave no hint of the fact in their correspondence... [I]t was an insignificant issue.” Gilbert, “Buggery and the British Navy, 1700-1861” *Journal of Social History* 10 (1976): 72-98, here 72, states that sodomy “was not discussed openly in naval circles.”

legal responses as an insignificant topic in the history of the legal repression of sodomy.⁶ Moreover, despite a burgeoning literature showing the close interaction between naval courts and their civilian criminal counterparts, both of these historiographies treat naval sodomy prosecutions as if they were entirely separate from life and law on shore— invisible and inconsequential, out at sea.⁷

I argue that sodomy was much more present and important than this literature has allowed. At the most basic level, prosecutions were in fact more common than historians have appreciated. Scholars have persistently, and often severely, undercounted them.⁸ More important than the numbers alone, however, is recognition that there was robust engagement with and discussion of sodomy as a disciplinary and legal issue in certain discursive sites. Legal discourse took up sodomy regularly; informal networks of rumor and gossip carried news of it widely; and considered in aggregate, in their roles as legal actors in the naval justice system, commissioned officers and naval administrators had to confront sodomy with some regularity. The force's commitment to using the time- and manpower-intensive, highly-visible tool of the court martial to attack sodomy left them no other choice. Naval law also communicated closely with the law on shore, and each influenced the other when it came to the legal treatment of sodomy. Widening the scope of our investigation revises our understanding of naval sodomy in naval history, and in

⁶ This is clear in the way Trumbach employs Gilbert's work in many of his essays. See for instance "Modern Sodomy: The Origins of Homosexuality, 1700-1800," in *A Gay History of Britain: Love and Sex between Men since the Middle Ages*, ed. by idem et al. (Oxford: Greenwood, 2007): 77-105, here 98-99. Tim Hitchcock, *English Sexualities, 1700-1800* (New York: St. Martin's, 1997), 64-5.

⁷ Markus Eder, *Crime and Punishment in the Royal Navy of the Seven Years' War, 1755-1763* (Aldershot: Ashgate, 2004); Martin Hubley, "'By the Laws of this Realm': Legal Precedents, Discretion, and Courts-Martial in the Royal Navy, 1746-1805," *Trafalgar Chronicle* 17 (2007): 16-30.

⁸ For instance: A.D. Harvey, "Prosecutions for Sodomy in England at the Beginning of the Nineteenth Century," *The Historical Journal* 21 (1978): 939-48.

other historiographies as well. Naval sodomy, this chapter will show, is an essential part of the history of homosexuality and the history of sodomy law generally.

Sodomy in Naval Law

In civilian law, sodomy passed from ecclesiastical jurisdiction into the criminal law under Henry VIII.⁹ Sodomy legislation and case law have a complex history, one which is outside of the scope of this chapter. It is enough for us simply to observe that by the seventeenth century the criminal prohibition on sexual contact between men and between humans and animals—treated as varieties of the same crime—had a firm footing in English criminal law. This Tudor foundation was also the basis for articles outlawing sexual contact between men, and men and animals, in the navy’s earliest Articles of War (1661).¹⁰ Like the criminal law on land, navy law recognized both misdemeanor and felony crimes, addressing them in separate articles. The second article of war governed “unlawful and rash oaths, Cursings, Execrations, Drunkenness, Uncleaness, or other Scandalous Actions in derogation of Gods honour, and corruption of good manners.” This article was taken to encompass misdemeanor sodomitical offenses under the banner of “uncleaness” and “scandalous actions.”¹¹ “Uncleaness” could at times denote filthiness, including failure to maintain levels of appropriate hygiene or urinating or defecating in inappropriate places. In the context of charges that

⁹ 25 Hen. 8 c. 6. For the text: Derrick Sherwin Bailey, *Homosexuality and the Western Christian Tradition* (London: Longmans, Green, 1955), 147-148.

¹⁰ 13 Car. II 1, c. 9. Subsequent quotations are all from N.A.M. Rodger’s printing of the legislation in N.A.M. Rodger (ed.), *The Articles of War: The Statutes which Governed our Fighting Navies, 1661, 1749 and 1886* (Havant: Mason, 1982).

¹¹ Trials from early in the papers sometimes instead use the thirty-third article for misdemeanors. This was a catch-all covering “All other Faults, Misdemeanors, and disorders committed at sea, not mentioned in this Act.” That courts turned to it suggests that there was still some uncertainty about the second article’s scope.

came to trial, though, the meaning was almost exclusively sexual. Courts were given wide discretion in assigning punishments for all second article crimes.

The second article therefore covered a wide range of offenses, including, often, drunkenness. The array of offenses operates both on logics obvious to modern observers, and on somewhat more recondite webs of early modern cultural meaning. The second article covered crimes that were at once disgusting and disorderly to contemporaries in the Mary Douglas sense of pollution and disorder as deeply linked.¹² Certain sorts of drunkenness and related behaviors were disordered in a way that this society would not stand, or would not stand in certain situations. Thus for instance boatswain William Loom was court-martialed in 1802 for, among other things, having been “drunk and pissing on the deck where the people mess.”¹³ It was easy for these offenses to take on sexualized valences, their form depending on how uncleanness, indecency, or other associated ideas were understood at different times. To take a much later example, in an 1862 case an engineer was tried for drunkenness and indecency in lying about in his shirt, urinating against mess locker drawers, and exposing himself.¹⁴

There is also a clear early modern logic connecting second article violations.¹⁵ In the sixteenth and seventeenth centuries Britons understood sodomitical misbehavior as one of a group of crimes that showed a problematic lack of the essential self-control men must possess. Sodomy was therefore similar to drunkenness, gluttony, and other crimes

¹² Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (New York: Praeger, 1966).

¹³ A copy of this court martial is held in NMM KEI/23/27. See Appendix C for a selection of further examples.

¹⁴ Alexander Gillanders court martial (7 Jan. 1862, ADM 194/180, #611) and NMM MLN/109/1, pp. 159-160.

¹⁵ The argument in this paragraph is based on Alan Bray’s “To Be a Man in Early Modern Society: The Curious Case of Michael Wigglesworth,” *History Workshop Journal* 41 (1996): 155-65.

of dissipation. The second article targeted offenses in which men had failed to properly regulate themselves; when they could not control their tongues, their appetites, or their bodies.

The capaciousness of the second article makes it a powerful index for us to use in investigating what people at the time could consider unclean, scandalous, and so on, and how serious such actions were. Offenses are sometimes surprising. In 1801 a court tried Captain William Cumming for a range of offenses under the 2nd and 33rd articles (the latter governing conduct unbecoming an officer), including “uncleanness” in using unacceptable language and forcing a man who had spit on the poop deck to lick up his own spittle. Among other statements, the captain had apparently exclaimed when men were exercising guns that “unless the Guns were better pointed it would be no more use than to fart at them, meaning the enemy.”¹⁶ As this may suggest, uncleanness, indecency, and similar categories were broad enough over this long range of time that we should be careful about reading sex either into or out of deployments of those terms when we lack detailed information.¹⁷ This factor complicates our reading of the bare descriptions of many offense in logbooks as well as post-1840 trial returns.

Moreover, the imprecision of the second article can make it challenging to tell the true content of misbehavior in certain cases, what exactly it was that was potentially unacceptable, even when we do have detailed records. When coupled with imprecise or inferential charging language, it can be unclear whether the second article or other broad

¹⁶ William Cumming court martial (22 June 1801, ADM 1/5356).

¹⁷ This observation is particularly relevant to ongoing uncertainty about the meanings of “uncleanness” in logbooks. See e.g. Byrn, *Crime and Punishment*, and the notes below in my discussion of summary punishment.

descriptions (e.g. “unofficerlike behavior”) denote a sexual crime. Sodomy and alcohol frequently went together, and as we will see over the course of this and the next chapter, and violations of hierarchy and other social misbehavior were closely associated with sodomitical misbehavior. As a result, some cases are vague and ambiguous even when trial records survive. An 1814 trial on a carpenter considered the man’s unofficerlike behavior related to alcohol, including in bringing his mate into his cabin, getting him drunk, and having him stay in the cabin overnight.¹⁸ This tale contains elements common to sodomitical crimes narratives, and yet no such crime is explicitly alleged here. What different contemporaries would have seen remains a mystery without further documentation, but that in itself is significant. The ambiguity possible under the second article and other parts of the Articles of War that could govern sexual misdeeds could stretch to fit, be made to cover or cover up, or help to hide a wide range of offenses.

In the 1661 articles, the thirty-second addressed felony sodomy. It reads: “If any person or persons... shall commit the unnatural and detestable sin of Buggery or Sodomy with man or Beast, he shall be punished with death without mercy.” The 1749 Articles of War left this language mostly unchanged.¹⁹ Most significantly they omitted the “without mercy” phrase from the felony article.²⁰ The position of the article also shifted. While the misdemeanor article remained the second, the felony now stood as the twenty-ninth article of war. This was the position it occupied for the vast majority of sodomy trials.

¹⁸ John Burn court martial (1 June 1814, ADM 1/5443).

¹⁹ 22 Geo. II, c. 33. The 1749 Articles of War have been printed in Eder, *Crime and Punishment*, and (as amended in 1779 under 19 Geo. III, c. 17) in John D. Byrn, *Crime and Punishment in the Royal Navy: Discipline on the Leeward Island Station, 1784-1812* (Aldershot: Scolar, 1989), among other modern sources.

²⁰ This phrase is central to Jeremy Bentham’s discussion of the naval law on this topic. “Offences Against One’s Self.” At: <http://www.columbia.edu/cu/lweb/eresources/exhibitions/sw25/bentham/> (accessed 1/23/16).

The “29th Article” is the most notable metonym and euphemism for naval sodomy from this period. In both versions, the felony article carried a mandatory capital sentence. Lacking a system of appeal, convicted sodomites could only avoid the noose in two ways: if naval authorities or crown legal actors found cause to overturn the conviction or alter the sentence because of procedural errors, legal defects, or something similar; or by royal pardon or commutation. As one newspaper correspondent explained to readers in 1846, conviction under the 29th article meant “nothing short of death.”²¹

This was the legislation that governed naval sodomy throughout the entire period under consideration. Naval sodomy law was based on the criminal law of sodomy on land, which in turn relied on the law that dealt with male rape of women. This law also recognized felony and misdemeanor crimes, distinguished by vaginal penetration by the penis.²² Only penetration of the anus with the penis constituted felony sodomy. Some judges and other legal commentators also concluded that the law required ejaculation within the body for the felony.²³ This interpretation had a complex history, as we will see over the course of this chapter. The “emission requirement” sometimes played an important role in naval trials, and was crucial in invalidating a number of felony convictions after trial. Taken as a whole, though, if one of these requirements occupied naval courts and other naval actors, it was almost always penetration rather than ejaculation.²⁴

²¹ “Court Martial--Plymouth, Oct. 10,” *Freeman's Journal*, 7 Oct. 1846.

²² Hale, *Hist. Plac. Cor.*, cap. 58, §628: “To make a rape there must be an actual penetration or *res in re*, (as also in buggery)...”

²³ *Ibid.*, cap. 58, §628.

²⁴ Byrn, *Naval Courts Martial*, 147, comes to the same conclusion based on his relatively limited sample of cases from the French Wars period: “the minutes of enquiries involving indictments for buggery reveal that the criterion for conviction was anal penetration.”

As B.R. Burg has noted, eighteenth-century courts martial were often content to convict and sentence men to hang without any evidence of emission.²⁵ Since deliberations were conducted *in camera* without any record keeping, it is usually impossible to determine whether courts knew of an emission “requirement,” but the available evidence strongly indicates a longstanding, common(sense), and shared understanding of penetration alone as the dividing line for the felony. Courts were obviously willing to convict without evidence of emission and even, at times, any direct evidence of penetration.²⁶ Records of post-conviction trial reviews in the early nineteenth century shows that boards resisted adopting an emission requirement even as the common law did so.²⁷ In 1802 a court sentenced Lorenzo Greenard and the sixteen-year-old Thomas Fuller to death for sodomy. This despite the fact that both eyewitnesses (the only two eyewitnesses to testify) admitted in court that they had not even seen either defendant’s genitals, and a surgeon testified that there was no positive medical evidence of sexual contact.²⁸ The Admiralty’s manuscript court martial digest indicates that the court recommended only Fuller for pardon, which other records confirm was granted.²⁹ That he alone won pardon indicates that its basis was not a belief that there was defective evidence. As this example indicates, evidentiary “requirements” were not necessarily

²⁵ Burg, *Boys at Sea*, 54.

²⁶ The latter was the case in the John Benson and Philip Francis court martial (30 June 1797, ADM 1/5339). As the digest noted, “none of the witnesses could swear positively to the act of criminal connection,” but “the Court however on consideration of the circumstances, held the presumptive evidence sufficient for the conviction of the prisoners, and sentenced them both to be hanged.” ADM 12/26, pp. 41-2. They were hanged for the crime, though the case appears to have avoided normal post-conviction review. See Jedediah Stephens Tucker, *Memoirs of Admiral the Right Honr. The Earl of St. Vincent*, 2 vols. (London: Richard Bentley, 1844), vol. 1, p. 326, as well as BL Add. MS 31186, fol. 201r, which records the execution.

²⁷ See, instance, Upchurch’s treatment of the legal history in *Before Wilde*.

²⁸ Lorenzo Greenard and Thomas Fuller court martial (21 April 1802, ADM 1/5361). The Admiralty’s court martial digest notes the state of the evidence as well. ADM 12/26, pp. 56-7.

²⁹ Greenard and Fuller court martial. For the pardon, see ADM 2/1120, pp. 431-32.

controlling, even during the Napoleonic period—when the navy already had a long history of conducting sodomy trials, and the large number of prosecutions ensured some degree of legal sophistication.

Charges, courts, and the public at various times saw a wide variety of actions short of anal penetration as misdemeanor sodomitical crimes. Long before the deployment of (for example) “gross indecency,” solicitation alone was sometimes enough to result in criminal charges.³⁰ The second article could in practice cover anything from that crime to intercourse just short of anal penetration, including cases in which men attempted to penetrate others but were unable to do so. Because of the power courts had to convict men for misdemeanor forms of the felonies for which they were arraigned (discussed in detail below), the second article also covered cases in which full penetration was alleged but could not be proved.

Men used “sodomy” and “buggery” more broadly as well, of course. For instance when, in 1756, a midshipman declared carpenter William Slade’s groping “downright sodomy,” he meant something different from any strict legal definition of the term.³¹ But testimony at trials shows that men of all ranks, and even boys in many cases, were aware of and knew how to work within that latter definition, focused on penetration, as well. It is not clear where men learned about this aspect of legal practice. Such testimony may be

³⁰ 48 & 49 Vict. c.69, §11. Example: John Brese and James Steward court martial (24 April 1704, ADM 1/5265). This point has been made repeatedly by other historians, and the practice is even more widely documented. See, for instance, Antony E. Simpson, “Blackmail as a Crime of Sexual Indiscretion in Eighteenth-Century England,” *Criminal Justice History* 17 (2002): 61-86, here 77-78, and “Masculinity and Control: The Prosecution of Sex Offenses in Eighteenth-Century London” (PhD thesis, New York University, 1984), 464-82.

³¹ William Slade court martial (ADM 1/5296, 30 November 1756), minutes, fols. 89, 90v-91r, 92r; ADM 12/26, p. 13.

an artifact of the disciplinary and judicial systems themselves—that is, the legal definition of sodomy pushed investigators, prosecutors, defendants, and others who interacted with witnesses to focus on penetration, which would naturally tend to produce recorded witness statements that were in keeping with contemporary legal discourse about sodomy. On the other hand, it is plausible that many would already know something of the law of sodomy from public trials, speech about them, and the many print sources that discussed them. For our present purposes, it is less important to determine what men actually knew about sodomy and sodomy law than to observe that courts were fully willing to believe that even the lowest-status plebeian men and boys could arrive at trial already having known about the penetration requirement and could independently and accurately investigate for proof of penetration. Chapter 3 considers this aspect of cases in greater detail.

In one case, at least, we know that a court was informed of the emission requirement, but chose to ignore it. James Parker, with whom we began this chapter, had been a marine on the *Namur*. He faced the accusation that he had raped a teenager named John Nowland, who was a newcomer on board: “but a stranger in the ship.” Nowland claimed that Parker had offered him flock from his bedding and a space in his hammock. Nowland had fallen asleep in the hammock and was awakened by Parker “stuffing his Yard [penis] into my backside.”³² Startled with unexpected pain, Nowland “attempted to screech out,” but Parker covered his mouth with his hand. He ejaculated on the boy —“pissed about a pint of his matter upon me”—before Nowland fled. In his testimony at

³² “Yard” was a popular term for “penis” both on land and at sea. See *OED*. Like much of the sexual language sailors used, the term also had a non-sexual maritime meaning.

trial Nowland quite clearly described Parker ejaculating *on* his body, not inside it.

Nowland had quickly complained. The ship's surgeon and an assistant surgeon examined him, but found nothing conclusive. There was thus little positive evidence. The court nonetheless convicted Parker of the felony, and he was sentenced to hang. His case was, however, far from over.

As chapter 2 will explore in greater detail, only a very narrow range of sodomitical offenses concerned naval authorities. It was cases that involved an imbalance of power, in which the active partner (the partner who drove the sexual encounter, and who penetrated in cases of sodomy) was dominant to the passive in terms of age, rank, social station, or similar factors.³³ Sexual contact between men or boys of the same status rarely came to trial, and when it did it usually involved lower-deck men. The navy never prosecuted men for anal sex with women, though the law and cultural understandings of sex did recognize that act as sodomy, and criminal courts on land did on rare occasions

³³ I use "passive" and "pathic" narrowly here, following the active-passive conception of sex that was common in this period. Neither "pathic" nor "passive" should be taken to necessarily indicate that someone was sexually penetrated.

try such cases.³⁴ Oral sex and even more exotic acts sometimes featured in prosecutions—a boatswain was accused of seeking to have boys defecate in his mouth or hand, for instance, while a sailor in another case evinced interest in sexualized flogging of boys—but there is little evidence of any effort to treat non-penetrative acts as felonies in naval cases.³⁵ Most strikingly, the navy rarely prosecuted men for sexually assaulting girls and women (see Appendix C).³⁶ Sailors had much more contact with women on ships than is often supposed, and also encountered many women on land in areas in which those men were under naval jurisdiction. The incidence of sexual assault of this sort was unquestionably drastically higher than prosecution rates reveal. Naval bestiality prosecutions were also rare, though more common than historians have appreciated, with at least twenty-one between 1690 and 1840 (table 1.1, below). Animals were common on

³⁴ *Rex v Wiseman* (1713), John Fortescue, *Reports of Select Cases* (London: for Henry Lintot, 1748), pp. 91-7. See A.N. Gilbert, “Conceptions of Homosexuality and Sodomy in Western History,” *Journal of Homosexuality* 6 (1981): 57-68, here 63 and 68n21; Gilbert, “Sodomy and the Law in Eighteenth- and Early Nineteenth-Century Britain,” *Societas* 8 (1978): 225-41, here 226; and Charles Upchurch, *Before Wilde: Sex Between Men in Britain’s Age of Reform* (Berkeley: University of California Press, 2009), 160-62, 238n5. The early Old Bailey *Proceedings* also detail a charge against a man for sodomizing a “spinster.” Trial of Thomas Davis (11 October 1699, OBSP t16991011-29). In 1834 two female East London prostitutes charged a client with attempting sodomy first by offering significantly larger payments than he had already negotiated for “proper” sex (as one of the women put it), and then by force. In their eyes he was “a regular Sod” even though he appears to have only been interested in anal sex with women. Accusations of Elizabeth Watson and Eliza Latimer against William Brown, London Metropolitan Archives (LMA) MJ/SP/1834/03/065. Charles Upchurch’s research turned up only one instance of a woman bringing a sodomy accusation in the period from 1820 to 1870, an 1833 prosecution brought by a wife against her husband which ended disastrously for the prosecutor. For instances of women and bestiality, see trials of “A Married Woman” (14 July 1677, t16770711-1), and Mary Price (26 April 1704, t17040426-42) in the *Old Bailey Online*. European sodomy laws were used, though rarely, to target women for sex with other women. See generally: Louis Crompton, “The Myth of Lesbian Impunity: Capital Laws from 1270 to 1790,” and Brigitte Eriksson, “A Lesbian Execution in Germany, 1721: The Trial Records,” both in Salvatore J. Licata and Robert P. Petersen (eds.), *Historical Perspectives on Homosexuality* (New York: Haworth, 1981): 11-25 and 27-40, respectively. Additionally: Judith Brown, *Immodest Acts: The Life of a Lesbian Nun in Renaissance Italy* (Oxford: Oxford University Press, 1986), and Jonas Roelens’s recent “Visible Women: Female Sodomy in the Late Medieval and Early Modern Southern Netherlands (1400-1550),” *BMGN: Low Countries Historical Review* 2015 (130): 3-24.

³⁵ Robert Patton court martial (4 February 1800, ADM 1/5352). The court martial digest evinces particular disgust at this case. ADM 12/21, pp. 211-12. Joseph Derrett court martial (19 Jan. 1807, ADM 1/5377). On oral sex: *R v Jacobs* (1817), 1 Russ. C. & M. 568; R. & R. C.C. 331.

³⁶ One rare example is Joseph Sheppard court martial (2 November 1813, ADM 1/5439, pp. 77-105).

ships, and the cases that came to trial suggest that only egregious crimes—or accusations thereof—led to prosecutions (see chapter 2 for further discussion).³⁷ Courts tried bestiality both as a misdemeanor and felony, using the same legal standard as with homosex and rape: penetration.

Naval Bestiality Cases

Year	Defendant	Charge	Outcome
1699	Abijah Dicher	Felony with turkey	convicted
1748	Robert Richman	Felony with sheep	convicted
1758	John Blake	Felony with she-goat	convicted
1781	Anthony Irvin	Charged but never tried (full details unknown)	unknown
1800	Joshua Thomas	Misdem with cow	acquitted
1807	Richard Lee	Misdem with female dog	convicted
1809	Isaac Wilson	Felony with goat	acquitted
1809	Samuel Branter	Felony with goat	acquitted
1811	Nicholas Alexander	Felony with goat	convicted
1811	John Clarence	Felony with goat	acquitted
1811	Daniel Donovan	Misdem with pig	acquitted
1811	Patrick Muleraty	Felony with hen	convicted
1811	William Ware	Misdem with goat	convicted
1812	John Sherwood	Misdem with sheep	convicted
1812	William Bouch	Misdem with pig	convicted
1812	Patrick Higgins	Misdem with goat	convicted
1812	George Ellerby	Trial deals with his charges against another man for sex with pigs	N/A
1813	James Glanville	Misdems with dog, cow	convicted
1813	Robert Richards	Misdem with she-goat	acquitted
1814	John Harding	Felony with cow	convicted
1816	James Boxall	Felony with female dog	convicted
1825	George White	Felony with cow	misdem conviction

³⁷ On animals, Rodger, *Wooden World*, 68-71.

1833	Richard Willings	Misdem with goat	acquitted
1878	John Ingram	Misdem (details unknown)	acquitted

Table 1.1: List of identified bestiality cases involving formal charges, 1698-1840, with later examples. Source: Appendix A.

The force did at times try its personnel for sexually-inflected offenses involving women but not forced sexual contact.³⁸ The propriety of naval administrators and flag officers themselves was not above reproach, of course, as Samuel Pepys's life so richly illustrates.³⁹ In one famous instance, John Montagu, 4th Earl of Sandwich, lived with his mistress, the singer Martha Ray, at the Admiralty when he was First Lord. She was implicated in charges of corruption against the earl.⁴⁰ It was lower-level officers who were the usual targets of these cases, however. As with sexual assault against women, such cases were rare enough that they resist generalization (see Appendix C for a list of examples with brief case descriptions). Their infrequency suggests that only serious misbehavior or a series of chance events would result in adjudication. Moreover, unlike with most sodomitical crimes cases these offenses also often fit into longer lists of charges of an unrelated nature. This pattern indicates that on their own they were unlikely to attract prosecution.

Pressures Against Trials

Before considering the progression of the Parker and Muleraty cases, it is important to draw back and consider the general phenomenon of sodomy prosecutions and the patterns in the data. These two cases came at the high point for naval sodomy

³⁸ According to charging language, that is. Some of these cases clearly indicate non-consensual or otherwise coerced sex, but they were not sexual crimes prosecutions.

³⁹ Tomalin, *Pepys*.

⁴⁰ Harvey, *Sex*, 8. See Martha Ray and John Montagu's entries in the *DNB*.

prosecutions, which were largely a wartime phenomenon.⁴¹ This is not surprising; the navy itself was largely a wartime phenomenon. There was little standing establishment, though this fact can at times be hard to discern because Britain was at war so frequently during the long eighteenth century. Britons often saw sodomy as a creeping menace, and sometimes spoke of it as a common crime, and the notion that sodomitical crimes and accusations thereof were rampant in the navy recurs. As late as 1873, long after the Napoleonic heyday of sodomy courts martial, F.W.E. Kuyper lamented “how frequently charges of this nature have been made” in the force. He claimed before the court trying him that many of its members must know that “many” who were perfectly innocent but horrified by an accusation and the challenge of disproving it simply deserted or resigned their commissions.⁴² Kuyper’s latter point—that men were able to avoid trial—is both true and essential to analysis of naval sodomy. We will turn to this topic in detail momentarily. The accuracy of Kuyper’s first point is debatable, though. Charges may have been frequent, but trials, especially by the Victorian era, were not.

Indeed, we must observe at the outset that naval courts heard sodomitical crimes cases infrequently compared to most other offenses they tried. We count sodomy cases in the hundreds for the entire eighteenth and nineteenth centuries, easily dwarfed by the number of prosecutions for crimes like desertion.⁴³ Marcus Eder’s work allows us to compare the numbers of trials for different crimes during the Seven Years’ War

⁴¹ Gilbert, “Buggery,” esp. 85-6.

⁴² F.W.E. Kuyper court martial (27-28 Dec. 1871, ADM 1/6218), defense pp. 20-21. For a similar (and much earlier) statement see, for instance, the D.P. Dumaresq defense, which casts the problem in apocalyptic terms: “a daily prevailing attack on the Naval Service, which if not remedied must prove its destruction.” Don Philip Dumaresq court martial (28 Feb.-2 March 1839, ADM 1/5485).

⁴³ Hubley, “Desertion,” 373.

(1756-63). This was not a high point for sodomy prosecutions, as we will see below and as N.A.M. Rodger has noted: there were eighteen sodomitical crimes prosecutions in this period, placing sex crimes among the least frequently tried.⁴⁴ Simple desertion (without any compounding crime, that is) and “sedition” were by far the most frequent, with 340 and 270 charges apiece. There was a large drop-off in frequency after these two categories. Homicide had 82, for instance. Sex crimes were very close to desertion with royal property (twenty one), but more common than the rarest crimes, desertion to the enemy (seven) and perjury (just one).⁴⁵ John Byrn’s work both on (a) trials at the Leeward Islands station from the 1780s through 1812 and, separately, (b) on a sample of about a fifth of the full run of courts martial papers from the French Wars period comes to the same general conclusion. While his categories make isolating sodomitical offenses more challenging, in the Leeward Islands case “disturbances/uncleanness” and “immorality” are a paltry 2.7% and 1.3% of his sample of 477 courts martial. Far more common, by contrast, are absence/desertion (over a quarter), mutiny/sedition (12.6%), “alcohol” (9%), and disobedience (8%).⁴⁶ In the French Wars sample, the share for “sexual offenses” is about the same, roughly 2%.⁴⁷

Yet if we focus in other ways and particular time periods, sodomitical crimes become a larger share of the cases under consideration, and we can better appreciate contemporary fears that sodomy was rampant and trials frequent. Samantha Cavell’s study of home station trials on “junior officers” (midshipmen, masters’ mates, and acting

⁴⁴ Rodger, *Wooden World*, 80-81, though cf. my count in Appendix A, which differs slightly.

⁴⁵ Eder, *Crime and Punishment*, appendix II.4.

⁴⁶ Byrn, *Crime and Punishment*, 58.

⁴⁷ Byrn, *Naval Courts Martial*, 147-48.

lieutenants) found that “buggery” represented 6% of crimes from 1801-1815, and 12% for 1816-1831—though she notes the distorting effect of the *Africaine* affair in the latter period.⁴⁸ This was a uniquely large series of trials emerging from sexual activity on a single ship. They took place from the very end of 1815 through January of 1816. While there was precedent for a series of linked trials, the scope of this case—ten trials, with an even larger number of men and boys implicated than were prosecuted—is greater than any other in the eighteenth and nineteenth centuries.

Likewise, when Byrn separates out “naval” and “social” crimes, “sexual offenses” look quite different. They represent almost 10% of the “social” side of his sample, a bit more than “disturbances of the peace,” and almost half as many as “violent crimes.”⁴⁹ Sodomitical crimes prosecutions were never common compared to the most frequently-tried offenses, but in certain circumstances they did become relatively frequent. Moreover, frequency and prominence were not necessarily related. Chapters 4 and 5 explore some of the ways in which individual cases became prominent. We must consider these processes as well in understanding the cultural visibility and importance of naval sodomy.

As the previous paragraphs show, we can interpret the available numbers in a few different ways. They have been read as indicating that sodomy was rare or that the navy did not care about sodomitical offenses, and can plausibly support either contention.

⁴⁸ S.A. Cavell, *Midshipmen and Quarterdeck Boys in the British Navy, 1771-1831* (Woodbridge: Boydell, 2012), 98, 199. Her dissertation indicates the following percentages for other periods: 7% for 1755-75; 4% for 1796-1815; and 15% for 1816-31. Idem, “A Social History of Midshipmen and Quarterdeck Boys in the Royal Navy, 1761-1831” (PhD dissertation, University of Exeter, 2010), 226, 408, 411, 415-416, and appendix M. For an overview of the *Africaine* cases, see Burg, *Boys at Sea*, chp. 6.

⁴⁹ Byrn, *Naval Courts Martial*, 148. The volume also collects a number of relevant cases as examples in its section on procedural issues. Ibid., 121-25, 134-36.

Other comparative data point in different directions, however. Louis Crompton, for instance, juxtaposes declining state violence against men who had sex with men in enlightenment and early nineteenth-century Europe and North America with its rise in England in the same period. By his count, there were sixty sodomy executions on land in England in that period, and twenty more in the navy (he relies on Arthur Gilbert's numbers for the navy; cf. my data in Appendix G).⁵⁰ Viewed in this light, the period saw a striking upsurge in state-authorized anti-sodomitical violence, one in which the navy played a leading role. Comparison with other navies is instructive as well. B.R. Burg has argued that the antebellum American navy rarely brought sodomitical crimes to courts of inquiry or courts martial. Indeed, the US navy had never adopted formal prohibitions on sodomy despite having initially modeled its laws and regulations on the Royal Navy's. He finds little evidence of disciplinary action around such offenses, and argues that when officers did confront them they treated sodomitical crimes as "minor matters."⁵¹ In short, the British navy treated sodomy in an entirely different manner from the Americans, and if sodomy prosecutions and executions were a drop in the bucket of Royal Navy judicial practice, prosecution rates were nonetheless high when compared to continental Europe, North America, and even the rest of Britain.

It is unquestionably true that officers and administrators broadly perceived desertion and other more commonly-prosecuted offenses as a greater threat to the sea

⁵⁰ Louis Crompton, *Byron and Greek Love: Homophobia in 19th-Century England* (Berkeley: University of California Press, 1985), 17-18. See too Clare A. Lyons, "Mapping an Atlantic Sexual Culture: Homoeroticism in Eighteenth-Century Philadelphia," *William and Mary Quarterly* 60 (2003): 119-54.

⁵¹ B.R. Burg, "Sodomy, Masturbation, and Courts-Martial in the Antebellum American Navy," *Journal of the History of Sexuality* 23 (2014): 53-78, quote on 78. For broad context with some attention to sexual crimes, the classic treatment is James E. Valle, *Rocks and Shoals: Naval Discipline in the Age of Fighting Sail* (Annapolis: Naval Institute Press, 1996 [1980]).

service than buggery. The state accordingly devoted enormous resources to combating, for instance, desertion, and used its justice system as a cudgel against it. Courts martial cannot be read simply as barometers of attitudes towards crimes because prosecution patterns reflect the outcome of complex decision-making about how to pursue discipline and commit resources. Captains and commanders, flag officers, and administrators routinely turned to other solutions and modes of remediation when they confronted homoerotic offenses, outcomes determined by a complicated array of factors explored throughout this chapter. The disciplinary and justice systems allowed all of these men substantial discretion in dealing with offenses in ways that would avoid courts martial. For instance, naval regulations accorded commanders a great deal of latitude to exercise discretion in investigating and punishing infractions, and research on shipboard discipline has repeatedly shown that they were willing to deal with sodomitical offenses at that level.

Discretion was cherished. It was a hallmark of early modern legal systems generally, and we should not be surprised to find that it existed in abundance at all levels in the navy—from the commander deciding to flog a sailor rather than report him to his commander-in-chief for trial, to the Lords Commissioners of the Admiralty discharging an officer rather than bringing charges. In the 1860s, when reforms had limited officers' discretionary powers, some regretted this loss. Captain R.D. White, for instance, wrote in 1865 to advocate for a return of discretionary power over a range of offenses, including indecent assault, when committed by seamen and marines in the 1st class for conduct. The current system, he explained, required a court martial for one of these men to “be

punished equal to his offense,” and reforms had already produced far too many courts martial, reducing “the dignity of such trials.”⁵² It had also eroded the power of commanders considerably. He hoped for a return of non-judicial shipboard punishment for minor offenses, including sexual ones.

There is no simple way to trace informal investigations that did not end in charges or to determine the scope and frequency of summary punishment for homoerotic crimes. Many investigations and charges would have left no record whatsoever, though some relating to sodomy can be located. Andrew Lambert gives us one example. When receiving a flogging in 1856 an able seaman of the *Trincomalee*, commanded by Wallace Houston, charged two other men with having taken indecent liberties. Houston looked into the case, the man who had made the charge was “forced to retract,” and Houston had the retraction publicized to the ship.⁵³ The entire case stayed at the level of Houston’s discretionary powers. No formal judicial process was ever invoked.⁵⁴

Crucially, commanders were allowed to summarily discipline seamen with comparatively light punishments—officially up to a dozen lashes, until the limit was dropped in 1806—without following any formal judicial procedures.⁵⁵ The navy’s regulations therefore gave them the power to deal with minor (in theory) transgressions as they saw fit. While taking an idiosyncratic form, summary punishment of this sort fit into longstanding maritime practices, and paralleled contemporary practices on land as

⁵² R.D. White to Sir Robert Smart, 27 November 1865, ADM 121/68, pp. 253-60. For the offenses he is discussing, see *The Queen’s Regulations and the Admiralty Instructions* (London: HMSO, 1862), 122 and 124.

⁵³ Andrew Lambert, *Trincomalee: The Last of Nelson’s Frigates* (London: Chatham, 2002), 72-3, 105.

⁵⁴ An earlier—and briefer—example is found in Aaron Thomas, *The Caribbean Journal of a Royal Navy Seaman* (at <http://scholar.library.miami.edu/thomas/index.html>; accessed 1/28/16), 128.

⁵⁵ On changes in discipline: Byrn, *Crime and Punishment*, 19.

well.⁵⁶ Many sexual crimes were simply resolved at this lower level. The use of summary punishment to deal with these crimes was widespread and clearly indicated in records like logs, which shows us that this level of punishment was understood to be appropriate.⁵⁷ Unfortunately, logs are laconic sources that give us little insight into the nature of offenses, making it difficult to research this level of punishment for the sodomitical. Nonetheless, they were detailed enough that captains would not have recorded, or allowed other officers to record, unacceptable punishments in documents destined for the Admiralty or even wider circulation.⁵⁸

Indeed, there is abundant evidence that officers, administrators, and the public broadly accepted such summary corporal punishment as an alternative to formal adjudication. Later published accounts of punishment of this sort, publicly available in a way logs were not, testify to the long history of punishing “indecent conduct” in this fashion and to public knowledge of the practice.⁵⁹ In an 1812 bestiality trial an accused man claimed in his defense that his captain, the prosecutor, offered him the option to accept six dozen lashes (far beyond what had been the formal limit) to avoid a court

⁵⁶ For example: Faramerz Dabhoiwala, “Summary Justice in Early Modern London,” *English Historical Review* 121 (2006): 796-822.

⁵⁷ Eder suggests that captains may have omitted recording such punishments, blocking some or much of this practice from our view. Eder, *Crime and Punishment*, 65-66. John H. Dacam is skeptical of the possibility of covering up these punishments, however. idem, “‘Wanton and Torturing Punishments’: Patterns of Discipline and Punishment in the Royal Navy, 1783-1815” (PhD thesis, University of Hull, 2009), 34.

⁵⁸ Among other considerations, official journals and logs “were important state documents” with both legal and administrative standing. Clive Wilkinson, “The Non-Climatic Research Potential of Ships’ Logbooks and Journals,” *Climatic Change* 73 (2005): 155-67, here 155.

⁵⁹ *Report on Crime and Punishment in the Royal Navy, and in the Marine Forces on Shore, in the Year 1864; Ordered by The House of Commons, to be Printed*, 16 February 1866, NMM 342.537. Reports for 1863 and 1864 are contained in *Accounts and Papers of the House of Commons: Thirty-Nine Volumes*, vol. 9 (1866). The periodical press also carried the findings. See, for instance, “Crime and Punishment in the Navy,” *Hampshire Telegraph*, 22 July 1865, and “Crime and Punishment in the Navy,” *Caledonian Mercury*, 22 May 1866.

martial.⁶⁰ The captain gave the man's character immediately after this claim, and the record reflects no effort to refute it.⁶¹ In the 1815 trial of Thomas Randall, an ordinary seaman of the *Tremendous*, the court learned that the defendant had committed two sexual offenses in December 1814 for which he had received summary punishment. Captain Robert Campbell readily admitted that he had punished and admonished the man in "hopes I should have been prevented being obliged to bring him to a Court Martial," which he had warned him would be necessary if he offended again.⁶² Randall had spent half a decade under Campbell's command, and the captain still spoke in his favor at the trial, declaring that he had "always" thought him "an orderly, clean man" as well as "the last person in the ship, I should have suspected" of such crimes. The court explicitly cited Campbell's support of his character in sentencing Randall to a relatively light 150 lashes, a decision that also implicitly endorsed the captain's treatment of the case.⁶³ Summary punishment of the sodomitical was widely accepted.

Observers unhappy with the use of lesser punishments did sometimes voice objections. One such instance occurred late in 1808 when Captain Edward Fellowes of HMS *Conqueror* alerted the authorities that two marines caught in sodomy while on shore duty at the Portuguese port of Figueira had received "only" corporal punishment at the hands of a small marine court of inquiry. They had therefore avoided "death as the Articles of War would have made them suffer." Fellowes requested that the two be

⁶⁰ Literature on shipboard discipline has demonstrated that officers routinely violated this limit. For instance: A.G. Jamieson, "Tyranny of the Lash?: Punishment in the Royal Navy during the American War, 1776-1783," *Northern Mariner* 9 (1999): 53-66, here 63; Dacam, "Wanton and Torturing," 38.

⁶¹ Patrick Higgins court martial (7 October 1812, ADM 1/5431), minutes p. 11. Higgins was sentenced to 300 lashes.

⁶² For a similar example, see e.g. the Patrick Dowling court martial (12 Oct. 1812, ADM 1/5431).

⁶³ Thomas Randall court martial (2 August 1815, ADM 1/5450). Good character and youth were both sometimes bases for mitigated sentences.

ignominiously discharged, contending that “their remaining on board their ship must appear a toleration of such infamy and highly detrimental to the order and discipline of the *Conqueror*.”⁶⁴ That the matter was even open to dispute, however, indicates the level of discretion generally accepted in this system.

This physical discipline also only applied to some men. Commissioned and standing warrant officers were not subject to such punishment; warranted petty officers, including sailmakers, masters at arms, and cooks, were. Midshipmen also fell into the latter category. Sources for these practices are far from perfect, but almost every study of this area of disciplinary practice has shown that commanders dealt with sodomitical crimes at this summary level from time to time.⁶⁵ These studies find that sodomitical crimes were rare at the level of summary punishment just as they were at court martial.⁶⁶ Nonetheless, when considered in conjunction with the evidence of men who fled in the face of suspicions (discussed below) and of crimes otherwise not coming to trial, it is clear that prosecution was only one of many different measures taken against homoerotic offenses, and an uncommon one at that. Prosecution rates give us no indication of the prevalence of homoerotic contact, and much more research would be needed to establish

⁶⁴ ADM 7/307, 18 Nov. 1808. This legal opinion only considered the question of whether the men could be court-martialed. This material is also available in TS 25/24, p. 249. For related correspondence, see ADM 2/1073, pp. 495, 519-20.

⁶⁵ On problems with logs as sources, see for instance Wareham, *The Star Captains: Frigate Commanders in the Napoleonic Wars* (London: Chatham, 2001), 219-27; Byrn, *Crime and Punishment*, 7.

⁶⁶ Eder, *Crime and Punishment*, AII.3, finds that it constituted no more than 1% of any of the areas in his sample. Hubley, “Desertion,” 218; Byrn, *Crime and Punishment*, 123. In a sample of 2,039 floggings from the Napoleonic Wars period, Jeffrey Glasco finds only four sodomitical crimes cases. “‘We Are a Neglected Set’: Masculinity, Mutiny, and Revolution in the Royal Navy” (PhD thesis, University of Arizona, 2001), 183, 269-71. Note that all of these last three works separate “uncleanness” out into a separate category. Dacam, “‘Wanton and Torturing,’” 103, 146, 155-61, 204, provides further data from a large sample and discusses the “uncleanness” issue in detail. Greg Denning provides additional evidence of the practice in *Mr Bligh’s Bad Language: Passion, Power and Theatre on the Bounty* (Cambridge: Cambridge University Press, 1992), 117. Finally, see Thomas A. Malcomson, “Creating Order and ‘Disorder’ in the British Navy: The North American and West Indies Station, 1812-1815” (PhD dissertation, York University, 2007), 231-32.

whether or how they relate to other methods of dealing with sodomy. Finally, it is worth noting that historians of male rape of women and sodomy in civilian and other military setting have shown that similar sorts of informal resolutions were common on land too during the same period: offenses were adjudicated or punished informally and judicial institutions and legal officials often used discretion to resolve cases without bringing them to trial.⁶⁷ Herman Melville would later complain that American naval officers “refuse[d]” to confront sodomy, and F.P. Torrey supported this conclusion with his account of two men (“a Swede” and “a Negro”) who faced discharge for sodomy: “the officers... would not disgrace the criminal calendar trying them.”⁶⁸ The Royal Navy was certainly more willing to convene trials than the American, but lower level resolution was common in the British service as well. In broad terms, then, naval disciplinary and judicial approaches to sodomy resembled what took place on land and elsewhere at sea.

This general similarity holds especially true on one point: whether on land or at sea, any given illegal act, or even allegation, was highly unlikely to actually come to a criminal trial. In the navy there were a wide variety of factors that made bringing prosecutions undesirable, difficult, or even impossible, and which therefore tended to push actors towards other modes of resolution and to depress prosecution rates. This and the next chapter consider a variety of such pressures at different points. One of the most basic was that the very nature of courts martial and the naval justice system inherently

⁶⁷ For instance: Antony E. Simpson, “Popular Perceptions of Rape as a Capital Crime in Eighteenth-Century England: The Press and the Trial of Francis Charteris in the Old Bailey, February 1730,” *Law and History Review* 22 (2004): 27-70, esp. 45-6.

⁶⁸ Herman Melville, *White-Jacket: Or, The World in a Man-of-War* (Oxford: Oxford University Press, 2000), 379, where he counsels similar ignorance for readers; and F.P. Torrey, *Journal of the Cruise of the United States Ship Ohio* (Boston: by Samuel N. Dickinson, 1841), 86

militated against frequent trials. The navy had formally limited and practically imperfect jurisdiction. Byrn describes courts' jurisdiction as "very limited": extending only to navy men and marines "in actual service and full pay" who had committed crimes specified in the governing legislation "in areas where the Common Law did not have jurisdiction" or where the law did not take cognizance of their particular crimes.⁶⁹ The navy's jurisdiction over others embarked on its vessels, including army men, was either nonexistent or uncertain.⁷⁰ Thus in one early nineteenth-century case, while the Lords Commissioners of the Admiralty were interested in pursuing charges against two soldiers of the 5th Regiment of Foot for an unnatural offense on the *Cheerly* brig, they lacked jurisdiction and could not order a court martial to try them. They had to instead send the case to the Admiralty Sessions, though as it was in all aspects essentially a naval case this involved sending a small group of their own men—a lieutenant, cook, and marine corporal—to court to testify.⁷¹

The criminal law in force on land in the places that navy men visited took cognizance of sex crimes, and men subject to naval discipline were sometimes prosecuted in other courts for such crimes.⁷² A full accounting of naval sex crimes will need to attend to courts on land in areas where navy men spent time; it has been outside of the scope of

⁶⁹ Byrn, *Naval Courts Martial*, xviii (quote), and *Crime and Punishment*, 15, 33. 22 Geo. II c. 33, §IV (quote). The law specified its jurisdiction as being over "the main sea, or in great rivers only, beneath the bridges of the said rivers right to the sea, or in any haven, river or creek within the jurisdiction of the Admiralty." Byrn explains that this also extended to "all places which did not acknowledge the sovereignty of the British monarch." In the 1661 articles, §II.

⁷⁰ 1749 Articles, §V, speaks to "transport" vessels in particular. Byrn, *Crime and Punishment*, 16-18, shows how vexed this issue could become.

⁷¹ The course of this case can be traced in correspondence to and from Charles Bicknell in ADM 2/1072, pp. 363-63, 370, 382, 416-7; and ADM 1/3693, 28 April 1807.

⁷² For instance, in 1768 the boatswain of the *Alderny* sloop was arrested, gaoled, and prosecuted in England on the charge of raping a fourteen-year-old girl. He was subsequently acquitted. Francis Richards to Philip Stephens, 6 August 1768 (ADM 1/2388). ADM 11/39 and ADM 12/27B, fol. 84r, which notes that he was "acquitted of the charge and employed again."

the present research to determine how frequently, for instance, local criminal courts heard cases of shipboard crimes, or the frequency with which civilian legal action took place after alleged naval crimes—whether or not courts martial had been held. (The latter did sometimes occur, and instances are discussed below.) Finally, the law imposed time limitations for pursuing offenses: it gave either three years from the time of the offense or one year from the time of the offender’s return to Britain to lodge a formal complaint.⁷³ Whether for jurisdictional reasons or not, in practice courts almost exclusively considered shipboard sodomitical crimes.

The navy also became involved in sodomitical crimes outside of its formal jurisdictional or administrative bailiwick, though this appears to have been rare. The Admiralty sometimes chose to involve itself in cases that came up in non-naval courts, such as in an 1800 rape case. In this instance the Lords Commissioners directed their solicitor to prosecute a marine private of the *Eagle* prison ship charged with raping “two Children” (presumably girls) on that ship, the children of marines. This defendant, Robert Redford, could have been court-martialed, but he was already caught up in the civilian criminal system, and the Admiralty committed to bearing the cost of prosecuting him at the Maidstone Assizes.⁷⁴ The full extent of such practice remains unknown. Moreover, as one of the many administrative units that could have to deal with sodomy, the navy and naval personnel also sometimes became involved in cases that fell under the purview of

⁷³ 1749 Articles, §XXIII. Byrn, *Crime and Punishment*, 34-5. On this issue, see too the case of Charles Clark Dobson: court martial (20 Jan. 1812, ADM 1/5423) and the legal discussion in ADM 7/309. William Hickman, *A Treatise on the Law and Practice of Naval Courts-Martial* (London: Murray, 1851), 265, subsequently printed the relevant opinion, from November, 1811, which indicated that complainants could avail themselves of whichever time period was longer. However, the Admiralty did not test this opinion with a second trial, as shown by the 4 Feb. 1812 letter to Robert Thornton in ADM 2/1076, pp. 65-66.

⁷⁴ ADM 2/1068, 30 July 1800, pp. 494-95.

other state actors. Once again, the frequency of such occurrences is difficult to gauge, and would require considerable further research in a wide body of administrative records to determine. There are intriguing examples, however. Consider a long-running engagement between the Colonial Office and Charles Elliot, Governor of Bermuda, from the late 1840s and early 1850s dealing with the transportation of unnatural crimes convicts; sodomy on prison hulks (decommissioned ships used as prisons); sodomitical offenders and offenses among prisoners; the spread of sodomy among convicts; and the problems of incarcerating the young.⁷⁵ The surviving correspondence shows that this was never principally a naval matter, but the navy could come to play a role in cases of this sort—here, for instance, naval facilities, including a naval hospital, became relevant, and naval actors like the Lords Commissioners and Sir Francis Austen (brother of Jane Austen), among others, became involved.

While in some of these instances the Admiralty went out of its way to become involved in sodomy prosecutions, there were many reasons why naval actors might have sought to avoid a trial at court martial. For one, resolving cases below the trial level promised to defuse one of the most troubling aspects of sodomy cases—the unresolvable tension between the threat of false charges and the possibilities of sexual abuse by those with power. Administrators and courts reckoned with the persistent concern that incorrectly supporting one or the other side would produce either more abuse or more false charges. Concern over the status of boys—frequently the alleged victims, as we will

⁷⁵ CO 37/118/45, fols. 313-23; CO 37/127/24-25 and CO 37/127/54, fols. 141-49, 150-66 and 395-492; CO 37/128/20, fols. 264-73; CO 37/132/17, fols. 122-25; CO 37/133/44, fols. 354-65; and CO 37/138, fols. 72-76. These records grant remarkable insight into Elliot's views on the nature, etiology, and appropriate treatment of sodomy and sodomites.

see—as reliable witnesses compounded these difficulties.⁷⁶ A series of Victorian trials dramatically illustrated the longstanding tensions here. In 1876 a court sitting in Gibraltar acquitted boatswain Thomas Hammett of six charges of indecent assault brought forward by four boys 1st class.⁷⁷ They had accused him of coming to their hammocks at night, groping them, and urging them to come with him to “give him a jerk off” and perhaps more. In his defense Hammett charged the boys with conspiracy against him, and asked the court to make an example of them in order to protect officers: “for who is safe, have not officers of a rank equal to some of the members of the Court been falsely charged...?” It was a common, almost perennial sentiment among authority-bearing defendants, who frequently implied or explicitly argued that they were being targeted for reprisal by subordinates because of “strictness,” carrying out their proper duty, personal resentments, or similar factors. Countenancing such charges was, in this view, inherently deleterious to naval discipline. It struck at the roots of the hierarchical social order. Hammett argued in court that even a full and honorable acquittal was not protection enough, observing that some officers had “been driven to suicide” even after winning acquittal.⁷⁸ The court agreed with the boatswain, recording its opinion that the boys had committed perjury. The navy elected to prosecute them for this crime in separate trials, beginning with the apparent ringleader, Thomas Harris.⁷⁹

⁷⁶ The standard test for young witnesses was whether they knew and understood the nature of an oath. Courts applied this test in different ways, though. They did sometimes reject boys as unable to take an oath.

⁷⁷ ADM 194/182, #3546. Nov. 6-10.

⁷⁸ Thomas Hammett court martial (6-10 November 1876, ADM 1/6385), defense pp. 20-21.

⁷⁹ *Ibid.*, sentence, and ADM 194/182, #3643, 10-16 Jan. 1877.

Two months after Hammett's trial, a court in Portsmouth Harbor tried Harris. The grounds for Hammett's acquittal appeared considerably weaker back in home waters, and Harris's defense answered Hammett's by reminding this court that prosecuting boys for bringing charges of such assaults would dissuade young victims from reporting offenders. Harris acknowledged the need to guard against "trumped up" accusations, but provided a powerful argument through his defense and the two cases for the difficulty boys, and indeed subordinates in general, labored under in dealing with sexual crimes.⁸⁰ This court in turn agreed with Harris, acquitting him on all counts. The other three boys won acquittals as well.⁸¹ The Admiralty's internal discussions about this case post-verdict reveal the fundamentally irresolvable nature of these cases. Some internal opinion, at least, had shifted from fear of a conspiracy of boys to belief that Hammett really had committed the crimes originally alleged. There was even consideration of prosecuting the boatswain for perjury in turn.⁸² Given the sensational nature of the series of cases, it is little surprise that they received press attention.⁸³ The reporting reproduced discussion of the central tension highlighted here. In printing the details of Harris's defense, for instance, one report recorded his observation that conviction "could only have the effect of making boys afraid to report the offense. But, on the other hand, the Court had to

⁸⁰ Thomas Harris court martial (10-16 January 1877, ADM 1/6428), defense p. 28. For an illuminating earlier example involving men rather than boys, see the Thomas Williams court martial (15 Oct. 1812, ADM 1/5431).

⁸¹ ADM 194/182, #3648-3650, trials of William Perry, Daniel Watson, and Thomas Bent, 17-18 Jan. 1877.

⁸² For the internal discussions see the prefatory materials included with the Hammett and Harris courts martial minutes. It is worth noting that Harris's trial also revealed a number of earlier sodomitical crimes cases that apparently never came to trial, further evidence for other arguments that are made in this chapter. One involved men on the *Ajax* in the 1850s or 1860, and the other on the *Zealous* some time in the 1866-70 period. Hammett maintained that neither charge had anything to do with him, and later protested the introduction of this evidence. Harris court martial, minutes pp. 28-29, 41.

⁸³ For example: "Serious Charges Against Sailor Boys," *Hampshire Telegraph*, 13 Jan. 1877; and "The Serious Charges of Perjury against Sailor Boys," *Hampshire Telegraph*, 20 Jan. 1877.

zealously guard against the possibility of a trumped up charge being substantiated.”⁸⁴ The public and actors outside of the navy were sources of pressure in these cases as well, as chapter 4 will show.

The possibility of recourse to countercharges in naval courts or civilian venues was one potent source of pressure within the calculus of charge and prosecution, but decision making in this area remains difficult for us to investigate. Likewise, for different actors to bring and prefer charges, order trials, and carry out all the other actions that were required for a court martial had social ramifications. These too are hard for historians to parse, though it is clear that there were many social pressures *against* trying suspects, and especially officer-class suspects. Men in authority could suffer as a result of supporting prosecutions. In 1842, for instance, a court censured an officer, Lt. John Elliott, for prosecuting Henry Clarke based on allegations made by a volunteer 1st class. It was common practice for the officer who had formally preferred charges to prosecute the case, and men like Elliott therefore put themselves in a risky, vulnerable position. In determining that the charges “were without the slightest foundation,” the court declared that Elliott’s “evidence was unworthy of belief and disgraceful to his character as an officer.”⁸⁵ Concern over both formal and informal reactions along these same lines must have motivated decision making.

While we can easily conclude in the abstract that false charges were sometimes made and offenders did sometimes get away with crimes, it is more rewarding analytically to frame these uncertainties as epistemically irreducible. If we read these

⁸⁴ “The Charges of Perjury Against Sailor Boys,” *Hampshire Telegraph*, 17 Jan 1877.

⁸⁵ Henry Clarke court martial (26 Oct. 1842, ADM 13/103). The quotes are from ADM 13/104, #2091.

courts, as I have, not as arbiters of truth but instead as institutions employed in efforts at conflict resolutions, we see that they give us very little insight into what “really” happened in any given case. However, contemporary recognition of and reactions to perceived problems in the disciplinary and justice systems provides an index to cultural attitudes, and here class sympathies in particular. Observers who tended to be sympathetic to officers and elite men, for instance, would tend to see false accusations as “the” problem in these cases. A correspondent to the *United Service Magazine* in 1846 hoped for countercharges after Lt. Charles G. Crawley was honorably acquitted.⁸⁶ Another writer described the case as having a weak basis, including a prosecutor “of notorious character,” and noted that a similar “atrocious” case had taken place a few years earlier. The piece concluded with satisfaction that the court’s opinion had matched that “of every person who heard the trial,” though this framing betrays a deeper discomfort: if courts can agree with sensible observers in some cases, they can disagree in others.⁸⁷ We will return to this worry in later chapters.

Expediency, prosecutorial considerations, and related factors were also important. The particular legal requirements that attended the prosecution of these crimes often influenced different actors away from using the courts to punish them. Even when they did reach the courts, the government’s need to, for instance, bring an effective prosecution could result in leniency for some. In an 1811 case Sir Home Popham, then captain of the *Venerable*, brought charges against a seaman and boy under his command for sodomy. In an unusually long and complex complaint letter to Admiral Lord Gambier,

⁸⁶ *United Service Magazine* 52 (1846), 450.

⁸⁷ “Court-Martial on Lieutenant Crawley, of the *Avenger*,” *Hereford Journal*, 14 Oct. 1846.

Popham expressed a desire to prosecute both of the offenders. The boy, Popham thought, was culpable. Indeed, Popham's complaint letter made clear that he had detailed knowledge of the relevant law and had carefully considered the question of shared guilt. The "lad" had made a voluntary confession and thus was culpable as the "patient." Popham nevertheless presents the man as a more desirable target of prosecution. Not only was he the active and older partner, but had also been "long suspected of this propensity" and had apparently unsuccessfully propositioned another boy. Race may have been a factor too. Popham was careful to point out that the man was black. (Indeed for Popham he was the worst of a bad bunch: the "ship's company was the most immoral I had ever commanded," he commented.)⁸⁸

The Admiralty sought a legal opinion on how to best proceed. Thomas Jervis, counsel to the Admiralty, stated that although prosecution of both partners was ideal when possible, in this case as in many others the evidence was too weak to achieve that. The navy would have to either prosecute both for a misdemeanor, or the boy could turn crown's evidence in a felony prosecution against the man. The latter was Jervis's preferred course. The prosecution pursued it, and in the event failed. It is noteworthy that Jervis supposed that the lad's confession was a likely basis for a felony conviction *for him alone* but did not even propose pursuing that as their main course. Popham regarded the boy as "a stout Lad" and explained that he had claimed that he had "been betrayed into" sodomy by Powell's liquor. It was the man who was to be the main target.

⁸⁸ John Powell court (3 September 1811, ADM 1/5418), and opinion of Jervis on the case in TS 25/24, pp. 331-32, and in ADM 7/309. The letter from Popham, dated 17 August 1811, is copied in ADM 7/309 but not in TS 25/24, and is also in the court martial file.

During the trial the court was careful to establish that the boy had not agreed to testify against the man because of either any threat or promise of pardon or forgiveness. Yet the earlier strategizing reveals that in essence the Admiralty had worked out a deal of this sort (whether or not the boy knew it). Such practices could be quite problematic. Just a few years earlier another court in the Downs had sentenced two marines of the *Illustrious* to death for a breach of the 29th article on the basis of a single witness, a boy, and one of the marine's problematic confession. On the same day as the trial, the court president, Commodore Edward Owen (captain of the *Clyde*), wrote to the Secretary of the Admiralty to explain that although the board had felt bound to convict the prisoners they were troubled by the evidence. In particular he pointed attention to their understanding that the marine who had confessed had done so "on a belief that he might be pardoned and admitted as an Evidence." Owen asked for a consideration of pardon for the convicted men, and was supported by the opinion of the Attorney and Solicitor General and the Solicitor of the Admiralty, who stated that the confession and other grounds "which have occurred to us" (left cryptically unexplained) recommended the two for mercy. The king accordingly commuted the sentence to transportation for life. New South Wales was instead their punishment.⁸⁹

In the Popham case discussed above, the Admiralty and the prosecution fully understood that the boy's admission was strong grounds for a felony prosecution against

⁸⁹ See Benjamin Grimshaw and John Scott court martial and opinion, both in ADM 7/308. The minutes in ADM 1 are in ADM 1/5397, 21 June 1809. For the commutation see A. Aspinall, *The Later Correspondence of George III*, 5 vols. (Cambridge: Cambridge University Press, 1962-70), vol. 5, pp. 309-10. They were transported to New South Wales on the *Indian*. See "Indian voyage to New South Wales, Australia, in 1810 with 200 passengers," in *Convict Records*, <http://www.convictrecords.com.au/ships/indian/1810> (accessed 11/23/13).

him, but they nonetheless elected to opt for a de facto pardon in order to prosecute the active partner—a man with an alleged “propensity” for sodomy with boys and a “Black man.”⁹⁰ Whatever the motivations that led to the shape of this particular prosecution, it is a clear example of the ways in which the discretion available to the naval hierarchy in seeking prosecutions produced uneven outcomes for different alleged offenders. In at least one case, from 1781, the Admiralty simply decided to drop off prosecution of a corporal of marines for bestiality with a dog on the basis of both insufficient evidence and the matter being so “disagreeable.”⁹¹

As we have seen, there are some instances though in which the Admiralty decided to involve itself in the prosecution of military personnel, prisoners of war, and civilians.⁹² Here too it enjoyed considerable discretion. Consider two eighteenth-century examples in which the Admiralty had to decide whether to pursue charges against alleged sodomites who were not naval personnel. In 1785 magistrates of Ipswich requested that the Lords Commissioners of the Admiralty prosecute William Prentice, master mariner and captain of the merchant vessel *Unity*, for raping his apprentice, David Wilson. Wilson was a minor, the alleged crime had occurred at sea, and he had no relations or friends who could support the prosecution. The magistrates wanted the Admiralty to bear the cost of the case. The Lords Commissioners laid the matter before the Attorney General, Richard Pepper Arden, and King’s Advocate, William Wynne. Wynne and Arden were of the

⁹⁰ From the Popham letter, found in both John Powell court martial (3 September 1811, ADM 1/5418) and ADM 7/309.

⁹¹ Cancelled order for court martial on Anthony Irvin, 7 March 1781, ADM 2/1116.

⁹² For examples, see the cases of William Williams (Bicknell to Croker, 22 July 1818, with enclosure, ADM 1/3709); Joseph Derrett and William Shelah (Bicknell to Croker, 10 and 24 March 1810, ADM 1/3698); and Vice Admiral Thomas Wells to W.W. Pole, 5 October 1809, with enclosures, ADM 1/3727.

opinion that the government should pay the costs of prosecution, but feeling that the case was weak concluded that the crown should not itself prosecute.⁹³ In a similar case from three decades earlier, by contrast, the opinion was quite different. The Commissioners of the Sick and Wounded applied to the Admiralty for a decision as to whether to support the prosecution of a prisoner of war who had allegedly committed an unnatural crime with a boy. The ensuing legal decision held that while the Lords could “undoubtedly” order a prosecution at the crown’s expense, as the crime neither involved an English sailor nor a naval vessel, they were “under no obligation” to do so “if they chuse to decline it,” in which case the commissioners would have to instead apply to a civil magistrate.⁹⁴ There was little direct support for becoming involved.

The decision to intervene, to initiate adjudication or use other mechanisms to seek the wide variety of resolutions available when individuals and communities faced sexual offenses, rested on many different considerations. Hatred of and disgust with the acts were undoubtedly powerful factors in decision making. In the first of these two cases Wynne and Arden were careful to emphasize that the crime “if committed ought not to escape unpunished.”⁹⁵ But politics, personal ties, community pressures, financial and operational considerations, and a myriad of other factors also played a role. This should caution us against taking rhetorical claims of abhorrence at face value. Sodomy sometimes faced brutal punishment. The evidence suggests that that was relatively rare, though. The navy was interested in prosecuting certain types of offenders for certain

⁹³ ADM 7/301, no. 9. See too ADM 2/1062, pp. 190-91, 195, for related correspondence. In the end the case did indeed fail at trial in Admiralty court. See correspondence between Thomas Dyson and Philip Stephens dated 15 October 1785 and 21 January 1786, ADM 1/3682.

⁹⁴ ADM 7/299, no. 7. The Sick and Wounded board also oversaw prisoners of war.

⁹⁵ ADM 7/301, no. 9.

types of crimes. There were many other ways to “resolve” sodomy cases, and commanders, senior officers, and administrators often opted to pursue them.

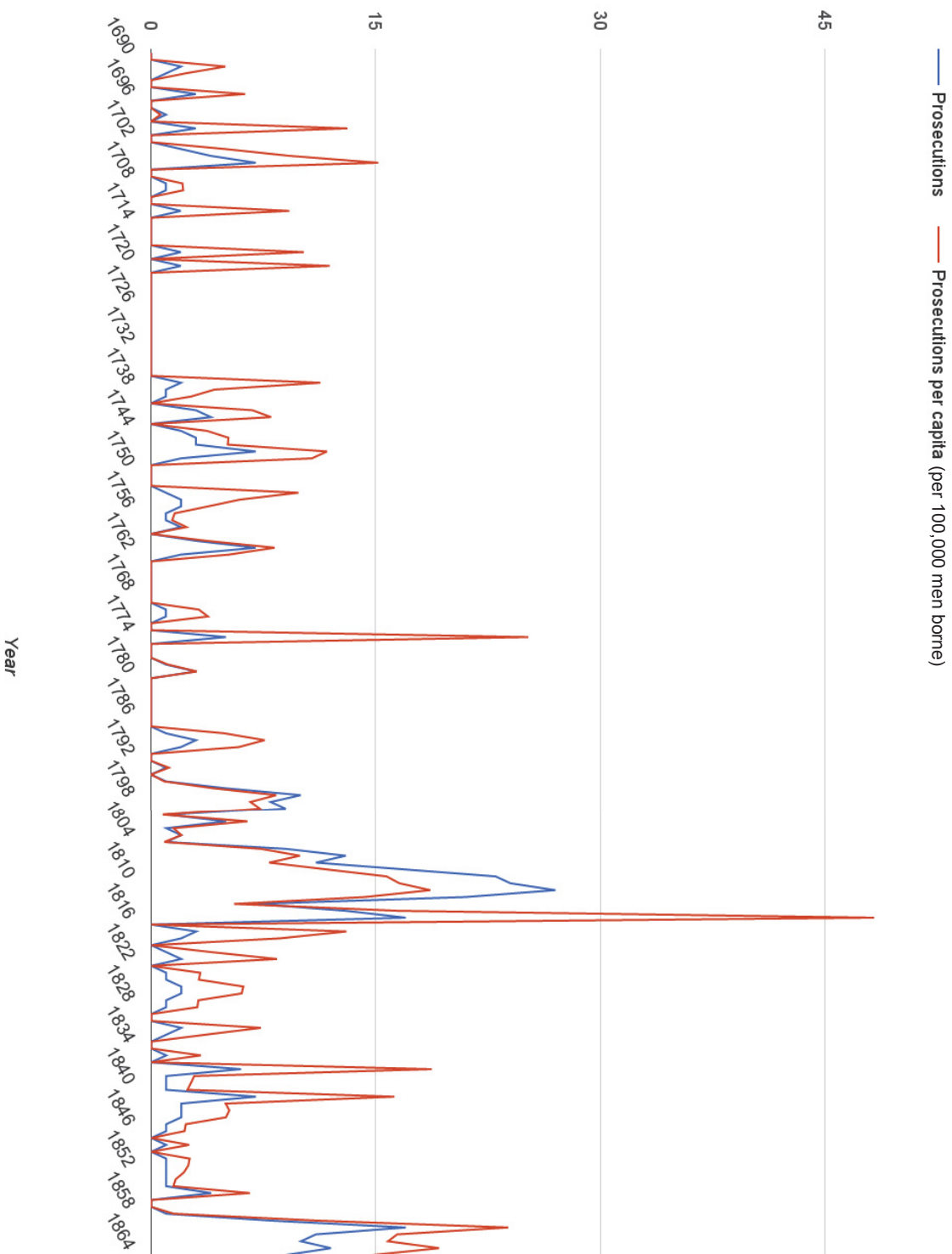
Prosecution Patterns: Naval Sodomy by the Numbers

Rare as sodomy prosecutions were, there were hundreds in the period covered here. Because of persistent undercounting it is important to establish the basic shape of the history of naval prosecutions and identify patterns in the cases that did come to trial. Graph 1.1 traces the absolute number of defendants counted in Appendixes A and E as well as per capita prosecution rates based on annual numbers of men borne.⁹⁶ The graph considers *all* sodomitical crimes together, without dividing between felonies and misdemeanors. Appendixes A and E attempt to preserve the sense of the severity of crimes described in charging language. Nevertheless, there is considerable imprecision and was much discretion in charges and prosecutions, descriptions of offenses at various points between allegation and verdict, and the language of verdicts themselves. These factors frustrate attempts at precision here, however desirable that may be. Those framing charges sometimes did so in a way that covered any possible infraction, whether felony or misdemeanor. Both they and courts were sometimes scrupulous in framing and investigating charges narrowly, but many cases proceeded without such care.

A crucial source of imprecision was the power courts had to convict defendants of

⁹⁶ Because the number borne reflects the number of men entered on ships’ books rather than the actual (and inevitably lower) number who were on board those ships in the same year, this number somewhat overstates the actual strength of the fleet and to that extent therefore depresses the per capita prosecution rate. I chose to use the number borne rather than mustered so that I would be able to provide unbroken serial statistics for the entire period. As with other quantitative data given throughout this dissertation, these rates should therefore be regarded as *minimums*.

Prosecutions



Graph 1.1. Absolute and per capita prosecution rates, 1690-1865. Per capita rates give prosecutions per 100,000 men borne. Data on men borne (rather than mustered) were selected in order to provide unbroken serial statistics for this period, but they overstate the actual number of men present on ships. (See n96 and Rodger, Command, appendix VI.) Sources: Trial data derived from Appendixes A and E. Data for men borne from Rodger, Command, appendix VI, and Rasor, Reform, 29.

the misdemeanor version of any felonies with which they were charged. Courts made use of this discretionary power frequently and enjoyed it throughout the entire period under consideration.⁹⁷ The 1861 Naval Discipline Act explicitly confirmed the power for felonies generally, and used sodomy as one of the examples of its use: “where he shall be charged with Sodomy, a Court-martial may find him guilty of an indecent Assault.”⁹⁸ The power gave courts broad latitude when men faced felony charges, though post-conviction review did periodically check courts for over-broad application. One late example is the case of boatswain’s mate Henry Giddy, who was charged with sodomy with a boy in 1862, and though acquitted was found guilty of indecent conduct and sentenced to a discharge with disgrace (the Admiralty also discharged the boy as an “objectionable character.”)⁹⁹ The court obviously felt that Giddy was morally culpable even if they could not convict him of the felony. The *Hampshire Advertiser* reported that Giddy had simply been acquitted, but explained that the court’s president, Captain Robert Coote, addressed the prisoner after the verdict, saying that “although you are acquitted of the charge... the court consider you have been guilty of scandalous conduct.”¹⁰⁰ A few months later Attorney General William Atherton and Solicitor General Roundell Palmer produced an opinion critical of the court’s conduct.¹⁰¹ It concluded that the 1861 act narrowly bounded

⁹⁷ Consider the case of Francisco Falso and John Lambert (18 Sept. 1798, ADM 1/5346), a rare instance in which a court strictly confined itself to charging language in a felony case and therefore concluded that though the defendants were “guilty of most indecent and scandalous practices” it could not convict. The digest observes that this is “an instance of greater legal correctness than is generally to be found” in the courts martial records, and that the court would have been fully within its rights to convict them of a misdemeanor. ADM 12/26, pp. 48-50.

⁹⁸ 24 and 25 Vict., c.115, §42.

⁹⁹ ADM 194/180, 755, 30 September 1862, reports this as a simple acquittal. The trial materials are in Henry Giddy court martial (30 September 1862, ADM 1/5808).

¹⁰⁰ *Hampshire Advertiser*, 4 October 1862. See too *Hampshire Telegraph*, 4 October 1862.

¹⁰¹ TS 25/26, pp. 383-84.

this power to convictions for lesser, but still criminal, forms of the *same* crime. They concluded that the court had in fact found Giddy guilty of a non-criminal offense that was not a lesser form of sodomy, and therefore had no right to discharge him with disgrace.¹⁰²

In terms of trial rates during the period under consideration, we can divide 1690 to 1840 into three rough periods. The first, from 1690 to 1792 saw relatively few prosecutions, clumped together into short bursts of activity during wartime. The rate nonetheless spikes relatively high in some of these years, even when compared with what would follow. In the century before the French Revolution prosecutions were unquestionably uncommon, though. We find only a handful in the early years of the surviving courts martial papers. There is a swell of over a dozen prosecutions during the War of Spanish Succession (1701-1714), but none between the mid-1720s and late 1730s. That is, they flag substantially between that war and the period of the War of Austrian Succession (1740-1748) and the Seven Years' War (1754-1763), the high point for prosecutions in the pre-Napoleonic period. There were again relatively few prosecutions during the following three and a half decades, including during the years of the American Revolutionary War (1775-1783).

The French Revolutionary Wars began in 1792, and touched off a sustained increase in courts martial overall, including courts martial for sodomitical crimes. This is the second period, marked first by an uptick during the Revolutionary Wars (ending in 1802), and then an unprecedented level during the Napoleonic Wars. This was the historic

¹⁰² They did however observe, in closing, that “he may of course be dismissed the Service *simpliciter*.” As I discuss elsewhere, simple discharge could serve as punishment in cases just like this, where formal means failed or were unavailable.

high point for prosecutions in the sailing navy, with a peak in total prosecutions in 1812. 1816 was an important but anomalous year, the unique rate spike explained by the combination of the post-war drawdown in forces (the number of men borne was almost halved from 1814 to 1815, and more than halved again from then to 1816) coinciding with the large series of trials stemming from the *Africaine* affair. This second period had far and away the highest number of prosecutions and the highest prosecution rates.

In the third period, the post-Napoleonic era, trials rapidly dropped off, though rate spikes continued. 1817, with no trials, was nonetheless more of a harbinger of things to come than the small series of prosecutions that followed in the next two years. The stretch leading to 1840 was relatively quiet, and the two periods with higher rates in this era are due more to the small size of the navy in these years than any substantial uptick in prosecutions. The force was small enough that even a modest increase in absolute prosecutions had a sizable effect on the per capita rate. It is also instructive to compare these rates to what followed, and for this reason I have included another quarter century of data on this graph (with data for the rest of the century available in Appendixes A and E). These later data show that while the French Wars period marks a uniquely active era in the navy's legal repression of the sodomitical, these efforts never died away, persisting through changing legal and disciplinary regimes. Unfortunately, few trial records from this later period have survived, and as a result it has been exceedingly challenging for

historians to study these cases.¹⁰³ I have included analysis of the few surviving case files from the post-1840 period at various points throughout this and other chapters, but it is outside of the scope of this dissertation to suggest more general interpretations of events during the Victorian period.

Comparison to civilian prosecutions on land shows that naval prosecution rates were relatively high, particularly up to the end of the Napoleonic Wars. During the eighteenth and into the nineteenth century, the navy regularly outstripped the Old Bailey in the number of men it prosecuted for these sorts of offenses. In both of the periods 1750-1770 and 1791-1830 this was the case.¹⁰⁴ H.G. Cocks's data on civilian sodomy committals reveals that rates of action against sodomy in the navy were frequently much higher than on land during my period as well. Between 1806 and 1900 civilian committals never rose above 1 per 100,000 in the population. They were, however, also constant in a way that naval trials never were, since these rose and fell along with the size of the fleet. Civilian committals never fell below 0.2 per 100,000 in that same period, while there were years in this time in which the navy did not prosecute any men.¹⁰⁵ This is also of course not a direct comparison, as effectively only adolescent and adult males were subject to sodomy laws. That covered the entirety of the navy, but only a portion of the general population. Indeed, it is not clear that a direct, meaningful comparison is

¹⁰³ Mary A. Conley, "The Admiralty's Gaze: Disciplining Sodomy in the Edwardian Navy" (paper given at the conference "Navy and Nation: 1688 to the Present," National Maritime Museum, 2013), and *From Jack Tar to Union Jack: Representing Naval Manhood in the British Empire, 1870-1918* (Manchester: Manchester University Press, 2009), 37-39. Eugene L. Rasor, *Reform in the Royal Navy: A Social History of the Lower Deck, 1850-1880* (Hamden: Archon, 1976): 98-100, 164. Britta Hanson, "The Virtues of an Explicit Defense: Homosex in the Victorian Royal Navy," *West Point Undergraduate Historical Review* 3 (2012): 55-73.

¹⁰⁴ H.G. Cocks, *Nameless Offences: Homosexual Desire in the Nineteenth Century* (London: I.B. Tauris, 2003), 24; Simpson, "Masculinity," 482, and tables 5 and 11.

¹⁰⁵ Cocks, *Nameless Offences*, 23.

possible because of differences in population and disciplinary and justice systems. The important general conclusion here, though, is that while sodomy prosecutions were rare both in the navy and on shore, both systems did try the crime, and the navy was a significant venue for sodomitical crimes trials.

Parker's case was in many ways typical of sodomy prosecutions in this era. A lower-deck man, a marine, Parker had used his elevated status relative to his teenaged victim in order to take advantage of him sexually. Muleraty's case was stranger. A seaman doing duty as a cooper, Muleraty was accused of bestiality with a fowl. One evening some men on the *Theban* heard a racket from the ship's fowls. On investigation they found Muleraty stretched out in the coop with the forepart of his trousers unbuttoned and hanging down. One man quipped that "he had been foul of the Fowls."¹⁰⁶ The ship's captain had her surgeon examine man and bird. The latter showed signs of extreme violence ("the flesh of the fowl in the fundament part [the anus] was torn and all over blood, and the Entrails just coming out"), and the investigation found feathers on Muleraty's genitals, including under his foreskin. To some, Muleraty appeared drunk "out of his senses" and, further, he was reputed to have shown marks of insanity—including having made threats to blow the ship up. Where the evidence against Parker had been fairly weak, Muleraty's case was open and shut. The court convicted, just as Parker's had. Both men were to hang.

Muleraty's was representative of bestiality cases when it came to the simplicity of the prosecution against him. As I suggested above, bestiality was generally only

¹⁰⁶ A maritime metaphor, being or running "(a)foul" of another could describe sodomitical crimes.

prosecuted when it was seen as flagrant. Muleraty's court had little difficulty coming to a decision about the crime. As a rule, though, sodomy was challenging to investigate, prosecute, and judge. Legal commentators, trial participants, and interested onlookers all agreed on this point. To deal with these cases administrators, investigators, courts, and other naval and legal actors needed to engage in and generate a great deal of discourse about a complex, recondite, and (many felt) repellant topic.

For instance, many courts had to deal with the challenging question of whether the passive partner or partners shared any guilt. There was no simple way to solve this—not even with reference to age of consent, as boys younger than fourteen could be found to have consented.¹⁰⁷ It was necessary to look closely into how the passive partner had acted, and to apply the standards used in prosecuting the rape of women. Rape victims of both genders were expected to resist when attacked, to attempt as much as possible to escape and raise an alarm, and to immediately make an outcry and produce evidence of the attack (torn clothing, injuries, body fluids, etc.). Even drunkenness rarely served as compelling evidence of innocence. Both active and passive partners routinely pointed to inebriation as an excusing or mitigating factor, though seldom with success.¹⁰⁸ Only in isolated cases were courts willing to find that passive partners had been insensible

¹⁰⁷ In the Thomas Finley and George Newton court martial (2 July 1761, ADM 1/5300), the co-defendant Finley, who was between thirteen and fourteen years old, was sentenced to die and duly hanged. *London Chronicle*, 28-30 July 1761. Determinations were ad hoc and based on assessment of knowledge of right and wrong, of sex, and of how youths and children had acted. In general terms this treatment of the young mirrors what William G. Naphy describes in “‘Under-Age’ Sexual Activity in Reformation Geneva,” in George Rousseau (ed.), *Children and Sexuality: From the Greeks to the Great War* (Basingstoke: Palgrave Macmillan, 2007): 108-41.

¹⁰⁸ We do find examples of the notion that drunkenness permitted actions men would otherwise not pursue, suggesting that they lacked *mens rea*. This was, however, an exceedingly weak defense. See for instance the statement in the Timothy Coleman trial (16 April 1810, ADM 1/5404): “He replied ‘Any Man when drunk might dream he was with a Woman or any thing of that sort.’”

enough to remove the question of culpability. To take a very late example, in 1878 a court convicted one able seaman of sodomy but acquitted his victim, who they determined had “been so insensible from drink as not to know that the crime was committed upon him.”¹⁰⁹ Usually, however, positive evidence of resistance was required. Recall that in the Parker trial the supposed victim, the adolescent Nowland, was careful to emphasize that he had attempted to resist by “screeching,” but that Parker had stopped his mouth.

The central focus in naval legal practice on penetration meant that the exact nature of the alleged sex act was of signal importance in many cases. Observers—and, clearly, the court—had little trouble determining that Muleraty had penetrated his animal victim. The massive trauma he had inflicted left little room for any other conclusion. This question was considerably more complicated when it came to Parker, however, as it was in many other cases. In his case, as was routine, the court sought to establish penetration. Nowland stated clearly in court that Parker had entered his body, though “not far.” In an attempt to gain further certainty, the court then turned to the ship’s medical men. Characteristically, they refused to answer with any certainty. Chapter 3, which explores sodomy as a medico-legal problem, shows that determining penetration was a perennially vexing and vexed issue in which surgeons were seldom much help. The complexity of the questions involved in these cases forced men to engage deeply with sodomy and sodomy law.

Punishment, Discretion, Discharge, and Flight

¹⁰⁹ ADM 194/182, #4187.

Convicted sodomites on land faced a range of punishments: from the non-corporal, like fines, to potentially life-threatening gaoling and pillorying, to capital punishment—usually in the form of hanging. Pilloried sodomites could face brutal, sometimes fatal, physical abuse from hostile crowds until the practice was restricted in 1816.¹¹⁰ Sodomy remained a capital crime until 1861, though executions ceased in the 1830s. Thereafter courts still *recorded* capital convictions for felony sodomy, but in these transitional decades felons instead faced incarceration, sometimes in the form of penal transportation.

The navy's parallel judicial system shared some punishments with its peer on land, but also had its own unique range of penalties (see Appendix E for a full list of sentences in the cases considered here). Minor punishments likewise included financial sanctions. Convicted men of any rank could be stripped of their standing or expelled from their ship or the service entirely, sometimes with an explicit prohibition from ever serving the crown in future. In the early decades of the nineteenth century dozens of men were sentenced to incarceration, mainly at the Marshalsea prison in Southwark (see chapter 5 for detailed discussion). Corporal punishment took the form of flogging with the cat o' nine tails ("the cat").

As we have seen, naval regulations permitted use of the cat as summary punishment for minor offenses, and when flogging occurred in this context it was as part of a formal punishment delivered ceremonially in a ritual in which a man's peers

¹¹⁰ See for instance, Peter Bartlett, "Sodomites in the Pillory in Eighteenth-Century London," *Social & Legal Studies* 6 (1997): 553-72. David J. Cox, *Crime in England, 1688-1815* (New York: Routledge, 2014), 94-5.

witnessed his physical abasement.¹¹¹ The spectacle of court martial-imposed floggings for sodomitical crimes that came to trial was considerably more dramatic. Most court martial sentences for sex crimes convictions carried lash numbers above two dozen, and many were delivered in a ceremony known as flogging ‘round the fleet. Offenders receive their lashes in a boat, attended by representatives of the assembled ships and ferried from ship to ship in port. Punishments were rendered visible to all.

As was generally the case with pre-modern corporal punishment, a central goal was achieving a terrifying visibility. Naval authorities choreographed executions and other public punishments with this goal in mind as well. As the first edition of the *Regulations and Instructions* (1731) directed in an article glossed as “Executions to be publick”:

When Sentence of Death is to be executed upon any Criminal, Notice is to be first given from the Ship by... firing a Gun... the Captains of all the Ships Present shall summon their Companies upon deck, to be Spectators thereof, and shall make known to them the Crime, for which the punishment is inflicted.”¹¹²

Punishment was supposed to have a deterrent effect, and sentences sometimes specified their shaming goals as well. In one 1800 trial, for instance, the court sentenced the convict to a flogging ‘round the fleet and specified that after receiving his lashes he was to be drummed ashore with a halter around his neck “in as disgraceful a Manner as possible.”¹¹³

Flogging was not intended to kill. The massive lash numbers handed down during

¹¹¹ *Regulations and Instructions* (1731), 45.

¹¹² *Ibid.*, p. 6. *Regulations and Instructions* (1806), 410, is essentially identical, though it extends the article to all “other public punishment to be inflicted” and adopts the gloss “Forms to be observed and execution of the sentence.”

¹¹³ Robert Patton court martial (ADM 1/5352, 4 February 1800).

the high point of the practice would easily have done so if inflicted in one session. Naval practice was to parcel lashes out as men could bear them. Surgeons witnessed punishment in order to assist in the determination of how much violence was permissible.¹¹⁴ For example, the orders for the punishment of two sailors in 1811 specified this measure. One man was sentenced to 150 lashes for theft; the other, 100 for drunkenness. A surgeon and assistant surgeon were to be present, “as the Lieutenant may not be a proper Judge” in this area. At whatever point “the Surgeon shall give it as his opinion that he cannot bear any more of his Punishment with safety,” it was to halt for the time being.¹¹⁵ When the military governor of Anholt was charged with “cruelly, tyrannically and oppressively” punishing two men in 1809, part of the allegation of his inhumanity was that he had neglected to have any medical man witness comparatively light sentences of 48 lashes.¹¹⁶ Such an allegation could only have meaning in a system in which corporal was clearly separated from capital punishment, and prisoners—even heinous offenders—enjoyed rights to bodily support and care. The navy legal writer Robert Liddel gives us a view of the outcome of one sodomy case ending in flogging: that of James Brown and Charles McCarthy. Brown was an adult, and received a greater sentence—200 lashes. Liddle reports that he received 167 lashes in the first round, “laid on with so much Violence” that it took him months to recover in order to receive the final portion.¹¹⁷ Such practices must complicate readings of lash numbers as any transparent statement of courts’

¹¹⁴ Dacam, “Wanton and Punishing,” 41.

¹¹⁵ Admiral Sir William Young on courts martial sentences from June 1811 (NMM BRA/95/A-D).

¹¹⁶ Edward Nicolls court martial (6 April 1812, ADM 1/5425), second charge. One of these men was a former naval sodomy defendant, Henry Dartway.

¹¹⁷ Liddel, *A Detail of the Duties of a Deputy Judge Advocate; with Precedents of Forms of the Various Documents used in Summoning, Assembling and Holding a Naval Court Martial...* (London: by H. Bryer, 1805), BL shelfmark 505.i.14, 139-40. Liddel further reports that Brown “some Time afterward made an Attempt on one of the Boys on board the Salvador,” and then deserted.

attitudes. In 1807 a court sentenced two men to 1,000 lashes each, “or such part thereof as they can bear within the space of three Months.”¹¹⁸ With or without clauses of this sort, courts may not have intended men to actually receive their full sentences.

Parker and Muleraty both faced the worst fate the navy could bestow: an ignominious death hanging in a noose from a yardarm. The versions of the Articles of War in force during these centuries shared with the pre-modern English criminal code a decided fondness for the death penalty. Twenty-one articles in the 1749 Articles required or allowed for capital punishment.¹¹⁹ A conviction for felony sodomy could *only* result in a capital sentence. Courts lacked the power to exercise any discretion here. Naval courts sentenced a significant number of men to hang. At least seventy-six men received capital sentences between 1690 and 1900. A few—like Rafaelo Troyac and Rafaelo Seraco—faced more than one capital conviction. Roughly 13% of prosecutions in this period resulted in a death sentence. However, in some cases naval or royal authorities or the monarch spared men through mechanisms including commutation and pardon. Arthur Gilbert concluded that men were unlikely to find clemency after such convictions, an argument he adduced as evidence of the severity of treatment of sodomy by the navy and crown.¹²⁰ He may be correct the the crown was loathe to extend mercy to sodomites, but my fuller, if still incomplete, investigation of the outcomes of these cases suggests that almost a quarter of the capital convicts found some relief, be it respite, pardon, or commutation. More work is needed on this question, but it is clear that historians should

¹¹⁸ George Shandoff and James Johnson court martial (12 Sept. 1807, ADM 1/5383). Gilbert, “Disorder,” 113, suggests that this was the heaviest naval corporal punishment sentence during the Napoleonic Wars, but we must also account for the three-month clause in assessing that statement.

¹¹⁹ Articles 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 25, 26, 27, 28, 29, 30.

¹²⁰ Gilbert, “Buggery,” 81.

qualify Arthur's conclusions in this area in future. As on land, naval courts did also deliver capital sentences after the 1830s, sentences which were then commuted. They continued to do so up until the eve of the removal of the death sentence for sodomy from the penal code. The final recorded sodomy capital sentences given by a court martial appears to be from a late-1860 case.¹²¹

The purpose of these brutal, spectacular punishments was to dissuade other offenders and potential offenders. We can infer extensive discussion of this topic among naval officers involved in cases and the administrators who oversaw their resolution. It is more challenging to locate explicit discussions, but they do survive. Parker's case furnishes an important example here. Both his and Muleraty's were referred to crown legal officers in 1811 for opinions on the legality of their sentences. The law specifically enjoined review of capital sentences in this fashion, and for good reason.¹²² Review flagged problems in both cases. Thomas Plumer, the solicitor general, and Sir Vicary Gibbs, attorney general, joined with the counsel for the Admiralty early that October to reject the legality of Parker's sentence.¹²³ They held that the law "as... now understood" required both penetration and ejaculation in the body. Recall that Nowland's testimony appeared to directly contradict internal emission. These men also considered Muleraty's case, and expressed concern about whether the statute actually governed his crime at all. The question, put simply, was whether the "word beast could be held to comprehend Fowls."¹²⁴ As with Parker, it seemed that there may be good reason to reject his sentence.

¹²¹ John McIntyre and James John Woodhouse court martial (24 Dec. 1860, ADM 194/180, #390).

¹²² Articles of War (1749), §19. In the 1661 articles, see article 34.

¹²³ 8 October 1811, ADM 7/309. All of the letters discussed in this paragraph are collected with this opinion.

¹²⁴ Middle Temple Library, MS 23, p. 400.

Gibbs, Plumer, and Jervis had in the past been willing to permit executions when evidence of emission was lacking; here the problem was that there was evidence *contrary* to it. Just a few years earlier, in the case of James Nehemiah Taylor, the defendant had objected in his defense that the prosecution had not proved emission.¹²⁵ (We will examine this case in detail in chapter 3.) He was quite correct in this claim, but when the case came to these three men for review, they concluded that “there was sufficient presumptive evidence” that the crime had been completed. They continued in their written opinion by explaining that the experienced Deputy Judge Advocate who had officiated, Moses Greetham, Jr., had explained the relevant law to the court. The officers had fully understood it. Yet when there were grounds for a presumption against emission, Gibbs, Plumer, and Jervis came down differently. In the 1810 case of James Toole the three concluded that evidence that the convicted man had not completed the sex act in his victim’s testimony “in part negated” a felony conviction.¹²⁶ The *Hampshire Chronicle* had reported that Toole had been convicted “on the clearest evidence,” but his sentence was in fact commuted to transportation for life.¹²⁷ The stage was therefore set for review to reject Parker’s sentence, which is precisely what happened.

The failure of Parker’s case attracted the ire of John Wilson Croker, who held the powerful position of Secretary of the Admiralty throughout much of the Napoleonic Wars. Croker wrote that sodomy received “too frequent impunity,” in part because of inattention to the legal niceties on the part of courts martial boards. He was joined in this

¹²⁵ The following draws from the case in ADM 7/308, no. 576. See too Croker to Bicknell, 15 Dec. 1809, ADM 2/1074, pp 387-88.

¹²⁶ ADM 7/308, 13 Oct. 1810. See too ADM 2/1075, pp. 115, 119; and ADM 1/3699.

¹²⁷ *Hampshire Chronicle* 8 Oct. 1810; *Naval Chronicle* 24 (1810), 434.

opinion by George Eastlake Jr., a long-serving Judge Advocate who had served in that position at Parker's trial and many other sodomy prosecutions, and who explained to the Admiralty that at trial attention to the nuances of the law had been trumped by a desire to "check a Crime which, I lament to say, is thought to gain ground in the Naval part of the community." Charles Philip Yorke, First Lord of the Admiralty, was also highly displeased with the opinion critical of the conviction and sentence. He urged a reconsideration. Sodomy was, after all, "unhappily too frequent in the navy & requires striking examples to restrain it."¹²⁸ These men were frustrated that they were unable to punish Parker in the manner he seemed to deserve and which, even more importantly for their purposes, they felt was absolutely necessary to fight sodomy in the fleet. These powerful men devoted time to what a lowly marine and a boy had done one night in a hammock far afield from London because they agreed that a massive, highly-visible punishment was absolutely necessary.

Croker and Yorke deplored the navy's failure to achieve the hangings that seemed so necessary, but we can appreciate the many reasons why commanders, senior officers, and administrators often preferred non-judicial resolutions. Courts martial were cumbersome to assemble and were time-consuming affairs. The governing legislation specified that courts be composed of between five and thirteen officers, commanders and above.¹²⁹ They were seated by seniority from the top down, beginning with the court's

¹²⁸ Yorke was not alone among First Lords in voicing this opinion. Just a few years earlier his immediate predecessor, Lord Mulgrave, had written to George III that he was "impressed with the importance of checking the progress of so detestable a crime in your Majesty's Navy." *Later Correspondence of George III*, vol. 5, 309-10, 8 July 1809. Mulgrave wrote in reference to the recommendation to commute the sentence of Benjamin Grimshaw and John Scott.

¹²⁹ The 1806 *Regulations and Instructions*, 406, clarified that lieutenants "in the temporary command of Ships" could not be seated.

president, who had to be one of the top three ranking officers at the trial location.¹³⁰ Moreover, if up to thirteen qualified officers were available, they had to be seated.¹³¹ The 1749 legislation also sought to restrict court members to the business of the trial for its duration. When they were hearing a case, that work was supposed to fully consume their time.¹³² The restrictions put in place were arduous enough that subsequent legislation rolled them back.¹³³ Whatever the specific rules or conditions at any given time, a trial was an unappealing prospect. Yet the navy lacked a level of formal adjudication between summary punishment and the court martial, unlike other branches of the armed forces with institutions like regimental, garrison, or district courts martial. The analogue would have been a ship court martial had there been any provision for such an institution.¹³⁴ Among other considerations, this paucity of formal options meant that charges needed to be sufficiently serious in the eyes of senior officers and administrators, and to have enough evidence to stand a reasonable chance of success at trial, to warrant the use of the court martial. As Admiralty Secretary Evan Nepean sharply observed in a letter to Nelson in 1801 in which he refused a court martial request made by a lieutenant against a surgeon's mate (not for a sodomitical offense), the complaint was not "even according to [the lieutenant's] own statement, of sufficient importance to warrant so serious an

¹³⁰ The *Regulations and Instructions* explained that junior officers commanding post ships would be treated as of higher status than "his senior Officer" if the latter was in command of a sloop. Those in temporary command of ships could be seated. *Ibid.*

¹³¹ Articles of War (1749), §XI-XIV.

¹³² *Ibid.*, §XV.

¹³³ 19 Geo. III, c. 17.

¹³⁴ A.N. Gilbert, "The Regimental Courts Martial in the Eighteenth Century British Army," *Albion* 8 (1976): 50-66; G.A. Stepler, "British Military Law, Discipline, and the Conduct of Regimental Courts Martial in the later Eighteenth Century," *English Historical Review* 102 (1987): 859-86; and Peter Burroughs, "Crime and Punishment in the British Army, 1815-1870," *English Historical Review* 100 (1985): 545-71. The use of structures below the level of what was called a general court martial to address homoerotic crimes is well documented. For an example involving the marines, see *Hampshire Telegraph*, 11 October 1873.

enquiry.” Nepean explained that the officer should know that “complaints of so trivial a nature must be very ill received by their Lordships.”¹³⁵ Offenses needed to be of sufficient importance to justify invoking the institution.

There was a further variety of pressures against requesting courts martial for sodomitical offenses. For instance, a dishonorable crime could injure a whole ship’s standing. Commanders who preferred their men to courts martial ceded control over them as well. The courts had wide discretion, and any man who got caught up in the legal system for this sort of offense could potentially end up hanging from a yardarm. William Hoste, for instance, opted to have a sailor and boy under his command flogged rather than brought to court martial for an unnatural crime. He reflected that “Had I tried these wretches by a Court Martial... they must both have been executed.”¹³⁶ We could easily multiply these sorts of reasons, and they help to explain why commanders turned to summary punishment and other means below the level of the court martial to deal with sodomitical offenses. The court martial was a necessary institution, and in some cases—such as when a ship was lost—trials were even mandatory. Courts had unique disciplinary authority over officers; were alone empowered to deliver capital sentences; and could legitimately exceed the limits placed on summary corporal punishment. Yet there were clearly many reasons for avoiding them.

Apart from summary punishment, the key method of non-judicial resolution of sodomy was discharge or flight (see Appendix B for examples). These took a number of

¹³⁵ Nepean to Nelson, 12 September 1801, NMM CRK/15/106.

¹³⁶ Quoted in Tom Pocock, *Remember Nelson: The Life of Captain Sir William Hoste* (London: Collins, 1977), 86.

forms. The Admiralty or individual officers might discharge a suspect; a captain could allow a man to flee—or force him to do so. Gilbert describes this as “the eighteenth-century equivalent of an administrative discharge.”¹³⁷ These practices could take that precise form, such as in the 1805 case of Lieutenant Joseph Newton. The Admiralty determined that he was a “wretch” and permitted him “to retire into solitude.”¹³⁸ Those with authority resolved the case in full view of the high-level officers and administrators involved, using administrative tools open to them rather than resorting to judicial processes. Others, however, took to semi- or illegal means instead. For instance, men routinely escaped on their own in the face of allegations. Indeed, one of the earliest surviving case records from this era involves an escape from custody, that of Peter Thompson. Thompson was the commander the Royal Yacht *Isabella* and faced a sodomy accusation in 1697. He had been arrested and held on the *Queen* at Spithead in preparation for a trial, but fled captivity late in September. The Lords Commissioners ordered him apprehended “as secretly as maybe,” noting that he “had since been seen about London.” Whether or not he was found, he does not appear to have faced trial.¹³⁹

An important example of this practice from the point of view of the quarterdeck comes from the manuscript journals of Sir Graham Moore. In 1788, before he held command, he witnessed the practice when two men were caught, held in irons for almost a month, each given a dozen lashes, and then both “put in one of the boats, and an opportunity given them to desert which (in consequence of frequent broad hints that such

¹³⁷ Gilbert, “Buggery,” 72.

¹³⁸ Vice Admiral Holloway to William Marsden, 3 Jan. 1805, ADM 1/674.

¹³⁹ ADM 2/1047, 15 October 1697.

a step would be highly satisfactory to the Officers) they accordingly did.” While Moore found the entire situation “disagreeable,” he nonetheless reflected that “had I been Captain of the ship I would have turned them both ashore.”¹⁴⁰ Some years later he was put in that exact situation, and did indeed opt to have a seaman flogged and then turned him ashore “in a manner disgraceful to the character of an Englishman.” When writing about his decision, Moore began by reflecting “Yesterday I did what I had no right to do,” but then observed that

I must either have acted as I did, or taken the fellow round to St. John’s to be tried by a Court Martial; it was impossible for him to remain in the ship after it; the horror and indignation which our countrymen have for attempts of that nature could not brook such a man remaining amongst them. Besides I am of opinion that morality suffers by such practices becoming notorious.¹⁴¹

In both instances Moore’s reaction is pained, shot through with tensions between disgust, the demands of expediency, and the needs of discipline and the shipboard community. He fails to resolve the tensions in either instance. “Discharges” of this sort spanned the range from fully legal—permitted or even ordered by the Admiralty—to clearly illegal. What Moore did appears to have been common enough that we can regard it as widely accepted as appropriate in shipboard society and naval culture.

In rare instances the Admiralty tried or punished those who permitted this sort of desertion, but examples throughout this dissertation show that this was a regular method

¹⁴⁰ Cambridge University Library, MS Add. 9303/3, pp. 115-16, 14 January 1788. As Tom Wareham notes, the next leaf of this manuscript volume (i.e. what would be pp. 117-18) has been excised, so we unfortunately lack any further reflection, if indeed there was any. Wareham, *Frigate Commander* (Barnsley: Leo Cooper, 2004), 14, 269n21. Wareham quotes both this and the following episode in full. I have worked with the journals and cite both Wareham and the original manuscripts here for the reader’s convenience.

¹⁴¹ Cambridge University Library, MS Add. 9303/7, pp. 77-78, 17 August 1793. Wareham, *Frigate Commander*, 68. See too Dacam, “Wanton and Torturing,” 43. Moore went on to serve on a handful of sodomy courts martial. See Appendix F.

of resolving these cases. Despite Moore's sense that he had done wrong, what he did does not appear to have been regarded as a serious offense in most instances. In 1806, over a decade after this event, Captain Donald Hugh MacKay was tried on charges brought by his former first lieutenant, including the allegation that at Tangier he had similarly discharged a sodomy prisoner, a marine, arrested by the lieutenant.¹⁴² At trial, the prosecutor could call no witnesses to testify to the act, and had to take the stand himself to speak to it. Nonetheless, MacKay freely admitted in his defense that he had done so, and used the fact of the prosecutor's *charge* as evidence that all of the man's allegations sprang "from a spirit of resentment." Speaking to the fellow commanding officers trying him, MacKay was clear about his motivations: "The Court is aware of the difficulty of proving a crime of that nature, and how disgusting to the members of the Public, I could not think that this fleet required an example for such a crime and took a most effectual way to turn him out of the service." The court did not disaggregate the charges in giving its verdict and sentence, but even then it did no more than reprimand and admonish MacKay. At worst the discharge was only a minor misdeed. Flight nonetheless did carry some danger for those who permitted it, and could leave many witnesses, especially when it was an officer who fled. In one case it was a ship's company, the "people" of the *Barfleur*, who wanted Lieutenant John Wilmot Waterhouse tried for sodomitical offenses. They had rejected an accommodation that would have allowed the officer to flee, and when he did escape without their leave they sought punishment for the officers who had

¹⁴² Donald Hugh MacKay court martial (29 April 1806, ADM 1/5373). The quotes below come from minutes p. 11.

allowed him to do so.¹⁴³

As that case indicates, flight could certainly create problems for those involved. Consider a group of cases that occurred on the sloop *Saracen* when it was under the command of Sir John Harper. In 1813 Harper was involved in a case in which the senior lieutenant under his command, George Roper, was accused of an unnatural crime, was arrested and confined, and subsequently escaped. It appears that Roper was generally assumed to be guilty. A boatswain's mate on the sloop named William Horne was later convicted of a sodomitical attempt, and had apparently urged a boy to allow him to "do it a little tonight the same as Mr Roper did."¹⁴⁴ Harper's officers did not trust him to deal with the allegation against Horne properly, and they attempted to contact Vice Admiral Edward Pellew, their commander-in-chief, stepping out of the chain of command in order to directly request a court martial on Horne, citing their concern that Harper had released the man from confinement and feeling that "we have every reason to believe he will make his escape."¹⁴⁵ They had good reason to fear, as Roper had earlier done just that. That event had drawn Pellew's deep displeasure. The Vice Admiral had threatened to court-martial everyone potentially involved in the negligence that had allowed for Roper's escape.¹⁴⁶

As we have already seen, there were also officially-sanctioned versions of these practices. While we still do not know how frequently they did so, it is clear that higher-level authorities officially granted and ratified such discharges. In 1808 Admiral William

¹⁴³ John Bates and Richard Alcock court martial (1 June 1807, ADM 1/5382).

¹⁴⁴ William Horne court martial (10-11 March 1814, ADM 1/5441), minutes p. 6.

¹⁴⁵ Officers of the sloop to Pellew, 11 January 1814, in Beinecke Library, Osborn fd14.

¹⁴⁶ Pellew to Harper, 1 May 1813, as well as associated correspondence in *ibid*.

Young, Commander-in-Chief at Plymouth, requested that the Admiralty discharge Sub-Lieutenant William Simpson of the *Contest* gun brig for a misdemeanor offense. Simpson did “not deny the truth of the charge,” but since it was not a capital offense Young apparently believed discharge was appropriate. The Admiralty agreed, assenting to his suggestion.¹⁴⁷ As his case indicates, the Admiralty was willing to grant discharges even when there was every indication that prosecution could succeed. In 1757 surgeon John Miller had admitted in writing to the charges that a thirteen-year-old young gentlemen had lodged against him, of forcing the boy to masturbate him.¹⁴⁸ Miller blamed alcohol, and while he admitted his crime, he denied anything tending towards penetration or that he was “A Person addicted to such a Thing.” Courts punished many others for similar crimes. As we have seen, liquor was no defense. Yet the seriousness of the crime was uncertain. Even before seeking direction from the Admiralty, Miller’s captain, Alexander Innes, had already permitted the offender the freedom of the ship because he was her only medical man. In the end, rather than seeking prosecution the Admiralty simply dismissed the surgeon.

A related practice was to seek accommodation even after events had already built towards a public airing. Correspondence revealed during the course of the Charles Sawyer trial shows that Sawyer and his principal opponent had tentatively reached such a deal. They had agreed that the application for a court martial would be withdrawn and Sawyer would leave his ship “never again to return.” They sought their superior’s

¹⁴⁷ ADM 1/825, Young to W.W. Pole, 28 July 1808 (letter B800); ADM 12/27E and 12/27D.

¹⁴⁸ The following is based on Thomas Broadrick to John Cleveland, 13 June 1757 (ADM 1/924), with enclosures.

blessing, justifying the request by reference to the harmful effects a trial would have for two young gentlemen involved in the case and for Sawyer's relations.¹⁴⁹ The letters of the officer to whom they appealed, George Cockburn, make clear his hostility to the proposal—but also show that he had helped to squelch an earlier instance of Sawyer's homoerotic misbehavior, and that he understood that what was being requested was indeed a normalized and accepted method of resolution. Cockburn ended up indicating that he thought an accommodation an admission of guilt, but that he would accept one if another officer blessed the plan.¹⁵⁰ Without further research it is impossible to know the extent of such practices or how long they persisted, though we can locate Victorian examples from after the period of this study, such as the midshipman Henry C.A. Cooper, who was discharged from the service without a trial for indecency in 1845.¹⁵¹

Epistemic Uncertainties

It is impossible to know how many men were informally discharged or punished summarily for sodomitical offenses. It is challenging even to trace formal discharges of warrant and commissioned officers, where at least a paper trail was in theory necessary. I have identified a few dozen cases that were resolved in this or a similar sort of manner (see Appendix B for examples). Considering the number of trials during the same period we must assume that there were many more cases like these that are simply much more

¹⁴⁹ Charles Sawyer (18 Oct. 1796, ADM 1/5337). See too ADM 12/26, pp. 285-88.

¹⁵⁰ Ibid. See too NMM CRK/11/90, Sir John Jervis to Nelson, 19 Oct. 1796; and Nicholas Harris Nicolas, *Dispatches and Letters of Vice Admiral Lord Viscount Nelson*, 7 vols. (London: H. Colburn, 1844-46), vol. 7, addenda, cxxii. The case of Richard Matson contains a similar formalized agreement. 15 and 18 July 1799, ADM 1/5350.

¹⁵¹ See his entries in ADM 11/29.

difficult to recover, or for which no documentation survives. Further research will undoubtedly reveal more cases of this sort. In any event, there are two key findings we should take away from this examination of summary punishment and other forms of non-judicial resolution. The first is that many routes were open to men in authority. There was a wide variety of different, often competing pressures for and against different modes of resolution. Croker and Yorke's outrage should not mislead; neither would have bound himself to courts martial and draconian punishments in every case. Croker, for instance, was one of the many officials involved in Arthur Walter Adair's long struggle with the Admiralty (explored in detail in chapter 5), and in that role repeatedly denied the former lieutenant a longed-for court martial.

The second key observation is that non-judicial resolution introduced considerable epistemic uncertainty for naval administration and other observers, helping to explain why we have so little concrete knowledge of this topic today. Whatever their flaws, courts martial were empowered to determine matters of fact and required to create a body of knowledge and associated records by which sodomy was fixed and made known at the metropole. Local and ad hoc resolution, by contrast, failed to "fix" sodomy epistemically. What knowledge and documentation it did produce was invariably partial and uncertain. Even when discussion of cases continued, it was nothing like a court martial: the naval trial was a unique sort of moment that generated an explosion in discourse and memorialized much of it. Any time that passed between discovery and adjudication introduced difficulties and complications. The overall impact of discretion and ad-hockery on knowledge is not only a problem for historians; these factors also

created considerable problems for naval actors at the time. Some were concrete: time and distance made later adjudication less likely and less possible. Issues of jurisdiction arose; actors and witnesses became unavailable; memories changed and faded. As we saw above in the *Conqueror* example, initial punishment could forestall the possibilities for dealing with sodomy at the “appropriate” level. We will see these processes at work in examples throughout the following chapters, and in particular in chapter 5, but a few examples are illuminating here.

Consider the course of the case of Lt. Henry Gibbs. In 1814 the Admiralty struck Gibbs, late of the *Columbine*, from the list of lieutenants for desertion.¹⁵² It appeared that Gibbs had fled the brig in the West Indies. He had become embroiled in a dispute with another officer, who threatened to reveal that Gibbs had committed an unnatural crime with a boy.¹⁵³ Gibbs, however, quickly returned to England on his own and offered *his* version of what had happened: he had been on shore, with permission, when he fell seriously ill and was unable to return to the brig. The vessel consequently sailed without him. Initially the Admiralty favored Captain Richard Henry Muddle’s version of what had taken place, and it was damning for Gibbs. Muddle produced damaging witness accounts and a self-incriminating letter Gibbs had apparently left for Muddle before taking flight. In this document he asked his captain for support in fleeing the service.¹⁵⁴

The Commander-in-Chief of the Leeward Islands station, Rear-Admiral Philip

¹⁵² ADM 12/27E and 12/27D, fol. 22v. He had received his commission in 1812. C.G. Pitcairn Jones, *Commissioned Sea Officers of the Royal Navy, 1660-1815* (annotated copy held in Caird Library Reading Room, NMM, PBN2825/1, hereafter *Commissioned Officers*), vol. 2, 354.

¹⁵³ Rear Admiral Durham to Croker, 13 October 1814 (Q143), with accompanying material, in ADM 1/335.

¹⁵⁴ The following draws from the case materials in ADM 7/312. Bicknell’s related correspondence is found in ADM 2/1078, pp. 407, 40-11, and 413-15.

Charles Durham, was convinced of Gibbs's guilt and the probability of securing a conviction. However, time and distance had confused matters. The Lords Commissioners were not even sure whether they now had jurisdiction over Gibbs—having already turned him out of the navy—or the right to arrest him in Britain for trial in the West Indies. Further, while Muddle alluded to a statement from the boy with or against whom Gibbs had allegedly committed his crime, this never came into the Admiralty's hands. While the Admiralty's law officers eventually outlined a number of possible ways to bring Gibbs to trial in different courts, there was no basis for prosecution without the boy's charge. Moreover, pursuing any prosecution would require time and resources. The force would have to bring all the participants to the West Indies or England.¹⁵⁵

How far the authorities pursued the matter after this point is not known, but there is no evidence that Gibbs came to a court martial. He had been successful in offering a counter-narrative at least insofar as he avoided public identification as a sodomite. In the letter Muddle claimed that Gibbs had left him on taking flight, the lieutenant had apparently written of his fear at

the idea of being deprived of seeing my Friends which irrevocably will take place on their knowing for what reasons I quitted the Columbine and the Navy will prove no doubt very serious to my Father and Mother, who are so desirous of my getting on in the Navy.

Time and distance allowed him to escape the worst version of that fate.

The importance of the fixity of information and where it was lodged is borne out in such cases. For Gibbs, being officially designated as a deserter was an acceptable

¹⁵⁵ Distance could be an insurmountable impediment. Consider for instance the 1833 case of Robert Roy of the British merchant brig *Margaret*. It proved impossible to prosecute him for bestiality when Brazilian witnesses refused to travel to England. 28 December 1833, ADM TS 6/3. His trial on another charge is reported in the Admiralty Sessions report dated 12 February 1834 (for the 11 Feb. sessions) in *ibid*.

outcome. It meant that the Admiralty might record that he was strongly suspected of sodomy, but that was quite different from a public trial. Yet different actors sought different ends. Arthur Walter Adair railed against the same outcome, as we will see in chapter 5, believing that similar information that the Admiralty held on him allowed enemies to attack his name and character. A few years earlier the Admiralty had concluded a long-running case involving Lieutenant Charles Clark Dobson, commander of the *Brevdaderen* gun brig.¹⁵⁶ In 1809 two boys serving under Lieutenant Joshua Rowe, commanding the *Censor* brig, had accused Dobson of repeated indecent attempts.¹⁵⁷ Rowe had immediately reported this in a letter to the Right Honorable Lord George Stuart, the senior officer at Heligoland. Two days later he further reported that Dobson had deserted. Stuart duly sent information about the desertion to the Admiralty, but apparently omitted all other information about the case. The bureaucracy considered Dobson “run,” but not a sodomitical offender.

Just over a year later Dobson’s brother Thomas wrote to the Admiralty, petitioning them with a memorial in his and their mother Amy’s names. They asked that the “run” check against Charles’s name be dropped so that his outstanding accounts could be passed and he could be put on the half-pay list. They claimed that he had deserted because of “mental derangement,” and for the same reason had not settled his status appropriately with naval authorities. They included medical certification of his insanity, which apparently sprang from wounds he had received while serving under Lord Nelson.

¹⁵⁶ Byrn, *Naval Courts Martial*, 122-25, reprints the brief court martial portion of this case. For Dobson: *Commissioned Officers*, vol. 3, p. 256.

¹⁵⁷ Except where noted the following draws from the case materials in ADM 7/309.

The Lords Commissioners were inclined to comply, observing that “he appeared to have been under the influence of a delirium and at times an absolute mania” rather than “a reasoning mind.” For the Admiralty, this case still had nothing to do with the sodomitical.

This decision came in the spring of 1811. Exactly five months later Rowe, the officer who had originally reported Dobson, wrote to Croker from Bristol expressing his surprise to find Dobson on the lieutenants’ list.¹⁵⁸ He forwarded the relevant correspondence, which he had retained, lest Dobson had “imposed a false statement of his case” on the Admiralty. Yet as with Gibbs, the Admiralty was unsure whether it even could prosecute Dobson at this juncture. Jervis assured the Lords that they could do so, and they quickly moved to arrest Dobson and set a trial in motion.¹⁵⁹ Even at this juncture, however, it appears that there was apprehension at the Admiralty about prosecuting the officer.¹⁶⁰ Dobson finally faced trial on 20 January 1812, on the *Monmouth* in the Downs. The court included Jane Austen’s brother, Francis, as well as Philip Carteret, who was himself acquitted of a misdemeanor sodomitical charge only a few years later.¹⁶¹ The court, however, disagreed with Jervis, finding that as a year had elapsed since Dobson’s presence in England had been made known to the Admiralty, they did not have the power to try him. The court ordered him to be discharged from custody. Once again, we do not know whether any officials considered further actions, but by

¹⁵⁸ This letter is contained in the trial minutes as well, where it is treated as the original letter of charge.

¹⁵⁹ Hickman, *Treatise*, 265, prints Jervis’s opinion as well. ADM 2/1075, p 541, for the arrest warrant. ADM 2/1076, p. 10, deals with trial preparations.

¹⁶⁰ See the cancelled order at ADM 2/1124, pp. 310-11, dated 19 January 1811. The accompanying note may provide further clues to what happened behind the scenes, though the two dates given are difficult to reconcile with the trial minutes, which cite an Admiralty order from the 19th, and subsequent sources as cited below.

¹⁶¹ Philip Carteret court martial (11-13 April 1815, ADM 1/5448). The Dobson minutes are available in Byrn’s collection, as cited above (n156). The original minutes are at 20 January 1812, ADM 1/5423.

early February the Admiralty had struck his name from the list and also cancelled an order for his apprehension.¹⁶²

As these examples show, fixing knowledge of sodomy was truly difficult. Naval authorities needed to act quickly and decisively to have much hope of doing so. The ease with which sodomitical knowledge became weak and unstable, however, also furnished actors with resolution strategies that relied on sodomy being unfixed or only partially fixed. Officers and administrators could work to ensure that the center—the Admiralty—never “knew” about sodomy in individual cases. And even when the center did fix sodomy for a man, it could lodge that knowledge at different levels of visibility for its own personnel and the public. Courts martial made knowledge broadly public. By contrast, striking an officer’s name (for instance) and entering him on the lists of those never to be employed again in the future concealed knowledge, maintaining it in a space with limited access. We must recognize that our own imperfect knowledge of naval sodomy is an artifact of these particular economies of knowledge, where forgetting and overlooking were often as important as learning and remembering.

Officer-Class Engagement with Sodomy

The foregoing has repeatedly suggested that there were many ways in which officers encountered sodomy and that many sorts of encounters required sustained engagement with the issue. In concluding this chapter, I use officer-class engagement with sodomy as an example of the ways in which there was broad naval involvement with

¹⁶² ADM 2/1076, pp 65-66.

the sodomitical. The composition of courts provides one of the best ways for us to quantify an area of this engagement. At least 653 officers, mostly captains, served on courts martial boards trying sodomitical crimes and related cases between 1796 and 1840 (see Appendix F). We can regard these men, and all court members, as central nodes of engagement. They are the most easily visible points in the broad networks that were perforce involved in prosecutions. Radiating out from them are their subordinates—clerks, quarterdeck officers, and so on—as well as senior officers and naval administrators, through whom all cases had to pass. Every trial in fact represents the work of many men, not only officers and administrators but also witnesses and the many other lower-status men who helped trials proceed.

The level of engagement is such that many of the well-known naval figures from this era turn up in connection to sodomy cases. We have seen numerous examples in the foregoing, men like Nelson, Cockburn, and William Henry Dillon.¹⁶³ The visibility and importance of officers itself sometimes became important in trials. In one of the *Africaine* prosecutions a defendant invoked the lineage of his captain, Edward Rodney, son of Admiral George Rodney, calling him “the immediate Descendant of one of our Noble Warriors whose Deeds of Valour are inrolled as with a Pen of Iron on the Page of our History and whose Fair Name he must be eager should be an example imitated by

¹⁶³ Charles Sawyer court martial (18 Oct. 1796, ADM 1/5337) and George Sargent court martial (9 Sept. 1799, ADM 1/5351). William Henry Dillon, *A Narrative of My Professional Adventures (1790-1839)*, ed. Michael A Lewis (London: Navy Records Society, 1956), vol 2, pp. 124-5, briefly recounts his experience with a trial, though it has not been possible to identify which trial he describes. Dillon was either mistaken in one or more particulars, or the records have not survived in the court martial papers. On officers’ engagement generally, compare to Valle, *Rocks and Shoals*, 52.

himself.”¹⁶⁴ This statement was an unsubtle hint at the younger Rodney’s apparent failures as a captain.

It is true that the court martial was a non-professional institution, and that that character produced problems and criticisms.¹⁶⁵ The quality of legal actors, particularly outside of home waters, was a persistent concern. As late as the 1870s, officials in the metropole were making observations along these lines. “One considerable advantage” to holding a trial in Portsmouth rather than Gibraltar, an official noted, is “the presence of a strongly efficient Judge Advocate.”¹⁶⁶ The amateur nature of legal practice does not, however, mean that officers did not engage with the relevant law or indeed that there was not a robust legal discourse surrounding the topic. The number of trials alone ensured that the officer corps had a well of expertise in this area.

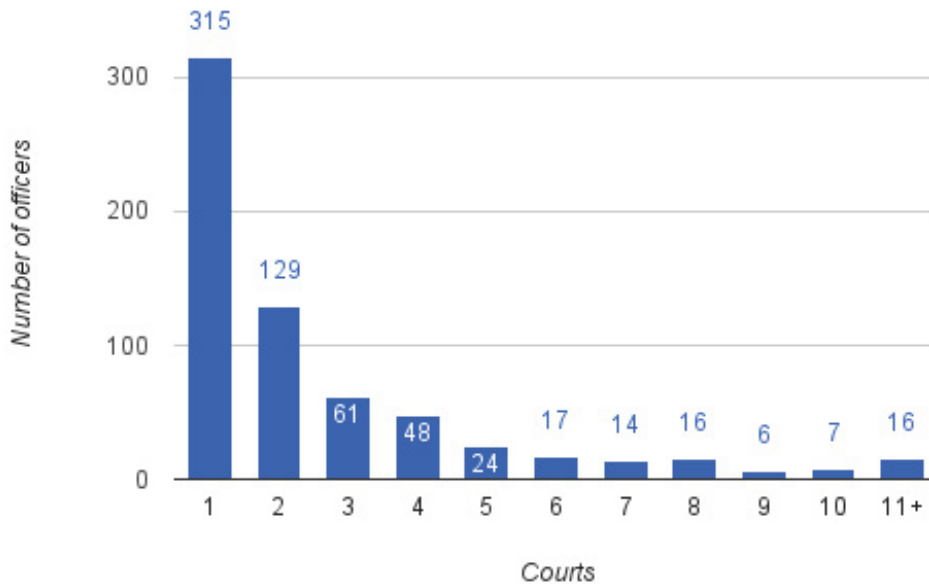
Most officers who did serve on courts trying sodomitical only did so once or twice (graph 1.2, below). Approximately 68% of officers who took this role only served on one or two such courts. Board composition data show, then, that engagement was broad and shallow, with only a relatively small core of men serving repeatedly. This latter group does, however, represent an important collection of officers who had acquired what amounted to specialist knowledge in the adjudication of sodomy. Over 9% of officers who served on boards did this duty three times; over 7%, four times. A bit more than 15% had experience on five or more boards. Twenty-three officers served on ten or more boards, with Admiral Sir William Hargood holding having served the most—on twenty

¹⁶⁴ William Crutchley and George Parsons court martial (16 January 1816, ADM 1/5453), Crutchley defense p. 58.

¹⁶⁵ See, for instance, Garrow’s opinion on the trial of Treake and Tall, dated 6 Jan. 1816 (ADM 7/313).

¹⁶⁶ Minute dated 27 Dec., on telegram from Rear Admiral Beauchamp Seymour, stamped received 27 Dec. 1876, in ADM 1/8069.

boards, often as president. Recall that he held this role in the Muleraty trial.



Graph 1.2: Frequency of officer service on sodomitical crimes courts martial.
N=653.
Source: Appendix F

In terms of detailed knowledge and institutional memory, judges advocate were even more important than board members. As Byrn has noted, men serving in these roles could become repositories of vast experience. Moses Greetham Jr. served for almost half a century, for instance, from 1785 to 1830. George Eastlake Jr. likewise officiated at countless trials.¹⁶⁷ Writing in 1799, another experienced deputy judge advocate spoke of officiating “at some hundreds of Courts Martial” over “the last twenty years.”¹⁶⁸ Representation by judges advocate follows a similar pattern to court service for officers. Far fewer judges advocate served, as only one man took this role in each trial. At least eighty-seven did so at sodomitical crimes trials in this period, the vast majority (roughly

¹⁶⁷ Byrn, *Naval Courts Martial*, 2. For examples of Eastlake trials: *ibid.*, 116, 126, 143, 238, 249, 288, 335, 400, 404, 408, 520, 637, 666, 718, 726, 738, 743.

¹⁶⁸ H.M. Stokes to Evan Nepean, 9 Sept. 1799, ADM 1/3726.

87%) only once or twice. However, a handful of men amassed considerable experience. Eastlake officiated at almost 10% of sodomitical crimes trials in this period. Greetham's time on these boards was without parallel, as he served at almost a quarter of trials in these years.

Taken together, these data on officers and judges advocate demand that we rethink elite naval engagement with sodomy. Many naval officials encountered sodomy as a judicial issue, and a few encountered it repeatedly during their careers. The extent of engagement obviously differed drastically for different men, and there was no "typical" level. It is nonetheless instructive to consider the judicial career of a single officer, even if it only provides impressionistic insight in this area. Admiral Benjamin William Page produced a multivolume record of his experience sitting on courts martial boards between 1812 and 1815.¹⁶⁹ In this period Page was a captain serving in home waters, commanding the *Puissant* as a Spithead guard ship. He thus served on many courts martial as a matter of course, as ports in British waters hosted a large number of trials.¹⁷⁰ Page's notebooks record 166 numbered and twenty unnumbered trials. Of these 186, only five deal with sodomitical crimes.¹⁷¹ This level of experience with them was also, as we have seen, unusual. Nonetheless, sodomitical crimes represented a very small proportion of his court experience, under 3% of trials. (He served on another board considering a captain's misbehavior with women as well, an even more uncommon sort of charge.) Page's records are fairly simple and accurate notes on the proceedings, and give us little insight

¹⁶⁹ NMM RUSI/NM/127-129.

¹⁷⁰ See his biography in the *DNB*. Eder found that over half of all courts martial during the Seven Years' War occurred in home waters. Eder, *Crime and Punishment*, 175.

¹⁷¹ His records accord with my count from trial documents. See Appendix F, where Page is entry number 451.

into the actual experience of serving on these boards. His records confirm the general impression, however, that if Nelson-era commissioned officers had long enough careers they were bound to bump into sodomy in one way or another. Apart from the odd man like Eastlake or Hargood with relatively vast court martial experience, few had much more direct legal engagement with sodomy than Page. But many did have limited engagement. There is even evidence that navy men expected that experienced officers would have relevant experience. For instance, Richard Morgan's account of a sodomitical offenses investigation indicates that his captain appealed to the purser as the oldest officer on the ship, and thus a man who had "most likely had similar circumstances to deal with where proof was required."¹⁷² The assumption appears to have been that if a man spent enough time in the force, he would encounter sodomy in one fashion or another.

Officers confronting sodomy as a legal issue had a range of written texts to help them, as naval legal writing provided detailed discussions of it. Texts dealing with navy law and criminal justice procedure emphasized the relevance, if not paramount importance, of sodomy in the routine operation of naval justice and discipline. No texts focus exclusively or even heavily on sodomy, but all invariably deal with it in one way or another. The various editions of John McArthur's *A Treatise on the Principles and Practice of Naval Courts-Martial*, the standard naval legal text in this era, deal with

¹⁷² Morgan to Charles Wood, undated, but marked as read May 9 [1838] (ADM 1/3043, Lt. M63).

sodomitical offenses in increasing detail over the years.¹⁷³ Like other writers in this small genre, McArthur based his work on personal experience. He had served as secretary to Admiral Lord Viscount Samuel Hood, to whom he dedicated his work, and held the position of officiating judge advocate at naval courts martial during the American Revolution. His is not an encyclopedic legal work; from the second edition on he included discussion of military law as well, but the text only expanded to two volumes. Nonetheless, it is comprehensive, treating all offenses cognizable under naval law. It was meant as, and was employed as, a handbook for use in naval courts. And in fact, we find participants in some sodomy trials quoting from or citing McArthur's treatment of sodomy, just as they referenced other authorities on sodomy (Coke, Hale, and Blackstone) and other sodomy trials in naval and other venues.¹⁷⁴

McArthur provided the most involved discussion of sodomy in naval justice during the period in question, but other writers took an interest in the issue and raised it, sometimes in unexpected ways. In a slim 1805 volume intended to help in the work of deputy judges advocate, Robert Liddel raises sodomy a number of times. The book provides forms, examples of documents, and precedents. Liddel was an experienced deputy judge advocate based in England, and he held that position in a number of Napoleonic-era sodomy trials, including those of Bartlett Ambler and Joshua Thomas.

¹⁷³ John McArthur, *A Treatise of the Principles and Practice of Naval Courts-Martial, with an Appendix, Containing Original Papers and Documents Illustrative of the Text...* (London: for Whieldon and Butterworth, 1792), 29, 33-4; *Principles and Practice of Naval and Military Courts Martial: With an Appendix, Illustrative of the Subject*. 2nd ed. 2 vols. (London: Strahan & Preston, 1805), vol. 1, 47, 62, 81-91, 150-1, and vol. 2, 121-22, 219n; *Principles and Practice of Naval and Military Courts Martial, with an Appendix, Illustrative of the Subject* (London: sold by J. Butterworth et al., 1806), vol. 1, 81-91, vol. 2, 122-22, 218-9; *Principles and Practice of Naval and Military Courts Martial: With an Appendix Illustrative of the Subject*. 4th ed., 2 vols. (London: Strahan, 1813), vol. 2, 72.

¹⁷⁴ For example: George Read and Thomas Tattershall court martial (3-4 July 1799, ADM 1/5350); H.G. Ayscough court martial (8-10 May 1838, ADM 1/5484). Burg, *Boys at Sea*, 125-28, 150-55.

The text includes a transcription of two pages of the minutes from Ambler's trial, his death sentence, and a discussion of his pardon. Among his precedent cases Liddel includes an extended discussion of a sodomy case that can be identified as that of James Brown and Charles McCarthy, as well as a desertion trial involving a sailor of disputed gender.¹⁷⁵ Liddel is not concerned to engage in any detail with the law surrounding sodomy or legal discussion of it in the way McArthur is, but he had experience with trials involving difficult questions of sex and gender, and they clearly interested him. The population of potential readers of texts like his or McArthur's had access to a good deal of material dealing with sodomy.

Some of these printed works also indexed important courts martial. Beginning with the second edition of his work, McArthur published a list of the "principal Trials by Naval Courts-martial under the existing Laws." Between the three final editions he listed eighteen separate trials involving sodomitical crimes.¹⁷⁶ William Hickman's 1851 monograph, the Victorian successor to McArthur, followed this practice, giving the "more important" courts martial between 1829 and 1848. He included twelve sodomy cases, which is particularly notable as prosecutions were fairly uncommon in this period, as we have seen.¹⁷⁷ Hickman also followed McArthur's lead in including detailed discussion of sodomy in law and naval legal procedure and looking at particular cases in the body of his text.¹⁷⁸ These works therefore labelled a large handful of sodomy trials legally

¹⁷⁵ Robert Liddel, *A Detail of the Duties of a Deputy Judge Advocate; with Precedents of Forms of the Various Documents used in Summoning, Assembling and Holding a Naval Court Martial...* (London: by H. Bryer, 1805), BL shelfmark 505.i.14, pp. 52-4, 60, 137, 139-41. Liddel himself served as the deputy judge advocate in the desertion trial, but not at the sodomy trial.

¹⁷⁶ The entries are the same in the 1805 and 1806 editions. Those in the 1813 edition are significantly different. I have counted all the *Stag* trials as a single instance in coming to this total.

¹⁷⁷ The Maxwell trials have been counted as a single case.

¹⁷⁸ Hickman, *Treatise*, 47-8, 56, 85, 87, 107, 109-11, 123-24, 174, 202-4, 265.

important. Unlike other sources that focus on sodomy trials, including contemporary press accounts and modern historical works, there is no basis for considering this legal interest prurient. These were technical works with a narrow, pre-determined audience. Sodomy would not help sell these books, and in any case the relevant material is anything but salacious. These authors considered sodomy legally significant, no matter the relative infrequency of prosecutions.

The genre of published naval legal texts only emerged after the French Revolution, but it was preceded by an earlier genre of manuscript texts circulated by the Admiralty giving rules, formulae, and precedents for naval courts martial.¹⁷⁹ Two mid- to late-eighteenth-century examples contain fairly little on sodomy, but do copy material from a series of trials on officers of the *Stag* from the 1760s that were related to sodomitical crimes. One of these manuscripts was owned by Admiral Thomas Graves, the other by Sir George Grey, 1st Baronet of Fallodon.¹⁸⁰ The Graves manuscript also included copies of the order for and sentence of a 1772 attempted sodomy trial.¹⁸¹ Both Graves and Grey were connected to sodomy prosecutions even more directly. When he commanded the *Sheerness* in the 1750s Graves brought his own carpenter to trial for “sodomitical practices.”¹⁸² Grey served on at least two sodomy trial boards.¹⁸³ The relevance of legal writing on the topic is clear.

¹⁷⁹ I base my reading of these on Hubley, “By the Law.”

¹⁸⁰ NMM GRE/7, [fol. 10r] (source is unfoliated).

¹⁸¹ NMM GRV/118, unfoliated, in different locations in the volume. John Palmer court martial (19 August 1772, ADM 1/5305).

¹⁸² William Slade court martial (30 November 1756, ADM 1/5296).

¹⁸³ Charles Sawyer court martial (18 October 1796, ADM 1/5337), and John Benson and Philip Francis court martial (30 June 1797, ADM 1/5339). Interestingly, his nephew Charles Grey—son of Sir George’s older brother (and later Prime Minister) Charles Grey, the 2nd Earl Grey and the Earl Grey tea—would also charge one of his men with bestiality in the 1830s, when Charles Grey commanded the *Scylla* sloop. See Richard Willings court martial (15 March 1833, ADM 1/5479).

These manuscript manuals were not alone in referencing the *Stag* trials; they were long a standard citation in naval law texts. In 1761 her first lieutenant, John Orde, and the ship's other principal officers arrested their captain, Henry Angel. They confined him in his cabin and seized control of the ship.¹⁸⁴ This quarterdeck mutiny proceeded from the allegations of a passenger, a carpenter named Rice Price bound for service in a West Indian shipyard. Price claimed that Angel had repeatedly acted with sodomitical indiscretion towards him. Early the next year a court martial in Martinique acquitted Angel. The navy then tried Orde and, in a separate trial, the other officers. Orde was convicted of seizing the command and arresting Angel, but the trial produced many details that seemed to vindicate the lieutenant's actions, and the court only sentenced him to be dismissed from the *Stag*.¹⁸⁵ The trial of the other officers, which followed Orde's by almost a full month, produced convictions on the same charges for all the men involved. The court recognized Orde as the leader of the effort, however, and therefore acquitted the others of "any design of mutiny" and sentenced them only to severe reprimand.¹⁸⁶

The events on the *Stag* raised difficult questions about crime, command, and discipline, and the importance of these trials as precedent is clear. Subsequent naval legal texts invariably make reference to the case. John Delafons's *Treatise on Naval Courts Martial*, otherwise silent about sodomy, introduces the "crime at which nature revolts" in order to print the sentence of the officers' court martial as "the best illustration on the

¹⁸⁴ Henry Angel court martial (12 Jan. 1762, ADM 1/5301), and ADM 12/26, p. 26.

¹⁸⁵ As Rodger suggests (*Wooden World*, 80), the records do not appear to fully justify Angel's total acquittal. For Orde's trial, see John Orde court martial (1 Feb. 1762, ADM 1/5301), and ADM 12/27B, fol. 32r.

¹⁸⁶ On all three trials, see NMM LAU/12, pp. 157-8. The final trial was held on 4 Feb. 1762, and the sentence widely reproduced, as I suggest here. The most easily accessible is probably that printed in John Delafons's book (see n187). Generally, see too Burg, *Boys at Sea*, 83-92.

subject” of *their* crime, which he sees as “the height of sedition and mutiny.”¹⁸⁷ Other interpretations were possible, but the naval legal writers all agreed with the Admiralty that this was an important series of cases. Ongoing discussion of them forced navy men to consider sodomitical crimes.

As 1811 drew to a close both Parker and Muleraty’s cases wended their way to higher and higher authorities. Late that year the Admiralty sent memorials to the Privy Council requesting further guidance on the cases from higher legal authorities.¹⁸⁸ The Prince Regent in Council referred the cases to the powerful body of common law judges, the Twelve Judges, for consideration. These figures confirmed the navy and crown legal officials’ earlier suspicions, declaring both sentences illegal. They concluded in Parker’s case that “*emissio seminis in corpora* is necessary to constitute the crime,” and in Muleraty’s that fowls were not covered by the Tudor or naval sodomy prohibitions.¹⁸⁹ Both men escaped the noose.

It is difficult to trace Parker or Muleraty after their pardons, but the same cannot be said of their cases. Legal texts from common law jurisdictions around the world made reference to them for many decades. We find them in North America, Australia, and India, for instance. Parker was a standard citation for the precedent that *injectio* or *emissio seminis* was or (later) had been necessary to complete the felony in nineteenth-

¹⁸⁷ John Delafons, *A Treatise on Naval Courts Martial* (London: P. Steel, 1805), 260-63. Delafons was a purser who served as a deputy judge advocate.

¹⁸⁸ Both are contained in PC 1/3953. Parker’s includes the Eastlake correspondence discussed above. His bundle also includes the judges’ opinion, signed by Lord Ellenborough.

¹⁸⁹ Middle Temple Library, MS 23, pp. 393-402. James Oldham, “Informal Lawmaking in England by the Twelve Judges in the Late Eighteenth and Early Nineteenth Centuries,” *Law and History Review* 29 (2011): 181-220, here 189n35, 200.

century legal texts; Muleraty, that before new legislation under George IV, fowls were not animals for the purposes of sodomy law.¹⁹⁰ The circuitous path that these cases took from the decks of Georgian men-of-war to Victorian law books is neatly represented in the transformations of Muleraty's uncommon name in these later printed sources: he becomes "Mulreaty."¹⁹¹ This case, with its new standard spelling, even turns up in a *fin-de-siècle* American medico-legal text, truly far afield from its original context.¹⁹²

How well the precedents actually "took" in naval legal practice is quite another question. Muleraty had limited application, but Parker bore on an issue central to sodomy adjudication. Naval courts continued to hew to penetration as a standard. Just a few years later a court sentenced a landsman of the *Akbar*, John Harding, to death for bestiality with a cow.¹⁹³ The court explicitly concluded that Harding was "guilty of actual penetration on the body of the Cow, but not emission" and "therefore" sentenced him to death. This decision naturally prompted review.¹⁹⁴ The court had been careful at trial to look for evidence of emission, and admitted that it had found none; quite the opposite, in fact. One sailor who had grasped the offending man's penis described it as "wet," but apparently only from the "dirt" (feces) of the animal: "I went to the light, examined my hands, and

¹⁹⁰ A few examples: Archibald Alison, *Principles of the Criminal Law of Scotland* (Edinburgh: Blackwood, 1832), 210 (only Parker); S.B. Harrison, *An Analytical Digest of the Reported Cases...* (Philadelphia: Desilver, Thomas, & Co., 1835), vol. 1, 748; Thomas W. Waterman, *A Complete Practical Treatise on Criminal Procedure...* 7th ed. (Albany: Banks & Brothers, 1860), vol. 2, 165 and 184.

¹⁹¹ I have found this spelling in *Russ Cr* as early as 1826, though I have not attempted to trace its first use. For a few further examples: *New South Wales Law Reps.* (Sydney: Charles F. Maxwell, 1881), vol. 1, p. 129; John Prentiss Bishop, *Commentaries on the Criminal Law*, 7th ed. (Boston: Little, Brown, and Co., 1882), §1193; John Mews (ed.), *Dig. Eng. Case Law* (London: Sweet and Maxwell, 1898), vol. 4, 1481; John D. Lawson, *Concordance of Words and Phrases...* (St. Louis: F.H. Thomas & Co., 1883), 49, 331; R.A. Fisher, *A Dig. of the Rep. Cases* (San Francisco: Sumner Whitney & Co., 1871), 456; Bamapada Mukhurji and Hem Chandra Mitra, *The Indian Penal Code, Act XLV of 1860...* (Calcutta: Mukhurji & Co., 1896), 327.

¹⁹² R.A. Witthaus and Tracy C. Becker, *Medical Jurisprudence: Forensic Medicine and Toxicology* (New York: William Wood & Co., 1894), vol. 2, p. 502.

¹⁹³ James Harding court martial (19 January 1814, ADM 1/5440).

¹⁹⁴ 16 March 1814, ADM 2/1078, pp. 87-88.

found it only dirt, and not the emission from a man... [I] could not suppose he had time to emit.”¹⁹⁵ Another witness testified that he saw Harding “fucking away as fast as he could,” but was in agreement as he could not “suppose there was time for his emitting.”¹⁹⁶ It was indeed an odd wrinkle in this era of sodomy law that if the emission requirement was strictly enforced, stopping an offender in the act rather than allowing him to “complete” the crime could *save* his life.

The court was certain that this was what had happened in Harding’s case, and while it wanted to sentence him to death, it also recommended that the Admiralty review the sentence. In this case, Attorney General Sir William Garrow, Solicitor General Sir Samuel Sheperd and, once again, Jervis, produced yet another sodomy opinion.¹⁹⁷ They took an expansive view in the document, observing that the penetration/emission question had troubled others, and that “very high authorities, some of whom are now living, have entertained different opinions upon the point.” But they held to the Parker precedent, which accorded with the opinions of “many learned Persons.” They urged commutation of the sentence. In their view, Harding had actually committed a misdemeanor, though one “of the most atrocious nature and deserving of severe punishment.” His sentence was accordingly commuted to transportation for life.¹⁹⁸ In another opinion in 1815 these same three reiterated that emission was “absolutely necessary to constitute the capital crime.”¹⁹⁹ The legal authorities had settled on Parker as guiding precedent, even if individual courts did not always agree.

¹⁹⁵ Harding court martial, fol. 484r.

¹⁹⁶ Ibid., fol. 485v.

¹⁹⁷ The following is based on the case material in ADM 7/311.

¹⁹⁸ ADM 2/1125, pp. 497-500.

¹⁹⁹ Luke Spencer and Stephen Baker case materials in ADM 7/312.

That Parker and Muleraty's cases were naval was irrelevant to their afterlives. In fact, their naval origins fell away in later citations, where they are treated like any other part of the case law. Their courses have shown us the potential scope and complexity of naval sodomy cases, exemplifying the great effort, involved legal discourse, and sustained administrative attention that the resolution of sodomy cases sometimes required. Sodomy may have been relatively rare as a disciplinary and judicial matter, but this does not mean that it was either marginal or unimportant. The officers, administrators, and other actors we have met in this chapter certainly did not regard it as such. Moreover, sodomy prosecutions were more common than has been appreciated, and the navy represented a central site of British prosecutions, one that interacted closely with the law on land.

Chapter 2

Between Decks: Sodomy, Abuse of Authority, and Masculine Failure

During the long eighteenth century, the Royal Navy interested itself in a narrow range of sexual crimes. As we saw in the previous chapter, “sodomy” could describe many different sexual acts involving a range of different participants—men, women, children, and animals. Naval law governed an even broader spectrum of sexual offenses. Yet the only crimes that courts martial regularly tried were homoerotic offenses between males. Most of these involved power differentials between the people involved in the sex act. The force employed its courts as a tool against a specific type of crime: sexual contact in which a man was the active partner (as perpetrator, instigator, or penetrator) and was more powerful than the passive partner (as victim, participant, or penetrated). Power over passive partners derived from differences in rank, age, and social status. Often cases involved all three, with higher-ranking men engaging sexually with boys.

The idea that pre-modern western sexual cultures structured sexual contact around status rather than gender differences has been central to the historical investigation of same-sex sex and sexualities. It is at the root of Foucault’s historical account and theoretical approach, and area specialists responding to his work have identified this pattern in many different places and time periods.¹ David Halperin, for instance, has argued extensively that pre-modern sex was structured relationally rather than on the basis of object-preference.² Michael Rocke’s classic study of Renaissance Florentine

¹ Michel Foucault, *The History of Sexuality*, trans. Robert Hurley, 3 vols. (New York: Pantheon, 1978-88).

² See David Halperin, *One Hundred Years of Homosexuality: And Other Essays on Greek Love* (Hoboken: Taylor and Francis, 2012 [1990]), as well as my bibliography for additional works.

sexual culture, to take another notable example, found much the same.³ He shows that male-male sodomy was routine and largely unproblematic as long as it accorded with an age-based masculine hierarchy.

Whether following similar analytical approaches or not, work on early modern and Enlightenment seafarers has presented evidence of age-structured sexual relationships at sea supporting similar interpretations. B.R. Burg's work on the early modern Caribbean buccaneers suggests that boys, adolescents, and young men were frequently passive partners.⁴ His subsequent publications have suggested much the same both for the Nelsonian Royal Navy and the antebellum U.S. Navy. The core of his monograph on the Royal Navy is a group of chapters that outlines the recurring patterns he finds in the relationships revealed in the trials he surveys: "ratings with ratings, ratings with boys"; "officers and boys at sea"; and finally "warrant officers, petty officers, and their boys." A central argument of the book—seen in its title, *Boys at Sea*—is that while common sailors and junior officers sometimes engaged in equal-status sexual relations, officers (the "large majority" of defendants) almost always sought out boys as sexual partners.⁵

Burg takes this age- and status-structured pattern as central to the sexual culture of Royal Navy warships throughout the long eighteenth century. He recognizes other sorts of pairings ("ratings with ratings"), but it is boys who are central to his analysis. Drawing

³ Michael Rocke, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence* (New York: Oxford University Press, 1996).

⁴ Burg, *Sodomy and the Pirate Tradition: English Sea Rovers in the Seventeenth-Century Caribbean*, retitled 2nd edition (New York: New York University Press, 1995 [1983]).

⁵ Burg, *Boys at Sea: Sodomy, Indecency, and Courts Martial in Nelson's Navy* (Basingstoke: Palgrave Macmillan, 2007), xi-xii, 104.

on Arthur Gilbert's work, Randolph Trumbach has gone even further, arguing repeatedly that naval warships were one of a handful of homosocial sites representing a sort of holdout from the transition to the "modern sexual system" in Enlightenment Britain.⁶ In this analysis, sailors at sea continued to largely structure sex relationally, even as Britons were coming to understand men in terms of sexual object preference. Burg and Trumbach make two problematic assumptions here: first, that we have fully canvassed the extant records; and, second, that what came to trial is truly representative of a sexual culture or cultures. In what may initially seem to be a contradiction, a full consideration of the available evidence in fact shows (1) considerably more heterogeneity in the sexual activity documented while also revealing (2) that naval authorities were generally only interested in bringing certain types of crimes to trial. Navy men recognized and sometimes viewed as problematic a broad range of proscribed sexual activities including, crucially, consensual, equal-status sexual relationships that could involve sharing sexual roles. There was, however, little effort to confront such sex at the level of the court martial.

In this chapter, I argue that that navy's prosecutorial focus betrays a particular concern with sodomy when it was an abuse of authority and involved failures of masculinity. Navy men saw and recognized types of sex that they understood could be prosecuted under naval law but which rarely came to trial: masturbation; sexual crimes against women; sodomitical acts between men (and boys) of the same status or in which

⁶ For a recent formulation, see Randolph Trumbach, "Modern Sodomy: The Origins of Homosexuality, 1700-1800," in idem et al (eds.), *A Gay History of Britain: Love and Sex Between Men since the Middle Ages* (Oxford: Greenwood, 2007): 77-105, here 98-99.

lower status partners were active; and bestiality. We have no evidence of how common such acts were, but that very lack of knowledge is indicative of the blinkered focus of the naval justice system. We know that all of these occurred, and we know that some such crimes were resolved below the level of courts martial, using the discretionary and non-judicial mechanisms investigated in the previous chapter. Courts tried status-imbalanced sodomitical crimes, particularly when committed by men with some shipboard authority. These were not simply sexual offenses, then; they also involved serious abuses of that authority, of the powers and benefits that came with status and rank. They were therefore violations of social structures and practices essential to the navy. In this sense they were serious masculine failures even beyond the supposed unnaturalness of the sexual activity. By abusing authority to obtain proscribed sexual contact these men also violated the norms of naval hierarchy; practices of paternalism, tutelage and social reproduction; and evolving gentlemanly or working-class British masculine ideals.

As I will suggest in the second half of the chapter, sodomy cases reveal an unresolvable tension in shipboard society: the essential conditions of naval life and service inevitably produced homoerotic possibilities and ambiguities that both aided men in pursuing proscribed sex and tended, at certain points, to socially produce sodomy. These conditions became especially problematic during the period of the the French Revolutionary and Napoleonic Wars because of a series of interrelated developments: intensified shipboard class tensions; a transition to remote and impersonal discipline as the basis for order; and the emergence of rigidly (self-)disciplined naval masculinities. Prosecutions surged in the twenty years after 1797, as we saw in the previous chapter,

hitting the highest absolute and per capita rates in the entire period from 1690 to 1900. The court martial became an important tool for disciplining shipboard behavior and masculinities in these deeply unsettled decades.

Pairing Patterns

Quantitative analysis reveals the narrow focus of courts martial. The following considers what I call “pairing patterns” (see Appendix D for raw data). As we saw in the previous chapter, sodomy law governed individual sex acts, and in practice trials at court martial only considered sex acts between two individuals. That is, sodomy was a crime committed in pairs. A single trial might consider multiple sex acts, and often heard charges against a single man accused of sex acts with or against a number of other people. However, each crime occurred between two individuals. I have counted each unique set of individuals seriously suspected of sexual contact as a single “pair,” regardless of the number of acts alleged between them, in order to gain a fuller understanding of the power dynamics of cases that came to trial. I do not intend to imply by either “relationship” or “pair” that there was necessarily consensual sexual activity. I use these terms in a strictly literal sense. Trials documents provide a poor basis for determining consent by our own standards, and throughout this dissertation I have not attempted to determine whether participants “actually” consented, though in the next section of this chapter I will suggest that observers recognized varieties of consensual homoerotic sexual relationships beyond contemporary law’s unforgiving definitions of consent.

I have categorized pairs as “status-imbalanced” or “status-equal.”⁷ “Status-imbalanced” refers to pairs in which the active partner is of a higher status, as represented by formal rank, than the passive, pathic partner.⁸ Assessment of status follows the hierarchical organization outline in Table 2.1 (below), which organizes men by broad differences in authority. (The table does not portray status distinctions *within* these broad groups, as they are not relevant to analysis of pairing patterns, as I discuss below.) Sailors recognized sexual relationships in which lower-status were active with and even penetrated higher-status men, as we will see. The pattern in *prosecutions* almost invariably followed the social hierarchy downwards, though. “Status-equal” describes pairs in which a man or boy penetrated a partner of roughly equivalent station. Junior and petty officers were sometimes tried for sex with each other, but in general status-equal sex was prosecuted not only as a lower-deck phenomenon, but as a crime between common seamen and marines in particular.⁹

Level of Authority	Rank	
Commissioned Officer	Captain; Master and Commander	2nd, 3rd, etc. Lieutenant
	1st Lieutenant	Lieutenant of Marines/Captain of Marines
Warrant officer	Boatswain	Surgeon
	Gunner	Purser
	Cook	Carpenter
	Sailmaker	Chaplain

⁷ I have not counted charges that participants treated as obviously malicious and unfounded, nor have I included bestiality cases.

⁸ While “active” and “passive” follow the pattern of penetrator-penetrated, I apply these to non-penetrative misdemeanor crimes as well, following the legal definitions outlined in chapter 1. In the vast majority of cases it is clear that courts and prosecutors understood sex acts in these terms.

⁹ I have treated seamen and marines as socially equal here only for the purposes of comparison.

	Master	
Petty Officer	Boatswain's mate	Surgeon's mate
	Master at arms	Purser's steward
	Ship's corporal	Cook's mate
	Gunner's mate	Sailmaker's mate
	Quartermaster	Carpenter's mate
	Captain/Yeoman of Masts, Tops, Forecastle, etc.	Coxswain
	Quartergunner	Quartermaster's Mate
Man	Midshipman	Sergeant of Marines
	Able seaman	Corporal of Marines
	Ordinary Seaman	Private of Marines
	Landsman	Officer's servant
Boy	Boys (see discussion below on status differences in this category)	

Table 2.1: Authority levels of ranks found in pairings, organized by level of authority at the time of the French Wars.

Note: The analysis in this chapter artificially treats status distinctions during the French Wars period as constant over the entire time period addressed in order to allow for simpler direct comparison.

Source: Adapted from Hubley, "Desertion," 53.

I have not restricted my count to the pairings described in charging language.

Trials frequently reveal more sexual activity than mentioned in formal complaints. My method has been to count all pairings revealed in the course of trials if they appear to have proceeded from serious allegations and to have been seriously considered by shipmates, investigators, prosecutors, or courts. My rationale in counting in this fashion is that we must assume that in many cases the framing of charges differed from what the authorities and other observers suspected or feared men had really done. A range of factors dictated the language of charges. Prosecutors, for instance, would generally only pursue charges for which they had good available evidence. If relevant witnesses were unavailable there was little incentive to attempt to prosecute a charge even if it was

thought to be true, but it may have still emerged in court as evidence of patterns in behavior, poor character, and the like. Hearsay was a recurring, often poorly-policed problem in court martial testimony, and hearsay testimony routinely revealed additional allegations.¹⁰

Age was a crucial factor in these cases, as young males were so often passive partners. I have counted actors as “boys” regardless of their formal rating on the books or actual age if it appears that others saw them as such. Admittedly, formal rating is precise in a way age status is not. Age status was even open to dispute at the time. Don Philip Dumaresq, for instance, described his accusers as “ships boys by ‘Rating,’ but men by age as well as malice.”¹¹ When available, perceived age status nonetheless gives us unique insight into how shipmates thought of young men. I have therefore counted anyone as a boy whom others described as a “boy,” “youth,” “lad,” or the like.

Finally, it must be noted that because of the nature of my sources this analysis cannot capture some of the differences in status between sexual partners, particularly when it comes to the lower deck. I have overlooked potential differences in status where it has not been possible to obtain a more detailed understanding of shipboard social relations. Common sailors were organized into their own highly-differentiated hierarchy on the basis of skill, age, and experience. Tacitly-recognized and ineffable elements contributed heavily to social standing. An experienced old hand and relatively inexperienced younger man may both be recorded in the records as “seamen,” but status

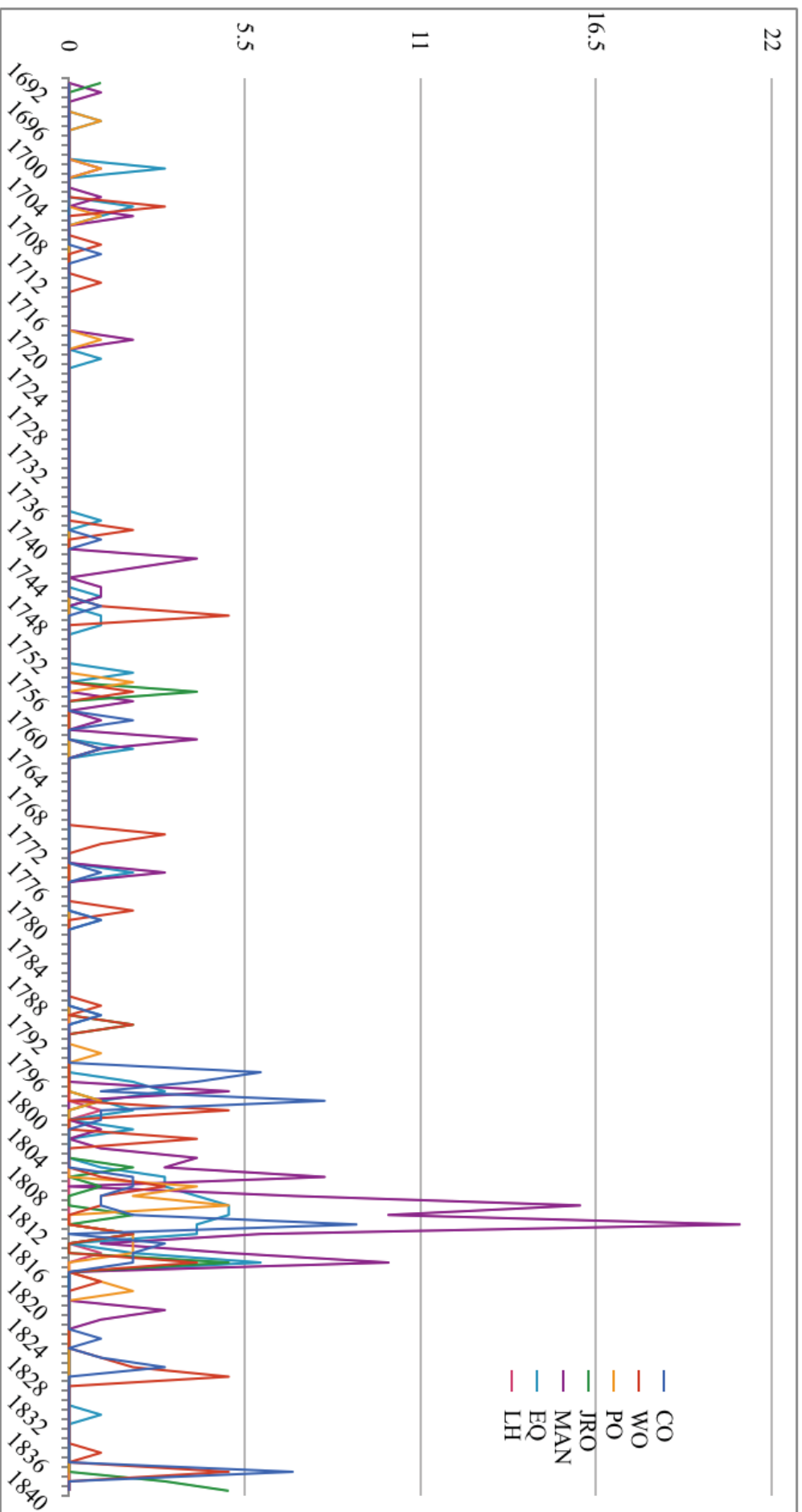
¹⁰ See for instance the internal opinion on the case of Henry Morgan: Charles Jones to R. More O’Ferrall, 21 Dec. 1839, ADM 1/3724.

¹¹ Don Philip Dumaresq court martial, defense.

differences would have been apparent to all involved.¹² I also have not recognized some other details, like rating (ordinary, able, and landsman) and watch, because fully recovering these data is either impractical or impossible. Moreover, without fuller context these data are not necessarily meaningful. The importance of racial, ethnic, religious, and national difference in this area was ambiguous, so that once again deeper knowledge of actual social relations would be necessary for a full assessment. Only a micro-study of each ship involved would give us a fuller picture, though in many cases even that would uncover little because of insufficient documentation. On a ship-by-ship basis we simply have very little insight into shipboard social relations, especially when it comes to working-class men. In what follows, then, bear in mind that my analysis focuses on larger-scale status differences. Among other consequences, this means that some apparently status-equal lower-deck sexual relationships may in fact have been seen as status-imbalanced by those with knowledge of the situation.

Below, in Graph 1.2, I present data on pairing patterns. These rates require some contextualization. There are many ways to consider the relative composition of the navy, but they will all reveal that in general terms a very small body of commissioned officers and aspirants to commission and a similarly small group of warrant officers sat atop a large base of petty officers and common sailors. The “average” Nelsonian ship of the line was a 74-gun third rate. It bore an official complement of 590 men. Of these, six were commissioned officers (<1%); sixteen midshipmen (2.7%); and nineteen warrant officers

¹² The legal records rarely record ages except for young participants.



Graph 2.1: Frequency of pairing patterns, 1690-1840.

Key: CO: commissioned officer as active partner with lower-status male; WO: warrant officer as active with lower-status male; PO: petty officer as active with lower-status male; JRO: junior officer (midshipman, master's mate, acting lieutenant) as active with lower-status male; MAN: man as active with lower-status male; EQ: status-equal; LH: lower-status as active partner with higher-status male.

Source: Appendix D.

(3.2%). This leaves 549 as petty officers and seamen (93%).¹³ Commissioned and especially warrant officers were therefore considerably overrepresented both as defendants and active partners in pairs, while seamen and petty officers were underrepresented as active partners.

As this graph shows, status-imbalanced, top heavy pairs perennially dominated prosecutions, and after 1817 they constitute almost the whole of prosecutions. The proportion of commissioned officers as active partners grows steadily over time, while that of warrant officers fluctuates over this long period. The proportion of seamen as active partners fluctuates as well, growing when warrant officers shrink as a share of the whole, and shrinking markedly in the final decades. Petty officer proportions slow over the entire century and a half, while junior officers are steady up through the French Wars, before growing as a proportion thereafter. Taken together, these data reveal an overwhelming focus on hierarchically-organized sex, especially involving petty officers and above as active partners. Courts did often try equal-status sex, but never at the levels of status-imbalanced sex. Moreover, while common sailors in both equal-status and status-imbalanced pairings remained a central target through the Napoleonic Wars, and may have become even more prominent as a result of post-French Revolution tensions, they were underrepresented in trials, while warrant and commissioned officers were overrepresented.

We might assume that this pattern of disproportionately trying higher-status men for sex with lower-status passive partners simply follows the basic patterns of shipboard

¹³ Jeffrey Duane Glasco, “‘We Are a Neglected Set’: Masculinity, Mutiny, and Revolution in the Royal Navy of 1797” (PhD thesis, University of Arizona, 2001), 73n28, 107, and 107n136.

homoerotic contact, cultural understandings of such contact, or indeed both. It was not, however, a given that prosecutions would be focused in this fashion.¹⁴ There was already a long tradition of perceiving lower-status passive partners as a sodomitical menace, and in a period in which British naval authorities were intensely sensitive to lower-deck threats we might expect sex crimes prosecutions to remain at that level, pursuing only non-officers.¹⁵ Stephen Shapiro has argued, for instance, that the early-eighteenth-century molly was coded as a plebeian type, one created by urban class tensions between the middling and plebeian.¹⁶ In popular representations, at least, this sodomitical subculture also did not follow older patterns of status-structured sexual relationships.¹⁷ There were, therefore, models of sodomy policing in which elite men strictly targeted plebeians. It was not even inevitable that the navy would pursue sodomy at all, in fact. In other contemporary and semi-contemporary settings we find little judicial concern with sodomy, as observed in the previous chapter. Recent scholarship on the British army has indicated that formal repression of the sodomitical was extremely rare in the eighteenth century.¹⁸ Sodomy was also infrequently prosecuted in early modern England, for

¹⁴ My approach here is derived in part from considerations suggested in George E. Haggerty, "The History of Homosexuality Reconsidered," in Chris Mounsey (ed.), *Developments in the Histories of Sexualities: In Search of the Normal, 1600-1800* (Lewisburg: Bucknell University Press, 2013): 1-15.

¹⁵ Nicholas F. Radel, "Can the Sodomite Speak?: Sodomy, Satire, Desire and the Castlehaven Case," in Katherine O'Donnell and Michael O'Rourke (eds.), *Love, Sex, Intimacy and Friendship Between Men, 1550-1800* (Basingstoke: Palgrave Macmillan, 2003): 148-67.

¹⁶ Stephen Shapiro, "Of Mollies: Class and Same-Sex Sexualities in the Eighteenth Century," in Kate Chedzoy, Emma Francis, and Murray Pratt (eds.), *In a Queer Place: Sexuality and Belonging in British and European Contexts* (Aldershot: Ashgate, 2002): 155-76.

¹⁷ See, for instance, Rictor Norton, *Mother Clap's Molly House: The Gay Subculture in England, 1700-1830* (London: Gay Men's Press, 1992). Craig Patterson has strongly cautioned against reading cultural products as accurate representations of what happened among mollies and in molly houses. Craig Patterson, "The Rage of Caliban: Eighteenth-Century Molly Houses and the Twentieth-Century Search for Sexual Identity," in Thomas DiPiero and Pat Gill (eds.), *Illicit Sex: Identity Politics in Early Modern Culture* (Athens: University of Georgia Press, 1997): 256-69.

¹⁸ Gane, "Common Soldiers, Same-Sex Love," 643. See too Gilbert, "Buggery," 91n7 and 95n74.

instance.¹⁹ Clare Lyons has shown that while eighteenth-century Philadelphia was immersed in the cultural products of a western Europe hostile to certain forms of erotic contact between men, the city itself did not police or prosecute such crimes.²⁰ Burg and James Valle have depicted a similar state of affairs in the antebellum American navy.²¹

Furthermore, the legal records furnish clear evidence that mariners recognized other sorts of proscribed and problematic sex that the navy rarely or never prosecuted. Courts martial infrequently considered bestiality or equal-status sex that observers understood to be consensual. Those cases that did come to trial were or were claimed to be flagrantly public; most, witnesses claimed, had been detected *in flagrante*. These sorts of cases were thus uncommon and appear to have only come to trial through sheer chance or when prosecution was difficult to avoid. This pattern indicates that such sex did take place and could be seen as problematic, but that naval authorities simply did not use trials as a tool against certain offenses. A few brief examples provide exceptions that prove the rule here. In the 1800 case of Thomas Hubbard and George Hynes, the “lad” Hubbard was found to have penetrated the man Hynes. Their relative status is complicated by racial factors—Hynes was a “black man”—but this sexual activity certainly does not follow any simple age hierarchy. Moreover, a witness against them alleged mutuality, claiming that he had heard one whisper to the other “you do not do it so well to me as I

¹⁹ See e.g. B.R. Burg, “Ho Hum, Another Work of the Devil: Buggery and Sodomy in Early Stuart England,” *Journal of Homosexuality* 6 (1980): 69-78.

²⁰ Clare A. Lyons, “Mapping an Atlantic Sexual Culture: Homoeroticism in Eighteenth-Century Philadelphia,” *William and Mary Quarterly* 60 (2003): 119-54.

²¹ Burg, “Sodomy, Masturbation.” Valle, *Rocks and Shoals*, 97, explains that “charges relating to sex offenses [of all sorts] constitute 0.31 percent” of his sample for the years 1799-1861. He discusses individual sodomitical cases on 165-75, and cases involving women on 175-79. See too Harold D. Langley, *Social Reform in the United States Navy, 1798-1862* (Annapolis: Naval Institute Press, 1967), 172-74.

do it to you.”²² Over a decade later the “boy” William Wallace confessed to “indecent Familiarities” with a sailor, and presented himself as the active instigator.²³ The two did not have penetrative sex, but once again this runs counter to what we would expect. Decades later another William Wallace, this time a signalman of the *Mosquito*, was convicted of having made “an indecent proposal to an officer.”²⁴ Lower status men could assault superiors as well, as in another case from 1813 in which supernumerary seaman Louis McIntyre grabbed, kissed, and groped marine corporal James Jones.²⁵

Other trials reveal similarly unexpected patterns of sexual behavior. In 1705 a court in Lisbon considered a complex set of couplings between three mariners who had engaged in consensual sexual relationships in which they traded active and passive roles. Two of the men had a durable sexual relationship that, by their own admission, dated back to their time in another ship.²⁶ In 1738 a court heard charges against a mariner and a seventeen-year-old “youth” for consensual sex in which they traded roles as active and passive partner.²⁷ It was alleged that they had done this in a public place: the foretop—the platform at the top of the lower mast and base of the topmast. The string of prosecutions of men of the *Jersey* from a decade later, and the *Kite* from 1812, uncover yet more complex sexual groupings.²⁸ Both Trumbach and Burg have argued that the *Africaine* affair from later in the 1810s is a unique case deviating from the patterns of sexual

²² Thomas Hubbard and George Hynes court martial (10 December 1800, ADM 1/5355), minutes p. 3 (quote).

²³ William Wallace and Joseph Isles (3 June 1813, ADM 1/5436).

²⁴ ADM 194/182, #3388, 24 Dec. 1875.

²⁵ Louis McIntyre court martial (13 December 1813, ADM 1/5439). Corporals were petty officers directly subordinate to masters-at-arms. A similar example is found in Thomas Randall court martial (2 August 1815, ADM 1/5450), in which Randall, rated ordinary, groped a yeoman of the sheets, a petty officer.

²⁶ William Wilson, Andrew Campbell, and Thomas Esgay court martial (1 May 1705, ADM 1/5266).

²⁷ Hugh Ducaty and William Tofts court martial (18 November 1738, ADM 1/5273).

²⁸ See Appendixes A and D for citations.

activity they identify.²⁹ However, a full consideration of the available evidence indicates that the *Africaine* trials fit into patterns found elsewhere in the records. Sex that was not ordered hierarchically is largely invisible not because it did not occur or could not be understood as sodomy—it did and could be—but because the navy rarely prosecuted it.

The navy rarely prosecuted bestiality and equal-status erotic contact, and never prosecuted a range of other offenses. As we would expect, courts almost never pursued masturbation, despite deep social concern about it.³⁰ It was not serious enough misbehavior to warrant trial. More surprisingly, though, sexual contact between boys, even when non-consensual, essentially never came to trial. Naval actors certainly knew that such contact took place. When facing a charge in 1805, Lt. Joseph Newton admitted that a decade earlier, when a surgeon's servant, he had been turned ashore for indecent behavior with a midshipman. Neither faced trial, and Newton was able to reenter the service the next year and eventually gain a commission.³¹ In an 1827 trial on his commander, the gunner of the *Leveret* tender said he did not believe the charges of a group of teenage “boys” because he was certain the officer “would not have any concern with such a dirty set as they are.” The court asked him what exactly this meant, and the gunner explained that the boys did not wash themselves or their clothes. The court pushed further, asking whether he had also meant to imply that they “take improper

²⁹ Trumbach, “Modern Sodomy,” 98-9; Burg, “The HMS *African* Revisited: The Royal Navy and the Homosexual Community,” *Journal of Homosexuality* 56 (2009): 173-94, and *Boys at Sea*, chp. 5.

³⁰ A rare case is Thomas Putress (29 January 1818, ADM 1/5458), in which it appears that the “uncleanness” charge would not have made it to trial if it had not led to a fight, and Putress had not subsequently behaved “with contempt” to an officer. In his defense Putress claimed that his accuser had charged others with masturbation, though there is no evidence of other trials stemming from this case. If Putress is correct on this point, it would further support the conclusion that masturbation was not seen as a serious offense. On fears of the act in this period: Thomas W. Laqueur, *Solitary Sex: A Cultural History of Masturbation* (New York: Zone, 2003), esp. chps. 4-5.

³¹ Report of inquiry, 3 Jan. 1805, ADM 1/674.

liberties with each other?”³² He apparently had not, but the court’s question is telling.³³

The 1816 trial of Lieutenant Duncan Macdonald revealed that one of the defendant’s victims, a gunroom boy who served one of Macdonald’s fellow officers, had earlier made an accusation against a fellow boy.³⁴ The charge was that this second boy had approached his hammock at night “and put his hand upon his privates,” something for which men were sometimes court-martialed. Participants in the trial explicitly spoke of this action as a violation of the second article of war. They understood it to be a serious and prosecutable breach of naval law. Yet the young offender faced summary punishment rather than formal adjudication.

Naval actors could have chosen to treat these as serious crimes, and at other times did. In the 1860s, for instance, there was a small wave of prosecutions for sex between young men.³⁵ We know too that observers were concerned about erotic contact between “youngsters” (youngsters, young men), as texts like David Morrice’s *The Young Midshipmen’s Instructor* (1801) indicate.³⁶ And there were grounds for concern. In fact, in his defense Christopher Beauchamp went so far as to suggest that commissioned officers would *all* be acquainted with youthful, but nonetheless criminal, homoerotic

³² John Harrison Bowker court martial (7-10 and 12-13 March 1827, ADM 1/5471), minutes p. 67.

³³ This exchange also provides an example of the imprecision of sodomitical categories, as well as the range of meanings “uncleanness” could have (see chapter 1).

³⁴ Duncan Macdonald court martial (7-8 May 1816, ADM 1/5454).

³⁵ Charles Hunter court martial (2 Oct. 1862, ADM 194/180, #769); William Monk and William Thomas Pugsley court martial (11 June 1863, ADM 194/180, #886); and Robert Bertie and Joseph Heesom court martial (16 Dec. 1864, ADM 194/181, #1188). In the last instance, the papers described these two as “lads.” *Hampshire Chronicle*, 17 Dec. 1864.

³⁶ Quoted in J.D. Alsop, “Male Bonding and the Navy ‘Chum,’” *Mariner’s Mirror* 97 (2011): 76-77, here 77. See too the later example of Jacob Hazen’s *Five Years Before the Mast*, as quoted in Langley, *Social Reform*, 172-73.

transgressions because of their common experience as young gentlemen in homosocial educational institutions:

[...] alas! its practice [mutual masturbation³⁷] is too often imbibed at Schools where Boys feeling the rising passions of our Sex unhappily indulge a filthy gratification, and many become victims to it in early life, and it is yet a practice which has pervaded without exception almost every public and private seminary from all times, undoubtedly arising from a passion honorable when used lawfully with the other Sex for the procreation of our Species but which from the infirmities of our nature particularly in early life when we have not the restraints of maturer age, Youth is too apt improperly to indulge.

Beauchamp went on to insist that the practice was ineradicable in pubescent boys without access to women, and that “most of our ablest Statesmen, brightest warriors, and greatest Lawyers and Divines cannot but be sensible of this certain practical Truth.”³⁸ Beauchamp was attempting to argue that sexual contact between young men was not seen as an offense requiring prosecution. He appears to have been correct. In the event, it did little to help him—he and Bruce were not boys but commission-bound junior officers (a master’s mate and midshipman respectively), and they were caught up in the string of *Africaine* prosecutions. But the spirit of his observation holds: navy men knew there were some forms of proscribed sexual activity that went on in naval vessels but rarely or never came to trial.

Other records incidentally reveal how complex naval engagement with sodomy could be, thereby clarifying how narrowly focused sodomy prosecutions actually were.

³⁷ He is referring here only to the practices to which he and Bruce admitted in depositions dated 16 December 1815. They describe these “unclean practices” (or “Boyish indecent Indiscretion[s]”) as “fr[igging]g” or taking “hold of each other’s yards.” Christopher Beauchamp and James Bruce court martial (6-15 January 1816, ADM 1/5453).

³⁸ *Ibid.*, Beauchamp defense, pp. 58-9.

Consider a series of events on the *Favorite* shortly after the end of the Napoleonic Wars. Her schoolmaster, the Reverend Patrick Pounder, was the head of a small, devout party of evangelicals on the ship that came into conflict with her officers.³⁹ Acting second master James Woolls caused the officers the most trouble, and eventually he and Pounder were separately court-martialed.⁴⁰ Woolls was tried for a range of disciplinary breaches, but homoeroticism was central to his case. Pounder and Woolls believed that they were inhabited by the Holy Spirit, were receiving direct revelation, and were acting as divine agents. Woolls had declared himself the Lord's messenger to the churches. He had also come into conflict with his first lieutenant, Robert Pearce. Woolls charged that that officer was an agent of Napoleon, whose escape from St. Helena the lieutenant was planning. Woolls also spread a rumor that Pearce had committed an unnatural crime, a charge he renewed late in 1818 as tensions built between Pounder's group and the officers.⁴¹

Evidence that Woolls provided indicates that sodomy inhabited an essential place in his religious experience. The *Favorite*'s surgeon, in testifying that the man was insane, explained at trial that Woolls felt that he had been burdened with a "thorn in the flesh... lest his own righteousness 'should exalt him above measure.'" ⁴² This thorn was "a very strong inclination to commit the Sin of Sodomy" with a boy he named. The agents of

³⁹ Schoolmasters were sometimes employed on ships to educate young gentlemen. F.B. Sullivan, "The Naval Schoolmaster during the Eighteenth Century and the Early Nineteenth Century," *Mariner's Mirror* 62 (1976): 311-26.

⁴⁰ Unless otherwise indicated, the following draws from Woolls's court martial (23 December 1818, ADM 1/5459). Pounder's trial followed Woolls's. Pounder court martial (24-28 December 1818, ADM 1/5459).

⁴¹ Though neither author mentions the sexual aspects, this affair is discussed in the following: Richard Blake, *Evangelicals in the Royal Navy, 1775-1815: Blue Lights and Psalm-Singers* (Woodbridge: Boydell, 2008), 280, and *Religion in the British Navy, 1815-1879: Piety and Professionalism* (Woodbridge: Boydell, 2014), 47-49; as well as Robert Wauchope, *A Short Narrative of God's Merciful Dealings* (Edinburgh: privately printed, 1862), 81-3.

⁴² A reference to 2 Corinthians 12:7: "And lest I should be exalted above measure through the abundance of the revelations, there was given to me a thorn in the flesh, the messenger of Satan to buffet me, lest I should be exalted above measure" (KJV).

Satan were active in trying to hurt him, including by attempting to cause him to commit sodomy. These agents had not only hidden emetics in his food, to make him vomit and thereby discredit himself, but had also mixed in “stimulants... to incite him” to sexual misbehavior. For Woolls, Pearce was a sodomitical, diabolical agent, as was a midshipman who had tempted Woolls to commit sodomy with him.⁴³

Accompanying trial documents include Woolls’s account of an erotically-charged religious dream that Pounder described as revealing a “Miracle.” Woolls explained that when asleep at Ascension Island, in the south Atlantic, God gave him a warning in a dream that Satan inhabited the incarcerated Napoleon. In the dream, Woolls had Napoleon in his custody. The deposed ruler “was a little fellow, with very pleasing and fascinating manners.” The two entered a billiards room together, and Napoleon played the game remarkably well. Bonaparte was able to make a trick shot in which he hit a cup off a saucer and straight off the table, leaving the saucer unharmed. Around them others chatted and laughed, but Woolls was wholly absorbed by his prisoner. The dictator donned a glove, took Woolls’s arm, and led him down a set of stairs into a small passageway. Suddenly Napoleon let go and tried to escape his captor. But when his visage altered into “a Devilish look,” some soldiers recaptured him. In the dream Woolls felt he had “had a narrow escape in his not getting away,” and then he “awoke and thought I had not done my duty.”

⁴³ Among other recopied documents from Woolls is his declaration against John Jervis Tucker making reference to Romans 1:16-17 and 18-32. Romans 1:26-27 was one of the chief biblical bases for sodomy prohibitions: “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 woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompense of their error which was meet” (KJV).

This tale was not alone in casting Napoleon in the role of the devil and interpreting recent events in grand religious and millenarian terms. Yet it has its own idiosyncratic logic within the larger story of this trial and the place of sodomy in Woolls's religious experience. In the dream, Woolls becomes a central agent in the struggle both for Britain's military safety and in spiritual warfare against Satan. His encounter with Napoleon is played out in the homoerotically-charged terms of his personal religious battles. The appealing Bonaparte fully captivates his captor, with the two wrestling for control. The game they play is sexually-charged; billiards, with its cues, balls, and pockets, had already long provided a source for sexual language.⁴⁴ The captive performs a neat trick of manual dexterity, striking a cup, an object replete with its own bevy of sexual metaphors.⁴⁵ Sneaking into a "little narrow" passage, the man finally attempts to flee and the narrator is powerless to prevent it. Only when Satan reveals himself in the escapee's physiognomy can others save the day.

Unfortunately, the records of Woolls's case give us no sense of how others interpreted this arresting sequence—apart from the conclusion of the surgeon, captain of the *Favorite*, and the court that Woolls was insane. Before coming to trial Woolls had attempted to walk back the charge against Pearce. Their captain, however, rejected this move, explaining that "the charge having been publicly made, [it] must be examined." In response, Woolls produced a note, intended to be public, debasing himself as a "villain" and "beast," and calling for the exaltation of Pearce and the rest of the crew. Two days

⁴⁴ Gordon Williams, *A Dictionary of Sexual Language and Imagery in Shakespearean and Stuart Language* (London: Athlone Press, 2001 [1994]), 3 vols., s.v. "ball," which deals with cues and balls, for instance.

⁴⁵ *Ibid.*, s.v. "cup."

later, apparently concerned that the note would be interpreted as an admission of sodomy, Woolls wrote his captain yet again, this time explaining that he had never committed an unnatural crime and that he had attacked himself in writing because he had no evidence for his charges against others. The court found him “quite Insane” and manifestly unfit for duty, and sentenced him to be discharged from the service. It also formally declared his charges against Pearce “unjust and ridiculous,” and lamented what the lieutenant had experienced as a result of Woolls. It was perhaps inevitable that Woolls would be declared insane without any serious inquiry into the sexual content of his case. The vehemence of belief among the evangelical group was more than enough. One young believer was thought to have “brain fever” when he declared he saw Christ, and the testimony at Pounder’s trial produced “ridicule and amusement” according to Robert Wauchope, a court member who later wrote about it in his religious autobiography.⁴⁶

Apart from considering the sodomy charge against Pearce, the court and prosecutor never explicitly considered the rest of this sexual material. As in so many other cases sodomitical crimes emerge only as problems within the hierarchy, as either a sexual crime of a superior against a subordinate or a mutinous charge made by a subordinate against a superior. Whatever else it may have been, Woolls’s engagement with the sodomitical was far more complex than that. Notably, it employed categories and areas of thought that rarely appear in sodomy trials at courts martial: serious and sustained engagement with religion; politics; sanity; the worlds of dreams; and more.

Woolls may have been a madman spinning deranged tales, as others thought, but the very

⁴⁶ Wauchope, *Short Narrative*, 83. The nature of this work suggests we should be cautious about accepting this characterization uncritically, however.

variety and detail of those tales reveals how narrow the remit of most naval sodomy trials was.

Authority, Hierarchy, and Masculinity

As we saw in the previous chapter, the largest wave of sodomy prosecutions came during the years of the French Revolutionary and Napoleonic Wars. They followed on the heels of the great Spithead and Nore mutinies of 1797. That year also witnessed the bloody *Hermione* mutiny, and followed on a string of ship mutinies from 1794 to 1796.⁴⁷ N.A.M. Rodger has argued that in this period the half-century decline of a traditional shipboard culture of negotiated, accommodative order became decisive.⁴⁸ Changes in manning and other administrative practices, a variety of further “material disadvantages” in the lives of sailors, and growing class tensions—intensifying in the wake of the French Revolution—drastically altered the character of shipboard life. Severe manning pressures made the lower deck far more heterogenous and flooded it with unskilled men. Meanwhile, the quarterdeck assumed a position of distanced and impersonal authority over subordinates. Mutual suspicion grew in an environment of strict, detached discipline.

⁴⁷ On the *Hermione*, see e.g. Dudley Pope, *The Black Ship* (Philadelphia: Lippincott, 1964). More generally, Leonard F. Guttridge, *Mutiny: A History of Naval Insurrection* (Annapolis: Naval Institute Press, 1992).

⁴⁸ N.A.M. Rodger, “Shipboard Life in the Georgian Navy, 1750-1800: The Decline of the Old Order?” in Lewis R. Fischer et al (eds.), *The North Sea: Twelve Essays on the Social History of Maritime Labour* (Stravanger: Stravanger Maritime Museum, 1992): 29-39; Rodger, “Honour and Duty at Sea, 1660-1815,” *Historical Research* 75 (2002): 425-47, here 440-1. See too Rodger, “Officers, Gentlemen, and their Education, 1793-1860,” in Richard Harding (ed.), *Naval History, 1680-1850* (Aldershot: Ashgate, 2006): 537-48; Margarette Lincoln, *Representing the Royal Navy: British Sea Power, 1750-1815* (Burlington: Ashgate, 2002), 3.

This transition coincided with and was nourished by transformations in officer-class and lower-deck masculinities. In this period officer-class men challenged older stereotypes of sea officers as rough and uncultured by attempting to project gentility, paternalistic authority, polite yet manly and aggressive bearing, and self-restrained morality. The growing influence of evangelicalism both in the navy and society at large was a key driver in these constructions. The new conceptions and practices both produced and proceeded from specific visions of authority-bearing masculinity. Napoleonic-era officers were supposed to maintain social distance from and strict authority over those below them. They oversaw the system of formal discipline that maintained this new shipboard order. The formalistic aloofness dictated by their social superiority was coupled with a paternalistic interest in the welfare, spiritual and somatic, of subordinates, and an understanding that the moral character and actions of those subordinates reflected directly on their superiors. As a result of these converging factors, naval masculinity at all levels was policed and disciplined with a new strictness and intensity.

The navy was structured along rigid and finely-graded hierarchies that were intimately connected to masculine statuses.⁴⁹ The English had long recognized constructions of masculinity connecting authority with control over the self and others—including, of course, control over bodies and sexual behavior.⁵⁰ In the navy, the rigor and complexity with which distinctions were delineated and maintained only increased during

⁴⁹ Except where noted the following draws generally from Glasco, “Neglected Set,” chapter 1; Martin Hubley, “Desertion, Identity and the Experience of Authority in the North American Squadron of the Royal Navy, 1745-1812” (PhD thesis, University of Ottawa, 2009), chapter 1; and N.A.M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy* (Annapolis: Naval Institute Press, 1986).

⁵⁰ Stephanie Tarbin, “Civic Manliness in London, c. 1380-1550,” in Susan Broomhall and Jacqueline Van Gent (eds.), *Governing Masculinities in the Early Modern Period: Regulating Selves and Others* (Farnham: Ashgate, 2011): 23-45.

the long eighteenth century, and anti-leveling sentiment was powerful among officers after the French Revolution. The intensification and calcification of the naval hierarchy was a long-term process (or perhaps project) that produced a widening social gulf that reached its apogee in the Victorian navy. One of the chief goals of the introduction of the first uniforms for commissioned officers in 1748, for instance, was to mark rank and social distinction.⁵¹

Commissioned officers (lieutenants and above) exercised control and command within the service. By this period they were overwhelmingly men from comfortable middle class to elite backgrounds. They were largely English, and almost exclusively British, and were by definition gentlemen.⁵² Below them were warrant officers, skilled men whose work aligned with professional or artisanal occupations: masters, surgeons, pursers, chaplains, boatswains, carpenters, and gunners. They were followed by petty officers who held warrants, technically seamen though undertaking specialized skilled work as well: masters-at-arms, schoolmasters, caulkers, armorers, sailmakers, and cooks. This wide range between commissioned officers and the sub-warrant “ratings” represented a diversity of labor and status. Some were gentlemanly, some educated, others analogous to or actually master artisans and tradesmen. In broad terms, wardroom officers—those who berthed and messed in the wardroom with the commissioned officers—were of gentlemanly status. This included pursers, masters, chaplains, and surgeons.

⁵¹ Amy Miller, *Dressed to Kill: British Naval Uniform, Masculinity, and Contemporary Fashions* (London: National Maritime Museum, 2007), chp. 1. This route of analysis has extended to other periods as well. See especially Quintin Colville, “Jack Tar and the Gentleman Officer: The Role of Uniform in Shaping the Class- and Gender-Related Identities of British Naval Personnel, 1930-1939,” *Transactions of the Royal Historical Society* 13 (2003): 105-29.

⁵² E.g. Cavell, *Midshipmen and Quarterdeck Boys*, 77.

Gunners, boatswains, and carpenters did not fit in this group, and most closely resembled artisans or tradesmen ashore.⁵³ The analogy to mastery is borne out in one of the unique perquisites of warrant officers: they alone were formally permitted to bring their wives aboard as permanent residents of naval vessels.

“The people,” meanwhile, were plebeian—mainly working-class men. Far from an undifferentiated “lower deck,” however, this vast group was arranged along its own hierarchies structured by age, skill, and experience. Seamen carried a rating of able, ordinary, and landsman according to skill and experience at sea and particular maritime labor. Skilled men also served as petty officers, and skill and experience accorded with the watch in which a man did his duty—from demanding skilled labor in the tops, to the unskilled work carried out by the “waisters,” so-called because they did their duty in the ship’s waist.⁵⁴ Marines formed a parallel though simpler hierarchical structure. For our present purposes a more detailed mapping of shipboard organization is not necessary.

However, there is one final group essential to consider when dealing with shipboard sex: the younger members of the shipboard hierarchy. These crew members entered at young ages, sometimes younger than ten, as boys and servants. In 1794 the navy instituted a three-tier rating system for boys who worked as officers’ servants or perhaps as seamen.⁵⁵ “Volunteers 1st class,” older than eleven, were in theory destined for commissions. They would graduate to midshipman status with age and experience, gaining in standing and power. They were “young gentlemen.” Although they had a low

⁵³ Miller, *Dressed to Kill*, 46-48, notes that warrant officers (apart from medical men) were given distinctive uniforms in 1787, leading her to suggest that they were all considered gentlemen.

⁵⁴ Glasco, “Neglected Set,” 51.

⁵⁵ On the new system, see, for instance, Cavell, *Midshipmen and Quarterdeck Boys*, 88-92.

formal status, young gentlemen were often of more elite social extraction than most of the men and even warrant officers they lived alongside. In 1816 a number of the young *Africaine* defendants played on this reality, appealing to the men who sat in judgement on them as members of the same class. Master's mate (a promoted senior midshipman) Christopher Beauchamp and midshipman William L.J. Crutchley in their separate trials both emphasized their similarity to the officers trying them, and thus the division between all of them and the working-class "Gang or horde of Sodomites" (as Crutchley's defense called them) that apparently had thrived on the ship, and which furnished the witnesses against the two defendants. Moreover, as Beauchamp pointed out, some of their accusers were not only lower-class men, but also "foreigners & men of colour."⁵⁶ There certainly was a substantial social gulf, and in their defenses both were careful to distinguish themselves not only from these sodomites but also the "poor unfortunate youths of their own Class" the plebeian sodomites had seduced. They were low-status boys, quite unlike "youths respectable as we are."⁵⁷ Neither defense was successful (Crutchley was in fact convicted at two separate trials), but these arguments illustrate the extent of social stratification in this period, including the divisions between different groups of young men at sea.⁵⁸

Boys second and third class fell on the other side of this social divide to which Beauchamp and Crutchley pointed. On paper these latter two categories were split along

⁵⁶ William Crutchley and George Parsons court martial (16-19 January 1816, ADM 1/5453), Crutchley defense p. 41; Christopher Beauchamp and James Bruce court martial (6-15 January 1816, ADM 1/5453), Beauchamp defense p. 8.

⁵⁷ Beauchamp defense, p. 9; Crutchley defense, p. 13.

⁵⁸ This also reminds us that courts martial were themselves elite institutions. Byrn, *Crime and Punishment*, 33.

age lines, with the third class covering younger boys and the second older.⁵⁹ They did a range of work, including as domestics for officers. Boys 3rd class were “servants” in the sense of domestics, while those of the 2nd class were destined to be adults serving in working-class positions from ratings to warrant officers. In fact, a variety of men, young men, and boys did different domestic duties. Servants might be youths or adults, and a servant’s status could vary widely. A steward stood in a very different position from a boy, but both had domestic roles. And while boys sat at the lowest level of the naval hierarchy, not all boys were created equal, clearly. The category encompassed everything from young men of elite extraction to Marine Society orphans. It is important to observe, though, that domestic labor was appropriate for boys and the low-status because it was resolutely feminine in the traditional division of domestic labor.⁶⁰ Boys were ideal for this type of work because of their low status and masculine immaturity.

As Jeffrey Glasco has argued, the navy’s formal hierarchy mapped to a powerfully-felt masculine hierarchy based upon skill, labor, and status.⁶¹ On the lower deck, men measured peers’ masculinity in terms of age, skill, duty, experience, bravery, and loyalty. Masculine accomplishment was reflected both formally (in rating, watch, and rank) and informally (in community standing), and it came with corresponding formal and informal rights and benefits: pay, perquisites, share in prize money, and so on.

Denver Brunzman has likewise recently argued for the centrality of the skill-hierarchy

⁵⁹ Boys 3rd class were supposed to be between thirteen and fifteen years of age; boys 2nd class, fifteen to seventeen.

⁶⁰ Margaret Creighton, “American Mariners and the Rites of Manhood,” in Colin Howell and Richard Twomey (eds.), *Jack Tar in History: Essays in the History of Maritime Life and Labour* (Fredericton: Acadiensis Press, 1991): 143-63, here 151-52, deals with a different time and context, but in general terms is applicable.

⁶¹ Jeffrey D. Glasco, “The Seaman Feels Him-Self a Man,” *International Labor and Working-Class History* 66 (2004): 40-56, and “Neglected Set,” chapter 3.

system to mariners' gendered self-understandings.⁶² He notes that the navy's reliance on unfree labor was severely emasculating. Whether or not any particular sailor had been subject to the press (that is, had been forcibly conscripted and made to serve), all navy men had their traditional rights to free movement and professional self-determination abridged. Within the wooden world, however, sailors could (re)assert their masculinity by making visible their skill and experience. The navy recognized them as "professionals" and allowed for a "semi-meritocratic" system of limited occupational advancement.⁶³ In this fashion—and, of course, as warriors—common sailors could assert a powerful masculinity that was otherwise variously imperiled by their occupation and its conditions. We may add that they did so in other ways unconnected to occupation: through, for instance, drinking, carousing, and fighting.

Officers exercised control in ways those below them did not. They had, variously, power over boys, servants, men, space (cabins, storerooms, chests, doors), supplies, victuals, and alcohol. They also controlled the legitimate use of interpersonal violence and access to weapons. Officers directed and oversaw punishment—from the more minor "starting" with a rattan or rope's end to hurry men to work (formally banned in 1809), to flogging, to the even more serious punishments inflicted only by courts martial. Officers' right to inflict violence reflected masculine domination over subordinates, who had no right to retaliate.⁶⁴ Striking or threatening to injure an officer was a capital offense under the Articles of War, in fact.

⁶² Denver Brunzman, "Men of War: British Sailors and the Impressment Paradox," *Journal of Early Modern History* 14 (2010): 9-44.

⁶³ *Ibid.*, 37, 39, 41. Both terms are Brunzman's.

⁶⁴ Glasco, "Neglected Set," 55, 280-91.

The equation of age, status, and masculine achievement is seen in the language of insult, among other areas. The longstanding use of “puppy” as a term of abuse is one example.⁶⁵ Men often belittled each other in this fashion—as in the case of a master at arms, in conflict with a boatswain, who referred to his opponent as worth no more than “a Cook’s boy.”⁶⁶ The insult both diminished and feminized. Cooking was women’s work, after all. And young males were certainly closer to women than were adult men. A marine lieutenant alleged said to a young private to whom he was attracted that he “looked more like a girl than a man.”⁶⁷ As Samantha Cavell has recently shown, naval fixation on class, age, status, and experience could as easily produce tensions in shipboard order as reinforce traditional hierarchical social practices. For instance, the increasingly strict division between commissioned officers and those below them meant that younger, less experienced, and less skilled men and even adolescent officer aspirants often wielded authority over men who were their masculine superiors in all respects save social status. This state of affairs was in no way unique to the navy, but it is likely that the special importance of male-coded skills sharpened the potential for tensions in this setting.

As on land, achieving certain sorts of full manhood justified a variety of unique powers and duties, including leading roles in social reproduction. Ellen Gill has recently observed that quarterdeck social reproduction depended on “familial” relationships in which officers served in recognized paternal roles for young aspirants well into the mid-

⁶⁵ See *OED*.

⁶⁶ Edward Wilkes court martial (15 March 1784, ADM 1/5323), fol. 591r.

⁶⁷ Patrick Bryson court martial (24 Dec. 1812, ADM 1/5433). The trial records do not record the marine’s age, but he must have been fairly young, as Bryson asked him whether he was a virgin.

nineteenth century.⁶⁸ This pattern repeated at every level of the hierarchy, taking forms appropriate to the different social stations represented and following long-established social practices.⁶⁹ The paternal quality of such relationships at sea were sometimes quite explicit, as in the case of “sea daddies” or “sea fathers,” old hands who trained the young and inexperienced.⁷⁰ For quarterdeck boys from more elite backgrounds, their sea fathers had the essential role of inculcating them into their chosen profession, guiding education and moral formation, and integrating them into the social world and patronage networks of the navy. As in other areas of life, acting as a father was a marker and prerogative of full masculine achievement, carrying with it the obligation to protect those in the filial position and tend to their public reputations. Failure to do so was in turn a sign of failure in masculinity. Reputational damage to a “son” reflected on his “father,” and vice versa.

As we have seen, by the late eighteenth century paternalism had also become a central dynamic in broader shipboard social relations. Command at sea had of course long involved paternalistic authority, but by 1800 we find idealization of more markedly *paternal* authority. Tom Wareham, for instance, has described the “post captain as father-figure.”⁷¹ As we will see below, the growing influence of evangelicalism in the force coincided with and contributed to the emergence of a new, more robust paternalistic ethos

⁶⁸ Ellen Gill, “‘Children of the Service’: Paternalism, Patronage and Friendship in the Georgian Navy,” *Journal for Maritime Research* 15 (2013): 149-65, here 150. Much of what follows relating to officer-class social reproduction is derived from this article. On this point see too Miller, *Dressed to Kill*, 30; Cavell, *Midshipmen and Quarterdeck Boys*, 15. On the centrality of patronage to officers in this period, see e.g. Christopher Dandeker, “Patronage and Bureaucratic Control: The Case of the Naval Officer in English Society, 1780-1850,” *British Journal of Sociology* 29 (1978): 300-20.

⁶⁹ For an earlier period, see Cheryl Fury, “Training and Education in the Elizabethan Maritime Community, 1585-1803,” *Mariner’s Mirror* 85 (1999): 147-61, and *Tides in the Affairs of Men*, chp. 1.

⁷⁰ Rodger, *Wooden World*, 42; Isaac Land, *War, Nationalism, and the British Sailor, 1750-1850* (New York: Palgrave Macmillan, 2009), 34-5.

⁷¹ Tom Wareham, *The Star Captains: Frigate Command in the Napoleonic Wars* (Annapolis: Naval Institute Press, 2001), 210.

as a component of officer-class masculinity.⁷² The ideal officer was increasingly expected to exercise control over his men and “also to demonstrate his intellectual and emotional leadership; to care for his men as well as commanding them.”⁷³ This expectation mapped directly onto the divisional system, which divided a ship’s crew up into units each under the care and authority of an officer or midshipman. The practice began in the mid-eighteenth century and was formalized in the early nineteenth.⁷⁴

Command and authority over others signaled masculine achievement. John Tosh, for instance, shows how by the Victorian era command at sea exemplified masculine power and independence, as in the case of a settler in South Africa who dreamed, as he put it, of rising “very rapidly to ‘captain of my own quarter deck.’”⁷⁵ Yet such power did not in reality mean independence. Far from it. Those with authority were beholden to superiors and were bound to subordinates through lines of mutual obligation. Serious misbehavior on the part of either commanding men or their subordinates constituted masculine failure. The *Africaine* trials once again prove illuminating here. In one of his trials Crutchley reproached his captain, Edward Rodney, son of the great Admiral George Rodney, for his failure to act properly as a father. A captain was “the Father of his People,” the defendant explained, and families sent young gentlemen to him “in the firmest confidence that the solicitude of a Friend and a Father would not be wanting towards them.”⁷⁶ Similar problems occurred at other levels in the hierarchy, and trials

⁷² Rodger, “Honour and Duty,” 446.

⁷³ Gareth Atkins, “Christian Heroes, Providence, and Patriotism in Wartime Britain, 1793-1815,” *Historical Journal* 58 (2015): 393-414, here 405-6 (quote); Cavell, *Midshipmen and Quarterdeck Boys*, 130-32.

⁷⁴ Lavery, *Shipboard Life*, 57 (from the 1806 *Regulations and Instructions*), 70, 72-74,

⁷⁵ John Tosh, “Masculinities in an Industrializing Society: Britain, 1800-1914,” *Journal of British Studies* 44 (2005): 330-42, here 340.

⁷⁶ William Crutchley and George Parsons court martial (16 January 1816, ADM 1/5453), Crutchley defense pp. 59-60.

reveal that in some instances active partners acted *in loco parentis* for or in parallel sorts of relationships with passive partners. Quartermaster James Ball raped thirteen-year-old Walter Jones, and at trial a witness explained that their relationship had been such that they “commonly” went by the names “big Ball” and “little Ball.”⁷⁷ A midshipman testified that the mother of one of Bartlett Ambler’s victims had considered the man to have been “like a father to her boy.”⁷⁸ Another boy, a ten-year-old servant, apparently called his abuser “father.”⁷⁹ We can multiply such examples.⁸⁰

The presence of such relationships in sodomy courts martial indicates at once their importance to the navy and the ways in which they could become fraught. They were ripe for the social production of sodomy. The navy relied on them, but the intimacy and authority they involved facilitated abuse if a man—particularly an officer—wished to engage in it. Likewise, these factors made it easy for the lower-status member to advance a malicious charge. These relationships could also easily appear sodomitical, or be attacked as such. A later prosecution, that of Richard Inman in 1838 (explored in greater detail in subsequent chapters), highlights these tensions.⁸¹ A lieutenant commanding the *Lily* sloop, Inman had been discovered one morning asleep in bed with his servant, fourteen-year-old boy 2nd class John Pay. Inman acted as father to Pay, whom he had known about four years. Inman had brought Pay up in the trades of tailor and sailmaker and employed him as servant for all of Pay’s two years at sea. During the investigation

⁷⁷ James Ball and Walter Jones court martial (9 October 1706, ADM 1/5266).

⁷⁸ Bartlett Ambler court martial (22 April 1805, ADM 1/5369), minutes p. 13.

⁷⁹ George Trussen and John Baker court martial (21 June 1745, ADM 1/5285).

⁸⁰ Another instructive example is the trial of David Dixon (25 Jan. 1799, ADM 1/5348). See his defense, where he explains that his relationship with the supposed victim is like that of a “father” and his “beloved son.” Other witnesses in this case spoke of theirs as a father-son relationship too. This case presents a valuable point of comparison with the later Inman trial, discussed below.

⁸¹ Richard Inman court martial (19-20 October 1838, ADM 1/5484).

and trial Inman evinced concern for the boy's welfare. His close relationship with Pay could have easily allowed for sexual exploitation, however. Inman had access to alcohol, his own cabin in which the boy worked, and he could bring Pay ashore when he desired. If conducted correctly, this sort of relationship was laudable. The *Hampshire Telegraph*, for instance, approvingly noted Inman's conduct towards Pay and that the boy "considered the prisoner as a father."⁸² But the potential for abuse was present, and observers found it easy to imagine the relationship was sodomitical when the two were found in this compromising position.

Paternal-filial relationships were not alone in being fraught in this fashion. Any hierarchical relationship was potentially open to abuses of authority, including those involving proscribed sex, or the appearance or suspicions thereof. What was even appropriate within such relationships was open to contestation. In 1771 a court tried purser Richard Jones for victualing fraud (using a weighted scale) and for "scandalous and indecent behaviour" with his two indentured servants, who served as the steward and steward's mate of the *Resolution*.⁸³ These two men accused Jones of groping them and subjecting them to sexualized punishments that included handling and pinching one man's penis. Jones objected that "the whole was meant as punishment" and as the two were "his servants... he had a right to Punish them." The court rejected this argument, drumming him out of the service for his offenses.⁸⁴ Jones's crimes, including his fraud,

⁸² *Hampshire Telegraph*, 29 October 1838.

⁸³ Richard Jones court martial (5 July 1771, ADM 1/5305).

⁸⁴ The sentence makes clear that the court dismissed Jones from his employment and drummed him out of the service for his sexual offenses, and then mulcted his pay for the fraudulent practices. See *ibid.* and ADM 12/27B, fol. 64v.

were possible because of his status as a warrant officer. He had direct control over servants, his tools and equipment, and the privacy of his own cabin.

These and similar elements are ubiquitous in status-imbalanced trials, taking forms appropriate to the status of active partners. Commissioned and warrant offenders misused command and authority, violence, food and alcohol, and private space. They could prefer favorites for advancement and rewards, and shield them from punishments. Petty officers and common sailors had less to work with, but still used their relatively superior social standing, threats and actual physical violence, food and liquor, and money and other material inducements to cajole, threaten, or force those of lower status into sex, as well as to subvert proper order more broadly. As with perennial fears about favorites in British culture more broadly, unnatural subversion of hierarchy was distressing because it granted the wrong men inappropriate power. In an 1800 trial, for instance, disgruntled witnesses spoke of their perception of the power a young man with a poor reputation on ship had over their commander. Among other perversions of appropriate social practice, their sodomitical relationship allowed this young man to avoid condign punishment. He apparently claimed that “he could hang Mr. Blow whenever he pleased,” and was therefore untouchable.⁸⁵

Trials like Jones’s served to discipline such abuses and sought to remove sodomitical ambiguities and potential from these all-important relationships. Sodomitical subversion was deeply pernicious beyond the threat of the sexual. Abusing hierarchy destroyed social order, as these were practices fundamental to the way things worked at

⁸⁵ James Crowerst court martial (1 March 1800, ADM 1/5352), minutes p. 11, and p. 23, where the court refers to “such extraordinary favors shewn to such a worthless character.”

sea. We find such fears from the very first. The 1701 trial of Charles Worrell, for instance, contained the charge that Worrell had successfully bribed his captain to cover up his crimes.⁸⁶ These fears were a constant in the trials through the following century and a half.

Othring, Effeminacy, and Self-Regulation in Martial Masculinity

Seafarers at every level had long been infamous for their riotous conduct, associated with uncontrolled and sometimes threatening and deeply dangerous masculinities. Yet by the time of the French Revolutionary and Napoleonic Wars transformations of British masculinities and the rising status of navy men allowed and even required officers and their men to fashion themselves in line with constructions of manhood acceptable and appealing to publics outside of the navy. The stereotypes that had adhered to them did not entirely die off in this period, of course.⁸⁷ Nonetheless, evolving norms, including norms of civility and politeness demanding stricter self-discipline and self-control, benefitted them. At the same time, these cultural developments made a wide range of identities and behaviors unacceptable masculine failures. Riotousness, brutishness, effeminacy, non-British otherness and uncertain allegiances, and sodomitical interests, for example, all became increasingly untenable. Instead, mutually-supportive and intertwined middle-class “mercantile” and evangelical

⁸⁶ Charles Worrell court martial (2 Dec. 1701, ADM 1/5262).

⁸⁷ Valerie Burton, “The Myth of Bachelor Jack: Masculinity, Patriarchy, and Seafaring Labor,” in Howell and Twomney, *Jack Tar in History*, 179-98, shows how the stereotype of bachelor Jack (unmarried, yet with a wife in every port) remained problematic for merchant sailors during a later period. See too idem, “‘As I wuz a-rolling down the Highway one morn’: Fictions of the 19th-Century English Sailortown,” in Bernhard Klein (ed.), *Fictions of the Sea: Critical Perspectives on the Ocean in British Literature and Culture* (Aldershot: Ashgate: 2002): 141-56.

values stressed manly politeness, orthodox and patriotic Britishness, financial independence, forbearance and self-control, industry, and a strictly self-regulated internal morality. Gentility, and the trappings thereof, was the ideal.⁸⁸ Appropriate masculinity required restraint and self-control in all areas, from moral character to social interactions. These traits were mandatory when it came to sexual matters, where restrained, reproductive marital heteroeroticism was prescribed.⁸⁹ Control over the body in every respect was important; self-discipline extended to bodily comportment and cultivation.⁹⁰ Even violence, so long an essential component of the masculine repertoire, increasingly required judicious and rational control.⁹¹ Royal Navy sex crimes prosecutions during this period followed and enforced these models of martial masculinity.

By the late eighteenth century Britons associated sodomy with a range of interrelated masculine failures that had come to be considered inimical to martial masculinity and which navy men were actively combatting or carefully avoiding in this period. Particularly damning were links between sodomy, otherness, effeminacy, and

⁸⁸ For the navy, see for instance Atkins, "Christian Heroes,"; Miller, *Dressed to Kill*, 47-48; Cavell, *Midshipmen and Quarterdeck Boys*, 72-81, 136-43. More broadly, see, for instance, Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850* (Chicago: University of Chicago Press, 1987).

⁸⁹ See for instance the late-Napoleonic trial of H.H. Christian, in which officers testify to having explained to the defendant that as a married man and a captain it was unacceptable for him to seek out convict women for sex, while the same may be acceptable for single, lower-status officers. The case also reveals practices of screening officer-class sexual misbehavior, and fears that lower-deck observation could reveal it. See Hood Hanway Christian court martial (28 Oct. 1814, ADM 1/5446).

⁹⁰ Matthew McCormack, "Dance and Drill: Polite Accomplishments and Military Masculinities in Georgian Britain," *Cultural and Social History* 8 (2011): 315-30. Though this deals almost exclusively with the army, he does suggest the importance of dance to navy men as well (p. 323), and his broader conclusions are applicable here too.

⁹¹ Elizabeth Foyster, "Boys will be Boys?: Manhood and Aggression, 1660-1800," and Robert Shoemaker, "Reforming Male Manners: Public Insult and the Decline of Violence in London, 1660-1740," in Tim Hitchcock and Michèle Cohen (eds.), *English Masculinities, 1660-1800* (London: Addison Wesley, 1999): 133-50 and 151-66; idem, "Male Honour and the Decline of Public Violence in Eighteenth-Century London," *Social History* 26 (2001): 190-208; and "The Taming of the Duel: Masculinity, Honour, and Ritual Violence in London, 1660-1800," *Historical Journal* 45 (2002): 525-45, as well as his other work listed in my bibliography.

failures at moral self-regulation. At various points in the eighteenth century fears of martial decline had been tied to critiques of feminized and enervated masculinity, and it was therefore important for military men to project vigorous and robust manliness. Naval officers and men had likewise been dogged by perceptions of seafarers as barbaric and graceless, and in response they endeavored to fashion themselves as polite, refined, and gentlemanly while still avoiding any hint of feminization. In part this was to be achieved through rigorous self-regulation, especially as the spread of evangelicalism turned attitudes against the vices perennially associated with sailors—drinking, swearing, carousing, prostitution, and so on.

In contrast to such dissipated warfighters, during the Napoleonic Wars evangelicalism offered constructions of warriors that married heroic valor with devout religiosity and opposed to traditional seafarers' vices.⁹² This was in keeping with a much broader effort among religious thinkers in the eighteenth century to forge a masculine Christian identity emphasizing active, vigorous engagement with the world. These views were, in turn, forerunners to the masculinist “muscular Christianity” of the Victorians. Articulations of this religiosity provided models of patriarchal leadership, self-discipline, and zealous service to God and crown, and were explicitly contrasted to perceived effeminacy in other contemporary modes of manhood. That effeminacy did not necessarily have to do with sex or homosex; effeminacy and sodomy were closely connected, but each could exist independent of the other. The ideal godly man avoided both, though. He was moderate and restrained, and certainly so in sexual matters. He was

⁹² Atkins, “Christian Heroes.”

an exemplar of moderate marital sexuality—performing manly obeisance to sexual and familial norms, in contrast to the gender and sexual misbehavior of the ungodly, nonconformists, non-Europeans, and (of course) Catholics.⁹³

Evangelicalism made powerful inroads in the navy during the French Revolutionary and Napoleonic Wars.⁹⁴ Yet this aspect of the religious movement was merely a driver and articulation of an even broader transformation in contemporary masculinity that touched men regardless of their religious orientation. N.A.M. Rodger has explored officer-class men in this period with reference to the history of two modes of masculinity.⁹⁵ The first was a deeply pervasive gentlemanly honor culture that persisted throughout the long eighteenth century; the second, a rising bourgeois conception of duty that exerted a powerful influence from late in the century on. Earlier in the century officers' claim to gentlemanly status had been imperfect. As we have seen, there were conceptions of them as brutish and unrefined.⁹⁶ Equally problematic, they were unquestionably men who worked for a living doing technical and physically-involved labor. They needed to achieve considerable technical skill through apprenticeship-style training. Whether of independent means or not, they worked for a wage doing a sort of labor that could easily seem inappropriate for elite men. However, as the pious, industrious, honest, devoted, self-disciplined bourgeois man rose and was self-consciously defined against what was perceived as a morally suspect, Frenchified, and

⁹³ Jeremy Gregory, "Homo Religiosus: Masculinity and Religion in the Long Eighteenth Century," in Tim Hitchcock and Michèle Cohen (eds.), *English Masculinities, 1660-1800* (London: Routledge, 1999): 85-110, 109 (on "sexuality").

⁹⁴ On this topic, see Blake, *Evangelicals in the Royal Navy*, and *Religion in the British Navy*.

⁹⁵ Rodger, "Honour and Duty."

⁹⁶ For instance, Cavell, *Midshipmen and Quarterdeck Boys*, 69-72.

effeminate aristocracy, officers were eminently well-positioned to present themselves as model men.⁹⁷ The ideal officer combined gentility and deep personal honor with ideals of professional skill and competence and associations of martial service with virile, robust, and active patriotism and duty.

The working-class men of the lower deck experienced and made use of a parallel series of developments.⁹⁸ While older notions of common sailors as brutal, debauched, and sexually suspect did not vanish, beginning in the late eighteenth century there was a reappraisal of Jack Tar (the stereotypical British sailor). Outside observers and sailors themselves could increasingly celebrate the British tar as a stout, patriotic, self-regulating and manly man, the bulwark against and eventually conqueror of the French menace. Moreover, he could serve as “a cure for ailing masculinity” of the sort found among the effeminate elite, the Frenchified, and other failed and threatening Anglo-British masculinities.⁹⁹ While never fully successful or complete, sailors and those who portrayed them sought to represent Britain’s tars in terms of “emerging middle-class conceptions of masculinity,” including that of being “family men” and “steadfast patriots.”¹⁰⁰

These discursive moves relied on exclusionary and contrasting self-definitions. As

⁹⁷ See too Miller, *Dressed to Kill*, 50-3.

⁹⁸ This paragraph draws principally on chapter 4 of Land, *War, Nationalism*. For the later nineteenth century, see Mary A. Conley, *From Jack Tar to Union Jack: Representing Naval Manhood in the British Empire, 1870-1918* (New York: Palgrave Macmillan, 2009).

⁹⁹ Land, *War, Nationalism*, 91. The connection between emasculation, enervation, and Frenchification had an even longer history. See for instance Michael S. Kimmel, “‘Greedy Kisses’ and ‘Melting Extasy’: Notes on the Homosexual World of Early 18th-Century England as Found in *Love Letters Between a Certain Late Nobleman and the Famous Mr. Wilson*,” in idem, *The History of Men: Essays in the History of American and British Masculinities* (Albany: State University of New York Press, 2005): 191-229, here 192-95.

¹⁰⁰ Land, *War, Nationalism*, 98-99. Lisa Norling, “The Sentimentalization of American Seafaring: The Case of the New England Whalefishery, 1790-1870,” *Jack Tar in History*: 164-78, here 170-73, describes similar developments in the world of New England whalers, suggesting that this was part of a broader set of Atlantic developments.

part of defining the ideal sailor, Jack Tar's portraitists contrasted him with the sodomite and those people linked to sodomy. There were powerful associations between sodomy and non-British—indeed, anti-British—others.¹⁰¹ Sodomy was variously seen as a crime of savage peoples, of pirates, of Turks, Africans, southern Europeans, and the Gallic foe. Anti-Catholic rhetoric had long associated that church and its followers with sodomy.¹⁰² There was already a well-developed tradition of opposing sodomites to true Britishness as well. Juliet Shields, for example, has argued that Tobias Smollett's classic picaresque naval novel *Roderick Random* (1748)—popular not only in Britain but throughout the Anglophone Atlantic—associated sodomy with a range of dangerous and un-British traits: effeminacy, aristocratic degeneracy, dependance, uncontrolled desire, hypocritical and exploitative self-serving, and excessive self-love.¹⁰³ In Smollett's eyes, the true Anglo-British gentleman was industrious and autonomous, economically self-sufficient and morally self-regulating. He was feminized to appropriate levels of politeness, but never effeminate. Smollett had himself served in the navy, and one of the failed men he presents to readers is the effeminate fop and sodomite Captain Whiffle.¹⁰⁴ Isaac Land's

¹⁰¹ Here I follow the general approach of, for instance, Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven: Yale University Press, 2014 [1992]). For a similar sort of analysis in a later period, see Sean Brady, "Masculinity and the Construction of Male Homosexuality in Modern Britain before the First World War," in Heather Ellis and Jessica Meyer (eds.), *Masculinity and the Other: Historical Perspectives* (Newcastle upon Tyne: Cambridge Scholars, 2009): 115-37. On earlier constructions, Goldberg, *Sodometries*, part 3.

¹⁰² Peter Lake, "Anti-Popery: The Structure of a Prejudice," in R. Cust and A. Hughes (eds.), *Conflict in Early Stuart England: Studies in Religion and Politics, 1603-1642* (London: Longman, 1989): 72-106; Winfried Schleiner, "'That Matter Which Ought Not To Be Heard Of': Homophobic Slurs in Renaissance Cultural Politics," *Journal of Homosexuality* 26 (1994): 41-75; and Tom Betteridge, "The Place of Sodomy in the Historical Writings of John Bale and John Foxe," in idem (ed.), *Sodomy in Early Modern Europe* (Manchester: Manchester University Press, 2002): 11-26.

¹⁰³ Juliet Shields, "Smollett's Scots and Sodomites: British Masculinity in *Roderick Random*," *The Eighteenth Century* 46 (2005): 175-188. On the novel in America, see e.g. Lyons, "Atlantic Sexual Culture," 128-31.

¹⁰⁴ Historians and literary scholars have given substantial attention to this novel and the figure of Whiffle. See my discussion in chapter 4.

work on Atlantic maritime reform efforts among and on behalf of common sailors has investigated how these men fought, with great success in the long term, against perceptions that they were just such others, engaging in anti-civilizational maritime customs like sodomy, piracy, and cannibalism.¹⁰⁵ He argues that this successful outcome was achieved by a new othering, in which these reformers established the image of an appealing, stable, white sailor devoted to heteroerotic pursuits (responding both to fears of sodomy and longstanding pronatalist concerns). For the British, this sailor was essential to crown and empire. It was he, in fact, who would discipline those who did engage in such depravities as tools of the civilizing imperial order.¹⁰⁶

It is clear that otherness was a powerful set of categories in naval discourses around sodomy. A sizable group of defendants can be identified as “black,” “foreign,” or otherwise othered in legal records. The exact implications will have differed from case to case, but the association of non-British otherness with sodomy and the social disadvantages that came with inability to claim identities integrated into shipboard society must have hurt many defendants.¹⁰⁷ Those hostile to othered (or otherable) men could marshal sodomy, non-Britishness, or both to queer their identities as true men.

¹⁰⁵ Land, “Customs of the Sea: Flogging, Empire, and the ‘True British Seaman,’ 1770 to 1870,” *Interventions* 3 (2001): 169-85, and “Sinful Propensities: Piracy, Sodomy, and Empire in the Rhetoric of Naval Reform, 1770-1870,” in Anupama Rao and Steven Pierce (eds.), *Discipline and the other Body: Correction, Corporeality, Colonialism* (Durham: Duke University Press, 2006): 90-114. More generally: idem, *War, Nationalism*, chps. 4 and 5, as well as idem, “The Many-Tongued Hydra: Sea Talk, Maritime Culture, and Atlantic Identities, 1700-1850,” *Journal of American & Comparative Cultures* 25 (2002): 412-417.

¹⁰⁶ On pronatalism and sailors from the mid-eighteenth century, see Land, *War, Nationalism*, 80-85. Appeal to family—including, crucially, wives and children—fit into a much older tradition. Margaret R. Hunt, “Women Confront the Early Modern English Military State,” in Peter Ericsson and Fredrik Thisner (eds.), *Allt på ett bräde: stat, ekonomi och bondeoffer* (Uppsala: Uppsala University, 2013): 247-55.

¹⁰⁷ Isaac Land, “Bread and Arsenic: Citizenship from the Bottom up in Georgian London,” *Journal of Social History* 39 (2005): 89-110, for instance, explores challenges that faced “black” sailors in asserting British identities.

Brevet Major Edward Nicolls, the Governor of Anholt Island, did just this in 1812 when charged with illegal and violent mistreatment of two seamen who had committed theft when on the island. He claimed that his actions were justified and also did not violate any rights because these were men who did not enjoy any rights as Britons or sailors. Even before this crime, one bore the reputation of a sodomite; the other, a thief. Both were “black”—born in Guadeloupe and Saint-Domingue respectively. While they had both served in arms in British service, Nicolls placed them outside of the bounds of humanity, manhood, and Britishness. They were “undeserving of the society of their fellow man” for their crimes, even (he speculated) “so bad as to be driven from the Society of their fellow Blacks.” They were also no Britons, but instead “renegado Frenchmen.”¹⁰⁸ Such men deserved whatever came to them.

Othering that drew on similar logics operated in many sodomy cases. We have already seen this in the case of the *Africaine* prosecutions, and there are many other examples. The sailor Anthony Padoua, apparently a native of Bombay, was variously identified as a “Malatto,” “Black Anthony,” and a “Bantamite.”¹⁰⁹ Henry Dartway and Jean Thomas were both described as “black fellows.”¹¹⁰ Hali Algiers’s shipmates all identified him as a “Turk,” and he even described himself as “the Turk, a poor stranger.” The newspapers included this detail about his identity when reporting his punishment.¹¹¹

¹⁰⁸ Edward Nicolls court martial (6 April 1812, ADM 1/5425), defense.

¹⁰⁹ Anthony Padoua court martial (26 May 1693, ADM 1/5354, fols. 5-10). *The Manuscripts of the House of Lords, 1693-1695* (London: HMSO, 1900), 167

¹¹⁰ Henry Dartway and Jean Thomas (24 November 1807, ADM 1/5384).

¹¹¹ Hali Algiers court martial (10 March 1746/7, ADM 1/5289). *Westminster Journal*, 21 March 1747; *St. James Evening Post*, 14-17 March 1747; *General Advertiser*, 16 March 1747; *Ipswich Journal*, 21 March 1747. In keeping with themes explored in this chapter, Algiers argued that he had simply helped the young supposed victim, taking him into his hammock “for God’s sake[,] the Boy being Naked, & having no Bedding[,] without any Cloathing, but a piece of a Shirt full of Lice... I thought it Charity to help such a poor wretch.”

Louis Pasque also self-identified as a “Foreigner,” and attributed his violence against himself and others and “total derangement” to an injury suffered when in the Portuguese service.¹¹² The boy William Taylor testified that when John De Cruize made an attempt on him he demanded “you damn’d black Son of a Bitch, what do you mean?”¹¹³ Prere Phillip, meanwhile, was French, and others strongly identified him as such on the *Ardent*.¹¹⁴ Unfortunately it is difficult to determine exactly how many defendants were other/othered men. Skin color, accent, and other traits contemporaries saw as defining would have been apparent to participants but were not necessarily recorded. Often they only become visible in the records when they are central to the proceedings, such as when a foreigner like Phillip needed an interpreter or the “Blackman” John Powell was positively identified by the “Wool upon his head.”¹¹⁵ Further research can provide us with more evidence here, though the available records unfortunately limit how much we can learn.

At the same time, trials also present countervailing attitudes by showing the ways in which “other” men could have power, influence, and authority in shipboard society.¹¹⁶ Rodger observed as much decades ago in reference to the trial of Thomas Finley and George Newton, in which a black witness determined the outcome despite Newton’s protest against his evidence on the basis of the man’s race.¹¹⁷ This was not an isolated

¹¹² Louis Pasque court martial (10 July 1812, ADM 1/5428).

¹¹³ John De Cruize court martial (27 June 1810, ADM 1/5406).

¹¹⁴ Prere Phillip court martial (6 January 1807, ADM 1/5377).

¹¹⁵ John Powell court martial (3 September 1811, ADM 1/5418). The testimony makes clear the shared understanding that white men grew “hair” while black men grew “wool.”

¹¹⁶ The following supports arguments like that in W. Jeffrey Bolster, “‘Every Inch a Man’: Gender in the Lives of African American Seamen, 1800-1860,” in Margaret S. Creighton and Lisa Norling (eds), *Iron Men, Wooden Women: Gender and Seafaring in the Atlantic World, 1700-1920* (Baltimore: Johns Hopkins University Press, 1996): 138-68.

¹¹⁷ Rodger, *Wooden World*, 159. The trial is at 2 July 1761, ADM 1/5300.

example. These men did not automatically speak with authority, but difference was also not an absolute bar against doing so. Defendants like Newton sometimes complained on this head. Charles Sawyer, before his ruinous defeat, argued that “every Man of liberality and honor” should feel horror “at finding the mere ipse dixit of a Black man, who would possibly sell his father and Mother for half a bit” allowed to become a real charge against a gentleman like himself.¹¹⁸ These examples confirm that othering was not necessarily automatic in the wooden world, based simply on perception of race, national origin, religion, and so on. Yet sailors clearly associated sodomy with difference in these areas.

Effeminacy, meanwhile, ran counter to everything that defined ideal officer and mariner masculinity. Georgian society had forged a powerful link between male effeminacy and sodomy. As Amy Millar has shown, there were recurring concerns about officer-class effeminacy during the Georgian era, connected to a long-lived, influential cultural tradition that held that effeminacy was harmful to England’s martial character.¹¹⁹ The central importance of the navy and the figures of the men who manned it to Britain in this era of perpetual war meant that naval masculinity was inevitably implicated in complex gender questions as they arose in British society. For instance, Julia Banister has shown how the loss of Minorca in 1756 and the court martial and execution of Admiral John Byng became caught up in a mid-century critique of modern, polite, effeminate, and enervated masculinity.¹²⁰ Setbacks early in the Seven Years’ War touched off what some

¹¹⁸ Sawyer court martial, defense.

¹¹⁹ Miller, *Dressed to Kill*, 8, 10, 70-2. For instance: Dennis Rubini, “Sexuality and Augustan England: Sodomy, Politics, Elite Circles and Society,” *Journal of Homosexuality* 16 (1988): 349-81, here 355-58; Burg, *Boys at Sea*, 15-16.

¹²⁰ Julia Banister, “The Court Martial of Admiral Byng: Politeness and the Military Man in the Mid-Eighteenth Century,” in Heather Ellis and Jessica Meyer (eds.), *Masculinity and the Other: Historical Perspectives* (Newcastle upon Tyne: Cambridge Scholars, 2009): 236-59.

scholars have described as a “gender crisis,” centered around anxieties that Byng-like masculinities had destroyed the nation’s warrior spirit and heritage. Byng’s was an effeminacy that was associated with inappropriate sociability, and while it did not necessarily imply sodomy, observers did at times link such effeminacy to the sodomitical.¹²¹ Critics contrasted Byng unfavorably with an older style of true and effective military manliness exemplified by men like General William Blakeney, who had led the doomed defense on Minorca.¹²² For these observers, England needed more Blakeneyes, and fewer Byngs. Militia advocates, for example, insisted that men of this sort could be trained up by appropriate service in arms, which would correct the effeminacy and gender disorder that so threatened the nation.¹²³

Sodomy, effeminacy, and martial masculinity were therefore linked within a web of cultural meanings. One did not necessarily imply the others, but they were associated, and by the mid-eighteenth century it was damning for military men to be tarred as sodomites in a way that it had not been for earlier generations. Trumbach has argued, for example, that James Stanhope, the 1st Earl Stanhope (d. 1721), was able to fit within an older model of masculine rakishness that allowed for sexual interest in both genders. His sexual omnivorousness was public knowledge, but did not seriously harm him or his military reputation. For Lord George Germain (d. 1785), by contrast, sodomy was far more problematic, with his critics linking it to alleged moral failings, including military

¹²¹ Philip Carter, “Men About Town: Representations of Foppery and Masculinity in Early Eighteenth-Century Urban Society,” in Hannah Barker and Elaine Chalus (eds.), *Gender in Eighteenth-Century England: Roles, Representations, and Responsibilities* (London: Addison Wesley Longman, 1997): 31-57.

¹²² Banister, “The Court Martial of Admiral Byng.”

¹²³ Matthew McCormack, “The New Militia: War, Politics and Gender in 1750s Britain,” *Gender and History* 19 (2007): 483-500.

cowardice.¹²⁴ Serving in arms was in no way a shield against imputations of masculine failure and sexual disorder. Indeed, many saw army and especially navy men as particularly dangerous in these respects. They served in unique and odd homosocial organizations and visited foreign places where they could become infected by foreign practices. Jonathan Swift suggested that soldiers stationed abroad early in the century had imported continental foppishness.¹²⁵ The public discussions of naval sodomites such as Captain Edward Rigby and, later, James Nehemiah Taylor reveal the fear that navy men would in like fashion pick up sodomy from abroad and bring it back to England.¹²⁶ The strange character of life in the armed forces raised possibilities for—or forced upon men—unconventional masculinities.¹²⁷ In this context, many saw these modes of manhood as a threat. To a certain extent traditional stereotypes of maritime brutishness militated against perceptions of feminization. Yet sodomy and effeminacy, alone or together, remained a dangerous possibility for navy men throughout our period.¹²⁸

A key component of the logic underlying this web of cultural associations was the long and powerful connection between sex and war. Observers naturally coded martial dominance in gendered and sexualized terms. Sex was a potent source of metaphors for battle, and vice versa, and victory in battle established a man as truly masculine. In their exploration of the theme of “admirals as heroes,” for instance, Gerald Jordan and Nicholas Rogers have shown how representations of Admiral Vernon and, later, Nelson

¹²⁴ Trumbach, “Sodomy Transformed,” 112-113, 120-22.

¹²⁵ Carter, “Men about Town,” 52.

¹²⁶ On Taylor, see the next chapter; on Rigby, chapter 4.

¹²⁷ While it deals with a different context, see, for instance, Samuel J. Watson, “Flexible Gender Roles during the Market Revolution: Family, Friendship, Marriage and Masculinity among U.S. Army Officers, 1815-1846,” *Journal of Social History* 29 (1995): 81-106.

¹²⁸ Miller, *Dressed to Kill*, 28-30, 37, 42.

emphasized and enmeshed forms of manliness and sexual domination.¹²⁹ Vernon, who was hugely popular in the middle of the century, was a “bluff” critic of modern masculinity, including the sort of foppish effeminacy that we have seen in the case of Byng or would be apparent in the 1770s scandal of the sodomite and “military macaroni” Captain Robert Jones.¹³⁰ Vernon’s remarkable capture of Porto Bello from the Spanish could take the form of a sexual conquest: “a Man ev’ry Inch” and “True Cock of the Game,” he made the city “submit to his Pleasure.”¹³¹ Nelson was a very different and even more complex figure, but as Kathleen Wilson has shown he was widely taken to embody a daring, aggressive, even brutal martial masculinity that also exhibited patriotic ardor and extreme self-sacrifice.¹³² He was the man for the age of triumphant naval masculinity, of a “particularly British masculine identity,” one that both “the heroic Gentleman Officer and the loyal Jack Tar” claimed: “the appearance of strength, ruggedness, and unrelenting courage.”¹³³ He was also, importantly, heralded for his close identification with and care for subordinates—the very embodiment of the paternalism discussed above. And like Vernon his victories in war could map on to the sexual realm as well, as in James Gillray’s famous 1800 caricature casting Nelson’s glory in barely concealed sexual terms. He sports a remarkably long pipe, and Lady Hamilton praises it

¹²⁹ Gerald Jordan and Nicholas Rogers, “Admirals as Heroes: Patriotism and Liberty in Hanoverian England,” *Journal of British Studies* 28 (1989): 201-24. Kathleen Wilson, “Nelson and the People: Manliness, Patriotism and Body Politics,” in David Cannadine (ed.), *Admiral Lord Nelson: Context and Legacy* (Basingstoke: Palgrave Macmillan, 2005): 49-66, here 50, and on Vernon and associated “libertarian” politics more generally, Wilson, *The Sense of the People: Politics, Culture, and Imperialism in England, 1715-1785* (Cambridge: Cambridge University Press, 1995), chp. 3.

¹³⁰ Miller, *Dressed to Kill*, 42. “Macaroni” described fashionable fops who brought back continental styles from the Grand Tour. It could carry associations with sodomy. The appellation is still known from “Yankee Doodle.”

¹³¹ *Vernon’s Glory: Containing 14 New Songs, Occasion’d by the Taking of Porto Bello and Fort Chagre* (1740), quoted in Jordan and Rogers, “Admirals as Heroes,” 206. “Bluff” is from 207.

¹³² Wilson, “Nelson and the People.”

¹³³ Cavell, *Midshipmen and Quarterdeck Boys*, 61-62, 115.

as burning “with full vigour”—much unlike her cuckolded husband’s. Nelson answers, “I’ll give you such a smoke,” and then promises to do to her what he so effectively did to Britain’s foes at sea: “I’ll pour a whole broadside into you.”¹³⁴

Records of unguarded sexual boasting among navy men further support this connection. Late in the century one inventive commander apparently declared “you need not mind a Match” to fire the guns, “you need only take my Prick.”¹³⁵ On another occasion, having apparently suffered from the French pox (venereal disease), he declared he would “be damn’d if I care for Peg Block or all the whores at Yarmouth, for I am so strong now I’ll be damn’d if I could not push my Prick through a three inch Plank.” He was in fact court-martialed for such language and for bringing a “vile” and “infamous” woman on board, and defended himself by stating that he had done nothing unacceptable. (He also declared the woman a “Lady.”) His surgeon admitted in court that “Captain Hardy may as gentlemen sometimes do unguardedly have made use of such expressions.” But the medical man did not think his commander an indecent man in general. The court acquitted Hardy, though with an admonishment for his “irregularities.” In an earlier case a group of marine lieutenants had been drinking together in Plymouth when their boasting about “who could stitch a girl oftneft” turned into a fight that peaked with an allegation that one was a “Backdoor Man,” a “Buggerer.”¹³⁶ The sodomite was the antithesis of the virile warrior, who was marked out by his sexual and martial conquests

¹³⁴ *A Mansion House Treat: Or Smoking Attitudes!* (1800), which can be viewed at: <http://www.britishmuseum.org/research/collection_online/collection_object_details.aspx?assetId=91368001&objectId=1506565&partId=1>. Accessed 1/26/16.

¹³⁵ Combined trials of James Hardy and James Shadforth (4 February 1793, ADM 1/5330). Order is in ADM 2/1117, pp. 145-46.

¹³⁶ George Malby and Francis Dunne court of inquiry and courts martial (11 November and 2-3 December 1755, ADM 1/5489).

and accomplishment. Navy men were not, it appears, notable for their subtlety in such matters. In one 1833 trial a marine lieutenant named Edward Parke was court-martialed for a handful of offenses, including inappropriate language in the presence of midshipmen on the *Briton*. Parke had apparently boasted of his exploits in the larboard berth, declaring “that he had a great deal of fucking, that he had fucked Miss — and nearly her sister,” that he “was fucking night and day, right and left.”¹³⁷ That this came to trial at all is evidence of changing attitudes towards such language and, probably most importantly, towards the treatment of younger crew members. This sort of boasting had clearly survived, though, however much other norms had changed.

Bawdy and obscene joking about the homoerotic was also a part of naval masculine cultures, and could sometimes become tied up in actual sodomy cases and other offenses. I will consider the issue of humor in sodomy cases themselves below, but here we can observe that men quite happily joked about erotic interactions between shipmates. As with bawdy heteroerotic language, this speech had everything to do with masculine status and all that it implied. In Don Philip Dumaresq’s trial, for instance, a witness revealed that men ironically spoke of the defendant as “the Groper”—referring dismissively to the charge that he engaged in inappropriate homoerotic sexual touching. The joke indicates that those who made it did not think Dumaresq a man who would engage in the sodomitical, and with the joke they denigrated his accuser.

That accusations could become part of joking about sex tells us something important about the status of sodomy: it was not so horrifying as to be out of the bounds

¹³⁷ Edward Parke court martial (4 February 1833, ADM 1/5479), minutes pp. 14-17.

of humor. Yet as sodomy was also a crime, jokes about it could become tied up in serious cases. A striking example is found in the trial of the midshipman Robert Mills, a former actor connected to the infamous Captain William Bligh, and involved in disputes around him early in the nineteenth century.¹³⁸ Mills was fond of obscene jokes (“It is I, buggaring your Master,” he declared in introducing himself to one servant), “obscene songs,” and the like. Some of this joking was quite explicitly about masculinity, as when he attacked the captain’s clerk as so unmanly that he needed “a substitute to do [his] Wife’s Business.” This conduct does not seem to have been particularly remarkable among his peers—another midshipman admitted at trial to joining in the singing, for instance. Nonetheless, his joking about a boy’s sodomy allegation (“he made a Laugh... and said it was a queer Piece of Business”) against a sailor led to a charge that he had not reported the case when it in fact came to trial. Mills’s prosecution was tied up in the conflict between Bligh and Mills’s captain, Joseph Short, and it is unlikely it would have occurred absent their dispute. His case makes clear, in any event, that navy men thought it appropriate to joke about sodomy, even in cases in which some credited the allegations. Yet sodomy was volatile enough that even joking could lead to a trial.

As much of the speech above indicates, there were persistent associations of domination with masculinity and submission with femininity. Roland Pietsch discusses naval masculinity in this period in terms of warrior ideals. These were men who cultivated and hewed to images of hyper-masculine heroic fighters.¹³⁹ Isaac Land has

¹³⁸ For background on this specific case, see Roy E. Schreiber, *The Fortunate Adversities of William Bligh* (New York: Lang, 1991), 120-36.

¹³⁹ Roland Pietsch, “Hearts of Oak and Jolly Tars?: Heroism and Insanity in the Georgian Navy,” *Journal for Maritime Research* 15 (2013): 69-82.

likewise described a lower-deck “culture of toughness.”¹⁴⁰ Sailors expected each other to crush their enemies and approach danger, pain, and death with sangfroid. (Sanctioned) violence, domination, and victory were masculine achievements. To lose, to be dominated, was to be feminized, and even betraying fear or acknowledging discomfort were failures of masculinity. Whether in battle or not, seamen were expected to perform coolly and with skill in difficult and stressful circumstances, and officers likewise to exercise sure, decisive, skilled, and unflappable leadership. In this web of cultural thought, relinquishing control—whether to an enemy, to one’s own libido, to women—emasculated. Land has argued, for instance, that pervasive lower-deck misogyny, including misogynistic violence in sailortowns on land, was part of maritime self-fashioning.¹⁴¹ It asserted culturally-appropriate masculine domination for men who were, as scholars such as Margaret Hunt and Lisa Norling have shown, in fact deeply dependent on women for their way of life.¹⁴²

Predictably, then, lower-deck men continued to understand being sexually penetrated as intrinsically feminine and feminizing. As we will see in chapter 3, throughout this entire period observers described sodomitical sex with reference to how a man “acted” with (or on, or to) a woman. This logic was so firmly ingrained that to sense anyone acting sexually on another cast the passive partner as a woman. When marine

¹⁴⁰ Land, *War, Nationalism*, 38.

¹⁴¹ *Ibid.*, 45-54.

¹⁴² Margaret Hunt, “Women and the Fiscal-Imperial State in the Late Seventeenth and Early Eighteenth Centuries,” in Kathleen Wilson (ed.), *A New Imperial History: Culture, Identity and Modernity in Britain and the Empire 1660-1840* (Cambridge University Press, 2004): 29- 47; and idem, “The Sailor’s Wife, War Finance, and Coverture in late Seventeenth-Century London,” in Tim Stretton and Krista J. Kesselring (eds.) *Married Women and the Law: Coverture in England and the Common Law World* (Montreal: McGill-Queen’s University Press, 2013): 139-62. For Norling’s work, see *Captain Ahab Had a Wife: New England Women and the Whaleshery, 1720-1870* (Chapel Hill: University of North Carolina Press, 2000) and my bibliography for additional citations.

corporal Richard Jobson saw a man “in a Posture, and in motion, as made him believe he was lying with a Woman,” he pulled the man “off from the supposed woman,” and to his great surprise found a man beneath him.¹⁴³ In the John Powell case even the sounds of sex were gendered. Captain of the foretop Benjamin Brown described hearing “a Noise like a Man and Woman in Copulation.” He knew this was suspicious, as “there was no woman on board.”¹⁴⁴ We even find instances of a construction that still retains cultural meaning: the penetrated male as “the woman” in a homoerotic sex act.¹⁴⁵ A witness in a Victorian trial claimed to hear a penetrator say to his partner “take it like a girl and... I’ll put it home like a man.”¹⁴⁶ In another, a teenaged object of erotic interest demanded “do you think that I am going to be messed about like a woman?”¹⁴⁷ Formulations of these sorts were ubiquitous, revealing a basic pattern of sexual thought.

Sailors were certainly eager to assert heteroerotic interest.¹⁴⁸ Historians of tattooing have shown that men frequently inscribed this element of masculine identity directly onto their bodies, with tattoos announcing full manhood via relationships to

¹⁴³ Richard Burke and Robert Murphen court martial (1 February 1743, ADM 1/5283). This feature recurs through the trials. For a later example see the John Jewell and Francis Terat court martial.

¹⁴⁴ John Powell court martial (3 September 1811, ADM 1/5418).

¹⁴⁵ James Duckworth and Stephen Simpson court martial (10 November 1797, ADM 1/5342), minutes p. 2; Rafaelo Troyac (alias Treake) and Joseph Tall court martial (2-3 January 1816, ADM 1/5453).

¹⁴⁶ Thomas Merry and George Brown court martial (24-5 June 1875, ADM 1/6369). In a report of “misconduct” the commander reported this line as “take it like a girl and put it home, also Brown you and me are one.” Charles Theobald to Vice Admiral Alfred P. Ryder, in *ibid*.

¹⁴⁷ From testimony in the Charles James Reddie case, reported in “Naval Court-Martial: The Serious Charge Against an Officer,” *Hampshire Telegraph*, 15 December 1877.

¹⁴⁸ Creighton, “Rites of Manhood,” 155-60.

female partners and children.¹⁴⁹ By the late eighteenth century evidence of heteroerotic interest was often given in trials as proof against homoerotic inclinations.¹⁵⁰ Naval observers were also quite clear that sodomy charges implied effeminacy and impugned masculinity regardless of the actions or roles involved. Sodomy was now understood in terms of effeminate identities even for the active partner, and ideal martial masculinities could not brook any of these associations. The hierarchy sometimes even officially labelled these crimes in terms of masculine failure, as in the trial of the marine John Guesue, who was prosecuted for taking “Unmanly Liberties.”¹⁵¹ Boatswain George Wormold was indicted in 1810 “for having been found in Bed” with the gunroom steward of the *Pallas*, and he experienced the charge as damaging to his masculinity. He protested in his defense that he “never was guilty of any unmanly action in my life.”¹⁵² Statements of this sort reveal how deeply men associate effeminacy and sodomy.

¹⁴⁹ The literature on American sailors is better developed, but can be taken to describe “British” sailors in general terms as well. See: Simon P. Newman, “Reading the Bodies of Early American Seafarers,” *William and Mary Quarterly* 55 (1998): 59-82, as well as his “Wearing their Hearts on their Sleeves: Reading the Tattoos of Early American Seafarers,” in Tim Armstrong (ed.), *American Bodies: Cultural Histories of the Physique* (Sheffield: Sheffield Academic Press, 1996): 18-31; Ira Dye, “Early American Merchant Seafarers,” *Proceedings of the American Philosophical Society* 120 (1976): 331-60; B.R. Burg, “Sailors and Tattoos in the Early American Steam Navy: Evidence from the Diary of Philip C. Van Buskirk, 1884-1889,” *International Journal of Maritime History* 6 (1994): 161-74. Cindy McCreery, “True Blue and Black, Brown and Fair: Prints of British Sailors and their Women During the Revolutionary and Napoleonic Wars,” *British Journal for Eighteenth-Century Studies* 23 (2000): 135-52, here 148. Newman muses on the possibility of men “record[ing] their homosexual unions on their bodies,” but there is no direct evidence for that practice. “Reading the Bodies,” 73-74; he makes a similar conjecture in “Wearing their Hearts on their Sleeves,” 21. Jane Caplan deals with a later era, but her work reflects on the importance of sailors in the longer-term trajectory of tattooing as a cultural practice. “‘Speaking Scars’: The Tattoo in Popular Practice and Medico-Legal Debate in Nineteenth-Century Europe,” *History Workshop Journal* 44 (1997): 106-42.

¹⁵⁰ LeJacq, “Buggery’s Travels” (which also develops themes discussed throughout this paragraph). Work on earlier periods has also noted this pattern too. William G. Naphy, “Reasonable Doubt: Defences Advanced in Early Modern Sodomy Trials in Geneva,” in Maureen Mulholland and Brian Pullan (eds.), *Judicial Tribunals in England and Europe, 1200-1700: The Trial in History, Volume I* (Manchester: Manchester University Press, 2003): 129-46, here 138-40.

¹⁵¹ John Guesue court martial (2-3 July 1810, ADM 1/5407).

¹⁵² George Wormold and John Steers court martial (8 January 1810, ADM 1/5401).

“Strongly Abhorred”?: Cultural Attitudes and Homoerotic Possibilities

The previous section of this chapter considered constructions of ideal naval masculinities. The realities of gendered self-fashioning, actual sexual practice, and perceptions thereof were considerably more complex and ambiguous. Official attitudes and, in some cases, disciplinary and judicial practice were unforgiving towards masculine failures, including homoerotic contact. Yet as we have seen in chapter 1 and in examples in this chapter, actual practice often departed from professed attitudes. This complexity has engendered confusion in the literature, and historians have disagreed vigorously about general naval attitudes towards sodomy. The extremes of the argument are exemplified by Jonathan Neale and N.A.M. Rodger. Neale suggests that the navy was in fact a “supportive environment” for homoerotically-inclined men. Shipmates “don’t seem to have considered [sodomy] a crime and hardly ever reported it,” while their “officers were ambivalent.”¹⁵³ Rodger, by contrast, concludes that “in contemporary opinion” sodomy was “undoubtedly... the worst crime,” “strongly abhorred,” and “detested” in the navy.¹⁵⁴

We can find support for both conclusions. There is a great deal of evidence of profound antipathy towards sodomy, not least in the punishments given at court martial, as Gilbert has observed.¹⁵⁵ Yet historians of sexuality have often noted differences between official intolerance, stated loathing both public and private, and actual practice

¹⁵³ Jonathan Neale, *The Cutlass and the Lash: Mutiny and Discipline in Nelson’s Navy* (London: Pluto, 1985), 100, 122.

¹⁵⁴ Rodger, *Wooden World*, 80-81, 227.

¹⁵⁵ Gilbert, “Buggery.”

in overlooking or dealing relatively leniently with illicit activities.¹⁵⁶ It may be, as Suzanne Stark has argued, that in broad terms “homosexuality... was a threat to the very concept of maleness” in British society because it represented a feminized counterpoint to “profound, virile, strong, and direct” masculinity. (There is less to support her contention that “Englishmen, unlike other European men, did not approve of any show of affection between men,” as we will see.)¹⁵⁷ In shipboard practice, however, we find a great deal of permissiveness and a range of non-hostile attitudes coexisting with the apparently “phobic” reactions she and Rodger identify. Even as visions of masculinity became increasingly restrictive and disciplined against sodomy and the gendered traits associated with it, naval life and masculinities continued to allow for homoerotic possibilities and sexual contact. Earlier I argued that the structures of naval society could facilitate status-imbalanced sex, including abuse of subordinates by officers. Here I want to recast that argument somewhat, and suggest that the affective relationships, bonding, physical intimacy, and similar elements central to navy life were shot through with homoerotic possibilities and ambiguities. Homoerotic possibility was in fact intrinsic to many of the structuring relationships on which naval life depended. In a period of increased shipboard tensions, it is natural that they would tend to produce accusations—to socially produce sodomy, that is.

¹⁵⁶ Important examples include Bray, *Homosexuality in Renaissance England*, chps. 1-2; and Hitchcock, *English Sexualities*, chp. 5. While problematic in some aspects of its analysis, a more directly relevant study is Mary L. South, “Homophobia in Eighteenth-Century Southampton,” *Proceedings of the Hampshire Field and Club Archaeological Society* 66 (2011): 187-200. An interesting example is the discussion with the old sailor “White” in “Navy Drummer Philip C. Van Buskirk’s Private Journal, 1852-1853,” in Kathy Peiss (ed.), *Major Problems in the History of American Sexuality* (Boston: Wadsworth Cengage, 2002): 117-119.

¹⁵⁷ Suzanne Stark, *Female Tars: Women Aboard Sail in the Age of Sail* (Annapolis: Naval Institute Press, 1996), 118-9.

We do, of course, find many expressions of disgust, horror, hatred, and pain in the face of sodomy. As seen in chapter 1, naval elites sometimes spoke in these terms; it was among “the most atrocious crimes known in our Naval Code,” equal to murder.¹⁵⁸ Lower-level sailors often agreed. A boatswain’s mate in one trial explained that he could not recall details of what he had seen because he had been “so terrified” to witness the crime.¹⁵⁹ In 1780 a marine reported that he had declared an act of sodomy “the most heinous scene committed, I had ever seen in my Life.”¹⁶⁰ This case appears to have been an obviously trumped-up charge—the court certainly treated it as such—and we can therefore interpret this statement as indicating what this accuser thought was the socially-appropriate reaction. We should regard such statements as, in some cases at least, expressing true revulsion. Scholars must be careful about historicizing the language of insult and related discourses, though. Men sometimes used language placing sodomy and sodomites outside of humanity, for instance, and these have been read as deeply phobic. Language of that sort had wide application, though. In the 1780s, to take just one example, a captain blasted a drunken sailor as “not only a Disgrace to the ship but a disgrace to human Nature.”¹⁶¹ Hot language and hyperbole were common in the sorts of situations that came to trial, after all.

Whether expressing men’s actual beliefs or not, sodomy did sometimes produce extreme negative reactions. When one seaman caught a fellow mariner *in flagrante* with another man he “persuaded” the apparent offender to kill himself, “to go & jump

¹⁵⁸ Edward Pelham Brenton, *Life and Correspondence of John, Earl of St. Vincent* (London: Henry Colburn, 1838), vol. 1, p. 442.

¹⁵⁹ James Holland and John Reilly court martial (11 May 1803, ADM 1/5361).

¹⁶⁰ James Nairne and Benjamin Hensey court martial (3 Feb. 1780, ADM 1/5315), fol. 85r.

¹⁶¹ George Stateham court martial (30 November 1784, ADM 1/5324), minutes pp. 6, 9.

overboard.”¹⁶² Moments of discovery *in flagrante* were unsettled and disordered, and could produce violence. One witness admitted to striking a man in the face with his lantern after crying “Oh! you Rascal.”¹⁶³ Others simply wished for violence, suggesting that the unsettled moment of discovery might legitimately allow for violent passions or actual violence in reasserting order. One eyewitness declared to a man “I thought he deserved to be hanged.”¹⁶⁴ The witness did not, however, attempt to harm the man himself.

These negative reactions were only one part of the range available to sailors. One man explained to a court that he “felt so hurt” at witnessing sodomy that he “could not speak.” And yet in that same trial another seaman admitted that he had witnessed the sex act and then simply left the scene of the crime and “took no further notice.”¹⁶⁵ Reactions could be negative yet muted as well. One seaman, who explicitly intended to spread an accusation *only* among his shipmates and to avoid it becoming more widely public, explained that when he told the ship’s company “they said it was a shame.”¹⁶⁶ They were not happy at what had happened, but the witness at least was not searching for any remedy or punishment. Alongside negative reactions sailors and officers evinced everything from nonchalance to (perhaps) amusement. These latter reactions are surprising because the law and a range of other discourses formally designated sodomy a heinous crime. Criminal courts provided witnesses with little incentive to recount such reactions, yet men routinely admitted to them.

¹⁶² George Shandoff and James Johnson court martial (12 September 1807, ADM 1/5383).

¹⁶³ Thomas Hubbard and George Hynes court martial (10 Dec. 1800, ADM 1/5355).

¹⁶⁴ George Read and Thomas Tattershall court martial (3-4 July 1799, ADM 1/5350).

¹⁶⁵ John Morris and William Savage court martial (9 January 1798, ADM 1/5343).

¹⁶⁶ Joseph Moore and William Cochrane court martial (14 Feb. 1812, ADM 1/5423).

In-court exchanges uncover a complex array of reactions, shaped by disciplinary and juridical circumstances and suggestive of the range of the speakable at trial, before officers and perhaps even the broader public. In 1827, for instance, James Meech testified in the trial of his commander, John Harrison Bowker, on the *Leveret* brig, tender to the *Windsor Castle*. Captain of the foretop, Meech had received information from a teenaged sailor about indecent liberties on Bowker's part. Meech explained that he had disbelieved the sailor at that time, and therefore took no further steps with the information. The "boy" told others too, who reacted with laughter, and told him not to spread the story.¹⁶⁷ By the very next day the allegation had become "the joke of the ship," as Bowker put it in his cross examination of Meech. The ship's people did not treat either possible crime—attempted sodomy or a false sodomy charge—as heinous, though the law saw both as grave offenses. Levity did not preclude rage or other emotions, of course, but Meech's testimony is steeped in an ambiguity showing that he had desired to simply let the whole matter pass silently. While he stated that he had not believed "what the Boy had told" him, he also refused to label him a liar in response to the court's questioning. He instead stated simply that he "did not think the Commander was given to such things." Even his reading of the crew's mirth contains some uncertainty:

Court: What did they say about it in the Brig?

Meech: They were laughing and joking about it.

Court: Was it disbelieved?

Meech: I think it was disbelieved.

Under cross examination, Meech could not name any particular man who had laughed, though, and was also not able to precisely clarify the severity of the alleged crime:

¹⁶⁷ See John Harrison Bowker court martial (26 October 1827, ADM 1/5471), minutes p. 100.

Bowker: Did you not think it [attempted sodomy] was a Crime?

Meech: I can't rightly say.

Bowker: Did you consider it as an every day occurrence?

Meech: I did not think no such thing as that. I did not think it would come to this.¹⁶⁸

More certain crimes could produce laughter as well. One seaman “fell a Laughing” when he reported on seeing Robert Richman commit bestiality.¹⁶⁹ In the case of James Nehemiah Taylor, discussed in detail in the next chapter, sailmaker John Harris recounted finding two boys laughing after they had spied Taylor having sex with the marine boy Thomas Ashton, a detail that the *Lancaster Gazette* included when reporting the trial.¹⁷⁰ Likewise, when an apparently naive “lad” told a shipmate about advances the master at arms had made towards him and asked whether the petty officer was “foolish” (the boy thought him merely “silly”), the man “laughed at the story” and explained that the officer had in fact wanted “to bugger” the boy.¹⁷¹ Even supposed victims were reported to have joked about crimes. One sailor reported his displeasure at witnessing a boy and man do so: “They spoke of it and had a smile on their countenances at the time, and were speaking of it as I considered in a jesting manner.”¹⁷² I do not mean to suggest that any of these apparently amused reactions have a straightforward interpretation—laughter and humor are difficult to interpret and could have many meanings—but they are at least

¹⁶⁸ Ibid., minutes pp. 59-61.

¹⁶⁹ Robert Richman court martial (30 April 1748, ADM 1/5291).

¹⁷⁰ J.N. Taylor court martial (11-12 December 1809, ADM 1/5400); *Lancaster Gazette*, 23 December 1809.

¹⁷¹ Charles Johnston court martial (17 March 1794, ADM 1/5331), minutes pp. 5-6, 8. This case contains other reactions as well. For instance, the allegation became tied up in a shipboard dispute, and unknown men attempted to physically injure the defendant and a serjeant of marines and “hoot[ed]” “who buggered the boy Lamb[?]” at them.

¹⁷² Dumaresq court martial.

different from obvious abhorrence, from the violence and abuse encountered in examples above.¹⁷³

The palette of reactions also contained nonchalance, indifference, and a range of other muted attitudes. For instance, trials reveal many examples in which men had been caught, accused, or suspected of previous crimes that never came to any formal punishment, or at least to a court martial.¹⁷⁴ Some examples of that sort show levels of indifference towards homoerotic contact. In one trial, in an apparent attempt to establish a man's ability to speak authoritatively about sex between men, a court asked a witness the following:

Court: Did you ever see two Men so situated [committing sodomy] before?

Witness: No, not in the ship.

Court: Did you else where?

Witness: Yes.¹⁷⁵

The court went no further with this line of questioning.¹⁷⁶ For this witness, the court, and many others the sodomitical could be routine and unremarkable. One late example emerges from an 1868 trial, in which it became clear that *HMS Sphinx* had an ongoing problem with charges of sodomitical behavior. Men were not taking the appropriate steps to bring allegations to their commander. At trial, Captain Richard Vesey Hamilton admitted that he had been forced to address all hands. He told them that in any case in which there were reports of unnatural offenses, or a man thought himself falsely charged,

¹⁷³ For other examples of laughter as a reaction, see, for instance, William Widdicombe court martial (16-17 April 1868, ADM 1/6043).

¹⁷⁴ Moore and Cochrane court martial.

¹⁷⁵ James Duckworth and Stephen Simpson court martial (10 Nov. 1797, ADM 1/5342), minutes p. 4.

¹⁷⁶ This was not a particularly unusual practice. There are multiple instances in which courts failed to inquire into evidence of previous offenses both on ship and shore. See Thomas Cook and Thomas Little court martial (31 Oct. 1806, ADM 1/5375), for instance.

a quarterdeck report was mandatory.¹⁷⁷ It was perhaps the sort of permissiveness revealed here that led observers to complain that sodomitical crimes were “tolerated, allowed, and even encouraged.”¹⁷⁸

Nor was known, identified, and “fixed” homoerotic crime necessarily damning. Shipmates even occasionally spoke in favor of men already determined to be sodomitical criminals. In 1864 a court convicted a signalman of the *Marlborough* of an indecent assault on a midshipman and sentenced him to a year of imprisonment with hard labor, followed by a discharge with disgrace. The signalman was widely popular on the ship, however, and her company petitioned in his favor, noting his long good conduct and concluding that “he could not intentionally have behaved in an indecent manner”—his crime must have been “accidental.”¹⁷⁹ The effort succeeded, and the Lords Commissioners fully remitted his imprisonment and only had him dismissed, no longer “with disgrace.”¹⁸⁰ In a much better-known example, men of the *St. George* mutinied in 1797, ostensibly in support of two shipmates sentenced to hang for buggery. Some historians have interpreted this reason as mere “pretext” for mutiny. Yet even if it was only an excuse, support of convicted sodomitical peers needed to have some rhetorical standing and power to be credible. It would have been a poor candidate for a pretext

¹⁷⁷ William Widdicombe court martial (16-17 April 1868, ADM 1/6043). Hamilton refers to “a somewhat similar charge made against one of the Stokers.” Widdicombe, for his part, speaks of “several” such charges in his defense.

¹⁷⁸ Thomas Hodgskin, *An Essay on Naval Discipline* (London: by C. Squire, 1813), 49.

¹⁷⁹ See the relevant correspondence in ADM 121/68, pp. 589-94.

¹⁸⁰ *Ibid.*, and 11 April 1864, ADM 194/180, #1069.

otherwise.¹⁸¹ Reactions, then, were complex and, as a whole, ambiguous. We cannot let instances of extreme negative reactions stand for all possible reactions.

The conditions of naval life were productive of homoerotic possibilities, possibilities that are visible in the deep ambiguities we find throughout homosocial relationships on warships. For instance, intense and intimate physical contact was routine within this society, and the non-sexual could blur into the sexual quite easily. Navy men certainly recognized ambiguity. In the 1809 trial of a serjeant of marines of the *Defiance* and a seventeen-year-old drummer under his command it became clear that what qualified as “improper liberties” was uncertain. A handful of marines spoke to physical intimacy, but it was in no way simple to determine what was acceptable. One marine private admitted that he had seen the two kiss and display intimacy before, but “never formed any evil opinion upon it” until another private forcefully indicated to this witness that it was inappropriate. Even then, the witness had refused to become involved, simply leaving “because I did not choose to see more.”¹⁸² These statements are anything but self-serving, as they potentially indicate his failure to intercede to stop bad behavior—itsself a punishable, even indictable, offense. The man appears to have been appealing to a perceived shared understanding that it was not always clear what was misbehavior in

¹⁸¹ The trial in question is that of John Benson and Philip Francis. For relevant primary sources, see BL Add. MS 31176, fol. 172v; BL Add. MS 31186, fols. 200r- 201r; *The Naval Miscellany*, vol. 2 (London: Naval Records Society, 1912), 327-8; Jedediah Stephens Tucker, *Memoirs of Admiral the Right Honorable the Earl of St. Vincent*, 2 vols. (London: Richard Bentley, 1844), vol. 1, pp. 324-326; Edward Pelham Brenton, *Life and Correspondence of John, Earl of St. Vincent* (London: Colburn, 1838), vol. 1, 364. For discussion in secondary literature, see e.g.: David Cordingly, *The Billy Ruffian: The Bellerophon and the Downfall of Napoleon* (New York: Bloomsbury, 2003), 113-118, and Rodger, *Command of the Ocean*, 451.

¹⁸² George Pewtner and Michael Millard court martial (22 January 1808, ADM 1/5385), minutes p. 6.

physical intimacy, something with which the court seems to have agreed in acquitting the two defendants.

When Lt. Edmund Nepean kissed midshipman John Lind Meik, the lieutenant's servant suggested that he viewed the action as a potential improper liberty, but in its questioning the court wondered whether it could have simply been a "paternal Embrace."¹⁸³ In the second *Africaine* prosecution against the midshipman William Crutchley witnesses alleged that he had "made free" with the boy John Westerman.¹⁸⁴ One lower-deck witness testified to seeing the two embrace and kiss. He felt it was unquestionably indecent. A second seaman had a different take, though. He had "frequently" seen them "make very free together" by sitting with each other for long stretches and taking each other in their arms. He had never seen kissing or anything more problematic, though. While this witness understood what he saw to constitute "liberties," he did not interpret them as sexual in court. The court asked him: "Did you consider the Liberties you saw... as indecent and unnatural and tending to the Commission of unnatural offences?" He responded that at the time he had in fact felt that the *boy* acted improperly for his social position and rank: "I thought it was improper in the Boy to take such Liberties with an officer," concluding he "might get himself into Trouble... by making so free with an Officer," indicating that this was an offense of social overfamiliarity and disrespect for proper authority rather than sexual misconduct.

¹⁸³ John Lind Meik court martial (14 September 1798, ADM 1/5346). This is an unusual case in which Meik was court-martialed for circulating his accusations against Nepean. The court acquitted him finding that he "had sufficient reason for everything he asserted."

¹⁸⁴ W.L.J. Crutchley court martial (30 January 1816, ADM 1/5453).

Alan Bray and Michel Rey's work on male friendship suggests that longstanding practices of intimacy within English male homosociality were disrupted by the interrelated eighteenth-century discovery of the sodomite as a social "reality" (rather than quasi-mythical terror) and transition in the conception of the family to focus on the marital unit. Pride of place went to the sexual connection between husband and wife, and sodomitical desire was thus "perversion."¹⁸⁵ The navy did not experience this transition in the same way, however.¹⁸⁶ At sea its homosocial organization and practices of family formation shared far more with the medieval and early modern male groupings Bray and Rey describe than with what emerged in the eighteenth century family unit. In particular, physical intimacy retained great importance because of the conditions of naval life and labor. The male body's roles in processes of relationship and group formation therefore remained central. The body was given (sometimes, though not always, as a "gift," in the fashion they suggest) in a way that created and cemented the social bonds formed between men, especially men of the lower deck. The rituals involving and signaling these bodily relationships—physical contact, group dining, sharing rest and often even sleeping spaces—had their own powerful symbolic importance at sea.

I do not suggest that what these authors describe was the *same* as what was found at sea, of course. But the importance of an intense variety of homosocial bonding that

¹⁸⁵ The following draws from Alan Bray and Michel Rey, "The Body of the Friend: Continuity and Change in the Masculine Friendship in the Seventeenth Century," in *English Masculinities*: 65-84, esp. 83, and Bray, *The Friend* (Chicago: University of Chicago Press, 2003).

¹⁸⁶ In this sense we can consider martial homosociality alongside other forms found in settings that also inherited and maintained practices from earlier periods, including universities. See e.g. George Rousseau, "Privilege, Power and Sexual Abuse in Georgian Oxford" (with response by Tim Hitchcock), in Rousseau (ed.), *Children and Sexuality: From the Greeks to the Great War* (Basingstoke: Palgrave Macmillan, 2007): 142-69. Hitchcock suggests this interpretation in his response, and ties it to Bray's work.

disappeared from many other areas of English life in the long eighteenth century marks the navy as a unique space. The male body had long been a tool of creating and symbolizing mutual obligation in English homosociality and group solidarity.¹⁸⁷ The state of the male body also had a special importance to comrades at sea. Its capacity for labor, done well, was essential to the community's success and safety. In this fashion, work at sea entailed the gift of one's body to one's comrades, to the ship community. Sailors' relationships to each other's bodies were unlike in any other contemporary setting and, following Bray and Rey's logic, would necessarily entail a level of intimacy that was becoming increasingly problematic elsewhere.

The ship contained countless homoerotic possibilities, and they—and perhaps even criminalized sex—did not represent the sort of threat to family that they did on shore. As with Nepean's ambiguous embrace, discussed above, the bounds of acceptability in lower deck physical intimacy were not clearly defined. In an 1813 case one man admitted to a court that when he saw two men together with their trouser flaps unbuttoned he had no "thoughts in the least" that he had seen anything improper. The prosecutor pressed him on this, asking: "Don[']t you] think there is any Indecency in two men having their Breeches down?" He responded that he did, but as there were others present "it did not strike me that there was any thing improper." Another shipmate testified immediately after this witness, stating that he had considered the same situation indecent.¹⁸⁸ Likewise, as we will see in the next chapter, courts quite rightly assumed that

¹⁸⁷ Bray and Rey, "Body of the Friend," 70, speaks of "mutuality of obligation" and group solidarity, language which I have borrowed and slightly rephrased.

¹⁸⁸ John Martin court martial (2 June 1813, ADM 1/5436), minutes pp. 5, 7.

shipmates had close knowledge of each other's bodies and sexual activities as a result of a remarkable degree of shipboard intimacy. It was expected, and considered appropriate, that they were fully willing to investigate the bodily realities of shipboard coupling, even to inspect men's penises and anuses. Although these practices were used to combat sodomy at times, they themselves entailed a degree of homoeroticism too. Shipmates were constantly testing, probing, and evaluating each other's bodies and bearing witness to their erotic lives.

This close attention to bodies and deeds did not necessarily involve sex or sexual attraction, but both could thrive in the ambiguities of lower-deck life. Consider a striking example from the very end of our period, found in the classic American sea memoir *Two Years Before the Mast* (1840).¹⁸⁹ Richard Henry Dana provides a rapturous encomium to the virile beauty of a brief acquaintance, an Englishman who went by the name Bill Jackson. The sailor was, Dana explains, "the best specimen of the thoroughbred English sailor that I ever saw." A thoroughgoing seaman in his mid-twenties, Jackson was tall, broad-shouldered, and barrel chested. "He was a fine specimen of manly beauty." His arm was "like that of Hercules, and his hand 'the fist of a tar—every hair a rope-yarn.'" Dana conjectures that he "had the sight of a vulture." He bore "one of the pleasantest smiles I ever saw," with "handsome brown" cheeks, "brilliantly white" teeth, and "raven black" hair that "waved in loose curls all over his head and fine, open forehead. Moreover, "his eyes he might have sold to a duchess at the price of diamonds, for their brilliancy." The description recalls Melville's even more famous portrait of the beautiful,

¹⁸⁹ Richard Henry Dana, Jr., *Two Years Before the Mast: A Personal Narrative* (Mineola: Dover, 2007), 64-5.

doomed Billy Budd. Whether these descriptions were erotic for their authors is beside the point; their intriguing erotic ambiguity is reflective of the potential for the homoerotic within the practices that eventually generated them.

Intimacy was not merely physical. Men expected the formation of deep affective ties, ranging from the emotional bonds of comrades or close workmates to the registers of love and affection. As with physical intimacy—and often accompanying ambiguous physical intimacy—male affection could hide ambiguity. I gave an early example along these lines involving erotic-romantic language in the introduction to this dissertation, and we can find others. A serjeant of marines claimed in 1800 to have heard one sailor say to another “that he loved him and would not hurt him” and “several things of the same nature.” This witness was clear that he only remarked on these statements because of suspicions in the ship about the two men:

Court: Would you have taken notice of the conversation that you say pass'd between the Prisoners had you not heard that report against them?
Answer: No.¹⁹⁰

His testimony therefore indicates that expressions of love, even couched in the language of romantic affection, were not *prima facie* suspicious.

As a result, distinguishing the homosocial from the homoerotic was a recurring challenge. As late as the mid-1890s we find courts wrestling with lower-deck ambiguity in this area. In the case of George Sheppard, a private in the Royal Marine Light Infantry accused of committing sodomy on a profoundly drunk bugler named Cecil John Mosedale, this factor complicated the most powerful circumstantial evidence standing

¹⁹⁰ Hubbard and Hynes court martial, minutes p. 5.

against the defendant.¹⁹¹ Sheppard had supported Mosedale to his hammock, partially undressed the bugler, and put him to bed on his hammock, placed on the deck, before laying with him for a short while. Fellow bugler Solomon George Haynes had seen the two together, but stubbornly refused to say that he had seen or suspected anything indecent. The court asked him to clarify whether he had “ever before seen men undress one another at night?” He answered that he had.¹⁹² The prosecutor—his commander—pressed him further. Since he felt “it is not an unusual thing for one man to undress another,” when was the last time he had seen such a thing? Did it happen on the *Active*? He had to admit he had not seen such a thing on the vessel, and that the last time involved his brother.¹⁹³ He was still, however, unwilling to identify anything sodomitical. At the same time, in the linked trial of Arthur Neve Brown, the defendant readily admitted that sharing sleeping space with a young man was unacceptable. Referring to “experience of what happened on a former cruise,” he was clear that it was a “very serious offence... to be merely caught lying near any boy, as the idea that something wrong going on was nearly always attached to the fact.”¹⁹⁴ Taken together, these examples indicate that the bounds of lower-deck intimacy remained complex and ill-defined.

Play emerges as another area of intimacy shot through with tensions. It was an essential variety of social interaction, but could easily transgress class and erotic boundaries. It was also open to misinterpretation and abuse. In an 1808 trial a serjeant of

¹⁹¹ George Sheppard court martial (10 November 1894, ADM 1/7221). See too line 102 in *ibid.*

¹⁹² *Ibid.*, line 86.

¹⁹³ *Ibid.*, lines 91-93.

¹⁹⁴ Arthur Neve Brown court martial (12-13 Nov. 1894, ADM 1/7221), defense. Brown’s statement does illustrate how attitudes towards physical intimacy with boys had changed over the course of the nineteenth century. By the end of the century Brown’s claim reflected powerful attitudes; contact between men and boys was much more likely to be viewed with suspicion. See, for instance, Henry Sotham court martial (21 June 1893, ADM 1/7174), lines 57-58.

marines testified that he had interceded in a dispute between two marines he had thought were “at play after they were in bed.” Their play did not itself constitute a problem, and only later did one of the men claim that there had in fact been a sexual offense.¹⁹⁵

Skylarking—sporting and playing together—likewise features in various ways in different trials.¹⁹⁶ The 1775 trial of Anthony Parrott for instance, uncovered an incident in which one of his accusers, the teenaged William Spalding, had himself earlier apparently committed a sexual indiscretion while at play. Before the Parrott affair had come to trial, the wife of the *Raven*’s butcher had spied Spalding at play, rolling around on the decks with the son of the boatswain’s yeoman. She noticed that Spalding’s penis was exposed, “out and stiff,” and reported him. He was summarily punished.¹⁹⁷

As we can easily imagine, intense emotional bonding was routine, indeed mandatory.¹⁹⁸ J.D. Alsop describes a striking document speaking to this process. Although it dates from the 1850s, the broad outlines of the relationship reflect earlier practices as well. A short excerpt from a notebook kept by a young, junior member of the *Nankin*’s complement describes the role of the naval “chum,” the “partner or help mate” that every member of the ship had, ideally “one who you may fancy.” The pair was to watch out for each other, help with domestic work, provide care when sick, and otherwise

¹⁹⁵ Neal Anderson court martial (1 March 1808, ADM 1/5494).

¹⁹⁶ For the term, see *OED*, s.v. “skylark.” For examples: Isaac Wilson court martial; Joseph Barber court martial (21 March 1811, ADM 1/5414); Jean Tourney court martial (3 Jan. 1812, ADM 1/5422); Robert Allen court martial (24 Nov. 1810, ADM 1/5410).

¹⁹⁷ Anthony Parrott court martial (31 May 1775, ADM 1/5307, fols. 104r-115r), fols. 112v-113r, minutes pp. 16-17. This case provides evidence for themes throughout this chapter. Parrott was a Neapolitan and needed an interpreter at trial. He was also considered something of “an outlandish Man,” and had a reputation for sodomitical behavior. The butcher’s wife alerts us to the presence of women on board. And both Parrott’s history of sodomitical behavior and Spalding’s summary punishment for a sexual offense with a boy provide evidence for the arguments made in the first half of this chapter.

¹⁹⁸ Alsop, “Male Bonding and the Navy ‘Chum.’”

“rule along just like 2 Brothers.” The writer explained of his chum: “I love him. I would do anything for him & he the same for me. What is his is mine & what is mine is his.”

The intensity of the emotional bond indicates brotherhood, but quite clearly also borrows from the registers of romantic friendship and companionate marriage: “I am so Happy. If I were to lose him I should lose myself... [Despite his faults] I would not part from him on any account.” The period in which this was produced and its deeply romantic homosocial language points us towards the types of male homosocial romantic friendships documented among young Victorian males and in earlier generations as well.

Romantic friendship and the role of the erotic within male bonding has been better studied in other settings, but provides helpful context here both for understanding the limits of what was acceptable for men and the ways in which the homosocial could shade into the homoerotic. The literature on officer-class homosociality in other settings is at the very least suggestive. Burg has shown that in the American navy in the Victorian period, highly sexualized, heteroerotically-inclined male bonding was a vital part of wardroom culture.¹⁹⁹ Wardroom conversation often concerned sex, and there is evidence of officers socializing together by visiting live sex shows and brothels. Samuel Watson, meanwhile, has shown that antebellum American Army officers engaged in passionate romantic friendships with their male peers. He indicates that these were mostly non-sexual (“intimate but usually platonic”), and they appear similar in form to the sorts of male friendships of an earlier American generation explored in depth by Richard

¹⁹⁹ B.R. Burg, “Officers, Gentlemen, ‘Man-Talk,’ and Group Sex in the ‘Old Navy,’ 1870-1873,” *Journal of the History of Sexuality* 11 (2002): 439-56.

Godbeer.²⁰⁰ The history of romantic friendship and the erotic (hetero- and homoerotic) within male bonding at sea deserves further sustained attention, but the evidence introduced above and found in the sodomy trial records indicates that these areas were vital to life at sea both for common sailors and officer-class men and boys.

Status-imbalanced relationships also often involved intimacy that could produce similar tensions and uncertainties. For instance, relationships between domestics and superiors were sometimes fraught, just as on land. At sea adolescents and adults who had domestic duties sometimes performed body work for superiors, and once again the limits of what was acceptable could be imprecise. Only a little more than a year after Waterloo, as prosecutions were declining precipitously, a small court martial in Port Royal tried Duncan Macdonald, lieutenant of the *Variable* sloop, for second article violations against two boys, servants of fellow gunroom officers. Both accused him of ordering them to brush his body, including his genitals. One of the boys further charged that Macdonald had used his power over the servant to draw him into his gunroom cabin and attempt to rape him. While denying that he had ordered his genitals brushed, Macdonald admitted to using servants to rub his body, claiming that exposure to the cold had injured his health and that on medical advice he sought vigorous brushings. He went so far as to produce a former servant, a boy of the *Primrose*, to testify that he had toweled the officer when under his command. Whether this on its own was seen as improper is unclear. Macdonald claimed to have explicit support from the surgeon of the *Primrose* for the necessity of this

²⁰⁰ Watson, "Flexible Gender Roles," 81. Richard Godbeer, *The Overflowing of Friendship: Love Between Men and the Creation of the American Republic* (Baltimore: Johns Hopkins University Press, 2009). Such relationships have been explored in other contexts as well. For instance, E. Anthony Rotundo, "Romantic Friendship: Male Intimacy and Middle-Class Youth in the Northern United States, 1800-1900," *Journal of Social History* 23 (1989): 1-25.

body work.²⁰¹ His reluctant prosecutor, Lieutenant James Thompson, explained in court that when he had learned that Macdonald had ordered one of the servants to perform this rubbing—but before the second accusation had come forward—he had approached the officer and, among other things, told him that “if [the scrubbing] was requisite he had better make use of the surgeon’s man, who was old, and the world would never suspect.” The incident reveals a basic assumption that intimacy of this sort with boys easily led to suspicions. A similar case is that of Lt. Thomas G. Muston, who had a young servant rub his sides and “bowels” to help alleviate pain from a liver or bilious stomach complaint. The servant alleged that he used this as an opportunity to take advantage of the boy.²⁰²

There is evidence that lower-deck men were fully cognizant of the erotically-charged ambiguities adhering to body work. In the trial of boatswain William Leist Kemp, one of his victims, the seaman John MacKay explained that Kemp—who had himself risen from the lower deck, and would return to it after his conviction—ordered him to bring a bucket of salt water so that Kemp could wash his feet. MacKay claimed that after the boatswain washed his face, hands, and feet he asked the seaman “will you give us a rubb[?]” MacKay denied the request, explaining “I was the wrong sort, & none of the Cloath.” In court, MacKay explained that this expression was “mere Cant,” invoking the clergy in order to actually refer to domestic servants.²⁰³ As his testimony continued, however, he clarified that he understood the request for “a rubb” to refer to Kemp’s desire for MacKay “to pollute him”—to masturbate the officer. It appears, then,

²⁰¹ I take this concept from Fissell, “Women, Health, and Healing.” See too Sandra Cavallo, *Artisans of the Body in Early Modern Italy: Identities, Families and Masculinities* (Manchester: Manchester University Press, 2007).

²⁰² Thomas G. Muston court martial (19 June 1807, ADM 1/5382).

²⁰³ OED, s.v. “cloth,” notes these linked meanings.

that his joke about being of the “Cloath” held deeper meaning. “Rubbing” referred to servile body work and sexual service, and MacKay was appropriate for neither because he was the wrong sort of man in multiple ways: socially, hierarchically, sexually.²⁰⁴

Insofar as bodywork remained a feature of shipboard social relations, in one way or another it naturally produced misbehavior and accusations thereof. We continue to find charges of this sort into the Victorian era. In 1864 a court convicted a lieutenant of conduct unbecoming in keeping a boy in his cabin at night under suspicious circumstances. As the *Times* and other papers reported, however, the officer had been ill “and required an attendant.” By this stage such behavior was unacceptable even if men were able to clear themselves of sexual charges, as this officer was. In the end the court publicly stated that he was innocent of any sexual impropriety and even recommended him for merciful treatment to the Admiralty.²⁰⁵ The meanings and tensions produced by these deeply intimate shipboard relations changed over time, but it was ultimately impossible for the navy to entirely escape the sodomitical possibilities that inhered to them.

As we saw earlier in this chapter, misbehavior in age- and status-structured relationships of care and tutelage constituted serious offenses against masculinity. There was another unavoidable source of tension here, similar to that in master-domestic relationships. Both were essential to shipboard society, but could easily permit abuse.

Alleged victims were often marginal figures who had been in such relationships with

²⁰⁴ William Leist Kemp court martial (19 and 21 Nov. 1803, ADM 1/5364), minutes pp. 17-19.

²⁰⁵ Henry Herbert Morgan court martial (27 August 1864, ADM 194/181, #1137); *Times*, 6 Sept. 1864, p. 10; and relevant material in ADM 121/68. The Admiralty followed this advice, though it is worth noting that the modified sentence—discharge to half pay at the lowest scale of his rank, in place of total dismissal from the service—was still heavy considering the court’s conclusion that there was no sexual misbehavior.

paternal figures. In 1789 George Cock, the thirteen-year-old servant of John Bain, master of the *Speedy* sloop, made a sodomy accusation against his master.²⁰⁶ Because of his youth, Cock's ability to speak with any power was already in question, though his evidence was apparently "clear and free of embarrassment."²⁰⁷ His position was weak for other reasons, though. He could neither read nor write, and did not know the nature of a legal oath.²⁰⁸ Born to a Hertfordshire farming family, both of his parents had died when he was young. Cock had a living uncle, a laborer in Rotherhithe, in London, and a brother as well. However, Cock had left his home county at five, and spent time in a workhouse before moving to Rotherhithe to live with friends for a few years. He received no formal education and apparently did no work while in London in this period. At trial the court suggested that he may have been involved in the commercial sex trade at this time.²⁰⁹ Eventually he went to sea, working as a carpenter's boy on another ship. He had only been in Bain's service for a few months, and—among other marks against him—Bain maintained that he suffered from "the itch" (a skin ailment perhaps indicating his base status and condition, though Bain may have also been suggesting venereal disease).

Ambiguities in authority, discipline, control, touch, punishment, and many other areas vital to life in the service could facilitate abuse, sex, or allegations of either.

Consider an 1826 trial ostensibly about indiscipline.²¹⁰ The master of a brig generally in

²⁰⁶ John Bain court martial (11 March 1789, ADM 1/5327). My account draws on minutes pp. 7-17. Trial order is at ADM 2/1116, p. 515. Bain was acquitted.

²⁰⁷ *Lloyd's Evening Post*, 11-13 March 1789.

²⁰⁸ This was the usual standard for allowing boys to testify, though different courts applied it differently.

²⁰⁹ I discuss evidence for prostitution and recognition of it among naval observers in "Buggery's Travels." For additional examples, see the case of Thomas Chater, as reported in "Serious Charges Against a Leading Seaman," *Hampshire Telegraph*, 20 Feb. 1875; or the earlier James Crowerst trial (1 March 1800, ADM 1/5352), minutes pp. 10, 12, 24.

²¹⁰ Robert Marshall court martial (ADM 1/5470, 6 November 1826).

Irish waters brought five charges against the small vessel's "doctor," an experienced assistant surgeon. The charges had to do with drunkenness and his apparent overfamiliarity with lower-status members of the ship's company. At this late stage in our period divisions between officers and crews had become truly strict, and the master drew on expectations that officers would not socialize on any sort of intimate terms with the people. He charged the medical man with repeated instances of drunkenness, including on one occasion drinking himself into "so imbecile" a state that he urinated in the gunroom locker, dousing plates and leaving "bread floating in urine." As for the company he kept, the master alleged that the surgeon associated familiarly with the men in the common galley; that he associated and dined with the armorer's mate, a socially inappropriate companion for him because of his rank and social standing; and that one night he had been intoxicated with a boatswain's mate in the midshipmen's berth, where the mate's arms were seen around his neck.

This last charge is the site of sexual ambiguity, but closer investigation shows that the whole trial is shot through with a web of interrelated ambiguities—of status, physical contact, correct action. As we will see in the next chapter, surgeons occupied a vexed middle ground in shipboard society, one that required them to make regular physical contact with men below and above them in rank. The surgeon claimed that his work and his own physical ailments required him to spend time in the galley, but that he had always commanded due respect from the men present there. Others vouched that despite his rank, meanwhile, the armorer's mate was actually an appropriate companion for the defendant. Though only a petty officer, this man was experienced; had good social

connections; did broader duty on the vessel than his rank suggested; and would soon be promoted. The accusation regarding the boatswain's mate did not appear to rouse much concern—the defendant does not even address it explicitly in his written defense—but across the board he had been accused of inappropriate contact, social and physical, across divisions of rank and station. The master was alleging a range of interrelated failures of masculinity. The surgeon could not control his body, could not control himself socially, and was subject to inappropriate passions. In fact, the master had also earlier intimated that the surgeon's wife was, or soon would be, a "whore." In his eyes, the surgeon was clearly no gentleman.

By this time it was essential that any naval officer, even a lowly assistant surgeon, be a gentleman. Over the course of the long eighteenth century naval masculinities became increasingly restrictive, and actions like those alleged were unacceptable. Sodomy courts martial disciplined serious masculine failures, focusing in particular on apparent violations like the surgeon's, cases in which higher-status men had sexual contact with lower-status men and boys. These crimes were understood to entail abuse of authority, and they violated essential naval social structures and practices. And yet the threat and possibility of homoerotic contact was inherent to those very structures and practices. The reality of shipboard attitudes was also far more complex than official prohibitions suggested. The previous chapter discussed the hopes of naval administrators to root out sodomy with spectacular punishments. In fact, though, when John Wilson Croker wrote to that effect he was only about halfway through the post-1797 surge in prosecutions. I have argued here that shipboard tensions during the Revolutionary and

Napoleonic Wars and concurrent developments in British masculinities drove this historically unprecedented spike in prosecutions.

Naval authorities found sodomitical crimes charges deeply challenging to pursue. Investigators, prosecutors, and courts frequently had to rely on the lower deck to try these cases. The practices of bodily intimacy and attendant knowledge creation that I have described at length in this chapter made the lower deck the storehouse for information about bodies and bodily activities. Naval elites therefore turned to sailors for help in disciplining both officers and fellow lower-deck men. It was a move that complicates narratives both of the decline of negotiated order and a unified, oppositional lower-deck culture. It also reveals to us the depth, complexity, and sophistication of practices of bodily knowledge generation and circulation within the wooden world. This topic is the subject of the next chapter.

Chapter 3

Reading the Sodomite's Body: Medical and Vernacular Body Knowledge

On Monday, the 11th of December, a Court Martial was held on James Nehemiah Taylor, Esq. a surgeon of his Majesty's ship *Jamaica*, of 24 guns, on board his Majesty's ship *Gladiator*, in Portsmouth Harbour.— The charge against the prisoner was, that he had been guilty of an abominable offence on Thomas Ashton, a boy of the Royal Marines, his servant, on board the *Jamaica*, on the 23d of August last, on her voyage from Halifax...

Naval Chronicle 23 (1810), p. 173.

Abraham Minnett, the purser's servant on *HMS Jamaica*, pushed his face up to the wall of the cabin and peered in. The wall contained a small hole, just large enough for one of his eyes.¹ Minnett's was a low-status position, and he bore the official rating of "boy," but he was not immature—or at least he did not feel he was. At eighteen years of age, he had some knowledge of the world and of sexual activity between men and women.² His attention had been drawn by suspicious sounds of kissing from inside the cabin. The cabin's scuttle was open, filling the space with mid-afternoon sunlight, and when he looked in, he saw something unusual: the ship's surgeon, James Nehemiah Taylor, was hugging his servant, a marine boy named Thomas Ashton. Minnett turned his sight away from the scene, and when he returned his attention to the cabin, he saw that Taylor and Ashton had removed their top layers of clothing. He looked away yet again, and this time when he looked back he saw that Ashton now had his trousers down and his shirt rolled up on his back. His head was leaned on a cot that sat against the ship's side. Taylor had his pantaloons down and had "his yard into Ashton's Backside... into his Fundament... shoving away the same as he would do into a woman," as Minnett later told

¹ James Nehemiah Taylor court martial (11-12 December 1809, ADM 1/5400). Unless otherwise indicated the narrative of this case presented throughout this chapter is based principally upon these minutes. Complementary legal and press evidence is discussed below.

² As he told the court, he was aware of "how a Man shoves at a Woman."

the court martial. His language, emphasizing a particular and recognizable type of motion, was so common in narratives about the discovery of illicit sex between men that it was stereotypical. Young as he was, Minnett knew enough to use conventional language in describing the crime he believed he had witnessed. He was able—perhaps because he conformed to conventions and expectations in using such language—to speak authoritatively in court.

In his testimony, the court heard complex evidence relating to the bodies of Taylor and Ashton. The court would hear a great deal more from others. Taylor’s trial is representative in this respect. Courts routinely solicited and considered such evidence from lower-deck men. Indeed, they were perennially reliant on it. Whether military or civilian, sodomy prosecutions required “peculiar and very particular evidence,” as a contemporary observer put it.³ As discussed in chapter 1, the question of penetration—and perhaps emission—was fundamental to the adjudication of sodomy. Like criminal courts generally, military courts martial displayed an “intense preoccupation with whether or not anal penetration was achieved,” in Arthur Gilbert’s words.⁴ The law’s focus on penetration required close attention to bodily evidence, and surgeons, the sole candidates for the role of “expert” witnesses in these trials, could provide only limited guidance throughout our entire period. There was in fact already a considerable heritage of learned European medico-legal knowledge related to illegal sex acts by the beginning of the long eighteenth century, but there is no evidence that this knowledge was available

³ *Particulars of the Execution of Charles Clutton, who was executed ... at Northampton ... August 13th, 1824, for Sodomy* (Freeman: Northampton, 1824), BL shelfmark 1889.d.3.196.

⁴ Gilbert, “Conceptions,” 63-4.

to British naval practitioners.⁵ They also lacked institutional knowledge and experience on which to draw, and performed examinations that were potentially useful only in a relatively small portion of sodomitical crimes: those involving allegations of *recent* penetration. As long as the navy continued to try homoerotic crimes, it had to rely on witnesses like Minnett; it depended on vernacular body knowledge. Surgeons' contributions were simply too limited to support all but a few prosecutions.

Courts' recourse to lay knowledge reveals routine practices of body knowledge creation and articulation in the lower-deck community. The aim of this chapter is to explore the universes of surgical and vernacular body knowledge exemplified in the trials. It responds to Silvia de Renzi's suggestion that court records can provide the material for "a history of the body from below."⁶ The trials reveal that sodomy was understood in culturally idiosyncratic, deeply bodily terms in this society, and was known to be comprehensible in rational terms with reference to the body. Proscribed acts could be represented verbally by explanation of bodily events and functions, explanations that drew on a shared well of specific and detailed sexual knowledge derived from ideas about sex between men and women and knowledge of the existence and mechanics of proscribed sex. There was a complex and sophisticated logic and language that was

⁵ On sodomy in pre-modern medicine and science: Kenneth Borris and G.S. Rousseau (eds.), *The Sciences of Homosexuality in Early Modern Europe* (London: Routledge, 2008). Joan Cadden's work has been particularly important in driving this historiography: "Medieval Scientific and Medical Views of Sexuality: Questions of Propriety," *Medievalia et Humanistica* 14 (1986): 157-71; *Meanings of Sex Differences in the Middle Ages: Medicine, Science, and Culture* (Cambridge: Cambridge University Press, 1993); "Sciences/Silences: The Natures and Languages of 'Sodomy' in Peter of Abano's *Problemata* Commentary," in Karma Lochrie, Peggy McCracken, and James A. Schultz (eds.), *Constructing Medieval Sexuality* (Minneapolis: University of Minnesota Press, 1997): 40-57; "Nothing Natural is Shameful': Vestiges of a Debate about Sex and Science in a Group of Late Medieval Manuscripts," *Speculum* 76 (2001): 66-89; and *Nothing Natural is Shameful: Sodomy and Science in Late Medieval Europe* (Philadelphia: University of Pennsylvania Press, 2013).

⁶ Silvia De Renzi, "Medical Expertise, Bodies and the Law in Early Modern Courts," *Isis* 98 (2007): 315-22, here 317.

mutually intelligible across divisions in rank and which allowed men to speak comprehensibly to each other about a subject that was purportedly difficult to discuss. The discursive boundaries of discussion of the sodomitical as bodily phenomena were far wider than those laid down in the law, legal commentary, or cultural prohibitions. Instead, discourse was wide-ranging, and men show a willingness to think creatively about sodomy and the body and to engage in dispute and contestation about the topic. Naval courtrooms served as spaces for men to put forward a wide range of thinking about sodomy and sodomitical bodies.

Moreover, I argue that these characteristics of naval trials were generally true of criminal court cases on land as well. I have drawn extensively on non-naval trial and other legal records from the eighteenth and nineteenth centuries in order to compare prosecutions at sea and on land and to illustrate connections between these different settings. My work shows strong continuities between cultural understandings of sodomy and the process of sodomy prosecutions on ship and shore. This finding confirms that sailors were as conversant with cultural discourses about sodomy as any other contemporary working-class community, and participated in sodomy trials in the same ways as their peers on shore did.

This chapter therefore recovers plebeian knowledge of the sodomitical body and describes its collection, interpretation, and use within the face-to-face lower deck society. Its approach is inspired by the work of Laura Gowing, who has explored how women's reproductive and sexual bodies were monitored and controlled in seventeenth-century communities, and by the work of historians of forensic medicine and science like

Katherine Watson and Mark Jackson who have explored how legal medicine actually functioned in practice.⁷ Historians of homosexuality in the long eighteenth century have drawn heavily on homoerotic crimes trials, but the sodomitical body, and especially plebeian understandings of it, have been largely absent from this work. We know substantially more about cultural representations of sodomitical men, despite the resolute focus of sodomy laws on the sodomitical body. The chapter focuses directly on knowledge of buggered and bugging bodies by investigating the single most important site for discussion of them: criminal courts.

Examining naval prosecutions through the lens of body knowledge creation highlights the power that working class men wielded in this unexpected setting. As observed in previous chapters, the court martial was an elite institution, composed of and run by commissioned officers without any formal input or representation by those they commanded.⁸ Yet in practice sodomy only became visible and prosecutable through processes of negotiation in which knowledge created on the lower deck became available to officer-class men. Others, including surgeons, sometimes produced essential body knowledge, but the key site for the production of the knowledge used in investigations and trials was the lower deck. This conclusion has important implications for our

⁷ Especially Laura Gowing, "Secret Births and Infanticide in Seventeenth-Century England," *Past and Present* 156 (1997): 87-115, and *Common Bodies: Women, Touch, and Power in Seventeenth-Century England* (New Haven: Yale University Press, 2003). Mark Jackson (ed.), *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000* (Aldershot: Ashgate, 2002); idem, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester: Manchester University Press, 1996); idem, "Suspicious Infant Deaths: The Statute of 1624 and Medical Evidence at Coroners' Inquests," in Michael Clark and Catherine Crawford (eds.), *Legal Medicine in History* (Cambridge: Cambridge University Press, 1994): 64-86. Katherine Watson, "Medical and Chemical Expertise in English Trials for Criminal Poisoning, 1750-1914," *Medical History* 50 (2006): 373-90; idem, *Poisoned Lives: English Poisoners and their Victims* (London: Hambledon & London, 2004).

⁸ Eder, *Crime and Punishment*, chapter 4.

understanding of sodomy prosecutions and the roles of plebeian men in them. Tars were central to and necessary for prosecutions. They were able to negotiate the complexities of sodomy law, lending support to Nicholas Roger's view of seamen as canny, sophisticated legal actors, at least in certain settings.⁹ There was simply no point in bringing men to trial unless witnesses like Abraham Minnett, with whom we began, could deploy articulations of sodomy and sodomites that courts could find convincing.

This history also has implications for the historiography of legal medicine and Georgian medicine more generally. Practitioners had an ambiguous place in sodomy prosecutions throughout this entire period. While they appeared in a significant minority of investigations and trials, they were hardly experts as the term is now employed. They had little in the way of either an institutional or informal, personal knowledge base to guide them in trials. Before 1800 the British lacked any tradition of publishing on or formal education in forensic medicine. Even as both practices emerged in the late Georgian period and knowledge relevant to medical witnessing in sodomy cases increasingly circulated, legal medicine never attempted to claim sodomy for its own. Knowledge and practice remained resolutely uncertain and often unhelpful. Medical men did not agree on the signs of sodomy or the nature of its bodily consequences. Some were willing to offer forceful definitive interpretations and their testimony could sway outcomes. However, the character of such evidence, its perceived epistemic value, and its place in investigations and legal processes varied so much from case to case that it is inappropriate to regard them as expert witnesses in anything beyond the most limited

⁹ Nicholas Rogers, *The Press Gang: Naval Impressment and its Opponents in Georgian Britain* (London: Continuum, 2007).

technical sense: that in some cases they took up a role in common law courts that came to be known as the “expert witness.” This was an area in which medical and scientific discourses about the body did not come to predominate. Nor was elevated status (learning, rank, social standing, etc.) essential for epistemic authority, even though sodomy was recognized to be within the domain of medicine.¹⁰

Finally, these findings bear most immediately on the historiography of sodomy prosecutions, naval and civilian, where the place of surgeons has been overstated since Arthur Gilbert’s pioneering work presented anal examinations as a major source of evidence in trials.¹¹ Influenced by this reading, historians have granted unearned epistemic standing to surgeons’ examinations and imputed experience and learning for which there is no evidence.¹² In fairness to Gilbert and those who followed him, none of their projects are principally concerned with the question of *how* men actually came to be convicted. While Gilbert offers a typology of evidence, his real object is to compare the navy’s treatment of different crimes. Nevertheless, even the relative prominence of surgical and vernacular bodily knowledge has important implications for an analysis like Gilbert’s, which emphasizes top-down authority and disciplinary power. My account, by contrast, stresses the ways in which prosecutions involved cross-class collaboration.

Medical Men and Sodomy

Before turning to vernacular body knowledge it is essential to accurately define

¹⁰ Cf. Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth-Century England* (Chicago: University of Chicago Press, 1994); idem and Simon Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life* (Princeton: Princeton University Press, 1985).

¹¹ Gilbert, “Buggery and the British Navy,” esp. 77, 93-4nn39 and 42. See too his “Sodomy and the Law.”

¹² Burg, *Boys at Sea*; Rousseau, “The Pursuit of Homosexuality,” 146.

the nature and roles of surgical knowledge and its relationship with the vernacular. There was broad agreement in this society that sodomitical sex was knowable by ordinary people without any personal experience with the sodomitical or other special knowledge. Sodomy may have been an unspeakable crime in law, but ordinary people who witnessed it and spoke in courts described it in terms of the mundane mechanics of heterosex. Minnett's reference to sex "the same" as with a woman echoed a common refrain in military and civilian trials (and, indeed, non-British trials as well), one which was also used to describe bestiality.¹³ The straightforward use of normative sex as a resource for describing its illegal sibling indicates that, however much different people accepted legal and religious views of the heinousness and purported difference of sodomy, they understood that both types of sex worked in much the same way. Most people—and certainly all adult men—were assumed to understand what sex looked like. As an eighteen-year-old, the eyewitness Minnett was asked to substantiate that he knew about sex, but the court's assumption was that if he had knowledge of sex he could know and identify sodomy.¹⁴ We will see that vernacular sexual knowledge encompassed sexual movements and sounds, flirting and erotic gestures, the sexual states of the body (particularly erections), and the identity and nature of semen, among other topics.

Heterosex served as a central source of knowledge for interpreting homosex throughout the history of the trials. A 1701 deposition refers to sodomitical sex in the

¹³ Cristian Berco, "Producing Patriarchy: Male Sodomy and Gender in Early Modern Spain," *Journal of the History of Sexuality* 17 (2008): 351-76, here 360. In the Nicholas Alexander court martial witnesses drew repeatedly on heterosex to describe bestiality, for instance. Nicholas Alexander court martial (10 January 1811, ADM 1/5412).

¹⁴ This was the context for his response quoted in n2.

simple terms of “the usuall motions a man does when in carnall copulation.”¹⁵ Explicit analogizing of this sort was ubiquitous, and clearly both shaped and reflected how observers understood gendered roles in intercourse. A sailor in 1797 told a court that two marines acted “as if man and woman”: one, a drummer, “acted as the Woman,” while his partner was “acting as the Man.”¹⁶ In another case, a man’s statement that he would “have a wife tonight” referred to sex with a boy.¹⁷ As the previous chapter showed, the pathic role was that of women. To assume it was to assume a certain female status. Thus one observer described a boy lying “upon his Back, with his Knees up, as Women generally lie under the Men.” Potential passive partners’ statements confirm that the sexual interest of a potential active partner automatically suggested gendered roles, even when advances were unwanted. In 1836 Henry Perry, a Kensington baker, indicated he had his suspicions confirmed about John Williams when the man began to play with his whiskers and hug him “as if I had been a woman.”¹⁸ In 1827 James Webster claimed to have awoken in a George Street lodging house bed with his bedmate’s “privates in my Body” and, when he called the landlord, declared to him that “this man... was a Sod that he had found the prisoner in him working at him the same way as if he was a woman.”¹⁹

The use of heterosex as a resource is perhaps predictable in a society that had a limited cultural vocabulary for describing sodomitical behavior. However, we should not overlook the significance of the discursive move involved in the representations above. In law, religion, and other discursive realms sex between men or men and animals was not

¹⁵ Charles Worrell court martial.

¹⁶ Duckworth and Simpson court martial, minutes pp. 2-3.

¹⁷ John Dendass court martial.

¹⁸ Statements in the case of John Williams, Middlesex Sessions (11 April 1836, MJ/SP/1836/05/012).

¹⁹ Statements in the case of William Crane, Middlesex Sessions (7 August 1827, MJ/SP/1827/09/112).

simply a variety of sex; it was something entirely different. It was sodomy. There were other possible ways to represent it. The seaman Emmanuel Cross described sex between Rafaelo Troyac and Joseph Hubbard, two of the *Africaine* men, as having a “Motion like two Dogs,” for instance.²⁰ This comparison would actually seem to better fit sodomy, considering its powerful association with the bestial. And yet Cross’s statement is a rare exception. For ordinary Georgians the characteristics of men and women copulating best described men having sex with men as well.

Georgians also understood sex to affect the body in ways that could be read outside of the moment of the act itself. Medical men were not needed to read those signs. Victims themselves tried to make their bodies speak. In an 1808 trial one witness recounted that when two young victims brought their charges to him, “I would not believe them, they came again crying and made me hear what they had to say.” One “unbuttoned his Breeches and wanted to shew me, he said he wanted to do his Business [defecate], and could not.”²¹ In another instance a sixteen-year-old showed his injured penis to a messmate after he suffered a sexual assault.²² In a 1754 trial the master of the *Porcupine* recounted that the seaman James Jordan had charged that Thomas Landerkin had “used him ill” (a common circumlocution). The master, Ezekiel McCall, had asked Jordan what he meant, and Jordan replied: “O my poor Arse, my Arse can best tell.” McCall had counseled him to visit the surgeon, but Jordan did not follow his advice, and

²⁰ Rafaelo Troyac (al. Treake) and Joseph Hubbard court martial (5 Jan. 1815, ADM 1/5453).

²¹ James Gordon court martial (8-9 February 1808, ADM 1/5385), minutes p. 12.

²² David Jenness court martial (25 August 1798, ADM 1/5346). In this case, the sailor undertook healing work too, attempted to determine the cause of the injury, and monitored it. Only when it got worse did he bring the boy to the surgeon, suggesting that low-level sexual health work of this sort was considered appropriate within the mess.

the matter was dropped. A year later, after another charge surfaced, Landerkin was unanimously convicted of a misdemeanor and sentenced to 360 lashes around the Hamoaze solely on the basis of circumstantial evidence. We cannot know why Jordan did not report to the surgeon, though certainly many alleged victims likewise did not. He clearly did not intend his complaint as a plea for official medical interpretation, in any case. He must have felt that his reference to anal trauma would directly signify sodomy to McCall. That it did not suggests to us some of the ways in which the interpretation of sodomy was shot through with uncertainty. Men reasoned that it would cause anal trauma, a logical conclusion they could reach from their knowledge of their own bodies and by analogy to heterosexual rape, and one that was available to them in reports of crimes and trials in sources like the Old Bailey *Proceedings*.

European medical practitioners had long been involved in the medico-legal investigation of sodomy. During the early modern period continental authors, including most notably the Italian physician Paolo Zacchia, published detailed knowledge about the physical signs of sodomy.²³ Mary Hewlett indicates that male and female medical practitioners were central to sodomy adjudication in sixteenth- and seventeenth-century Lucca; William Naphy has suggested the same for early modern Geneva.²⁴ As indicated

²³ Rousseau, "Policing the Anus: Stuprum and Sodomy According to Paolo Zacchia's Forensic Medicine," in *Sciences of Homosexuality*, 75-91.

²⁴ Mary Hewlett, "The French Connection: Syphilis and Sodomy in Late-Renaissance Lucca," in Kevin Siena (ed.), *Sins of the Flesh: Responding to Sexual Disease in Early Modern Europe* (Toronto: Centre for Reformation and Renaissance Studies, 2005): 239-60, especially 245-51. She attributes the presence and epistemic authority of female medical witnesses to the relatively high proportion of trials involving women. As we saw in chapter 1, prosecutions for sodomitical crimes involving women were exceptionally rare in England. See too William G. Naphy, "Reasonable Doubt: Defences Advanced in Early Modern Sodomy Trials in Geneva," in Maureen Mulholland and Brian Pullan (eds.), *Judicial Tribunals in England and Europe, 1200-1700: The Trial in History, Volume I* (Manchester: Manchester University Press, 2003): 129-46, here 129-30, and "'Under-Age' Sexual Activity in Reformation Geneva" (with responses by Tom Betteridge and Nick Davidson), in George Rousseau (ed.), *Children and Sexuality: From the Greeks to the Great War* (Basingstoke: Palgrave Macmillan, 2007): 108-41, here 119.

above, what would come to be known as “sodomy” had been a subject of inquiry in areas of medicine and “science” from antiquity, and various enlightenment medical thinkers brought it under their purview in pathologizing sodomy and other forms of non-procreative sex.²⁵ In the centuries after Zacchia continental medical and medico-legal authors continued to develop forensic thought on the “stigmata” of sodomy and on the body of the sodomite and the sodomized more generally. At different points these writers were variously interested both with establishing the forensic signs of sodomy and theorizing about what caused people to engage in or permit the crime.²⁶ In the nineteenth century medical approaches would broadly transition to focusing on psychiatric explanations for abnormal sexuality, though forensic medicine retained a focus on the bodily signs of sodomy. Victorian medical discourse in this area was substantially more muted than that on the continent, but the British would come to play an important role in early sexology, as exemplified by the work of Havelock Ellis. In the period before psychiatry provided dominant explanatory models, and particularly before the British began producing their own medico-legal literature, however, there is no evidence that British medical men had any broad engagement with continental medico-legal thought on sodomy or developed a native tradition of their own.

In the nineteenth century British medical writers did increasingly present knowledge related to sodomy with potential forensic medical applications. These

²⁵ Vern L. Bullough, “Homosexuality and the Medical Model,” *Journal of Homosexuality* 1 (1974): 99-110. The earliest examples Bullough points to are the eighteenth-century medical authors Herman Boerhaave, John Brown, and Samuel Tissot.

²⁶ Ross Brooks, “Vices Once Adopted’: Theorising Male Homoeroticism in German-Language Legal and Forensic Discourses, 1752-1869,” *Reinvention: a Journal of Undergraduate Research* 1 (2008) (<http://www2.warwick.ac.uk/go/reinventionjournal/issues/volume1issue2/Brooks>; accessed 10/10/14).

contributions did not develop into a coherent corpus of medico-legal knowledge, however, and the presence and contributions of practitioners in legal processes remained inconsistent. Most eighteenth- and nineteenth-century sodomitical crimes trials did not feature medical evidence.²⁷ Leading forensic medical texts like the works of Alfred Swaine Taylor and of the American brothers T.R. and J.B. Beck exhibit discomfort with overreliance on medical evidence in these cases.²⁸

One of the era's most prominent trials, that of Ernest Boulton and Frederick Park (1871), powerfully exemplifies the state of Victorian forensic knowledge on this topic. The trial featured the evidence of seven practitioners (including Taylor), who produced a muddle of different medical opinions. The two won acquittal, and the Attorney General expressed his gratitude that

there is little learning or knowledge upon this subject in this country; there are other countries in which I am told learned treatises are written as to the appearance to be expected in such cases. Fortunately Doctors in England know very little about these matters.²⁹

Underlying this observation was the assumption that this “foreign” vice was far more common in other countries. It nevertheless accurately reflected the state of contemporary medico-legal knowledge. Sean Brady has even argued that the case and its outcome exemplify and contributed to a British “culture of resistance” against explicit thought and

²⁷ Ivan Dalley Crozier, “The Medical Construction of Homosexuality and its Relation to the Law in Nineteenth-Century England,” *Medical History* 45 (2001): 61-82, here 81. On the topic generally see too Crozier, “‘All the Appearances Were Perfectly Natural’: The Anus of the Sodomite in Nineteenth-Century Medical Discourse,” in *Body Parts: Critical Explorations in Corporeality*, ed. idem and Christopher E. Forth (Oxford: Lexington Books, 2005): 65-84, and idem, “Striking at Sodom and Gomorrah: The Medicalization of Male Homosexuality and its Relation to the Law,” in Judith Rowbotham and Kim Stevenson (eds.), *Victorian Crimes, Social Panic, and Moral Outrage* (Columbus: Ohio State University Press, 2005): 126-39.

²⁸ Crozier, “Medical Construction,” 66-67.

²⁹ TNA DPP 4/6, quoted in Ivan Dalley Crozier, “Nineteenth-Century British Psychiatric Writing about Homosexuality Before Havelock Ellis: The Missing Story,” *Journal of the History of Medicine and Allied Sciences* 63 (2008): 65-102, here 66.

public utterances regarding sodomy.³⁰

Victorian naval cases reveal similar limitations in medico-legal practice. Consider the George Sheppard trial, which followed Boulton and Park by about two decades. In this case, there was suspicion of an indecent assault. When he received a report of the crime, the lieutenant commanding the watch ordered the ship's surgeon to inspect the supposed victim, who had been deeply, perhaps dangerously drunk. In court, the surgeon admitted that he had known that night that there were suspicions of such a crime, but he had opted against performing an anal examination immediately.³¹ When the court asked him why he had not, he replied that it was "because I received no instruction to do so." He only made his physical inspection the next morning, and found no evidence. Asked whether "the time elapsed" was "long enough for any marks to have passed off," he answered in the affirmative. "Did it not strike you," the court continued, "that it was important to examine him at once?" "Not very."³² This court was interested in the physical manifestations of sodomy; earlier, it had asked the victim whether, when he regained consciousness, he had "any feeling in the anus as if the prisoner had penetrated" him.³³ The surgeon also never examined the *defendant* at all, asserting at trial that he could not have gleaned anything about sex even if he had examined him that very night.³⁴

After Sheppard's acquittal, Commodore Robert H. Harris would lamented the officer's

³⁰ Sean Brady, "Masculinity and the Construction of Male Homosexuality in Modern Britain before the First World War," in Heather Ellis and Jessica Meyer (eds.), *Masculinity and the Other: Historical Perspectives* (Newcastle upon Tyne: Cambridge Scholars, 2009): 115-37, quote on 129

³¹ George Sheppard court martial. The surgeon's testimony is at lines 261-76.

³² Later in the trial the officer of the watch clarified that he had not thought that night that the charge was serious (*ibid.*, line 281). Nonetheless, the surgeon did testify that he had been aware of an indecent assault allegation that night.

³³ *Ibid.*, line 45. The defendant returned to this theme when cross examining the surgeon, at line 273.

³⁴ *Ibid.*, line 274.

failure to obtain medical evidence, convinced as he was of the guilt of everyone involved.³⁵ In the connected trial of Arthur Neve Brown, the defendant went even further: he portrayed the surgeon's failure to gather medical evidence as a great injustice, as it robbed him of evidence that would have helped to show his innocence.³⁶

Pre-modern medical and scientific writers were generally wary of openly discussing sodomy at much length, and British medical men were particularly unwilling to address the topic.³⁷ Kevin Siena, for instance, has shown that the vast Enlightenment-era literature on the French pox was almost entirely silent about same-sex transmission.³⁸ This does not mean that sodomitical "stigmata" were thought to be out of the range of surgical practice, though. Those who for whatever reasons did address sodomy in print, like John Wiseman or, later, John Marten and (in translation) Jean Astruc, showed that medical men could indeed approach unnatural venery.³⁹ Kenneth Borris's work has highlighted Marten's accounts of personally treating sodomites while also indicating how unique they are.⁴⁰ While court was also public, it was quite different from print and apparently a safe enough space for some physicians and surgeons to approach the topic by testifying about medical evidence. There is also evidence of negative cultural associations between practitioners and sodomy. The 1691 *Mundus Foppensis*, for

³⁵ See Robert H. Harris to the Secretary of the Admiralty, 15 November 1894, in ADM 1/7221. The court issued a formal "expression of regret" about the officer's failure to pursue the initial investigation more zealously as well. See the sentence of the Arthur Neve Brown trial. In this trial, the officer in question explained that he had not initially thought the charge was as serious as it would "prove" to be (at lines 388-89).

³⁶ Arthur Neve Brown trial, defense.

³⁷ Crompton, *Byron and Greek Love*, 4: "English jurists congratulated themselves that no counterpart to the forensic studies in French existed in their language."

³⁸ Kevin Siena, "The Strange Medical Silence on Same-Sex Transmission of the Pox, c.1660-c.1760," in *Sciences of Homosexuality*, 115-33.

³⁹ *Ibid.* On Wiseman, see Gilbert, "Buggery," 93n42.

⁴⁰ Borris, *Same-Sex Desire*, 154-56.

instance, asked of the sodomite:

Was't not, d'ye think, a pleasant sight,
To see the smiling Surgeon slit
The swelling Figs, in Bum behind,
Caught by misusing of his Kind?⁴¹

A half-century later Tobias Smollett “found sodomitical proposition rampant within the medical profession.”⁴² These connections were truly dangerous for an occupational group seeking to raise its standing. Siena argues that association with the French pox, a major area of surgical practice, was already hazardous enough to the status of practitioners. Addressing sodomy publicly would have involved far greater risk, without providing any clear benefit for a medical writer. With associations such as those found in *Mundus Foppensis* and Smollett, and no safe discursive realms comparable to continental medico-legal publishing and officially-sanctioned forensic practice, there was little space or incentive for practitioners to engage with sodomy in print or indeed in practice.

Catherine Crawford has noted that serving as a medical witness in the Anglo-American legal system was generally undesirable well into the nineteenth century, much unlike on the continent.⁴³ The presence of medical men was in no way mandatory in sex crimes trials, and as Dianne Payne has shown in reference to civilian sex crimes cases the costs associated with securing medical witnesses naturally depressed their numbers in court.⁴⁴ The particularly unsavory nature of sodomy must have done much the same.

⁴¹ *Mundus Foppensis; Or, the Fop Display'd* (London: for John Harris, 1691), 4.

⁴² George Rousseau, “The Kiss of Death and Cabal of Dons: Blackmail and Grooming in Georgian Oxford,” *Journal of Historical Sociology* 21 (2008): 368-396, here 373.

⁴³ Catherine Crawford, “Legalizing Medicine: Early Modern Legal Systems and the Growth of Medico-Legal Knowledge,” in Crawford and Michael Clark (eds.), *Legal Medicine in History* (Cambridge: Cambridge University Press, 1994): 89-116.

⁴⁴ Dianne Elizabeth Payne, “Children of the Poor in London, 1700-1780” (PhD thesis, University of Hertfordshire, 2008), 283.

Antony Simpson's work indicates that while medical evidence was essential to eighteenth-century rape prosecutions at the Old Bailey, the same was not true for sodomy, where it was in fact uncommon.⁴⁵ The *Proceedings* describe surgical evidence in less than 8% of sodomitical crimes trials.⁴⁶ The naval justice system differed from other criminal courts when it came to medical witnesses. Naval surgeons provided examinations and testimony for free as part of their official duties, and had no latitude in deciding whether to take part in cases. The picture at sea was nonetheless essentially similar to that on land.

As James Nehemiah Taylor was the *Jamaica's* surgeon, it fell to his assistant, John Porson, and another surgeon's assistant, one William Cullen (who bore the name of the great, deceased Edinburgh medical professor) of the *Antelope*, to examine his supposed victim, Thomas Ashton. They did so on August 25, two days after the alleged crime. Much as in the significantly later Sheppard trial, this time lapse is itself significant and telling. If surgical evidence had been viewed as absolutely essential, investigators would not have permitted such a delay. Unlike lay eyewitnesses like Minnett, the surgeons offered the court relatively little, and what positive evidence they did give was unclear and confused. Porson and Cullen stated that they had found considerable and

⁴⁵ Simpson, "Masculinity and Control," 451: "such evidence was rarely presented"; Goldsmith, *Worst of Crimes*, 34.

⁴⁶ While Simpson's observation above is correct, his study refers only to the period covered in his dissertation and therefore does not include evidence from earlier *Proceedings*. Using the *Old Bailey Online* database (oldbaileyonline.org, hereafter OBP), I find that the *Proceedings* report a total of 76 sodomitical crimes trials in any detail. There is evidence of medical men providing forensic evidence in only six: the trials of Mustapha Pochowachett (24 May 1694, t16940524-20, and see too the surgeon's deposition at London Metropolitan Archive [hereafter LMA] MJ/SP/1694/05/007); John Bowes and Hugh Ryly (5 December 1718, t17181205-24); Henry Hambleton (16 January 1729, t17290116-11); Gilbert Laurence (28 August 1730, t17300828-24); Thomas Andrew (6 May 1761, t17610506-23); and Charles Atwell (20 October 1779, t17791020-5).

unusual redness on the verge of Ashton's anus. However, they could not hazard any explanation for this symptom. Porson went so far as to declare that he felt "that no medical Person can state the cause, but it was an unusual Redness." The court was not going to receive certainty from the medical men.

The general picture that we have seen for Georgian and indeed Victorian forensic medicine holds for the Georgian navy as well. Surgeons were relatively uncommon in naval trials too, testifying on bodily evidence of sodomitical offenses in 50 trials before 1840, less than 20% of the total. Even when they were present, their presence did not necessarily help courts. Just like the nineteenth-century forensic medical texts discussed above, throughout the eighteenth and nineteenth centuries naval legal sources indicate a strong sense that there were significant limits to medico-legal knowledge. As late as 1912, the fourth edition of Theodore Thring's standard navy legal text suggested that prosecutions generally should not depend on medical evidence.⁴⁷ In the records of one late surviving trial, from 1874, internal Admiralty discussions show clear discomfort with the prospect of relying solely on surgical evidence.⁴⁸ Indeed, none of the ten trials from the 1830s (the last decade of full record retention) involves any medical evidence whatsoever. As these examples all show, neither medical knowledge nor lay observers' estimation of it developed in a way that definitively resolved the epistemological problems these crimes presented during the nineteenth century.

Quantitative analysis of surgical contributions in naval cases from 1690 to 1840

⁴⁷ Theodore Thring et al, *Manual of Naval Law and Court Martial Procedure: in which is embodied Thring's Criminal Law of the Navy: Together with the Naval Discipline Act and an Appendix of Practical Forms*, 4th ed. (London: Stevens, 1912), 187-89.

⁴⁸ Robert Simpson and Henry Keenor court martial (19 October 1874, ADM 1/6323). Fol. 185r has the relevant note.

indicates just how limited they were. As we have seen, the involvement of naval surgeons actually outpaced that of surgeons at the Old Bailey. In the same period in which the *Proceedings* indicate that surgeons were involved in less than 8% of Old Bailey trials, naval surgeons gave medical evidence in over 20% of courts martial. However, this greater rate of involvement did not generally result in increased medico-legal clarity in these cases. Recall that overall surgical evidence featured in only 50 navy trials, less than 20%, a distinct minority.⁴⁹ In these cases surgeons offered strong, explicit opinions that sodomy either had or had not occurred in only a little more than a quarter of surgical cases, and less than 5% of *all* trials. In almost 40% of surgical cases, by contrast, surgeons refused to offer any opinion, indicated only ambiguous physical signs, or even declared that sodomy was simply unknowable either generally or in that specific instance. It was, then, remarkably unlikely that a naval surgeon would provide clear, unambiguous guidance in a sodomy case.

When surgeons did offer such direct opinions they could sway courts. Half of cases in which surgeons declared that sodomy had occurred ended in felony convictions, a higher conviction rate than is found with any other type of medical opinion. Meanwhile, in the handful of cases in which surgeons declared sodomy had not occurred (only five), there was not a single felony conviction. That half of cases with surgical opinions indicating that sodomy definitely had occurred *did not* result in felony convictions, however, is striking. Over 10% of these cases in fact resulted in full acquittals. Clearly, courts did not necessarily trust surgeons' opinions or necessarily find them compelling.

⁴⁹ The "over 20%" figure earlier in the paragraph refers only to the period overlapping with *Proceedings* coverage, in which surgical involvement was actually higher than average.

Some observers were skeptical of positive evidence of penetration more generally as well. In one trial, a surgeon suggested that a supposed victim could have produced apparent symptoms of sodomy himself to strengthen his accusation.⁵⁰

Courts and juries were in no way bound to respect surgical conclusions. Indeed, outside of the navy adversarialism and the rise of partisan experts opened the way for dueling medical men, a phenomenon which required juries to decide against a medical witness. At times it is obvious why juries steamrolled practitioners. Take for instance a case heard at the Old Bailey in 1806, the trial of David Robertson. The defense called a Dr. Ford who claimed to have been educated at the University of Dublin, studied anatomy for two years under George Cleghorn, walked the wards for two years, and then walked the wards of a lying-in hospital for an equally long period. He made the dubious argument that the seventeen-year-old accuser was lying because he claimed to have been penetrated when he was flat on his stomach, which Ford knew to be impossible because in his experience a clyster pipe could only be inserted when the body was “bent as much double” as possible, as he put it, with the knees drawn towards the chin. The jury rejected this evidence and returned a guilty verdict. Robertson was executed that summer.⁵¹

Surgeons had semi-privileged access to patients’ bodies as medical practitioners and a claim to specialist knowledge, but in sodomitical crimes cases they were generally not speaking about recondite knowledge. Sexual penetration, the workings of the anus,

⁵⁰ Thomas Gunton court martial (29 March 1813, ADM 1/5435), fols. 328v-329r, minutes pp. 22-23.

⁵¹ The trial date was 21 May 1806. My account is based on *The Trial of David Robertson ... for an Unnatural Crime with George Foulston...* (London: J. Day, 1806), pp. 23-4 (quotes). See too *New Newgate Calendar*, 1818, vol. 7, 370-71, which describes his execution. The trial is listed in the *Proceedings* but as with all other nineteenth-century sodomy trials no detail is given. OBP t18060521-50. For Cleghorn, see *DNB*. A clyster pipe was a device used to introduce medicinal liquids or other fluids into the body via the anus.

clyster pipes—Ford’s listeners knew how all of these things worked. Trial participants sometimes invoked this sort of vernacular understanding of the body in urging their own reasoning in the exact areas where surgeons may have had claims to expertise. John Carter, for instance, asked for “some people” (not necessarily surgeons) to search his accuser for any evidence of sodomy.⁵² As a “grown man of a pretty large size” he could not, he explained, have penetrated his teenaged servant “without opening or stretching his fundament.” His basis for this claim was that

I have observed two or three times since I have ben confin’d where I have been very costive that I have straining tel my fundament has been as sore as a Boil and the outside of my Excrement or Dung has ben Bloody and at the same time nothing so Large as a man’s Yard.

There is no evidence that surgical evidence had been or was sought, and Carter does not suggest that this was a medical matter. He indicates instead that adult men knew quite enough to investigate and think through these matters unaided.

It is hazardous to draw further conclusions based on quantitative data about navy surgeons’ participation because the numbers are so small and because it is impossible to know how courts and other actors actually made their decisions. It is noteworthy, for instance, that in a number of cases in which surgeons were certain that penetration had occurred, men only faced misdemeanor charges. That observation reinforces the unavoidable conclusion here: surgeons played a minor role in the prosecution of homoerotic sex crimes in the navy. This conclusion should not be not surprising. Naval surgeons faced serious limitations to their medico-legal practice. They were unlikely to have much or any experience with the signs of sodomy. Outside of directly related trials,

⁵² John Carter court martial (ADM 1/5290, 11 May 1747).

not a single surgeon appeared in more than one trial.⁵³ Some surgeons stated explicitly in their testimony that they had no relevant experience to help with their investigations or on which to base their conclusions.⁵⁴ In 1815 the surgeon of the *Cumberland* admitted in court not only that he had initially delegated a sodomy examination to one of his assistant surgeons, but also that he had informed the subordinate that he himself “was not aware what the exact appearance in such cases might be.”⁵⁵

Moreover, surgeons’ investigations were also circumscribed both as regards their scope and the methods available to them. Surgeons rarely employed any methods apart from visual and manual examination of the passive partner’s anus to determine penetration. Only a handful of cases involve pox transmission as evidence for or against sex, which is perhaps surprising considering how common sexually-transmitted diseases were among navy men.⁵⁶ We would expect that in a greater number of cases men poxed their partners. However, Siena has suggested that transmission theory in this period focused so heavily on female to male infection that it occluded consideration of male-male transmission.⁵⁷ The trials may support his conclusion here. In any case, the pox brought its own host of diagnostic difficulties, so even its (apparent) presence would not necessarily solve anything, in any case. In an 1811 investigation the surgeon Rodolphus Kent found a disturbing group of symptoms in a young servant, including tumefaction

⁵³ For multiple appearances, see the two trials on William Maxwell. Robert Bowers and John Stephenson testified at both. William Maxwell trials (5 and 7-8 May 1828, ADM 1/5472, and 2 and 5 January 1829, ADM 1/5473). For the circumstances leading to the two trials, see Hickman, *Treatise*, 123-24, 210-11, and material relating to the first trial in ADM 7/316, case #16.

⁵⁴ For instance, John Appleby court martial (9 April 1696, ADM 1/5256); Thomas Robertson and Peter Mills court martial (8 Jan. 1806, ADM 1/5371).

⁵⁵ Luke Spencer and Stephen Baker court martial (20 March 1815, ADM 1/5448).

⁵⁶ For instance: Rodger, *Wooden World*, 80, 95, 321, 367-68.

⁵⁷ Siena, “The Strange Medical Silence.”

(swelling) of the anus accompanied by ulcers and a discharge along with a “fungous Exeresence” that he thought cancerous. He could neither identify the cause of the apparent disease (“it is very hard to decide whether it is venereal or not”) nor determine whether penetration had occurred. Like so many other surgeons, Kent avoided offering a firm interpretation by answering the prosecutor’s direct questions evasively. When examined, the defendant who stood charged with having sodomized the boy, Jean Tourney, had showed no signs of the pox himself. The court convicted Tourney and sentenced him to die, Kent having provided little help or guidance.⁵⁸

This range of methods was considerably more constricted than in other contemporary medico-legal practice. Lucchese practitioners and Zacchia both described a broader range of medical examinations than is evidenced in British trials, including investigation drawing on deep knowledge of possible anorectal disorders, correlative analysis of the suspected penis and anus, and venereal disease transmission.⁵⁹ Victorian practitioners, meanwhile, would suggest further possible measures. The physician Edward Charlton and surgeon Sir John Fife, for instance, called for microscopic examination and chemical testing in their medical opinions included in an 1840s criminal petition following a sodomy conviction at the Northampton Assizes.⁶⁰ Each stated that semen could only be known definitively from microscopic examination, and Charlton went further, arguing that any suspected fluid and stained linen should also be tested

⁵⁸ Jean Tourney court martial (3 January 1812, ADM 1/5422). Kent stated that what he found was “a very uncommon occurrence, which I never saw before.” For the sentence see in addition: *Hampshire Telegraph and Sussex Chronicle*, 6 January 1812, and *London Chronicle* 111 (1812), p. 29. See too Appendix A for linked trials. For a further example of the diagnostic difficulties of the pox: Isaac Wilson court martial (1 April 1809, ADM 1/5395), and Byrn, *Naval Courts Martial*, 339-40.

⁵⁹ Rousseau, “Policing the Anus”; Hewlett, “French Connection.”

⁶⁰ For Fife, see *DNB*.

using nitric acid.⁶¹ Later forensic texts also urged microscopy as well.⁶² However, there is no evidence in the surviving records that naval surgeons used any of these methods. This disjunct further reinforces the impression that there was no routinization of sodomy examinations, and the record of naval practice recorded in the courts martial may better reflect actual medico-legal practice than published texts or hortatory statements like Charlton and Fife's. Further research is needed, however, on Victorian prosecutions as well as the relationship between military and non-military forensic practices.

A telling detail contained in the petition to which Charlton and Fife contributed was the imprisoned petitioner's admission that his solicitor had urged him to pay for medical evidence at his trial but that he had declined to do so. He could not comply with this advice, he explained, for want of "pecuniary resources."⁶³ Complainants, prosecutors, and defendants in similar situations may have wanted to introduce medical evidence but in like fashion could not afford it.⁶⁴ In 1850 another petitioner, John Campbell, similarly claimed that "a medical Gentleman" had examined his stepson less than half an hour after the "supposed offence" and found nothing. Campbell could not afford to have him attend the trial to testify to that finding, though, and the jury convicted him. He was sure that the medical man's testimony would have led to acquittal.⁶⁵ Medical

⁶¹ Criminal Petition for David Denham, TNA HO 18/141/32. In the event the petition failed, though there is no reason to assume this outcome reflected on these medical opinions. "David Denham," at foundersandsurvivors.org, <http://foundersandsurvivors.org/pubsearch/convict/chain/c33a33860052> (accessed 1/28/16).

⁶² For example, Charles Meymott Tidy, *Legal Medicine* (London: Smith, Elder & Co., 1883), part II, 223-34.

⁶³ Petition for Denham, TNA HO 18/141/32.

⁶⁴ See, for example, the discussion and examples in Payne, "Children of the Poor," 283.

⁶⁵ John Campbell criminal petition materials, HO 18/268/27. However, in a later petition Campbell's wife admits that he had indeed committed the crime on her son. If her claim is true, this case also serves as an example of the ways in which parties could use restricted access to forensic services rhetorically. Upchurch discusses this case in detail in *Before Wilde*, 43-45.

evidence remained relatively inaccessible to many parties and simultaneously slippery and frequently inconclusive into the Victorian era.

Yet there is something of a paradox here. Official medicine's offerings were severely limited, yet it apparently remained attractive. Despite the challenges discussed above, investigators, courts, and other actors persisted in calling medical men. That they chose to do so indicates some of the ambiguity that marked lay attitudes towards their place in these matters. Sometimes these decisions were indeed rewarded with firm medical opinions; that is, some surgeons were fully willing to declare that a crime had or had not occurred, as we have seen.⁶⁶ In a 1709 case a panel of surgeons from the *Advice, Looe, and Pool* concluded that there had “never” been penetration, saving a man from a death sentence, for instance.⁶⁷ The promise of surgical evidence is powerfully exemplified in a later instance, the 1745 trial of George Trussen and John Baker. Belonging to the *Shrewsbury*, Trussen was a sailor and Baker a ten-year-old servant of Vice Admiral Stewart. Baker was not trustworthy—he was “a little wicked in his words”—but his body displayed signs that three surgeons agreed could have only been proceeded from penetration. Trussen was sentenced to hang and Baker, found complicit, sentenced to fifty lashes and being drummed ashore with a halter around his neck.⁶⁸ These were outliers, though. Some surgeons were remarkably circumspect, even when the evidence seems to have been damning. In one 1812 trial an assistant surgeon gave

⁶⁶ William Hughes and James Emmerson court martial (21 May 1706, ADM 1/5266), sentence.

⁶⁷ John Coise court martial (19 July 1709, ADM 1/5267), sentence. The charge was framed under the 33rd article, and Coise was convicted of a misdemeanor crime. Unfortunately, the minutes have not been located.

⁶⁸ George Trussen and John Baker court martial (21 June 1745, ADM 1/5285), depositions and minutes, and NMM LAU/12, pp. 50-54.

evidence that he had found marks of violence on the passive partner, including blood that was still wet. The active partner had a semen stain on his shirt and trousers, and his penis was red “as if used immediately before.” The surgeon reported to the lieutenant who had ordered the exam that “they had every appearance of having been doing what was improper,” but in court only reported the physical signs without hazarding any opinion. The two were only charged with a misdemeanor, and were convicted.⁶⁹

The inclination to call the surgeon was by no means universal. Unlike on land, surgeons were almost always easily at hand in the navy, though of course not always available.⁷⁰ In some instances, though, investigators simply did not think to consult a medical man, or actively decided against doing so. In a few cases investigators and courts treated these (apparent) lapses as serious oversights. One lieutenant apologized to a court in 1758 “for so great an Omission,” and in an 1838 trial Commander John Reeve explained that he only failed to order an inspection because he had been so shocked by the accusation.⁷¹ In the latter case it transpired that the commander also never subsequently ordered an examination either, however. He was not alone. In a number of trials courts or prosecutors asked directly about examinations only to learn that

⁶⁹ John Sutherland and Edward Millson court martial (17 July 1812, ADM 1/5428), sentence and minutes. For a similar example, see Patrick Muleraty court martial.

⁷⁰ In the Isaac Wilson court martial (1 April 1809, ADM 1/5395) there was no immediate examination because the first lieutenant did not know the surgeon was on board.

⁷¹ Robert Feathercoat and Thomas Horlock court martial (5 January 1743, ADM 1/5283), and Richard Inman court martial (19-20 October 1838, ADM 1/5484). In the former the investigating lieutenant thought an examination unnecessary because one partner had already confessed, though a surgeon’s mate admitted in court that he had failed to examine the passive partner despite his having “complained of his Anus’ being disordered by Feathercoat’s entering his Body.” This case shows clearly the court’s expectation that an exam would have been conducted.

investigators had never ordered any.⁷² In addition we find no hint of surgical exams in cases that would appear to have allowed for them. In these instances we cannot know whether surgeons did conduct exams that were never referenced at trial, or there had in fact been no exams. Nor can we divine these courts' attitudes towards examinations. It is clear that prosecutors were not obligated to bring forth surgical evidence when it had been gathered, and there are instances in which surgeons only appear in the defense portion of trials.⁷³ While naval cases made surgical inspections available to defendants who may not have had access in civilian settings, the surgeons who appeared were essentially state investigators and witnesses. Courts generally treated naval medical witnesses as impartial and there is little evidence of strong and obvious pro-prosecution partisanship, but we must nonetheless recognize (1) that there were strong pressures for surgeons to support the state's cases and (2) there was very little opportunity for dueling medical witnesses even though these trials were adversarial. Carter's case (discussed above) appears to indicate that courts and investigations could refuse to grant defendants' requests for surgical examinations, though his statement may simply have been rhetorical.

As we have already seen in some examples, surgeons generally agreed that the physical signs of sodomy abated with time. Some also suggested they did with

⁷² In addition to the two above, John Blake court martial (11 August 1758, ADM 1/5297); Benjamin Grimshaw and John Scott court martial (21 June 1809, ADM 1/5397); Lewis et al. court martial (2 March 1810, ADM 1/5403); George Irwin and Frederick Monseer court martial (25 March 1813, ADM 1/5435); Henry Hiatt court martial (3-4 January 1815, ADM 1/5447); and William Osborne and William Webber court martial (11 November 1822, ADM 1/5456).

⁷³ In the Daniel Henry Gibbs court martial (20 January 1815, ADM 1/5447) the fact of a surgical examination emerges in trial, but neither side introduces actual surgical evidence. In the John Bain court martial (11 March 1789, ADM 1/5327) the complaint letter reveals that a surgical exam failed to produce evidence, and in the trial itself the surgeon is then called by the defense. See too James Nairne and Benjamin Hensey court martial (3 February 1780, ADM 1/5315) and John Manning and Bartholomew Maddon court martial (16 March 1811, ADM 1/5414).

habituation as well.⁷⁴ Signs could vanish rapidly, so that any delay in ordering an examination might destroy its efficacy. In 1746 a surgeon's first mate opined that signs might not be visible as little as ten hours after a crime.⁷⁵ Allegations commonly surfaced long after crimes, when delays were unlikely to affect anything, and surgical exams were most likely to be useless. In instances of immediate neglect (as occurred in James Nehemiah Taylor's case), though, the failure to call a surgeon reveals that these investigators did not put an epistemic premium on such evidence. In the case of Lorenzo Greenard and Thomas Fuller the captain of the *Vengeance* did not order an examination until a week after the supposed crime, even though they were apparently detected *in flagrante*. In a reversal from normal procedure, it was Fuller, one of the defendants, who called the surgeon, who only appeared during the defense portion of the trial. The surgeon testified to his belief that immediate examination was necessary in such cases. He had found no positive evidence of penetration.⁷⁶ In contrast, when courts pointedly requested surgical evidence, *they* revealed the instability of this epistemic status. Different people clearly felt it was more or less valuable and persuasive. Thus, for instance, in John Blake's trial the court asked for surgical evidence only to learn that the goat he was alleged to have assaulted had instead quickly been slaughtered.⁷⁷ Some simply did not know whether medical men had anything to offer. In one trial an assistant surgeon explained that the first lieutenant had first asked him "whether I thought it proper that the Prisoners should be examined," for example.⁷⁸ The officer had apparently been unsure

⁷⁴ On habituation, see William Maxwell court martial (2 January 1829, ADM 1/5473), minutes p. 21.

⁷⁵ Hali Algiers court martial (21 March 1746, ADM 1/5289).

⁷⁶ Greenard and Fuller court martial, minutes pp. 7-8.

⁷⁷ It was standard practice to kill animals involved in bestiality cases.

⁷⁸ Morris Box and Thomas Owins court martial (23 July 1811, ADM 1/5417).

whether a surgical examination could reveal anything.

The available records reveal little about what form examinations took. There are some features we can discern, however, though of course as they were not routinized they must have differed from surgeon to surgeon. It is likely that exams were brief. One surgeon indicated that his exam lasted only fifteen to twenty minutes, for instance, probably a roughly representative period considering how limited any surgeon's repertoire of forensic techniques was.⁷⁹ Exams could be conducted anywhere, though the sick bay or berth was a standard location.⁸⁰ Those subject to examinations could expect them to be highly invasive, and in at least some cases semi-public. Men routinely used the term "overhaul," which also had a nautical meaning, to describe physical inspection (medical or not).⁸¹ Surgeons could visually and manually inspect the anus and penis, including pulling back the foreskin; palpate; and question subjects verbally. In 1894 supposed victim Cecil John Mosedale briefly described his surgical exam in trial testimony. He explained that the morning after the alleged crime, about an hour after being woken from his drunken unconsciousness, the surgeon performed his examination.⁸² He had the man take down his trousers, pull up his shirt, and lay on a table. The surgeon then presumably visually inspected his anus and rectum; he may have also done so manually. Mosedale stated that the surgeon had asked him whether he felt any pain, to which he replied that he did not.⁸³ The two trials involving Mosedale suggest

⁷⁹ Richard Hall court martial (24 January 1814, ADM 1/5440).

⁸⁰ For example: Hepburn Graham court martial (9 December 1806, ADM 1/5376); Richard Hall court martial (24 January 1814, ADM 1/5440); Luke Spencer and Stephen Baker court martial (20 March 1815, ADM 1/5448); and Robert Simpson and Henry Keenor court martial (19 October 1874, ADM 1/6323).

⁸¹ See *OED*.

⁸² The surgeon's testimony in the Arthur Neve Brown trial disagrees as to time (line 403).

⁸³ Arthur Neve Brown court martial, lines 31-35.

that medical examination (and, indeed, the investigation generally) in his case was perfunctory, and the fact that the surgeon did not even have the man fully undress supports that view. There is isolated evidence of yet more invasive methods. One surgeon penetrated the marine private Morris Box's anus with a "stick," apparently suspecting (incorrectly) that he would bring forth semen lodged in his rectum or colon.⁸⁴ Prisoners did not offer protests in court to treatment during examinations, and would have had no basis upon which to do so.⁸⁵ Rough handling of this sort, though, reenacted alleged violations, and reminds us that because of the class dynamics outlined in the previous chapter, supposed victims, passive partners, and low-status suspects had considerably less control over their bodies than did officer-class suspects. A surgeon was unlikely to do anything degrading, painful, or overly invasive to a superior.

As we have seen, even when surgical testimony did offer some evidence, it was often unhelpful. Negative medical conclusions, for instance, had limited utility for courts. Surgeons who strongly indicated that there had not been sodomy did not solve the case, they only (potentially) ruled out one outcome. 60% of trials in which surgeons declared that sodomy had not occurred still resulted in misdemeanor convictions. And many outcomes were also equivocal. For example, in a 1775 trial Vice Admiral Sir James Douglas called something of a blue-ribbon panel of surgeons. The surgeons of the

⁸⁴ Morris Box and Thomas Owins court martial, minutes p. 15. Surgeons appear to have regularly assumed that passive partners would retain semen in their bodies for some time. In one 1811 trial an assistant surgeon, for instance, testified to his expectation that he would "have found some of the semen within the verge of the Anus." He described the physiology of the rectum in these terms: "The sphincter ani is a muscle which surrounds the anus, the same... as a string does the mouth of a purse." This is a striking application of traditionally vaginal imagery to the male anus, giving yet another example of heterosex providing the interpretive repertoire for sodomy. This use is particularly intriguing, as it suggests an underlying sense of physiological and anatomical analogies between sodomy and heterosex—and perhaps even a sort of homology between anus and vagina as "sexual organs" (to use an anachronism).

⁸⁵ Compare this to complaints about confinement that I discuss in chapter five.

Marlborough, Barfleur, and Worcester examined the boy William Spalding and though they found “no Marks of Violence on the Part complained of,” all this meant was that there was no evidence of penetration. The examination occurred three days after the alleged crime, and “it depends on the particular circumstances” whether any signs would remain visible at that remove.⁸⁶

In other cases, surgeons offered what we can call “conditional positive” verdicts. In these, they would say that they had concluded that there had been penetration from the physical signs and *given the verbal claims* of the supposed victim. This approach could cause problems. In the trial of Henry Allen the surgeon William Francis Wye originally deposed that it was his opinion “from the Evidence given by” the alleged victim James Bonny that the signs he saw were “occasioned by the said Captn Allens having forced his Penis within” him. Later, however, at the trial, Wye was more circumspect. The court asked him whether “As a Professional Man and One of the Faculty” he was of the opinion that Bonny had been sodomized, and he responded that

It [“inflammation in the anus”] arose from Something having been forced up his Anus. The integuments were loose, and appeared to have been forced upward, and the Boy then affirmed that Captain Allen had had connection with him about 20 minutes previous.

He thus clarified that “I do not affirm by an Act of Sodomy, but it arose from something having been forced up it.”⁸⁷ His backtracking shows that he had decided that his initial conclusion had been hasty.

Considering the many limitations to surgical examination and evidence-giving, it

⁸⁶ Anthony Parrott court martial (31 May 1775, ADM 1/5307), minutes pp. 14-16 (fols. 111v-112v).

⁸⁷ Henry Allen court martial (22-24 April 1797, ADM 1/5339).

is no surprise that we find instances of surgical disagreement in a number of cases. In the trial of the quartermaster of the *Spey*, for example, her surgeon and assistant surgeon agreed on the signs they saw on John Hales, a supernumerary boy of the 3rd class, but they flatly disagreed as to whether they could have proceeded from a kick, fall, or blow.⁸⁸ Another striking surgical disagreement—from a 1761 trial at the Old Bailey, but still illuminating about the state of surgical knowledge in this area—involved two London surgeons unable to agree whether an alleged victim’s anus was lacerated. Although the prosecution understandably only brought the one who had identified laceration, the court requested the other as well. This second surgeon asked in court: “If the Court will let us take the Prosecutor out and examine him, I can convince the young Gentleman,” his colleague, that “there was no Laceration.”⁸⁹ Examples like these indicate the degree of uncertainty that surrounded the forensic medical examination of sodomy in British courts.

William Berry’s trial vividly illustrates many of the problems and complications that came with medical evidence.⁹⁰ His was an unusual case, one that received substantial attention at the time and has since in the historical literature as well.⁹¹ Medical evidence was central to the trial. The victim, a boy 2nd class named Thomas Gibbs, made a number of claims about bodily events that investigators and the court sought to test.

Gibbs claimed that Berry had caused him pain in penetrating him, for instance, and the

⁸⁸ James Quinn court martial (4 September 1815, ADM 1/5451), minutes pp. 20-3. For another example, see Hepburn Graham court martial (9 December 1806, ADM 1/5376). Gilbert, “Buggery,” 77 and 93nn40-41 briefly discusses surgical evidence in this case, but misidentifies it as the trial of John Sky. Sky was in fact a fifteen-year-old boy, and one of Graham’s victims. Only Graham faced charges.

⁸⁹ OBP, trial of Thomas Andrews, 6 May 1761 (t17610506-23).

⁹⁰ The following draws on the original trial documents: William Berry court martial (2-3 October 1807, ADM 1/5383).

⁹¹ Contemporary coverage will be discussed in the press chapter. For historiographical discussion, see, among others: Suzanne Stark, *Female Tars*, 119-21; Rodger, *Command of the Ocean*, 506; Roy Adkins and Lesley Adkins, *Jack Tar: Life in Nelson’s Navy* (London: Little Brown, 2008), 183-84.

court asked him to describe whether Berry had ejaculated. The prosecutor's questioning of Gibbs demanded considerable detail:

Prosecutor: When the Prisoner's Privates were in your fundament, as you have related, did you feel anything come from him?

A: Yes.

Prosecutor: What did you feel come from him?

A: I don't know what it was, it was the same as if he was making of water [urination].

Prosecutor: You have stated to the Court that at two different times the Prisoner held down your head and put his privates in your mouth. Did anything at either of those times come from him?

A: Once. I don't know what it was, it was something white.

Prosecutor: How do you know it was white?

A: It runned out of my mouth.

Prosecutor: Did you look at it particularly?

A: Yes.

Prosecutor: Where were you at the time you looked at it?

A: In his Cabin.

Prosecutor: Was there a light?

A: Yes.

As we will see below in the consideration of victim testimony, questioning like this served to test young witnesses' veracity. If they could speak in a plausible fashion about sexual activities they were unlikely to know about firsthand, it added to their credibility. As in the Carter example considered above, this examination of proscribed sex also relied on vernacular understandings of the mechanics of sex.

The sloop's surgeon examined Gibbs, but found no signs whatsoever. He did not feel that his examination ruled out penetration, though: "My opinion was, that from the age of the boy, I thought that that act could be committed on a boy of his years without any laceration of the anus" (emphasis in original). This surgical testimony was not illuminating. Berry, however, called upon other medical men in a unique attempt to prove

that the crime simply could not have been committed. He brought in William Sandell, an apothecary and man-midwife from London, who told the court that about two years earlier he had prescribed medicines to Berry for impotence, a “debility of muscular powers belonging to the penis so as to render the state of erection incomplete.”⁹² Berry has also consulted two other surgeons for the same condition.⁹³ Sandell testified that “all our opinions are such that it is not possible for him to commit the crime that he now stands charged with. The Medicines have not taken the desired effect, bathing and various things have been prescribed without advantage.” He stated that three London colleagues (“of the first medical abilities”) agreed that signs would have to remain on the boy, and that in any case it would have been “impossible for a first attempt of Sodomy to have been committed without a perfect erection of the penis.” Sandell’s testimony was one of the main components of Berry’s defense, and at first it seemed solid.

His medical evidence did not withstand much scrutiny, though. The court asked how long it had been since Sandell had examined, or even seen, the prisoner. It had been about two years. When asked how he could then know of Berry’s continued impotence, he explained that it was his conclusion based only on the fact that Berry had continued ordering medicines from him. Sandell did claim, though, that in his recent examination he had found that Berry could not reach erection and had therefore concluded that he could not commit sodomy. The medical man could not deny that Berry was capable of ejaculation, however, and had to admit that he himself was not a “regular bred Surgeon.”

⁹² Sandell also gave evidence at the 1812 Old Bailey trial of Susan Burrows for infanticide, where he identified himself as a surgeon, apothecary, and man-midwife to St. James’s Infirmary. OBP, 1 July 1812 (t18120701-17).

⁹³ Berry produced a certificate from the two other London surgeons. It is recorded in the trial documents.

Worse, it came out that he was “Very distantly related” to the prisoner. Berry was his wife’s nephew. Far from helping his case, Sandell now appeared to have become a liability.

Following the Sandell debacle, the court took the step of calling the surgeons of the *Hazard*, *Salvador del Mundo*, and *Resolve* to look at the prisoner and report as to whether they believed Berry’s penis could become erect and whether he could ejaculate. The surgeons, including the *Hazard* surgeon who already had already known Berry for the better part of a year, examined him and came to a completely different conclusion from Sandell: he “is capable of an Erection and complete Emission in the act of Generation.” Lest this provide too clear guidance however, they qualified their conclusion by stating that “we think it our duty to add that the subject as it involves some nice and intricate points in Physiology, renders the criteria upon which we have grounded our opinion as not at all Times absolutely conclusive.” As the case accumulated medical men matters only became increasingly muddled and confused. The shift to “nice” physiological questions here is also suggestive of a more general movement that occurred in the trials, in which surgeons separated their expertise from lower-deck vernacular knowledge and thereby ceded most of the epistemic ground and contented themselves with discussing subtle and often unresolvable points.

If expertise is not the appropriate category for discussing surgical contributions, I would suggest that credibility borne of general bodily knowledge—*not* any specific knowledge of sodomy—fits much better. Surgeons could enjoy certain authority based on their warrant officer status and their learning, such as it was from practitioner to

practitioner. However, credibility largely stemmed from others' appraisal of the depth of their knowledge about how men's bodies worked and more general considerations of intelligence and veracity, just as with any other member of the company. Surgeons' often liminal status in shipboard hierarchies and the wide variance in their training and personal qualifications ensured that their standing in these and other matters differed from case to case. It is important to bear in mind that the status of surgeons generally remained variable throughout the entire period. Other men could have equally strong standing to give bodily evidence, especially if they were willing to speak on points that surgeons generally avoided.

This dynamic is particularly obvious in bestiality trials, where the object of investigation was a non-human body and therefore surgeons had an even more tenuous claim to relevant knowledge. Bestiality was only prosecuted if the sex was discovered *in flagrante*, as we have seen. Often the evidence gathered by men who made such discoveries was all that appeared in the ensuing trial, suggesting that no other bodily examinations were thought necessary.⁹⁴ In other instances men and animals were examined later either by order or individual initiative. A range of different men claimed the ability to speak about animal bodies in these cases, including those with occupational associations with animals (a former poulterer, ships' butchers), surgeons, and common sailors.⁹⁵ What knowledge and experience could confer authority was not defined, leaving it to participants to claim or reject the power to speak. Some surgeons, for instance,

⁹⁴ For example: John Harding court martial (19 January 1814, ADM 1/5440); George White court martial (25 January 1825, ADM 1/5469).

⁹⁵ Abijah Dicher court martial (19 September 1699, ADM 1/5261), fols. 97r-98r (poulterer); Nicholas Alexander court martial (10 January 1811, ADM 1/5412) (butcher); Samuel Branter court martial (1 November 1809, ADM 1/5400) (surgeon).

readily applied their medical knowledge of humans to animals, while others declined to do so. William McLaughlin, surgeon of the *Elizabeth*, brusquely refused to speculate on the signs on sexual intercourse with a goat by telling a prosecutor (his captain, Edward Leveson): “I am not at all acquainted with the Anatomy of a Goat and cannot say.”⁹⁶ The heterogeneity of the evidence offered in these cases shows that the attitude both in investigations and trials was rough and ready; men were asked to make examinations, or elected to do so, because they were at hand and might have useful knowledge.

The question of whether actors could speak authoritatively was most vexing when it came to alleged victims. Passive partner testimony was an essential source of evidence.⁹⁷ It was also, naturally, quite problematic, especially because so many victims were young and ran the risk of being found to have consented or were suspected of making malicious allegations.⁹⁸ It would therefore be inappropriate to try to use victim testimony to construct a phenomenology of sexual abuse and rape. The legal and cultural constraints were simply too restrictive to allow victims to describe anything other than a narrow range of experiences. Indeed, these are so narrow that they become stereotypical. That is not to say that they are not (potentially) true or that they cannot in some ways represent the experiences of victims, but the pressures put on victims during investigations and trials clearly forced them to follow the few routes open to them: to claim sexual naivete; to claim that violence had been offered and that they had been prevented from making an outcry during and after the crime; to state that they had offered

⁹⁶ Patrick Higgins court martial (7 October 1812, ADM 1/5431), minutes p. 11.

⁹⁷ Gilbert, “Buggery,” 75-77.

⁹⁸ Ibid. This factor is also discussed in Roland Pietsch, “Ships’ Boys and Charity in the Mid-Eighteenth Century: The London Marine Society (1756-1772)” (D.Phil. thesis, Queen Mary University, 2003), 228-29; Burg, *Boys at Sea*; and others.

physical resistance but had been overpowered; and so on.⁹⁹ Insofar as victim testimony became stereotyped, however, it actually tells us a great deal about cultural expectations of the bodily experience of passive partners. Observers expected victims to say certain, specific things about the experience of sexual assault. Investigators and courts actually used these statements as tests of credibility. Victim testimony therefore allows us to map out the realm of of bodily experience of sodomy about which men and boys were potentially able to speak authoritatively and to determine some of the common knowledge about sodomy.

The trial of Bartlett Ambler, mate of the *Tisiphone* sloop, exemplifies both the character of victim testimony and the discomfort its use caused.¹⁰⁰ His accusers, and the only witnesses to his alleged crimes, were four young boys between twelve and thirteen years of age. As a result, the prosecution rested heavily on the credibility of the boys, including the plausibility of their descriptions of the sex to which they had been subjected. For instance, John Davy, thirteen years old, gave a detailed and realistic account of what he had experienced. He claimed that Ambler “took his cock and put it in my arse, he tryed to put it in so far as he could, he put it in so hard that made me cry out.” He tried again, but Davy stopped him and he instead put his yard between his legs “and the water ran down my Thighs.”¹⁰¹ All the boys were asked how far Ambler had penetrated their bodies, and all gave believable answers. Ambler was accordingly

⁹⁹ Violence and coercion are common. For an example of a naive victim, see James Brown and Charles McCarthy court martial (7 January 1804, ADM 1/5365).

¹⁰⁰ Bartlett Ambler court martial (22 April 1805, ADM 1/5369); ADM 12/26, pp. 58-71; and Robert Liddel, *A Detail of the Duties of a Deputy Judge Advocate* (London: by H. Bryer, 1805), 52-54, 60, 141. Gilbert, “Buggery,” 76, uses this example to illustrate a similar point.

¹⁰¹ Ambler court martial, minutes p. 3.

convicted and sentenced to die—but with a recommendation for mercy citing “the hardship the Court have laboured under in being obliged to condemn a man to death, upon the Evidence of four Boys the oldest not more than thirteen years of Age.”¹⁰² Shortly after the King did pardon him, and he was dismissed from the navy. The deputy judge advocate at the trial, Robert Liddel, later explained in print that in fact “there was not a Doubt entertained of his Guilt” on the court, but that “a Disposition to Mercy prevailed” and, again, that the court “felt it an Hardship to be obliged to condemn a Man to Death on the Evidence of Infants.”¹⁰³ This perplexing explanation appears to indicate that the court did feel that Ambler was guilty but also that the evidence was weak. Why they then convicted and recommended mercy is unclear. In any case, the trial and its aftermath shows that even young victims could speak authoritatively about what had happened to them, but trusting them—especially when young—was never simple.

Expectations of sexual maturity and knowledge transformed substantially over the course of our period. Take assumptions about sexual naivete among young men. By the 1820s one court was asking a nineteen-year-old landsman how he could understand what exactly intercrural intercourse was. The man—and by his rating he decidedly was a man and not a boy, though he appears to have generally been called a “boy” on the vessel—described his commander putting his penis between his young victim’s thighs and “act[ing] as he would to a woman” until he had “pleased himself.”¹⁰⁴ The court

¹⁰² Ibid., Earl of Northesk to William Marsden, 22 April 1805.

¹⁰³ Liddel, *Detail of the Duties*, 141.

¹⁰⁴ All three complainants are treated as boys, though only one held that rank. A description of this last sailor, who was sixteen while the other two were nineteen, suggests one set of characteristics that could mark boys as boys. The boatswain of the *Leveret* described knowing him from his “meek” voice alone. He explained that “his voice I could tell in particular of all Men or Boys in the ship,” because he had a “fine small voice, weak, more like a Woman’s than a Man’s voice” (emphasis in original).

responded: “You say the Prisoner acted upon you as upon a Woman, how do you know that, you are a young man.” “I know that much,” he replied.¹⁰⁵ As this indicates, experience of sexual contact with women was understood to grant knowledge of what sodomy was as well, something we have already seen in the case of Abraham Minnett, the young eyewitness in the James Nehemiah Taylor case. Earlier courts were less likely to assume naivete. In an exchange from 1799, for instance, it was clear that the officers expected that a seventeen-year-old would know about normative and non-normative sex from fellow sailors, from hearing the Articles of War read, and from heterosex:

Court: Did you ever hear the Articles of War read on board the cutter?

Witness: No Sir.

Court: Had you ever any connexions with a Woman?

Witness: Yes Sir.

Court: Before the Transactions happened with the Prisoners?

Answer: No Sir[,] since that.

Court: Did you know the expressions you have made use of before that [referring to completing sex acts and “spending” in particular]?

Answer: Yes.¹⁰⁶

Throughout our entire period, even boys could potentially claim authority to speak on these issues.¹⁰⁷ Their presence in trials, and especially as supposed victims and as complainants, was nonetheless a constant source of tensions.

These tensions illustrate one of the reasons why the turn to the body was, and was seen as, powerful. As we have already seen in the instances of Jorden’s reference to his “Arse” speaking the crime, and in the Trussen and Baker trial in which the boy was “a

¹⁰⁵ John Harrison Bowker court martial (7-10 and 12-13 March 1827, ADM 1/5471), minutes pp. 22-23. Emphasis in original.

¹⁰⁶ George Sargent court martial (9 Dec. 1799, ADM 1/5351).

¹⁰⁷ For another example, consider the knowledge tests administered in the Henry Allen court martial to the boy Edward Woodger. One took this form: Question: “Do you know what the Act of Sodomy consists in? Describe what you call the Act of Sodomy committed by the Captain on your body.” Response: “I know no more than frigging of me, He fucked me, He pulled down his trowsers. He laid me on my Belly on the Locker. He put his Prick into my Fundament.”

little wicked” in his words, a victim’s body could sometimes articulate a crime more eloquently and persuasively than he could. Or that was the hope, at least. In a number of trials victims even claimed that they did not consciously experience their sexual violation, but that their pain and other physical symptoms revealed that it had occurred.¹⁰⁸ When victims could not or did not point to such clear-cut evidence, they instead followed strict patterns in describing the physical sensations and physiological events that came with sodomy. These were all hazardous, as they raised difficult questions about victims’ behaviors. Pain was the most common effect and symptom. In rape narratives it evokes violation and may suggest a sense of virginity (habituation also sometimes being understood to reduce the pain of anal penetration). Narratives of suffering tied pain to bleeding, anal injuries, pain at stool, and difficulty urinating.¹⁰⁹ Invoking these added credibility to a story, but also forced the teller to explaining and justify his reactions. If he had experienced pain, had he made an outcry? And if he had later signs or symptoms, did he tell anyone or go to the surgeon?

As we have seen in some previous examples, the detailed mechanics of the sexual violation also were important in victim testimony. The depth of penetration—important in the Ambler trial—was one recurring element. The length of the sexual encounter likewise featured in much testimony and questioning. Victims sometimes made implausible claims as to the length of sexual encounters. The experience of ejaculation was also key. As with depth of penetration, it could be used as a proxy for penetration itself, and like length of

¹⁰⁸ Charles Christian and Richard Smith court martial (6 November 1692, ADM 1/5253), fols. 226-29, 234; Robert Feathercoat and Thomas Horlock court martial (5 January 1743, ADM 1/5283); Joseph Parsons court martial (26 January 1748, ADM 1/5292).

¹⁰⁹ For instance: Henry Allen court martial (22-24 April 1797, ADM 1/5339); Thomas Robertson and Peter Mills court martial (8 January 1806, ADM 1/5371).

sex could test credibility. As we saw in chapter 1, for instance, the boy John Nowland claimed that Parker “pissed a pint of his matter upon me.”¹¹⁰ We saw in the Berry case the level of detail courts sometimes sought regarding ejaculation and ejaculate. Courts heard evidence of color, viscosity, temperature, location, and amount. In their efforts to establish credibility courts and prosecutors at times made knowledge demands that can appear absurd or even cruel to a modern observer. Asked to describe the temperature of the semen Hepburn Graham ejaculated into his body, a fourteen-year-old answered: “I cannot tell, I was so frightened.”¹¹¹ Courts and prosecutors evinced little sympathy for victims, including boys, but their expectations that anyone in the service could potentially produce highly detailed bodily knowledge relating to proscribed sex often elicited damning evidence.

Lower-Deck Bodily Monitoring and Knowledge Creation

It is important to bear in mind that victims made their statements while facing real danger. The age of male consent was fourteen, meaning that the state was empowered to hang adolescents if a jury felt they had consented. Courts and juries could find even younger boys culpable as well, and sentence them to corporal punishment or execution in extreme cases.¹¹² Making a false sodomy accusation was also a serious offense, and of course the implications of bringing a charge went far beyond formal legal sanctions. Victims risked life-altering social consequences, violence, incarceration, informal

¹¹⁰ James Parker court martial.

¹¹¹ Hepburn Graham court martial (9 December 1806, ADM 1/5376). Graham was convicted and hanged. See *Hereford Journal*, 17 December 1806, and *Later Correspondence of George III*, vol. 4, 498.

¹¹² On consent: Simpson, “Masculinity,” 429.

punishments, and the ends of their careers when they made charges. The severity of the threats that came with charges further emphasizes victims' need for credibility and helps to explain why speaking was often difficult for them.

It also further explains recourse to the body as a source of evidence. The body could seem unbiased, epistemically sound and deeply eloquent in a way that oral testimony was not. The reality of bodily evidence was considerably more complex, as we have seen. Displaying one's bugged body appears to have been a common tactic, however, and certainly not a uniquely naval one.¹¹³ In the case of David Wilson's complaint against his master William Prentice of the *Unity* merchantman (see chapter one for a discussion of the context of the case), depositions reveal that about a week after the supposed crime, when the vessel reached the Baltic port city of Memel (now Klaipėda), Wilson revealed the crime to his shipmates and showed them his fundament which, they agreed, was "sore." It is unclear from the depositions whether that description indicates their assessment of the actual state of his anus, or what he had told them about his symptoms. Reactions to this evidence varied as well. It apparently induced the sailors to support Wilson's charge, yet in their opinion the King's Advocate and Attorney General did not regard it as compelling. They concluded that Wilson's story was "rather an extraordinary one," and "as far as it relates to the Prisoner is totally unconfirmed" apart from one man's claim that he heard Prentice say something suspicious to Wilson.¹¹⁴ It nonetheless had enough purchase to at least reach their desks, and the practice remained

¹¹³ It also emerges at times as an expectation of supposed victims. One court first asked a boy whether he had complained to a surgeon, and then asked more generally: "Did you shew your backside to any body after this?" James Toole court martial, minutes p. 4.

¹¹⁴ ADM 7/301, no. 9.

important for victims making allegations. In another case, for instance, a sailor showed a shipmate his abused fundament, which the latter testified was “as Red as a Piece of Scarlet.”¹¹⁵

Displaying one’s mistreated body relied on pervasive practices of lower-deck body monitoring. Men and boys needed witnesses who knew how to look at and interpret bodies, and they assumed that their shipmates were keeping a close watch on them and could make use of the knowledge they generated. This sort of witnessing therefore fits within a more general set of practices of bodily monitoring. It was not only that victims showed fellows their bodies in these rare instances, but indeed that shipmates kept a routine watch on each others’ bodies. Courts, investigators, and prosecutors understood this, expected it, and indeed relied on it in pursuing and trying cases. There were cultural and social expectations that men would engage in these practices. We see them, for instance, in justifications for investigating suspicious circumstances. In one trial a court quizzed a witness about whether he had felt in a suspicious hammock “to be Satisfied that what had been done, was by the Prisoners.”¹¹⁶ The court clearly expected that a man suspicious about bodily misdeeds would go and investigate them.

In the James Nehemiah Taylor case, the court asked the marine Benjamin Kingdon to confirm whether the boy Ashton (Taylor’s apparent victim) was male or female. It was not as unreasonable a question as it may seem. The Berry case included evidence from a young female sailor, Elizabeth Bowden, who had passed as male. If Ashton was a girl, Taylor’s crime might be much less serious. He might not have even

¹¹⁵ Benjamin John Bray court martial (14 April 1808, ADM 1/5386).

¹¹⁶ Feathercoat and Horlock court martial.

committed a crime at all. Kingdon, however, assured the court that the boy was in fact a boy. He knew well, as he had seen “his private parts several times.” The presence of sailors like Bowden or Mary Lacy, “the female shipwright,” shows that body monitoring was not perfectly invasive. In the book she published about her experiences, Lacy herself marvels that she kept her sex a secret for years while “I was almost continually in company with 700 men for that time, without incurring the least suspicion of being a woman.”¹¹⁷ There were limits to what shipmates could learn, especially if one sought to keep it hidden. Yet the trials make it clear that body monitoring was routine and often highly invasive.

As the court’s question about Ashton’s gender suggests, intimate bodily witnessing and even some intimate physical contact between shipmates was regular, regularized, and normalized. At this time Britons generally displayed tolerance for a degree of intimacy that would be profoundly uncomfortable to modern westerners. For instance, nonsexual same-gender bed sharing was universal, and even occurred among strangers. It is a common element in sodomitical crimes narratives on shore well into the nineteenth century, in fact.¹¹⁸ In the navy close quarters, demanding physical and skilled labor, and the need to carry out all bodily functions in the restricted space of the ship, among other factors, produced intense intimacy. The boundaries of these practices were not static in the navy over time, of course. An 1813 trial reveals, for instance, that Captain Robert Barrie of the *Dragon* had banned men from sharing sleeping spaces.¹¹⁹ The same

¹¹⁷ Mary Lacy, *The History of the Female Shipwright*, ed. Margarett Lincoln (London: National Maritime Museum, 2008 [1773]), 8.

¹¹⁸ E.g. Statement of Henry Mundy against George Hibbs, 13 December 1826, Middlesex Sessions, LMA MJ/SP/1827/01/077.

¹¹⁹ William Wallace and Joseph Isles court martial (3 June 1813, ADM 1/5436 and NMM WAR/22).

had happened on the *Tremendous* a few years earlier as well when Captain John Osborn ordered that any man who went into another's hammock would be punished. The ship apparently experienced a rash of incidents related to homoerotic intimacy. Osborn implied that multiple men were punished for this infraction, and it came out at the later trial of one of his sailors that the man's victim had alleged a previous attempt at sexual assault.¹²⁰

This, then, was one area of troubling ambiguity in homosocial physical intimacy, of the sort discussed in the previous chapter. Hammock sharing was clearly common, as evidence given throughout this thesis indicates. As Thomas Malcomson notes, the idiosyncratic rule on the *Dragon* indicates that she had experienced other sexual crimes, and in fact there had been another prosecution of one of her complement for a sodomitical crime just a day before the trial referenced above.¹²¹ As late as 1875 Vice-Admiral Sir Alfred Ryder, Commander-in-Chief of the China Station, made clear that in warm climates "men are not prevented from lying about the Lower Deck in a state only slightly removed from nudity."¹²² In a much earlier case two lower-deck men had noted in their defense "how easy" it was for observers to misunderstand such situations; for intimacy to become sodomy.¹²³ The opposite was true too: the lower deck could fail to socially produce sodomy when others wanted it to do so or would have expected it. In an 1800 trial, one witness recounted viewing, with apparent equanimity, the two defendants

¹²⁰ Carol Manning court martial (17 Dec. 1802, ADM 1/5362), minutes pp. 3-7.

¹²¹ John Martin court martial (2 June 1813, ADM 1/5436), and NMM WAR/21 and WAR/22. Malcomson, "Creating Order," 226-27.

¹²² Thomas Merry and George Brown court martial (24-5 June 1875, ADM 1/6369). Or as the acting chief carpenter's mate said in court: "It is not such a very unusual thing to see a man lying down with only his flannel on."

¹²³ William McMaster and John Callaghan (29 July 1799, ADM 1/5350), defense.

get into a hammock together. They were “very peaceable and their two hands were across one another’s Neck.”

Court: Did it not appear to you a very extraordinary circumstance seeing two Men get into the same Hammock together?

Answer: No I can’t say it did ‘cause I see’d nothing but that of being in the Hammock together.

The court was displeased with this man’s evidence, deciding that he had acted contemptuously and summarily sentencing him to two months’ imprisonment, though the exact reason for the court’s decision here is unclear.¹²⁴ This case shows, in any event, that the ways in which lower-deck men monitored space and bodies did not necessarily produce sodomy. The practices had their own place in working-class maritime culture, and it often required collaboration with the lower deck and forceful reshaping and recasting of its knowledge to pursue investigatory and prosecutorial ends.

Hammock sharing is only one example of the ways in which lower-deck monitoring became involved in the deep ambiguities of naval homosociality. We can extend comments made in the previous chapter about other areas of bodily familiarity and intimacy, which were variously liable to violation, misinterpretation, or use as excuses to cover wrongdoing. In one Victorian trial a boy explained that what had been seen as—and was eventually ruled to be—indecent conduct between him and a man had in fact been constructive bodily intimacy. In this telling, the two were looking after each others’ ailments. The boy first inquired after pains the defendant, a boatswain’s mate, perennially suffered in his jaw (or face, or head). Then the man “felt some lumps on my groin I told

¹²⁴ William Harris, John Harrison, John Douglas, and John Ware court martial (14 and 16 June 1800, ADM 1/5355), minutes pp. 18-19.

him of.”¹²⁵ They discussed the boy’s disorder. He apparently suffered from condyloma, genital warts.¹²⁶ The report from the pre-trial court of inquiry states that the boy suffered from secondary syphilis and these warts. Another boy also knew about the warts, and he read the physical intimacy between the two quite differently. He saw a case of “sodomiting.” This second boy claimed the poxed boy had presented his disease as piles, but without much credibility: “he [the second boy] did not believe it was the Piles, as the Boys expected him to be going on the same game as he then was, all along.” There were suspicious signs, this second boy thought—among them, “to see a male always bringing a Boy caps and clothes for nothing.”¹²⁷ In countless cases like this homosocial interactions and bodily monitoring furnished the raw material that could, given the right conditions, produce sodomy.

Bodily monitoring is most readily apparent in sodomy cases in those instances in which observers ferreted out crimes by observing victims, cases that mirror those in which victims voluntarily put their bodies on display. In one a gunner’s mate noticed that a boy was coming out of gunner Peter Mel’s cabin “not looking as usual,” for example.¹²⁸ Defendants relied on these practices as well to bolster their cases, arguing (for instance) that complaints were not believable because nobody had, in similar fashion, witnessed any signs of pain or disorder in supposed victims.¹²⁹ Courts also sought such knowledge to test claims, asking questions like “Did he walk as usual” of witnesses after victims

¹²⁵ The exact location of the man’s pain differs in different accounts.

¹²⁶ “Condyloma” is the term used in the medical evidence. Henry Giddy court martial (30 September 1862, ADM 1/5808).

¹²⁷ Ibid. In his defense Giddy does not support the lumps claim, nor did the boy, Cox, introduce it at the pre-trial court of inquiry.

¹²⁸ Peter Mel court martial (15 February 1739, ADM 1/5275).

¹²⁹ E.g. John Carter court martial (11 May 1747, ADM 1/5290).

described experiencing pain.¹³⁰ Much the same took place on land. In 1779, for instance, eleven-year-old Thomas Read's mother discovered the crime that had been committed on him from a discharge he left on his bed sheets.¹³¹ Physical evidence of this sort could play a central role in charges and prosecutions. Semen, for one, was sometimes important in the discovery of illicit sex, even beyond its role in victim narratives. "Tokens of Emission"—as one report of a 1730 Old Bailey trial put it—were signs of illicit behavior.¹³² When John Predle was taken up in 1834 his accuser pointed constables to the wet spots on his breeches left when he had ejaculated earlier in the night.¹³³ And yet, as with other sorts of evidence, practices were uneven and there was wide interpretive latitude. In one late nineteenth-century case, the court showed interest in the question of whether there had been examination of the victim's bedding—presumably to look for bodily fluids and discarded clothing—but it was clear that the investigators had made no effort to inspect it.¹³⁴

The trials also reveal that men and officers were careful observers of physical behavior they deemed indecent, particularly on the part of officers. The lines separating the acceptable and the unacceptable were complex and relied on a fine web of cultural thought that is challenging for historians to excavate and could even be difficult for actors to articulate clearly. Norms also shifted over time and were always open to contestation. In an 1803 trial one seaman explained of the prisoner, a boatswain, that he had never seen

¹³⁰ Anthony Parrott court martial (31 May 1775, ADM 1/5307), fol. 110r. Similar evidence is used in, for instance, the Benjamin John Bray court martial.

¹³¹ OBP, trial of Charles Atwell, 20 October 1779 (t17791020-5).

¹³² OBP, trial of William Hollywell and William Huggins, 4 December 1730 (t17301204-22).

¹³³ Statements in the case of John Predle, 5 May 1834, Middlesex Sessions, MJ/SP/1834/05/078.

¹³⁴ George Sheppard court martial.

him “commit indecencies” but *had* “seen [him] behave indecent by exposing himself naked.”¹³⁵ Witnesses against Lieutenant Samuel Spencer in his 1814 trial alluded to “indecent postures” that he assumed with his servant.¹³⁶ It emerged, though, that the most questionable behavior involved the young servant fanning a shirtless Spencer in his cabin. There was disagreement among observers as to whether this was indeed indecent. The court suggested in its questioning that if Spencer had been sick this activity would have been appropriate. Witness testimony, by contrast, indicated that no matter the context, engaging in such behavior behind closed doors was deeply suspicious. There was therefore disagreement between trial participants about the nature of what was alleged. After master Robert Fulton first described the fanning, the court showed that it had never in fact understood the fanning to qualify as “indelicate postures.” In the end the court found nothing indicating an “improper connection” between the two, but did find that Spencer had acted in a manner not befitting an officer and gentleman in ordering the fanning. His alleged partner or victim—who protected the officer in his testimony—likewise described the charge as one of “ungentlemanlike conduct.” They therefore deployed a different, though related, category to cover his actions. That category attempted to efface homoeroticism from the case.

The Range and Remit of Lower-Deck Bodily Evidence

The preceding discussion and examples encountered in this and previous chapters have already suggested the breadth of bodily evidence sailors introduced. Its range was

¹³⁵ William Leist Kemp court martial (19 and 21 November 1803, ADM 1/5364).

¹³⁶ The following all draws from Samuel Spencer court martial (8 Jan. 1814, ADM 1/5440).

broad where that of surgical evidence was remarkably narrow. Compare the sort of evidence seen above, and in particular the evidence offered by the assistant surgeons Porson and Cullen in the James Nehemiah Taylor case, with the sort of evidence presented in it by non-surgeons. Beyond what Minnett had offered, which opened this chapter, the sailmaker John Harris also gave his own account of peering through the hole in the cabin. When he did, he saw that Taylor had his coat off and his pantaloons down, and was

directing his yard (I mean his private parts) towards his Backside, it was in his Backside he was working himself backwards and forwards, and using him as he would any woman, he had his two hands upon the Boy's Loins.

Harris looked on for a few minutes while the man continued to move in that fashion

“with his Penis in the boys backside all the while it was in an erect or standing state.”

Harris finally left to seek out a marine officer to arrest the offenders, but could not find one, and so returned.

Some boys collected outside of the cabin desired Harris to force its door, but he refused. He instead urged Minnett to tell his master, the purser, about what they had witnessed. Minnett begged Harris to go and do so instead, but the sailmaker refused. He did, however, write a note to the ship's captain, who proceeded to interrogate Harris.

Some time after this, Taylor sent for Harris and demanded “what all this Racket was rose about.” Harris replied that he had “seen him making use of Thomas Ashton.” The surgeon rejected this charge completely, explaining that he had only been overhauling the boy for boils. Taylor begged Harris to confirm this story to their captain. Harris refused, though:

“Sir, says I, I am an Englishman born, and the oath of an Englishman I will not go

beyond for no Person as you desire me to lett Captain Lysaght know that you was overhauling for boils I shall tell him what you say.” And so he did.

In his testimony in court Harris gave evidence that he presented as not only the result of straightforward observation, but also the fruit of his own reasoning about the mechanics of illicit sex. He indicated to the court that his testimony proved penetration. He had seen the surgeon’s penis go so far in the boy’s body that “I could sometimes see it and sometimes not at all.” He must, therefore, have committed the felony crime. The court asked whether it was possible that what he had seen was intercrural (“Might not his Yard or Penis be between his Thighs?”), but Harris stated that this was impossible: “No it was too high up.” Thus Harris, unlike the assistant surgeons, took the initiative to present not only actions he had witnessed, but also his conclusions based on the bodily knowledge he had gathered.

The final portion of this chapter will explore the broad contours of vernacular bodily knowledge in the trials in an effort to suggest its full extent. One of the most common elements in lower-deck testimony was the state of dress of different men. Untucked, torn, unbuttoned, or missing clothing—or men hastily trying to dress—signaled that something unusual had been going on. This served as a key type of circumstantial evidence, especially as men apprehended like this could be presented to other witnesses in their disordered state. This sort of evidence frequently featured in civilian cases as well.¹³⁷ Undress sometimes extended to inappropriate nudity. Bare buttocks and genitals were an even stronger sign than disordered or missing clothing that

¹³⁷ A good example is found in the statements taken in the case of Samuel Lawrence and Lawrity Johanson, 21 June 1834, Middlesex Sessions, LMA MJ/SP/1834/06/078.

something was amiss. Recall the example of the boy Spalding from the 1775 Parrott trial, in which the ship's butcher's wife spied the boy's penis out and erect at an inappropriate time.¹³⁸ Different levels of nudity were appropriate at different times and places, and those on ship marked inappropriate nudity closely. As we will see, close attention to the state of the genitals was also routine, and observers were careful to remark on states of sexual arousal.

The term “eyewitness” may actually be misleading, because other senses could be just as important. Sex had its own distinctive and telltale noises. One witness shored up his description of sodomy—urged on by a question about “noise or breathing” from the court—by mentioning a suspicious “noise and kind of panting.”¹³⁹ Other sorts of noises were important as well. Snoring even played a role in one case by revealing the presence of not one but two sleepers.¹⁴⁰ Smell factored in elsewhere: one teenaged victim told a court that after his master forced the servant to masturbate him and ejaculated in his hand, he told the purser's boy “to smell at my hand to convince him of the truth, which he did and it smelt very nasty.”¹⁴¹ This evidence convinced the other boy where the story alone had not.

However, it was touch that held pride of place next to sight. Feeling, poking, prodding, testing, grasping—men used all sorts of touch and touches to gather

¹³⁸ Parrott court martial, minutes pp. 16-17, fols. 112v-113r. The lieutenant in question was in London and unavailable to testify, and while the court did call Joan, the butcher's wife, she “requested not to be examined being very big with Child, [and] the Court agreed that it was not proper on the occasion.”

¹³⁹ Greenard and Fuller court martial, minutes p. 4. In another trial a sailor spoke of hearing “Kissing and puffing the same as a Man and Woman enjoying themselves.” Taylor and Barrett court martial. For another example of tell-tale noises, see the John Powell court martial.

¹⁴⁰ Wormold and Steers court martial.

¹⁴¹ William Embury Edwards court martial (5 March 1810, ADM 1/5403). In his testimony, the purser's boy stated that he had not believed the servant until he offered his hand, which he agreed “smelt very nasty.”

information about sodomy. The could be remarkably invasive. In a 1742 trial at the Surrey Assizes a waterman testified that he followed two men he suspected were “Mollies” into Pepper Alley, caught them having sex in a house of office (a latrine), burst in on them and pulled the one man’s penis from the other’s backside. “[I]t was wet,” he told the court, “and wet [my] Hand very much.”¹⁴² Touching body parts served at once both as a method of knowledge creation and one of control. In 1829 the young Thomas Rowland confronted Henry Stevens, who had been harassing him on the city streets. Stevens “unbuttoned his flap” and exposed his penis, and Rowland “collared him and seized his private parts and called out watch and I hoped a Police Man would have come up and seen the Prisoner in the exposed state he was in.”¹⁴³ These civilian examples closely echo naval cases. One of the most striking, which Burg had explored in some detail, is the case of Martin Billin and James Bryan. When shipmates caught the two *in flagrante* one sailor “put down his hand, & took Bryan’s P[ric]k from between Billin’s thighs & show’d it to all present desiring they might take notice of it.” As in Harris’s testimony in the Taylor case, discussed above, this witness concluded conclusively that he had discovered penetration. His evidence was haptic: “Because as I laid hold of part of his Yard, the other came out with a spring, as if a Cork had been drawn out of a bottle.”¹⁴⁴ Men could gather a great deal of knowledge of this sort through touch.

Laura Gowing has similarly emphasized the power of touch in the hierarchical

¹⁴² *Proceedings of the Assizes... for the County of Surrey*, for 5-9 August 1743, pp. 18-19, in *British Trials, 1660-1900* (hereafter BT), microfiche collection (Cambridge: Chadwyck-Healey, 1990), 1671/XX.

¹⁴³ Statements in the case of Henry Stevens, 14 Dec. 1829, Middlesex Sessions, MJ/SP/1829/12/009.

¹⁴⁴ Martin Billin and James Bryan court martial (13 May 1762, ADM 1/5301). See Burg, *Boys at Sea*, 48-52 and ff. It is notable that in this case the two men were only convicted of a misdemeanor, though sentenced to an enormous lash total: 1,000 each.

social relations of face-to-face communities as a tool for disciplining and knowledge creation.¹⁴⁵ She is particularly interested in the ways in which women touched each other's bodies in order to reveal their hidden secrets. Witnesses to sodomy had a similar power to touch, focused especially on the male member. This is one of the most surprising elements of sodomy cases: the repeated instances in which witnesses grasped other men's penises, sometimes even brandishing them publicly, as we have seen, to produce public knowledge and communal agreement about the evidence. Here too we encounter practices shared between ship and shore, though this highly invasive touching seems to have been more common in naval settings. In an 1803 case, a master of arms grabbed an offender's erect penis and called to his companion, a boatswain's mate, "White look here his Yard is in proper order or state for what he has been at"; it was "fit for action" (a martial metaphor indicating readiness for battle) and "Red as Scarlet." The master at arms could not speak to whether the penis had been wet or dry in court, though—he had been too "flustrated" at the time to notice¹⁴⁶—but this admission indicates his belief that he had been expected to gather that knowledge.¹⁴⁷ As with the boy Spalding, the tell-tale erection alone, occurring in a totally inappropriate setting, was damning, and there was even more that could be learned from touching the privates. Because penetration was so difficult to determine visually, feeling it could more strongly establish the fact, as in a well-known case from 1761 in which a single witness who felt

¹⁴⁵ Gowing, *Common Bodies*.

¹⁴⁶ Meaning "flustered." *OED* s.v. "flustrate."

¹⁴⁷ James Holland and John Reilley court martial (11 May 1803, ADM 1/5361). Here heterosex provided the guiding interpretation, as the boatswain's mate explained that the penis "was in a state to have connection with a woman."

penetration in the pitch dark sent a seaman and a thirteen-year-old boy to their deaths.¹⁴⁸ Observers could provide remarkable amounts of detail about the state of the penis. One sailor spoke of feeling a defendant's penis "in about half state of Erektion," for instance, perhaps suggesting discovery after coitus.¹⁴⁹ A witness in another case supposed that an offender's penis revealed "connexion" "because it was perfectly erect and looked remarkably red and moist at the end of it" (though he discerned no blood).¹⁵⁰

Men also examined the genitals for more recondite clues to wrongdoing. Recall the 1814 John Harding bestiality court martial, discussed in chapter 1. One seaman testified that he had felt the prisoner penetrate a cow and had taken hold of his yard. Asked whether he had felt it wet from emission, he responded that it had been wet but that when he had gone to examine his hands later he found only "dirt" (feces) from the cow. He therefore concluded that the prisoner had penetrated the animal but had not had time to ejaculate before the witness caught him.¹⁵¹ Similarly, in the 1797 naval trial of a Maltese man named Francisco Falso and a cooper's "lad" by the name of John Lambert, a boatswain's mate reported that in the dark he felt Lambert's naked backside "entirely wet, whether with water or grease I cannot say, but it felt very slippery." He also saw Falso's "nakedness, but it was not then standing: it was wet & slippery, which I felt by taking it in my hand."¹⁵² Many similar examples come both from cases on sea and land, establishing the ability of laypeople, adolescents, and even children in many cases to

¹⁴⁸ Thomas Finley and George Newton court martial (2 July 1761, ADM 1/5300). See Rodger's discussion in *Wooden World*, 159.

¹⁴⁹ Dartway and Thomas court martial.

¹⁵⁰ William Taylor and Thomas Hobbs court martial (19 April 1809, ADM 1/5395), minutes p. 8.

¹⁵¹ John Harding court martial (19 January 1814, ADM 1/5440). On "dirt" see *OED*.

¹⁵² Francisco Falso and John Lambert court martial (18 September 1798, ADM 1/5346); ADM 12/26, pp. 48-50.

speak in detail and with authority about these matters.

This focus on the penis is indicative of some of the differences between vernacular and medical evidence in military and civilian trials. The penis was sometimes a site of investigation for the medical men, and had been important to Zacchia, but in general their focus was so resolutely on the anus that Ivan Crozier has suggested that the sodomized fundament came to be essentially synecdoche for the sodomite in medical discourse.¹⁵³ Laypeople did sometimes examine the anus in the fashion physicians and surgeons did, or attended medical examinations of the fundament and then testified in court about what they saw.¹⁵⁴ In the same trial at the Surrey Assizes discussed above, it came out that the waterman who had captured two men in a house of office brought them to a watchhouse where a constable and some watchmen looked at the passive man's fundament and left "very positive that it had been penetrated."¹⁵⁵ Likewise, in 1852 Worcester resident Mary Sprang examined her young nephew's anus and found nothing the matter (though she did discover semen stains on his flannel petticoat). Almost a century earlier in the London trial of William Williams for raping the twelve-year-old Thomas Smith, the boy's mother and a neighbor had explained that he had complained to them and as a result they had examined his fundament and found it "disorder'd in an extreme bad way."¹⁵⁶ When one sailor complained to his shipmate he not only put his

¹⁵³ Crozier, "All the Appearances."

¹⁵⁴ The Henry Allen court martial provides an example. See Matthew Blood's testimony. In his defense, the prisoner complained about the admission of this evidence and disputed *all* the medical evidence introduced as well. In the Morris Box and Thomas Owins court martial a member of the court specifically questioned a corporal of marines about whether he had inspected Box's "backside" even though a surgeon was slated to give medical evidence as well. Box and Owins court martial, minutes p. 9.

¹⁵⁵ *Proceedings of the Assizes...* BT 1671/XX.

¹⁵⁶ Statements in the case of Thomas Quinn, Nov. and Dec. 1852, Worcester Assizes, ASSI 6/24. OBP, William Williams trial (t17570713-35).

disordered clothing on display but much more: his shirt “was all over Corruption, and his Fundament was as Red as a Piece of Scarlet” (a recurring image, as we have seen).¹⁵⁷ In vernacular discourse in general, though, the anus rarely features in this way, while the penis, the motion of the active partner, the posture of both partners, and the consequences and symptoms of proscribed sex—from physical debility to actual physical evidence (such as semen and blood stains)—are instead prominent.

Lay genital examinations described in trials can look surprisingly similar to medical ones. Sometimes indeed they are identical, like in the 1849 bestiality investigation of William Preston in Dudley. After two cokeburners caught him in the act, a watchman took Preston into custody, brought him to the police station, and closely investigated his penis, where he found donkey hairs.¹⁵⁸ When investigating William Ware a few decades earlier, the surgeon of the *Naiad* had likewise drawn back the man’s foreskin and discovered goat hairs.¹⁵⁹ Examples of this sort revealing how similar lay and medical examinations could be are indicative of the limitations of British medico-legal practice when it came to the sodomitical. In the 1812 trial of Patrick Higgins we find that a master at arms and surgeon performed identical exams and found the same physical evidence. They differed only when it came to the language they used to describe what they had done and found. The master at arms told the court that he “let down his Trowsers and found a piece of hay on the hairs of his privates”; the surgeon explained “I could find nothing preternatural about either, there was a small bit of hay involved in the

¹⁵⁷ Benjamin John Bray court martial.

¹⁵⁸ Statements in the case of William Preston, summer 1849, Worcester Assizes, ASSI 6/24.

¹⁵⁹ William Ware court martial (13 March 1812, ADM 1/5424).

hairs of the Pubis of the Prisoner.”¹⁶⁰

The difference between the language that these two men employed is not negligible. The officers who composed boards were masters of the minutiae of their profession and appreciated the importance of the accuracy of technical language. They were also gentlemen, separated by what was increasingly an unbridgeable social gap from the men who served under their command. Sailors were justly (in)famous for their coarse language, and historians have noted its vividness and variety in the courts martial.¹⁶¹ Historian A.D. Harvey, who has himself penned erotica, has described the language of the courts martial as “positively Lawrentian,” quoting the relatively unexceptional line: “He fucked me, He pulled down his trousers. He laid me on my Belly on the Locker, He put his Prick into my Fundament.”¹⁶² However much precision the lower deck may have found in their sexual argot and obscenity—“fuck,” “frig,” “bugger,” and so on—for the quarterdeck and the Admiralty’s purposes this language was socially problematic (such obscenity sometimes led to trials on its own) and in some cases clearly lacked requisite detail and precision.

There was mutual intelligibility between officers and men here, and previous examples have shown that they could both use the same coarse language. Nonetheless,

¹⁶⁰ Patrick Higgins court martial (7 October 1812, ADM 1/5431), minutes pp. 9-10. This is the same trial discussed above in which the surgeon refused to speculate about a goat’s anatomy.

¹⁶¹ This is a running theme in Burg, *Boys at Sea*.

¹⁶² Harvey, “Prosecutions,” 943. He is quoting from the Henry Allen court martial (22 and 24 April 1798, ADM 1/5339), which I have given above, n107, in a different context. I have rendered the quote slightly differently following the conventions used throughout. Harvey is a fascinating figure, though his connection to this historiography is limited. On his life, see, for instance, Stephen Moss, “The Man Behind the Great Dickens and Dostoyevsky Hoax,” *The Guardian*, 10 July 2013 (<http://www.theguardian.com/books/2013/jul/10/man-behind-dickens-dostoevsky-hoax>; accessed 1/29/16); and Eric Naiman, “When Dickens met Dostoyevsky,” *Times Literary Supplement*, 10 April 2013 (<http://www.the-tls.co.uk/tls/public/article1243205.ece>; accessed 1/29/16).

the demands of the courtroom and legal precision sometimes forced officers to prefer the technical and gentlemanly. Courts sometimes asked witnesses to reformulate testimony to clarify their meaning or to obtain requisite precision. Consider one exchange with an eyewitness in 1806, in which a court rejected what was apparently a bit of sexual slang:

Court: Related what you observed at this time.

Answer: And he tried to murder the boy.

Court: You do not mean that he attempted to take away the Boy's life—you must endeavour to be as plain and explicit as you can in your answer to the question put to you by the Court.

Answer: He tried to fuck the Boy in the arse, and the boy did not say any thing against it. I have no more to say.¹⁶³

The restatement did not reach the level of gentlemanly language, but it was at least precise enough for the court's purposes.

That was not always the case with profanity and slang, however. Language of that sort was mutable and often imprecise, characteristics that could cause problems. The post-conviction review of an 1816 trial came to hinge on an imprecise “fuck,” for instance. A court had convicted James Boxall, a seaman on the *Ruby*, of bestiality with a dog. It was a felony conviction, and he therefore faced a capital sentence. Central to the conviction was his admission to a boatswain's mate and quartermaster that he “did fuck the bitch.”¹⁶⁴ In the end Boxall's life came to largely depend on the specific phrase he had used, even though the initial charge letter had entirely omitted it as “language too beastly to insert,” and the legal officers who subsequently discussed the case were likewise unwilling to actually name the profanity. Shortly after the trial Rear Admiral Edward Griffith, the Commander-in-Chief on the North American station, referred the case and

¹⁶³ James Wheatley court martial (21 July 1806, ADM 1/5374), minutes p. 5

¹⁶⁴ James Boxall court martial (5 October 1816, ADM 1/5455).

sentence to the law officers at Nova Scotia based on a concern about whether the evidence against Boxall had actually constituted sufficient proof.¹⁶⁵ The key question was whether his apparent admission “taken in a strict legal sense” was actually a confession of felony sodomy (emphasis in original). Attorney General John Uniacke quickly responded that he agreed with these misgivings. He argued that “fuck” (unnamed in the letter) “is a word in vulgar conversation, used, I believe to express various meanings, & whether the prisoner intended by the use of it” to admit to a felony was impossible to establish. After all, “sodomy,” “buggery,” and other terms and their variants were “words used by Seamen to express various meanings, besides that heinous, unnatural crime, which the Law defines by them.” He could not determine whether the law gave “fuck” a precise definition, but in any case Boxall’s use had to be understood as imprecise. His statement did not clearly indicate the severity of the crime and could not be the basis for his execution. Neither Uniacke nor the Solicitor General, S.B. Robbie, could advise executing Boxall.

Seeking a commutation or pardon was the wise course. Griffith accordingly suspended the execution and wrote to the Admiralty requesting guidance. The Lords Commissioners laid the matter before the crown’s Attorney, the Solicitor General, and the Admiralty Advocate. These three law officers also did not feel there was sufficient evidence to support a capital conviction, and agreed with the earlier opinions regarding the apparent admission. They wrote that the “the term” was “too vague and indefinite to be construed into a complete admission of the crime in its strict legal” definition. They

¹⁶⁵ My discussion here draws on the case file in ADM 7/313, 29 November 1816.

recommended clemency, and the Prince Regent commuted Boxall's sentence to transportation for life to New South Wales. He faced transportation in in 1817.¹⁶⁶ Boxall's case also incidentally illustrates once again how a relatively small episode moved along different imperial networks, making its way back to the metropole and bringing a single sailor and his sexual crime into direct contact with high-level officers, administrators, and even the future king.

Boxall's case captures one of the major challenges posed by courts' reliance on the lower deck. That men used profanity, terms like "bugger," "buggaring," and "sodomiting," and other slang not only when reporting speech (as in the Boxall case) but also when testifying about their own experiences in the formal setting of the court martial when under oath suggests that this was one of the only registers available to them for discussing sex. It could be profoundly limiting. In at least two trials witnesses spoke of "buggers bugging," a phrase that on its own could have any number of meanings.¹⁶⁷ Surgeons' (apparently) learned talk of "preternatural" signs and the "pubis" were more consonant with a legal discourse in which it was not even appropriate to articulate profanities as reported speech. As I have suggested, the problem was not one of mutual unintelligibility. Courts could easily speak with certainty in the same language the lower deck employed. One thirteen-year-old witness claimed that Bartlett Ambler "put his Cock in my bottom," and in response the court questioned him about "the prisoner's prick

¹⁶⁶ Ibid. The final decision on his case is recorded in a minute dated December 19 on the verso of the last leaf of the sentence in ADM 1/5455. For his transportation see "James Boxal," at <http://www.convictrecords.com.au/convicts/boxal/james/72434> (accessed 12/9/13). Both spellings of his surname are used in the records, and I have opted for "Boxall" here.

¹⁶⁷ McMaster and Callaghan court martial; Duckworth and Simpson court martial.

within [his] Body.”¹⁶⁸ Rather, plebeian men were not ideal legal actors from the point of view of quarterdeck gentlemen.

Here, as in the physical examination of lower-deck men, the interstitial status of surgeons appeared to be promising from the vantage of the quarterdeck. Surgeons were officers, were supposed to be gentlemen, and had greater social and physical proximity to ordinary sailors. They should have made ideal witnesses, just as they were perfectly placed to serve as go-betweens for and instruments of quarterdeck surveillance and body control over plebeian men. The extent to which surgeons could adopt these roles would have changed over time as their status gradually rose, and would also have differed based on the particular dynamics of their ships, but there are clear examples of them assuming both roles. In one late eighteenth-century case, for instance, a young complainant explained that he had not complained of abuse to the surgeon because he feared the surgeon would tell the defendant, a lieutenant serving as their commander.¹⁶⁹ This boy, a seventeen-year-old, clearly viewed the surgeon as a creature of the quarterdeck. And as witnesses in court, surgeons had, by the Napoleonic period, come to closely resemble commissioned officers. They accessed many of the same discursive registers as their superiors did in testifying.

Yet both roles ultimately proved problematic for surgeons in the context of sodomy cases. They undercut the power of their gentlemanly engagement with courts with the weakness of their evidence. Meanwhile, surgical unwillingness to confront sodomy as a medico-legal issue hampered any disciplinary role. In fact, the nature of

¹⁶⁸ Bartlett Ambler court martial, minutes p. 7. The court used this term throughout.

¹⁶⁹ George Sargent court martial.

their normal work could leave surgeons dangerously open to sodomy accusations themselves. As body workers, they were vulnerable to the sort of danger intrinsic to intimate contact as discussed in the previous chapter. James Nehemiah Taylor made this very argument in his defense, noting that it was easy for an enemy to make a charge of sexual misconduct against a surgeon. Surgeons often had to have sufferers undress and permit physical intimacy. Those seeking to harm them could seize on such an episode and twist it so that it appeared indecent.¹⁷⁰

And so courts relied on the lower deck. The universe of bodily evidence began with such basic questions as the identity of different participants. That was no small consideration, and not only because prosecution relied on precise identification of actors. Inaccurately framed charges could potentially scuttle a case, so names and descriptions needed to be correct from the outset.¹⁷¹ In the course of trials themselves accurate identification was also essential. Crimes were routinely alleged to have occurred in circumstances that made identification difficult. Many men lived on vessels on which they were unlikely to know all of their shipmates. A Nelsonian first-rate could have a crew of 800 men, more than many small villages or urban administrative units in the communities on land where these men had lived. We find examples in which men in trials do not know the names or identities of others involved in events. In one trial a very young

¹⁷⁰ Taylor court martial, defense p. 3. My interpretation here extends a line of analysis suggested by Margaret Pelling for an earlier period. See her “Compromised by Gender: The Role of the Male Medical Practitioner in Early Modern England,” in *The Task of Healing: Medicine, Religion and Gender in England and the Netherlands, 1450–1800*, ed. Hilary Marland and Margaret Pelling (Rotterdam: Erasmus, 1996): 101-33.

¹⁷¹ Precision in these areas was, in theory, requisite. See, for instance, Robert Liddel, *The Seaman's New Vade Mecum*, 2nd ed. (London: for G.G. and J. Robinson, 1794), 204: “All Complaints” bound for court martial should “set forth the Facts, Time, Place, and the Manner how they were committed.”

victim, John Gouge, a newcomer to his ship, did not know the men involved in the case at all, identifying one simply as the “Man with a hairy Cap on.”¹⁷²

Identification took a number of forms. Distinctive features, patterns and routines, clothing, voices, accents, and languages all feature at times. In one 1807 trial a victim explained he knew his attacker from his speech, as “he speaks different to any other Man in the *Ardent*.” Prere Philip, the defendant, was in fact one of two French men in the ship. However, the other Frenchman did not speak any English, so the victim was able to claim with confidence that he knew exactly who had violated him.¹⁷³ The trial of John Powell, a “Blackman” as one witness described him, contained a number of tricky identification questions.¹⁷⁴ Benjamin Brown, captain of the foretop, claimed that when he caught the prisoner he “knew it to be him by the Wool upon his head” (as we saw above, in chapter 2). The court pushed back, however, asking whether this detail was enough to establish identity as there were “several” black men on the ship. “Have they Wool or Hair,” the court asked. “Wool,” Brown replied. He claimed, though, that he had ultimately confirmed his identification from the man’s voice. Powell’s young partner, meanwhile, had given a false name when discovered, but Brown detected the lie immediately, as he also knew the voice of the boy he had claimed to be “and knew it was not his.”

Feeling hair as a means of identification introduces some of the other ways in which touch factored into evidence gathering beyond the invasive touching discussed above. Another striking example is feeling and interpreting movement within sleeping

¹⁷² George Wilkins court martial (13 November 1812, ADM 1/5432).

¹⁷³ Prere Phillip court martial (6 January 1807, ADM 1/5377).

¹⁷⁴ John Powell court martial.

spaces, revealing a sort of semiotics of the hammock. In one case a witness, a master at arms, had been advised that “there was Sodomy committing under the forecastle.” He went to the hammock in question and “put my hand up, and felt a great moving, but could not tell whether it was Man or Woman at first.”¹⁷⁵ Hammock movement could, however, reveal a great deal. As one board put it when they questioned a seaman: “Did you see the [hammock] have any motion whereby you might Suppose any ill was doing there[?]”¹⁷⁶ In another case a seaman described having “found the hammock moving as if [the prisoner] had a woman in bed with him.”¹⁷⁷ In a later trial in which touch was central to evidence gathering, one witness testified to feeling a hammock move “in the same manner as if man and Woman were in the act of copulation.” Touch further confirmed the sexual nature when the witness felt what he knew to be semen (“nature,” which he distinguished from water because it was “quite thick”).¹⁷⁸

We have already seen that various types of physical evidence were sometimes important too in both military and civilian trials. Physical evidence did not feature in many trials, but it was prominent on occasion. In one instance a ship’s corporal actually produced a jacket in court which he claimed was the prisoner’s, and identified the hairs on it as having the same color as the cow in question.¹⁷⁹ Blood and especially semen were compelling evidence. Usually these fluids played only a marginal role, however, like in an 1810 trial in which a corporal spoke of investigating a prisoner’s bedding and finding a semen-stained shirt, but discovering no similar stains on the clothes of the supposed

¹⁷⁵ Hubbard and Hynes court martial, minutes p. 2.

¹⁷⁶ Hali Algiers court martial.

¹⁷⁷ John Palmer court martial (19 Aug. 1772, ADM 1/5305).

¹⁷⁸ Thomas Winfield and John O. Anderson court martial (15 May 1815, ADM 1/5449).

¹⁷⁹ John Douglas and John Ware court martial (14 and 16 June 1800, ADM 1/5355).

victim.¹⁸⁰ In the late trial of William Renwick semen played a more central role. A private marine doing duty as the wardroom servant of the *Squirrel* brig had come into the cabin of Lt. Hugh Ryder (commanding the brig) one morning to find a mess there. Ryder had not occupied the cabin the previous night, and among the disorder there was “some congealed stuff” in the center of a “furry” black rug on the bed.¹⁸¹ The marine could not identify the substance. He thought at first it may have come from a dog who belonged to the lieutenant commanding the vessel. When he learned that the dog had not been aboard, though, he was left with no explanation. When ship’s corporal 1st class William Lightfoot, who did the duty of master at arms, saw the mess, he concluded that it was “apparently... from a human body,” namely “a seminal emission.” He decided to lock the cabin in order to preserve the evidence for Ryder’s return to the ship.¹⁸² His conclusion that it was human semen was based on the size of the stain: “It was so large that I could discriminate between that and the mess from any other animal.”¹⁸³

At trial the court dug into this statement in an exchange that produced a remarkably detailed exploration of the nature of semen for a discussion conducted entirely between laymen. The court asked Lightfoot whether he had ever seen non-human animal ejaculate before, and if so, whether he had seen it on the ship. Lightfoot answered yes to both questions.¹⁸⁴ The questioning continued:

Court: Then your reason for thinking it from a human being, is because it was more than you have ever seen from an animal?

Lightfoot: No. Because of its fatty substance, its quantity, and manner of

¹⁸⁰ John De Cruz court martial (27 June 1810, ADM 1/5406).

¹⁸¹ William Renwick court martial (22-26 September 1873, ADM 1/6475), line 37.

¹⁸² *Ibid.*, lines 54-55.

¹⁸³ *Ibid.*, line 56.

¹⁸⁴ *Ibid.*, lines 71-72.

ejection.

Court: Might the mess not have been the discharge of the nostrils, or have been phlegm from the chest?

Lightfoot: No.

Lightfoot went on to explain that he had determined the “manner of ejection” from “its apparent first issue gradually decreasing in quantity.”¹⁸⁵ This is an unprecedented exchange, but unique as it is it does illustrate the potential extents of lay knowledge in sexual matters and courts’ willingness to probe and use that knowledge.

Beyond simply keeping watch on each others’ bodies, it was generally expected that shipmates would have some knowledge of each other’s sexual lives and be aware of sexual abnormalities. In an 1807 trial, for instance, a defendant relied in part on lower-deck knowledge that he “had the Venereal in a virulent degree” to explain away incriminating evidence.¹⁸⁶ In an unusual case whose contours we can reconstruct by combining trial papers and a published account, a sailor appealed to shipmates’ knowledge of each other’s sexual activity to advance a novel defense. This sailor, who went by the name William Morris, claimed not to be a man, and thus not liable to the desertion prohibition that targeted *seamen*.¹⁸⁷ Robert Liddel, who served as deputy judge advocate at the trial, wrote that Morris claimed: “I am no Man to be tried by a Court Martial, the Surgeons overhauled me this Morning.” In response, the Admiralty ordered three surgeons to investigate this “avowed Neutrality.” They concluded that Morris was a

¹⁸⁵ *Ibid.*, lines 73-75. The commanding lieutenant, on whose bed the semen lay, agreed that it was immediately recognizable as such (lines 80-81).

¹⁸⁶ James Blake and George Jennings court martial (11 March 1807, ADM 1/5379). He also received surgical confirmation. This medical evidence was clearly crucial in winning an acquittal, but the defendant regarded the lower deck’s knowledge as essential as well.

¹⁸⁷ Robert Liddel, *A Detail of the Duties of a Deputy Judge Advocate; with Precedents of Forms of the Various Documents used in Summoning, Assembling and Holding a Naval Court Martial...* (London: by H. Bryer, 1805). William Morris court martial (23 Dec. 1803, ADM 1/5364).

“perfect” man, only one with “very small Testicles.” The trial proceeded. Morris renewed the initial objection in his or her defense, claiming that “the People on board the Prize teased me on Account of my having a Girl, and slept with her two Nights, without doing any Thing to her, for I am not a Man that could do it. I never had Power to do it.” To no avail. The court found Morris guilty and awarded 100 lashes round the fleet. Morris took this substantial punishment in a single circuit and, Liddel adds as a cryptic postscript, “laughed at it.”

Despite its surprising elements, this case highlights a number of the themes central to this and other chapters in this thesis. Because its archival traces are so limited, I suggest that it is most fruitfully read as a story revealing Liddel’s sense of the operations of masculinity and the bodily knowledge economy on naval warships. In 1805 Liddel identified himself as “one of the senior pursers” in the navy. He was an experienced judge advocate, though he served on only two sodomitical crimes trials. He was also an author of some note on the technical work of, essentially, “navy paper work,” as Christopher McKee puts it, and on other technical information useful in the operations of naval vessels.¹⁸⁸ He represents a solidly professional, gentlemanly view of naval affairs, approaching this case from a position of bureaucratic rather than command authority. He was, that is, an important official in the proceedings, but his power was different from that of the captains composing the court, men who all were socially superior to and outranked him.

¹⁸⁸ This was thanks to his earlier, successful book *The Seaman’s New Vade Mecum*, first published in 1787 (London: for G.G. and J. Robinson). By 1811 it had reached its fifth edition (London: for Steel & Co.). For McKee’s description, see his *Edward Preble: A Naval Biography, 1761-1807* (Annapolis: Naval Institute Press, 1972), 219.

In his tale, surgeons and seamen both emerge as having important roles in body knowledge creation. Surgeons serve as a powerful tool of administrative investigative authority, while the lower deck produces knowledge related to actual practice. Different concepts of masculinity jostle in the story as well. The lower deck, according to Morris's defense at trial, value penetrative ability; the surgeons, meanwhile, define a man by anatomy alone. Morris is "perfect" apart from small testicles, though what exactly this description means is never explained. All we know is that naval authorities had determined, on the basis of the surgeons' report, that Morris's small testicles were not enough to imperil manhood for the purposes of enforcing naval law.¹⁸⁹ Liddel's own, somewhat different take on Morris's masculinity is legible as well. His joke about neutrality makes explicit the connection between warfighting and sexual potency, and suggests as a result that desertion is deeply unmanly. At the same time, Morris's ability to take an enormous punishment and then laugh at it indicates some sort of hypermasculinity—or, alternately, confirms monstrosity. Perhaps for him Morris is indeed "no man" and also not a woman, but something even stranger. The records of this case are partial and incomplete, but this consideration of what does survive shows us the ways in which a variety of naval actors—lower-deck shipmates, surgeons, Liddel himself—produced bodily knowledge that could become relevant to adjudication or any number of other practices. In this particular case, Morris drew on the lower deck, while the court ultimately sided with Admiralty's surgeons. Both, however, were essential actors in this knowledge economy.

¹⁸⁹ Given the context, we cannot necessarily assume that the surgeons believed that Morris was a "perfect" specimen of a man medically speaking.

Another uncommon but periodically important area of bodily investigation had to do with reading guilt in men's bodies and manners, through physiognomy, by monitoring apparent effeminacy, or by making determinations about propensities or inclinations towards sodomy. We can discern, at the margins of the trials, nuanced understandings of these areas of bodily and characterological investigation. None, however, was central to many cases. By way of closing this chapter I will briefly review the nature and marginal status of these areas of knowledge in the trials. I argue that navy men were conversant in them just as they were with the other sorts of bodily evidence explored earlier, but that the particular requirements of the law and legal practice conspired to make such knowledge relatively unimportant in trials.

In an era in which physiognomy had broad purchase, resort to this relatively weak variety of evidence is little surprise. Captain Charles Sawyer spoke of monitoring the features as the most invasive part of the monitoring that I have been describing, what he judged a "system of prying & research": "No man suspected of a design to overturn both Church and State, was ever watched with a greater degree of vigilance that I have been, and not only my words and actions, but even my looks, have been under a state of constant inspection." There was indeed a tradition supporting "looks" as evidence of propensities or the like. Kenneth Borris has noted that there was a long history of identifying sodomites in pre-modern physiognomy, though both physiognomical signs and marked effeminacy—of the sort identified with mollies, for instance—were far less

important to naval trials than the other sorts of bodily evidence discussed above.¹⁹⁰

As I have shown elsewhere, navy men were well aware of evolving notions of men temperamentally inclined to sodomy and deployed them in trials and elsewhere.¹⁹¹ In keeping with elements of Trumbach's reading of this history, recognition of such men was not an intellectually-removed exercise but instead a common-sense component of the cultural thought that undergirded hegemonic masculinity. Men at all levels had come to "know" that there were defective males who in some way intrinsic to their selfhood wanted the wrong kinds of sex. This is what gave weight to verbal abuse like that revealed in an 1812 trial. A lieutenant had slandered a boatswain's mate not merely as a man who had sex with pigs, and not simply as a man addicted to sex with pigs (having visited the styes "more than five hundred times"), but indeed one who "would sooner sleep with them than with a woman."¹⁹²

This sort of knowledge appears to have diffused more widely over the course of the eighteenth century. Early in the trial papers we find constructions of sexual omnivorousness in keeping with the Restoration rake. In 1701 a man who claimed to have been the object of Thomas Pike's intentions claimed that the quartermaster had spoken to him with "lewd Expressions" about women, and "to trye him" this man had explained that he was scared to have sex with women as "they were all soe Poxed of

¹⁹⁰ Borris, "Introduction," in *Sciences of Homosexuality*. For the later period, see e.g. the trial of Henry Tiddiman, John Bennett, William Laidler, John Jones, John Sullivan for extortion (OBP, 8 April 1850, t18500408-803), as discussed by Upchurch in *Before Wilde*, 74, 191. Upchurch cites the printed edition held at TNA (p. 222n105). His citation is ADM CRIM 10/31. Sixth Session, 1849-50, case no. 803, 700. Cocks, "Secret Crimes," 120-21, and *Nameless Offences*, 90-91.

¹⁹¹ LeJacq, "Buggery's Travels."

¹⁹² George Ellerby court martial (4 Feb. 1812, ADM 1/5423).

late.”¹⁹³ Pike replied that he “was in the right of it” and that “it was much better to lay with one another and in plain Terms told me Wee should fuck one another.” The story constructs Pike as a man who believes that he can solicit a partner who would also desire sex with women; indeed, in this telling Pike is relying on a situational interest in sex with a man, as he attempts to seduce a sailor who (in the fiction of the deposition, at least) was clearly sexually interested in women but was barred from sex with them. This understanding did not disappear over time either, however. In a trial almost exactly a century later a victim claimed that the officer who sodomized him declared that he wished to do so “oftener” and exclaimed “O James What A pleasure it is to have a tight A[rs]e Hole to a flabby C[un]t My Wife is so fat and flabby that I cannot get into her any how to give myself any pleasure ever.”¹⁹⁴ As in the Pike case, this story presented men who could desire sex with men and women. Yet over the course of the long eighteenth century, the view of men who engaged in sodomitical contact as temperamentally (or otherwise) inclined to males gained ground as well. Around the same time as the previous example, another sailor claimed that in rejecting an officer’s advances he declared “I was no woman, and if you don’t know what a woman is, I do.”¹⁹⁵ The statement drew a strict distinction between men who knew what the proper object of male lust was and those who did not.

Compared to physiognomy, it was more common for observers to interpret mien and manner to uncover guilt or innocence. The use of such evidence is largely a

¹⁹³ This is remarkably similar to content in the broadsheet report of the Edward Rigby sodomy trial, from just a few years earlier. *An Account of the Proceedings Against Capt. Edward Rigby* (London: by F. Collins, 1698).

¹⁹⁴ Crowerst court martial, Crowerst’s confession.

¹⁹⁵ Joseph Lyddell Peyton court martial (19 July 1808, ADM 1/5388), minutes p. 5.

nineteenth-century phenomenon in the naval trials, though it is difficult to determine what explains its emergence or to tell how much of an impact it had. In the 1868 trial of William Widdicombe a quartermaster told the court that he “thought he was guilty of it, from his manner,” and a captain of the forecastle that “he looked rather shy on it” and “could not look me in the face” and declined to protest his innocence. “I should have taken him to have been guilty” the latter declared. The court convicted Widdicombe of a misdemeanor, but we cannot know how it came to its determination and what role this behavior on Widdicombe’s part played in it.¹⁹⁶ As chapter 5 will explore in greater detail, contemporary honor codes demanded that men forcefully declare their innocence and assert the blamelessness of their character and actions. The informal adjudication of honor violations was related to but not the same as formal adjudication of criminal acts, and we must therefore be careful to appropriately contextualize practices of bodily monitoring within different systems of judging misbehavior.

Interpretation of physiognomy, mien and manner, one’s “propensities” when it came to sexual activity, and masculinity and effeminacy had a limited role in criminal courts. The law’s narrow focus on particular, discrete illegal sexual acts meant that evidence related to these categories could in theory only play a supporting role at most. Such evidence might help inform a court about a defendant’s character and the likelihood that he committed illegal acts, but ultimately the law demanded the concrete, visceral bodily knowledge that I have discussed at length in this chapter. The relative dearth of other sorts of evidence does not indicate that navy men were ignorant of other

¹⁹⁶ William Widdicombe court martial (16 and 17 April 1868, ADM 1/6043).

sodomitical knowledge, only that legal practice heavily favored particular types of knowledge that are accordingly well represented in the surviving records. Some of the strongest evidence supporting this view is in fact found in the one area where characterological evidence was actually common in the trials: defenses. Men routinely pointed to their characters as evidence that they could not have committed illegal acts, and did so specifically because they *could not* introduce compelling bodily evidence of their innocence. The endless refrain, often borrowing from Matthew Hale's famous observation about allegations of sexual crimes, was that these were charges "easily to be made and hard to be proved, and harder to be defended by the party accused, though never so innocent."¹⁹⁷ The law's preference for concrete bodily evidence was so strong that it largely rendered other forms of evidence marginal.

The court martial hearing Taylor's case found him guilty and sentenced him to die.¹⁹⁸ The navy had intended to try his victim—or partner—the marine boy Thomas Ashton, but Ashton escaped from his confinement on board the *Jamaica* late that October.¹⁹⁹ The navy court-martialed the sentry who had charge of Ashton at the time, a man by the name of James Chapman. Chapman suffered what he felt was an unfairly long confinement (about six weeks), but won acquittal after a short trial that took place the same day that Taylor's concluded, immediately after the surgeon's conviction.²⁰⁰

¹⁹⁷ Hale, *Hist. Plac. Cor.*, 634.

¹⁹⁸ A December 23 minute in the transcript records the order to prepare a warrant for his execution on the *Jamaica* on Tuesday, December 26th. The warrant is in ADM 2/1123, pp. 297-300. See too McArthur, *Principles and Practice*, 4th ed. (1813), 449.

¹⁹⁹ Taylor court martial. See the complaint letter from Captain Lysaght to Vice Admiral Holloway, 23 August 1809 and to J.W. Croker, 5 December 1809.

²⁰⁰ James Chapman court martial (12 December 1809, ADM 1/5400).

Taylor's trial, sentence, and verdict received wide coverage in the periodical press.²⁰¹ He was bound to attract interest. He was a warrant officer, an educated, well-read, and well-mannered gentleman, said to be (unfortunately) drawn to the work of "infidel" thinkers like Voltaire and the Viscount Bolingbroke. He was thirty eight and had served as a naval surgeon since his late teens. He came from a naval and medical family. His late father had worked as a dispenser at the Haslar hospital.²⁰² Taylor also merited attention because of a series of unusual events that took place during his final days.²⁰³ On the 25th, the condemned surgeon made a series of startling confessions to the chaplain of the *Puissant*, who had been attending him. Taylor had long "practised" sodomy. He had socialized with men in London, France, and the Mediterranean who did so publicly, men who gloried in and praised what they did, denying that it was a sin or crime. They propagated the belief, which he had adopted, "that he had a right to do with himself as he pleased, and was not accountable to God." This international "society formed for the practice of" sodomy included many other respectable men, and even some men of public renown. As he repented his sinful life and abjured sodomy, Taylor offered to reveal these men's names. The chaplain, however, stopped him.

Much of the printed coverage of Taylor's end emphasizes his resignation to and acceptance of his fate. However, he did seek a pardon in the days after his conviction. He

²⁰¹ *Caledonian Mercury*, 16 December 1809; *The Morning Chronicle*, 14 December 1809; *Manchester Mercury*, 16 January 1810; *The Glasgow Herald*, 22 December 1809; *The Glasgow Herald*, 1 January 1810; and *Literary Panorama* 7 (April 1810), 1432, December 26 entry.

²⁰² Taylor was able to marshal his connections to bring a handful of medical men from Portsmouth and the Haslar hospital to speak to his character.

²⁰³ For this paragraph I am drawing on similar or identical reports in the *Naval Chronicle* 23 (1810): 173-73; *The Jersey Magazine; Or, Monthly Recorder* 1-2 (1809): 136-37; and a number of other publications (see the next chapter). I offer this portion of my narrative of Taylor's death as largely speculative. I know that Taylor was executed in Portsmouth, but the other details in these publications are much harder to verify.

argued to the Admiralty that the evidence against him had not met the legal standard of proving penetration and emission. (Recall that Taylor's case came just a few years before the Parker case discussed in the chapter 1.) The crown legal officers rejected Taylor's effort definitively on December 20.²⁰⁴ An experienced medical man, Taylor was perhaps in the best possible position to contest evidence of penetration, but the lower-deck witnesses who testified against him won out. These lay witnesses provided what the court and those who reviewed the case found to be compelling evidence of the felony crime. The Attorney and Solicitor General and the Counsel for the Admiralty considered his objections, and in particular his argument that emission had not been proven. They concluded that there had been "sufficient presumptive evidence" to prove the "completion" of the crime, and assured the Admiralty that they knew for a fact that the judge advocate (none other than Moses Greetham) had correctly advised the court about the relevant law, and that the court had fully understood his guidance.²⁰⁵

Lord Mulgrave, First Lord of the Admiralty, reported the opinion to the ailing George III, who immediately concurred with and confirmed the sentence.²⁰⁶ Nothing could now save Taylor from being executed on December 26, 1809. While none appeared to doubt the man's guilt, coverage of his case and his end was often kind to the surgeon. It was reported that at the time of execution he declared that he faced "a most awful moment," but maintained remarkable composure nonetheless: he corrected the attending provost-marshal twice when the former made mistakes while reading the execution

²⁰⁴ John Croker to Charles Bicknell, 15 December 1809, ADM 2/1074, pp. 387-88. See 20 December 1809, ADM 7/308, for the legal opinion, signed by the Attorney and Solicitor General and the Admiralty Attorney.

²⁰⁵ See the opinion in ADM 7/308.

²⁰⁶ *Later Correspondence of George III*, vol. 5, #4050, pp. 476-77.

warrant; he told the man not to mind that the hood used to cover the prisoner's face was too small; and, finally, he gratefully bid the chaplain farewell.²⁰⁷ Shortly after 11:00 AM that morning "he was launched into eternity." He swung, twitching in the noose for three or four minutes until "his struggles ended." Attendants took his corpse down, and landed it nearby. They buried Taylor at Alverstoke, just across the harbor from Portsmouth, interred at the very heart of Britain's vast naval establishment.

We know a great deal about Taylor's final days and final moments because they were of interest to contemporary observers outside of the navy. Taken together, the published portraits of Taylor's end present a complex and ambiguous case. None disputed his status as a heinous offender. And yet some told his as a melancholy, and even tragic, story. In the next chapter we will turn to the complexities of coverage of this sort.

²⁰⁷ *Naval Chronicle* 23 (1810): 173-73; and *The Jersey Magazine; Or, Monthly Recorder* 1-2 (1809): 136-37. The caveats I discuss above hold here as well.

Chapter 4 Pressed: Naval Sodomy in Print

The prominent writer and art collector William Thomas Beckford (1760-1844) was a prolific gatherer of newspaper cuttings, and one distinct and prominent group of his clippings deals with sodomy and sodomitical blackmail trials.¹ It was an understandable interest for a man who was himself embroiled in a public scandal implicating him in these sorts of proscribed sexual activities.² Beckford knew well from seeing his own case aired in public that the press took an intense interest in the sodomitical misdeeds of men, particularly elite men, from as early as the seventeenth century. The century of his birth saw an explosion of such coverage, but sodomy scandals were nothing new. One had erupted with the trial and execution of the second Earl of Castlehaven in 1631. It was a case that continued to receive attention in print long after the earl's death. Later that century it was widely reported that the infamous informer at the center of the Popish Plot, Titus Oates, was also a sodomite, and a number of his critics noted in print that Oates had in fact been drummed out of the Royal Navy for sodomy before his rise to prominence.³

Just as pornographic representations of political figures like Marie Antoinette or

¹ Rictor Norton, "Oddities, Obituaries and Obsessions: Early Nineteenth-Century Scandal and Social History Glimpsed through William Beckford's Newspaper Cuttings" (2008), <rictornorton.co.uk/beckford.pdf> (accessed 23 June 2014). Originally published in *The Beckford Society Annual Lectures 2004-2006* (2008).

² See his biography in the *DNB*.

³ Cynthia B. Herrup, *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven* (New York: Oxford University Press, 1999). For this specific incident in Oates's life, see John Kenyon, *The Popish Plot* (London: Phoenix, 2000 [1972]), 54-55. Oates's biography in the *DNB* discusses his expulsion from the navy as well as his notorious sexual practices more generally. He sailed as a chaplain with the *Adventure* under the command of Sir Richard Rooth on a single voyage to the English colony at Tangier. Although its treatment is problematic, see Jane Lane [pseud., Elaine Kidner Dakers], *Titus Oates* (London: Andrew Dakers Ltd., 1949), 26-32, for citations of contemporary published accounts, and 66, 224, and 290, on Oates and sodomy more generally. As I discuss in my introduction, Samuel Pepys also encountered sodomy during his sole voyage to Tangier less than a decade later. Edwin Chappell (ed.), *The Tangier Papers of Samuel Pepys* (London: for the NRS, 1935), 5.

the Restoration kings engaged in deviant sex were not primarily or only about sex per se, these representations of sodomy were interested in much more than sex between men.⁴ As Cynthia Herrup has shown, in Castlehaven's case sodomy was a symptom of the earl's problematic misrule as an elite head of household. To Oates's enemies, sodomy served as an indication of the sort of man he was. For these and other men embroiled in cases that attracted public notice, sodomy's importance had as much to do with related cultural concepts—foreignness, problematic religious beliefs and allegiances, threatening masculinities, and so on—as it did with proscribed sex. I argued in chapter 2 that sex between men became truly dangerous in the eyes of officers and the naval hierarchy when it was combined with other serious misbehavior, especially the abuse of authority. In this chapter we will see that sodomy was of great interest to observers on land, and that it likewise assumed significance for them far beyond simple sexual misbehavior at sea.

Beckford's collection included cases involving the sodomitical misdeeds of men in the armed forces. Even a more casual, less interested observer than Beckford would have been aware of such coverage. There was a strong connection between sodomy and military men, both in cultural representations and, in certain settings, in lived sexual practices. In both of these ways the best-known example is the phenomenon of male prostitution and sodomitical blackmail among soldiers in London.⁵ Both featured regularly in print. There were likewise powerful cultural stereotypes connecting seafarers

⁴ Rachel Weil, "Sometimes a Scepter is Only a Scepter: Pornography and Politics in Restoration England," and Lynn Hunt, "Pornography and the French Revolution," in Lynn Hunt (ed.), *The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800* (New York: Zone, 1993): 125-56 and 301-42.

⁵ Trumbach, "Blackmail for Sodomy in Eighteenth-Century London," *Historical Reflections* 33 (2007): 23-39.

in particular to sodomy.⁶ Peter Thompson has argued that representations of eighteenth-century sailors reveal them to have been a deep cultural threat to observers on shore.⁷ Their “civilizational” status was unsettled. They were peripatetic men, globetrotters who eagerly participated in, adapted, and shared foreign cultures and social practices. By engaging in syncretizing activities, they were potentially disruptors of basic cultural categories. Part of the threat of the sailor was sodomitical; the periodical press and other quotidian forms of print regularly articulated fears about the threat of the sodomitical seafarer. Newspapers, journals, and other forms of print published numerous accounts of sodomitical and gender disordered behavior at sea, including accounts of naval crimes and courts martial. Naval sodomy had a long history in print, but particularly heavy coverage began around the high point of prosecutions in the late eighteenth and early nineteenth centuries.

Beckford’s sodomy collection includes many cases involving men in the armed forces, and among them are reports on two Napoleonic-era courts martial, those of James Nehemiah Taylor and William Berry.⁸ It is little wonder that these made their way into his collection. Not only were they remarkable cases, but they also attracted substantial press attention (table 4.1). We just encountered some of the coverage of Taylor’s case at the end of the previous chapter; coverage of Berry’s trial in print is explored in depth below.

⁶ Isaac Land, “Sinful Propensities!: Piracy, Sodomy, and Empire in the Rhetoric of Naval Reform, 1770-1870,” in Anupama Rao and Steven Pierce (eds.), *Discipline and the Other Body: Correction, Corporeality, Colonialism* (Durham: Duke University Press, 2006): 90-114. For one striking example, see Alex Ritsema, *A Dutch Castaway on Ascension Island*, 2nd ed. (Deventer: by the author, 2010);

⁷ Peter Thompson, “No Chance in Nature: Cannibalism as a Solution to Maritime Famine, c.1750-1800,” in Tim Armstrong (ed.), *American Bodies: Cultural Histories of the Physique* (Sheffield: Sheffield Academic Press, 1996): 32-44.

⁸ The Berry article is from the *Morning Chronicle*, 6 October 1807; the Taylor from the *Times*, 14 December 1809, though Beckford also “made two cuttings, probably from the *Morning Chronicle*.” Norton, “Oddities, Obituaries, and Obsessions,” 10-11.

Examples of Sodomy Trial Press Coverage

<p>William Berry</p>	<p><i>Aberdeen Journal</i>, 14 October 1807 and 28 October 1807 <i>Annual Register</i> 49 (1807): 58-9, 496, 500 <i>Bath Chronicle and Weekly Gazette</i>, 15 October 1807 and 29 October 1807 <i>Bury and Norwich Post</i>, 14 October 1807 and 28 October 1807 <i>Chester Chronicle</i>, 30 October 1807 <i>Derby Mercury</i>, 29 October 1807 <i>Dodsley's Annual Register</i> 49 (1807): 496 <i>European Magazine and London Review</i> 52 (1807): 319-21 <i>Exeter Flying Post</i>, 8 October 1807 and 22 October 1807 <i>Glasgow Herald</i>, 12 October 1807 <i>Hampshire Chronicle</i>, 12 October 1807 and 26 October 1807 <i>Hereford Journal</i>, 28 October 1807 <i>Hull Packet</i>, 4 August 1807, 13 October 1807, 27 October 1807, and 3 November 1807 <i>Ipswich Journal</i>, 24 October 1807 <i>Oxford Journal</i>, 10 October 1807 and 24 October 1807 <i>Kentish Gazette</i>, 23 October 1807 and 9 October 1807 <i>Leeds Intelligencer</i>, 12 October 1807 and 26 October 1807 <i>Literary Panorama</i> 3 (1808), lix <i>Manchester Mercury</i>, 13 October 1807 and 27 October 1807 <i>Morning Chronicle</i>, 6 October 1807 and 22 October 1807 <i>Morning Post</i>, 6 October 1807, 22 October 1807, and 22 May 1807 <i>Naval Chronicle</i>, 18 (1807): 312-13, 342 <i>Newcastle Courant</i>, 24 October 1807 <i>Northampton Mercury</i>, 24 October 1807 <i>Republican Watch-Tower</i>, 12 November 1807 <i>Salisbury and Winchester Journal</i>, 12 October 1807 and 26 October 1807 <i>Scots Magazine</i>, 1 December 1807, p 945 <i>Staffordshire Advertiser</i>, 31 October 1807 <i>Stamford Mercury</i>, 23 October 1807 <i>Times</i>, 22 October 1807</p>
<p>James Nehemiah Taylor</p>	<p><i>Caledonian Mercury</i>, 16 December 1809 <i>Glasgow Herald</i>, 22 December 1809 and 1 January 1810 <i>Gospel Magazine</i> vol. 5, no. 2, 94-6, and vol. 5, no. 3, 140-41. <i>Jersey Magazine</i> 1-2 (1809-10): 136-37 <i>Kentish Gazette</i>, 15 December 1809 <i>London National Register</i>, 17 December 1809 <i>Manchester Mercury</i>, 16 January 1810 <i>Morning Chronicle</i>, 14 December 1809 <i>Naval Chronicle</i> 23 (1810): 173 <i>Literary Panorama</i> 7 (1810): 1432 <i>Times</i>, 14 December 1809.</p>

Table 4.1: Examples of press coverage of William Berry and James Nehemiah Taylor cases.

In these and other sodomy trials, the many published reports were not all unique; indeed, many of them are similar or even identical. Sharing, reprinting, reusing, or simply plagiarizing text and content was ubiquitous in the British press in this period. The extent of such practices in cases like these indicates the breadth of interest in them. Editors

clearly thought these reports were worth the space, and the long history of published accounts of maritime sodomy testifies to the validity of that insight.

The coverage took a number of forms over the period under consideration, which I divide into three broad strands. The first is straightforward, unambiguous accounts that documented the facts of sodomy among seafarers, and sometimes explicitly identified and moralized against it as a threat. These accounts rendered the secret crimes of seamen and the navy and merchant fleet's obscure ways of dealing with them startlingly present to readers back on land. Representations of common seamen often presented them as a riotous, threatening presence when they took to land, and in this reporting part of their menace was sodomitical. And if common seamen were an unregulated sexual threat, officers were an even greater danger. Their unparalleled geographical freedom opened them up to sodomitical infection, as we have already seen in the case of James Nehemiah Taylor. Once infected and inculcated into sodomitical ways, their power and ease of movement allowed them to prey on subordinates and wreak havoc in the navy and back on land at home.

The second strand took a much more ambiguous approach to sodomy, suggesting that it was not so heinous a crime or that it needed to be attacked with less aggression. Observers fretted over the possibility of false accusations against elite men and the difficulties that came with recovering a reputation damaged by a sodomitical accusation. Given these dangerous uncertainties, the press provided a counterweight, a site for narratives of vindication and a potential route for social rehabilitation. As we will see through an extended example dealing with Henry Stokes, a lieutenant in the early

Victorian navy, some men attempted to leverage and make use of these discursive possibilities in press coverage in order to make their own cases. Other reports laid bare the brutality of punishments for sodomy, particularly capital sentences. As support for the bloody and spectacular methods of ancien regime punishment ebbed, official and popular disapproval of sodomy—itsself in flux—came into tension with the navy’s increasingly antiquated judicial, disciplinary, and penal practices.

Finally, a third strand, not entirely distinct from the second, involved calls for reform in a wide range of areas that invoked sodomy. Some reformist agendas targeted the navy, while others were focused elsewhere; some centered on sexual crimes between men, while others mentioned them only in passing, as a rhetorical device. This sort of writing included anti-sodomy moralizing, of course, but touched on a much wider range of topics, from legal reform to the question of how to deal with female prostitutes on warships. These reformist arguments indicate both the rhetorical power of sodomy and a wide variety of specific concerns with how to deal with problematic sexual activity. Both the second and third strands highlight the role of those who represented the Royal Navy as actors in naval affairs. Recent historical work has shown the value of attending to popular representations of the naval.⁹ The historiography has not, however, recognized the relationships of mutual influence that developed between print and the naval justice system. I argue in this chapter that we must attend to the periodical press as a crucial actor in the history of crime and punishment at sea.

I also tie the second and third strands in these accounts to developments in

⁹ An important example is Margarete Lincoln, *Representing the Royal Navy: British Sea Power, 1750-1815* (Burlington: Ashgate, 2002).

Enlightenment legal thought and cultural attitudes, including the emergence of humanitarian thought, that resulted in important shifts in how sodomy was approached. There was widespread decriminalization of consensual sodomy on the continent as a result of French legal reform during the Revolution which removed legal prohibitions on many crimes that were victimless and were understood as religious offenses. The spread of Napoleonic law amplified this innovation.¹⁰ Britain followed a different route, and while statutory reform was slow in coming, there was de facto abolition of executions for sodomy beginning in the 1830s. Prosecution of illegal sexual contact between men did not lapse, though. In fact, it became more widespread. Over the course of the nineteenth century legislation formally came to cover a much broader range of behavior than the apparently limited physical scope of all pre-modern European sodomy legislation.¹¹ At the same time, the law and cultural representations were increasingly willing to extend a limited empathy to sodomites and accept that they did not deserve death for their crimes. Over the longer term, this reflects an important stage in the transformation from the early modern association of the sodomite with witches and demons, still present in the late seventeenth century, to the modern medicalized homosexual of the late nineteenth.¹²

Changes in the legal treatment of the crime followed a general path shared by many other felonies, exemplified in the 1823 repeal of the Black Act (1723), and were

¹⁰ Michael Davis Sibalis, "The Regulation of Male Homosexuality in Revolutionary and Napoleonic France, 1789-1815," in Jeffrey Merrick and Bryant T. Ragan, Jr. (eds.), *Homosexuality in Modern France* (Oxford: Oxford University Press, 1996): 80-101. Louis Crompton, "Don Leon, Byron, and Homosexual Law Reform," *Journal of Homosexuality* 8 (1983): 53-71, here 54.

¹¹ See, for instance, H.G. Cocks, *Nameless Offences: Homosexual Desire in the 19th Century* (London: Tauris, 2010). The broadened scope of coverage is seen most famously in the Labouchere Amendment (1885) criminalizing "gross indecency."

¹² Early modern cultural associations are discussed in Alan Bray, *Homosexuality in Renaissance England* (New York: Columbia University Press, 1995).

also influenced by shifting ideas about the purposes and roles of punishment and incarceration. Juries and judges could and did still register their severe displeasure with sex crimes between men in the decades following the end of executions by recording capital sentences against convicted men, but from the 1830s these were subsequently reduced to lesser sentences such as penal transportation. The spirit motivating this practice was finally enshrined in statutory law during the legal reforms of the 1860s, which officially removed sodomy from the list of capital crimes.¹³ It took over a century for fuller decriminalization of sex between adult men in England and Wales, a development that followed the Wolfenden Report (1957) by a decade.¹⁴ As this brief history indicates, the eighteenth- and nineteenth-century developments were partial and to a great extent ambiguous and even contradictory in their implications for the lives of men who had sex with men. While the death penalty eventually fell into desuetude, there were more prosecutions than ever before, and harsh punishments and unforgiving social attitudes both persisted.

Nonetheless, an emerging, limited sort of empathy is visible both in the legal treatment of these men and some cultural representations of them. This development springs in part from the body of humanitarian thought developing in the late eighteenth and early nineteenth centuries. Rooted in Enlightenment principles and the culture of sensibility, emerging humanitarian attitudes and arguments urged Britons to identify with and extend empathy to groups who had never before merited inclusion in those ways.

¹³ Offences Against Persons Act (1861), 24 & 25 Vict c. 100.

¹⁴ Sexual Offences Act (1967), 1967 c. 60. This act did not apply to Scotland, Northern Ireland, any of the armed forces, or the merchant navy.

This development is visible in a wide range of movements advocating expanded rights and often intolerant towards some traditional practices of corporal punishment and physical violence. These include efforts on behalf of orphans and laboring children; opposition to slavery and the slave trade; criticisms of corporal and capital punishment; reformist approaches to the treatment of criminals, the incarcerated, the mentally ill, and the disabled; new schools of thought on childrearing and childhood education; efforts against cruelty to non-human animals; and even sympathy towards dead human bodies.¹⁵

Thomas Laqueur emphasizes the growing status of fellow-feeling (the Greek root of “sympathy” refers directly to this idea) in this development, pointing to narrative techniques that expanded what David Hollinger calls “the circle of the we.”¹⁶ Harnessing new technologies of representation and methods of storytelling, reformers employed the “humanitarian narrative” to rouse sympathetic identification with others. The paradigmatic example from this period is the famous Wedgwood anti-slavery medallion, “Am I Not A Man And A Brother” (1787). With these words and a depiction of a kneeling and chained slave, the image forcefully insisted on the inclusion of slaves in the

¹⁵ Karen Halttunen, “Humanitarianism and the Pornography of Pain in Anglo-American Culture,” *American Historical Review* 100 (1995): 303-34; Thomas W. Laqueur, “Mourning, Pity, and the Work of Narrative in the Making of ‘Humanity,’” in Richard Ashby Wilson and Richard D. Brown (eds.), *Humanitarianism and Suffering: The Mobilization of Empathy* (Cambridge: Cambridge University Press, 2009): 31-57; idem, “Bodies, Details, and the Humanitarian Narrative,” in Lynn Hunt (ed.), *The New Cultural History* (Berkeley: University of California Press, 1989): 176-204. Laqueur’s discussion of the pauper dead relies on his earlier work on the topic, which does not itself address the humanitarian narrative but does point the way towards this theme. See Thomas W. Laqueur, “Bodies, Death, and Pauper Funerals,” *Representations* 1 (1983): 109-31. In my arguments here I draw in particular on the strand in this literature that traces the development of the humanitarian narrative. For the intellectual and political background that gave rise to it, see, for instance, the work of Lynn Hunt: Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007); idem, “The Origins of Human Rights in France,” *Proceedings of the Annual Meeting of the Western Society for French History* 24 (1997): 9-24; and idem, “The Paradoxical Origins of Human Rights,” in Jeffrey N. Wasserstrom et al. (eds.), *Human Rights and Revolutions*, 2nd ed. (Lanham: Rowman and Littlefield: 2007 [2000]): 3-20.

¹⁶ As cited in Laqueur’s work. See David A. Hollinger, “How Wide the Circle of the ‘We’?: American Intellectuals and the Problem of the Ethnos Since World War II,” *American Historical Review* 98 (1993): 317-37

community of feeling subjects, able to suffer in the same ways that the image's privileged white British audience could. For most of these movements, expansion of empathy did not necessarily entail a vast expansion of rights for the objects of that sympathy: anti-slavery sentiment did not preclude racism, much less imply legal equality; sympathy for the pauper dead did not mean that the poor had any right to the elaborate funerals the wealthy enjoyed. Sodomites might not deserve to hang, and eventually they would even be allowed therapeutic medical interventions, but their actions and proclivities remained unacceptable for most. Identification and empathy were partial and contingent, but these efforts did advocate extending them to broader groups of others than ever before.¹⁷

These humanitarian developments had their own particular instantiations and lives in the maritime world as well, most importantly in campaigns against flogging and impressment (forcible conscription). These are best known in terms of the growth of anti-flogging sentiment in the American context, especially in two classic early Victorian works containing humanitarian portrayals of corporal punishment at sea: Richard Henry Dana Jr.'s memoir *Two Years Before the Mast* (1840; dealing with his experience in the American merchant service) and Herman Melville's semi-autobiographical novel *White-Jacket* (1850; portraying and based on the US Navy, but first published in London).¹⁸

Criticism of the treatment of men in the armed forces and who worked at sea was not

¹⁷ While they followed different trajectories from sodomites, an instructive point of comparison is the changing attitudes towards "murdering mothers" in the eighteenth and nineteenth centuries. See Mark Jackson, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England* (Manchester: Manchester University Press, 1996), and Deborah A. Symonds, *Weep Not For Me: Women, Ballads, and Infanticide in Early Modern Scotland* (University Park: Pennsylvania State University Press, 1997).

¹⁸ Dana, *Two Years Before the Mast* (New York: Harper and Brothers, 1840); Melville, *White-Jacket; or, The World in a Man-of-War* (London: Richard Bentley, 1850). The latter includes a well-known reference to naval sodomy in chapter 89, which describes the "wooden-walled Gomorrahs of the deep."

necessarily constrained by national boundaries, but the British anti-flogging campaign followed its own unique course and is exemplified in its own published tradition, including classic works such as William Robinson's pseudonymous reformist work (published under the name "Jack Nasty-Face"), *Nautical Economy* (1836).¹⁹

Sex was a contested area in the rhetoric of naval reform, lending further ambiguity to representations of maritime sodomy. As Isaac Land has shown, efforts to reform corporal punishment in the Royal Navy drew on complex discourses of race, class, and sexuality.²⁰ In order to effectively argue against traditional modes of corporal punishment, British seamen needed to forcefully reject longstanding cultural understandings of seafarers as a dangerous and foreign lot—unaccustomed to the world of the shore, odd and diverse (ethnically, nationally, culturally, linguistically), and sexually threatening and ambiguous.²¹ Reformist efforts therefore pushed an image of the stout British tar as the wholesome and appealing protector of nation and empire. This sailor was unambiguously English, white, and, of course, unquestionably orthodox in his sexual practices—a response not only to fears of seaborne sodomy, but also powerful pronatalist concerns. We see the emergence of multiple forms of popular writing fostering

¹⁹ Jack Nasty-Face [William Robinson], *Nautical Economy; or, Forecastle Recollections* ([1836]: by William Robinson, Cheapside). See Robinson's biography in the *DNB*, as well as C. Pitcairn Jones, "The 'Identity' of Jack Nastyface," *Mariner's Mirror* 39 (1953): 136-38, and Henry Baynham, "William Robinson, alias Jack Nastyface," *Mariner's Mirror* 87 (2001): 77-80. The flogging debate stretched throughout the nineteenth century. The navy only officially halted flogging in the 1870s. Dacam, "Wanton and Torturing," 9-10.

²⁰ Isaac Land, "Customs of the Sea: Flogging, Empire, and the 'True British Seaman,' 1770 to 1870," *Interventions* 3 (2001): 169-85, and "Sinful Propensities." See too his "The Humours of Sailortown: Atlantic History Meets Subculture Theory," in Glenn Clark, Judith Owens, and Greg T. Smith (eds.), *City Limits: Perspectives on the Historical European City* (Montreal: McGill-Queen's University Press, 2010): 325-47.

²¹ The notion of an "oppositional culture" among seafarers is explored in Marcus Rediker's work, for instance. See his *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750* (Cambridge: Cambridge University Press, 1987).

identification with seafaring men. They were broadly successful in this culture work. Their discourse eventually became powerful enough to outlive its original context and both the practices of naval flogging and impressment, and has enjoyed such widespread acceptance that it is one of the dominant modern narratives of life in the Anglophone maritime and naval world—visible in everything from popular histories like Jonathan Neale’s *The Cutlass and the Lash* (1985, drawing heavily on Nasty-Face’s writing), to many of the retellings of the *Bounty* and other mutinies, to such unlikely contemporary representations as the punk band Murder City Devils’ song “Press Gang” (2000).²²

To provide a rich example of the complexity of press representations and the roles of the press in sodomy cases, I investigate one particularly well-documented *cause célèbre* throughout this chapter. This case study looks at the reporting and printed debate following the trial and conviction of Lieutenant Henry Stokes of the *Tartarus*, a steam surveying vessel. Late in November 1844 a court martial sitting in Devonport convicted Stokes of an indecent assault on a ship’s boy named Terry. The court disgraced the lieutenant, dismissing him from his position.²³ While I have been unable to identify any copies of the trial minutes (few minutes survive from trials from after 1840), a large body of correspondence relating to the case is found in the papers of Henry Stokes’s older brother, John Lort Stokes.²⁴ The elder Stokes brother enjoyed a successful naval career, serving on and eventually commanding *HMS Beagle* and, as a retired officer, attaining

²² Neale, *The Cutlass and the Lash: Mutiny and Discipline in Nelson’s Navy* (London: Pluto, 1985). The song, from the album *In Name and Blood*, makes identification with an executed sailor plain: “Just a victim of the press gang / I knew him when he was breathing / He was a good man, he was a young man / He was like you, he was like me / It could have been me, it could have been me.”

²³ Basic trial information is in ADM 13/103; ADM 13/104, #2187.

²⁴ For convenience’s sake I will often refer to the brothers by their first names throughout the rest of the chapter.

the rank of admiral late in life.²⁵ Read together with press coverage of the affair and its fallout and other contemporary Admiralty records, this case reveals the ways in which well-connected elite men feared the press as an instrument of punishment, and yet, if they were fortunate, could also make use of it to attempt to achieve redemption and other goals.

Stokes shows us that the press thus served a great many functions when it came to naval sodomy. It is, in fact, a central actor in the history explored in this dissertation—not merely an instrument for representing what occurred in the sites I explore in other chapters. For the Admiralty and individual commanders, the press acted as a cudgel in a number of ways. The threat of publicity was a potent deterrent and, in practice, one of the navy’s most powerful punishments for officers. As described in chapter 1, most officers could not be subjected to corporal punishment, and commissioned officers in particular were extremely unlikely to be hanged. For these reasons, publicity functioned as one of the main punishments the navy had for these men. It had much greater latitude to injure their honor than their bodies.

Officers feared public notice of sodomitical misbehavior immensely. Airing an accusation was understood as making it public, even if doing so only passed the knowledge into oral circulation on a ship or in the fleet. Once a charge was so “publicized,” an officer’s honor demanded that he immediately rebut it and call for an investigation and a court martial to clear his name.²⁶ Failing to do so was suspicious,

²⁵ See *DNB*.

²⁶ This sort of language is used in, for instance, the testimony of Andrew Ralph (able seaman of the *Volcano*) in the trial of Don Philip Dumaresq (20 February-2 March 1839, ADM 1/5485): “I told him I would not give publicity to it at present if he was not certain.”

perhaps even prima facie evidence of the crime. Responding elevated the charge, however, and a trial guaranteed wide public notice. Lieutenant Hawkins Godolphin Ayscough pointed to the paralyzing fear this prospect engendered, a fear that must have gripped many accused men as they contemplated public attention:

I have before my eyes the publicity of a Trial, the appalling prospect of seeing my name in Print. The Stigma remaining, among evil thinkers even after acquittal. I would, at that moment [of considering a trial,] had it been possible, have buried myself in the centre of the Earth rather than be the object of such a humiliation.

In the event Ayscough was tried and convicted. The court dismissed him from the *Barham* and stripped him of his seniority.²⁷ What he had feared came to pass. His name and honor were scourged in the navy, in print, and thus in public.²⁸ The publicity did not destroy him in the fashion his apocalyptic language suggested it might, but his career suffered. However, punishment is not the whole story either. The press was also a site for officers to engage in public discussion and dispute outside of the confines of the navy and the channels of discourse that it controlled. If they were effective, they could leverage external power to put pressure on the force itself. They could call for reform and question particular actions and decisions. Some fortunate men could even, like Stokes, achieve their desired ends by turning to the press.

John Lort, the elder Stokes brother, enjoyed a distinguished naval career.²⁹ By 1844 he had already spent two decades in the force, much of it on the *Beagle*, including

²⁷ Hawkins Godolphin Ayscough court martial (8-10 May 1838, ADM 1/5484). Listed in ADM 13/103; ADM 13/104, #1947.

²⁸ See *Nautical Magazine* 7 (1838), 550; William R. O'Byrne, *A Naval Biographical Dictionary* (London: John Murray, 1849), p. 30 (the reference is extremely oblique, but a reader aware of the scandal would have understood it); and William Hickman, *A Treatise On the Law and Practice of Naval Courts-Martial* (London: Murray, 1851), 220-21. His loss of seniority was thereafter visible too in the printed *Navy List*, which would have served as a perennial reminder of his shame. See, for instance, a late example from January 1881, *The Royal Navy List* (London: Witherby & Co., 1881), p. 100.

²⁹ See his biography in the *DNB*.

during Charles Darwin's time on the ship. In the years before his brother's trial, John commanded the *Beagle* during surveys of New Zealand and Timor, and after the trial he published some of the results of his work during that period (1846).³⁰ In 1844 he still held the rank of lieutenant, only reaching that of captain in 1846. He went on to hold a number of other commands before his 1863 retirement from active duty, after which he slowly ascended the upper ranks, finally rising to Admiral in 1877. His brother's trial, dismissal, and the public scandal that it involved apparently did not negatively affect his career in the long term, even though John was closely involved in his defense and public attempt at rehabilitation. The elder Stokes was able to neutralize the threat his brother's disgrace posed to his own career by mounting and relying upon a sophisticated and ultimately successful press campaign to attack the trial that had convicted Henry and to seek and win his reinstatement.

Before proceeding to an analysis of the three strands I have identified in the reporting, it is important to frame and discuss limitations in what follows. First, this chapter is based primarily on published accounts of sodomitical misdeeds, mainly from newspapers and purporting to be non-fictional and accurate. It does not survey literary representations, though further work of that sort is needed.³¹ I have drawn heavily from digitized print databases, and because of the national scope of the databases used the focus is largely on a fairly limited range of English newspapers. As I will highlight in

³⁰ John Lort Stokes, *Discoveries in Australia; With an Account of the Coasts and Rivers Explored and Surveyed During the Voyage of the Beagle, 1837–1843* (London: T. and W. Boone, 1846).

³¹ There is no naval parallel to the work of Hans Turley, for instance. Turley, *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity* (New York: New York University Press, 1999). Works like John R. Reed, *The Army and Navy in Nineteenth-Century British Literature* (New York: AMS Press, 2011), contain some intriguing hints, but insofar as they deal with military men as sexual and gendered people, it is largely in other contexts. See, however, his observations at 49, 78-79, 332-33, and 364n24.

examples below, however, there was abundant coverage of this topic both in currently undigitized periodical publications from English port cities and farther afield (for instance, in the Caribbean and in continental North America). A broader survey of these sources has also been outside of the scope of my research, but we can assume on the basis of these cases that local oral transmission and, at times, print circulated stories of crimes and trials much much more widely than my research has revealed. The nature of the research for this chapter and the resources used also does not allow for the sort of quantitative analysis pursued in earlier chapters.

Bringing the Threat Home: Reporting Maritime Sodomy

Historians of sexual crimes have repeatedly shown the importance of newspapers and other printed periodical sources for writing the history of sodomy and other sex crimes, particularly for the nineteenth century, where in the absence of many original legal documents the papers are some of very best sources available.³² Sodomitical offenses were routinely covered in the eighteenth- and nineteenth-century press, and the scope of coverage was often wide. The Georgians exhibited a fervent interest in the topic. That enthusiasm in turn gave way to an equally intense, if less explicitly fulfilled, desire among the Victorians for news of “indecent,” exemplified by the furor that surrounded

³² For crimes between men, see Charles Upchurch, *Before Wilde: Sex Between Men in Britain's Age of Reform* (Berkeley: University of California Press, 2009), and Cocks, *Nameless Offences*. Both of these works rely heavily on newspaper coverage and consider such coverage analytically as a historical phenomenon. For sexual offenses against women by men see for instance the work of Kim Stevenson, including: “Causing a Sensation: Media and Legal Representations of Bad Behaviour,” in Judith Rowbotham and Stevenson (eds.), *Behaving Badly: Visible Crime, Social Panics and Legal Responses: Victorian and Modern Parallels* (Aldershot: Ashgate, 2003): 31-46, and “Unearthing The Realities of Rape: Utilising Victorian Newspaper Reportage To Fill In The Contextual Gaps,” *Liverpool Law Review* 3 (28): 405-423. Newspaper reports are one of the best sources for most Victorian naval sodomy trials because of the destruction of post-1840 trial records.

famous cases like the Thomas Boulton and Frederick Park prosecution discussed in chapter 3 and, of course, that of Oscar Wilde. Both date from late in the nineteenth century. Historians have also studied eighteenth-century coverage extensively. The century saw a glut of crime reporting, epitomized by the *Proceedings* of the Old Bailey and related publications, which gave publicity to many London sodomy prosecutions. There are also seventeenth and eighteenth-century monographs, broadsheets, and other publications dealing with particular offenses and trials. Rictor Norton, whose work draws heavily on such print sources, has collected many examples in his online sourcebook.³³ Randolph Trumbach counts at least 500 reports of sexual misbehavior between men in the London papers in the eighteenth century alone.³⁴ Indeed, British sodomy spread along a broader Atlantic print culture. Clare Lyons has shown that Philadelphia, for instance, made no effort to repress sodomy legally in the fashion that British cities—and London in particular—did. Yet Philadelphians accessed a large body of printed matter that dealt with British sodomy. Tobias Smollett’s *Roderick Random*, which contains one of the most important Enlightenment-era literary portrayals of a naval sodomite, was particularly popular there.³⁵

While the nineteenth century witnessed a restriction in the limits of public discourse about sodomy (the *Proceedings* had ceased reporting on it in any detail altogether by 1800, for instance), the actual amount of reporting expanded massively. In part that expansion was clearly a response to the increase in such prosecutions, but it was

³³ “Homosexuality in Eighteenth-Century England: A Sourcebook.” <http://rictornorton.co.uk/eighteen/index.htm>.

³⁴ Trumbach, “The Transformation of Sodomy from the Renaissance to the Modern World and Its General Sexual Consequences,” *Signs* 37 (2012): 832-47, here 842.

³⁵ Lyons, “Atlantic Sexual Culture,” 128-31.

only possible because the press devised ways to frame these stories so that they were within the bounds of acceptable discourse. Charles Upchurch has studied such reporting closely in early- and mid-nineteenth-century England, showing that the *Times*, the *Weekly Dispatch*, and the *Morning Post* alone published almost 1,000 relevant pieces from 1820 to 1870.³⁶ Print therefore spread knowledge of sodomy and its legal repression widely, as did oral communication and firsthand experience with trials and public punishments. Before pillorying and then executions for sodomy ceased, many witnessed brutal state and social responses to proscribed sex in public settings. Trials themselves could also be popular affairs. Cocks describes huge crowds, even numbering in the thousands, attending in and around some trials.³⁷

As Upchurch and Cocks's work amply demonstrates, evolving nineteenth-century constraints on published discourse did not stop writers from giving details about these cases to readers. The same held for naval cases as well. Consider the 1877 trial of Francis Alexander Hume. The papers published many reports on the case, and there was in fact direct interaction between the court and a paper, the *Hampshire Telegraph*. The court sought to correct what it perceived to be erroneous reporting in the paper's coverage of testimony given during the trial. The paper in turn insisted that "it did not profess to furnish a full and literal account of all that transpired"—though the report in question was remarkably long and detailed. As the paper explained, "No respectable journal ever gives evidence in detail in charges of indecency, and we certainly felt no temptation to depart

³⁶ Upchurch, *Before Wilde*, 16, and chapter 5.

³⁷ Cocks, *Nameless Offences*, 87.

from this wholesome rule in the present instance.”³⁸ Devices like this were ubiquitous in Victorian sodomy reporting, and were examples of an even more common approach to narratives that were at the bounds of decency. It inoculated writers themselves from charges of indecency while allowing for prurient and moralizing attention. Contemporary norms made certain elements unprintable, but writers were still able to convey considerable detail to readers who wanted it.

As the Hume episode suggests, naval trials could attract great interest in print as well as in person. Throngs as enormous as those that Cocks has identified were not possible at or immediately around courts martial, of course, but we do sometimes get a glimpse of both the intensity of public interest in cases and the ship-scale crowds that attended some trials. Held on the *Victory*, the 1846 trial of Charles Gibbs Crawley “appeared to excite much interest, and the decision of the Court was heard with evident signs of satisfaction by the crowds of persons assembled in the cabin to witness the proceedings.”³⁹ The possibilities for autoptic experience of proceedings were unquestionably limited relative to many prosecutions on land, however. Naval vessels and institutions were restricted spaces to a much greater extent than normal criminal courts, and trials often occurred out of home waters. In some cases, courts martial even convened at sea, and were therefore entirely inaccessible to the public. Wherever boards considered cases, effective widespread public witnessing was only possible virtually. The

³⁸ *The Hampshire Telegraph*, 23 May 1877. The report in question is: “Serious Charges Against A Post-Captain,” *Hampshire Telegraph*, 19 May 1877. For the trial, ADM 194/182, #3685.

³⁹ *Morning Post*, 7 October 1846. The case and trial were also reported in *The United Service Magazine* 52 (1846), p. 450; *Hampshire Telegraph*, 3 October 1846; *Freeman's Journal and Daily Commercial Advertiser*, 7 October 1846; *Salisbury and Winchester Journal*, 10 October 1846; *Hereford Journal*, 14 October 1846; and *Hampshire Advertiser*, 10 October 1846.

press therefore provided what was an essential public service, though it was not the sole means of publicizing crimes and trials. Contemporary accounts indicate that it was easy for information to spread quickly by word of mouth. For example, the naval autobiographer William Spavens was privy to proceedings because of his position in the captain's barge, which "gave me an opportunity of attending at many courts martial."⁴⁰ The navy's *Regulations and Instructions* and other guides to best practices made clear that trials should be held "in the most publick Place of the Ship, where all, who will, may be present."⁴¹ Observers and trial participants could then pass on what they had learned orally. As we have seen, punishments were also intended to be highly public, and were conducted in ways that were designed to promote speech that would help deter future crimes (see chapter 1 and the discussion of executions below).

Previous scholarship has not appreciated the extent of public knowledge of maritime sodomy and the frequency with which it was discussed in print. The coverage was in no way uniform between cases or over time, of course. Coverage only became common after the French Revolution, in the period in which trials themselves became common. Even then, the more elite a suspected sodomite and the more unusual the nature of his supposed crime, the more likely he was to attract coverage. Incidents that occurred far afield from home waters were understandably less likely to receive extensive—or indeed any—notice in print. This unevenness notwithstanding, the many articles

⁴⁰ William Spavens, *The Narrative of W. Spavens, Chatham Pensioner, Written by Himself* (Louth: Sheardown, 1796), 119-20; N.A.M. Rodger (ed.), *Memoirs of a Seafaring Life: The Narrative of William Spavens, Pensioner on the Naval Chest at Chatham* (London: Folio Society, 2000), 103-4. On Spavens see too his short biography in the *DNB*.

⁴¹ *Regulations and Instructions* (1731), 4. The 1806 edition, p. 405, contained the same injunction to assemble "in the most convenient and public place of the Ship; and all person... are to be admitted" apart from witnesses. Liddel's writings echoes this as well. *Seaman's New Vade Mecum* (1794), 204.

reporting on naval sodomy show us that seacraft, including naval vessels, were not entirely opaque to observers far afield from the sea. Moreover, naval courts martial in particular were highly public affairs, and not only within the fleet itself. The public could easily become aware of maritime sodomy and sodomitical mariners in any number of venues. Some observers felt that sodomy trials were actually too public. When reporting in 1845 on the trial of William Bishop Godshall Johnson for indecent conduct, the coverage in the *Hampshire Advertiser* lamented that boys, even those “of very tender age,” could attend such trials, for example.⁴² Even when the legal proceedings themselves were nominally private, as in the 1872 court martial of Daniel Hayes, they could receive significant attention that conveyed at the very least the bare facts about the identity of the accused, the nature of his crime, and the verdict and sentence.⁴³

Reporting on maritime sodomy was only a subset of the much larger world of sodomy coverage, and certainly a minor one at that. As we have seen, courts martial were much less accessible than urban criminal courts, and the naval justice system was not highly transparent to outside observers. Reporting on naval sodomy was nonetheless common and, moreover, constant throughout the period covered in this study, at least insofar as prosecutions were conducted. This reporting on naval sodomy can be identified

⁴² This view itself reflects a sentimentalization of childhood that is an important example of the emergence of the humanitarian narrative. The piece explained that boys “listen with avidity to the particulars” produced in such cases (by that time already long considered unprintable in newspapers, as this article itself shows by declaring that “the particulars of the charge and evidence cannot be published.”). The horrors of such cases “blunt the feelings of rectitude and propriety inherent in youth.” *Hampshire Advertiser*, 1 Feb. 1845. The trial minutes should be held in ADM 1/5558, but appear to have been destroyed. But see ADM 13/103; ADM 13/104, #2194; and Hickman, *A Treatise On the Law and Practice of Naval Courts-Martial* (London: Murray, 1851), 234-5.

⁴³ *Lloyd's Weekly*, 1 December 1872; *Sheffield Daily Telegraph*, 27 November 1872; *Hampshire Advertiser*, 30 November 1872; *Bristol Mercury*, 30 November 1872; *Chelmsford Chronicle*, 29 November 1872; *Pall Mall Gazette*, 26 November 1872. No trial minutes have been located, but see ADM 194/181, #2654.

from at least as early as the Commonwealth or Interregnum period (1649-60), and continued well past the range of the present study.⁴⁴ It was certainly common enough that we must attend to it in order to make sense of public attitudes towards maritime sodomy. Just as criminal trial reporting was essential to the ways in which people learned about and understood sodomy on land in Britain, reporting and related informal communication about sodomy at sea were the main ways in which those outside of the navy encountered naval sodomy.

The topic seems to have fascinated Britons. Those who did not go to sea and did not make their living on water knew that those who did were different from them. There was an inherent, usually unacknowledged tension here. Sometimes Britons identified closely with sailors; Jack Tar could be John Bull. Many representations, however, instead stressed alterity. Cultural representations of the tar commonly conceived of him as a member of a unique race, different and—because he was often physically distant—obscure. What he did at sea could be difficult to discern, but there were persistent fears that near or far sailors were criminally dangerous, including as a sexual threat to women on shore.⁴⁵ Extensive reporting on sodomy among seafarers both at sea and, disturbingly, also back at home, presented the sodomite sailor as a real threat as well. In the case of officers, moreover, the world outside of Britain was imagined as a source of sodomitical contagion. Both the wooden world and the foreign locales through which officers were

⁴⁴ *Mercurius Politicus*, 7-14 November 1650; *Severall Proceedings of State Affaires*, 10-17 August 1654. I take the citation for the latter from Bernard Capp, *Cromwell's Navy: The Fleet and the English Revolution, 1648-1660* (Oxford: Clarendon Press, 1989), 256-57, and n207. For late examples: *Portsmouth Evening News*, 31 July 1894, reporting on the trial of William John May (see ADM 194/184, 31 July 1894); and *Portsmouth Evening News*, 9 May 1900, reporting on the trial of Edward Salisbury (see AMD 194/184, 9 May 1900). I have not identified original court martial records for any of these trials.

⁴⁵ Land, *War, Nationalism*.

able to circulate largely unrestricted could be rife with sodomy. Sex with men had long been understood as a foreign vice, often associated with the French, southern Europeans, “Turks,” and so on. Even maritime observers agreed on this point. The sailor Samuel Leech described sodomy as “quite common among the Spaniards and Portuguese.”⁴⁶ Naval surgeon James Lowry found the crime equally routine among others, including “Moors” and the residents of Tripoli and Tunis.⁴⁷ Officers tainted by sodomy posed an even greater threat than common sailors: in their ships, to the navy, and back on land at home. They had power, influence, connections, mobility.

Much reporting presented itself as simple, straightforward, and factual, either with or without explicit moralizing against sodomy or invocation of the threat of sodomites. Either way, however, these reports spoke to the popular perception of Jack Tar as a riotous, dangerous, sexually-threatening presence. Popular attitudes held that British sailors were quick to misbehave sexually when on shore, and news about crime and from the courts only helped to bolster that view. Reports of sailors’ sexual aggression against women and girls were common.⁴⁸ Ned Ward, whose writing was so important for introducing the molly and molly house to popular consciousness, described sailors on shore as sexually dangerous to women. They would force themselves on women they met in the streets, he explained, “and could have Committed a Rape in Publick, without a sense of Shame, or fear of Danger.”⁴⁹ Seafarers, navy men, and men with naval pasts

⁴⁶ Samuel Leech, *Thirty Years from Home: Or, A Voice from the Main Deck* (Boston: Charles Tappan, 1844), 94.

⁴⁷ James Lowry, *Fiddlers and Whores: The Candid Memoirs of a Surgeon in Nelson’s Fleet*, ed. John Millyard (London: Chatham, 2006), 40, 149, 152-3.

⁴⁸ For example: *Weekly Miscellany*, 16 December 1738; *General Evening Post*, 9-11 June 1748; *Whitehall Evening Post or London Intelligencer*, 9-11 June 1748.

⁴⁹ Ned Ward, *The London Spy Compleat* (London: by J. How, 1703), 322, at <http://grubstreetproject.net/works/T119938?image=326>.

routinely surface in reporting on sodomy cases on land as well, like the “wretch” William North, a married former naval schoolmaster in his 50s or 60s (reports differed) who was sentenced to die in 1822 at the Old Bailey for raping a nine- or ten-year-old boy named Isaac Hare.⁵⁰ In fact, North appears to have invoked his navy job, and the support he had received from an official at the Admiralty in securing it, in defense of his character during the trial.⁵¹ He was hanged that spring at the Debtors’ Door at Newgate before a large crowd.⁵² An association between seafarers and sodomy was in no way automatic, but as we have seen there were cultural connections.⁵³

Observers concluded North’s was a dreadful death, even for an execution, and the tension between accounts of his hideous crime at the time of his trial and his horrible end at the time of his execution underlines the complexity and ambiguity found in such reporting.⁵⁴ At the trial North had presented the figure of “a fine, stout, robust man,” but on the day of his execution he was a wreck. He seemed to have aged a decade, and “he had wasted to the mere anatomy of a man.”⁵⁵ North was practically out of his mind, at times entirely “delirious,” but he came to his right senses as, with aid, he mounted the

⁵⁰ *Salisbury and Winchester Journal*, 23 September 1822. The case is in the Old Bailey *Sessions Papers* online, OBP t18220911-141, but as with all sodomy reporting in that source from the late eighteenth century on, no details are given. The *Sessions Papers* do not describe North as a navy man. See too *Worcester Journal*, 26 September, 1822.

⁵¹ *Morning Post*, 21 September 1822.

⁵² *Morning Chronicle*, 22 Feb. 1823; *Derby Mercury*, 5 March 1823.

⁵³ For an interesting linguistic example, see Lyons, “Atlantic Sexual Culture,” 143.

⁵⁴ The following is drawn from *Bury and Norwich Post*, 5 March 1823; *Ipswich Journal*, 1 March 1823; and *Northampton Mercury*, 8 March 1823.

⁵⁵ This may be a veiled reference to the practice of supplementing capital punishment by giving felons’ corpses to medical men for autopsies. See, among others, Peter Linebaugh, “The Tyburn Riot Against the Surgeons,” in Douglas Hay et al. (eds.), *Albion’s Fatal Tree* (New York: Penguin, 1977): 65-117. The Anatomy Acts (1832) applied this same punishment to paupers, in keeping with the motivations underlying the New Poor Law (1834) by allowing anatomists to purchase the unclaimed bodies of those who died in workhouses. Ruth Richardson, *Death, Dissection, and the Destitute*, 2nd ed. (London: Phoenix, 2001 [1987]). In this case, North has apparently been vivisected, autopsied while still alive by the horror of his experience.

scaffold. As the moment neared he reacted with such terror that it was palpable to the entire crowd: “His expressions of horror, when the rope was placed round his neck, made every spectator shudder.” Reporting that emphasized the enormity of the man’s crime gave way at this point to reporting instead laying bare the horror of his punishment and its effect on the crowd. This apparent contradiction in coverage reveals competing tendencies and cultural pressures. Abhorrence of sodomy and horror at North’s abuse of his young victim are clear from the reports on the trial. The young age of his victim may have kindled particular outrage in an era in which there was increasing sentimentalization of children and childhood. It was in this period that the plights of groups of children, including working-class boys such as the chimney sweeps investigated by Percival Pott and the unemployed and orphans provided for by the Marine Society, became increasingly visible to Britons.⁵⁶ Yet this was also an era in which critical observers warned of the pernicious, brutalizing effects of spectacles like North’s execution. Judicial and penal practice would shortly turn against executing men like North, and the reporting on his death reflects the constellation of sentiments that allowed that shift as well.

Coverage of sodomitical misbehavior by sailors, whatever their service, when on shore only strengthened the cultural association between sodomy and seafarers.⁵⁷ Such reporting was simply a subset of sodomy reporting in general, which allowed for cultural hand-wringing, salacious and prurient storytelling, and moralizing. Often reports mixed

⁵⁶ On chimney sweeps, see e.g. Peter G. Clamp, “Climbing Boys, Childhood, and Society in Nineteenth-Century England,” *Journal of Psychohistory* 12 (1984): 193-210. For marine society boys, see Pietsch, “Ships’ Boys and Charity,” and his subsequent work listed in my bibliography.

⁵⁷ For a sodomite from the merchant navy, see the case of Mr. Norman, a master, in: *Weekly Journal or British Gazetteer*, 4 August 1722; *Daily Journal*, 6 September 1722; and *Evening Post*, 15-18 September 1722.

all three, as in the 1731 case of two ships' carpenters who met in a public house in the Bedminster district of Bristol one Tuesday in December. As they drank, one offered the other his greatcoat in exchange for some "sodomitical" activities. The other assented, but explained that they needed to move to a safer location to avoid detection. The "Indorser" leaving first, the man who had been solicited took a knife from the pub and followed him. He used it to attack the endorser, cutting deeply into "that Part of Nature design'd not for such a Diabolical Use."⁵⁸ (Note the similarity to the sentiment that one's "tool" was "made for other use" from the slightly later Slade naval prosecution.⁵⁹) Indeed, he would, the reporting assured readers, have fully amputated the sodomite's penis if the knife had not been so dull. It added that the attacker "complain'd to the Landlord for not keeping his Knives in better Order." This comic aside is immediately followed by heavy-handed moralizing, however, as the writer ends by hoping that "all [this] vile Clan will meet with the same or worse Fate."⁶⁰ This short report mixes voyeuristic intrusion on the misdeeds of the hidden clan of sodomites supposedly hiding right under readers' noses (likewise revealed in the extensive reporting on James Nehemiah Taylor, as seen in chapter 3); shocking yet comic violence as if in a picaresque novel; and moralizing of the sort that could be found in contemporary fire-and-brimstone sermons and religious tracts.

This last was naturally a common mode in the reporting. Some reports pitied sodomites or at least, as in the accounts of North's execution, employed pathos when

⁵⁸ Historians have often noted the movement of vocabulary originally used to describe female prostitution to describing men who had sex with men. This was the trajectory followed by terms like "punk" and "queen" for example. See *OED* for both.

⁵⁹ I discuss this case and the implications of this construction in "Buggery's Travels," 103-4.

⁶⁰ *London Evening Post*, 18-21 December 18, 1731; *Universal Spectator and Weekly Journal*, 25 December 1731, 461. Morris, "Sodomy and Male Honor," 396, has a later instance in which amputation is wished for as well, though in her case it is found in legal records.

discussing them. But many items completely eschewed empathy, much in keeping with the deeply negative attitudes explored in chapter 2. The men executed as a result of the *Africaine* affair, for instance, were simply “loathsome creatures” in one telling.⁶¹ For a representative example of unsparing moralizing, take the approving comment in one report on the trial of Thomas Hubbard and George Hynes, who were hanged in 1800. The writer explained that the court president, Rear Admiral John Holloway, had given a speech after the court delivered its verdict in which he “severely commented on the atrocity and depravity of the crime, and exposed its enormity in a manner that raised the greatest compunction in the Prisoners.”⁶² A report on the 1810 trial of James Toole made clear that there was no doubt as to his guilt, and lamented that he had used force against his young victim. “The prevalence of this most abominable of all crimes,” it editorialized, “among all classes of society, presents a very melancholy spectacle for the contemplation and reprobation of the moralist.” The only minor consolation for this writer, as for so many other British commentators, was that at least the the crime of sodomy itself was not “of British growth.”⁶³ Yet this observation was cold comfort. Even if sodomy were not a native British crime, men like Toole were adopting it, allowing it to grow and flourish. Though he was only a marine private, Toole had somehow developed a “very improper disposition” to the sodomitical, as an Admiralty minute concluded.⁶⁴

The attitudes undergirding such moralizing are seen as well in satisfied accounts

⁶¹ *Hampshire Telegraph*, 5 February 1816.

⁶² *Naval Chronicle* 4 (1801), 514-5. Other reports do not mention this speech. *The Times*, 17 December 1800, p. 3; *The Ipswich Journal*, 20 December 1800; *Oracle and Daily Advertiser*, 16 December 1800; *London Chronicle or Universal Evening Post*, 16-18 December 1800; *Hereford Journal*, 24 December 1800; *Observer*, 21 December 1800, p. 4; *Hampshire Chronicle*, 22 December 1800 and 29 December 1800.

⁶³ *Hampshire Chronicle*, 8 October 1810.

⁶⁴ Undated minute following Bicknell to Croker, 16 October 1810, ADM 1/3699.

of punishments, such as a mid eighteenth-century report of “A very extraordinary Kind of Sea Discipline.” The papers reported that two men of the *Princess Amelia*, then at Plymouth, had committed a sodomitical crime. Their captain wanted to punish them, but was unable to come up with sufficient proof.⁶⁵ As the ship was in port, though, it was filled with women, and he decided to turn the matter over to them. He therefore informed the women who were aboard the ship of what had occurred,

whereupon near twenty of the Amazonian Kind jumpt on Deck, with Cat-o’Nine-Tails in Hand, the Men being seiz’d and stript, did lay on the Stripes so close, and with such heavy Resentment at the Crime, that, if they had not soon been taken off, they would have died under the Discipline.⁶⁶

The reports of this event fit within the popular genre of interesting and startling miscellanea and oddities. The structure of the short tale is comic and celebratory: with an unexpected reversal, women deliver the justice that the men cannot. The story drew on the cultural notion that sodomy particularly offended women, who were spurned by sexual practices between men.⁶⁷ It was only natural that women would vent their frustration on the vile race.

In this respect, the story also has an unexpectedly harsh critical edge too, however. The navy’s legalism emasculates the force, a failure aggressive and powerful (masculine?) women rectify. They use the navy’s own disciplinary tools to deliver the justice the offenders truly deserve. And they were not simply disciplinary tools, but

⁶⁵ This is almost certainly a fictional account (see n66 below), and this detail suggests as much. As chapter 1 showed, naval captains had wide discretionary latitude to punish crimes summarily. If he lacked the evidence to bring the men to trial he could have had them flogged on this basis and would not have had to rely on the reported method, which would have been illegal.

⁶⁶ *London Evening Post*, 18-20 November 1742; *Universal Spectator and Weekly Journal* 20 November 1742. I have not been able to confirm this incident from contemporary naval sources, including the ship’s captain’s log, at ADM 51/735.

⁶⁷ Goldsmith, *Worst of Crimes*, 10.

unequivocally phallic ones. From at least the early modern period there had been a quite literal connection between flagellation and the penis in the form of the famous “bull’s pizzle,” the use of an actual dried bull’s penis (and indeed that of other animals as well) as a flogging instrument.⁶⁸ The navy’s cat o’ nine tails was a different tool, but the connotation was powerful. This story thus not only shows criminals receiving the harsh punishment that they richly deserve, but also contains a pointed, implicit, gendered criticism of naval discipline and law, another topic that will be discussed below.

Sodomitical officers excited more interest than seamen. There are more accounts of trials involving officers, and longer reports are far more likely to concern them as well. In part this reveals a cultural fascination with elite misbehavior and with the issue of false accusations of sexual impropriety against gentlemen and other elite men by their inferiors and subordinates. However, most reports dealt with sodomitical charges, not blackmail, and the strong association of naval officers with their offices meant that these were unquestionably naval cases regardless of where they took place. The long, sordid case of Lieutenant Thomas Wye, charged with assault with intent to commit sodomy on a journeyman blacksmith in Suffolk in 1755, is a prime example. The abundant, detailed coverage unfailingly mentioned that Wye was a navy man, and a commissioned officer at that.⁶⁹

⁶⁸ See *OED* s.v. “pizzle” and the sub-entry “bull’s-pizzle” under “bull.” The first instance of the latter is in fact a maritime example in which boatswain’s mates are described wielding pizzles as disciplinary instruments.

⁶⁹ Although they do not appear to cover the whole story, the broad outlines can be followed in: *London Evening Post*, 21 August 1755, 11 October 1755, and 3 April 1756; *Public Advertiser*, 14 October 1755 and 6 April 1756; *Gazetteer and London Daily Advertiser*, 6 April 1756; *Oxford Journal*, 10 April 1756; *Ipswich Journal*, 3 April 1756 and 1 May 1756; *London Gazette*, 17-21 March 1761, 21-24 March 1761, and 31 March-4 April 1761.

As seen in the reporting on James Nehemiah Taylor, there were strong fears of sodomy being inculcated among officers in foreign locales. One of the most important cases of this sort significantly predates Taylor's trial. The case of Captain Edward Rigby, an officer in William and Mary's navy, occurred more than a century earlier, in a 1698 trial at the Old Bailey. It was an early case driven by the Societies for the Reformation of Manners, which spearheaded the initial London molly house raids and devoted even greater efforts to disciplining heterosex before the middle of the eighteenth century.⁷⁰ Rigby had captained both the *Mermaid* and the *Dragon* in the 1690s, but at the close of the century lost all hope of continuing his career in the Royal Navy when he was very publicly convicted of a sodomitical crime.⁷¹ The teenaged William Minton helped to entrap Rigby after the officer had acted indecently towards and propositioned him in St. James's Park. With Minton's help a constable and some assistants seized Rigby in the act in a room in the George Tavern in Pall Mall.⁷² Rigby was tried, convicted, and sentenced to three two-hour sessions in the pillory; to pay a £1,000 fine followed by a year in prison; and to provide sureties for good behavior for seven years.

Unsurprisingly the coverage of Rigby's spectacular case was substantially more extensive than that of Wye's a half century later. As with the unfortunate lieutenant, however, the coverage routinely made mention of Rigby's position as a naval officer. The

⁷⁰ Faramerz Dabhoiwala, "Sex and Societies for Moral Reform, 1688-1800," *Journal of British Studies* 46 (2007): 290-319; Robert Shoemaker, "Reforming the City: The Reformation of Manners Campaign in London, 1690-1738," in Lee Davidson et al. (eds.), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750* (Stroud: Sutton, 1992): 99-120.

⁷¹ John Charnock, *Biographia Navalis* (London: for R. Faulder, 1794), vol. 3, pp. 50-1. David Bonner-Smith, *The Commissioned Officers of the Royal Navy, 1660-1815*, vol. 10, p. 774. See too C.G. Pitcairn Jones, *The Commissioned Sea Officers of the Royal Navy, 1660-1815* (Caird Library Reading Room, NMM, PBN2825/1), for a manuscript note on subsequent events.

⁷² For original court documents outlining the capture, see the depositions for the Edward Rigby trial, LMA MJ/SP/1698/12/021-MJ/SP/1698/12/025.

case merited many mentions in the papers.⁷³ It was also the subject of its own broadsheet report (fig. 4.1, below); was referenced in other forms of print, such as a printed broadside ballad (“Fair Venus... Make Rigby Recant / And the Souldiers henceforth do their duty”); and accounts of his trial were republished in compilations like the *Compleat Collection of Remarkable Tryals* (1718).⁷⁴ He became “the famous Captain Rigby”; “famous,” that is, “for gracing the Pillory for a Sodomitical Attempt.”⁷⁵ Subsequent events in his case and life also received coverage in print, and other publications mentioned Rigby as well.⁷⁶ These comments about Rigby’s fame, for instance, came in the context of his 1721 execution in France. Rigby had eventually fled to that country and joined its navy. In 1711 he was captured by the English and brought as a prisoner to Port Mahon, whence he again escaped.⁷⁷ Rigby’s career in France was apparently successful for a time, but he was eventually convicted of financial misdeeds (there is no imputation of sexual misconduct in English reporting on the crimes) and was put to death. Even decades after the Old Bailey trial, Rigby’s execution renewed and revived interest in the captain, prompting a burst of coverage in England.⁷⁸

⁷³ Norton transcribes the following reports: *Dawks’s News-Letter*, 24 November 1698, 10 December 1698, 13 December 1698, 20 December 1698, 22 December 1698, and 14 January 1699; *The Flying Post*, 10-13 December 1698, 17-20 December 1698, and 20-22 December 1698; *The Post Boy*, 20-22 December 1698 and 22-24 December 1698. In “The Trial of Capt. Edward Rigby, 1698.” *Homosexuality in Eighteenth-Century England: A Sourcebook*. Updated 11 July 2013; <http://www.rictornorton.co.uk/eighteen/rigby.htm>.

⁷⁴ *An Account of the Proceedings against Capt. Edward Rigby* (London: by F. Collins, 1698) (fig. 4.1). *A Compleat Collection of Remarkable Tryals... at the Sessions-House in the Old Bailey*, vol. 1 (London: for J. Philips, 1718), pp. 236-42. *The Women’s Complaint to Venus* [1698], Bodl. MS Rawl., poet. 159. See the transcription at <http://sniff.numachi.com/pages/tiWOMCOMP.html>. Norton also provides a transcription at “The Women’s Complaint to Venus, 1698,” *Homosexuality in Eighteenth-Century England: A Sourcebook*. Updated 30 April 2013; <http://www.rictornorton.co.uk/eighteen/complain.htm>.

⁷⁵ *Weekly Journal or Saturday’s Post*, 24 June, 1721, and *Weekly Journal or British Gazetteer*, 1 July 1721.

⁷⁶ *Post Man and the Historical Account*, 27-29 July 1699.

⁷⁷ *British Mercury*, 11-14 January 1712, describes the capture, but not the escape.

⁷⁸ *London Journal*, 17 June 1721; *Weekly Journal or Saturday’s Post*, 24 June 1721; *Weekly Journal or British Gazetteer*, 1 July 1721; *Post Boy*, 14-17 July 1722; *Weekly Journal or Saturday’s Post*, 21 July 1722; *Weekly Journal or British Gazetteer*, 10 June 1721; and *Ipswich Journal*, 10 June 1721.

Image omitted from digital version

Fig. 4.1: Rigby broadsheet, 1698. Bodleian Library, shelfmark fol. Theta 590(61). Wing A346.

The broadsheet sodomy trial report, “Printed by Order of the Court,” made it quite clear that Rigby’s trial had revealed that the officer had adopted the vice from overseas

influences.⁷⁹ As he attempted to “incite Minto” to commit sodomy, it explained, he told the young man that sodomy was “no more than was done in our Fore-fathers time,” and that Louis XIV committed sodomy, as did the seafaring Peter the Great: “the Czar of Muscovy made Alexander, a Carpenter, a Prince for that purpose.” Rigby apparently claimed that he himself “had seen” the Czar, “through a hole at Sea, lye with Prince Alexander.” Presumably Rigby had followed this example while at sea. The original manuscript depositions contain the same account as the broadsheet, but in any case the accuracy of the broadsheet report and the truth status of the actual claim are less important for our purposes than the observation that this tale conformed to a remarkably long-lived constellation of perceptions of sodomy as an dangerous and infectious foreign vice.⁸⁰

Both the manuscript and print accounts follow and describe an infection model, where sodomy is figured as a foreign contagion that can infect those who frequent sodomitical locales. The infected subsequently spread sodomy among the untainted population on home shores. This was a powerful model for understanding sodomy. Smollett invokes it in *Roderick Random*, when the hero reflects that men could be “infected with this spurious and sordid desire abroad.” Roderick then quotes Smollett

⁷⁹ *Account of the Proceedings against Capt. Edward Rigby.*

⁸⁰ Deposition of William Minton, servant to Charles Coates, accusing Edward Rigby of sodomy at the George Tavern, Pall Mall, LMA, MJ/SP/1698/12/024-MJ/SP/1698/12/025: “then replied Mr Rigby I will shew you how, for it was noe more then what was done in our fore fathers tyme: our Saviour called St: John the handsome Apostle for that Reasons hearing of which the Gentleman [another man present at the time of the alleged crime] there cryed out, fie, why said Mr Rigby to the Gentleman doe you not read within the scripture? is it not what great Men doe? The French King did it, the Czar of Muscovy made Alexander a Carpenter, a prince for that purpose and then Saies this Informt: to him, is this possible, why replied Mr Rigby I saw the Czar through a hole att Sea actually lye with the Sd Prince Alexander.” For further Old Bailey documents relating to the Rigby trial at the LMA, see MJ/SP/1698/12/021-22. I have worked from the original documents. Digitized versions are available in the *London Lives* database, but they are of varying quality and can be quite difficult to read.

himself (“the satirist”), borrowing from his earlier work *Advice* to damn “the wretch... who planted first that vice on British ground.” Spreading as a disease, it “poisons genial love, and manhood stains.”⁸¹ The infection metaphor suggests particular responses as well. Responsible men respond to disease with countermeasures: avoidance, therapy, quarantine. They must defeat the agents of infection. Rigby had been infected by the usual suspects (the French) as well as somewhat more exotic sources (the Russians), and was now attempting to make sodomites of young men back in London. Like Taylor long after him, and many others represented in print, he was a menace.

Revealing Ambiguity

If heavy moralizing comes as little surprise to a modern reader, it was in no way the only mode of reporting naval sodomy or approaching gender and sexual difference in the maritime world. As in the trials themselves the full range of representations in the press do not reveal simple and straightforward attitudes towards the complexities of sex and gender at sea. Just like the sailors described in chapter 2, observers in print were clearly capable of brooking some degree of unexpected gender and sexual complexity and disorder. Take a 1739 report concerning Captain Bestwick of the *Resolution*, which sailed for Jamaica with a servant named John Roberts aboard. On the suspicions of a cabin boy, Bestwick interrogated Roberts about his or her gender. Roberts confirmed the cabin boy’s doubt, explaining “that she was a Hermaphrodite.” Bestwick himself inspected Roberts’s body, however, and “to his agreeable Surprise” discovered that

⁸¹ *The Novels of Tobias Smollett* (London: Hurst, Robinson, and Co., 1821), 139; *The Miscellaneous Works of Tobias Smollett* (London: Otridge and Rackham, 1824), vol. 6, 253.

Roberts was in fact a young woman. The captain, we learn, returned with her to England and employed her as a cook, and she insisted on still dressing as a sailor.⁸² The tone of the report is bemused and even, in the phrase about the captain's reaction, comic.

Hermaphroditism was of considerable popular and learned medical interest in early modern and Enlightenment Europe and attracted a great range of responses, some of them viciously negative.⁸³ There is no suggestion of possible negative reactions to the claim or Roberts's apparent gender misrepresentation in the report, though. It is simply an interesting possibility, setting the reader up for the amusing conclusion.

As with the case of William Morris, the deserter of disputed gender discussed in the previous chapter, the tale of John Roberts reveals some of the ways in which knowledge relating to complex questions about sex and gender was generated and circulated but which are largely hidden from our view. Morris's tale never would have passed from oral circulation into print without first a trial and then Robert Liddel's retelling.⁸⁴ Oral knowledge of this sort (literally "scuttlebutt" in this case) undoubtedly circulated from ship to shore as men moved between the two and as many other people circulated through ships. Most of the knowledge would never have passed into print. These are both examples of a body of published accounts imaging the sea as a world of complex, sometimes convoluted gender and sexual diversity. Any sailor could be an uncommon phenomenon, perhaps even a monstrous or wondrous creature. Ships could

⁸² *Read's Weekly Journal, or, British-Gazetteer*, 17 November 1739. This account is also transcribed at <http://rictornorton.co.uk/eighteen/1739news.htm>.

⁸³ Consider for instance the disgusted medical report that was the basis for denying one Spaniard a legal gender only a few decades before this report, in 1711. Edward Behrend-Martínez, "Manhood and the Neutered Body in Early Modern Spain," *Journal of Social History* 38 (2005): 1073-93, here 1078.

⁸⁴ The trial minutes are in ADM 1/5364, and the printed discussion is in Robert Liddel, *A Detail of the Duties of a Deputy Judge Advocate; with Precedents of Forms of the Various Documents used in Summoning, Assembling and Holding a Naval Court Martial...* (London: by H. Bryer, 1805).

carry sodomites, men with unusual anatomy, hermaphrodites, and women passing as men. They might pose a threat, but there were other possibilities. For some, hermaphrodites and sodomites were no danger at all, for instance. Apparently neither Roberts's nor Morris's shipmates were seriously bothered by the presence of a person of non-normative gender status in their midst. Morris reported experiencing "teasing"; Roberts was a source of amusement as well.⁸⁵

Informal communication networks are essential parts of the history of sodomy accusations and trials in the navy. Charges often moved through oral and informal epistolary networks before passing into official channels. Once investigations began and as trials proceeded and concluded, moreover, similar informal communication proliferated around and outside of the official materials that make up the surviving legal records. At times some of this communication survives, as in the case of Henry Stokes's trial. Henry's brother John was living in England at the time of the accusation, trial, and the aftermath of Henry's conviction. John was the one to organize the family's response to the crisis while Henry languished in despair and irresolution.

Henry had been appointed to the *Tartarus* in July 1844, and his troubles began that winter, early in November, when the ship was at Bantry, in Ireland.⁸⁶ An accusation spread throughout the ship that Stokes had forced the boy Terry to touch him sexually, as well as taking other liberties. Henry protested from the first that he was innocent and that the accusation sprang from animosity among the crew engendered by his strict attitude

⁸⁵ The *OED* suggests that this deployment of "tease" may have been more serious than modern usage of the word would imply. Still, Morris apparently had not faced any reactions beyond mockery.

⁸⁶ For his appointment: ADM 12/424, s.v. Henry Stokes. He writes about the accusation in NMM STK/49, H. Stokes to J.L. Stokes, 10 November 1844.

towards discipline. He claimed that he had assumed the position of first lieutenant from a lax disciplinarian, and quickly tightened the disciplinary regime on the vessel. As was expected of a man of his station facing such an accusation, Henry requested an investigation. His correspondence with John at this early stage clearly indicates his deep anxiety over its outcome, lacking as he did any witnesses to refute the charge.

The brothers quickly called on their professional and personal connections to gather support. Captain William Dalling wrote to Henry on November 16th agreeing that he had been the victim of a conspiracy, “not the first instance by many I am sorry to say that have occurred in the service.”⁸⁷ Other supporters, including men with personal knowledge of conditions on the *Tartarus*, offered them much the same.⁸⁸ It was essential for accused officers to do exactly what the Stokes brothers were doing—to quickly gather public support. Sodomitical crimes accusations were intrinsically, and highly, dishonorable. Public letters expressing support either as regarded the facts of one’s case or in testament to one’s good character, honorable service, and strong morals were important for vindicating one’s honor, particularly when character witnesses were not at hand to testify in court. Protecting against damage to honor was just as important as fighting against criminal charges.

Courts martial functioned not only as courts of law but also of honor.⁸⁹ This dual function was another powerful source of ambiguity in reporting on trials, which also served the essential function of reporting on issues of honor as well as crime. Some

⁸⁷ NMM STK/49, Dalling to H. Stokes, 16 November 1844.

⁸⁸ NMM STK/49, W. Dealy to Dr. Davidson, 19 November 1844; Church to J. Stokes, 23 November 1844.

⁸⁹ A.N. Gilbert, “Law and Honour among Eighteenth-Century British Army Officers,” *Historical Journal* 19 (1976): 75-87.

accusations, including of sodomy, were so injurious that simply winning acquittal in court was not necessarily sufficient to reclaim reputation and honor. When Captain Richard Matson, then commanding the *Daphne*, beat a serious charge, the court that exonerated him pronounced the charges “malicious, malignant, groundless and vexatious in the fullest Extent” and suggested they proceeded from a “very dangerous Confederacy.” Matson was “most honorably” acquitted.⁹⁰ Both the *Naval Chronicle* and the *Naval Chronology* published the court’s report, publicizing the honorable acquittal.⁹¹ The *Chronicle* went even further, noting Matson’s “diligent” convoy service. Matson’s career was not harmed in the long term, and he eventually reached the rank of Admiral.⁹² We should also bear in mind, however, that seeking vindication publicly carried enormous risk for the men involved.

Some went further in attempting to vindicate their characters and good names. Lieutenant Goldmyer (sometimes given as “Goldwire”) Muston followed the example of a number of other officers who called for courts martial on themselves—potentially risking their lives—when they learned of rumors that they had misbehaved sexually. His trial was held in the summer of 1807, and he won an acquittal.⁹³ Muston had been serving on the *Africa*, and he shortly went on to serve in the *Victory* and *Caledonia*. For his conduct in the *Harmony* fire ship in Aix Roads, Lord Cochrane pushed for his promotion, with success. Muston took command of the *Doterel* sloop in 1809. Ill health hampered his further advancement, but he did receive promotion to captain, and he also married in

⁹⁰ Richard Matson court martial (18 July 1799, ADM 1/5350).

⁹¹ *Naval Chronology* 3 (1802), 335-6; *Naval Chronicle* 2 (1799), 515-6.

⁹² *Commissioned Officers*, vol. 8, 610.

⁹³ 19 June 1807, ADM 1/5382.

1816.⁹⁴ What had happened on the *Africa* remained problematic for him, however, particularly following rumors of similar behavior when he was a passenger traveling to India on the *Lion* in 1810.

In 1812 he therefore published a vindication, in the form of a pamphlet printing trial documents, letters, and certificates,

with a view the more effectually to remove any erroneous impression which, from misconceptions or misinformation, may have already been raised to his prejudice in some instances, or which might again be so raised, relative to an insinuation thrown out against him.⁹⁵

The work contains Muston's letter requesting a court martial from Rear Admiral George Murray; Muston's acquittal; and a good deal of correspondence. It also includes certificates attesting to the completeness of that 1807 acquittal and to his innocence of any wrongdoing on the passage to India in 1810. The Admiralty itself somehow obtained a copy of this pamphlet that is still stored with the manuscript minutes of his trial. I have not identified its source, but it would be little surprise if Muston himself supplied it. As the similar example of Lieutenant Arthur Walter Adair's abortive 1807 attempt at a published vindication shows (discussed below, in chapter 5), a central purpose of turning to print was to lobby and pressure the Admiralty. It is therefore significant that the Admiralty acquired and retained Muston's publication. It was acutely interested in public perception and public discussion, as their ownership of the pamphlet indicates.

As these examples make clear, simply reporting exculpation and innocence was

⁹⁴ William R. O'Byrne, *A Naval Biographical Dictionary* (London: John Murray, 1849), 802.

⁹⁵ *Copies of Letters and Certificates Granted to Captain Muston, R.N. by the Commander in Chief, the Members (Now in England) of a Court Martial, Held on Him (at his own Request) in the River Plata and Other Highly Respectable Naval Characters, in Addition to his Sentence of Acquittal* (London: by S. Gosnell, 1812). A copy is contained in ADM 1/5382. I have not yet been able to locate any other extant copies of the pamphlet.

often not enough for accused men. In the widely-covered indecency trial held on Lieutenant John Harrison Bowkers, the fullest reports described the ceremonial return of the officer's sword, the various proofs of his good character Bowkers had produced, and the navy's intention to prosecute his accusers, including one who had already been arrested for prevarication at the trial.⁹⁶ The ritual return of an officer's sword provides us with a compelling example. Courts took officers' swords as part of the adjudicatory ritual. As his brother and superior officers considered the man's guilt and honor status, they held his weapon. Honor becomes externalized in the sword, which the officer relinquishes to the court as they sit in judgement upon him. Minutes sometimes formally note this step, as in the trial of Lieutenant William Edward Fiott, commanding the *Renegade* schooner, whose sword "was delivered to the court" on 6 May 1824 after the charges against him were read.⁹⁷ Reporting the return of an officer's sword powerfully reenacted the ceremony in which honor was formally confirmed in print for readers. Moreover, the handling of the phallic weapon throughout the entire court martial process had unmistakably sexualized overtones in such accounts, which were especially heightened in cases involving problematic sexual activity.

Protecting honor could indeed further burnish that honor. Lionel R. Place, an additional lieutenant of the *Queen*, called for a trial on himself when a charge came forward. He won an honorable acquittal. As the papers showed readers, he had his sword returned. However, Place faced a second trial on the heels of the first based on another

⁹⁶ *North Devon Journal*, 23 March 1827; *Hampshire Telegraph and Sussex Chronicle*, 19 March 1827; *Morning Post*, 19 March 1827; and *John Bull*, 19 March 1827, p. 88. See too *Lancaster Gazette*, 5 May 1827; *Naval and Military Magazine* 1 (1827), p. 648; and *Times*, 19 March 1827, p. 2, col. C. For a similar example see the *Morning Post*, 30 June 1824, carrying a report from the *Jamaica Royal Gazette*.

⁹⁷ William Edward Fiott court martial (6-7 May 1824, ADM 1/5468)

charge that had emerged during the course of the initial prosecution. The second trial concluded in the same way, and, the papers reported, he was publicly rewarded for surviving his ordeal with innocence and honor intact. His commander-in-chief gathered the *Queen's* officers along with the newly-vindicated Place, shook his hand, made “an appropriate speech,” and promoted the officer—giving him a commission to the flagship.⁹⁸

The return of an officer's sword was a celebratory moment, and yet even reports dealing with this happy ritual carried troubling ambiguities. Reports on the trial of Robert Rogers, once master of the *Rover*, quoted president Sir Charles Paget's “eulogium”: “It has now become my pleasing duty to return you your sword, which you have hitherto used with so much credit to yourself, and which you will, I am sure, hereafter wield with advantage to your country.”⁹⁹ Readers learned of evidence at trial indicating the charge was “trumped up” in a conspiracy against the officer, and of possible prosecution of those involved in it.¹⁰⁰ In the end the Admiralty opted against pursuing this course. It had found them, as one observer put it, “scoundrels” and “a set of vagabonds utterly unworthy of powder and shot, they have been released, and turned out of the Service.”¹⁰¹

In this aspect, such accounts conformed to the pattern of much sodomitical blackmail reporting, chronicling the travails of higher-status men targeted by grasping or disgruntled working-class inferiors. Yet these reports also laid bare the unresolvable

⁹⁸ This series of events received wide coverage. See e.g. *Colonial Times*, 31 Jan 1843; *Spectator*, 8 Oct. 1842; and “Court Martial,” *Examiner*, 8 Oct. 1842. Reports generally noted that his accusers were to be sent back to England, presumably to determine whether prosecution was possible and desirable.

⁹⁹ *Times*, 18 July 1836, p 6; *Morning Post*, 19 July 1836; *London Standard*, 18 July 1836; *Nautical Magazine* 5 (1836), p. 504.

¹⁰⁰ *Caledonian Mercury*, 21 July 1836; *Hampshire Telegraph and Sussex Chronicle*, 18 July 1836; *Morning Chronicle*, 18 July 1836; *Hampshire Advertiser*, 16 July 1836.

¹⁰¹ *United Service Magazine* 21 (1836), 547.

tension that lay at the heart of naval sodomy prosecutions: the social relations on naval vessels gave abusive officers the opportunity to prey on inferiors sexually, just as they allowed those inferiors to make unfounded charges against officers. Both were dangerous to naval discipline and order, and there was no easy way to guard against either. This tension mirrored that in many Georgian and Victorian households, workplaces, and other settings, of course, which helps to explain the similarity in reporting. Considered in this context, we can read reporting validating officers' honor in two different, perhaps contradictory ways. They were cathartic narratives that served to comfort anxieties surrounding these tensions and reaffirm the roots of bourgeois cultural values. They also allow for a counternarrative, though, that reveals the capacity of naval social organization to produce sodomy. Reporting on convictions and punishments had the same dual nature. In this genre, the force imposed order through forcible correction, often with violence.

Reports of successful defenses and vindications were not a public service but a form of advocacy only extended to certain fortunate men. Not all who were acquitted, much less those with less favorable outcomes, enjoyed similar good fortune. When it was extended, this advocacy could also be markedly more overt, as in the case of Richard Inman (whose case was explored in chapter 2), one of the series of officers tried for sodomitical offenses in 1838. One report, carried in at least two papers at the end of that October, printed the entirety of Inman's lengthy written defense as well as the court's verdict. The outcome of the trial had been decidedly mixed for the accused officer. While the court cleared him of any charge of sexual impropriety, he did not escape censure. Inman had briefly fled from his ship when faced with the accusation that the trial

eventually investigated. The court was not willing to overlook Inman's breach in fleeing, though it did likewise clear him of the serious charge of desertion. The court decided to dismiss Inman from the service for his behavior, which it described as "highly irregular and unbecoming the character of an officer."¹⁰² And while the court's verdict technically cleared him of suspicion of sexual misbehavior, this imprecise language in the verdict still carried a strong hint of sexual misconduct and was intrinsically dishonorable.

In reaction, the newspaper report emphasized for readers that there was no evidence whatsoever of sexual misbehavior. On this point, it explained, both the court and "the generality of the persons assembled to witness the trial" agreed. It further reported that the crowd present at the trial had shown approval when the court cleared Inman of that charge. By contrast, the crown reacted with "surprise and regret" when he was penalized for taking flight. "Several old seamen, who had sailed with the prisoner, were seen to shed tears." In the report's narrative, these seamen instruct the reader in how to react. Like the crowd, and the writer, one ought to feel sympathy for Inman and his ordeal. The piece complimented Inman's conduct in court and towards his alleged victim, his servant. Readers learned that Inman had acted as a father to the boy, that the two had a warm relationship, and that Inman apparently cared deeply for him. While conceding that Inman had erred in fleeing, the paper was highly forgiving. It explicitly urged the Admiralty to be so too.¹⁰³ Elsewhere, another correspondent wrote that similar opinions had been "expressed by every branch of the professional press."¹⁰⁴ The weeping old salts

¹⁰² Richard Inman court martial (19-20 Oct. 1838, ADM 1/5484).

¹⁰³ *Hampshire Telegraph and Sussex Chronicle*, 29 October 1838; *Hampshire Advertiser*, 27 October 1838.

¹⁰⁴ *United Service Journal and Naval and Military Magazine* (1838): pp. 407-8, 553.

were not alone; Inman had won visible and powerful support.

In cases like Inman's we see that both the professional naval and the general interest press functioned as a public forum for discussion and advocacy. Raising these embarrassing cases in print aired the navy's dirty laundry in public, but it also allowed for lobbying and public discussion. This was the case for Henry Stokes, who found support similar to Inman's more than half a decade later. Within days of his conviction his case had come to even wider public attention as the papers began to report the details.¹⁰⁵ From the first much of the coverage was strongly sympathetic to Stokes and thus, implicitly or explicitly, critical of the service. As was by now common in the papers, reports demurred when it came to offering readers much detail about the sexual content of the case ("of course... entirely unfit for publication"). The coverage that appeared in the days and weeks following the court martial did, however, pointedly raise evidence suggesting the young, supposed victim Terry's untrustworthiness; Stokes's "smartness" as an officer and the ill will it had engendered; and his strong personal reputation among his peers and with his superiors.¹⁰⁶ The last of these was in part one of the fruits of the organizational effort explored above in which John and Henry worked to secure public expressions of support. Henry was fortunate to receive support from other officers and from the papers, and it was not mere good luck that he did. John's correspondence reveals that the family and its representatives actively lobbied supporters and publications before and after the trial. For instance, a London barrister named Thomas Greenwood who advocated for the

¹⁰⁵ For instance: *London Standard*, 29 November 1844.

¹⁰⁶ *Times*, 29 November 1844; *Examiner*, 30 November 1844; *Hampshire Advertiser*, 30 November 1844; *Fife Herald*, 5 December 1844; *Era*, 8 December 1844. *United Service Magazine* 47 (1845): 135, has retrospective coverage.

family throughout the ordeal wrote directly to the editor of the *Times* requesting support. As we will see, the *Times* was already advocating for Stokes at this stage. The paper's response to Greenwood noted as much, explaining that it was glad to give "publicity to any proceedings that may be taken to prove the innocence" of Henry, but that the editor believed that the public was already "well inclined to regard" him "as the victim of a very gross injustice."¹⁰⁷ If the public truly was so inclined, it was in large part thanks to public support like that which the *Times* provided.

The sort of sympathetic coverage towards gentlemanly defendants and convicts that the *Times* extended to Stokes is apparent in other cases as well, and is a powerful source of tension in views of sodomy. It suggests a softening of attitudes towards sodomitical misbehavior which in earlier examples, such as the William Berry and the James Nehemiah Taylor cases in the previous chapter, is seen in the expansion of the humanitarian narrative even to men whose guilt is never in question. Berry's was one of the cases that turned up in William Beckford's collection of clippings, with which this chapter began. The affair attracted heavy coverage, with the publication of at least forty-five different items in the immediate aftermath of the trial and his execution (that is, in 1807 and 1808). (See table 4.1, above).¹⁰⁸ As I suggested at the beginning of this chapter, Berry's was a trial bound to grab public attention. For one, the prisoner was a promising young lieutenant. Like James Nehemiah Taylor, he was an appealing figure despite his crime. Berry also suffered a gruesome botched execution. His case had, moreover,

¹⁰⁷ NMM STK/49, Greenwood to the editor of the *Times*, 9 December 1844, and the response, dated 10 December.

¹⁰⁸ The following is based on elements that are common to many of these different accounts.

witnessed a few truly odd episodes—odd enough that they not only interested contemporary observers, but have caught the attention of many historians since. His trial featured the testimony of a girl who had shipped out to sea posing as a boy: Elizabeth Bowden, the “little female tar,” who dressed, newspaper readers learned, in a jacket and blue trousers in court. Later, there was a “curious circumstance” that took place as Berry neared execution. While he was taking communion, a woman named Elizabeth Roberts approached the *Hazard* in a boat bearing him an offer of marriage. She had apparently dreamed that if Berry married her it would save his life.

These details were all fodder for a great deal of coverage. No reporting on Berry, however, suggested that he was thought to have been innocent. Indeed, the prosecution had proved his guilt by the “clearest evidence,” as one account put it.¹⁰⁹ Reporting on “this awful and horrible trial” had real and deep ambiguities, however. Many accounts portrayed Berry with the same sympathy as did the later pieces on Inman and Stokes, men whose innocence was assumed. A twenty-two-year-old Lancashire native, Berry was seen as “unfortunate,” and cut an appealing and sympathetic figure. Writers drew attention to his impressive physical condition. He was “above six feet high, remarkably well made, and as fine and handsome a man as is in the British navy.” He had been, moreover, engaged to be married upon returning to port. His had been a life full of promise, one that would have not only done credit to him it appears but also would have benefitted the nation he had served.

Further, Berry’s conduct was exemplary in the period between his conviction and

¹⁰⁹ *The Aberdeen Journal*, 14 October 1807.

execution. He “seemed very penitent, and perfectly resigned.” He prayed with a chaplain before his death and faced his end with courage and dignity. These features are similar to those in the reporting on James Nehemiah Taylor. Taylor emerges from those accounts as penitent, an accomplished medical gentleman who had been a credit to the service and could have continued to be one but for his inculcation into and addiction to a single, terrible vice as a result of his contact with foreign sodomitical men and demimondes. One version of Berry’s end invoked this tragic tension found in portrayals of both cases when it described his final days in this fashion:

For the last week he seemed penitent, firmly collected, and prepared to meet his fate. – Thus perished by the hands of the executioner, a young gentleman in the bloom of life, for a crime not fit to be named amongst Christians. – He was of a very respectable family; his father and uncle are overwhelmed with grief at the unhappy end of a favourite son and nephew.¹¹⁰

After his death, the service brought Berry’s corpse, clad in his blue coat and blue pantaloons (a detail that eerily echoes the reports of how Bowden had dressed during the trial), a white waistcoat, and his boots, to the Royal Hospital at Plymouth for his friends and family to collect.¹¹¹ They conveyed him in a hearse to the Stonehouse Chapel, where he was buried. An account of his burial revealed to readers that

a great concourse of people followed the hearse, and notwithstanding the horrid nature of the crime, many a tear of pity for his unfortunate exit dropped into his grave. Though a young man, a braver seaman could not exist, as his brother officers had an opportunity of witnessing, in several hazardous exploits.

This final detail even provided a form of posthumous character witnessing. He had

¹¹⁰ *The Hull Packet and Original Weekly Commercial, Literary and General Advertiser*, 27 October 1807. The phrase “a crime not fit to be named amongst Christians” and variants of it was a commonplace derived from the law and legal discussion of sodomy and does not therefore necessarily indicate such strong disapproval as it might initially appear to.

¹¹¹ For instance: *Naval Chronicle* 18 (1807), 342.

grievously offended, yet we learn that he was a truly fine seaman and warrior. This report concluded by stating that, “out of fifteen children, his brothers and sisters, nine are still left, with the wretched parents, to bewail his untimely fate.”¹¹² In these concluding words, the report finally stripped Berry of true blame. If his end was the result of fate, he was not culpable. While never explicitly denying his crime or its gravity, this account, like many of the others dealing with Berry’s trial and death, emphasized the pathos of the ordeal and the tragedy of the entire episode.

Another narrative, this one of his execution, made clear that Berry mounted the platform from which he would hang “with a firm step.” After his death, the Rev. C. Birdwood, who ministered to Berry on the scaffold, preached to the gathered crowd at the request of Captain Charles Dilkes of the *Hazard*. His reflections on the heinous sin of sodomy “appeared to make an evident impression on both officers and men, assembled on board to witness the awful event of the day.” The report continued by observing that “but for this detestable propensity,” Berry would “have lived to have been an ornament to society, and to the profession which he was bred.”¹¹³ To the extent that burial and memorialization at death had come to serve as society’s reckoning of a person’s life, the final tally seemed like it might have even come out in Berry’s favor. He received a respectable funeral and the final reflections on his life dwell as much on the good as the bad.

There were multiple, conflicting messages in such accounts, and they are revealing of the inconsistencies of British attitudes towards sodomy in these centuries. It

¹¹² *The Hull Packet and Original Weekly Commercial, Literary and General Advertiser*, 3 November 1807.

¹¹³ *Exeter Flying Post*, 22 October 1807.

was officially the “worst of crimes.”¹¹⁴ Yet it was also common and rarely punished; often victimless; and just as much a source of amusement or fascination as of terror. Some called for the extirpation of the “vile race” of sodomites in the very same eras as others found sodomy and the men who engaged in it a source of amusement. Captain Whiffle, from *Roderick Random*, is a fictionalized counterpart to Rigby, who had been executed in France a little over two decades before the book’s publication. Smollett was in fact born the same year as Rigby died, and the writer served in the navy as a young man. Smollett makes Whiffle (or Wiffle) a sodomite, but he is absurd and humorous.¹¹⁵ He poses none of the danger that Rigby did in the portrayals considered earlier. The broad range of cultural depictions of naval sodomy mirrors the wide variety of reactions in the face of sodomitical crimes seen in previous chapters. When confronted with sodomy, some swooned with horror, but others laughed uproariously.

Finally, reporting could also lay bare ambiguities in popular attitudes towards the brutal punishments that attached to these crimes, another extension of humanitarian—or at least humane—sentiment to a population that had not merited any empathy before. One striking early example is found in a widely-reported incident that occurred at Spithead in 1745, and which was notable enough to receive attention as far afield as the American

¹¹⁴ Netta Murray Goldsmith, *The Worst of Crimes: Homosexuality and the Law in Eighteenth-Century London* (Aldershot: Ashgate, 1998). James Blake used this phrase to describe sodomy in his 1807 defense. James Blake and George Jennings court martial (11 March 1807, ADM 1/5379); so did the court in the Henry Allen trial.

¹¹⁵ Smollett, *The Adventures of Roderick Random*, 6th ed., 2 vols. (London: for A. Millar et al, 1763), vol. 1, 268-271. Smollett’s novel holds an important place in the literature on literary representations of sodomites. See, for instance, Cameron McFarlane, *The Sodomite in Fiction and Satire, 1660-1750* (New York: Columbia University Press, 1997), 36, 43, 49, and passim; and Randolph Trumbach, “The Birth of the Queen: Sodomy and the Emergence of Gender Equality in Modern Culture, 1660-1750,” in Martin Duberman et al. (eds.), *Hidden From History: Reclaiming the Gay and Lesbian Past* (New York: New American Library, 1989): 129-40, here 134.

colonies. The Dutch navy had court-martialed a lieutenant for sodomizing the son of the boatswain of his ship. Finding the officer guilty, a court convened in English waters sentenced him to “the usual Punishment inflicted by the Dutch for Crimes of the like Nature committed at Sea”; namely, to be bound in a weighted sack and cast overboard to drown.¹¹⁶ But “at the Intercession of some Gentlemen”—Englishmen, some of the reporting clarified—his sentence was reduced to flogging and having his entire estate seized, after which he was stranded at Gosport with nothing but some old clothes “in order to shift for himself.”¹¹⁷ The bare reporting is, yet again, ambiguous. The attitudes of the gentlemen at least are clear, though: this brutal Dutch punishment, no longer sanctioned in the Enlightenment Royal Navy, was not permissible. The man deserved punishment, and he received it. It was appropriate, however, for these Englishmen to intercede in another nation’s legal mechanisms and correct the outcome. We must also consider their actions in light of the wave of anti-sodomitical activity in Holland early in the previous decade.¹¹⁸ The reporting reflects an interest in sodomy, crime, and punishment, as well as a deep ambivalence about the crime and how it should be suppressed. Like the reporting on naval sodomites in Britain and the case of the “Amazonian” justice from just a few years earlier it also revealed the permeability of the divide between ship and shore.

¹¹⁶ For sodomy in the Dutch maritime context, see Oosterhuis, “Sodomy at Sea.”

¹¹⁷ *London Evening Post*, 7-9 February 1745; *Penny London Post or The Morning Advertiser*, 8-11 February 1745; *Newcastle Courant*, 9 February 1745; *Daily Post*, 9 February 1745; *Universal Spectator and Weekly Journal*, 16 February 1745; *Derby Mercury*, 8 February 1745; *Stamford Mercury* 14 February 1745; and *Gentleman’s Magazine*, February 1745, p. 106. This last is transcribed in both Burg, *Gay Warriors*, 119-20, and at <http://rictornorton.co.uk/eighteen/1745gent.htm>. For American reporting: *New-York Evening Post*, 8 April 1745. And see too *Gentleman’s Magazine*, February 1745, p. 50.

¹¹⁸ Louis Crompton, “Gay Genocide: From Leviticus to Hitler,” in Louie Crew (ed.), *The Gay Academic* (Palm Springs: ETC Publications, 1978): 67-91, here 73-78 and 85-91, discusses this history.

Readers may justifiably have felt some sympathy too for Thomas Finley, who was convicted of sodomy and sentenced to die alongside George Newton in 1761. Finley was young, only thirteen to perhaps fifteen, and had been sent to sea by the Marine Society only a matter of weeks before the trial. It was reported that since hearing the warrant for his execution read out he “had been quite out of his Mind.” The navy nonetheless hanged him.¹¹⁹ While the sentence was legal, the case was troubling. The reporting presented no evidence or reasoning for executing a minor and the report, with its striking detail about the boy’s intense distress, lent itself to a sympathetic reading of his plight and grim fate. Other coverage indeed went further and made its criticism of naval punishment obvious, as we will see by turning to explicitly reformist writing.

Sodomy and the Rhetoric of Reform

In the period immediately after his conviction, the *Times* quickly became a leading platform for public support of Henry Stokes. On December 2nd the paper printed a letter to the editor dated November 29 (just two days after the trial) and signed by “A Constant Reader” addressing “The Chances of the Law.” The writer aired his frustration over the different outcomes in two recent trials: one, the acquittal of “a brutal villain” in an Old Bailey rape case; the other, Stokes’s conviction on the evidence of a “boy known to be a notorious liar.” The “Constant Reader” concluded that the court had destroyed

¹¹⁹ *Bath Chronicle and Weekly Gazette*, 6 August 1761; *London Chronicle*, 28-30 July 1761; *Public Ledger or the Daily Register of Commerce and Intelligence*, 30 July 1761. *Gazetteer and London Daily Advertiser*, 2 November 1762, unquestionably refers to this trial as well, though the two are not named. The trial itself is at 2 July 1761, ADM 1/5300, and ADM 12/26, pp. 21-6. For confirmation of the execution see “Report about paying Money out of the Wages of a Man hanged for Sodomy,” 18 May 1762, NMM ADM 354/169/52 (ADM B/169). This trial has been discussed extensively in the secondary literature. See in particular Pietsch, “Ships’ Boys and Charity,” and Rodger, *Wooden World*.

Stokes's character "for life on the testimony of a convicted liar," and that both trials showed that the courts ran only on "the doctrine of chances, or something worse."¹²⁰

The next day the paper republished a long piece from the *Devonport Independent* reflecting on the backwardness of the unreformed naval legal system and Articles of War.¹²¹ While there had been subsequent legislative tinkering, the core legislation governing naval justice was now just short of a century old. The piece highlighted incongruities in sentencing before naval courts and inconsistencies in their legal processes. In doing the latter, the piece justified itself by drawing on the rhetoric usually employed to explain the need for reporting on other courts: that the press played an essential role as a method of public oversight.¹²² "It does become us as public journalists," the explicit justification argued, "to express an opinion as to the nature of the evidence adduced in support of the charge against this office, and, if possible, to discover whether the prisoner's guilt was rendered as conclusive as it is made by the sentence of the Court."¹²³ The argument highlights the implicit assumption behind all reporting on courts martial. While substantially less accessible than many other courts, naval courts martial were understood as fully public institutions both open to and demanding public oversight. Indeed, their now-archaic foundation and practices and non-professional nature demanded it. There was simply too much latitude for injustices.

¹²⁰ *Times*, 2 December 1844.

¹²¹ *Times*, 3 December 1844. It was published elsewhere as well. For instance, *Lloyd's Weekly*, 8 December 1844.

¹²² Although they are quite different legal venues, the issues raised in debates over the openness of coroners' inquests in the early nineteenth century is revealing about the range of attitudes on questions of openness, publicity, and public oversight. Ian Burney, "Making Room at the Public Bar: Coroners' Inquests, Medical Knowledge, and the Politics of the Constitution in Early-Nineteenth-Century England," in James Vernon (ed.), *Re-Reading the Constitution: New Narratives in the History of England's Long Nineteenth Century* (Cambridge: Cambridge University Press, 1996): 123-53.

¹²³ *Times*, 3 December 1844.

Explicit criticism of the court, the verdict, and sentence appeared in many venues. In keeping with the examples we have already seen, they assumed that Henry was in fact innocent. “There appears to be an unanimous feeling that the decision is against the evidence,” one report explained.¹²⁴ A December 3rd letter signed by “Gracchus” to the editor of the *Examiner* described the unreformed Articles of War as “barbarous” and advocated serious reform.¹²⁵ Gracchus called for the Deputy Judge Advocate to become the president of the court—to take the role long accorded to the senior officer present, that is—and for the board to formally act only as a jury. With this reform, he concluded with sarcasm, observers could expect that “a verdict will be returned somewhat in conformity to the evidence, and a sentence pronounced proportioned in some degree to the magnitude of the offence.”¹²⁶ Before long papers were publishing calls for the Admiralty to review the case and to grant Stokes a new appointment, to a different ship.¹²⁷

These arguments fit into a longer history of reformist appeals premised on, or at least proceeding from or invoking, problematic naval sodomy cases. Other writers had adduced the same arguments, in fact, to advocate similar reforms in the past—and more would in later years too. In 1862 a court martial dismissed Lieutenant George John Armitage from the service. Two years later Armitage brought a perjury suit at the Court of Queen’s Bench in order to clear his name. During this second trial, the Lord Chief Justice took the opportunity to observe that the trial at court martial “was not the best

¹²⁴ *Royal Cornwall Gazette*, 6 December 1844. See too *Leeds Mercury*, 7 December 1844.

¹²⁵ The name refers to two classical reformers, the Roman Gracchus brothers of the second century BCE. It is perhaps also a sardonic statement of the chances of reform, as both were assassinated.

¹²⁶ *Examiner*, 7 December 1844.

¹²⁷ For instance, *Freeman’s Journal*, 6 January 1845, republishing an earlier article.

tribunal for investigating and deciding on criminal charges. The mode of examining, and above all cross-examining, witnesses was of an obsolete character, and the sooner abolished the better.”¹²⁸ As Armitage’s case was covered in the press, this critique became publicly available.

About a decade later the trial of Navigating Sub-Lieutenant William Renwick prompted similar calls. As one observer explained, the case “evoked such a strong feeling of dissatisfaction with the whole system of naval courts-martial that a resolute effort is being made to deprive them of the right of trying offenses of which the civil code takes cognizance.”¹²⁹ The solicitor who had acted as Renwick’s “friend” at the trial, Elliott Square, submitted a memorial to the Admiralty for remission of his sentence of ten years of penal servitude, an uncommonly harsh penalty for an officer at this late period.¹³⁰ The relative severity of the sentence drew wide comment.¹³¹ (That it was considered so harsh just decades after executions had ceased is one indication of how significantly attitudes had changed from the bloody days of Napoleonic sodomy trials, even though the felony had lost capital status little more than a decade before Renwick’s case.) The sentence was prompted by the particularly heinous nature of the alleged offenses. Renwick served on the *Impregnable*, a training ship, and had allegedly abused young trainees. By the time of

¹²⁸ “Revolting Charges Against a Naval Officer,” *Reynolds's Newspaper*, 21 February 1864.

¹²⁹ “The Reform of Naval Courts-Martial,” *Hampshire Telegraph and Sussex Chronicle*, 1 November 1873. The notion here is that all crimes that can be tried in regular criminal courts on land should be tried in them. Naval defendants would therefore be tried for most crimes in those criminal courts, and only specific, unique naval crimes would fall to naval courts martial. (See too the discussion of the petition below.) It is noteworthy that there was considerable dissatisfaction with the conduct of the trial at the Admiralty as well. See the material prefacing the court martial minutes, at 22-26 Sept. 1873, ADM 1/6475.

¹³⁰ See ADM 194/182, #1238. Courts martial did not permit representation in court, but men could bring a “friend” or “friends” to advise them during proceedings.

¹³¹ See, for instance, *North Devon Journal*, 2 October 1873; *Lancaster Gazette*, 4 October 1873 (which describes it as “a fearful punishment”); and *Morpeth Herald*, 4 October 1873.

Renwick's mid-Victorian prosecution sexual abuse of the young particularly horrified observers in a way it had not in earlier eras. Moreover, Renwick had been indicted for a staggering fifteen separate counts of indecent assault, and was convicted of all but three.

Yet according to Square there was a strong vein of sentiment that Renwick was innocent and that his trial revealed continuing problems with naval justice. By this time legislation and changing naval practices had thoroughly altered the system of discipline and justice in place in the navy.¹³² The solicitor insisted that he had nonetheless received “numerous letters... from all parts of the country” that prompted him to draw up a petition “upon the whole subject of naval courts-martial” to be submitted to the House of Commons and as a memorial to the Privy Council and Admiralty. The petition called for naval courts to cede jurisdiction over all “offences punishable by the civil law,” and criticized the constitution and procedure of courts martial.¹³³ Renwick's case would go on to win even greater attention when he escaped from captivity, an action which in turn led to a court martial on the guard standing watch over him at the time. (Much like the prosecution of the marine James Chapman stemming from Thomas Ashton's flight in the James Nehemiah Taylor case.) As with many other cases, the reporting on Renwick mixed different elements bound to excite, thrill, enrage, and disgust readers. Square's efforts were just one piece of what made the story a compelling one. There had been an alleged series of horrid crimes by a promising young gentleman with good connections

¹³² The Naval Discipline Acts and amendments from the 1860s succeeded the legislation that governed most of the courts martial considered in this dissertation. 23 & 24 Vict., c. 123 (1860); 24 & 25 Vict., c. 115 (1861); 27 & 28 Vict., c. 119 (1864); 28 & 29 Vict., c. 115 (1865); and 29 & 30 Vict., c. 109 (1866). On the 1860 legislation see for instance the coverage in the *Times* from 22 and 24 August 1860.

¹³³ See “The Reform of Naval Courts-Martial,” *Hampshire Telegraph and Sussex Chronicle*, 1 November 1873, which reports on and prints the petition. “Civil” here refers to non-military offenses, not non-criminal matters (see above, n129).

(who, like William Berry, another lieutenant convicted almost seventy years earlier, was about to be married) and a previously strong reputation; an unusually grievous sentence; evidence of a problematic and sclerotic government institution raising calls for reform; and a remarkable and perhaps damning escape from captivity.

The court martial was not the only naval institution to come in for criticism that drew on sodomy cases. Lt. John Towne, an officer who reflected in his late-Georgian memoirs on an execution he witnessed during the Napoleonic Wars, employed the episode as a powerful rebuke to the methods used in such naval punishments, and in particular the last-minute reprieve.¹³⁴ Of all the stories considered here, this is perhaps the closest to a classic example of the humanitarian narrative. A clinically detailed account, the story presents itself as a precise, factual retelling of an atrocity. It could easily have fit among the stories campaigners against capital punishment told in the same period.¹³⁵ Two sailors had been condemned to die for sodomy: an Irish waister (or perhaps afterguardsman), and a sixteen- or seventeen-year-old mizzentopman.¹³⁶ The older man had no real hope of mercy “and his case excited the less commiseration.” He was an

¹³⁴ This account was originally published serially in the *United Service Journal*, with the relevant portion in the article “Service Afloat during the late War,” *United Service Journal* (1832), 70-1. The serial entries were later collected and published in a two-volume work under the title *Service Afloat: Being the Personal Adventures of Lieut. John Towne, R.N. During the Late War...* 2 vols. (London: Henry Colburn, 1836), vol. 1, 283-86, relates this incident.

¹³⁵ Halttunen, “Humanitarianism and the Pornography of Pain,” gives examples, for instance.

¹³⁶ I have not been able to conclusively identify which trial Towne is discussing. The most likely candidate is the trial of R. Renning and J. Keegan (also identified as “Matthew Koegan” in some documents). The original minutes do not appear to have survived, and there is only limited legal correspondence relating to the trial and Keegan’s pardon. See the pardon bearing dates 27 February and 17 November in ADM 1/5410. The pardon identifies them as men of the *Statira* and describes Keegan as fourteen years old. He was pardoned and his sentence was reduced to transportation for life. See Bicknell to Croker, 1 August 1811, ADM 1/3701; and ADM 1/4216, 15 March 1811. Australian convict records that appear to match Keegan indicate that he was tried on the *Pelin* at the Saintes (see <http://www.convictrecords.com.au/convicts/keegan/matthew/102883>). Towne puts himself in the same region on a 74-gun flagship he identifies as the “P—,” but I have been unable to identify any naval vessel called the *Pelin*. Further research is clearly needed. In what follows, though, I have provisionally assumed that this identification is correct.

admitted criminal, though he denied the sodomy charge to the bitter end. With the teenaged convict it was a different story. “Among all on board his case excited the deepest interest, and it was hoped and confidently anticipated that a reprieve” would be granted, “if for no other reason than his extreme youth.” If any pardon came it was assumed that “as usual” it would arrive at a late moment, maybe on the execution day, perhaps even when the two were on the scaffold, “in order to produce a salutary impression.”

And so the day arrived. Towne sets the scene of a naval execution in detail, describing

the usual solemn and impressive parade of the marines drawn up on the gangways, the crew and officers on the front of the quarter-deck, the boats of the squadron manned and armed lying on their oars alongside, and the crews of the vessels distributed in the rigging of the various vessels of the squadron.

The public character of these occasions discussed above is clear from this description.

Naval punishment procedures were engineered to ensure visibility and to produce reflection and discussion about the penalties and the crimes that had warranted them.

Such practices had become problematic for reformers, but remained routine in the navy.

Indeed, this case occupied the same officials who dealt with the James Parker case analyzed in chapter 1. These officials considered the case Towne details just months before Croker and the First Lord would insist on the importance of heavy and highly visible punishments in sodomy cases.

As Towne tell it, the prisoners were produced by the side of the forecastle and after a reading of the Articles of War, were prepared for execution. At this point the onlookers concluded that the hoped-for reprieve was not coming. The teenager was

barely conscious, but the older man sprang into action. “A horrid scene ensue[d].” He had hidden a razor on his person, produced it, and attempted to cut his own throat. The signal for execution was still given, though, and he was hanged just a moment after trying to kill himself. Towne surmises that he had hoped for a pardon and determined to commit suicide if it did not come. Meanwhile, “the junior delinquent” did indeed receive his pardon at the last moment, but it had come too late. What had already happened “seems to have produced all the mental effects of a real execution.” Death, Towne muses, may have indeed been kinder at that stage. This observation leads to his final, grim conclusion about the cruelty of the entire operation:

I know not with whom the arrangements rested that matters were carried to this injudicious extremity: the motive was probably to produce an effect, and a profound impression on the prisoner: the latter object was fully attained; the unfortunate victim of a tardy and mistaken mercy was taken down to the sick-room in a state of stupor; I do not know what was his ultimate fate, as I quitted the ship a few days after, but it was understood that, though he had partially recovered the shock, it had paralysed his intellect.

Towne is no more pointed in his criticisms than this, but his conclusion is self-evident.

And in fact this account, first published in the early 1830s, came shortly before the effective end of executions for sodomy. However badly mismanaged the punishment had been, it certainly could have been effective in conveying the message Croker, Yorke, and others felt was necessary. Twenty years later, however, sentiment was decisively turning against this measure, and Towne remembered what he had witnessed only as needless and cruel.

The account is striking too because it lays bare the limits of Towne’s—and, if he is to be believed, the crew’s—humanitarian concern. The older convict does not deserve

pity in this narrative. His age, his criminality, and perhaps his Irishness contribute to rendering him undeserving of pity. It is his actions as much as the mismanagement of the affair that produce the grotesque spectacle. Part of the needless cruelty of the punishment process is the opportunity it offers the older man to once again harm the younger. The reader is left to conclude that he has brutalized the young man twice. Although the account does not describe the alleged crime, the structure of such narratives in both the courts and popular representations would have led a contemporary reader to conclude that the older man had instigated any sex and had been the penetrating partner. Standard sodomy narratives would have presented him as the sexual aggressor. And then he abused his victim again with the spectacle of his death, finally destroying the boy's sanity for good. The effect on the crowd is also left implicit. As in the later example of reporting on Inman's trial, the narrative coaches us about how to understand this event. It expects the reader to experience what occurred with Towne's and the other observers' eyes. We are supposed to agree with the men who know the case that the boy deserves mercy. Horror and disgust are the correct reactions to what transpires. In any case, the young man is defined in opposition to the older one, and deserves pity and compassion because of the ways in which he differs. And yet his innocence is not an issue. As with Berry and Taylor, the reader is left to assume his guilt, which does not disqualify him from pity. In this case, guilt may even enhance pity.

Sodomy was implicated in public calls for naval reform beyond issues of crime and punishment as well. Edward Hawker's anonymously published 1821 tirade against the general practice of allowing prostitutes onto warships in port invoked sodomy, for

instance.¹³⁷ Hawker writes that some have argued that female prostitutes must be allowed aboard lest it give rise to sodomy. He entirely rejects the argument, however, maintaining that the practice actually promotes unnatural crimes. His logic is that by introducing immorality and license to ships, female prostitutes create the circumstances that allow for sodomy in the first place. Only strict morality could end all misbehavior.

Others made even broader reformist calls. This had been the case in the earlier work of James Lind, who pointed to the threat of sodomy in his anonymously-published reformist texts, written in the 1740s and published in the '50s. He argued for regular religious services and the punishment of "open and abandoned vice" as a way to make servicemen good men and warriors.¹³⁸ He felt that "no nation in Europe is so much wanting, and so justly blamable" for failing on both counts. Many naval chaplains were not up to their office, for instance, and crime was sometimes overlooked. In fact, in two cases, he claims, known sodomites in the officer corps who had deserted to avoid punishment were actually promoted. One was a captain, and he was moved to an even better command; the other was a lieutenant, and he was likewise moved upward. "Sodomy is a vice detested in the fleet at present," Lind concluded, but if the navy continued to treat it in this fashion "it may be soon as common there, as in Italy or Turkey."¹³⁹ Excerpted in other publications, including the *London Chronicle*, these arguments received a wide public airing.¹⁴⁰ Even if it wished to, the Admiralty had little

¹³⁷ [Edward Hawker], *Statement Respecting the Prevalence of Certain Immoral Practices in His Majesty's Navy: Addressed to the Right Honourable the Lords Commissioners of the Admiralty* (London: Printed by Ellerton and Henderson, Johnson's Court, Fleet Street, 1821), 27-9.

¹³⁸ Rodger, "Shipboard Life," 34, describes divine services as "a marked eccentricity in the Navy" at midcentury.

¹³⁹ [James Lind], *Three Letters Relating to the Navy, Gibraltar, and Port Mahon* (London: for A. Millar, 1757), 52-53.

¹⁴⁰ *London Chronicle*, 13-15 January 1757, contains the relevant excerpt.

capacity to keep such grievances quiet. With its great rhetorical power, moreover, sodomy was bound to surface in calls for naval reform.

Naval sodomy also featured in other, non-naval contexts as well. For example, in his *The Crimes of the Clergy* (1823) William Benbow attacked the Rev. John Fenwick as a sodomite.¹⁴¹ Among his damning evidence was that Fenwick was a frequent caller on Lady Hamilton, Nelson's mistress, and would visit her with his "bosom friend, Captain Sawyer." They served her as *cicisbeos* during the Neapolitan Revolution (1799).¹⁴² In a note the book helpfully reminded readers that Sawyer had been court-martialed for sodomy in 1796 and only escaped death "by one of those quibbles sea lawyers... are ready to discover in a rich client's favour." The court instead convicted and dismissed him for a misdemeanor offense. The book also claims that his father and two brothers were clergymen, and one, the Rev. H. Sawyer, had been present at the trial and had even attempted to give a deposition in Sawyer's favor. This Rev. Sawyer was deposited at Saint-Florent, on Corsica, after the trial, alone with a "black servant." He eventually abandoned this servant on the island, where the man died, perhaps by poisoning. Before his unfortunate end, the servant apparently claimed that Sawyer's brother was a sodomite too. Much of this account cannot be verified and is likely scurrilous. What is important about it is not its accuracy, though, but the power that the invocation of Sawyer's case had. Almost thirty years after his trial, his was not a household name, but association with

¹⁴¹ William Benbow, *The Crimes of the Clergy, or the Pillars of Priest-Craft Shaken...* (London: Benbow, 1823), 13. This pamphlet is included in Ian McCormick (ed.), *Sexual Outcasts, 1750-1850*, vol. II: *Sodomy* (London: Routledge, 2000): 379-94.

¹⁴² This is the term used in the text. It was a contemporary Italian term for a *chevalier servant*, a gallant to a married woman. See e.g. *OED* s.v. "cicisbeo." That the terminology designates it as a foreign, in this case Italian, practice is significant.

the disastrous and shameful case—which closely touched the careers of both Nelson and the future Lord St. Vincent—was damaging enough that it was considered worth dredging up to tar an enemy.

None of these reformist works is centrally about naval sodomy. As with Castlehaven and Titus Oates, these various invocations of sodomy attempt to make the crime do cultural work that is far removed from the prosaic—and, I have suggested in earlier chapters, largely unproblematic—reality of naval homoeroticism. Sodomy here serves as a jumping-off point or has different rhetorical functions. Sodomy trials highlight the need for legal reform. The specter of sodomy haunts poorly-managed warships and an ill-disciplined service. Barbaric overreaction to sodomy produces horrific results. That sodomy could function in these ways in print shows that it was interesting, rhetorically powerful, and fundamentally ambiguous. I have highlighted a series of important shifts in how sodomy and sodomites were regarded culturally and treated by the law over the century and a half considered here. The numerous examples of naval sodomites in seventeenth, eighteenth, and nineteenth-century print reveal, however, that deep ambiguity perennially colored representations. Both Rigby and Whiffle predate the emergence of the humanitarian narrative, for instance. Austen's humor (discussed in my introduction to this thesis), Hawker's fear, and the hateful reflections on the *Africaine* convicts all came during the era of humanitarian thought and not long before executions ceased. These all reflect (or potentially reflect, in Austen's case) different strands of thought that engaged with naval sodomy over the years, revealing its enduring interest to and importance for Britons.

As observers outside the navy took up and thought with and through naval sodomy cases, they became actors in the history of naval sodomy. The press and others who approached the homoerotic at sea did not merely reflect what took place in the navy. They also shaped it in a myriad of ways. This is nowhere more evident than in the case of Henry Stokes. The efforts of John, the *Times*, and the other advocates working on his behalf soon bore fruit. The Admiralty's records indicate that in the spring of 1845 Henry requested reconsideration of his case and a new appointment.¹⁴³ He was successful, as the *Times* triumphantly reported in the middle of May in an pointed announcement that was widely republished in other papers.¹⁴⁴ Stokes's good news appeared in other outlets as well.¹⁴⁵ The Lords Commissioners of the Admiralty had, the *Times* informed readers, granted Stokes a new appointment, to the *Siren*. The paper noted, with sarcastic understatement, that "this is a somewhat intelligible hint" to the court that had convicted Stokes. The piece concluded by looking forward to reform of the court martial.¹⁴⁶

The experiences of Stokes and the other men examined in this chapter underline the importance of the press and other sites of public discourse between ship and shore in the history of the homoerotic. Sites outside of the navy were essential in determining the form and outcome of events around sodomy in the navy, and in cases like Stokes's the press could be more powerful than the navy's own judicial institutions. We must understand the social production of naval sodomy and men's experience of the processes

¹⁴³ ADM 12/440, s.v. Henry Stokes. April 18: "asks employ't"; May 3: "asks reconsideration of Case." I have attempted to find this correspondence, but have not been able to locate it. It probably has not survived.

¹⁴⁴ *Freeman's Journal*, 15 May 1845; *Hull Packet and East Riding Times*, 16 May 1845; *Blackburn Standard*, 21 May 1845.

¹⁴⁵ *Era*, 18 May 1845; *West Kent Guardian*, 17 May 1845; *Hampshire Advertiser*, 17 May 1845.

¹⁴⁶ *Times*, 13 May 1845. See too *Times*, 19 May 1845.

involved in it as an outcome of influences coming from the many different sites discussed throughout this dissertation. These are never stories “just” about the navy. The next, final chapter adopts this broad view in exploring the experiences of accused and convicted men both as one of these sites and as a repository of voices that have often proved difficult or impossible to recover.

Chapter 5

Damned Buggers: The Experiences and Voices of the Accused

Buggers were damned. Common(sense) interpretations of the bible said so; cultural stigma supported the conclusion. Observers differed over just how lost to humanity sodomites (and sodomites of different sorts) were, but many were content to place them firmly outside of humanity. For Charles Elliot, the Governor of Bermuda, writing to Earl Gray, the Colonial Secretary, in 1850, sodomites were “monsters,” a unique and uniquely dangerous sort of criminal. They were carriers of infection, bearers of a “deplorable moral leprosy,” their very presence sufficient to destroy “the last barrier between man and beast.”¹ His view was simply a particular Victorian instantiation of sorts of ideological stances and cultural attitudes that we have encountered throughout previous chapters. At its root, it retains radically dehumanizing and eradictory aims and is therefore entirely in keeping with statements like those of Croker and Yorke, discussed in chapter 1. Yet we have repeatedly encountered the limitations of taking these “phobic” views at face value. This chapter extends these earlier problematizations of the lived experience of the social production of sodomy. It asks in particular how the attitudes and practices examined in earlier chapters functioned in the lives of accused men and the ways in which they could mobilize available discourses in reacting to them.

This chapter does so by serving as something of a mirror to the previous chapter. There, we saw that shifting cultural values could make the sodomite includable within humanitarian discourses even as he became more visible as a cultural menace. Here I ask

¹ ADM CO 37/133, fol. 355.

instead how sodomites—accused, and even convicted—could marshal a range of discourses to assert selfhoods deserving of rights, respect, and recognition. What was available differed from man to man; some could draw on Britishness, others ideologies of family. All potentially had access to the traditional rights of seamen, the special status of navy men, and human status. (Although, as Elliot's attitudes show, even that last was not a given.) No route was guaranteed success, but what is important to recognize is that they *could* have purchase. The othering strategies of the disciplinary and justice systems, alongside and supported by strong cultural prejudices, were not discursively monolithic. The particular brutality of the navy towards sodomites in the Napoleonic period has made this reality hard to see.² My argument should not be taken to diminish the suffering the navy and its men inflicted on those accused and convicted, of course. A broader view, however, allows us to see that in practice official intolerance was actually considerably more ambiguous than has been appreciated and that, moreover, there was a great deal of space for contestation by accused and convicted men.

These experiences, both on the part of men in authority and men under their power, complicate narratives of the status of sodomy and sodomites at this period. In particular, it shows the limitations of Trumbach's universalizing statements about cultural change, which would indicate to us that by 1800 sodomites had emerged as an identifiable and despised male minority. Trumbach's narratives within this larger history allow for the complications and contingency of individual experience, but do not recognize the degree of indeterminacy in cultural understandings that my own narrative

² Crompton, *Byron and Greek Love*, 17-18

emphasizes. In this way, this chapter contributes to Charles Upchurch's recent work showing the complex array of reactions open to families, communities, and sodomitical actors themselves in the face of sodomy.³ I combine this interest in the broad range of practices with attention to voice of the sodomite, following the example of Harry Cocks's work. Naval administrative and judicial practice gave men room to speak, and they often took the opportunities available to them. Indeed, in another permutation of an irony central to this history, heightened repression necessarily produced a great deal more discourse, including a huge amount of speech from the "monsters" of whom Elliot wrote.

In this chapter I combine the approaches suggested by Upchurch and Cocks with an attention to rights language. Attending to sailors' political involvement and roles in identity formation—be it nation, class, race, occupational group, etc.—has produced a well-developed if contentious historiography.⁴ Important recent work on impressment by scholars such as Denver Brunzman and Nicolas Rodger, for instance, has given us rich accounts of the ways in which sailors mobilized discourses and identities to pursue their aims.⁵ I take as a particular model Isaac Land's work on "citizenship from the bottom up," which looks both at tactics of excluding others from the British nation and at the idiosyncratic strategies those othered people used to claim belonging.⁶ Sodomites push us some steps beyond the non-white seamen on whom Land focuses. Official disapproval of sodomites was truly severe, and there was no possibility at this time that these men could

³ Upchurch, *Before Wilde*.

⁴ Influential works include: Jesse Lemisch, "Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America," *William and Mary Quarterly* 25 (1968): 371-407; Rediker, *Between the Devil*; Colley, *Britons*.

⁵ Brunzman, *The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World* (Charlottesville: University of Virginia Press, 2013).

⁶ Isaac Land, "Bread and Arsenic: Citizenship from the Bottom up in Georgian London," *Journal of Social History* 39 (2005): 89-110.

make common cause or argue for any forms of acceptance of sodomitical identities in the ways other groups could attempt to do. They therefore offer an intriguing case study in the outer limits of rights discourses. They were men who were speaking against—or despite—a status that apparently should have stripped them of any ability to claim rights. If sodomites were truly the agents of infection that observers like Smollett and, later, Elliot identified—the anti-civilization danger that many thought them to be—they had no business making demands of the navy, the government, or their society.

Consider one late case, that of Richard Inman. I discussed Inman at some length in the previous chapter, where he served as an example of the ways in which papers could extend sympathetic coverage and advocacy to men, even when it was quite clear that they had misbehaved. Here I read his case differently: as an example of the possibilities for contestation and counternarrative. Recall that in the autumn of 1838, Richard Inman, lieutenant of the *Lily* sloop, was tried for a sodomitical crime.⁷ His trial took place on board the great first rate the *Royal Adelaide*, only recently launched. Well-connected, Inman had had a promising career until the events leading up to his trial. He had entered the navy in the 1820s and received his lieutenant's commission in 1830.⁸ But in the summer of 1838, when the ship was in port at Simon's Town, in South Africa, he had been caught in bed with his servant, a fourteen-year-old named John Pay. One morning that August a handful of men saw the two asleep together in the bed in Inman's cabin.

⁷ Except where noted, my discussion of this case is based on: Richard Inman court martial (19-20 October 1838, ADM 1/5484).

⁸ See e.g.: *Parliamentary Papers: Accounts and Papers*, vol. 37 (1838), "Returns Relating to the Numbers and Promotions of Officers of Each Rank in the Royal Navy."

They suspected the worst and reported the officer to their commander, John Reeve. Reeve arrested both, confining Inman to his cabin and putting Pay in irons.

Reeve then left to consult with his superior officer. What exactly ensued remains somewhat murky. In court Reeve later explained that there had been a decision “that an opportunity might be given to the Prisoner to quit the Ship, and to save the disgrace to the Service, and the feelings of his Father.” As we have seen, this was a move for which there was much precedent. Reeve instructed the ship’s surgeon to relay this offer to Inman, but then apparently cancelled that order. (The trial also revealed that Reeve had made no effort to have the surgeon examine Pay, perhaps also indicating that he never intended a prosecution.) Reeve also asked a private gentleman, a man outside of naval authority, conveniently still in Africa and unavailable for examination at the time of the trial, to tell Inman “if guilty to quit the Ship, but if innocent to stay.” Whatever the exact events, though, Inman’s commander offered him the opportunity to flee, and he took it.

His ended up being a short flight, though. Inman returned within the week, and the trial followed in a few months. Leaving the ship had been a serious error on Inman’s part, but returning proved to be the best possible remedy for it. While standing trial was, as we have seen in other chapters, hazardous, it did have the great benefit of allowing Inman to make his own case, and to do so at great length and to many different audiences. Inman spoke his piece in court, in a way that was audible to his contemporaries and remains audible to us. Naval defendants were allowed to make oral defenses, and the courts martial papers contain original written defenses or transcripts in those cases in which men opted to do so. Defendants speaking in court knew that they were addressing

a broader audience than those gathered for their trial. In a joint 1799 defense, for instance, a quartermaster's mate and sailor spoke of clearing their names before the court "and through this Court to the public."⁹

Inman's defense survives, covering ten manuscript pages.¹⁰ In it he protests his complete innocence. His experience as an accused man is central to the defense. He uses it to explain his flight, claiming that he was "so horror-struck at the bare idea of the imputation implied by my arrest & this advice to leave the ship" that he foolishly fled. He also referred to his and Pay's suffering while under arrest awaiting trial, complaining that he had been in solitary confinement and guarded by a sentry for two months, and that Pay had been in irons for the same period. The boy had been trapped under the forecastle with a sentry standing guard over him even in the rain, and as a result had contracted a serious illness.

Inman's opportunity to articulate his experiences in real depth and at considerable length both in court and, thanks to the papers, in print, is surprising. The history and historiography of sodomy have taught us to expect to hear very little from accused and convicted sodomites. We hear *about* them all the time, of course. As we saw in the previous chapter, the Georgians avidly consumed tales of sodomitical crimes. So too did the Victorians, though with much stricter constraints on the range of discourse about the topic. The Old Bailey *Sessions Papers* gloried in the particulars of sexual crimes during the eighteenth century, but had stopped giving any details beyond the bare facts of

⁹ Read and Tattersall court martial.

¹⁰ While many defenses are brief, Inman's is not in fact exceptionally long. Some stretch to over fifty manuscript pages. A few are substantially longer.

prosecution and outcome by 1800.¹¹ There was a long-lived ideology of silence towards sodomy in the law and British culture more broadly which tended to silence accused and convicted men, what Louis Crompton identifies as a “silence taboo.”¹²

Harry Cocks has likewise argued that legal practice and British culture more generally systematically silenced accused and convicted men.¹³ He presents this as a phenomenon that intensified over time: restrictions on public discourse dovetailed with shifts in criminal justices processes, all tending to make it harder for the sodomite to speak for himself in public. He explores the discursive spaces that did allow “the sodomite to speak,” as he puts it. In the nineteenth century, men accused and convicted in civilian criminal courts did have recourse to the press, radical squibs, and criminal petitions, for instance. Cocks is interested in how these spaces allowed for public consideration of and discussion surrounding sodomy, desire between men, and related issues. He analyzes civilian criminal courts, whose trial practices came to differ in important ways from courts martial. I argue that the naval system came to allow for much more discourse as a result of the structural differences that developed between the legal systems at sea and on land. Highly partisan counsel on both sides, for instance, did not dominate naval trials and accordingly suppress the voices of defendants. The presence of parallel court systems that allowed for significantly more speech complicates Cocks’s narrative, and affords us a rare opportunity to closely examine the ways in which the

¹¹ In addition to my discussion in chapter 4, see Simon Devereaux, “The Fall of the Sessions Paper: Criminal Trial and the Popular Press in Late Eighteenth-Century London,” *Criminal Justice History* 18 (2002): 57-88.

¹² Louis Crompton, *Homosexuality and Civilization* (Cambridge: Harvard University Press, 2006), 528.

¹³ In what follows I am drawing most directly from H.G. Cocks, “Making the Sodomite Speak: Voices of the Accused in English Sodomy Trials, c. 1800-98,” *Gender & History* 18 (2006): 87-107.

sodomite spoke in the late eighteenth and early nineteenth centuries.

In this chapter I look at a series of naval and non-naval spaces that parallel and at times overlap with those Cocks identifies. I am interested in places in which naval sodomites themselves spoke and attempted to influence other actors and the naval hierarchy. The sites themselves include defenses (like Inman's), published self-vindications, the press, and direct correspondence between sailors and the naval hierarchy. I interpret these as spaces in which sodomites, naval officers, and state administrators engaged in negotiation and contestation over sexual misconduct and the outcomes of specific cases. I argue that the voices of sodomites were central to the processes by which the Royal Navy socially produced and confronted unauthorized sexuality, and thus that the experiences of sodomites affected and shaped naval discipline, administration, and case outcomes. I am not arguing that any individual man necessarily had much control over his own fate. A few relatively fortunate men like Inman did, but most clearly did not. Rather, there were a range of spaces in which men could attempt to fashion their images, press for particular resolutions and outcomes, and try to exert agency. They did so, I show, by drawing heavily on languages of honor, rights, and of injury and suffering. They argued that they had been wronged and wounded. They deserved—as sailors, as Britons, as Englishmen, etc.—some sort of just treatment or other solution.

What men could say was tightly bounded; what they did say, heavily mediated. While a later portion of this chapter will suggest that this is not the only rewarding approach to these sources, I primarily read them as fiction in the archives. It is impossible

to make judgements about the truth status of most of these statements, but they allow us to explore mentalities and map out the worlds of thought that allowed them to be produced. Whether or not they were true or believed, the men who articulated these claims intended them to be plausible and convincing. Those in authority may not have credited any particular claim, but any given one potentially could be accepted—and, moreover, the articulation and consideration of such claims was an integral part of the processes by which the social world of naval warships, the naval justice system, and naval administration produced final outcomes in these cases. In this way the recurrent themes I will explore here in men's statements about their experiences—suffering, fear, uncertainty, powerlessness—“mattered”; they are a central component of the social production of sodomy in this setting.

While Inman dodged the most serious sexual charges, he was still dismissed for unofficerlike conduct in taking flight. His misbehavior had still been sodomitical in an important way: rather than appropriately contesting the charges against him, Inman had allowed suspicions about his apparent impropriety to fester by refusing to face them. The periodical press covered Inman's case widely, and it transmitted his defense to a broad range of audiences.¹⁴ Some publications reported it; others paraphrased it; and a few, like the *Hampshire Telegraph*, reprinted it in its entirety.¹⁵ The article carried there and in

¹⁴ In addition to the sources discussed below, the case was reported in: *Exeter and Plymouth Gazette*, 27 October 1838; *Sherborne Mercury*, 29 October 1838; *Devizes and Wiltshire Gazette*, 1 November 1838; *Freeman's Journal*, 30 October 1838; *Western Times*, 27 October 1838; *London Standard*, 25 October 1838; *Morning Post*, 26 October 1838 (most of these carrying the same abridgment of a *West of England Conservative* article); *Caledonian Mercury*, 25 October 1838 and 29 October 1838; *Morning Chronicle*, 23 October 1838 (from the *Devonport Telegraph*); and *Worcestershire Chronicle*, 1 November 1838 (from the *Devonport Independent*).

¹⁵ *Hampshire Telegraph*, 29 October 1838; *Hampshire Advertiser*, 27 October 1838.

other publications did not merely publicize his case, either, but went on to editorialize on his behalf, as we have seen. The article forcefully stated that Inman had been cleared of all suspicion of sexual impropriety, a finding that “was received with unequivocal marks of approbation.” It deplored his sentence and spoke approvingly of him and his conduct. While regretting his “error” in deserting, the article urged consideration of “circumstances so really distracting to a high mind.” “[W]hat person would not be liable to take such a step?” Indeed, it explicitly lobbied the Admiralty to likewise consider “many palliating circumstances” in the case. This paper was not alone in alerting readers to the importance of Inman’s mental suffering to what had occurred. The *Nautical Magazine*, while misstating Pay’s name throughout (as “Payne,” perhaps appropriately), explained that Inman’s defense rested on the contention that he acted from “a most distracted state of mind at the imputation cast upon his character.”¹⁶ Items in the *United Service Journal*, meanwhile, reprinted a series of documents from the trial and, like the *Hampshire Telegraph*, lobbied the Admiralty. They stated that he enjoyed broad support among the public and the “professional press,” and hoped that “his case will be taken into favourable consideration” and that he would be fully restored.¹⁷

Such hopes were certainly plausible. As the extended consideration of the Henry Stokes case in the previous chapter shows, this exact sort of lobbying was sometimes effective. For our purposes here, though, outcomes in any particular case are less important than the presence of this range of speech in the first place. Far from playing a silencing function, Inman’s trial generated an enormous amount of discourse about naval

¹⁶ *Nautical Magazine and Naval Chronicle* 7 (1838), 865.

¹⁷ *United Service Journal and Naval and Military Magazine* 28 (1838): 407-8, 553.

sodomy, and spread his speech widely. Interested observers discussed the case, and supporters used it to lobby the Admiralty on his behalf. His words—and his experiences as an accused man in particular—became the basis for a great deal of speech.

Suffering was central to Inman's narrative, to others' perception of his case, and to many other cases as well. Observers were willing to believe that the accusation was so painful that it was bewildering. His superiors' alleged concern over potential suffering brought them to offer him flight, and he took it because his own pain had disordered his thinking. He indicated that he and Pay had suffered mightily as a result of all that had happened, and those following the case who made their voices heard appreciated that pain. The expression of suffering in navy sodomy cases was highly ritualized, and depended on specific discourses that it was appropriate for different men to invoke. One that Inman used, and which was potentially available to all men, was the injury that came from having justice delayed. This could take on different valences. Fair treatment at the law was universally understood as an English and British birthright, and so men who could claim that status could point to unjust injury to them as citizens. But every sailor in the crown's navy enjoyed rights within *its* justice system, making similar claims potentially available to any man.

Thus working-class men and boys felt it within their rights to complain of the injustice of long or improper confinement. Periods of arrest and confinement could last for months or longer.¹⁸ One defendant had been under arrest for over a year before trial, for instance.¹⁹ At the close of a weak prosecution against him, landsman Edward Martin

¹⁸ Byrn, *Naval Courts Martial*, xxii.

¹⁹ Samuel Spencer court martial (8 Jan. 1814, ADM 1/5440), fol. 239r.

noted that he had been confined with both legs in irons for roughly three months. It was a “long and painful punishment,” he declared. He had been denied his grog allowance the whole time, and was kept on bread and water as well for part. His was indeed a canny defense, as the weakness of the prosecution made the long confinement appear clearly cruel and unfair. At trial, Martin declined to call planned defense witnesses, and simply rested his case. The tactic was successful.²⁰

This practice, essentially unjust and false imprisonment, as defendants saw it, was itself an abuse of authority. Those officers with the power to investigate disciplinary infractions, arrest offenders, and order punishments were supposed to use them fairly and judiciously. Highlighting abuse of the power to arrest was a relatively safe way for men to hint at the possibilities of broader or more serious abuses of other forms of summary punishment and investigatory authority, including the practice of coaxing confessions with promises of pardon or leniency. In his defense, James Vernon alleged that the first lieutenant of *HMS Crescent* had threatened a boy with an unjust and unjustifiable punishment (“you damned Rascall if you don’t tell the truth I will give you six dozen [lashes]”) and then unjustly put Vernon himself in irons and stopped his grog indefinitely.²¹ The implications were implicit but clear: none of the proceedings could be trusted because those with control of investigation and punishment had shown themselves willing to abuse their power. Vernon’s argument failed, but that is no indication that it was intrinsically weak. Courts often showed great concern over abuses of these sorts.

²⁰ Edward Martin court martial (22 Sept. 1809, ADM 1/5399). For another allegedly unjust confinement, see Beauchamp and Bruce court martial; and for another example of working-class confinement: Henry O’Brien court martial (19 Feb. 1812, ADM 1/5423), minutes p. 9.

²¹ James Vernon court martial (11 June 1811, ADM 1/5416). For further examples, see the *Kite* trials, from early January 1812 (see Appendix A for citations).

Tales of unjust and cruel confinement therefore allowed accused men to focus attention on an area that was relatively safe for them to discuss—overlong arrests as a relatively mild violation of disciplinary powers—and thereby lead listeners to a broader world of harm and suffering. As we will see in other rhetorical moves considered below, suffering in confinement could be a vehicle for the connected realms of bodily and mental injury as well as harm to social standing, family, and honor. In marine lieutenant Patrick Bryson’s 1812 defense, for instance, his suffering in confinement was the pinnacle of his tale of misery and became the emblem in the narrative of all that he experienced. A sodomitical charge involved a sort of social imprisonment, he indicated, because the “mere imputation” of it “is infamy”:

With regard to almost every other species of guilt the mere charge alone doth not carry a stigma, a reproach with it. The person so accused is not instantly condemned by others, he is not disgraced or punished until found guilty (at least in some degree) of the crime alleged against him. Whereas an imputation alone similar to what I labour under brands the unhappy object with lasting shame and infamy. His reputation and fair name is blasted. Whatsoever good or generous qualities he might possess are either forgot or contaminated in public opinion as being coupled with a foul, an odious accusation.²²

In like manner, naval authorities had confined his body “in a small and generally wet cabin” for over two months, in “close confinement.” As a result his “bodily health hath suffered much.” They had also denied him his rights as an officer and British subject. He was denied any interaction with others apart from one servant, and then only under a sentinel’s supervision. The authorities also refused to provide him a copy of the charges

²² The following all comes from the Patrick Bryson court martial (24 Dec. 1812, ADM 1/5433). The notion that accusation alone destroyed reputation and caused a range of injuries was commonplace in defenses. As Philip Carteret put it in 1815: “With the world in general, mere accusation is quite enough to embitter existence.” Philip Carteret court martial (11-13 April 1815, ADM 1/5448). Emphasis in original. The background to the Carteret case provides interesting evidence for some of the themes discussed in chapter 1. See Malcolmson, “Creating Order,” 229-30.

against him until the night before the trial, so that he did not even know his accuser's name until the eve of his prosecution. In his story, imprisonment and the damage it did to his body stood as well for the injury accusation had done to his honor, his reputation ("what is infinitely dearer to me than life"), and his place in the world. As he told the court: "The sufferings of my heart, my distress, my anguish hath been most bitterly severe, in so long being subject to an accusation of so foul, so black a nature." Physical suffering provided an entrance to discussing these other realms.

As Bryson's case illustrates, men likewise expected the opportunity to mount a strong defense, and invoked rights language when they felt that this had been abridged. William Tankerville Chamberlain, a lieutenant court-martialed for a misdemeanor in 1809, petitioned the crown a few years later in hopes of obtaining a new court martial or other investigation into his case. The basis of his claim was that the disciplinary and judicial processes had not only denied him access to good legal advice, but in fact furnished him with bad advice resulting in a defective defense and his conviction.²³ Chamberlain explained that upon accusation he had immediately been arrested and imprisoned. He was detained in his cabin, incommunicado. His captain refused to meet or speak with him, or to examine his case. Eventually the arrested officer was permitted visitors, but only one at a time under the supervision of the Master at Arms. Chamberlain was a young man—younger than twenty-two, he claimed—and in desperate need of aid. "So circumstanced, confounded & borne down by the sense of his situation & his

²³ The following draws from his case materials in ADM 7/310. Charles Bicknell to J. Croker, 15 Jan. 1812, ADM 1/3702, forwarded the subsequent opinion, and the memorial on it dated Jan. 16 records the outcome as well.

incompetency for managing his Defence,” he sought advice. The court directed him to the judge advocate, the clerk or secretary of Captain Johnstone Hope, of the *Victory* and captain of the fleet, who was serving on the court. They met for a bit more than an hour in total to prepare a defense.

What they produced, Chamberlain claimed, did him a serious disservice. He pointed in particular to a set of facts the judge advocate urged him to “suppress” rather than bringing to the attention of the court: the shameful (in Chamberlain’s opinion) fact that he had been cohabiting on board with “a Swedish Woman with whom he lay” on the night in question, and to whom he was headed at the moment of the alleged crime. This was both an alibi and proof that his “Character & Habits” were “very different from the disposition imputed to him.” He claimed that his cohabitation was notorious, but that urged against producing the evidence at trial, he neglected to bring forward any witnesses to spoke to “his Character and former habits being very inconsistent with a disposition & conduct” like that charged. Meanwhile, Chamberlain presented his life as having become hellish as a result of his conviction. The case “has deprived him of his Profession, his Character, unhappily not of his life.” He lived “immured” in his mother’s house, “an Outcast from Society,” and preparing to “depart for the most distant part of the Habitable World.”²⁴

²⁴ Ibid.

If his story were true, Chamberlain had indeed been ill-served. Officer-class defendants potentially had access to strong legal knowledge and defenses.²⁵ No naval defendants were permitted representation, but they could receive aid, including from trained lawyers from outside the navy. This role was often referred to as that of the defendant's "friend," though the potential for it to be identical to counsel was clear and sometimes explicit.²⁶ Don Philip Dumaresq, for instance, had two "friends" in court, and offered a legally-robust defense, one which referred to other cases, legal practice in the navy and on shore, and quoted extensively from McArthur's text (providing precise citations in his defense, in fact). Dumaresq was well-connected within the navy and the law—William O'Byrne reports that his father had been the attorney general at Jersey.²⁷ Indeed, his defense was so legally sophisticated that Dumaresq apparently felt it necessary to note that he had allowed "abstruse technicalities" because his "professional friends" had insisted that it honored the tradition of English law to mount the most rigorous possible defense. However, he made clear that he himself honored the simple and fair rules of honor culture, and sought a total acquittal of that sort. Defendants maintained that treatment in practice was inconsistent, however. Dumaresq may have had the opportunity to put together a truly robust defense, but the conditions of naval service

²⁵ In addition to what I discuss below, a rich and well-documented example outside of the bounds of this chapter to explore fully involves Lt. William Edward Fiott, whose troubled career included an 1824 sodomitical crimes trial (6-7 May 1824, ADM 1/5468). NMM HAR/101-204 contains extensive materials on his life, with HAR/103 and HAR/107 preserving substantial records of his naval legal problems. The former relates to an 1810 trial unrelated to sexual misbehavior, for which see Byrn, *Naval Courts Martial*, 676-84 (the original papers are in ADM 1/5204); and the *Salisbury and Winchester Journal*, 15 Oct. 1810. I hope to treat his history in the fashion of some of the other men discussed at length in this chapter in a later project. For brief discussion of his career, see O'Byrne, *Naval Biographical Dictionary*, 358.

²⁶ In the Bowker trial, for instance, the defendant's friend is also called "his Counsel." Bowker court martial, minutes pp. 90-91, 118-9, and passim.

²⁷ O'Byrne, *Naval Biographical Dictionary*, 311.

did not always permit the same. In 1798 the young midshipman John Lind Meik advanced an indirect version of this argument by pointing out that he was young and inexperienced and that the location of the court, at Torbay in Devon, and time constraints made support from his family impossible.²⁸ As late as 1864 one dismissed lieutenant complained that he had been forced to “hurried draw it [his defense] up during the night, and I had not had any sleep for hours before.”²⁹ As with punishing confinement, this apparent ill treatment provided men who had been labelled sodomites with grounds upon which to argue that their rights had been violated.

The experience of confinement and court for officer-class defendants like Inman were quite different than for lower-status men and boys. Recall that Inman, for instance, had been under close arrest in his cabin, while Pay had been confined in irons and had apparently become ill as a result. Yet men of all stations used similar registers to express their suffering and mistreatment, and they did so over a long period of time. Consider the cases discussed above alongside examples like that from the 1871 trial of Frederick William Edward Kuper. Kuper presented his five months of pre-trial confinement as a “long and severe punishment.” Kuper and the rest of the men involved had been in South Africa when the charge came to light, and returned to England for trial in home waters. The relevant orders had specified that Kuper be held under close arrest, what he would later describe as “almost solitary confinement,” in his cabin. Like men at all levels, Kuper presented his suffering as both physical and non-physical. For different men arrest and

²⁸ John Lind Meik court martial. Meik was on trial for advancing a charge of a sexual offense against Edmund Nepean, not for himself committing a sexual offense.

²⁹ “Police Intelligence,” *Lloyd's Weekly*, 21 Feb. 1864.

confinement entailed injury to honor, reputation, social standing, professional advancement, personal connections, and more. In Kuper's case, a tropical climate assailed his body, while his spirit was "weighed down by the stigma" of a sodomitical accusation.³⁰ As we have seen, Kuper considered his confinement its own form of punishment, and even though he was convicted of one of the charges against him (though not the sexual violation) the court nonetheless agreed. It reduced his sentence in consideration of the confinement he had already undergone.³¹

Officers like Inman and Kuper had a very particular relationship to pain, one that gave their statements particular rhetorical power. Naval regulations and cultural practice conspired to guard them from the potential for experiencing physical punishment and discomfort in the ways that lower deck men could and did. The navy accorded officers greater luxuries and comforts, and it also protected their bodies. It was a violation for a sailor, equal, or even superior to touch an officer in anger in a way that was not true for a seaman. Inferiors and equals could be court-martialed for striking or collaring an officer, and most officers were not subject to any mode of corporal punishment. In grievous crimes the state reserved the right to execute officers just like any other men, no matter how elite. The cat, however, was not intended for these men. They would never be started or flogged summarily thanks to their rank. The rules were supposed to largely shield them

³⁰ Kuper court martial, defense p. 19. The orders relating to his transportation to England were clear about keeping him under "close arrest." See, in the prefatory material to the court martial, J.E. Commerell to the Secretary of the Admiralty, 13 July 1871; Commerell to W.C. Carpenter, 13 July 1871; and Commerell to Horatio Packe, 13 July 1871.

³¹ See Kuper court martial, sentence. This detail is reported, for instance, in "A Naval Officer Charged with Insobriety and Indecency," *Reynolds's Newspaper*, 31 December 1871.

from physical pain, and only inflict the few physical punishments that were available after careful judgement in the judicial system.

These barriers help us to understand the prominence of pain within officer narratives, and the ways in which they often mix or even elide mental and physical anguish. A particular brand of honor was so deeply central to one's position and selfhood that rhetorical statements made no sharp demarcation between honor and the physical body. Physical attacks like striking or collaring were primarily experienced as attacks on honor, while attacks on honor manifested in physical distress in officers' narratives. We might be tempted to read such somatization as metaphorical, or an unconscious metonymy or synecdoche: the body is made the externalized site of honor in one way or another. However, I suggest reading a relationship between the body and honor in these narratives that functioned much as the relationship between the body and mind was understood to at this time. There was a strong link between the two, and disruption in one translated to the other. Audiences were meant to understand these expressions of physical pain as referring to real suffering, physical and mental, that was intimately linked to damage to one's honor. In attacking an officer's honor, or allowing it to be attacked, the navy subjected him to actual suffering in mind and body. Doing so, these suffering narratives suggest, was inappropriate, as the navy could only take such steps when absolutely necessary.

To explore these dynamics, I consider at some length a unique case from the Napoleonic Wars period, that of Arthur Walter Adair. Accused of indecent conduct in 1805, and discharged without facing any formal charges in 1806, Adair went on to

vociferously and unceasingly pester the Admiralty and many of the other players involved in his case for well over half a decade. Adair's case can tell us a great deal about many aspects of naval administration and sexual misconduct in this period, but it should not be taken as representative. It is anything but. Adair refused to admit defeat in a way that is entirely unlike any other case I have identified. A modern reader may even suspect that he was mentally ill, though of course there is no way to really know this. Adair's case instead is best used as a microhistorical case study. It is an ideal grain of sand in which to see this world, because it pushed naval practices and discursive boundaries farther than most other cases. In his endless statements on his case, Adair produced the most extensive body of discourse linking naval sodomy, suffering, and rights language that has survived from this period.

In exploring this case I focus on two aspects: the rhetoric of harm and how it operated, especially in reference to the rights Adair felt he deserved as a loyal naval officer and Briton; and the vast volume of ink Adair spilled on his behalf and his ability, even long after it was clear to all but him that his was a lost cause, to drive the Admiralty to action. Adair's voluminous correspondence relied heavily on the rhetoric of harm, on the damage that shadowy enemies and an intransigent Admiralty did him. In it, harm is figured in complex ways. He articulates suffering in terms of his own body, his honor, and his friends and relations, and he moves fluidly between these registers. Injury in one area can easily become injury in another. What the Admiralty subjects him to produces suffering in all these areas, and the form and experience of suffering in them cannot be easily demarcated. Adair presents his body, his honor, and his social world as intricately

involved. They are not in any way truly separate or separable. While much about his case is unique, this approach to pain and honor is in keeping with those of officer-class peers. Meanwhile, we must observe his ability to constantly articulate and rearticulate his suffering to the Admiralty, and to receive attention. Adair lost his case before it even began, yet the Admiralty spent years not only fielding his stream of letters, but also responding in detail to his maneuvers. Adair was never able to achieve his stated aim, a court martial, but he was able to speak an enormous amount. He spoke even though the Admiralty did not want to hear him and even as his speech only served to damage his own interests. No case better exemplifies the limits of the Admiralty's ability to silence men.

Adair was serving as 3rd lieutenant on the *Endymion* late in 1805 when an accusation arose about his "unnatural familiarities" with two boys on the ship: his current servant, William Heathcote, and a former servant, a boy named Barry, who had since become a marine drummer.³² As with Inman, what followed is murky and was later much disputed, but it is clear that his captain, Edward Durnford King, decided to discharge Adair.³³ Decades later King served on two sodomy courts martial, but at this early stage in what would prove to be a highly successful career he does not appear to have had any formal judicial experience with the crime. He did what we know many others in a similar position chose to do: simply to semi-legally discharge a suspected sodomite. King sent

³² The phrase is from the Black Books. See ADM 12/27E; ADM 12/27C. The most detailed account of the specific accusations I have been able to find are in the Dec. 1809 deposition of Peter Green, gunroom steward of the *Endymion* at the time Adair was discharged, contained in King to Croker, 16 Dec. 1809 (Cap K85), ADM 1/2023. This was taken years after the alleged events and at the behest of an interested party, Captain King, and should therefore be treated with care.

³³ This paragraph is based on Lord Collingwood to Marsden, 4 February 1806 (N19a), ADM 1/412, fol. 49. The minute on this letter, dated 19 March, indicates the decision to strike Adair's name from the list.

Adair to sick quarters at Lisbon in mid-November bearing a sick ticket. Adair discreetly left the ship in a boat when the *Endymion*'s company was below at breakfast. He was landed on the shore near the Tower of St. Vincent. Years later King would claim that he had permitted Adair's flight largely "for the feeling of your friends," a recurring justification in sodomy cases.³⁴

It may have been that Adair was truly ill too. A surgeon later swore that he was so sick from rheumatism as to be unable to serve at sea. In any case, Adair soon took passage to Ireland, where he had arrived by December.³⁵ "Adair" is a northern Irish name, and he came from a respected northern Irish family with a history of service in the King's forces. Still in the Admiralty's employ thanks to King's sick ticket maneuver, in January 1806 Adair was offered the option to either serve in the sea fencibles or a signal station. He chose the fencibles, the militia force that had been established to defend against French invasion. He was stationed at Carrickfergus, on the eastern coast of northern Ireland.³⁶

As he made his way to and then passed his time in Ireland, Adair's professional ruin was quietly and slowly unfolding first in the Mediterranean and then back in London. Despite allowing Adair to leave the ship, King had also informed his commander-in-chief, Lord Cuthbert Collingwood, of the accusation against the

³⁴ Adair to the Lords Commissioners, 22 November 1809 (Pro A92), ADM 1/4367, enclosure. Adair angrily rejected this claim in subsequent writing. The details about his flight are taken from this letter as well. It is impossible to weigh the differing accounts of what took place. King and Adair's are both, naturally, self-serving. I have attempted here to present a version of events mainly based on facts accepted by all actors.

³⁵ In his pamphlet (see below) Adair refers both to illness and King's personal dislike of him as reasons for the discharge. On his illness, see Adair to John Barrow, December 1805 (with Admiralty minute dated 3 Jan. [1806], Lt. A11) and Adair to Marsden, 14 January 1806, with enclosure (Lt. 2A [sic]), ADM 1/2742. However, in his deposition Green denies that Adair was ill. See the deposition in King to Croker, 16 Dec. 1809 (Cap K85), ADM 1/2023.

³⁶ His enrollment in the fencibles, dated 31 Jan. 1806, is in ADM 1/2742.

lieutenant. Collingwood in turn alerted the Admiralty. In communicating what had happened, Collingwood voiced displeasure with the whole sordid affair. He criticized King for “allowing criminals to escape the punishment due to such heinous offences.” He also explained, however, that while the captain had been sure about Adair’s personal “infamy” he apparently lacked the evidence he felt he would have needed to successfully prosecute him. King probably was not alone in this opinion. At this turn the navy still could easily have prosecuted Adair, but opted instead to pursue an administrative solution—or, as Adair would experience it, an unjust, even illegal, administrative punishment. The Admiralty decided to discharge Adair, strike his name from the list of lieutenants, and enter it in the “Black Books” of officers barred from any further service.³⁷ As these were administrative moves, Adair had no right to a hearing or to make his own case in the venues involved.

The navy’s bureaucracy moved slowly in Adair’s case. Collingwood had alerted the Admiralty of King’s charges in February. It took until the summer of 1806, though, for his discharge to come through. On July 10, 1806, Adair learned that he had lost his employment and commission.³⁸ Coming about eight months after he had left the *Endymion*, this was the black day throughout Adair’s many recapitulations and retellings of his story. He claimed to have been blindsided by what happened. In his version of events, Adair not only did not know why he had been discharged, but would not be able

³⁷ ADM 12/27E and 12/27C (fol. 74v), s.v. “Adair” in both.

³⁸ Arthur Walter Adair, *A Series of Letters, Submitted to the Consideration of the English Nation, for the Express Purpose of Exhibiting, Unadorned, A Case of Unparalleled Hardship, Tyranny, and Oppression, Exemplified in the Conduct of the Late Board of Admiralty to Arthur Walter Adair, Lieutenant Royal Navy* (London: for and by J. Bell, 148, Oxford Street, 1807), #1-3. For the discharge order, see the minute dated July 4 in ADM 3/157.

to discover the charges that had been made against him *for years*. The Admiralty never treated this claim as plausible, and years later Admiralty Secretary John Wilson Croker (who did not even assume that position until 1809) would go so far as to write that he had wrested an admission from Adair that this claim was in fact a lie.

Whatever the truth of his stories about this period, at the time Adair certainly acted as if they were true. He immediately sought a reconsideration from the Admiralty, citing long and distinguished service and well-regarded conduct. As was routine for men making claims about service, bodily experiences were invoked to claim honor as well. His service to the nation had put him in danger of bodily injury, and he had experienced deprivation and pain, including a severe ophthalmia at one point. He also immediately set off for London. From the first Adair was begging for an “impartial hearing” rather than automatic reinstatement. Such a hearing was his right as a sailor, officer, and Briton, he argued. He never achieved what he considered such a hearing, and would later declare that what the Admiralty had done was illegal and compare his experiences to the Inquisition and Star Chamber.³⁹ That summer was disastrous for Adair. Later in July, as he headed for London, he was involved in a coach accident in which he was injured and severely delayed. The Royal Holyhead Mail coach broke down in Holywell, Flintshire, in

³⁹ Adair, *Series*, #4, preface, p. 7, and 41-2. Elsewhere his points of comparison are the Commissioners of Customs and Excise, and a “secret conclave like friars in a Confessional.” Adair to Pole, 18 Sept. 1809 (Pro A27), ADM 1/4367. The cultural associations of secretive misbehavior, foreignness, and Catholicism are clear here. His reference to the revenue service is a little less obvious, but points to the practice of using informers and smugglers-turned-evidence in revenue cases. Throughout his case Adair relies on ideas of English (and indeed, at times, “European”) justice as open, public, and fully visible. These are important themes generally in the genres and claims considered in this chapter.

northern Wales, and he received what he repeatedly describes as a serious leg injury.⁴⁰ Then, while still recuperating, his written plea for a hearing was rejected. Admiralty Secretary William Marsden, who had received Collingswood's initial communication, consulted the Lords Commissioners, who turned Adair down in August.⁴¹

These were dark months for Adair, and he expresses the traumas he experiences in ways that mix his shock and sorrow with various forms of personal injury. His poor health, his bodily weakness, leaves him vulnerable to a brutal attack on his honor by shadowy forces. Meanwhile, the leg wound (which shifts between a contusion and fracture in different tellings) is the somatization of the injury he receives when booted from the force. He is broken in body and honor, and his physical experience trapped in a sick bed while desperately wishing to be in London confronting his unknown enemies is the bodily experience of his general powerlessness as a supplicant at the Admiralty (a feeling many men experienced one way or another). His long recuperation foreshadows years of fruitless waiting and effort, and it telegraphs a frustration at his impotence that courses through his writing. Adair is perpetually unable to move others to the actions he desires. Failure did not stop him from continuing to act, however, and his efforts constantly forced the Admiralty and other players in the case to react.

Adair eventually recovered sufficiently to complete his travels to London. Once there, his efforts to get the Admiralty's attention were either ignored or rebuffed. Adair

⁴⁰ Adair makes reference to the injury throughout his subsequent correspondence, but see in particular the Holywell surgeon's affidavit with certifications that is an enclosure to Adair to Marsden, 29 July 1806 (Lt A55b), ADM 1/2742. This surgeon, named John Jones, sent a separate letter to the same effect dated 2nd August (Lt A55a), also in ADM 1/2742. In one of his memorials to the King in Council Adair claimed that he was confined for five months by the injury. ADM 1/5208, 10 May 1809. See the memorial copy dated 7 April 1809.

⁴¹ See the minute dated July 31 on Adair to Marsden, 29 July 1806 (Lt A55b), ADM 1/2742.

lobbied them and other contacts vigorously, constantly emphasizing his right to a public hearing in order to restore his injured honor, “which is all I have left, and which must be prized infinitely before life.”⁴² A great deal of his original correspondence remains, and in 1807 Adair also took the step of publishing a pamphlet of correspondence relating to his case. Intended for “the consideration of the English Nation,” he felt that the work showed the “unparalleled hardship, tyranny, and oppression” he had experienced at the hands of the Admiralty.⁴³ Its goal was to shame the Admiralty for not responding to his case, to win himself a public hearing, and to convince all readers of his innocence. Who but an innocent man would so forcefully request a trial, after all? Throughout suffering plays a prominent rhetorical role, and is closely tied to his honor status. In the publication and in his other letters he makes countless claims linking the two. For instance, he tells readers, the naval officer and gentleman holds “the highest and most undoubted reputation and honor” as “dearer than his existence.”⁴⁴ For men in this culture, to be stripped of honor was to be stripped of almost all they had. Its loss was articulated in terms of social, emotional, and physical suffering. These were stereotypical statements, but that should not necessarily lead us to doubt his real desperation. The Admiralty ceased responding to his missives in September, 1806, after Marsden relayed their firm rejection of his case. Adair continued to write, and the Admiralty continued to patiently collect and file what he wrote. For the former lieutenant, though, he was mailing his requests into a black hole. To highlight this unjust treatment and his own frustration, Adair started recording the

⁴² Adair, *Series*, #8 (Adair to Marsden, 4 September 1806). The original letter is digested as Lt. A55c in ADM 1/2742, which also bears an Admiralty minute (dated Sept. 6) asking why he was “superceded.” The response states: “Please to see the Black Book.”

⁴³ Adair, *A Series of Letters*.

⁴⁴ *Ibid.*, p. 6.

Admiralty's silence in his pamphlet. He memorializes each unanswered letter with a "No Answer," set in larger type than the rest of the text (see fig. 5.1, immediately below).

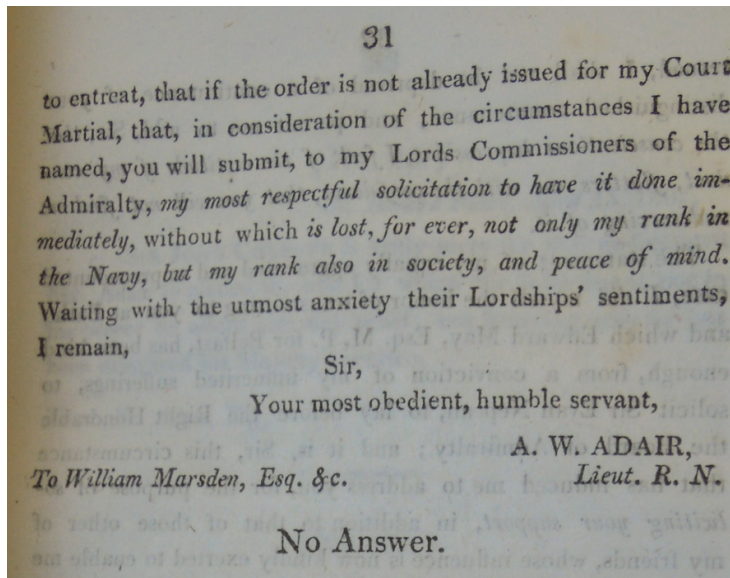


Fig. 5.1: Detail from a letter in Series, p. 30, with a "No Answer." His language about injury here is, as we have seen, common in his letters. Reproduced from my personal copy of the pamphlet.

By the close of the year his desperation had become intense. In a letter to the Admiralty he cited "extreme suffering, as well mental as bodily." He was also spending heavily while pursuing his case in the capital. The heavy cost of pursuing his vindication eventually became one of the dominant themes in his writing, and he would later claim penury. But as usual: "No Answer."⁴⁵ He was rebuffed in person when he attend at the Admiralty as well. He nonetheless resolved to pursue his case, for "[t]o abandon my cause... was to sink into oblivion, oppressed with infamy and disgrace, in the opinion of the world."⁴⁶ He had, by this point, fully committed himself to getting a remedy from the Admiralty, one way or another. The problem was that he did not have sufficient influence in or out of the institution to actually achieve any good outcome.

⁴⁵ Ibid., #18-19.

⁴⁶ Ibid., #20.

Adair had now received no word from the Admiralty since an August 1st letter instructing him to cease his efforts. Marsden finally broke the Admiralty's long silence on January 10, 1807, more than five months later, to bluntly reiterate that "it is unnecessary for you to repeat your application." Adair describes his reaction to this second letter from Marsden in terms of utter desolation: "A serious and painful indisposition succeeded" it, he explains. His heart was "almost broken" (matching his "nearly broken hearted parents and friends")—language commonly used in these cases. He was, again, so destroyed that he had to be nursed back to health. The moment mirrors the carriage accident closely, and as in it physical and mental pain—both tied to honor—are inextricable. He is momentarily forced to stop writing the Admiralty, only able to start up again once he "began to be a little collected" thanks to a friend's ministrations.⁴⁷

Let us step away from Adair briefly to consider the role of relations and friends in sodomites' speech. This was another area on which all men could potentially draw, though the form it took differed substantially depending on the class of the man speaking. When the navy prosecuted men from elite families they contended with concerns over honor and reputation, as well as social connections, that had no analogue in the cases of lower-deck men. Yet men of all stations constantly appealed to the injury that charges and trials did to family and the ways in which family members were reliant on their dishonored men. They attempted to activate ideologies of family to protect themselves and to promote their own characters. They pointed to sequelae that imperiled their

⁴⁷ Ibid., pp. 21-22, and #15. Adair speaks of his family and friends in similar terms elsewhere, pointing for instance to the "honor of a family whose feeling [Captain King] has most cruelly outraged[,] whose cheeks he has suffused with tears and whose peace he has destroyed." Adair to the Lords Commissioners, 22 November 1809 (Pro A92), ADM 1/4367.

manhood and prevented them from attaining and keeping full masculinity. Sodomy cases cut them off from families and friends, destroyed their ability to support themselves and others financially, and kept them from marrying (recall that this last was a theme in the reporting analyzed in the previous chapter as well). Consideration of family became increasingly important in the cases into the nineteenth century, and thereafter remained a persistent theme. In 1799 a midshipman admitted that he had not reported a defendant because “decency prevented me, knowing that you had a wife and child.”⁴⁸ Such thinking remained powerful. Witnesses to the alleged offense in the late case of John Tippett from 1880, for instance, admitted to having agreed to “hush it up... for the sake of the prisoner’s wife and family.”⁴⁹ That they were willing to admit this in court suggests that they thought it mitigated their own misdeeds.

Appeal to family was already seen to carry great rhetorical weight long before that case, however. In 1806, after conviction and facing the noose, Thomas Smith and John Batty, two teenaged seamen, petitioned the Vice-Admiral of the White for their lives. They pointed to their ages and inexperience, Smith “not yet Seventeen Years of Age, and John Battey not quite Nineteen.” They argued that they had not understood the enormity of their offense, but now thanks to the ministrations of a chaplain recognized and regretted it. The chaplain, they explained, had told them that divine mercy was still available to them, and they prayed for mercy here on earth too. In closing they pointed to

⁴⁸ David Dixon court martial, minutes p. 3. Other witnesses appealed to this consideration too or to their friendship with the defendant.

⁴⁹ *Hampshire Telegraph and Sussex Chronicle*, 25 August 1880 (quote) and 28 August 1880. The trial is listed in ADM 194/182, #4618. The court convicted Tippett and sentenced him to two years imprisonment with hard labor, followed by dismissal from the service. The reporting indicates that he was sentenced to Bodmin gaol.

their “Vertuous, Tender, and Industrious Parents, who have ever walk’d in the Fear of God whos Gray Hairs wou’d be brought down with Sorrow to the Grave by the Melancholy News of the Fate of their unfortunate Children.”⁵⁰ Smith and Batty’s punishment would fall hardest on their parents, who truly were innocents.

The “lad” Thomas Hubbard used a similar tactic, though with little success, in an attempt to save his life. During his defense he produced a letter from his mother, Sarah Hubbard. It was an effort to garner sympathy and show his importance to his family and moral character as a provider. The letter indicated that he was both fatherless and supported the family financially: “if twas not for what you allow me out of your pay we must all starve for provisions of all kind is so very dear that wee [she and his brothers] can hardly live.” The letter highlights the affective ties that bound him in his community and family, with his mother sending love and well wishes from herself and others. She closed the letter with a prayer “to god for to protect you all and send you all save hom to me again and soon,” and signed it “from your loving mother tell Death.”⁵¹ It was not enough to save Hubbard’s life, though.⁵² Charges of sodomy severed men from the ties of civilization—from family, community, nation, and so on. Claims like those of Adair and Hubbard contested attempts to exclude them. They tried to forcefully reinscribe themselves in social units that it would be improper and dangerous for accusers, the navy, and the state to violate.

⁵⁰ The final line interpolates language from Genesis 42:38. The manuscript contains opening quotation marks before “Gray Hairs,” but no closing marks.

⁵¹ Hubbard and Hynes court martial. Nicholas Blake, *Steering to Glory: A Day in the Life of a Ship of the Line* (London: Chatham, 2005), 15-6, has also transcribed the letter.

⁵² *Hampshire Chronicle*, 29 Dec. 1800.

As with Hubbard, Adair's appeal to his friends and relations did him no good. Once he was back on his feet, though, he did continue to pursue his case with letters and a memorial to the Lords Commissioners. He continued to alternately beg for and demand, as a right, a trial. By this period he was describing his state of mind as "tortured and anxious" and his "existence a burthen."⁵³ These references imply, if only glancingly, the possibility of suicide. I will suggest below that they are worth taking seriously in this respect. These were not mere rhetorical flourishes, or at least not necessarily such. Some men in positions similar to Adair's killed themselves. In a May 6th letter to Marsden, once again requesting a court martial, he pointed to almost a year of constant mental and bodily suffering, turmoil, and anxiety in pursuing his case. "No Answer."⁵⁴ A few days later he expanded on his request, explaining that without a court martial he would not only lose "for ever" his naval rank "but my rank also in society, and peace of mind." But as usual: "No Answer."⁵⁵

As the foregoing has indicated, suffering manifested itself bodily and mentally. Pain translated between the two registers, and his rhetoric followed this. In lobbying the powerful naval administrator Sir John Colpoys in the spring, he referred to "long and continued bodily affliction." In the closing comments in his pamphlet Adair describes writing his letters "under great bodily pain, and all of them with an anguished heart."⁵⁶ Indeed, in keeping with the linguistic conventions of men of this class at the time Adair easily slips between and mixes the languages of injury to body and honor, just as he and

⁵³ Adair, *A Series of Letters*, #19. Adair to Pole, 18 Sept. 1809 (PRO a27), enclosure, ADM 1/4367: "Death I could ever view with a calm, and undaunted eye, but dishonour... I am wholly incapable of."

⁵⁴ Adair, *A Series of Letters*, #20.

⁵⁵ *Ibid.*, #21.

⁵⁶ *Ibid.*, #22, and pp. 41-2.

others so easily mingle the language of physical and mental distress. Years later Adair would complain: “I can never cease to feel or express the poignancy of my feelings from the wound inflicted on them by the cruel nay the cruellest of conduct towards me.”⁵⁷ Adair constantly mixes the language of mental and physical injury and injury to honor, and experiences pain in one as pain in another. He had other concerns as well, money chief among them. Adair had by now gone to considerable expense in pursuing his case. In a later memorial he claimed that by 1809 he had expended over £1,800.⁵⁸ A few years later he was begging for any small amounts of back pay potentially due to him.

The Admiralty had successfully rebuffed Adair throughout 1806 and 1807. We know that the pamphlet was known to the Admiralty, as it is referenced in a variety of correspondence.⁵⁹ It too produced no change in the policy of ignoring the troublesome former lieutenant. The cold shoulder did little to put Adair off, however. Indeed, his pestering would outlive Marsden’s tenure. When Marsden retired in 1807 he was succeeded by William Pole. 1807 was not a quiet year for Adair, even apart from the pamphlet. He continued to ask for the Admiralty’s attention, and also initiated a private suit against King, his former captain and the officer who had begun the process that ended up alerting the Admiralty to the charges against Adair. Adair later dropped this 1807 suit, but pursued another in the years that followed. He only finally gave up on

⁵⁷ Adair to Croker, 8 August 1811 (Pro A668), ADM 1/4368. Emphasis in original. This is in fact essentially just an aside, as in this letter he is only asking for half pay money, not pressing his case in any other fashion.

⁵⁸ ADM 1/5208, 10 May 1809. See the memorial copy dated 7 April 1809.

⁵⁹ For instance: minute on Adair to Croker, 10 July 1810 (Pro A196), ADM 1/4367. This is a later letter, but suggests earlier knowledge. In another letter of Adair’s he suggests that there is correspondence from King relating to the pamphlet as well, and that the Admiralty may have sent King the pamphlet for his response. Adair to Croker, 10 Jan. 1810 (Pro A11a), ADM 1/4367.

suing King when a key player in the case, King's former first lieutenant, died.⁶⁰ Adair long bothered King, but the case and King's handling of it did not hurt his career. He began a rise through the ranks in the 1830s, was knighted in 1833 and made a Knight Commander (KCH) of the Royal Guelphic Order. He rose to the rank of Admiral of the Red, and served as Commander-in-Chief at a number of stations.⁶¹ Adair was never able to receive the satisfaction he felt he was due from King.

1808 saw yet another explosion of activity from Adair. That May he finally gained access to the correspondence from King and Collingwood from late 1805 and early 1806 that had led to his dismissal. Claiming that he had until that date known nothing of the charges, Adair alerted Pole that he had "suppressed the few Copies left" of his published pamphlet, and asked for the Admiralty's aid in making a defense.⁶² As he saw it, the need for a court martial was now even greater. An allegation of sodomitical misconduct was incredibly damaging to his honor. He suspected that gossip about the charges had been spreading for years by this point, and not knowing the nature of the charges against him (as he claimed) he had been unable to appropriately refute them. There was, predictably, little enthusiasm for this proposition at Whitehall.⁶³ In late 1809 Adair attempted to preview a possible defense, complete with newly-obtained correspondence from King and other officers from the time of the alleged crime, when again requesting a court

⁶⁰ ADM 12/24 s.v. "Adair." I have not been able to locate this letter, which if extant should be in ADM 1/4367. On the King suit, see: J.B. to Bicknell, 12 September 1807, ADM 2/1072, pp. 538-39; and J.B. to Bicknell, 11 December 1807, ADM 2/1073, p. 119. In the later correspondence from King and others that Adair forwarded as a prospective defense, King makes reference to Adair having dropped the suit by 1809.

⁶¹ See O'Byrne, *Naval Biographical Dictionary*, 612-3.

⁶² Adair to Pole, 23 May 1806 (Pro A48) and 26 May 1808 (Pro A49), ADM 1/4367.

⁶³ See the minutes refusing his requests in the two letters in *ibid*.

martial. As usual, the Admiralty rejected his request.⁶⁴ The pattern for what would follow was already set: endless Adair letters, rejected or ignored by the Admiralty. His letters to others involved in the case sometimes brought responses, and there was a slow trickle of new evidence, principally from King and Adair. It was of a dubious character, introducing contradictions and providing nothing administrators would possibly consider compelling for a new trial. The Admiralty had no interest in granting his requests, and with continued failure, Adair turned to other means of lobbying as well.

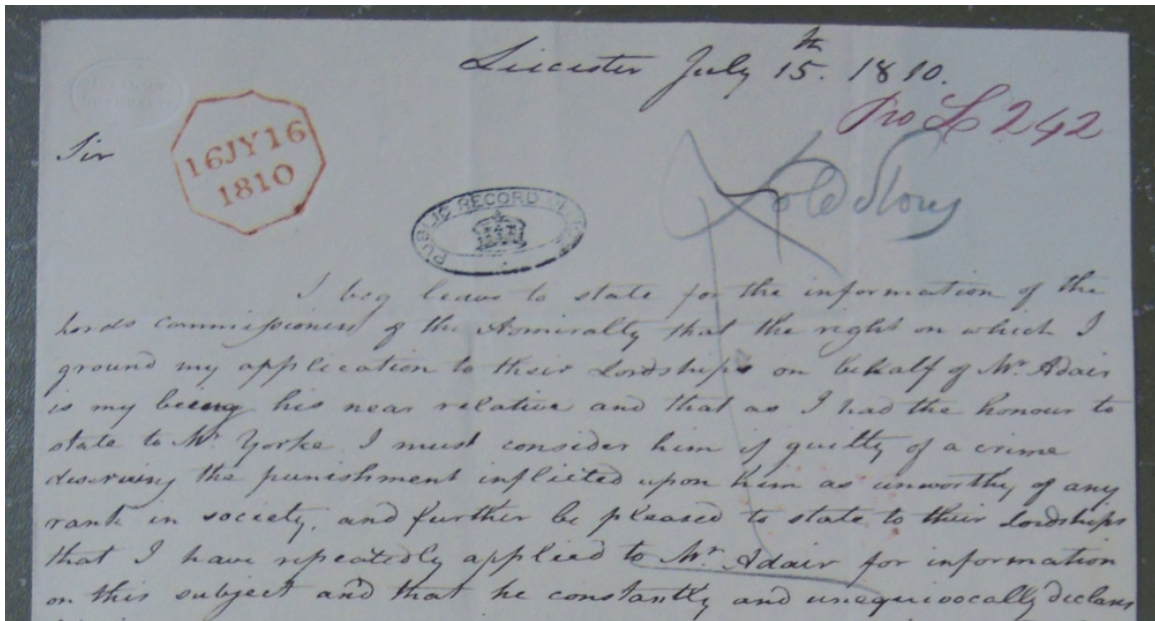
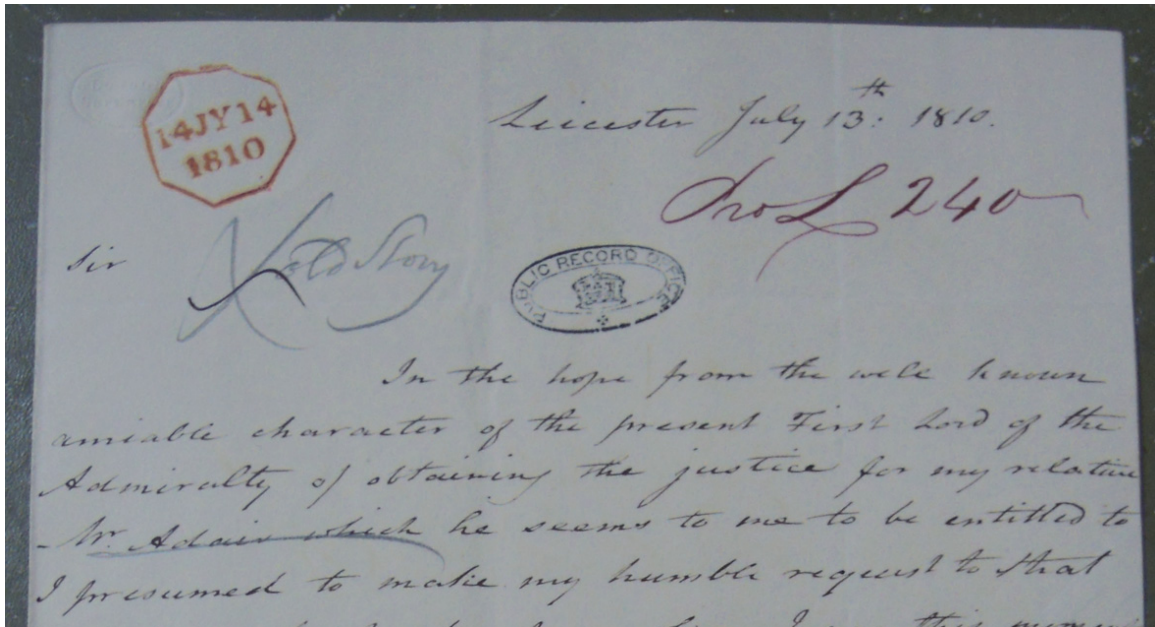
Adair's energy was truly remarkable. Pole was not, in fact, the final Secretary to contend with him, as Adair was still pestering the board years later. A minute from 1810 refers to him as "an indefatigable letterwriter" who had produced "a Vast Volume of Correspondence" over almost a half decade at that juncture.⁶⁵ Adair will still doggedly pursuing his case that year, and the Admiralty still resolutely stonewalling him.⁶⁶ By 1810 the Admiralty's utter exasperation was clear. In July, almost exactly four years after Adair's dismissal, one of his relatives wrote to the Admiralty on his behalf, using the same arguments with which Adair himself had long been failing. At this time the Admiralty used a system of numerical codes to index correspondence, but in a departure from simply relying on any established numerical designation it described these letters

⁶⁴ Adair to the Lords Commissioners, 22 November 1809 (Pro A92), ADM 1/4367. In one of the new letters, John Lambe (who had been the first lieutenant at that time) states: "I certainly feel for your sufferings which I am sure must have been great..." (in enclosures to *ibid.*). King forcefully rebutted Adair's effort here, likewise introducing new evidence he had collected. See King to Croker, 16 Dec. 1809 (Cap K85), ADM 1/2023. To an extent we may consider this series of exchanges as a proxy trial. In any case, it was the closest Adair would get to a court martial.

⁶⁵ Adair to Croker, 10 July 1810 (Pro A196), ADM 1/4367.

⁶⁶ See especially the minute dated Jan. 12 on Adair to Croker, 11 Jan. 1810 (Pro A12a), ADM 1/4367.

with the idiosyncratic phrase “Old Story” (see figs. 5.2-3, below).⁶⁷ It continued to use this designation in reference to related correspondence later as well.⁶⁸



Figs. 5.2-3: Details of letters from W.C. Lindsay to Croker, 13 and 15 July 1810 (Pro L 240 and 242, ADM 1/4834), with idiosyncratic digest descriptions: “Old Story.” Admiralty minutes on both reject Lindsay, in keeping with the tenor of the entire case. Reproduced by permission of The National Archives.

⁶⁷ This is the description used in the digest as well: ADM 12/140 (1810), s.v. “Adair.” See the entries for 13 and 15 July.

⁶⁸ Lindsay to Croker, 2 March 1811 (Pro A431), 5 March 1811 (Pro A435), and 4 April 1811 (Pro A474), ADM 1/4368.

Adair took every avenue open to him. In 1809 he attempted to go over the Admiralty's head by petitioning the King in Council. The evidence suggests that he presented three memorials, one of which was delivered in person to the ailing George III.⁶⁹ His memorials were forwarded to the Admiralty, and rejected. Indeed, a later series of memorials to the Prince Regent in Council suggests that the Admiralty deliberately misread the first memorial, an indication of the intensity of their desire to be rid of him. He also threatened to petition the House of Commons and frequently threatened further legal action in civil court.⁷⁰ His arguments in other venues were in keeping with those he made directly to the Admiralty, replete with references to the injuries he had suffered and full of rights language.

He perennially made no headway, and by the summer of 1811 Adair was now pleading that he was "absolutely destitute and forsaken by my relatives, friends and Family in consequence of the Melancholy situation I am in." At this turn he was asking for a bit of back pay that he thought was due to him. The Admiralty was clearly willing to comply with his requests simply to dispense with Adair for good, but bureaucratic complications slowed the process and thus led to another small flood of correspondence from him.⁷¹ A July 5 minute reads as the board throwing up their hands in desperation at ever becoming truly free of the man. It orders the resolution of all obstacles to his

⁶⁹ Whether it was two or three remains unclear. But see Adair to the Lords Commissioners, 27 May 1809 (Pro A76a), ADM 14367 and Adair to Pole 18 Sept. 1809 (PRO a27), enclosure, ADM 1/4367. Of the two I have located, the first is in ADM 1/5208, 10 May 1809. The memorial itself is dated 7 April 1809. The second is in ADM 1/5209, 8 Aug. 1809.

⁷⁰ Adair to the Lords Commissioners, 22 November 1809 (Pro A92), ADM 1/4367, enclosures. Adair to Croker, 9 Jan. 1810 (Pro A10a), ADM 1/4367. Richardson, Fisher and Lake to Croker, 3 Dec. 1810 (Lts A103), ADM 1/2744. ADM 1/2024, 9 Nov. 1811 (Cap K236).

⁷¹ Adair to Croker, 20 June 1811 (Lts A150), ADM 1/2744; Adair to Croker, 27 June 1811 (Pro A562), ADM 1/4368

receiving any outstanding pay “so that their Lordships may have no more correspondence with this person.”⁷² It was not to be, though, as first the pay issue dragged on, and then Adair took up his case with renewed vigor when he obtained what he claimed were depositions from Heathcote, the boy involved in the initial charge, and another servant of his from his *Endymion* days.⁷³ The Admiralty felt that this “new” information changed nothing, and once again rejected him.

Still having met with no success, in 1812 Adair again turned to the crown. He had by now made it to his third Admiralty secretary, and this would be his second monarch, as he was petitioning the Prince Regent in Council, the future George IV. Once again the Admiralty received the memorial. In his first round of royal petitioning back in 1809 Adair had seen the Admiralty misinterpret his request for a court martial as one for reinstatement, prompting him to petition again. The exact same sequence of events occurred in 1812, suggesting that the Admiralty had knowingly misinterpreted the initial memorials on both occasions in order to delay the process and dissuade Adair from continuing. In the later case the Admiralty’s reading was particularly tendentious, as Adair had finally made clear that he was absolutely not seeking reinstatement. Using the metaphor of a unused, injured limb withering, Adair declared that he had no interest in serving, and probably was unable to in any case.⁷⁴ Once again, mind, body, and honor are a single interconnected thing. Here a dying limb represents Adair in all registers.

⁷² Adair to Croker, 5 July 1811 (Pro A574), ADM 1/4368.

⁷³ Adair to Croker, 8 July 1811 (Pro A577), ADM 1/4368. On the payment issue see too Navy Board to Croker, 11 July 1811, ADM 106/2254, pp. 206-7. The new depositions are included with Adair to Croker, 22 August 1811 (Pro A610a) and 9 September 1811 (Pro A692), ADM 1/4368.

⁷⁴ These are in ADM 1/5214, 23 June 1812; and ADM 1/5215, 27 July 1812.

There was no question that Adair would fail at this juncture. In an apparent effort to put the matter to sleep for good, Croker produced a long minute on the issue. It was necessary to recapitulate what had happened, as the case now reached back almost seven years. Croker had inherited it from Pole, who had in turn inherited it from his predecessor, Marsden. If there had been any lingering question at the Admiralty as to whether Adair could eventually prevail (however unlikely that seems), Croker's minute answered it in the negative for good. In his minute Croker memorialized a meeting in which he explained that he had interviewed Adair in person. The Secretary claimed that he had finally won an admission from Adair that in 1805 he had indeed opted for a "falsified" sick ticket in order to avoid a court martial for a sodomitical crime. Croker indicated too that he had investigated the matter closely "about 2 or 3 years ago," revealing that Adair's letters and other efforts had indeed, as in former instances, produced activity behind the scenes. At each step, we see, Adair got a reaction. Usually it was invisible to him, but that does not mean that nothing was going on behind closed doors at the Admiralty. Adair's complaints about the Admiralty (and others, notably King) suggest his suspicion that his correspondence was discarded ignored. This was not the case. The Admiralty carefully processed each missive, considering them in turn, invariably rejecting them, but still carefully indexing and preserving them.

After his second failure trying to go through the crown, Adair was all but finished. He had an ineffective last gasp after 1812, and then finally dropped from the Admiralty's attention for good. Adair wrote to Croker in 1813 to complain of persecution in the Admiralty office. He alleged that an unnamed clerk there had been defaming him. This

allegation had already surfaced in earlier writing, but at this turn Adair became more detailed and forceful, complaining of the clerk's supposed claim that Adair had entered the American navy and that the Admiralty hoped he would be caught and hanged. Adair's powerlessness remains a striking theme here. Having so far failed in every single venue he had entered, he states that neither law nor force are available to remedy this final problem. He had apparently truly exhausted his options at this turn, and here his correspondence finally trails off. While 1812 had been busy, 1813 only saw this one letter to the Admiralty.⁷⁵ 1814 was silent. The Admiralty seems to have expected more, as there is an entry in the correspondence digest for him. But nothing came in.⁷⁶ There was one further letter in 1815, though I have not been able to locate it. And after this, silence.⁷⁷

In the end Adair failed to achieve any of his goals. That failure does not diminish the importance of the themes that are central to this chapter, however. He drew on a complex rhetoric of injury and rights because he believed, *correctly*, that it would be meaningful and convincing to his different audiences. His arguments perennially carried enough rhetorical weight to produce some small amount of action. He simply never could achieve the necessary combination of rhetoric and influence to go any further. His persistence in articulating his experiences suggests that he was genuine too, though of course we cannot know that. If it is true, Croker's account of the case is damning. It also, however, would make Adair's years of lobbying even more inexplicable. We will likely never know the real story. More important for the present purposes, in any case, is to

⁷⁵ ADM 12/151 and ADM 12/157. I have not been able to locate any of the "promiscuous" correspondence listed in the former, however.

⁷⁶ ADM 12/163.

⁷⁷ I inspected the digests from 1816 to 1819, and found nothing from Adair. ADM 12/175, 181, 186, and 190.

observe that Adair's language and tactics mirror those of other middle class and elite men in the same and similar situations in this study. They also bear many close similarities to the ways in which lower-deck men expressed their own suffering. His failure to make a dent with his correspondence, meanwhile, in fact highlights the space that existed for discussion and dispute around sodomy. The Admiralty simply could not silence Adair's speech on the topic despite its best efforts. Indeed, it was forced to continue paying attention to him and working on the case. Adair could not get what he wanted, but neither could the Admiralty. There was no simple way to be free of the man.

Adair's case reveals a range of different routes that were open to men wishing to influence the navy. His recourse to print in his own defense was one of the most unusual steps he took, and illustrates the extent of possibilities open to men who wished to speak about their cases. You and your supporters could, if you wished, go public with a case in this fashion. Taking to print in one's own defense was clearly hazardous in ways that relying on supporters and surrogates was not. Personal responses validated claims to the extent that they showed that allegations were serious enough to warrant a reply. Publishing a standalone vindication also required a financial investment. We can imagine that some may have read desperation in the move as well. A man who had to write in his own defense lacked other defenders, or sufficiently powerful ones. Nonetheless, a few men did, like Adair, take to print in this fashion.

Acquitted in 1807 of a misdemeanor charge at a trial he called on himself, Thomas G. Muston likewise took to print in 1812 in order to vindicate his character and

actions against ongoing suspicions.⁷⁸ As we saw in the previous chapter, he felt that, in essence, his acquittal had not “taken” and was causing him ongoing problems. Muston’s pamphlet republished a series of documents relating to his 1807 trial and his subsequent activities. He explained that the work was aimed at “his friends and others” in order to “remove any erroneous impression which, from misconceptions or misinformation, may have been raised to his prejudice in some instances, or which might again be so raised.” Allegations had surfaced that on a passage to India around 1810 he had misbehaved sexually. Muston, at least, felt that they stemmed from ongoing doubt about his acquittal, and the publication was aimed both at rebutting the new allegations and asserting that his acquittal—now five years old—had been complete.

Whatever the truth of any of his claims, Muston’s work reveals the potential challenges that came with accusation and even acquittal and provides an interesting point of comparison with Adair’s experiences. The trial did not destroy Muston’s career, but he indicated experiencing ongoing suspicion eventually erupting in renewed allegations.⁷⁹ Insofar as courts martial functioned as courts of honor their power over gossip and reputation was only partial. The world of informal speech intersected with formal justice at points, as we have seen, but they operated separately and largely autonomously. Protesting one’s innocence in print was a weak response, but it does indicate the

⁷⁸ *Copies of Letters and Certificates Granted to Captain Muston, R.N. by the Commander in Chief, the Members (Now in England) of a Court Martial, Held on Him (at his own Request) in the River Plata and Other Highly Respectable Naval Characters, in Addition to his Sentence of Acquittal* (London: by S. Gosnell, 1812). The only copy I have been able to identify is housed in ADM 1/5382.

⁷⁹ On Muston see: *Commissioned Officers* (NMM, Caird Library Reading Room), vol. 8, p. 656 (which gives his middle name as “Goldwire”). O’Byrne, *Naval Biographical Dictionary* (1849), 802, does not allude to any of his legal or related problems, but does indicate that he was not employed in India because of the death of William O’Brien Drury. O’Byrne suggests that ill health hampered a later prospect and he was “unable subsequently to procure employment.” He married at the end of the Napoleonic Wars and retired as a captain in 1840.

desperation this informal censure could engender, as do Adair's increasingly erratic efforts to save his name.

Pain and concern about honor were not the sole preserve of quarterdeck men. Their working-class shipmates drew on similar sorts of rhetoric in pressing their own claims, though they took their own forms and were articulated in a more restricted range of sites. The navy took cognizance of a particular form of lower deck honor that had to do with reputation (social standing, an appropriate level of sobriety, and so on), hard work and competence, and norms of working-class masculinity.⁸⁰ It did not, however, deal with this lower deck honor as essential to careers or as an area into which its adjudication and other administrative actions fit. Lower-deck honor was the realm of lower-deck society, and it was not the role of naval justice to adjudicate disputes within it. Men could appeal to their status in this social world in their defense, but injury done in that world had little purchase in the way it did for their officers. As a result, these men relied more centrally on descriptions of physical suffering. Likewise, the complexities of certain types of wide social connections had powerful standing in elite articulations of suffering, as we have seen. Lower-deck men could not point to similar constellations of social connections that were meaningful to courts and the Admiralty. Their appeals to their broader social worlds instead had to do with their immediate families and communities—the ways in which both depended on them, had supported them, and would be injured by any punishment they received. This was a standard theme in genres like petitions among working-class

⁸⁰ Glasco, "Neglected Set." My reading here builds on my interpretations in chapter 2.

people at this time, and in the navy had particular resonance because of deep state concerns about naval families.⁸¹

At the same time, we should not overlook the ways in which elite honor practices had analogues in plebeian culture that had some rhetorical power with officers and administrators. We saw in the previous chapter that even officers whose guilt was taken as certain could appeal for and be honored with a good death. Common sailors believed they could ask for their own form of this as well. In 1701 Peter Amorin confessed to his crime and begged that he would have some privacy to prepare his soul for death, which came shortly.⁸² Almost a century later David Jenness's brief and unsuccessful defense concluded with a plea to the court that "if I am to die I hope Gentlemen you have Mercy and let me live till Monday to prepare for my latter End"—presumably to afford him one final Sunday's divine service.⁸³ Both of these men were considered heinous offenders. Amorin himself described what he had done as a "horid sin," a "Heinous and abominable Crime."⁸⁴ The Admiralty's digest calls Jenness an "atrocious offender."⁸⁵ Yet both felt themselves within their rights to ask for considerations that would grant them the minimum needed for a good death.

⁸¹ Isaac Land's work deals with this topic and associated pronatalism. See in particular *War, Nationalism, and the British Sailor*, chp. 4. See too Margaret Hunt's work: "The Sailor's Wife, War Finance, and Coverture in Late Seventeenth-Century London," in Tim Stretton and Krista Kesselring (eds.), *Married Women and the Law: Coverture in England and the Common Law World* (Montreal: McGill-Queen's University Press, 2013): 139-162; "Women Confront the English Military State, 1640 to 1715," in Peter Ericsson, Fredrik Thisner, Patrik Winton and Andreas Åkerlund (eds.) *Allt på ett bräde. Stat, ekonomi och bondeoffer* (Uppsala: Uppsala University Library, 2013): 247-55; and "Women and the Fiscal-Imperial State in the late Seventeenth and early Eighteenth Centuries," in Kathleen Wilson (ed.), *A New Imperial History* (Cambridge University Press, 2004): 29-47.

⁸² Peter Amorin court martial (10 Dec. 1701, ADM 1/5262), fol. 173.

⁸³ David Jenness court martial, defense.

⁸⁴ Amorin court martial, fol. 173.

⁸⁵ ADM 12/26, pp. 46-48.

Danger to honor and reputation is certainly more clearly visible when it comes to officers. They speak of it constantly in trials. Consider Don Philip Dumaresq's assertion that the lowest-status men in the navy could attack officers' reputation with impunity, and that even acquittal left a "stain" on one's character.⁸⁶ The trials also provide some insight into the experiences of lower-deck men who suffered under the stigma of sodomy as well, though. They too were acutely aware of reputation and social standing among their peers. As one sailor told another in threatening to reveal him: "I told him I would say nothing about it, but scandalise him through the ship." He clarified: "I did not wish to have the ship's company scandalized through them; I meant to scandalize them through the Ship only, and no farther."⁸⁷ That is, he intended to tell the rest of the company about their crime, but to keep that knowledge from spreading to the rest of the fleet, lest it harm the entire ship's reputation. The statement reveals a sophisticated calculus of reputational considerations among ordinary sailors. It is in fact striking that the witness offered it in court at all, as it is a clear admission of his determination to essentially cover a crime up. That he did offer this testimony suggests his understanding that the court would respect his wish to protect the company's reputation. This, as was saw in chapter 1, was sometimes appropriate grounds for officers to avoid bringing charges. Apparently this sailor felt that the same held for the lower deck.

In the 1812 trial of Brevet Major Edward Nicolls, the Governor of the Danish island of Anholt, for a long list of irregularities, it came out that he had severely punished two "black" sailors in a summary fashion and then had them sent away from the island

⁸⁶ Many others made similar arguments, including Muston in his book.

⁸⁷ Moore and Cochrane court martial.

after they were caught having stolen from a fellow seaman. We have encountered these two previously: one was Henry Dartway, a Guadeloupe-born sailor, now twenty six, who had a history of sodomitical accusations. In 1807, after summary punishment for suspicion of a sodomitical attempt, he and another black man serving with him on the *Defence*, Jean Thomas, had been court-martialed under the 29th article. They won acquittal.⁸⁸ Dartway now, however, clearly bore a tainted character, and when his captain sent him from the *Defence* and Nicolls faced the prospect of accepting him and a younger black sailor named Thomas Jones, similarly tarred as a thief, he and others regarded them as entirely unfit men: “sodomiting Thieves,” as one witness at Nicolls’s trial put it—“The very refuse of mankind,” in Nicolls’s own words, “beings considered so lost to every principle of decency and morality, as to be undeserving of the society of their fellow man!”⁸⁹ We do not, unfortunately, have any response from Dartway, who did not appear at the trial and did not have the opportunity to defend his own character and humanity. Lower-deck men had much less scope to speak than did officers, and the force accorded their speech less importance and notice. Efforts like Adair’s and Stokes’s would have been impossible for a white, British-born sailor, much less a man like Dartway. There were, however, some spaces in which working-class men could make themselves heard, as we will see shortly.

⁸⁸ Henry Dartway and Jean Thomas court martial (24 November 1807, ADM 1/5384). This case received some press attention at the time.

⁸⁹ Edward Nicolls court martial (6 April 1812, ADM 1/5425). See material dealing with the second charge *passim*. The quotes come from testimony in the prosecution phase and Nicolls’s written defense material. The case deals with Jones in greater detail than Dartway because the relevant charge alleges that Nicolls’s actions likely resulted in his death. What happened to Jean Thomas after 1807 remains unknown. It is noteworthy that all three were marked out as non-white. Indeed, Dartway and Jones’s non-British identities became important in the Nicolls trial. See my discussion above, in chapter 2.

At the beginning of this chapter I proposed reading the sources on which it is based as fiction in the archives, and this has generally been my approach. We should also, however, recognize statements and other indications of suffering as potentially true, if mediated, expressions of anguish. These men had a variety of goals for their utterances, and among them was communicating what we can recognize as real pain. Consider, for instance, the case of lieutenant Henry Stokes, which is discussed in depth in the previous chapter. Stokes was convicted of a sodomitical crime in the 1840s.⁹⁰ His brother, John Lort Stokes, was midway through a successful naval career himself, and launched into a defense of his younger sibling that in many ways resembles what took place with Inman, Adair, and Muston. In the end John was successful in winning Henry's reinstatement, but to a great extent this was achieved *despite* Henry.

Henry described his entire experience as harrowing from the very start, the moment of accusation, and observers confirm his suffering at different points. One newspaper report, for instance, noted that during his trial and at its unfavorable conclusion he "apparently suffered intense mental agony."⁹¹ Henry himself made his suffering clear in correspondence with his family and others. These statements had a range of goals. Take a passage from one impassioned letter:

The kindness and anxiety of my friends & my own incapability of fulfilling their desires renders me distracted & wholly miserable, my heart is broken & I could almost look forward to death as a relief. I have offered to make any declaration but I cannot enter another public court on such a subject.⁹²

⁹⁰ See chapter 4. The case is indexed in ADM 103/104, #2187, and most of the relevant correspondence is held in NMM STK/49.

⁹¹ *Hampshire Advertiser*, 30 November 1844.

⁹² NMM STK/49, undated "Monday" letter to "Dear Sir," by H. Stokes, addressed from 36 Northumberton St.

Henry did not want to be involved in John's efforts to clear his name, and the final declaration here is firmly aimed at extricating himself from them. We should also take this as an expression of real suffering too, though. The articulation, as Adair's example has shown us, is stereotyped—they and other men use identical language. But Stokes's suffering was real. John certainly believed so, at least, and had to juggle his desire to pursue the case with fear over his brother's condition.

The stereotyped nature of this sort of language, then, should not obscure the reality of this suffering. Men wished for death frequently enough that it can seem merely rhetorical. It was not. Some chose to take their own lives. As with Stokes's statement, I read naval suicides both as rhetorical texts and as expressions of extreme emotional distress.⁹³ There is evidence of at least a dozen men who killed themselves when under suspicion of sexual misdeeds in some way, and the hidden nature of both the crime and act strongly suggests that there are other instances, perhaps many others. There were contemporary cultural associations between the discovery of sodomy and suicide, exemplified famously in the broadside ballad *The Women-Hater's Lamentation* (1707).⁹⁴ Historians of homosexuality have also documented numerous suicides among suspected and convicted men in other settings.⁹⁵

Trial transcripts and other records show that the anguish that came with being discovered often brought men to the brink of killing themselves. These events sometimes

⁹³ On suicide generally I am drawing on Michael MacDonald and Terence R. Murphy, *Sleepless Souls: Suicide in Early Modern England* (Oxford: Clarendon Press, 1990), and Olive Anderson, *Suicide in Victorian and Edwardian England* (Oxford: Clarendon Press, 1987).

⁹⁴ *The Women-Hater's Lamentation* (1707), reprinted in Randolph Trumbach (ed.), *Sodomy Trials: Seven Documents* (New York: Garland, 1986).

⁹⁵ See for instance, Norton, "Recovering Gay History," 49.

show the wild behavior that came with fear of discovery and the violent, topsy-turvy character of moments of discovery and revelation. Hepburn Graham, who was apparently well aware that what he had done could end in a hanging, reacted violently when his victim began talking to others about his crime: he “put the spoon to my Throat, and said if it had been a Knife, he would have cut my Throat, and jumped overboard himself.”⁹⁶ A man apparently discovered *in flagrante* committing bestiality, when asked why he had committed the act, responded “that he was tired of his Life.”⁹⁷ Another man threatened to drown or poison himself if reported; a number likewise threatened to jump overboard; and a few indeed did so.⁹⁸ In one especially disturbing case a man was discovered *in flagrante* with a goat. When pursued he began to thrash wildly and had to be seized up and bound hand and foot. At his trial, witnesses stated that he then begged them to cut his head off.⁹⁹

Chapter 2 observed that violence often suffused these cases. It tends to recur in particular moments in the narratives: preceding sexual acts; at discovery; in the period before revelation. Louis Pasque’s case provides a particularly upsetting example. He apparently used threats and violence to force himself on a boy and to ensure his silence: “I was so frightened lest he should murder me that I was obliged to submit.” He used threats of violence against others and himself, and in the face of the charges against him stabbed himself in the gut with a knife, producing “a very dangerous Wound.”¹⁰⁰ We can see such acts as at once genuine expressions of anguish and fear and also as efforts at

⁹⁶ Hepburn Graham court martial.

⁹⁷ Douglas Ware court martial.

⁹⁸ For instance: Christian and Smith court martial; Manning and Maddon court martial.

⁹⁹ Isaac Wilson court martial.

¹⁰⁰ Pasque court martial.

negotiation and as rhetoric. All the same, their power was often limited. In 1811 a fourteen-year-old passive partner had disclosed to a sailor that he “was tired of his life” following sodomitical abuse at the hands of a marine. At trial the boy proclaimed his innocence and pointed to his young age, but the court apparently interpreted his outcry as an admission of guilt. He was convicted along with the man, and though he received a more lenient sentence “in consideration of his Youth,” he was still sentenced to over a third as many lashes as the active partner.¹⁰¹

Naval suicides asserted their own agency—even if it was a desperate final action—and rejected the judicial system’s ability to control their fates. Suicides upset ships’ companies enormously and were of great concern to the Admiralty, in part because they could be read as attacks on its administration. In 1757 Admiral Thomas Smith informed the Admiralty that a captain under his command had shot himself following a sodomy accusation. In a striking passage that betrays his discomfort with all that had happened, Smith admits to disposing of the corpse immediately in a highly irregular fashion without having obtained permission to do so: “I have order’d his Corps to be buried in the Deep,” he wrote, adding weakly that “he was very corpulent, and must prove offensive before the Admiralty Coroner can come down.”¹⁰² The suicide had left Smith in a perilous situation. While the act may have been read as admitting guilt, it could also be interpreted as a reaction to an unjust accusation and bungled investigation. In that way, suicide could actually displace attention from the accused to his accusers and investigators.

¹⁰¹ William Gudgins and John Birch court martial.

¹⁰² Thomas Smith to John Cleveland, 8 June 1757, ADM 1/653.

Guilt could also induce men to wish for death. *Kite* marine John Smith confessed to his crimes during the investigation into events on that vessel and at trial. He apparently declared before his officers and shipmates that he was truly guilty and “not fit to live... That he had been guilty of so many crimes, that he ought to die.” In court, rather than making a defense he again admitted his guilt and stated that “he was very willing to die.”¹⁰³ He was executed a few weeks later.

As with flight we might tend to assume that suicide was taken as an admission of guilt, but as some of the previous material shows other interpretations were available. We should bear in mind that there were opposing traditions hearkening back to classical notions of patriotic suicide and martial honor codes in which deliberately choosing death was more honorable than surrender. There were, in any case, multiple ways to read the act. This was made especially clear in trial from 1838, held on a boy named Henry Avery.¹⁰⁴ Avery had brought a charge against his commander, Horatio Stopford Nixon of the *Ringdove*, who he alleged had “tried to fuck him” on multiple occasions. In the face of this accusation Nixon shot himself.¹⁰⁵ Nixon had entered the navy during the French wars, advanced to lieutenant in 1819, and been promoted to command in 1829, no mean feat in the reduced post-Napoleonic establishment. The charge arose when Avery, who was part of the crew of the captain’s gig, sought a transfer to the *Comus*, where his brother served. Avery alleged that Nixon had repeatedly taken liberties with him physically, and on three occasions had attempted to induce Avery to have sex with him.

¹⁰³ John Smith court martial.

¹⁰⁴ Henry Avery court martial (16-17 and 19 Nov. 1838, ADM 1/5484). The narrative of the trial that follows is based on this source.

¹⁰⁵ John Marshall, *Royal Navy Biography* (London: for Longman, Rees, Orme, Brown, Green, and Longman, 1835), vol. 4, pt. 2, 333; and the brief obituary in *Gentleman’s Magazine* 11 (1839), 333.

Now, with Nixon dead, Avery instead stood trial for oddly-framed charges: to establish the truth of his claim, and to try him for a false accusation. The month after Nixon's death Avery defended himself in Bermuda.

In the weeks after Nixon's end the surgeon of the *Ringdove* reported on his final days and the medical aspects of his death.¹⁰⁶ The charge against the officer had caused "mental irritation and depression" which worsened in the final two days. The evening before his death, Nixon received medical attention for a "slight cold." Some time between that night and the next morning he shot himself in the forehead with a "small pocket pistol." The surgeon explained dispassionately that the shot had "lacerated the integuments to some extent and penetrated the skull," leaving a wound out of which came some brain matter and blood. Death, he said, was probably instantaneous, and the body reposed in a tranquil fashion, holding a second, cocked but unfired pistol. The surgeon explained that there had been no indication of "insanity or mental derangement," and that Nixon had participated fully in other activities up until the end—reading, conversing, even preparing his defense. He showed excitement and even cheerfulness. A month later Vice Admiral Paget compiled this report with copies of what amounted to Nixon's suicide note, in which he explained the he could not "support life," asked that his accuser not be prosecuted, and gave his "dying love to my Wife and Child."

Naturally, a central question at the trial was why Nixon had taken his own life (the cause of his "self destruction," as some of the trial documents put it). Not only his supporters, but also the court itself, showed that his death could serve as a rebuke to the

¹⁰⁶ All of this paragraph is based on Charles Paget to Charles Wood, 20 November 1838, and enclosures, ADM 1/302.

Admiralty rather than an admission of guilt. As was increasingly common in later trials, the court was a small one. It had only five members alongside the president, Edward Harvey of the *Malabar*, who was second in command on the America and West Indies station. One member, William Pearce Stanley, was only a commander, not a captain. This was not a marginal group, though. It included Sir Richard Grant, who would go on to become a Rear Admiral. Thomas Woodman, the officiating Judge Advocate, had previous experience with sodomy prosecution.¹⁰⁷ And as with all courts martial their authority derived from a higher power. In this case, their warrant came from the highly decorated (and soon-to-die) Sir Charles Paget, Vice Admiral of the White and Commander-in-Chief of the North America and West Indies station. This background is important, because when the court spoke at trial its statements and questions bore the imprimatur of its members and, by extension, the warranting authority and the navy as a whole.

The trial revealed that the court was open to interpreting Nixon's suicide as a criticism of naval administration. As is usual, the minutes of this case record questions from the court as coming from the court rather than any individual member. Thus questioning as the entire court, the officers sitting in judgement posed the same question to each of Nixon's officers. It asked whether they saw the suicide as an admission of guilt or a result of "that infirmity of human nature which rendered him liable to be worn down from the length of time which unavoidably elapsed previous to his having an opportunity of standing his trial." (Recall the complaints from defendants about this same issue earlier in this chapter.) In turn his master, surgeon, and purser agreed that it was the latter. The

¹⁰⁷ John Harding court martial (19 January 1814, ADM 1/5440). Admittedly, this case was significantly earlier.

master stated that he believed that if Nixon had stood trial quickly in Halifax he would not have killed himself; the purser agreed, adding that he felt that Nixon's spirits had been so depressed by the charge that he chose to end his life, and that since Nixon had begun to prepare his defense he must have intended to stand trial before turning suicidal. These men were staunch supporters of Nixon, and were bound to interpret his end as favorably as possible. The court, however, signaled with its questioning that it was receptive to such an interpretation.

The difficulty of the situation that faced Nixon—and many other officers, regardless of how they chose to proceed—is illustrated by reflections on the case made by Alexander Milne. Milne was then commander of the *Snake*, but was to become one of the leading administrators of the Victorian navy, Admiral of the Fleet, and a baronet. Writing from his ship at Havana to David Milne after Nixon's death, Milne briefly made reference to the suicide. "Nixon of *Ringdove* has shot himself. Reasons are only known to himself. His conduct would not have come before a Court Martial, but he never could have got over the Stigma."¹⁰⁸ It is difficult to extract Milne's precise beliefs about the case from this terse passage. He certainly does not regard Nixon's guilt as obvious, though, and the passage is open to a reading as a sympathetic statement about the dead man's plight.

We cannot know whether Milne's analysis was correct, though the participants in Avery's trial certainly acted as though a court martial on Nixon was inevitable. Like us, the commander had little insight into Nixon's mind, but could appreciate the difficulty of

¹⁰⁸ John Beeler (ed.), *The Milne Papers* (Aldershot: Ashgate, 2004), vol. 1, p. 83. I have silently accepted Beeler's interpolations.

the situation regardless of the truth of the charge. The stigma to which he and so many defendants and even acquitted men allude, whatever their rank or social status, was clearly difficult to escape. It was and is plausible that innocent men would desert or be driven to take their own lives. In some cases observers were willing to credit claims of suffering driving innocent men to suicide, even going so far as to infer such suffering when it had not been articulated. A wide range of men from different backgrounds and stations interpreted Nixon's death sympathetically and derived from it a critique of naval administration and judicial procedure. In the end the court apparently agreed with Nixon's officers. It acquitted Avery, but also concluded that it had no way to determine whether Nixon had committed an offense or not.

As cases throughout this and the previous chapter indicate, there were a variety of channels by which the experiences of the accused, including of intense suffering, could reach broader publics. Experiences could take on many different meanings. To return briefly to James Nehemiah Taylor, we find that the Calvinist Methodist *Gospel Magazine*, for instance, used his pain to tell a tale of the redemptive acceptance of revealed religion. In a long "obituary" account of his final days, readers learned that he was led to the correct understanding of Methodism. He benefitted from reading the evangelical Henry Venn's work and from speaking and praying with the chaplain who attended him. Taylor embraced "a total change of heart and mind" and "the strongest contrition and repentance." He abjured his former life and the "vice" of sodomy. The account claims that Taylor had "twice" attempted to commit suicide after his death sentence, but he now

faced death willingly.¹⁰⁹ This account shared many of the details common to other reports, and explicitly made clear the importance of his experiences of suffering and then redemption: “The last three days of this unfortunate Gentleman’s life, if fully before the public, would be a most impressive lesson to many classes of society.”¹¹⁰ Here, then, suffering and even attempted suicide told yet another sort of tale.

These accounts of suffering, executions, and suicides show us that sodomites could speak and make themselves heard in unexpected ways. Sodomites, accused and especially convicted, were abject subjects. So too were self murderers. Even the lowest men, though, had a voice, and the examples in this chapter show that other men and the Admiralty often listened. By way of conclusion this chapter will consider one final group of truly abject subjects, imprisoned plebeian naval sodomites, and the ways in which they too were audible to the Admiralty.

Starting in the mid-eighteenth century, though only becoming regular from 1807, courts martial began incarcerating misdemeanor sodomitical offenders. The usual prison was the Marshalsea, the Southwark institution most famous as a debtor’s jail.¹¹¹ Naval authorities understood the institution as a special punishment, and specifically invoked it as such. On court threatened a recalcitrant witness with it: “Recollect this prevarication will cause us to send you to the Marshalsea—if you continue.”¹¹² Terms there were

¹⁰⁹ *The Gospel Magazine*, 2nd series, vol. 5, no. 2 pp. 94-6, and no. 3, pp. 140-41.

¹¹⁰ *Ibid.*, 141.

¹¹¹ This was the case with the first sodomite sentenced to incarceration: Joseph Parsons. The trial is in ADM 1/5292 (26 January 1748). The earliest extant Marshalsea entry book for Admiralty prisoners at TNA (PRIS 11/15) begins in the 1770s, and therefore does not cover the period in which Parsons would have been incarcerated. Courts sometimes specified other institutions or left it to the Admiralty to assign prisoners to one, but when courts did name a prison it was usually the Marshalsea. See e.g. George Shandoff and James Johnson court martial (12 September 1807, ADM 1/5351).

¹¹² First Maxwell court martial, minutes p. 14.

relatively short, and their purpose was clearly punitive. The prison did not keep sodomites out of society for long stretches of time, and there was never any notion of rehabilitative aims.

It was the rebuilt Marshalsea, opened in 1811, that held Charles Dickens's father (who had in fact briefly worked as a navy clerk).¹¹³ Dickens immortalized the Victorian Marshalsea in his *Little Dorrit* (serialized 1855-57). The Marshalsea's inmate population was actually divided between debtors and Admiralty prisoners. The latter group comprised naval and non-naval men who served time there for a variety of crimes. Sodomites only ever represented a minority, but a significant if small population of these men did occupy the prison, particularly in the 1810s. A report from early 1816 showed that over a fifth of the Admiralty prisoners then present in the institution—two of nine—were sodomy convicts.¹¹⁴ All told, between 1748 and 1840 around forty-five different men were sentenced to prison for sodomitical crimes and related offenses, most of them ending up in the Marshalsea. They were sentenced to terms ranging between one or a few months and two to three years, sometimes also with the explicit instruction that they be served in solitary confinement.¹¹⁵

The Admiralty's Marshalsea sodomites were mostly drawn from the lower deck; the majority of these men were seamen and marines, a good 60%.¹¹⁶ Such men had

¹¹³ For the history of the prison generally I have drawn on: Jerry White, "Pain and Degradation in Georgian London: Life in the Marshalsea Prison," *History Workshop Journal* 68 (2009): 69-98; and Trey Philpotts, "The Real Marshalsea," *The Dickensian* 87 (1991): 133-45.

¹¹⁴ Bicknell to Croker, 8 Jan. 1816, ADM 1/3708.

¹¹⁵ The 1749 Articles of War specified a maximum term of imprisonment of two years.

¹¹⁶ Because of the difficulty of establishing who actually ended up in this specific institution, my method here has been to count all men who were sentenced to prison terms at courts martial. These numbers therefore slightly overstate things for the Marshalsea (see n111), but should be a good approximation of the overall population of imprisoned sodomites for the Admiralty as a whole.

limited authority in the navy even when they were in good standing. This large group's numbers were supplemented by a smattering of other men who had held low-status jobs: a gunroom steward, quartermaster's mate, boatswain's mate, and even one boy. The single clerk from among this group, perhaps predictably, generated a great deal of correspondence.¹¹⁷ A handful of midshipmen and masters' mates were sentenced to the Marshalsea, though this number is bulked up by *Africaine* convicts who may never have actually spent any time there.¹¹⁸ The prison also held a sodomitical carpenter, master, ship's corporal, and a handful of boatswains. Only two lieutenants joined this group, meaning that in rough terms the population of Marshalsea sodomites had heavier lower-deck representation than the overall population of men prosecuted, as explored in chapters 1 and 2. This was a largely powerless group, working-class men with little influence at the Admiralty.

Prisons in this age were, of course, horrible places, and the Marshalsea was no exception. Both before and after 1811 the poor condition of the institution and the wretched position in which conviction left these men made prison life unpleasant and even dangerous. The building was in such disrepair that it in fact facilitated escape, though no sodomite appears to have ever done so.¹¹⁹ In 1775 a man committed to the

¹¹⁷ This was Archibald McArthur. See: Lords Commissioners to Thornton, 16 May 1814, ADM 2/1078, pp. 147-8; PRIS 11/16, p. 181; PRIS 11/18, J.B. to Hugh Lindsay, 17 May 1810 [sic; 1816], and Lords Commissioners to Thornton, 16 May 1814; ADM 2/1078, pp. 209, 215, 229, 284, 374-75, 611.

¹¹⁸ A number of *Africaine* defendants were sentenced to terms here. In the Beauchamp and Bruce court martial (ADM 1/5453) the defendants were sentenced to two years of solitary confinement in the prison, though I have found no evidence of their presence in the prison records. The same is true in the case of William Lockhart Jerrat Crutchley and George Parsons (see the two courts martial in ADM 1/5453). John Parsons clearly spent a brief period there, though, before being transferred to Maidstone Gaol. See PRIS 11/16, p. 197. On his transfer: PRIS 11/18, 18 April 1816; 5 February 1816; and 28 April 1816.

¹¹⁹ ADM 2/1056, p. 176; ADM 2/1058, pp. 444-46, 453-54; ADM 2/1059, p. 209; ADM 2/1065, p. 519; ADM 2/1068, pp. 24-25, 33-34 (which describes, among others, three men who "escaped by climbing over the wall of the said Prison"); ADM 2/1070, p. 390; ADM 2/1071, p. 390;

Marshalsea for suspected sloop theft broke through a wall, and in 1783 two privateers followed his lead.¹²⁰ One seaman sentenced to two years of solitary confinement for cutting the breechings and tackle of main deck guns escaped twice before being transferred to another institution. He escaped, was recaptured, escaped again, was once again recaptured and finally, and probably wisely, was then moved to the New Prison in Clerkenwell by order of the Secretary of State.¹²¹ In 1789 the Keeper of the Marshalsea represented its condition as “very decayed and ruinous.”¹²² The term “ruinous” recurred repeatedly around a decade later, in 1800, when there was an epidemic of escapes made possible by the “decayed” condition of the prison.¹²³

Overcrowding also bedeviled the institution. Before 1811, for instance, there was concern that close or solitary confinement would become impossible because of insufficient space.¹²⁴ In 1811, the Admiralty dispatched its solicitor to personally inspect conditions at the old prison, thought to be “in a state of great decay” and incapable of actually enforcing solitary confinement any more.¹²⁵ We find other hints of difficult conditions inside the institution as well. A sailor confined for three months for prevarication at a mutiny trial killed himself by hanging in 1797.¹²⁶ Another late eighteenth-century prisoner complained that he was unable to secure his rightful release from the prison at the end of his sentence because he could not afford a release fee of 10s.

¹²⁰ PRIS 11/15.

¹²¹ PRIS 11/15, unnumbered entry for Robert Nelson.

¹²² ADM 2/1062, pp. 43-44.

¹²³ See the correspondence between Bicknell and Nepean in ADM 1/3687: 31 Jan. 1800; 6 Feb. 1800; 1 March 1800; and 4 April 1800.

¹²⁴ ADM 2/1070, pp. 476, 485.

¹²⁵ ADM 2/1075, pp. 260-61. Interestingly, this letter suggests both that the Admiralty had little knowledge of the state of the new prison and also was not sure of the basis for its own power over or in the institution.

¹²⁶ PRIS 11/15, unnumbered entry for John Martin.

10*d.*, a requirement that the Admiralty at least seems to have concluded had no legal basis.¹²⁷ And all prisons were also unhealthy places. “Gaol fever” had earned that name. It is little surprise that we find men getting sick and dying of illnesses here.¹²⁸ Solomon Nathan, a ship’s corporal convicted of a misdemeanor sodomitical crime in 1810, became seriously ill during his imprisonment. Sentenced to two years in the prison, Nathan petitioned the Admiralty for an early release on the basis of his illness, and was granted one in the spring of 1812.¹²⁹ He was not alone in this experience.¹³⁰

If life in the Marshalsea was unpleasant for the navy’s jailed sodomites, though, it does not appear to have been hellish. One important factor rendering conditions bearable for these men was support from the Admiralty, the very institution that had elected to try and punish them. They were still its charges. Even if sentenced to dismissal, convicted men remained wards of the Admiralty until their punishments were completed. The usual practice was to discharge convicts only at the expiration of their prison terms.¹³¹

Legislation in 1816 provided for the payment of subsistence money for men imprisoned by sentence of a court martial, as well as establishing a mechanism for dealing with prisoners who went insane (or returned to “sound Mind”).¹³² Yet even before this the

¹²⁷ Dyson to Stephens, 19 June 1787, ADM 1/3682. The prisoner’s name is George Rutherford. Dyson reports that the Keeper claims that the Marshalsea court had established this fee, but Dyson can report no evidence for it.

¹²⁸ PRIS 11/15, unnumbered entry for James Moor, who died at St. Thomas’s hospital on 2 August 1799.

¹²⁹ The process can be followed in: ADM 2/1076, pp. 178, 194; Bicknell to Croker, 18 April 1812, ADM 1/3702; and Lords Commissioners to Thornton, 20 April 1812, and Fenton to William Jenkins, 21 April 1812, PRIS 11/18.

¹³⁰ Lords Commissioners to Robert Thornton or his deputy, 4 June 1813, PRIS 11/18, and ADM 2/1077, p. 278, relating to John Sutherland.

¹³¹ The official status of men in this situation was material in the second trial of William Crutchley, who protested that his first trial had led to an immediate dismissal and that therefore naval courts no longer had jurisdiction over him. While noting his protest, the court did try and convict him a second time, sentencing him to the Marshalsea. See the trial and annexed papers: W.L.J. Crutchley court martial (30 Jan. 1816, ADM 1/5453).

¹³² 56 Geo. III, c.5, §3-4.

navy had and respected an obligation to provide for its gaoled men's basic maintenance. The sodomites routinely petitioned the Admiralty. They asked for subsistence money, clothing, soap, bedding, shoes, stockings, and similar basic necessities. As a matter of course they also communicated about other matters, including their naval service, pay, and issues having to do with their eventual releases. None, after all, were sentenced to particularly long terms, especially when compared either to the terms of transportation or later prison sentences given by military and civilian courts to sodomitical crimes convicts.

Subsistence money was the most common request, and the Admiralty generally acceded to granting its charges the "usual allowance." Surviving documents suggest that in 1812 this was seen as roughly a shilling a day or so.¹³³ Prisoners were also thought to require a few basic supplies, such as a pair of hammocks and blankets each.¹³⁴ (A petition from later that decade also uses the one shilling amount.¹³⁵) In the grand scheme of things, then, these men were asking for very little. The petitioning career of Thomas Hook is fairly typical. Hook had been sentenced to one year in solitary confinement in the Marshalsea.¹³⁶ In one request he asked for "a few nesary Articals that He His In Need of 1 Pair Stocking Pr Trowsers Jacket 2 Shirts and Handkerchief" (fig. 5.4, below). Another asked simply for the "usual allowance." He also joined a group petition with two other

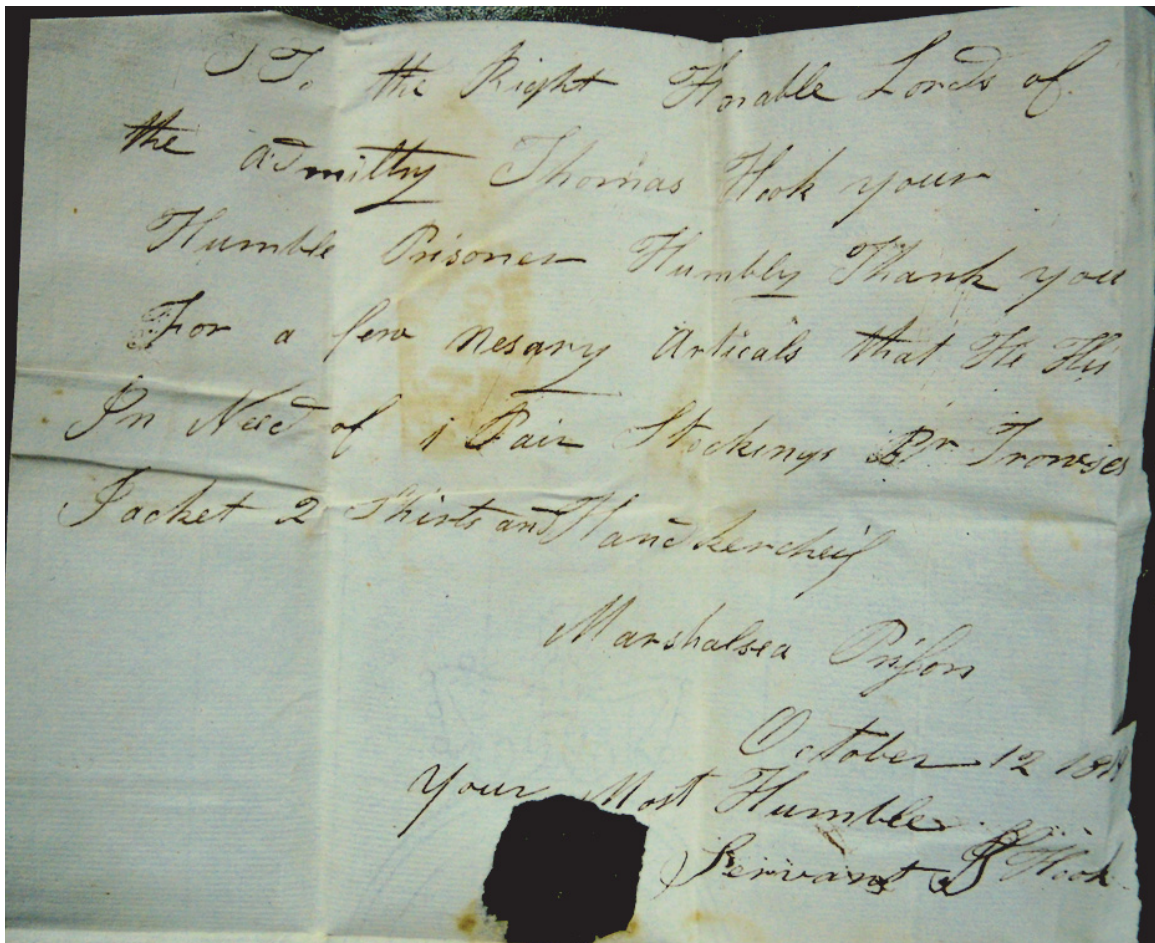
¹³³ The 1816 legislation appears to have pegged the subsistence amount to whatever the current subsistence pay was for marines on shore. However, at this point use of the Marshalsea for naval sodomites had almost ended, so these rates applied at most to only a few of the prisoners considered here.

¹³⁴ Bicknell to Croker, 27 May 1812, ADM 1/3702. This information is mentioned in the accompanying letter from William Jenkins, dated 25 May 1812. A request from 1804 was for *6d.* per day, but does not make reference to any "usual" amount. ADM 2/1071, pp. 44-45, 48.

¹³⁵ PRIS 11/18, Thomas Hook.

¹³⁶ PRIS 11/16, p. 204, brought into custody 19 April 1818; PRIS 11/18, Lords Commissioners to Hugh Lindsay, 14 April 1818.

men (indicating that his solitary confinement was, unsurprisingly, less than complete). In this petition, Hook requested a waistcoat, a pair of shoes, and a pair of stockings for himself.¹³⁷ The records reveal that it was routine for sodomites to make at least one, and often a handful more, such requests during their time in the Marshalsea. It took very little for the Admiralty to comply with the requests. The navy was in the business of large-scale, often highly-sophisticated provisioning, after all. Getting a pair of trousers to a man just across the Thames was no complex feat.



To the Right Honorable Lords of
the Admiralty Thomas Hook your
Humble Prisoner Humbly Thank you
For a few necessary Articles that He has
In Need of a Pair Stockings 2 Pairs
Jacket 2 Shirts and Handkerchief
Marshalsea Prison
October 12 1819
Your Most Humble Servant
T. Hook

Fig. 5.4: Petition from Thomas Hook to the Lords Commissioners, 12 Oct. 1819 (PRIS 11/18). Reproduced by permission of The National Archives.

What is striking is that the Admiralty was willing to engineer, or at least fall into,

¹³⁷ All are in PRIS 11/18.

a situation in which it had to care for these men's daily needs in the first place. Sodomy courts martial occurred around the world, but the Admiralty's reliance on the Marshalsea as a holding space meant that incarceration was almost entirely a London phenomenon. The Admiralty collected dozens of sodomites just a few miles from Whitehall. Devoid of support, they remained dependent on the Admiralty, and thus far from occluding sodomy these prosecutions instead made certain offenders—and ones thought to be heinous offenders, at that—highly visible to administrators. They spent months or years on the Admiralty's doorstep, and relied on the navy for almost everything they needed while imprisoned.

Admiralty prisoners sometimes proved to be administrative problems in a number of ways. The sodomites were not unique in this respect, of course, but the fact of their presence in the prison means that incarceration further highlighted their very existence. Admiralty prisoners could cause major headaches. In 1811 the Keeper of the Marshalsea complained to the Admiralty about the conduct of seven of the court-martialed prisoners in his institution (there were seventeen such prisoners in total at that time). Three of these men were sodomites: Charles North, Samuel Branter, and Solomon Nathan.¹³⁸ The Keeper complained that the seven conducted themselves so violently and riotously

as to endanger the lives of the officers of the place, and also very much to Annoy the Debtors themselves, who are from the nature of the Premises (there being only one yard in common) compelled to mingle with them.

¹³⁸ There is documentation of all three men's incarcerations in addition to their courts martial sentences. North: PRIS 11/16, p. 102; ADM 2/1074, pp. 273-4. Branter: PRIS 11/16, p. 112, and ADM 2/1074, pp. 337-8, 543. Nathan's is significantly more extensive because he was discharged for ill health, as discussed above. See: PRIS 11/16, p. 126; ADM 2/1075, pp. 130-31; ADM 2/1076, p. 184; ADM 2/1076, pp. 83, 90, 178; ADM 1/3702, Bicknell to Croker, 18 April 1812; and PRIS 11/18, Board of Admiralty to Thornton, 20 April 1812, with forwarded letter.

They were mutinous, and the prison's notoriously poor condition made it impossible to restrain them properly. He asked that they therefore be removed to more secure institutions.¹³⁹ This complaint represented an uncommonly serious administrative problem for the navy penal institution, but the sodomites in Southwark were a persistent administrative concern and always a potential source of problems. These men demanded relatively little in the way of resources, but they did require attention. By locking them up within shouting distance, the Admiralty ensured that it would have to listen to them.

Hook was a lowly gunner's mate convicted of misdemeanor sodomitical contact with a boy. He received 200 lashes and a variety of other penalties, including a year in the Marshalsea. After his imprisonment he was turned out into London, finally dismissed from the navy and branded "totally unworthy of any Employ therein."¹⁴⁰ It was 1819; he was reentering life in the capital in the years immediately after Adair abandoned his quixotic quest for a court martial and decades before Inman and Stokes would pursue far more successful efforts to rescue their names. This is a diverse group of men, each very much unlike the other. What unites their stories is that all found places in which they could speak, and speak in ways that mattered. Some got what they wanted—Hook, stockings and a few shillings; Stokes, a new position on a different ship. Adair, like many men in similar situations, failed utterly in pressing his case. But they were all able to have a say in one way or another, and the navy responded. Sodomites had voices in this system, voices that were an essential part of the story of the social production of sodomy

¹³⁹ Bicknell to Croker, 21 August 1811, forwarding William Jenkins to Bicknell, 19 August 1811, ADM 1/3701.

¹⁴⁰ See his sentence in ADM 1/5458.

within the navy and of its reception with different publics. They were heavily mediated, strictly bounded, but nonetheless audible.

Conclusion

It is fitting to conclude with these men who sought to contest, oppose, and qualify the social production of sodomy. Even when it appeared that observers and the authorities had irrevocably identified sodomy and labelled sodomites, social production often remained imperfect and uncertain. As complex and unstable pieces of knowledge, the ideas and observations that contributed to identification of the sodomitical were prone to change and transformation, reappraisal and reinterpretation. Accusation did not end the story; neither did a verdict. Even conviction and punishment—indeed even execution—were able to produce ongoing discourses that questioned the factuality of findings and raised even more difficult questions about the meanings of a guilty verdict. Who were these men, convicted on the basis of isolated acts in a judicial system that was unable to make sense of them in terms of ongoing, stable identities? Thomas Hook, whom we just left on the streets of Southwark in 1819, was never supposed to enter the navy again. (Which is not to say that he did not.) But the sodomitical was not an automatic bar against service. The marine John Hunt received “only” 150 lashes for a 2nd article violation in 1808, “in consideration of his former good character,” but remained on *HMS Marlborough*, only to face trial once again less than eight months later.¹ His second conviction landed the marine in the Marshalsea for two years, where he became another of the Admiralty’s wards, begging for subsistence money and clothing.² How did others see him, though? What happened to men like Hook and Hunt after they left the prison?

¹ John Hunt courts martial. The first was 29 October 1808, ADM 1/5389; the second 10 June 1809, ADM 1/5397.

² See PRIS 11/16, p. 97. ADM 2/1074, pp. 172, 236; ADM 2/1075, p. 266. Interestingly, the second trial actually awarded Hunt fewer lashes, sentencing him to 100.

We still have a great deal to learn about the social and cultural history of sodomy in order to answer questions like these.

My arguments in chapter 1 indicate that while Hunt's case may be unique, the possibilities for discretion towards and some degree of acceptance of the sodomitical that it represents are not. Harsh and unforgiving formal restrictions and brutal, highly visible public punishments conceal a more complex system of case resolution in which sodomy was in fact unlikely to come to trial. Many alternative modes of resolution existed and were frequently employed. The chapter showed that engagement with sodomy in all of these ways was frequent enough that the navy and its legal actors developed robust bodies of legal and disciplinary discourse concerning the sodomitical.

Naval actors primarily employed this legal knowledge to prosecute a particular sort of crime: sodomitical abuses of authority. I argued in chapter 2 that these crimes struck at the root of naval society's hierarchical organization and constituted severe violations of norms of hegemonic masculinity for lower-deck and especially officer-class men. It was these offenses in particular that separated naval sodomy from the normalized and largely unproblematic homoerotic potential that dwelled in everyday life at sea. This process was not the only one by which naval society socially produced sodomy, but I argue that it was the one that really mattered to naval authorities in the long eighteenth century. It is consequently the only type of homoeroticism that is well-documented. I have attempted, however, to provide a broader view of the place of the homoerotic within naval society by reading at the margins of the available sources.

One of the most important sites in which we can interrogate sodomy and the homoerotic within maritime homosociality is in lower-deck body culture. Chapter 3 investigated ways in which men kept close watches on each others' bodies and bodily activities, constantly producing and assessing bodily knowledge. These practices were pervasive and extended far beyond the sexual. In fact, a broader exploration of the legal records would considerably enrich our understanding of the body history of sailors, a line of inquiry I hope to take up in later work. The sources I have consulted for this project reveal practices and knowledge of care and intimacy, love and friendship, coercion and violence. In certain circumstances these practices could become sodomitical, but the evidence shows that men often regarded the homoerotic with equanimity. They were able to overlook, or to look and see something other than sodomy.

When sodomy was produced, its meanings were neither inevitable nor fixed. Chapters 4 and 5 examined the complexities of public utterances about the topic in detail. I have documented extensive discussion of naval sodomy in popular print, and show that authors used the topic in often surprising ways. The threatening sodomitical seafarer that Isaac Land has described certainly was present, but he was not the only figure available. Sodomites were also, for instance, objects of pity or examples of the need for the reform of corporal punishment. The complexities and ambiguities of the navy's internal dealings with sodomy are matched by those of public discussion of the topic. And indeed the navy and the public met directly in print, where we find evidence of mutual influence. The story is simply not complete without accounting for extra-naval actors of this sort. Nor can we overlook the multitude of speech from accused and convicted men themselves.

They constantly fought, contested, negotiated—attempting to shape and alter outcomes. What they could and did effect differed dramatically from case to case, but their role as actors shaping the social production of sodomy went far beyond their alleged participation in proscribed sex acts. Throughout, I have attempted to keep them in sight as much as possible through the course of cases and, when possible, after the point of official resolution.

The history that I have explored in this dissertation has relevance to a range of contemporary issues, and I would like to conclude this work by reflecting on a few of these areas. Some scholarship, like the important historical/documentary work of Allan Bérubé, had and has an explicit political and social agenda, aiming to document, memorialize, and celebrate the experiences of gay men and women in the armed forces, to document repression, and thereby to have a direct contemporary cultural and political impact.³ Modes of activist historiography remain culturally important, and historians can have essential roles in public discourse and policy. In the years that I have worked on this research and dissertation, we have witnessed contentious public debates and law and policy changes in the United States and, in more muted fashion, in Great Britain as well.

³ For his relevant work: “Marching to a Different Drummer: Lesbian and Gay GIs in World War II,” *The Advocate* 320 (1981); “Coming Out Under Fire,” *Mother Jones*, Feb/March 1983; “Lesbians at War with the Military,” *Outlook* 13 (1991); *Coming Out Under Fire: The History of Gay Men and Women in World War Two* (New York: Free Press, 1990), and the associated film *Coming Out Under Fire*, dir. Arthur Dong (Deep Focus Films, 1994); and idem and John D’Emilio, “The Military and Lesbians during the McCarthy Years,” *Signs* 9 (1984): 759-75. Four essays (those from *Mother Jones*, *Signs*, and *The Advocate*, as well as an additional essay published in 1984 in the North Carolina paper *Front Page*) dealing with World War II are republished in part two of *My Desire for History: Essays in Gay, Community, and Labor History* (Chapel Hill: University of North Carolina Press, 2011). The final piece included in this collection is also relevant to the historiography discussed here. See too works like Lawrence R. Murphy, *Perverts by Official Order: The Campaign against Homosexuals by the United States Navy* (New York: Haworth, 1988), as well as his “Cleaning up Newport: The U.S. Navy’s Persecution of Homosexuals After World War I,” *Journal of American Culture* 7 (1984): 57-64.

Among other changes, the American military's "Don't Ask, Don't Tell" policy ended, after almost two decades in force, in 2011.

I did not, in general, conceive of this project in this historiographical mode. However, I also recognize that it is incumbent on historians to contribute to public discourse on topics such as the history of sexuality, marriage, and race and racism—areas in which American public debate is often shockingly ill-informed about relevant history.⁴ In the course of my research I have documented a substantially greater degree of repression of homoerotic activity in the Royal Navy than has heretofore been appreciated. At the same time, I show that there was at times great permissiveness towards formally-proscribed sexual activity. Neither finding is new in the historiography of homosexuality, but they do enrich and complicate our understanding of the homoerotic in the navy, and are perhaps useful historical episodes to consider as we continue to struggle with questions of accommodating sexual and gender difference in armed forces and confront the persistent threat of sexual assault in the military.

As with other areas I have discussed, military justice and the institution of the court martial has attracted both popular and scholarly attention.⁵ Here too there is great contemporary relevance, as Americans continue to grapple with our own history of using martial tribunals and military judicial (and extra-judicial) mechanisms and methods

⁴ Professional historians' recent involvement in legal activity around gay marriage in the US provides an important example and, perhaps, model. See, for instance, Michael Grossberg, "Friends of the Court: A New Role for Historians," *Perspectives on History* (Nov. 2010), at <https://www.historians.org/publications-and-directories/perspectives-on-history/november-2010/friends-of-the-court-a-new-role-for-historians>; Steven Mintz, "Does History Matter?," *Inside Higher Ed* (2 July 2013), <https://www.insidehighered.com/views/2013/07/02/essay-role-history-supreme-court-decision-gay-marriage>.

⁵ For instance: G.R. Rubin, *Murder, Mutiny and the Military: British Court Martial Cases, 1940-1966* (London: Francis Buntle, 2005), and Peter C. Smith, *Sailors in the Dock: Naval Courts Martial down the Centuries* (Stroud: History, 2011).

throughout the nation's history. Over the last decade and a half we have witnessed the spectacle of detention at Guantanamo Bay, the practice of "extraordinary rendition," and the use of adjudication by military tribunals rather than, or indeed in order to avoid, other criminal courts. Individual courts martial also periodically break into national and international consciousness—from William Calley to Lynndie England to Nidal Hasan. This is an institution with troubled histories, as my own and others' work on courts martial during the age of sail has shown, and other scholars have illustrated in other times and places.⁶ We need to better understand the history and nature of military justice in order to make sound decisions about whether or how contemporary systems are employed.

As a historian of medicine, I must add that it is useful for us to observe the ways in which medical practitioners were involved in a system of repression that was rife with abuses. While chapter 3 shows that the direct role of surgeons in the trials I study was limited, they were nonetheless important players, and they had key roles in the application of corporal punishment. This is not to censure these men, who were acting within contemporary ethical bounds, but to observe that medicine has often become easily involved in work that in retrospect appears ethically problematic to later practitioners.⁷ This is, moreover, not merely a historical problem, though this history gives insight into contemporary ethical violations. A variety of legal restrictions on

⁶ An interesting example is Mark Connelly and Walter Miller, "British Courts Martial in North Africa, 1940-3," *Twentieth Century British History* 15 (2004): 217-42.

⁷ I am drawing on the approach of J. Pardo-Tomás and À. Martínez-Vidal, "Victims and Experts: Medical Practitioners and the Spanish Inquisition," in J. Woodward and R. Jütte (eds.), *Coping with Sickness: Medicine, Law and Human Rights—Historical Perspectives* (Sheffield: European Association for the History of Medicine and Health Publications, 2000): 11-27.

LGBT people, including in some cases laws that look quite similar to those studied in this dissertation, are presently in force in dozens of countries, mostly in Asia and Africa.

Human rights groups and the U.S. government, among others, have documented both the practice and allegations of forced anal examinations and other unethical medico-legal practices conducted by medical practitioners in a variety of jurisdictions that continue to criminalized sodomy and homosexuality.⁸ Human rights observers rightly consider such practices humans right abuses, and for medico-legal workers to engage in them is a clear ethical breach. The cultural status and methods of ethical self-regulations (indeed, the self-conception of medical practitioners as ethical actors) has changed drastically since the long eighteenth century, and medical institutions and practitioners now have power to exert influence, document abuse, and self-regulate in unprecedented ways. By providing some texture to the long history of such practices, I hope that this work can make some small contribution to ethical considerations within medical and medico-legal professions.

Finally, we are at a moment in which many are questioning the epistemic stability of our legal medicine and our justice system—from Black Lives Matter protesters and public intellectuals pointing out systemic racial disparities to popular cultural works like *Making a Murderer* or the podcast *Serial* asking pointed questions about whether the criminal justice system “got it right” in individual cases. It is not an entirely new sort of moment, of course. Scholars, pop culture, and other observers have long explored

⁸ These practices are well documented. See e.g. State Department, 2013 Human Rights Report on Lebanon, <http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220365.htm>; 2014 Human Rights Report on Egypt, <http://www.state.gov/j/drl/rls/hrrpt/2014/nea/236596.htm>; 2013 Human Rights Report on Zambia, <http://www.state.gov/j/drl/rls/hrrpt/2013/af/220174.htm>. For an NGO, see e.g. Amnesty International, *Making Love a Crime: Criminalization of Same-Sex Conduct in Sub-Saharan Africa* (London: Amnesty International, 2013).

problems in the ways in which these discourses and institutions produce truth.⁹ And the foregoing has shown that our culture is not alone in struggling with such uncertainties and the social tensions that they engender. The same period that witnessed the gay rights achievements I discussed above has also seen increased discussion of sexual violence as well as epistemically destabilizing incidents such as the so-called “Duke lacrosse case” and Sabrina Erdely’s retracted *Rolling Stone* article “A Rape on Campus.”¹⁰ The history I recount here provides little guidance in achieving certainty in these areas, and may even produce pessimism about the chances of doing so. But our collective desire for mechanisms and processes that better ensure certainty should also provide grounds for optimism. It is not clear what present-day discourses will yield, but in the course of these discussions we are at least developing tools that help us better analyze and make sense of the law, criminal justice, medicine, and the many other areas relevant to these issues.

⁹ One important example dealing with forensic medicine is Simon A. Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge: Harvard University Press, 2001).

¹⁰ “A Rape on Campus,” *Rolling Stone*, 19 November 2014.

Appendixes

List of Short Forms and Acronyms Used in Appendixes:

2 and 29: 2nd and 29th Articles of War; i.e. both misdemeanor and felony crimes.

2nd art: 2nd Article of War; misdemeanor sodomitical crime.

29th art: 29th Article of War; felony sodomy.

Ab/Able: Able seaman.

ACS: Attempt to commit sodomy.

AICS: Assault with intent to commit sodomy.

Al.: Alias.

Convicted lesser: Felony charge(s) resulting in misdemeanor conviction.

Corp: Corporal (as rank); or corporal punishment.

Corp Pun: Corporal Punishment.

Famil(s): Familiarity, familiarities.

Indec: Indecent/Indecency.

Lib(s): Liberty/liberties.

Lt: Lieutenant.

MAA: Master at arms.

Ord: Ordinary seaman.

PM: Private Marine.

QM: Quartermaster.

RM: Royal Marines.

RMA: Royal Marine Artillery.

Seam: seaman.

Sod: Sodomy; sodomitical.

Unnat: Unnatural.

YO: Year-old; years old.

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

Notes: This table only provides simplified descriptions of cases and outcomes. The numbering of cases in the fifth column (only covering the period 1796 to 1840) corresponds to the courts martial boards tracked in Appendix F. (NB: Not all “board number” entries are included in that appendix, as noted in the relevant cells in this table; note too that boards number 50-51 fall out of order.)

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
1	Rawl MS 295A	9/21/1655	10/1/1655	William Sanders		This case not counted in any statistical material.		
2	ADM 1/5253/26-229, 234	11/9/1692	11/19/1692	Charles Christian - Richard Smith		midshipman - boy	buggery	convicted - acquitted
3	ADM 1/5254/5-10	5/26/1693	6/5/1693	Anthony Padoua		seaman	buggery	acquitted
4	ADM 1/5256/188-189, 194-195	4/9/1696	4/19/1696	John Appleby		steward's mate	buggery	convicted lesser
5	ADM 1/5257/23-24	9/29/1696	10/9/1696	Richard Raven - John Burskin		servant - servant	buggery	both convicted lesser
6	ADM 1/5261/97-98	9/19/1699	9/29/1699	Abijah Dicher		marine	bestiality	convicted
7	ADM 1/5262/8-12 and ADM 106/3074	9/12/1701	9/23/1701	Thomas Pike		quartermaster	uncleaness	convicted
8	ADM 1/5262/164-168	12/2/1701	12/13/1701	Charles Worrell		coxswain	buggery	acquitted
9	ADM 1/5262/169-173	12/10/1701	12/21/1701	Peter Amarin/ Emery		seam	buggery	convicted
10	ADM 1/5265	4/13/1704	4/24/1704	John Brese - James Steward		seam - ? [not counted]	buggery	convicted - acquitted
11	ADM 1/5266	5/1/1705	5/12/1705	William Wilson - Andrew Campbell - Thomas Casgay		seam - seam - seam	buggery	convicted - convicted lesser
12	ADM 1/5266	5/20/1705	5/31/1705	Bartholomew Rolls		cook	buggery	convicted
13	ADM 1/5266	5/20/1706	5/31/1706	Edward Jones		seam	2nd art violation	convicted
14	ADM 1/5266	5/21/1706	6/1/1706	William Hughes - James Emmeson		[seam] - boy	sodomy	both convicted
15	ADM 1/5266	7/8/1706	7/19/1706	John Stephenson - Robert Jack		[seam] - [seam]	buggery	convicted lesser
16	ADM 1/5266	10/9/1706	10/20/1706	James Ball - Walter Jones		quartermaster - boy	buggery	death - acquitted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
17	ADM 1/5267	7/19/1709	7/30/1709	John Coise		boatswain	buggery	convicted lesser
18	ADM 1/5268	8/28/1710	9/28/1710	Samuel Oats		captain	attempted buggery	convicted
19	ADM 1/5270	8/3/1713	8/14/1713	James Gregg - John Cook		master - master's boy	indec	convicted
20	ADM 1/5271	1/19/1719	1/30/1719	Richard Abell		seam	2nd art violation	acquitted
21	ADM 1/5271	10/1/1719	10/12/1719	Ridgeway Thomas		schoolmaster	2nd art violation	convicted
22	Newspaper; ADM 52/144	7/29/1721	8/9/1721	Thomas Gobbit - Paul Phillips		seam - seam	2nd art violation	convicted
23	ADM 1/5273	11/18/1738	11/29/1738	Hugh Ducaty - William Tofts		youth - mariner	sod	convicted lesser
24	ADM 1/5274	2/15/1739	2/26/1739	Peter Mel		gunner	attempted sod	convicted
25	ADM 1/5274	2/24/1740	3/6/1740	William Hay		captain	sod	convicted lesser
26	ADM 1/5276	1/26/1742	2/6/1742	Thomas Morse - Nicholas Raffatt - William Sporting		seam - seam - boy	sod	convicted lesser
27	ADM 1/5283	1/5/1743	1/16/1743	Robert Feathercoat - Thomas Horlock		seam - boy	sod	convicted lesser
28	ADM 1/5283	2/1/1743	2/12/1743	Edward Burke - Robert Murphen		seam - boy	sod	convicted lesser
29	ADM 1/5285	6/21/1745	7/2/1745	George Trussen - John Baker		seam - boy	sod	convicted - convicted lesser
30	ADM 1/5289	1/13/1746	1/24/1746	John Short - John Weston		seam - seam	sod	convicted lesser - convicted lesser
31	ADM 1/5289	3/10/1746	3/21/1746	Hali Algiers		seam	sod	convicted lesser
32	ADM 1/5290	5/11/1747	5/22/1747	Henry Dyve - William Auberry		captain - servant	sod practices - false accusation	acquitted - convicted
33	ADM 1/5290	5/11/1747	5/22/1747	John Carter		master	sod	convicted lesser
34	ADM 1/5292	1/26/1748	2/6/1748	Joseph Parsons		boatswain	sod	convicted lesser
35	ADM 1/5291	4/30/1748	5/11/1748	Robert Richman		seam	bestiality	convicted
36	ADM 1/5292	6/14/1748	6/25/1748	Edward Wyche		serjeant of marines	sod	acquitted
37	ADM 1/5292	6/14/1748	6/25/1748	Thomas Bowen		chaplain	ACS	convicted
38	ADM 1/5292	6/14/1748	6/25/1748	John Whitefoot		marine	allowing attempt	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
39	ADM 1/5292	6/14/1748	6/25/1748	Healy Smith - John Austin		seam - seam	sod	convicted
40	ADM 1/5293	10/14/1749	10/25/1749	William Waters - George Robinson		seam - seam	sod	convicted
41	ADM 1/5294	12/24/1754		Thomas Landerkin		seaman	AICS	convicted
42	ADM 1/5295	9/9/1755		James Spencer [- Peter Cross]		boatsw's mate [- boy]	sod	both convicted
43	ADM 1/5295	2/21/1756		Francis French		midshipman	sod practices	convicted
44	ADM 1/5296	11/30/1756		William Slade		carpenter	sod practices	acquitted
45	ADM 1/5296	6/27/1757		Henry Bicks		seaman	sod practices	convicted
46	ADM 1/5297	8/11/1758		John Blake		seaman	bestiality	convicted
47	ADM 1/5298	3/27/1759		Richard Beale		lt	indec practices	convicted
48	ADM 1/5298	12/12/1759		William Tremuen		boatswain's servant	sod practices	acquitted
49	ADM 1/5300	7/2/1761		Thomas Finley - George Newton		boy - seaman	sodomy	convicted
50	ADM 1/5300	7/2/1761		Michael Berry		seaman	ACS	acquitted
51	ADM 1/5301	1/12/1762		Henry Angel		captain	indec behavior	acquitted
52	ADM 1/5301	5/13/1762		Martin Billins - James Bryan		seam - seam	sodomy	convicted lesser
53	ADM 1/5301	10/23/1762		Robert Garbut		boatswain	ACS	convicted
54	ADM 1/5301	11/3/1762		Robert Chilton		seaman	sodomy	convicted
55	ADM 1/5301	11/18/1762		Henry Mitchell - Cornelius McDonald		seam - seam	sodomy	convicted lesser
56	ADM 1/5302, fols. 57-58r	2/8/1763		Robert Pearson - John Clark		seam - seam	unclean and scandalous actions	convicted
57	ADM 1/5305	7/5/1771		Richard Jones		purser	scandalous and indec actions	convicted
58	ADM 1/5305	8/19/1772		John Palmer		cook	ACS	convicted
59	ADM 1/5307	4/22/1775		John Halsted - William Robinson		RM lt - master	Robinson made public accusation of ACS against Halsted	acquitted
60	ADM 1/5307, fols. 104-15	5/31/1775		Anthony Parrott		seaman	ACS, indec behavs	convicted lesser

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
61	ADM 1/5307, fols. 152-65.	6/8/1775		Peter Penfold - James Whitnell		lt - marine	ACS or sodomy	acquitted
62	ADM 1/5311	8/5/1779		James Purcival		gunner	sodomy	convicted lesser
63	ADM 1/5314	1/1/1780		Samuel Blow		lt	ACS	acquitted
64	ADM 1/5315, fols. 54r-60v	1/3/1780		James Nairne - Benjamin Hensey		marine - marine	sodomy	acquitted
65	ADM 1/5327	3/11/1789		John Bain		master	sodomy	acquitted
66	ADM 1/5328, fols. 74v-82r	7/10/1790		Joseph Carney (re Robert Redmill)		Redmill: Lieutenant	AICS	Carney convicted; charge against Redmill found scandalous and infamous.
67	ADM 1/5328, fols. 83r-90r	7/16/1790		John Birch - Henry Smallwood		marine - seam	AICS or sodomy	acquitted
68	ADM 1/5328, fols. 130r-153 v	1/7/1791		Joseph Beal - John Paine		surgeon - master's mate	indec liberties	convicted
69	ADM 1/5331, fols. 131r-145 v	3/17/1794		Charles Johnston		acting master at arms	attempts at seduction	acquitted
70	ADM 1/5337	10/18/1796		Charles Sawyer	1X	captain	multiple misdem indecencies	convicted
71	ADM 1/5339	4/22/1797		Henry Allen	2X	commander	sodomy	convicted
72	ADM 1/5339	6/30/1797		John Benson - Philip Francis	3X	seam - seam	sodomy	convicted
73	ADM 1/5342	11/10/1797		James Duckworth - Stephen Simpson	4X	drummer - marine	sodomy	acquitted
74	ADM 1/5343	1/2/1798		Bryan McMahon	5X	seam	attempted sod and other, non-sexual charges	convicted
75	ADM 1/5343	1/9/1798		John Morris - William Savage	6X	seam - seam	sodomy	convicted - acquitted
76	ADM 1/5346	8/3/1798		William Grange - Thomas Priest	7X	seam - seam	sodomy	acquitted
77	ADM 1/5346	8/25/1798		David Jenness	8X	seaman	sodomy	convicted
78	ADM 1/5346	9/14/1798		John Lind Meik (re Edmund Nepean)	9X	Nepean: lt	improper libs w/ Meik	charges proved against Meik, but his allegations against Nepean found to have foundation, so acquitted.

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
79	ADM 1/5346	9/18/1798		Francisco Falso - John Lambert	10X	seam - "lad"	sodomy	acquitted
80	ADM 1/5347	12/14/1798		Henry Calligan/ Callaghan	11X	seaman	sodomy	convicted
81	ADM 1/5348	1/25/1799		David Dixon	12X	master's mate	improper libs	acquitted
82	ADM 1/5350	7/3/1799		George Read - Thomas Tattersall	13X	quartermaster's mate - seam	sodomy	convicted lesser
83	ADM 1/5350	7/18/1799		Richard Matson	14X	captain	sodomy; indec	acquitted
84	ADM 1/5350	7/29/1799		William McMaster - John Callaghan	15X	seaman - marine	sodomy	convicted
85	ADM 1/5350	10/22/1799		William Stump	16X	RM lt	sodomy (?)	acquitted
86	ADM 1/5351	12/9/1799		George Sargent	17X	lt	indecent conduct	convicted
87	ADM 1/5352	2/4/1800		Robert Patton	18X	boatswain	indecent conduct; AICS	convicted
88	ADM 1/5352	3/1/1800		James Crowerst/ Crowhurst	19X	Samuel Blow: lt	accuses Blow of sod	acquitted b/c had reason for accusation
89	ADM 1/5355	6/16/1800		William Harris - John Harrison and John Douglas - John Ware	20X	all seamen	sodomy	acquitted
90	ADM 1/5354	8/4/1800		Josuah/ Joshua Thomas	21X	seaman	AICS with cow	acquitted
91	ADM 1/5355	12/10/1800		Thomas Hubbard - George Hynes	22X	seaman (boy?) - seaman	sodomy	convicted
92	ADM 1/5356	6/22/1801		Henry Burnett Henry	23X	lt	uncleaness	convicted
93	ADM 1/5361	4/21/1802		Lorenzo Greenard - Thomas Fuller	24X	seaman - seaman (boy)	2 and 29	both convicted; Fuller pardoned
94	ADM 1/5361	5/11/1802		James Holland - John Reilley/ Reily	25X	seaman - seaman	2 and 29	convicted lesser
95	ADM 1/5362	12/17/1802		Carol Manning	26X	seaman	2nd article violation	convicted
96	ADM 1/5364	11/19/1803		William Leist Kemp	27X	boatswain	2 and 29	convicted lesser and suborning perjury
97	ADM 1/5365	1/7/1804		James Brown - Charles McCarthy	28X	seam - boy	2 and 29	convicted lesser

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
98	ADM 1/5369	4/22/1805		Bartlet Ambler	29X	mate	sodomy	convicted
99	ADM 1/5371 (tried w/ Robertson, below)	1/8/1806		Peter Mills	30X	midshipman	not reporting Robertson (below); obscence lang	acquitted of second charge, but punished for obscene language
100	ADM 1/5371	1/8/1806		Thomas Robertson	31X	seaman	sodomy	acquitted
101	ADM 1/5372	2/27/1806		Thomas Smith - John Batty	32X	ord - ord (boy)	2 and 29	convicted
102	ADM 1/5373	4/29/1806		Donald Hugh MacKay	33X	captain	releasing sod prisoner	precise outcome unclear as he is tried for a number of offences; he is found "in part" guilty of the charges
103	ADM 1/5374	7/21/1806		James Wheatly/ Whatly	34X	seaman	AICS	convicted
104	ADM 1/5375	10/31/1806		Thomas Cook - Thomas Little	35X	seaman - seaman	sodomy	convicted
105	ADM 1/5376	12/9/1806		Hepburn Graham	36X	mater's mate	sodomy	convicted
106	ADM 1/5377	1/6/1807		Prere Phillip	37X	seaman	2 and 29	convicted lesser
107	ADM 1/5377	1/19/1807		Joseph Derrett	38X	seaman	propositioning; AICS	convicted
108	ADM 1/5379	3/11/1807		James Blake - George Jennings	39X	boatswain's mate - boy	2 and 29	acquitted
109	ADM 1/5382	6/19/1807		Thomas Goldmyer Muston	40X	lt	indec libs	acquitted
110	ADM 1/5382	7/16/1807		Richard Lee	41X	carpenter	uncleanness w/ a dog	convicted
111	ADM 1/5383	9/12/1807		George Shandoff - James Johnson	42X	seam - seam	2 and 29	convicted lesser
112	ADM 1/5383	10/2/1807		William Berry	43X	lt	2 and 29	convicted
113	ADM 1/5383	10/5/1807		Henry Dixon	44X	seaman	AICS	acquitted
114	ADM 1/5384	11/30/1807		Henry Dartway - Jean Thomas (and Edward Nicolls CM in 5425 dealing w/ Dartway's later fate)	45X	ord - landsman	sodomy	acquitted
115	ADM 1/5384	12/10/1807		Jeremiah Thomas	46X	seaman	AICS	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
116	ADM 1/5385	1/7/1808		John Brown	47X	lt	indec libs/AICS	convicted
117	ADM 1/5385	1/22/1808		George Pewtner - Michael Millard	48X	serjeant marines - drummer	improper actions	acquitted
118	ADM 1/5385	2/9/1808		James Gordon	49X	boatswain	improper libs	convicted
119	ADM 1/5494	3/1/1808		Neal Anderson	52X- Uncounted, marine CM	marine	AICS	convicted
120	ADM 1/5386	4/14/1808		Benjamin John Bray	53X	midshipman	AICS	acquitted
121	ADM 1/5388	7/19/1808		Joseph Lyddell Peyton	54X	lt	unofficerlike behavior	convicted
122	ADM 1/5388	8/12/1808		Robert Joblin	55X	captain of afterguard	AICS	acquitted
123	ADM 1/5389	10/26/1808		David Wilson	50X	quarter gunner	sodomy	convicted
124	ADM 1/5389	10/29/1808		John Hunt (I)	51X	marine	unnat practices	convicted
125	ADM 1/5390	12/29/1808		George McCasky	56X	master	indec, AICS	convicted
126	ADM 1/5391	1/17/1809		Thomas Lewis	57X	serjeant marines	AICS	convicted
127	ADM 1/5395	4/1/1809		Isaac Wilson	58X	seaman, capt's cook	sodomy w/ goat	acquitted
128	ADM 1/5395	4/19/1809		William Taylor - Thomas Hobbs	59X	seaman - seaman	sodomitical practices	convicted
129	ADM 1/5397	6/10/1809		John Hunt (II)	60X	marine	indec; propositioning	convicted
130	ADM 1/5397 and ADM 7/308	6/21/1809		Benjamin Grimshaw/ Graham - John Scott	61X	marine - marine	sodomy	convicted
131	ADM 1/5397	6/23/1809		Roderick Colquhoun - Robert Fleming	62X	surgeon's assistant - midshipman	sodomy	acquitted
132	ADM 1/5399	9/6/1809		Charles North	63X	marine	sodomy	convicted lesser
133	ADM 1/5399	9/19/1809		John Black	64X	marine	sodomy	convicted
134	ADM 1/5399	9/22/1809		Edward Martin	65X	landsman	sodomy	acquitted
135	ADM 1/5400 and ADM 7/310	10/7/1809		William Tankerville Chamberlain	66X	lt	unclean practices	convicted
136	ADM 1/5400	11/1/1809		Samuel Branter	67X	seaman	attempted bestiality	convicted
137	ADM 1/5400	12/4/1809		William Taylor - James Barrett	68X	seaman - seaman (boy)	sodomy	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
138	ADM 1/5400	12/11/1809		James Nehemiah Taylor	69X	surgeon	sodomy	convicted
139	ADM 1/5400	12/12/1809		James Chapman	70X- Uncounted	private marine	allowing sod suspect to escape	acquitted
140	ADM 1/5401	1/8/1810		George Wormold - John Steers/ Stears	71X	acting boatswain - gunroom steward	2nd art violation	convicted
141	ADM 1/5403	3/2/1810		John Lewis - Pedro Antonio - Jose Francisco - John Crumpton	72X	all seamen	sodomy	acquitted
142	ADM 1/5403	3/2/1810		William Embury Edwards	73X	lt	unnatural behavior	convicted
143	ADM 1/5403	3/13/1810		Cornelius Barrett - William Cooper	74X	marine - marine	sodomy	acquitted
144	ADM 1/5404	4/16/1810		Timothy Coleman	75X	seaman	indecent libs	convicted
145	ADM 1/5405	5/3/1810		Joseph White	76X	corporal of marines	unnatural crime	convicted
146	ADM 1/5406	6/27/1810		John de Cruize	77X	seaman	AICS; propositioning	convicted
147	ADM 1/5407	7/2/1810		John Guesue	78X- Uncounted, marine CM	marine	indec liberties	convicted
148	ADM 1/5407	7/9/1810		Solomon Nathan	79X	ship's corporal	2 and 29	convicted lesser
149	ADM 1/5409	9/4/1810		Peter Caskie - Robert Whistle/ Whittle	80X	marine - marine ("lad")	2nd art breach	convicted
150	ADM 1/5409	9/11/1810		Martin Dowan - Francis Barber	81X	seam - seam	unnatural crime	convicted lesser
151	ADM 1/5409 and ADM 7/308	10/2/1810		James Toole	82X	marine	2 and 29	convicted
152	ADM 1/5410	11/17/1810		P. Renning - J. Keegan / Matthew Koegan	83X- composition unknown	seaman - boy	sodomy	convicted
153	ADM 1/5410	11/24/1810		Robert Allen	84X	marine	attempted sodomy	convicted
154	ADM 1/5411	12/17/1810		John Horne	85X	marine	2 and 29	convicted
155	ADM 1/5412	1/7/1811		John Johns - George Lechan	86X	seam - marine boy	sodomy	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
156	ADM 1/5412	1/10/1811		Nicholas Alexander	87X	seaman	bestiality	convicted
157	ADM 1/5414	3/4/1811		John Martin - John Frank	88X	seam - boy	sodomy	convicted
158	ADM 1/5414	3/8/1811		Edward Kennedy	89X	seaman	attempted sodomy	convicted
159	ADM 1/5414	3/16/1811		John Manning - Bartholomew Maddon	90X	seam - seam	sodomitical practices	convicted
160	ADM 1/5414	3/21/1811		Joseph Barber	91X	master's mate	indec libs	convicted
161	ADM 1/5415	4/24/1811		John Clarence	92X	boatswain's mate	bestiality	acquitted
162	ADM 1/5415	4/30/1811		Daniel Donovan	93X	landsman	bestiality (2nd art case)	acquitted
163	ADM 1/5416	5/28/1811		Gregory Beeson/ Beson - William Manning	94X	seam - marine	indecenty	convicted
164	ADM 1/5416	6/11/1811		James Vernon	95X	ord, capt's cook	2 and 29	convicted lesser
165	ADM 1/5417	7/10/1811		William Sandom	96X	lt	improper libs	acquitted
166	ADM 1/5417	7/23/1811		Morris Box - Thomas Owins	97X	marine - marine	2 and 29	convicted lesser
167	ADM 1/5418, MTL MS 23, and ADM 7/309	9/2/1811		James Parker	98X	marine	sodomy	convicted
168	ADM 1/5418	9/3/1811		John Powell	99X	seaman	sodomy	acquitted
169	ADM 1/5418, MTL MS 23, and TS 25/24, pp. 341-53	9/17/1811		Patrick Muleraty	100X	seaman, does duty as cooper	bestiality	convicted
170	ADM 1/5421	12/7/1811		John Dendass	101X	able	sodomy	convicted lesser
171	ADM 1/5421	12/13/1811		William Gudgins - John Birch	102X	marine - boy	2nd art breach	convicted
172	ADM 1/5421	12/20/1811		George Rogers	103X	seaman, gunner's crew	AICS	convicted
173	ADM 1/5422	1/2/1812		John Smith	104X	marine	sodomy	convicted
174	ADM 1/5422	1/2/1812		John Agar	105X	able	sodomy	acquitted
175	ADM 1/5422	1/3/1812		Samuel Huggins	106X	able	indec practs	convicted
176	ADM 1/5422	1/3/1812		John Peterson	107X	able	indec practs	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
177	ADM 1/5422	1/3/1812		Jean Tourney	108X	ord	2 and 29	convicted
178	ADM 1/5423	1/20/1812		Charles Clark Dobson	109X	lt	multiple misdemeanors	court determines they do not have jurisdiction over him
179	ADM 1/5423	2/14/1812		Joseph Moore - William Cochrane	110X	ord - ord	indecenty in AICS	convicted
180	ADM 1/5423	2/19/1812		Henry O'Brien (re Edmund Nepean)	111X	Nepean is an RM lt	allegation of attempts on prisoners	O'Brien convicted; Nepean cleared of allegations
181	ADM 1/5424	3/13/1812		William Ware	112X	seaman	indec w/ a goat	convicted
182	ADM 1/5426	5/15/1812		John Sherwood	113X	seaman	uncleaness w/ a sheep	convicted
183	ADM 1/5427	6/25/1812		John Jewell - Francis Terat	114X	landsman - boy	in position of committing an unnatural offence	convicted
184	ADM 1/5428	7/6/1812		William Bouch	115X	ord, foretopman	2nd art bestiality offence	convicted
185	ADM 1/5428	7/10/1812		Louis Pasque	116X	seaman	unclean actions; endeavoring to persuade others to commit indecencies	convicted
186	ADM 1/5428	7/17/1812		John Sutherland - Edward Millsome	117X	seam - seam	attempted sodomy	convicted
187	ADM 1/5431	10/7/1812		Patrick Higgins	118X	seaman	attempted bestiality	convicted
188	ADM 1/5431	10/12/1812		Emanuel Francisco - John Thomas - John Mahoney	119X	landsman - landsman - boy	2 and 29	convicted
189	ADM 1/5431	10/12/1812		Patrick Dowling	120X	ord	ACS	convicted
190	ADM 1/5431	10/15/1812		Thomas Williams	121X	acting lt	indec libs	convicted
191	ADM 1/5432	11/13/1812		George Wilkins	122X	ord	sodomy	convicted
192	ADM 1/5433	12/14/1812		Richard Hawes	123X	ord	gross indec	convicted
193	ADM 1/5433	12/14/1812		Lue Antonio	124X	landsman	indec	convicted
194	ADM 1/5433	12/24/1812		Patrick Bryson	125X	RM lt	gross indec	acquitted
195	ADM 1/5434	1/9/1813		Christophe r Martin	126X	seaman	2 and 29	convicted lesser
196	ADM 1/5434	1/9/1813		Thomas Harris	127X	seaman	2nd art violation	acquitted
197	ADM 1/5435, fols. 254r-266 v	3/25/1813		George Irwin - Frederick Monseer	128X	marine - seaman	sodomy	acquitted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
198	ADM 1/5435, fols. 313r-342 v	3/29/1813		Thomas Gunton	129X	acting master	sodomy	acquitted
199	ADM 1/5436	5/15/1813		Antonio Lemart	130X	landsman	indec/scand behav	convicted
200	ADM 1/5436	6/2/1813		John Martin	131X	captain of maintop	indec famils	acquitted
201	ADM 1/5436	6/3/1813		William Wallace - Joseph Isles	132X	boy - seam	indec famils	acquitted on grounds of procedural error
202	ADM 1/5438	10/14/1813		William Ricketts Johnson	133X	able (late midshipman)	scand actions; ACS	convicted
203	ADM 1/5438	10/27/1813		James Glanville	134X	boatswain	misdem bestiality	convicted
204	ADM 1/5439, pp. 441-62	11/22/1813		James Hyndman	135X	carpenter	found in bed w/ boy	convicted
205	ADM 1/5439, pp. 521-82	11/26/1813		Archibald McArthur - William Morgan	136X	clerk - seaman	2 and 29	convicted lesser
206	ADM 1/5439	12/8/1813		William Hardwick - Samuel Foreman	137X	marine - marine	sodomy	convicted
207	ADM 1/5439	12/13/1813		Louis McIntyre	138X	supernumerary seaman	indec famils	convicted
208	ADM 1/5439	12/22/1813		James Carruthers	139X	landsman	gross indec	acquitted
209	ADM 1/5439	12/22/1813		Robert Richards (al. Rickards)	140X	landsman	attempted bestiality	acquitted
210	ADM 1/5439	12/28/1813		John Singer - George Ireland	141X	marine - marine	2 and 29	convicted lesser
211	ADM 1/5440, fols. 213r-299 v	1/8/1814		Samuel Spencer	142X	lt	indec conduct w/ servant	acquitted of sexual charge, but found guilty of unofficerlike/ungentlemanly conduct
212	ADM 1/5440, fols. 473-489	1/19/1814		John Harding	143X	landsman	bestiality	convicted
213	ADM 1/5440, fols. 539-548	1/24/1814		Richard Hall	144X	boatswain's mate	ACS	acquitted
214	ADM 1/5441	3/10/1814		William Horne	145X	boatswain's mate	ACS	convicted
215	ADM 1/5446	10/19/1814		James Watson	146X	marine lt	indec libs	acquitted
216	ADM 1/5446	10/24/1814		Thomas Hunter	147X	seaman	sodomy	acquitted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
217	ADM 1/5447	12/31/1814		William Palmer	148X	lt	indec libs	acquitted
218	ADM 1/5447	1/3/1815		Henry Hiatt	149X	lt	unnatural contact	acquitted
219	ADM 1/5447	1/20/1815		Daniel Henry Gibbs	150X	captain of forecattle	detected in indec situation	convicted
220	ADM 1/5448	3/20/1815		Luke Spencer - Stephen Baker	151X	marine - drummer (boy)	sodomy	convicted
221	ADM 1/5448	4/11/1815		Philip Carteret	152X	captain	ACS	acquitted
222	ADM 1/5449	5/15/1815		Thomas Winfield - John O. Anderson	153X	ord - boy 2nd class	2 and 29	convicted lesser
223	ADM 1/5450	8/2/1815		Richard Shrewsbury	154X	ord	indec	convicted
224	ADM 1/5450	8/2/1815		Thomas Randall	155X	ord	scandalous actions	convicted
225	ADM 1/5451 and ADM 7/312	9/4/1815		James Quinn	156X	quartermaster	sodomy	convicted
226	ADM 1/5452	11/21/1815		James Byrne	157X	able	ACS	convicted
227	ADM 1/5452	12/30/1815		Rafaelo Seraco - John Westerman	158X	marine - boy	sodomy	convicted
228	ADM 1/5453	1/1/1816		Rafaelo Seraco - John Charles	159X	marine - landsman	2 and 29	convicted
229	ADM 1/5453	1/2/1816		Rafaelo Troyac (al. Treake) - Joseph Tall	160X	able - landsman	2 and 29	convicted
230	ADM 1/5453	1/5/1816		Rafaelo Troyac (al. Treake) - Joseph Hubbard	161X	able - boy	2 and 29	convicted lesser
231	ADM 1/5453	1/6/1816		Christopher Beauchamp - James Bruce	162X	master's mate - midshipman	2 and 29	convicted lesser
232	ADM 1/5453	1/6/1816		John Parsons I	163X	marine (doing duty of serjeant)	uncleanness	acquitted
233	ADM 1/5353	1/16/1816		John Parsons II	164X	marine (doing duty of serjeant)	uncleanness	convicted
234	ADM 1/5453	1/16/1816		William Lockhart Jerratt Crutchley - George Parsons	165X	midshipman - boy	2 and 29	convicted lesser

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
235	ADM 1/5453	1/22/1816		Rafaelo Troyac (al Treake)	166X	able	sodomy	convicted
236	ADM 1/5453	1/30/1816		William Lockhart Jerratt Crutchley	167X	midshipman	uncleanness	convicted
237	ADM 1/5454	5/7/1816		Duncan MacDonal d	168X	lt	uncleanness, ACS	convicted
238	ADM 1/5455	10/5/1816		James Boxal	169X	seaman	bestiality	convicted
239	ADM 1/5455	12/30/1816		Alfred Seamen	170X	master	uncleanness and improper libs	convicted
240	ADM 1/5458	1/29/1818		Thomas Putress	171X	seaman	uncleanness, contempt and insolence	cleared of sexual charge; convicted of the rest
241	ADM 1/5458	3/19/1818		Thomas Hook	172X	seaman	2 and 29	convicted lesser
242	ADM 1/5459	9/29/1818		Arthur Nugent Murray	173X	assistant surgeon	uncleanness	convicted
243	ADM 1/5459	12/23/1818		James Woolls	174X	acting 2nd master	extensive charges (see chapter 2 for description)	some charges proved, and Woolls found unfit for service and discharged (NB: This case is not counted in other statistical material)
244	ADM 1/5460	3/18/1819		William Kelly	175X	cook	indec; propositioning	convicted
245	ADM 1/5461	12/29/1819		John Wiseman	176X	corporal of marines	improper liberties	convicted
246	ADM 1/5463	6/19/1821		Morris/ Maurice Tool	177X	seaman	indec actions	acquitted
247	ADM 1/5465	11/11/1822		William Osborne - William Webber	178X	marine - boy	2nd article violation	convicted
248	ADM 1/5468	5/6/1824		William Edward Fiott	179X	lt	indecency	acquitted
249	ADM 1/5469	1/25/1825		George White	180X	seaman	2 and 29	convicted lesser
250	ADM 1/5470	3/31/1826		Thomas Charles Barron	181X	lt	range of charges including 2nd art violation	cleared of sexual charge
251	ADM 1/5470	12/16/1826		Samuel Armstrong	182X	purser	indec libs	convicted
252	ADM 1/5471	3/7/1827		John Harrison Bowker	183X	lt	indec; AICS	acquitted
253	ADM 1/5471	10/26/1827		James Raitt	184X	master	indec and propositioning	acquitted of the sexual charges
254	ADM 1/5472	5/5/1828		William Maxwell (I)	185X	boatswain	2 and 29	convicted
255	ADM 1/5473	1/2/1829		William Maxwell (II)	186X	boatswain	2 and 29	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
256	ADM 1/5478	7/17/1832		Edward McGee - John Peach	187X--uncounted, marine CM	marine - marine	indec conduct	convicted
257	ADM 1/5479	3/15/1833		Richard Willings	188X	gunner	attempted bestiality	acquitted
258	Newspaper	7/19/1836		Robert Rogers	189X	master	indec assault	acquitted
259	ADM 1/5484	2/19/1838		Edward Roper Curzon	190X	lt	improper liberties	acquitted
260	ADM 1/5484	4/2/1838		Richard Morgan	191X	lt	indec libs; obscene lang	convicted
261	ADM 1/5484	5/8/1838		Hawkins Godolphin Ayscough	192X	lt	indecency	convicted
262	ADM 1/5484	10/19/1838		Richard Inman	193X	lt	indecency; desertion	cleared of sexual charge
263	ADM 1/5484	11/16/1838		Henry Avery (re Horatio Stopford Nixon)	194X	Nixon is commander	Avery charges Nixon w/ ACS	Avery acquitted; court feels allegation against Nixon cannot be adjudicated b/c of his suicide
264	ADM 1/5484	12/14/1838		William Meldrum	195X	gunner	indecency	acquitted
265	ADM 1/5485	3/1/1839		Don Philip Dumaresq	196X	mate	indec libs	acquitted
266	ADM 13/103	3/21/1840		Henry Hood North Mottley	197X--not counted, composition unknown	mate	indec conduct; AICS	convicted
267	PRIS 11/18	11/30/1841		Robert Warder (re John Harrison Bowker)		supernumerary boy	false report	convicted
268	ADM 13/104	6/10/1842		Samuel Sheep - Benjamin Bass		ord - ord	indec	convicted
269	Newspaper	9/10/1842		Lionel R. Place (I)		lt	improp libs	acquitted
270	Newspaper	9/16/1842		Lionel R. Place (II)		lt	improp libs	acquitted
271	Newspaper	10/10/1842		William Wallace - Richard Bailey		seam - boy	breach of 29th and 2nd	convicted lesser
272	ADM 13/103-4	10/25/1842		Henry Clarke		mate	indec libs	acquitted
273	Newspaper	10/5/1843		Stephen Dubber		ship's cook	indec libs	convicted
274	Newspaper	10/6/1843		James Mitchell		captain of afterguard	2 charges indec	convicted of one
275	Newspaper	5/17/1844		William Sparks/ Sparkes		carpenter	5 counts indec assault/AICS	convicted
276	NMM STK/49	11/26/1844		Henry Stokes		lt	2nd art violation	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
277	Newspaper [would be in ADM 1/5558]	1/28/1845		William Bishop Godshall Johnson		mate	indec conduct	convicted
278	Newspaper [would be in ADM 1/5558]	10/21/1845		John Daly		lt	indec libs	convicted
279	ADM 13/103-4 [would be in ADM 1/5558]	10/5/1846		Charles Gibbs Crawley		lt	sodomy	acquitted
280	ADM 13/103-4 [would be in ADM 1/5586]	4/30/1847		Edward Alston		lt	indec	convicted
281	ADM 153/1	6/28/1849		George Carter		marine	indec assault	convicted
282	ADM 13/103	4/12/1851		Charles Keys		gunner	indec assault	convicted
283	ADM 13/104	5/5/1852		Alexander Hunter		marine	among others, AICS	convicted
284	Newspaper	10/3/1853		Thomas Webber		gunner	inciting to sod	acquitted
285	ADM 13/103-4 [would be in ADM 1/5645]	3/20/1854		George W.P. Edwardes		lt	taking liberties	acquitted
286	ADM 13/103-104	4/2/1855		Arthur Robert Lathbury		mate	drunkenness; indec libs; deserting from/sleeping on watch	convicted
287	ADM 194/180	1/28/1856		James A.W. Nicholls		assistant paymaster	scand behavior	convicted
288	ADM 194/180 and ADM 153/1	6/5/1856		Thomas Shepard Prout - George Marshall		acting assistant engineer - acting assistant engineer	unclean conduct	convicted
289	ADM 194/180 and ADM 153/1	10/29/1856		William Forster		sailmaker	2nd art breach	convicted
290	Newspaper	x/x/1859		Marine of Hibernia		marine	unnat crime	convicted
291	Newspaper	3/19/1860		John Henry Callaghan		boatswain 1st class	indec libs	convicted
292	ADM 194/180	9/12/1860		James Dyer - John Oaks		quartermaster - boy 1st class	2nd art breach	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
293	ADM 194/180	8/15/1860		John Martial/ Marshall - William Brooks		quartermaster - ord	gross indec	convicted
294	ADM 194/180	9/17/1860		George Lumb		gunner	indecent conduct	convicted of two charges
295	ADM 194/180	12/24/1860		John McIntyre - James John Woodhouse		able - boy	sodomy	convicted
296	NMM MLN/ 109/1, pg. 47-49	3/26/1861		George Davey		sailmaker	4 counts indec	acquitted
297	NMM MLN/ 109/1, pg. 58-60	2/4/1861		Robert Warner		chief yeoman of the signals	drunkenness and indecency	acquitted of indecency charges
298	ADM 194/180 and ADM 153/1	6/28/1861		Henry Evans - William Midlane		sick berth steward - ord	indec	convicted
299	ADM 194/180	7/1/1861		Henry Quinn - Thomas Martin		gunner RMA - wardroom cook	sodomy	both convicted lesser
300	ADM 194/180	7/8/1861		Thomas Graves		gunner's mate	indec assault	convicted of uncleanness
301	ADM 194/180 and ADM 153/1	7/15/1861		William Pennell		boatswain's mate	exposing person, using disgusting language	acquitted
302	ADM 194/180	7/26/1861		William George Olive		2nd captain of the afterguard (pensioner)	indec libs	convicted
303	ADM 194/180	8/13/1861		John White - William Robinson		able - boy	sodomy	convicted lesser
304	ADM 194/180	8/16/1861		Charles Cane		pm	indec assault	convicted
305	ADM 194/180	8/16/1861		George Watts		leading stoker	indec assault	convicted
306	ADM 194/180	8/28/1861		Richard Jones		boatswain's mate	indec assault; enticing	convicted of tending to corrupt seamen
307	ADM 194/180	11/2/1861		Henry Saunders		ord	sodomy	convicted
308	ADM 194/180	12/4/1861		Charles Young		able	indec assault	acquitted
309	ADM 194/180	12/25/1861		Thomas Crossman		quartermaster	5 counts indec assault and unclean/ scand conduct	2 charges proved; 1 more partly proved.
310	NMM MLN/ 109/1, 159-60.	1/7/1862		Alexander Gillanders		acting assistant engineer 2nd class	drunkenness and indecency	convicted
311	ADM 194/180	1/21/1862		John Budd		boatswain	scand conduct and indec assault	convicted 1st charge

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
312	ADM 194/180	1/24/1862		Joseph Sixsmith		ord	indec assault	acquitted
313	ADM 194/180	3/22/1862		Louis Labette		yeoman of signals	indec assault	acquitted
314	ADM 194/180	4/12/1862		Richard Marsh - William Richardson		gunner's mate - boy 1st class	joint indec assault; unclean and scandalous actions	convicted
315	Newspaper	6/14/1862		George John Armytage/ Armitage		lt	7 counts indec assault	convicted of some charges
316	ADM 1/5808	9/30/1862		Henry Giddy [- Herbert Cox]		boatsw's mate [- boy 1st class]	sodomy	acquitted
317	ADM 194/180	10/2/1862		Charles Hunter		boy 1st class	sodomy	convicted
318	ADM 194/180	11/29/1862		William Hale		gunner RMA	indec assault	acquitted
319	ADM 194/180	2/24/1863		George Thomas Bates		assistant engineer 2nd class	indec assault	acquitted
320	NMM MLN/ 109/2, pg. 122-23.	11/27/1863		Samuel Bridle [- John Smith]		gunner 2nd class [- boy 2nd class]	AICS	convicted; and Smith found voluntarily complicit
321	RCP 1863, 275	6/11/1863		William Monk - W.T. Pugsley		both boys 1st class	sodomy	convicted
322	ADM 194/180	6/16/1863		William Nash - George Potter		ord - supernumerary 2nd class ord	indec conduct	convicted
323	ADM 194/180	9/2/1863		William McLaurin		acting assistant engineer 1st class	drunkenness; indec	convicted
324	RCP 1863, 275	9/8/1863		James A'Hearn - Owen Newman		gunner RMA - boy 1st class	sodomy	both convicted
325	Newspaper	10/18/1864		Thomas J. Turner		ord	indec assault	convicted
326	Newspaper	12/16/1864		Joseph Heesom/ Heeson - Robert Bertie		both wardroom officers' servants	sodomy	convicted
327	ADM 121/68	8/27/1864		Henry Herbert Morgan		lt supernumerary	conduct unbecoming w/ boy	convicted of conduct unbecoming, but explicitly cleared of any charge of sexual impropriety
328	RCP 1864, 50-1	3/21/1864		Joseph King		gunner's mate	indec assault	convicted
329	ADM 194/180	4/11/1864		Robert Flowers		signalman	indec assault	convicted
330	ADM 194/180	5/14/1864		William Edyvean Filmer		master's assistant	assault (non-sexual); indec and uncleanness	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
331	ADM 194/180	5/27/1864		Henry Richard Kelly		sub-lt	drunk and indec conduct	convicted first; acquitted second.
332	ADM 194/180	6/9/1864		George Cardy		able	indec assault	acquitted
333	ADM 194/181	11/18/1864		Thomas Evans		boatswain 3rd class	multiple charges, including making a false AICS charge against a gunner	convicted on all charges, including in part on this one
334	ADM 194/180	11/25/1864		Charles Pelham Mulvany - Samuel Wyatt		assistant surgeon - ord	indecently exposing themselves together	convicted - acquitted
335	ADM 194/181	2/14/1865		William Wright (3rd man w/ that name on muster roll)		ord	uncleaness in lying w/ hand on man's private parts	convicted of lying w/ hand in trousers
336	ADM 194/181	2/14/1865		William Wright (tied to Wright above; this Wright is 4th man w/ that name on muster roll)		ord	permitting man to put hand on his private parts	acquitted
337	ADM 194/181	3/27/1865		Daniel Winns - Robert George Harris		leading seam - ord seam 2nd class	sodomy	convicted
338	ADM 194/181	5/12/1865		John Hart		ord	attempt indec libs	convicted
339	ADM 194/181	6/2/1865		John O'Donnell		able	4 counts scandalous and indec conduct and assaults	convicted on 2 charges
340	ADM 194/181	8/23/1865		Samuel Earl		able	4 counts indec assault	convicted on 3 charges
341	ADM 1/6041	9/28/1865		Robert Elves		pm	AICS	convicted
342	ADM 1/6041	9/29/1865		William Reed (tied to Elves, above)		pm	permitting attempt	convicted
343	ADM 194/181	1/18/1866		Robert Bayne		able	indec assault	convicted
344	ADM 194/181	1/19/1866		Robert Church (linked w/ Bayne, above)		boy 1st class	permitting indec assault	convicted
345	ADM 194/181	1/19/1866		George Frederick Organ - William Harding		schoolmaster - boy 1st class	indec and familiar libs	acquitted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
346	NMM PHI/ 104/1, pg. 283-4.	7/7/1866		George William Morley - Thomas Henry Rouse		gunner's mate - boy 1st class	Morely for indec assault against another; Morley and Rouse for indec assault together	convicted of mutual indecent assault
347	NMM PHI/ 104/1, pg. 283-4.	7/8/1866		George Chamming s		acting gunner 3rd class	3 counts indec assault	acquitted
348	ADM 194/181	9/5/1866		John Smith - Thomas Morrison		corporal - able	sod	convicted
349	ADM 194/181	9/24/1866		William Meanley		pm	permitting unnatural crime	acquitted
350	ADM 194/181	9/26/1866		Thomas Philph (tied to Meanley, above)		pm	AICS	convicted
351	ADM 194/181	11/8/1866		George Kittle - Thomas Starks		stoker - boy 1st class	indec assault - permitting indec assault	convicted - acquitted
352	ADM 194/181	12/5/1866		James Golding		able	indec libs	acquitted
353	ADM 194/181	12/21/1866		William Painter		sick berth steward	indec libs	convicted
354	ADM 194/181	3/28/1867		William Fulcher		boatswain 3rd class	6 counts committing/ attempting to commit indec acts and assaults	convicted of 3 charges
355	NMM PHI/ 104/1, pg. 287-8.	9/17/1867		Thomas Goodfellow		master at arms	9 counts indec assault	acquitted
356	ADM 194/181	10/30/1867		George Wilson		captain of forecandle	2 counts indec assault; another of soliciting	convicted 2 counts indecency and for soliciting
357	ADM 194/181	11/15/1867		Melsup Foxhall		pm	AICS	convicted
358	ADM 194/181	11/15/1867		Joseph Moore (tied to Foxhall, above)		pm	allowing indec assault	acquitted
359	ADM 194/181	11/27/1867		Thomas Jones		pm	indecent assault	convicted
360	ADM 194/181	11/28/1867		James Bennett (tied to Jones, above)		pm	allowing indec assault	convicted
361	ADM 194/181	3/24/1868		William Gay		boy 1st class	false charge	convicted
362	ADM 1/6043	4/17/1868		William Widdicombe		shipwright	sodomy	convicted lesser (but sentence later cancelled)

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
363	ADM 194/181	8/5/1868		Spencer Phipps Brett		commander	indec libs	acquitted of sexual charge but severely reprimanded for neglect of duty related to it
364	ADM 194/181	8/11/1868		Henry Southam		gunner's mate	indec assault	convicted
365	ADM 194/181	9/18/1868		William Frost		ord	false accusations	convicted
366	ADM 194/181	10/12/1868		James Priestly		able	sodomy	convicted
367	ADM 194/181	10/12/1868		Thomas Newland (tied to Priestly, above)		boy 1st class	permitting sod	convicted
368	ADM 194/181	11/23/1868		Thomas McFarlane - Robert Price		able - ord	indec assault - permitting indec assault	convicted - acquitted
369	ADM 194/181	2/22/1869		Adolphus Nixdolph		leading seam	AICS; scandalous/ indec conduct	convicted
370	ADM 194/181	2/22/1869		Henry Kingswell (tied to Nixdolph, above)		boy 1st class	AICS; scandalous/ indec conduct	convicted
371	ADM 194/181	2/23/1869		Samuel Carter		pm	indecent conduct	convicted
372	ADM 194/181	7/16/1869		"Prince of Wales"		leading seaman	indecency	convicted
373	ADM 194/181	7/16/1869		Albert Cloak (tied to "Prince of Wales," above)		boy 1st class	indecency	convicted
374	ADM 194/181	7/27/1869		Joseph Smart		leading seam	indec assault; desertion while awaiting trial	convicted on first charge
375	ADM 194/181	10/28/1869		John Burns		pm	3 charges indec assault	acquitted
376	ADM 194/181	11/2/1869		William Byrne - William Yeo		able - boy 1st class	indec and drunkenness	convicted
377	ADM 194/181	5/5/1870		Albert Sheppard		ord	indecent AICS; indec libs	convicted on second charge
378	ADM 194/181	5/5/1870		William Walker (tied to Sheppard, above)		ord	permitting indec libs	convicted
379	ADM 194/181	6/18/1870		Samuel Fielding - William Lewis		pm - ord	indec	convicted
380	ADM 194/181	9/14/1870		Charles Williams		gunner	2 charges, including disgraceful conduct of indec nature	acquitted of sexual charge; convicted on other
381	ADM 194/181	9/30/1870		Robert Anderson		chief engineer	uncleaness	convicted
382	ADM 194/181	10/6/1870		William Gutteridge		pm	indecency	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
383	ADM 194/181	10/7/1870		Richard Lee (presumably connected to Gutteridge, above)		pm	indecenty	convicted
384	ADM 194/181	2/9/1871		John Bodly Frost		master at arms	2 counts indec assault	convicted
385	ADM 194/181	9/23/1871		John Cane		gunner	4 charges including uncleanness	convicted
386	ADM 194/181	11/18/1871		George Foy		boy 1st class	false accusation	convicted
387	ADM 1/6218	12/27/1871		Frederick William Edward Kuper/ Kyper		lt	drunk; indec assault	acquitted on sexual charge; convicted of other
388	ADM 194/181	8/28/1872		John Thomas		able	3 counts indec assault	convicted on 1 count
389	ADM 194/181	8/30/1872		Thomas Davis		ord	indec assault	convicted
390	ADM 194/181	10/8/1872		William Smallwood		pm	indec assault	convicted
391	ADM 194/181	11/22/1872		Daniel Hayes		quartermaster	5 counts indecent assault	convicted on 3 charges and guilty of one for lesser offence
392	ADM 194/182	2/12/1873		John Toole - Thomas Wright		boy - boy	indec assault	convicted
393	ADM 194/182	3/15/1873		Richard Rowe		able	2 counts indec assault	convicted
394	ADM 194/182	6/19/1873		George Davis (al. William Wiggins)		pm	indec assault	convicted
395	ADM 194/182	7/8/1873		William Johnson		pm	2 counts indec assault	convicted
396	ADM 194/182	9/6/1873		William Twiss		pm	indecent assault	found guilty of uncleanness
397	ADM 1/6475	9/22/1873		William Renwick		navigating sub-lt	15 counts indec assault	convicted on 12
398	ADM 194/182	1/14/1874		Charles Wells		pm	indec assault (on George William)	convicted
399	ADM 194/182	1/15/1874		George William		pm	allowing indec assault (by Charles Wells)	acquitted of this charge; convicted of drunkenness
400	ADM 194/182	1/22/1874		Elias Pitcher Fedarb - Alfred Cook		able - ord	sod	convicted lesser
401	ADM 194/182	2/12/1874		Robert Stamp - Joseph Carrall		ord - boy	lying together naked and uncovered	convicted - acquitted
402	ADM 194/182	5/30/1874		William Philip		master at arms	indecent assault	acquitted of this charge, but found guilty of a related non-sexual offence

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
403	ADM 194/182	7/18/1874		Joseph Carrall (unknown whether same Carrall as in Stamp-Carrall)		ord	indec assault	convicted
404	ADM 194/182	8/5/1874		Tom Gees Hobbs - James Rich		able - ord	indec	acquitted
405	ADM 1/6323, fols. 185-206	10/19/1874		Robert Simpson [- Henry Keenor]		ord	sodomy	convicted (Keenor cleared of any suspicion)
406	ADM 194/182	2/12/1875		Isaiah Bray (and Solomon Deeble Bennett)		able	uncleanness, AWOL, desertion and theft	convicted (Bennett convicted for assisting w/ desertion, deserting himself, and theft)
407	ADM 194/182	2/17/1875		Thomas Chater		leading seam	sod; soliciting	convicted on second charge and of indecent assault
408	ADM 194/182	4/19/1875		Patrick Noone		pm	indec assault	convicted
409	ADM 194/182	5/7/1875		John Williams		pm	indec	acquitted on this charge; convicted of another
410	ADM 194/182	5/10/1875		Charles Laphorn - Walter Bradford		boy - boy	indecency	both convicted
411	ADM 1/6369	6/24/1875		Thomas Merry - George Brown		pm - pm	indec assault - allowing indec assault	convicted
412	ADM 194/182	11/27/1875		Reuben Ruby - George Elliott		able - ord	attempt sod; feigning stupor (Elliott)	convicted
413	ADM 194/182	12/24/1875		William Wallace		signalman	indec proposal	convicted
414	ADM 194/182	2/12/1876		James Neesham - Robert Williams		pm - boy	attempt sod	convicted
415	ADM 194/182	5/8/1876		William Richards		corporal	5 counts indec assault	acquitted
416	ADM 194/182	6/6/1876		Garrett Driscoll		able	lying across hammocks	convicted
417	ADM 1/6385	11/6/1876		Thomas Hammett		supernumerary boatswain	6 counts indec assault	acquitted
418	ADM 194/182	11/15/1876		George Morries - Amos Wright		pm - ord	sod	convicted
419	ADM 194/182	12/20/1876		James Crawford		pm	indec assault	convicted
420	ADM 194/182	1/9/1877		James Grogan - George Wells		able - able	sodomy	convicted lesser

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
421	ADM 194/182	5/18/1877		Francis Alexander Hume		captain	indec assault	convicted
422	ADM 194/182	6/16/1877		Albert Humphreys		boatswain	indec behav	convicted
423	ADM 194/182	8/2/1877		Joseph Mitchell		ord	indec assault	acquitted
424	ADM 194/182	8/3/1877		William George Spong - Oscar Constantine Karl Koch		ord - bandsman	indec assault	convicted-acquitted
425	ADM 194/182	8/9/1877		John Robert Jennings - David Tibbits		ord - ord	scandalous and indecent conduct	convicted
426	ADM 194/182	9/4/1877		Patrick Hanigan		ordinary	indecent assault	acquitted
427	ADM 194/182	11/6/1877		Charles Bates		able, gunner 1st class	indecent assault	acquitted
428	ADM 194/182	12/23/1877		Charles James Reddie		lieutenant	6 counts of indecent assault and indecent famils	convicted of three indecent familiarities charges
429	ADM 194/182	1/8/1878		William Barker - Henry Searle		1st class ship's corp - lamp trimmer	indecent assault; behaving in indecent manner	convicted
430	ADM 194/182	1/18/1878		Joseph Henry Baines		able	in bed w/ a man (presum. Pearce) w/ their trousers down	convicted
431	ADM 194/182	1/18/1878		Charles Alfred Pearce		signalman 2nd class	in bed w/ a seaman (presum. Baines) w/ their trousers down	convicted
432	ADM 194/182	4/2/1878		George (al. John) Hambling		captain of mizzentop	indecent assault, attempted indec libs	convicted second charge
433	ADM 194/182	4/23/1878		John Ingram		marine private	attempt to commit bestiality	acquitted
434	ADM 194/182	6/6/1878		Joseph Burke		marine private	indecent assault	convicted
435	ADM 194/182	11/21/1878		James Annan		ordinary	2 counts indecent assault	convicted
436	ADM 194/182	12/26/1878		John Hennessy - Edmund Joseph Harrington		able - able	sodomy	convicted - acquitted
437	ADM 194/182	3/7/1879		Collingwood Nicholson Fenwick		lt	indecent assault, associating familiarly	convicted second
438	ADM 194/182	11/8/1879		James Barr		able	indecent assault	acquitted
439	ADM 194/182	12/11/1879		James Taylor		boatswain	in sleeping berth w/ seamen both w/ clothes in disordered state	convicted
440	ADM 194/182	8/20/1880		John Tippet		ship's corporal 1st class	indec assault, attempting indec libs	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
441	ADM 194/182	1/25/1881		John Shrub		leading seaman	getting into hammock	convicted
442	ADM 194/182	6/23/1881		Robert Baker		captain of maintop	indecent assault	convicted (sentence annulled)
443	ADM 194/182	11/23/1881		James Jones		ordinary	indecent conduct & other charges	convicted
444	ADM 194/182	3/15/1882		Edward Gillespie		marine private	indecent assault	acquitted
445	ADM 194/182	6/9/1882		Michael Mahoney		able	uncleanness in indecent proposals	convicted
446	ADM 194/182	6/19/1882		Robert Hudd		able	indecent assault	convicted
447	ADM 194/182	8/8/1882		John William Bateman		able	sodomy	acquitted (partner, a "boy," dismissed service)
448	ADM 194/183	1/10/1884		William Smith - Edward Henry Cartwright		able - ord	sodomy	convicted lesser
449	ADM 194/183	3/6/1884		William Smith - Frederick Colley		able - able	sodomy	convicted lesser - acquitted
450	ADM 194/183	4/15/1884		George Edward Hogg		able	indecent assault; threatening language to superior	convicted
451	ADM 194/183	8/18/1884		Aaron Roberts		armorer	indecent assault	convicted
452	ADM 194/183	8/28/1884		Cornelius Duggan		boatswain	indecent assault	acquitted
453	ADM 194/183	10/15/1884		Charles James Turmean		able	indecent assault	convicted
454	ADM 194/183	1/13/1885		Robert F. Smart		boatswain's mate	indecent assault	convicted
455	ADM 194/183	6/8/1885		Thomas Loaring		master at arms	indec assault; indec conduct	convicted indecent conduct
456	ADM 194/183	8/13/1885		Harry Albert Slee		leading seaman	indec props; indec assault	convicted 2 charges
457	ADM 194/183	10/8/1885		George Reid - William Miller		captain of forecastle - ord	indecent acts	convicted
458	ADM 194/183	2/18/1886		Richard Thomas		ordinary	indecent assault	acquitted
459	ADM 194/183	4/15/1886		Robert George Brown		ordinary	uncleanness	convicted
460	ADM 194/183	12/9/1886		Luke Didymus		able	indecent assault	acquitted
461	ADM 194/183	3/29/1887		Harry Simmons - Robert Charles Bennett Sharp		able - signal boy	found together w/ trousers down	convicted
462	ADM 194/183	4/12/1887		Thomas Joseph Mack		able	uncleanness: indecent proposals	convicted

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
463	ADM 194/183	12/8/1887		Albert J. Harding - John Ruttle		marine private - marine drummer	indecent conduct	acquitted
464	ADM 194/183	3/16/1888		John Thomas Owen		boatswain	uncleanness and indecent assault	convicted 1 count indec assault
465	ADM 194/183	9/27/1889		William H. Redman - William H. Williams		able - ord	indecent assault	convicted
466	ADM 194/183	5/17/1890		John Buckley		able	uncleanness	acquitted
467	ADM 194/183	6/6/1890		William Smith		able	indecent assault	convicted
468	ADM 194/183	10/15/1890		Walter W. Amos		able	uncleanness and indecent assault	convicted 2 charges of indec assault
469	ADM 1/7091	7/13/1891		James Manship		marine private	uncleanness	acquitted
470	ADM 194/183	3/15/1893		Edward Prowse		marine private	sodomy	acquitted
471	ADM 1/7174	6/21/1893		Henry Sotham		leading	sodomy	acquitted (of this charge)
472	ADM 194/183	11/2/1893		Sidney George Gardner		ordinary	sodomy	convicted
473	ADM 194/183	11/9/1893		Henry Albert Palmer		able	sodomy	acquitted
474	ADM 194/183	11/9/1893		Edgar Morgan Murphy		leading	sodomy	acquitted
475	ADM 194/183	11/10/1893		Samuel Cross Husk		able	sodomy	acquitted
476	ADM 194/184	3/1/1894		Francis Drake		petty officer 1st class	interfering w/ boys' hammocks at night	acquitted
477	ADM 194/184	4/28/1894		Alfred Thurston		able	sodomy	convicted lesser
478	ADM 194/184	7/21/1894		Frank Adam Penniall - Henry Cooper		able - able	indecent assault (sodomy also alleged)	acquitted; Edward Bell (alleged victim) tried for perjury
479	ADM 194/184 and Newspaper	7/31/1894		William John May		petty officer 1st class	misdem	convicted
480	ADM 194/184	7/31/1894		Charles Henry Bosworthick		gunner	indecent assault	acquitted
481	ADM 1/7221	11/10/1894		George Sheppard		marine	sodomy	acquitted
482	ADM 1/7221	11/12/1894		Arthur Neve Brown		marine	sodomy	convicted lesser; verdict later adjusted to act of gross indec
483	ADM 194/184	12/8/1894		Edward Job		boatswain	sodomy	acquitted
484	ADM 194/184	1/27/1898		William Ludlow - Frederick Pilcher		leading seaman - ord	sodomy	convicted lesser

Appendix A. Table of Sodomitical Crimes Courts Martial, 1690-1900

	Citation	MS Trial Date	NS Date (to 1752)	Defendant (s)	Board number	Rank	Simple case description	Simple description of outcome
485	ADM 194/184 and Newspaper	5/9/1900		Edward Salisbury		petty officer 1st class	indec assault/being in hammock	convicted
486	ADM 194/184	10/15/1900		Ernest Henry Bobe		petty officer 2nd class	visiting boys	acquitted

Appendix B. Table of Examples of Sodomitical Crimes Cases Resolved Below Trial Level

Case	Citation	Date	Name	Short description of case
1	ADM 2/1047	10/15/1697	Peter Thompson	Commander. Arrested but fled. No evidence yet that he was ever tried.
2	ADM 1/2579	12/10/1742	Edward Shirley	Acquitted at civilian trial for felony, thereafter apparently discharged.
3	ADM 1/89	7/20/1755	? (purser of Newcastle)	Detected and fled.
4	ADM 7/299	3/9/1757	Unnamed POW	Comms Sick and Wounded ask if Admty wishes to prosecute a case involving a POW.
5	ADM 1/653	6/8/1757	Thomas Churchill	Accused of sodomy and committed suicide.
6	ADM 1/924	6/13/1757	John Miller	Admits to misdemeanor; is discharged.
7	ADM 2/1056, p. 69	7/29/1758	Thomas Rodle and John Dodd	Seddon is asked how these two can be prosecuted. One is a marine, the other a gunner's servant.
8	ADM 2/1116	3/7/1781	Anthony Irvin	CM almost ordered for attempted bestiality, but never called at intervention of CIC at Portsmouth.
9	ADM 106/2217	2/6/1793	? Harris	Forename unknown. Discharged after accusations of attempts against five boys.
10	KEI/L/138	6/12/1793	Alexander Cole	CM order withdrawn at request of accusing captain. It is unknown what came of Cole's similar charge against that captain.
11	ADM 1/1517	3/24/1797	Nicholas Johnson	Caught in suspicious circumstances, and then went AWOL.
12	ADM 1/2133	3/25/1797	Henry Anthony	Flees in advance of allegation becoming public.
13	ADM 1/2692	9/13/1801	John Cokam Thorne	Deserted in the face of strong suspicion of unnatural crime with his servant.
14	ADM 1/2227	1/20/1802	William Charles Gallen	Left his ship "having been found guilty" of an unnatural crime.
15	ADM 1/252	11/16/1802	John Trelawney	Deserts when facing charge of unnatural crimes with a number of those under his command.
16	ADM 1/2406	11/21/1803	Alfred Carthew	Deserts when evidence comes forward of sexual crimes with a number of crew members.
17	ADM 1/674	1/3/1805	Joseph Newton	Struck off the list for unknown present charge as well as history of previous sodomitical behav.
18	ADM 1/556	12/20/1806	George Lusk	Struck off the list for taking indec libs with a boy on shore.
19	ADM 2/1123	3/27/1809	Joseph Frazier	Cancelled order for CM for 29th article violation.
20	TS 25/24, p. 249 and ADM 7/307	10/12/1808	William Cox - Thomas Roberts	Legal opinion on summary punishment from a COI. CM not pursued b/c of prev. punishment.
21	Beinecke Osborn fd14	3/16/1813	George B. Roper	Escapes after placed under arrest for breach of 29th article.
22	ADM 1/1259	2/8/1816	Michael Donoloe	Discharged for endeavoring to entice boys to indec libs.
23	ADM 1/670	12/12/1801	Thomas Brown Thompson	Struck off list for improper and scand conduct.
24	ADM 1/412, fol. 49	2/4/1806	Arthur Walter Adair	Struck off list for unnatural offence (see chapter 5 for discussion).
25	ADM 1/825	4/22/1808	Miles Ponsonby	Apparently fled after being caught in compromising situation. Struck from lts' list.
26	ADM 1/825	7/28/1808	Percy Simpson	Accused of misdemeanor; does not deny. Turned out of service.

Appendix B. Table of Examples of Sodomitical Crimes Cases Resolved Below Trial Level

Case	Citation	Date	Name	Short description of case
27	ADM 2/1077 and 1/3705	8/17/1813	Armstrong (purser of Plover)	Armstrong requested an investigation into his own conduct after 29th article charge.
28	ADM 1/835	7/31/1814	Walter Garrett - Othniel Gidley	Fled after allegations surfaced.
29	ADM 1/335 and ADM 7/312	10/13/1814	Henry Gibbs	Fled on threat of offence becoming public. Returns to England. Admiralty determines can be prosecuted, but appears to lack sufficient information to do so. No court martial.
30	Vale, <i>Frigate</i>	1821	Horatio Darby	Deserted in face of accusations.
31	CO 37 (see notes)	1840s-50s	Concerns over unnatural crimes among Bermuda convicts	Governor and Colonial Office consider series of cases as well as general problems re sodomy among convicts. See CO 37/118/45, CO 37/132/17, CO 37/127/24-25, CO 37/127/54, CO 37/133/44, CO 37/128/20, and CO 37/138.
32	ADM 101/24/11, fol. 18v-19r	7/22/1842	Thomas Robinson	Surgical case of AICS involving convicts. Resolution unknown.
33	ADM 11/29	5/16/1845	Henry C.A. Cooper	Discharged for indecency.

Appendix C. Table of Examples of Non-Sodomitical Sex- and Gender-Related Courts Martial and Other Administrative/Legal Actions

Case	Citation	Date	CM Name	Description
1	Rawlinson A180 fols. 361-87	7/9/1678 (OS)	George Bradford et al.	There are a number of charges against Bradford for his wild antics, including two that allege sexualized misbehavior between men and women.
2	Hannay, <i>Naval Courts Martial</i> , 57	1697	John Cranby	During trial revealed defendant entered a woman as captain's servant.
3	ADM 1/5260/235 and ADM 106/483/212-3	3/6/1698 (OS)	Reighley et al.	A rape charge, dropped at trial.
4	ADM 1/5262/374-78	7/10/1702 (OS)	John White	Murder case. White stabs and kills his wife (or "reputed wife") for drinking and "keeping other men company."
5	ADM 1/5285	12/23/1745 (OS)	Hugh Hoggans - Patrick McRady	Carnal knowledge and murder of a woman on ship.
6	ADM 1/5292	9/6/1748 (OS)	Peter Toms	Faces an array of charges, including that of keeping a mistress on board. For summary see NMM LAU/12, p. 113.
7	ADM 1/5489	11/11/1755	George Malby - Francis Dunne	Dispute includes charge of being a "backdoor man," resulting in court of enquiry and trials on each man, one for "being a sodomite" (2 and 3 Dec.)
8	ADM 1/5301	2/1/1762	John Orde	Prosecuted for confining Henry Angel and taking command from him (see Appendix A).
9	NA	2/3/1762	Stag officers	Further prosecutions re Henry Angel case. See e.g. Delafons, <i>Naval Courts Martial</i> , 262-63.
10	ADM 1/2388	8/6/1768	Joseph Mollster	Gaoled for raping 14-year-old girl. Apparently acquitted and re-employed. See ADM 11/39 and ADM 12/27B, f. 84r.
11	ADM 1/5327	11/4/1789	Robert Dunkin	Range of charges, including concealing venereal case and attempting to cure it himself (he is a surgeon's first mate). However, this charge is withdrawn at the beginning of the trial.
12	ADM 1/5322	2/17/1783	William Hilton and Richard Whalan	Desertion trial. Richard Whalan is tried in particular for "having disguised himself in Woman's Cloaths with an intention to desert."
13	ADM 1/5324	11/30/1784	George Stateham	Second article cased dealing with drinking.
14	Hannay, <i>Naval Courts Martial</i> , 56-7	11/21/1787	[Mathew (sic)?] Jerrard	Tried for disobedience of orders, in part for permitting women on board when not allowed. Tentative identification based on Syrett and DiNardo.
15	ADM 1/5330	2/4/1793	James Hardy and James Shadforth	Duelling accusations b/t him and the master (James Shadforth). Hardy accused of range of offences including bringing disorder to sloop by having a "vile and infamous woman" at sea with him.
16	ADM 2/1065	9/13/1796	Rowland Owen	A sailor taken up by civil power and imprisoned "a common woman having sworn a child against him."
17	ADM 1/5337	10/19/1796	George Nicholson	This trial relates to the conduct of the <i>Blanche</i> officers, re the Sawyer case.
18	ADM 1/5337	10/20/1796	Henry Hone Haviland	Another Sawyer-related case. Sawyer declines to prosecute.
19	ADM 1/5337	10/20/1796	Gregory Grant	Another Sawyer-related case. Sawyer declines to prosecute.
20	ADM 1/5337	10/20/1796	John Tucker	Another Sawyer-related case. Sawyer declines to prosecute.

Appendix C. Table of Examples of Non-Sodomitical Sex- and Gender-Related Courts Martial and Other Administrative/Legal Actions

Case	Citation	Date	CM Name	Description
21	ADM 1/5337	10/20/1796	Benjamin Harper	Another Sawyer-related case. Sawyer declines to prosecute.
22	ADM 1/5337	10/20/1796	Archibald Cowan	Another Sawyer-related case. Sawyer declines to prosecute.
23	ADM 1/3685	7/14/1797	Charles Jodan	Trial at Maidstone QS: tried for keeping bawdy and disorderly house frequented by soldiers, sailors, and marines.
24	ADM 1/3687	10/24/1798	John Wheeler	Convicted at Old Bailey for bigamy (see Old Bailey Online ref. number t17981024-50)
25	ADM 1/5347	12/14/1798	John Redding	Charged, among other offenses, with keeping a woman on a sloop in ordinary.
26	ADM 2/1068	7/30/1800	Robert Redford	Civilian trial for rape of children of marines at Maidstone Assizes
27	ADM 1/5354	9/16/1800	Thomas Samuel Pacey	Among other misbehavior, it is alleged that he brought women on board improperly.
28	ADM 1/5356	6/1/1801	William Cuming	Includes non-sexual 2nd article violations. Cuming brought countercharges in a case tried on 23 June.
29	NMM KEI/23/37 and ADM 1/5360	2/12/1802	William Looms	Charged with urinating on deck.
30	ADM 1/5364	11/1/1803	Alexander Forsyth and Patrick Archibald	Archibald's ambiguous scandalous and mutinous expressions relative to an officer as a "bugger" result in Forsyth making similar expressions and contemplating arresting Lt. Ingles of the <i>Buffalo</i> .
31	ADM 1/5364	11/16/1803	Jonathan Godench	Among other charges, called a midshipman "a Buggar of a Lyar."
32	ADM 1/5364	12/23/1803	William Morris	Morris claims to be "no man" and thus out of jurisdiction. Cf. Liddel, <i>Detail of the Duties</i> , 137.
33	ADM 1/5366	5/15/1804	Thomas Carter	Tried for uncleanness in urinating on deck from his hammock.
34	ADM 1/5382	6/1/1807	John Bates - Richard Alcock	Prosecuted for assisting Lt. Waterhouse, sodomy suspect, in escaping ship.
35	ADM 1/5386	3/19/1808	Thomas Gardiner	Among other charges, accused of bringing a woman to sea to whom he was not married.
36	ADM 1/5389	9/26/1808	John S. Dane	Calls a Lt a favourite of his Captain, whom he slurs as a "fanciered French bugger."
37	ADM 1/5494	1/2/1809	William George Burchell	Range of charges, including bringing a woman with him and leading others to believe they were married when he was already married to another woman
38	ADM 2/1074	7/22/1809	Greyhound Privateers	Charges that men of the <i>Greyhound</i> "had violated the person of a female passenger" of the <i>Hercules</i> , a Portuguese ship.
39	ADM 1/5404	4/27/1810	W.E. Fiott	Fiott was tried for uttering seditious and traitorous words. He was later tried for a homoerotic offence as well (see appendix A).
40	ADM 1/5405	5/17/1810	William Read	Among a range of allegations, accused of riotous behavior around women and bawdy houses.
41	ADM 1/5419	10/7/1811	Robert Patty	Tried for "indecent conduct," namely defecating on the deck of his cabin.
42	ADM 1/5419	10/23/1811	William Gibbons	Tried for ill treatment of the wife of a corporal of marines. The charge is non-sexual.

Appendix C. Table of Examples of Non-Sodomitical Sex- and Gender-Related Courts Martial and Other Administrative/Legal Actions

Case	Citation	Date	CM Name	Description
43	ADM 1/5423	2/4/1812	George Ellerby	Ellerby abused a boatswain's mate with statements that he had sex with pigs. Ellerby indicates he meant a true charge, but this is generally treated as abuse rather than a sodomy allegation.
44	ADM 1/5432	11/16/1812	John Frederick Campbell	A RM CM. Campbell is charged, among other offenses, with spreading a rumor that a RM captain's daughter is living w/ a Lt on a ship.
45	ADM 1/5437	8/20/1813	Henry Hoskins	Charged with drunkenness and scandalous behavior in holding "another man's woman" in his cabin
46	ADM 1/5439, pp 77-105	11/2/1813	Joseph Sheppard	Case of sexual assault of a young girl.
47	ADM 1/5441	3/11/1814	William Porter	2nd article case dealing w/ alcohol and profane oaths and execrations.
48	ADM 1/5446	10/28/1814	Hood Hanway Christian	Among other offenses, is charged with bringing three female convicts aboard his ship and keeping one in his cabin overnight. Christian had also brought charges against his officers in a case heard 21 Oct.
49	ADM 1/5451	9/22/1815	John Oliver	Tried for allowing James Quinn to escape (see Appendix A).
50	ADM 1/5459	12/24/1818	Patrick Punter	Related to the Woolls trial (see Appendix A).
51	ADM 1/5465	6/17/1822	David Buchan	A range of charges, including improperly taking on board a female prisoner and allowing other common women of exceptional character on and in his cabin as well.
52	ADM 1/5470	1/19/1826	Isham Fleming Chapman	Among a series of charges, charged with procuring a female slave at Zanzibar "for the purposes of prostitution." (See Marshall, RNB, and Clowes, vol. 6, among others, for summary)
53	ADM 1/5471	7/24/1827	John T. Hooper	Charges include having brought aboard a woman of ill fame.
54	ADM 1/5474	4/20/1830	John Cater	A range of charges, including some relating to his sexual activity on ship with an "African negress."
55	ADM 1/5474	4/26/1830	David Gray	Connected to the Cater trial, above.
56	ADM 1/5478	10/8/1832	Richard Collins	Marine court martial which includes charges relating to interactions w/ disorderly women.
57	ADM 1/5479	2/4/1833	Edward Parke	Parke is charged, among other offenses, with obscene language in sexual boasting before midshipmen.
58	ADM 1/5485	9/9/1839	W.B.T. Rider	Range of charges including 2nd article breach re profane oaths, cursings execrations, etc.
59	Newspaper	4/12/1851	Joseph Keys	Convicted of indecent assault on warrant officers' children.
60	ADM 1/5645	10/10/1854	Frederick Charles Knight, Jocelyn Jervis White Jervis, and William Buller Elphinstone	A range of charges relating to Knight bringing improper women aboard. Knight and another lieutenant had previously been tried in a civilian court for manslaughter in the death of Matilda Jane Lodge, one of the women.
61	ADM 194/180	2/2/1864	William Barnes, clerk	Pleads guilty to drunkenness and making water on lower deck and in Chief Engineer's cabin.

Appendix C. Table of Examples of Non-Sodomitical Sex- and Gender-Related Courts Martial and Other Administrative/Legal Actions

Case	Citation	Date	CM Name	Description
62	ADM 121/68	5/21/1864	John Frazer, asst. engineer 1st class	Tried for giving liquor to "a female child" at Galatz (apparently w/ surname "Krepatsch") taking indecent liberties w/ her, and rape.
63	ADM 194/181	10/23/1866	Thomas Foy, pm	Convicted of disgusting and contemptuous behavior to Thomas Clerk by offering to uncork a bottle for him, and returning it full of urine.
64	ADM 194/181	12/1/1868	William Blackstone Rennell, sub-lt	A number of accusations, including obscene language in wardroom mess and being found after dark on the bed of a 16 yo girl, a British subject.
65	ADM 1/6136	2/2/1869	Francis Edmund Begbie, 2nd Captain RMA	Tried for conduct unbecoming in living in his Eastney barracks quarters with a woman of bad character while knowing that his wife had died (in a Salisbury "lunatic asylum").
66	ADM 1/6250	6/7/1872	John Burton Bennett, midshipman	Court-martialled for calling a superior officer a "bugger" and "sod."
67	ADM 1/6250	10/30/1872	Charles K.S. Young, nav. sub-lt	Court-martialled for calling a member of his mess a "stinking bugger."
68	ADM 194/182, #2748; newspapers	5/23/1873	Bertram Spencer, sub-lt	Dismissed service for conduct unbecoming in giving false name when charged at Devonport police station with an unnatural offence. On that charge the bench decided no evidence for committal.
69	ADM 194/182, #2849	10/27/1873	Albert Dyson	PM, tried for negative performance of duty as sentry over William Renwick, who escaped (see Appendix A).
70	ADM 194/182, #3375	1/3/1876	Benjamin Blower, boatswain	Three charges, including "taking a prostitute on board [the <i>Achilles</i>] in a drunken state."
71	ADM 194/182, #3588	11/21/1876	George Tibbols, Serg RMLI	Two counts, including indec assault on woman on shore. Acquitted on this charge, but found guilty of making "an assault on" and catching hold of the woman.
72	ADM 1/6428	1/10/1877	Thomas Harris	Three counts of perjury in the Hammett trial (see Appendix A).
73	ADM 194/182	1/17/1877	William Perry	Three counts of perjury in the Hammett trial.
74	ADM 194/182	1/18/1877	Daniel Watson	Perjury in Hammett trial.
75	ADM 194/182	1/18/1877	Thomas Bent	Perjury in Hammett trial.
76	ADM 194/182	6/12/1879	George William Eric Crouch Mackay	Two charges, including conduct unbecoming for introducing to wardroom officers a woman with whom he cohabited as his wife, and falsely represented as wife.
77	ADM 194/182	2/5/1880	Gabriel Beer	Drunkenness and conduct unbecoming an officer in making water in the ward room.
78	ADM 194/182	4/10/1882	William Wallis	6 charges, two involving urination: once in drip-pan for fresh water tank; another on the mess deck.
79	ADM 1/7221	8/24/1894	Edward Bell	Bell is convicted of perjury for a list of statements made in the Penniall and Cooper CM (see Appendix A).

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
1	Christian-Smith	Charles Christian (midshipman Windsor Castle)	Richard Smith (Christian's servant, 16 yo, Windsor Castle)
2	Padoua	Anthony Padoua (seaman Roy Sov)	Isaac Beatty (boy, 12-13 yo, Roy Sov)
3	Appleby	John Appleby (steward's mate Southampton)	Francis Traden (surgeon's boy, Southampton)
4	Raven-Burskin	Richard Raven (capt's servant Royal Katherine)	John Burskin (Mr. LeConte's servant, royal katherine)
5	Dicher	Abijah Dicher (marine then seaman Defyance)	Turkey
6	Pike	Thomas Pike (QM Yorke)	William Hughes (seaman, presumably petty officer, Yorke)
7			George Cumming (seaman, Yorke)
8			George Teale (seaman, presumably petty officer, Yorke)
9	Worrell	Charles Worrell (coxswain Falmouth)	Mr. Sandy (volunteer per ord, Falmouth)
10	Amorin	Peter Amorin (seaman Greenwich)	William Berry (boy, "child," Greenwich)
11	Brese	John Brese (mariner Warspright)	Richard Hoter (It's servant, 12 yo, warspright)
12	Wilson-Campbell-Esgay	William Wilson (seaman Expedition)	Andrew Campbell (seaman expedition)
13			Thomas Esgay (seaman expedition)
14	Rolls	Bartholomew Rolls (cook Reserve)	John Bard (seaman reserve)
15			Epaproditus South (able reserve)
16			Simon Lay (seaman reserve)
17	Jones	Edward Jones (mariner Bristol)	Richard Cartwright (boy, 14 yo, bristol)
18	Hughes-Emmeson	William Hughes ([seaman?] Hector)	James Emmeson (boy, Hector)
19	Stephenson-Jack	Unclear: the two are John Stephenson and Robert Jack	unknown
20	Ball-Jones	James Ball (quartermaster Swallow)	Walter Jones (boy 13 yo Swallow)
21	Coise	John Coise (Boatswain Looe)	John Davis (coise's servant, 15 yo, Looe)
22	Oats	Samuel Oats (captain Roebuck)	Thomas Gobles (captain's servant, Roebuck)
23	Gregg-Cook	James Gregg (master Monck)	John Cook (Gregg's boy, Monck)
24	Abell	Richard Abel (seaman Kinsale)	Richard Hoskins (boy, ca. 16 yo, Kinsale)
25			Francis Hendrick ("youth", ca. 19 yo, Kinsale)
26	Thomas	Ridgeway Thomas (schoolmaster Scarborough)	Robert Nancarow (mariner Scarborough)
27	Thomas Gobbit - Paul Phillips	unknown	unknown
28	Ducaty-Tofts	Hugh Ducaty (youth, 17yo, Somerset) - William Tofts (mariner somerset)	
29	Mel	Peter Mel (gunner Worcester)	Robert Vivian (capt's servant, "boy" Worcester)
30			Robert Avery (capt's servant, presumably boy, Worcester)
31	Hay	William Hay (captain Strombolo)	George Hedge (mariner Strombolo)
32	Morse-Raffat	Thomas Morse (foremast man/barber, Lowestoff)	William Sporting (capt's servant boy Lowestoff)
33			Edward Smith (cook's servant, boy, Lowestoff)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
34		Nicholas Raffett (foremast man Lowestoff)	Edward Smith (cook's servant, boy, Lowestoff)
35			William Sporting (capt's servant boy Lowestoff)
36	Feathercoat-Horlock	Robert Feathercoat (mariner Preston)	Thomas Horlock (mariner Preston--called a boy)
37	Burke-Murphen	Edward Burke (mariner Duke)	Robert Murphen (mariner, capt's serv--"boy"--Duke)
38	Trussen-Baker	George Trussen (supernumerary Shrewsbury)	John Baker (boy, 10yo, Shrewsbury)
39	Short-Weston	Consensual: John Short (mariner Diamond)	John Weston (mariner Diamond)
40	Algier	Hali Algiers (seaman princesea, supernum on Roy George)	William Mason (captain's servant, 10-11 yo, Roy George)
41	Dyve	Henry Dyve (captain Winchelsea)	William Auberry (steward on captain, Winchelsea)
42	Carter	John Carter (master Flamborough)	Solomon Grou (master's servant, almost 16 yo)
43	Parsons	Joseph Parsons (boatswain Fortune sloop)	Robert Moses (purser's boy, Fortune)
44			Thomas Martin (boatswain's servant, a boy, Fortune)
45	Richman	Robert Richman (seaman Lively)	Sheep
46	Bowen	Thomas Bowen (serjeant of marines Jersey)	Rev. Wyche (see below)--this was called to clear Bowen's name.
47	Wyche	Rev. Wyche (chaplain Jersey)	Thomas Wicham (capt's servant, boy)
48	Whitefoot	John Whitefoot (marine Jersey)	Consensual with Wyche (see above)
49	Smith-Austin	Healy Smith (capt's servant Jersey)	John Austin (servant, 14 yo, Jersey)
50	Waters-Robinson	William Waters (seaman Vigilant)	George Robinson (seaman Vigilant)
51	Landerkin	Thomas Landerkin (seaman[?], Porcupine)	James Jordan (seaman, tender's crew, Porcupine)
52			Gilbert Heard (seaman[?], Porcupine)
53	Spencer	James Spencer (boatswain's mate, Nottingham)	Matthew How (surgeon's servant 14 yo Nottingham)
54			Peter Cross (2nd lieutenant's servant, 16 yo, Nottingham)
55	French	Francis French (midshipman, Defiance)	Roger Bickford (gunner's servant, 14 yo, Defiance)
56			John Britain Smith (gunner's servant, ca. 14-15 yo, Defiance)
57			James Strivens (16 yo, Defiance)
58			Henry Pemble (Capt's sevant, 16 yo, Defiance)
59	Slade	William Slade (carpenter, Sheerness)	James Martin Clements (midshipman, Sheerness)
60			John Craddock (presumably midshipman)
61	Bicks	Henry Bicks (seaman, Royal William)	John Booth (boy, 12 yo, Roy Wm)
62			Stephen Fouthead (prisoner, Roy Wm)
63	Blake	John Blake (seaman, Rippon)	She goat
64	Beale	Richard Beale (Lt, Polacre)	John Silk (boy, 13 yo)
65			Samuel McKensy (boy)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
66	Tremuen	William Tremuen (boatswain's servant, Thetis)	George Vaux (boy)
67	Berry	Michael Berry (seaman, HM Storeship Crown)	William Townsend (captain's servant, ca 12-13 yo)
68			William Garnett (captain's servant, since run)
69			William Lyrer (boatswain's servant, 12 yo almost 13)
70	Newton-Finley	George Newton (seaman, Ocean)	Thomas Finley (boy, Ocean)
71	Garbut	Robert Garbut (boatswain, Spy Sloop)	John Pyle ("young lad" of the foretop, Spy)
72	Billins-Bryan	James Bryan (seaman Newark)	Martin Billins (seaman[?] Newark)
73	Angel	Henry Angel (captain Stag)	Rice Price (passenger Stag)
74	Chilton	Richard Chilton (seaman Seahorse)	William Hoskins (boy)
75	Mitchell-McDonoald	Henry Mitchell (seaman Assistance)	Cornelius McDonald (seaman Assistance)
76	Pearson-Clark	unknown	unknown
77	Jones	Richard Jones (purser, Resolution)	Christian Hennings (Jones's appr/"indentured servant" and his steward's mate)
78			William Wake (Jones's appr/"indentured servant" and his steward's mate)
79			Edward Farmer (ship's steward)
80	Palmer	John Palmer (cook Southampton)	John Ellis (captain's servant, 12 yo, Cerebrus)
81	Halsted-Robinson	John Halster (lt of marines Raven sloop, late)	William Robinson (master Raven, late)
82	Parrott	Anthony Parrott (seaman Raven sloop)	William Spalding (boy, Raven sloop)
83			James Gogay (seamn Raven)
84			John Morsay (seaman Raven)
85			Thomas Smith (boy ca 11 yo Raven)
86			James Collins (boy 16 yo Raven)
87	Penfold-Whitnell	Peter Penfold (marine lieut, Alarm)	James Whitnell (private marine, penfold's servant)
88	Purcival	James Purcival (gunner Portland)	John Page (seaman Portland)
89			Peter Cook (seaman Portland)
90	Blow	Sameul Blow (3rd lt, Hector)	Robert Bourne (seaman, wardroom servant, Hector)
91	Nairne-Hensey	James Naire (marine Rippon)	Benjamin Hensey (marine Rippon)
92	Bain	John Bain (master Speedy sloop)	George Cock (his servant, 13 yo)
93	Carney	Robert Redmill (lt Bonetta)	Joseph Carney (mariner Bonetta)
94	Birch-Smallwood	Henry Smallwood (carp's crew Lowestoffe)	John Birch (marine Lowestoffe)
95	Beal-Paine	Joseph Beal (surgeon Ambuscade)	Charles James Nevin (midshipman Ambuscade)
96			John Paine (master's mate Ambuscade)
97		John Paine (master's mate Ambuscade)	Charles James Nevin (midshipman Ambuscade)
98			William Hall (midshipman Ambuscade)
99	Johnston	Charles Johnston (master at arms Union)	Peter Lamb (boy Hind)
100	Sawyer	Charles Sawyer (capt Blanche)	edward mullins (coxswain)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
101			john lawton (QM)
102			thomas rowe (midshipman 18 yo)
103			Richard Prudham (midshipman)
104			John Friday (seaman)
105			john green (QM)
106	Allen	Henry Allen (commander, Rattler)	Edward Woodger (seaman, servant)
107			James Bonny (boy, former servant, 14-15 yo)
108			Richard Creek (seaman, former servant)
109			Thomas Haines (seaman, former servant)
110	Benson-Francis	John Benson (seaman St George)	Philip Francis (seaman St George)
111	Duckworth-Simpson	Stephen Simpson (marine private Atlas)	James Duckworth (marine drummer Atlas)
112	McMahon	Bryan McMahon (seaman Albicore)	James Tilson (seaman Albicore)
113	Morris-Savage	John Morris (seaman Adamant)	William Savage (seaman Adamant)
114	Grange-Priest	William Grange and Thomas Priest (seamen Sandfly)	
115	Jenness	David Jenness (seaman Prince)	James Lyons (boy, 16 yo, Prince)
116			Thomas Willison (boy, 13 yo, Prince)
117			Joseph Perry (boy, 15 yo, Prince)
118			Philip Archer (boy, 15 yo, Prince)
119	Meik	Edmund Nepean (lt Atlas)	John Lind Meik (midshipman Atlas, spoken of as "boy," "youngster," etc.)
120	Falso-Lambert	Francisco Falso (seaman Prince Frederick)	John Lambert (coper's mate, "lad," Pr Frederick)
121	Calligan	Henry Calligan (supernum seaman Abergavenny)	unknown
122	Dixon	David Dixon (master's mate Impeteux)	David Kent (boy 16-17 Kent)
123	Read-Tattersall	George Read (qm's mate Assistance)	Thomas Tattersall (seaman)
124	Matson	Richard Matson (captain Daphne)	William Jones (capt's servant)
125			Owen Owens (foretopman)
126			John Wrath (mizzentopman, "boy")
127			John Rouse (1st lts servant)
128	McMaster-Callaghan	William McMaster (seaman Invincible)	John Callaghan (marine Invincible)
129	Stump	William Stump (lt marines Carnatic)	unknown
130	Sargent	George Sargent (lt St Vincent)	Edward Wood (cabin boy 17)
131			John Adcock (cabin boy 17)
132			Thomas Midhurst (17)
133			George Saxty (18-19)
134	Patton	Robert Patton (boatswain Volage)	John Collins (boy 16)
135			Henry Wyard (boy 15)
136			John Gosne (boy 15 yo)
137			James Barker (boy 17)
138			Hugh Smith (marine drummer)
139	Crowerst	Samuel Blow (lt Captivity)	James Crowerst (20 yo, but repeatedly called "boy")

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
140	Harris-Harrison// Douglas-Ware	John Harrison and William Harris (seamen Trident)	
141		John Douglas (seaman Trident)	John Ware (seaman Trident)
142	Thomas	Joshua Thomas (seaman Glory)	cow
143	Hubbard-Hynes	Thomas Hubbard (seaman, boy, St George)	George Hynes (seaman St George)
144	Henry	Henry B. Henry (lt Terror)	Andrew Connor (his boy)
145	Greenard-Fuller	Lorenzo Greenard (seaman Vengeance)	Thomas Fuller (seaman Vengeance, 16 yo, counted as boy)
146	Holland-Reilley	James Holland (seaman Trident)	John Reilley (seaman Trident)
147	Manning	Carrol Manning (seaman Tremendous)	Charles Hammond (seaman Tremendous)
148	Kemp	William Leist Kemp (boatswain Centurion)	John Mackay (seaman)
149			William Simpson (seaman, boatswain's yeoman)
150			James Wallace (seaman)
151			James Baker (seaman)
152	Brown-McCarthy	James Brown (seaman Ville de Paris)	Charles McCarthy (boy)
153	Ambler	Bartlet Ambler (mate Tisiphone)	John Davy (vol 3rd class, 13 yo)
154			John Wilcott (vol 3rd class, 12 yo)
155			Richard Hopkins (vol 3rd class, 13.5 yo)
156			Joseph Gannicliff (vol 3rd class, 12 y 11 mos)
157	Robertson	Thomas Robertson (seaman Porpoise)	George Deagles (ord seaman, 19 yo, boy)
158	Smith-Batty	John Batty (seaman, 18 yo, Malabar)	Thomas smith (seaman, 16 yo, Malabar)
159	Wheatley	James Wheatley (seaman Prince George)	Henry Dines (boy 13)
160	Cook-Little	Thomas Little (seaman Princess Royal)	Thomas Cook (seaman Princess Royal)
161	Graham	Hepburn Graham (master's mate St George)	George Parr (boy 14)
162			John Sky (boy abt 15)
163	Philip	Prere Philip (seman Ardent)	Joseph Horton (boy 2nd class abt 13)
164			William Briant (boy 3rd class abt 16 yo)
165	Derrett	Joseph Derrett (seaman Clyde)	Isaac Smith (boatswain's servant)
166			Anthony Maltwood (boy)
167			William Richardson (carp's servant)
168			William Churchman (boy)
169	Blake-Jennings	James Blake (seaman, boatswain's mate, Reine Deer)	George Jennings (boy, 16 yo, Reine Deere)
170	Muston	Thomas G. Muston (lt Africa)	George Parkinson (boy 13 yo Africa)
171	Lee	Richard Lee (carp Unicorn)	female dog
172	Shandoff-Johnson	George Shandoff (seaman Bellona) - James Johnson (seaman Bellona)	they are suspected of trading roles
173	Berry	William Berry (lt Hazard sloop)	Thomas Gibbs (boy 2nd class, serv to gunroom mess)
174	Dixon	Herny Dixon (seaman Pearl)	William Riley (seaman Pearl)
175			George Bishop (boy, 16 yo, Statira)
176	Dartway-Thomas	Henry Dartway (ord Defence)	Jean Thomas (landsman Defence)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
177	Thomas	Jeremiah Thomas (seaman Ocean)	Samuel Sheen (boy 2nd class Ocean)
178	Brown	John Brown (lt Sapphire sloop)	Francis Evans (boy 1st class Sapphire sloop)
179	Pewtner-Millard	George Pewtner (serj marines Defiance)	Michael Millard (drummer marines, 17 yo, Defiance)
180	Gordon	James Gordon (boatswain Lightning sloop)	John Wood (boy, 8 yo)
181			George Davis (boy)
182	Wilson	David Wilson (quarter gunner Malborough)	James Hayman (boy 3rd class Malborough)
183			William Bennett (boy 3rd class Malborough)
184	Hunt	John Hunt (pm Marlborough)	Richard Kilner (pm)
185			Richard Smith (pm)
186	Anderson	Neal Anderson (pm 167 co RM)	Samuel Harwood (pm)
187	Bray	Benjamin John Bray (midshipman Dedaigneuse)	John Marshaw/Abashaw (seaman, boy)
188	Peyton	Joseph Lydell Peyton (lt Achille)	Richard or Daniel Donovan (foretopman Achille)
189	Joblin	Robert Joblin (capt of afterguard Ethalion)	Joseph Saxby (seaman Ethalion)
190	McCasky	George McCasky (master Spitfire sloop)	Robert Walker (his servant, boy, 13 yo)
191	Lewis	Thomas Lewis (serj marines, Lyra sloop)	William McCann (capt's servant, boy)
192			Joseph Mathew (boy, 14 yo, Lyra)
193	Wilson	Isaac Wilson (seaman, capt's cook, Orestes)	goat
194	Taylor-Hobbs	Thomas Hobbs (seaman Impeteux)	William Taylor (seaman, signalman)
195	Hunt	John Hunt (marine Malborough)	William Winter (seaman Malborough)
196	Grimshaw-Scott	Benjamin Grimshaw (marine Illustrious)	John Scott (marines Illustrious)
197	Colquhoun-Fleming	Robert Fleming (surgeon's assistant Bulwark)	Roderick Colquhoun (midshipman)
198	North	Charles North (pm, Gluckstadt)	Henry Noel (boy)
199	Black	John Black (pm Wrangler brig)	Garrett Phillips (boy)
200	Martin	Edward Martin (landsman Diomedes)	Michael James (boy 3rd class)
201			Henry Also (boy 3rd class)
202			Robert Mason (boy 2nd class, supernumerary)
203			Arthur McGinnis (boy 2nd class supernumerary)
204	Chamberlain	William Tankerville Chamberlain (lt Defence)	John Latham (seaman, "lad", "boy")
205	Branter	Samuel Branter (seaman San Josef)	a female goat
206	Taylor-Barrett	William Taylor (seaman, cook's mate, Warrior)	james barrett (seaman, "boy")
207	Taylor	James Nehemiah Taylor (surgeon Jamaica)	Thomas Ashton (boy RM)
208	Wormold-Steers	George Wormold (actg boatswain) and John Steers (gunroom steward)	unknown
209	Lewis-Antonio-Francisco-Crumpton	John Lewis (seaman Africa)	James Morris (boy 3rd class 15 yo)
210		John Lewis (seaman Africa)	John Crumpton (boy)
211		John Lewis (seaman Africa)	Thomas Hutchins (boy 3rd class 18)
212		Jose Francisco (seaman)	Thomas Hutchins (boy 3rd class 18)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
213		Pedro Antonio (seaman)	Thomas Hutchins (boy 3rd class 18)
214	Edwards	William Embury Edwards (lt Crane sloop)	Samuel Borderly (boy 16 yo, his servant)
215	Barrett-Cooper	Cornelius Barrett (marine private Colossus)	William Cooper (private)
216	Coleman	Timothy Coleman (seaman Rainbow)	George Walker (boy Rainbow)
217			Isaac Solomon (boy 18 yo Rainbow)
218	White	Joseph White (corporal marines Tigre)	William Turvey (pm, "boy," Tigre)
219	John De Cruize	John De Cruize (seaman Namur)	William Taylor (supernm boy 2nd class)
220			Charles Dennys (marine)
221	Guesue	John Guesue (private marine)	Thomas Grant (boy, 11.5 yo, marine drummer)
222	Nathan	Solmon Nathan (ship's corp Castor)	John Hookey (<13 yo, boy)
223			Robert Woodward (boy, <14 yo)
224			William Bradley (around 16 yo, boy, accomplice admitted as King's evid)
225			Thomas Blake (boy 2nd class, accomplice admitted as King's evid)
226			William Wilson (seaman, accomplice admitted as King's evid)
227	Caskie-Whittle	Peter Caskie (marines Invincible)	Robert Whittle (marine, "lad," Invincible)
228	Dowan-Barber	Martin Dowan - Francis Barber (seamen Cornwallis)	
229	Toole	James Toole (marine Experiment)	Henry Williams (13 yo, boy, Experiment)
230			Benjamin Blake (boy, 15 yo, Experiment)
231	Renning-Keegan	P. Renning (seaman Statira)	Matthew (or "J.?"?) Keegan (boy, 14 yo, Statira)
232	Allen	Robert Allen (marine Bellona)	John Smith (marine)
233			John Jackson (marine)
234			Robert Hewitt (marine boy)
235	Horne	John Horne (marine Namur)	Thomas Morphet (marine, boy, Namur)
236	Johns-Lechan	John Johns (seaman Canopus)	George Lechan (marine boy Canopus)
237	Alexander	Nicholas Alexander (seaman Theseus)	goat
238	Martin-Frank	John Martin (ord Leviathan)	John Frank (boy 2nd class, 17 yo, Leviathan)
239	Kennedy	Edward Kennedy (seaman Sceptre)	Alexander Jamieson (boy 13 yo sceptre)
240	Manning-Maddon	Bartholomew Maddon (seaman Impeteux)	John Manning (seaman Impeteux)
241	Barber	Joseph Barber (master's mate Chanticleer)	James Reed Walker (boy)
242			Roger Chandless (midshipman)
243	Clarence	John Clarence (seaman, boatswain's mate, Seine)	goat
244	Donovan	Daniel Donovan (landsman Kent)	pig
245	Beeson-Manning	Gregory Beeson (seaman, loblolly boy, Seine)	William Manning (pm Seine)
246	Vernon	James Vernon (ord and capt's cook Crescent)	James Kennedy (marine boy)
247			James Lee (boy)
248			William Ashforth (marine)
249			Michael Hurley (boy)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
250	Sandom	William Sandom (lt Fawn sloop)	John Mullins (boy 16 yo Fawn)
251			William Owens (boy)
252	Box-Owins	Thomas Owins (marine Horatio)	Morris Box (marine Horatio)
253	Parker	James Parker (marine Niemen)	John Nowlan(d) (boy 3rd class)
254	Powell	John Powell (seaman Venerable)	Charles Salmon (boy, almost 17 yo)
255	Muleraty	Patrick Muleraty (seaman, duty as cooper, Theban)	a fowl
256	Dendass	John Dendass (able Reasonable)	John Boyce (supernumerary boy, 13 yo)
257	Gudgins-Birch	William Gudgins (marine Hyachinte)	John Birch (boy 2nd class, 14 yo)
258	Rogers	George Rogers (seaman, gunner's crew, Royal George)	Benjamin Adams (seaman)
259	Smith	John Smith (marine Kite)	Abraham Dixon (boy 2nd class, 17 yo, Kite)
260			William Richards (boy 3rd class, capt's servant, Kite)
261			John Tourney (ord Kite)
262	Agar	John Agar (able Kite)	John Cromartie (boy 2nd class, 16 yo, Kite)
263	Huggins	Samuel Huggins (able Kite)	John Cromartie (boy 2nd class, 16 yo, Kite)
264	Peterson	John Peterson (able Kite)	John Cromartie (boy 2nd class, 16 yo, Kite)
265			Abraham Dixon (boy 2nd class, 17 yo, Kite)
266			Guetana Cardole (boy 3rd class Kite)
267	Tourney	John Tourney (ord Kite)	John Smith (marine Kite)
268			John Cromartie (boy 2nd class, 16 yo, Kite)
269			Augustus Cochrane (boy 3rd class, 12 yo, Kite)
270	Moore-Cochrane	Joseph Moore and William Cochrane (ord seamen Armada)	
271	O'Brien	Edmund Nepean (RM lt Achille)	John James (seaman, ropemaker Achille)
272			William Richards (seaman Achille)
273	Ware	William Ware (seaman, Naiad)	she goat
274	Sherwood	John Sherwood (seaman, foretopman, Milford)	sheep
275	Jewell-Terat	John Jewell (seaman Princess Catherine)	Francis Terat (boy Princess Catherine)
276	Bouch	William Bouch (foretopman Hotspur)	pig
277	Pasque	Louis Pasque (seaman Egmont)	Guiseppe Antonio Lanish (boy Egmont)
278			Peter Cornelo (boy Egmont)
279			unnamed third boy specified in charges
280	Sutherland-Millsom	Edward Millsom (seaman Defiance)	John Sutherland (seaman Defiance)
281	Higgins	Patrick Higgins (seaman Elizabeth)	goat
282	Francisco-Thomas-Mahoney	Emmanuel Francisco (landsman Armada)	John Mahoney (boy 2nd class)
283			Frederick Dutton (boy)
284		John Thomas (landsman Armada)	Thomas Dudley (boy)
285	Dowling	Patrick Dowling (ord Berwick)	Joseph Wilson (landsman, boy)
286	Williams	Thomas Williams (acting lt Hibernia)	John Johnson (corporal)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
287			William Long (marine)
288			William Towel (marine)
289			Peter Knox (marine)
290			William Lacey (marine)
291			William Twey (marine)
292	Wilkins	George Wilkins (ord seaman Gloucester)	John Gouge (supernumerary boy)
293	Hawes	Richard Hawes (ord Scipion)	John Dunwiddy (boy 14 yo Scipion)
294			James Christo (boy 15 yo)
295	Antonio	Lue Antonio (landsman Scipion)	Patrick Rodden (boy 3rd class 14 yo)
296			John Read (boy, 14 yo)
297	Bryson	Patrick Bryson (RM Lt Pique)	James Butler (marine, clearly fairly young)
298	Martin	Christopher Martin (seaman Elizabeth)	Thomas Harris (boy 15 yo Elizabeth)
299			George Underhill (boy)
300			William Lee (boy Elizabeth)
301			Daniel Reed (boy Elizabeth)
302	Harris	Thomas Harris (seaman Elizabeth)	James Duell (boy Elizabeth)
303	Irwin-Monseer	George Irwin (marine Ardent) and Frederick Monseer (seaman Ardent)	
304	Gunton	Thomas Gunton (acting master Bermuda sloop)	William Norman (supernumerary boy 3rd class, 17 or 18 yo)
305	Lemart	Antonio Lemart (landsman Royal Oak)	John Thompson (boy 3rd class)
306	Martin	John Martin (capt of maintop Dragon)	Archibald West (presumably seaman)
307	Wallace-Isles	William Wallace (boy Dragon)	Joseph Isles (seaman Dragon)
308	Johnson	William Ricketts Johnson (midshipman Circe)	John Drake (seaman Circe)
309			Antonio Josef (seaman Circe)
310	Glanville	James Glanville (boatswain Hindoostan store ship)	dog, cow
311	Hyndman	James Hyndman (carpenter Wasp sloop)	Peter Todd (boy Wasp sloop)
312	McArthur-Morgan	Archibald McArthur (clerk Carlotta)	William Morgan (seaman)
313	Hardwick-Foreman	William Hardwick and Samuel Foreman (marine Repulse)	
314	McIntyre	Louis McIntyre (supernum seaman Centurion)	John Matthews (PM Centurion)
315			James Jones (corporal RM Centurion)
316	Carruthers	James Carruthers (landsman Scipion)	"some person unknown"
317	Richards/Rickards	Robert Richards/Rickards (landsman Scipion)	she goat
318	Singer-Ireland	John Singer and George Ireland (marines Tigre)	
319	Spencer	Samuel Spencer (Lt Hesper)	Joseph Bishop (boy of the sloop)
320	Harding	John Harding (landsman Akbar)	cow
321	Hall	Richard Hall (boatswain's mate Pompee)	Francis Truscote (presum. seaman Pompee)
322	Horne	William Horne (boatswains mate Saracen sloop)	James Harknet (boy)
323	Watson	James Watson (2nd Lt RM Albion)	John Clart (PM)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
324	Hunter	Thomas Hunter (seaman, late Eridanus)	John Creeber (boy, 14.5 yo, carp's servant, Carnatie hulk)
325	Palmer	William Palmer (It Rolla)	edward young (ord seaman)
326	Hiatt	Henry Hiatt (It Zealous)	William Ollivine (his servant, boy, about 12-13 yo)
327	Gibbs	Daniel Henry Gibbs (capt forecastle Sapphire sloop)	Edward Donaldson (boy 3rd class Sapphire)
328	Spencer-Baker	Luke Spencer (PM Cumberland)	Stephen Baker (marine drummer, boy, Cumberland)
329	Carteret	Philip Carteret (capt Pomone)	James Liddle (PM)
330	Winfield-Anderson	Thomas Winfield (ord seaman, Impregnable)	John O. Anderson (supernum boy 2nd class)
331	Shrewsbury	Richard Shrewsbury (ord Tremendous)	david savage (boy Tremendous)
332	Randall	Thomas Randall (ord Tremendous)	Richard Priest (seaman Tremendous)
333			Archibald Richie (yeoman of the sheets)
334			William Clements (landsman Tremendous)
335	Quinn	James Quinn (qm Spey)	John Hales (supernumerary boy 3rd class)
336	Bynre	James Byrne (able centaur)	Simon Burne (landsman, boy, aged 19, Centaur)
337	Seraco-Westerman	Rafaelo Seraco (PM Africaine) and John Westerman (boy Africaine)	
338	Seraco-Charles	Rafaelo Seraco (PM) and John Charles (landsman)	
339		Seraco (PM) and James Cooper (boy PM africaine)	counted as seam-seam
340	Troyac/Treake-Tall	Rafaelo Troyac (able) and Joseph Tall (landsman)	
341		Troyac (able)	Westerman (boy)
342		Troyac (able) and Seraco (PM)	
343		Troyac (able) and Archer (boy)	
344	Treake-Hubbard	Troyac (seaman Africaine)	Joseph Hubbard (landsman, boy, Africaine)
345			William Johnson (boy, Africaine)
346	Beauchamp-Bruce	Christopher Beauchamp (master's mate)	James Bruce (midshipman)
347			Westerman (boy)
348			William Dane (PM)
349		Bruce (midshipman)	Westerman (boy)
350		Westerman (boy)	Garroway
351		Cross (seam)	William Dane (PM, youngster--boy)
352	Parsons	John Parsons (PM, then serjeant)	William Dane (PM, youngster--boy)
353	Crutchley-Parsons	Crutchley (midshipman)	Parsons (boy)
354		Cross (seam)	Hubbard (boy)
355		Cross (seam)	"boys"
356	Troyac/Treake	Rafaelo Troyac (seam africaine)	Seraco (pm)
357			Thomas Bottomy (boy Africaine)
358			John Westerman (boy Africaine)
359	Crutchley	Crutchley (midshipman)	Westerman (boy)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
360	Macdonald	Duncan Macdonald (lt Variable)	John Hume (boy)
361			James Lindsay (boy)
362	Boxall	James Boxall (seaman Ruby)	dog
363	Seaman	Alfred Seaman (master Harrier sloop)	Patrick White (boy, his servant)
364			Thomas Crab (boy)
365			Charles Baskin (boy)
366			one other boy of gunroom
367	Putress	Thomas Putress (seaman Esk)	masturbation
368	Hook	Thomas Hook (gunner's mate, seaman, Cadmus)	James Renalds (boy 2nd class, 16 yo)
369	Murray	Athur Nugent Murray (asst surgeon Congo)	Paulett Matthews (vol 1st class)
370	Woolls	Uncounted	
371	Kelly	William Kelly (cook Spartan)	Thomas Jones (seaman Spartan)
372	Wiseman	John Wiseman (corp marines, Iphigenia)	William Reynolds (boy)
373	Tool	Morris Tool (seaman Adventure)	John Waldron (boy)
374			James Smith (boy)
375			Thomas Lamb (boy)
376	Osborne-Webber	William Osborne (PM Shamrock)	William Webber (boy)
377	Fiott	William Edward Fiott (lt commanding HM schooner Renegade)	Thomas Reilley (seaman)
378	White	George White (seaman Phaeton)	cow
379	Barron	Thomas Charles Barron (lt Frolic packet brig)	Philip Clapson (boy, 13 or 14, Barron's nephew)
380	Armstrong	Samuel Armstrong (purser Bustard sloop)	James Field (carp's crew)
381	Bowker	John Harrison Bowker (lt Leveret)	John Sherwood (19 yo, seaman, boy ["youngster," has a "woman's" voice, etc.])
382			William Sanders (boy, 16)
383			Mark Carneilly (19 yo, landsman, boy)
384	Raitt	James Raitt (master Cordelia)	Robert Richard Webb (boy 2nd class 15 yo)
385			William George Sprays/Spruse (boy 2nd class 15 yo)
386	Maxwell	William Maxwell (boatswain Tweed)	William Pack (boy supernumerary 2nd class, his servant, 14 yo, Tweed)
387			William Dickson (boy, 15 yo)
388			John Romney (seaman?, 18 yo)
389			John Ryner (seaman?, 20 yo)
390			Adolphus Waterworth (boy, 18 yo, Tweed)
391	McGee-Peach	Edward McGee and John Peach (PMs)	
392	Willings	Richard Willings (gunner Scylla sloop)	goat
393	Rogers	Robert Rogers (master Rover)	? Rowett (boy Rover)
394	Curzon	Edward Roper Curzon (lt commanding Savage brig)	John Baker (boy 1st class, 16 yo, Savage)
395	Morgan	Richard Morgan (lt Pembroke)	William Chapman (able)
396			John Augustus Hughes Boyd (middie, 19 yo)
397			Robert West D'Arcy (midshipman, 17 yo)
398	Ayscough	Hawkins G. Ayscough (lt)	George McNamara (his boy)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
399			George Robinson (boy 2nd class nearly 15 yo)
400	Inman	Richard Inman (lt, commander Lily sloop)	John Pay (boy, his servant)
401	Avery	Horation Stopford Nixon (commander Ringdove sloop, deceased)	Henry Avery (boy, member of gig's crew)
402	Meldrum	William Meldrum (gunner Rattlesnake)	William Henry (boy)
403			William Parodie (boy 1st class)
404			Richard Lugg (boy 2nd class)
405			John James Reeves (boy)
406	Dumaresq	Don Philip Dumaresq (mate Volcano)	George Dwilton (carp's crew, boy)
407			George Middleton (boy 1st class, 18 yo)
408			Christopher Allen (boy 1st class 17 yo)
409	Mottley	Henry Hood North Mottley (mate Nautiulus)	5 boys of the brig (per ADM 13/103)
410	Warder	John Harrison Bowker (commander, lt, Savage)	Robert Warder (supernum boy Savage)
411	Sheep-Bass	Samuel Sheep (ord Calcutta) and Benjamin Bass (ord Calcutta)	unknown
412	Place	Lionel R. Place (lt addl Queen)	boy 2nd class
413	Place	Lionel R. Place (lt addl Queen)	boy 2nd class (? John Greenleaf--may be boy in first case, however)
414	Wallace-Bailey	William Wallace (seaman Emerald) and Richard Bailey (boy Emerald)	unknown
415	Clarke	Henry Clarke (mate North Star)	Robert Bruton Atkinson (vol 1st class)
416	Dubber	Stephen Dubber (ship's cook Belvidera)	a boy of the ship
417			a boy of the ship
418	Mitchell	James Mitchell (captain afterguard Belvidera)	"certain boys of the said ship"
419	Sparks	William Sparks (carpenter Powerful)	Thomas Davis (boy Victory)
420			Benjamin Torrington (boy Victory)
421	Stokes	Henry Stokes (lt Tartarus)	Terry (boy)
422	Johnson	William Bishop Godshall Johnson (mate Alban)	Robert A.F. Graves Colleton (ensign 45th regiment of foot)
423	Daly	John Daly (lt Melampus)	"some young gentlemen of the Melampus"
424	Crawley	Charles Gibbs Crawley (lt Avenger)	Joseph Henry Grant (boy Avenger)
425	Alston	Edward H. Alston (lt Pantaloon)	James Lockyer (2nd class boy)
426	Carter	George Carter (marine Grappler)	Henry William (boy 2nd class)
427	Keys	Charles Keys (gunner Britannia)	unknown
428	Hunter	Alexander Hunter (marine)	unknown
429	Webber	Thomas Webber (gunner Crescent)	"Fernandez an African"
430	Edwardes	George W.P. Edwardes (lt Nile)	"a 2nd class boy"
431	Lathbury	Arthur Robert Lathbury (mate Swallow)	H. Rowlands (capt maintop)
432	Nicholls	James A.W. Nicholls (asst paymaster Duke of Wellington)	non-specific
433	Prout-Marshall	Thomas Shepard Prout (actg asst engineer Beagle) and George Marshall (actg asst engineer Terrible)	unknown
434	Forster	William Forster (sailmaker Waterloo)	unknown (reporting indicates this involves boy[s], though)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
435	Marine of Hibernia	Marine of Hibernia	unknown
436	Callaghan	John Henry Callagahn (boatswain 1st class Nile)	a boy
437			a boy
438	Dyer-Oaks	James Dyer (QM Madagascar) and John Oaks (boy 1st class Madagascar)	unknown
439	Marshall-Brooks	John Marshall (QM Buzzard) and William Brooks (ord Buzzard)	unknown
440	Lumb	George Lumb (gunner Donegal)	"certain First Class Boys"
441			"an ordinary seaman of the ship"
442	McIntyre-Woodhouse	John McIntyre (able Adventure) and James John Woodhouse (boy 1st class Adventure)	unknown
443	Davey	George Davey (sailmaker Styx)	Robert Richardson (2nd class boy)
444			George Taber (gunroom steward)
445			Jull Thomas Hollier (2nd class boy)
446	Warner	Robert Warner (chief yeoman signals Nile)	James Robertson (boy 2nd class)
447			Michael Kearney (boy 1st class)
448	Evans-Midlane	Henry Evans (sick berth steward Imperieuse) and William Midlane (ord Imperieuse)	unknown
449	Quinn-Martin	Henry Quinn (gunner RMA Arrogant) and Thomas Martin (wardroom cook Arrogant)	unknown
450	Graves	Thomas Graves (gunner's mate Orion)	"a 1st class boy of that ship"
451	Pennell	William Pennell (boatswain's mate Cumberland)	"a boy of the 2nd class"
452	Olive	William George Olive (2nd capt afterguard, pensioner, Conqueror)	"a second class boy of that ship"
453	White-Robinson	John White (able Hibernia) and William Robinson (boy supernumerary Hibernia)	unknown
454	Cane	Charles Cane (pm Hannibal)	John Jenkins (boy 2nd class)
455	Watts	George Watts (leading stoker Agamemnon)	Samuel Wyatt (ord)
456	Jones	Richard Jones (boatswain's mate Orion)	Michael Donovan (able)
457			George Hynes (able)
458	Saunders	Henry Saunders (ord Centurion)	unknown
459	Young	Charles Young (able Neptune)	"a boy second class"
460	Crossman	Thomas Crossman (quartermaster Edgar)	unknown
461	Gillanders	Alexander Gillanders (actg asst engineer 2nd class Donegal)	non-specific
462	Budd	John Budd (boatswain Ariadne)	boy 2nd class
463	Sixsmith	Joseph Sixsmith (ord Neptune)	"a seaman of the same ship"
464	Labette	Louis Labette (yeoman of signals Pearl)	"an ordinary seaman of the said ship"
465	Marsh-Richardson	Richard Marsha (gunner's mate Cossack) and William Richardson (boy 1st class)	unknown
466	Armitage	George Armitage (lt Malacca)	Delisle (midshipman)
467			Hearne (midshipman)
468			Jackson (master's asst)
469	Giddy	Henry Giddy (boatswain's mate Revenge)	Herbert Cox (boy 1st class Revenge)
470	Hunter	Charles Hunter (boy 1st class Excellent)	"a 2nd class boy of the same ship"

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
471	Hale	William Hale (gunner RMA Miranda)	unknown
472	Bates	George Thomas Bates (asst engineer 2nd class Queen)	unknown
473	Bridle	Samuel Bridle (gunner 2nd class Pylades)	Johns Smith (boy 2nd class)
474	Monk-Pugsley	William Monk and William Thomas Pugsley (both boys 1st class Liffey)	unknown
475	Nash-Potter	William Nash (ord Havock) and George Potter (supernm 2nd class ord Hanock)	unknown
476	McLaurin	William McLaurin (acting asst engineer 1st class Algerine)	unknown
477	A'Hearn-Newman	James A'Hearn (gunner RMA Rattlesnake) and Owen Newman (boy 1st class Rattlesnake)	unknown
478	Turner	Thomas J. Turner (ord Vesuvius)	"a supernumerary able seaman who was at the time drunk and unconscious"
479	Heesom-Bertie	Robert Bertie and Joseph Heesom (both wardroom officers' servants Excellent; described as "lads" in the papers)	unknown
480	Morgan	Henry Herbert Morgan (lt supernm Hibernia)	Edward Johnson (boy 2nd class)
481	King	Joseh King (gunner's mate Terror)	"a supernumerary boy of the 2nd class"
482	Flowers	Robert Flowers (signalman Malborough)	"a midshipman of the said ship"
483	Filmer	William Edyvean Filmer (master's assistant Royalist)	unknown
484	Kelly	Herny Richard Kelly (sub-lt Scylla)	unknown
485	Cardy	George Cardy (able Jason)	William Ellis (ord Jason)
486	Evans	George Watt (gunner Miranda)	James Morris (2nd class boy)
487	Mulvany-Wyatt	Charles Pelham Mulvany (asst surgeon Nimble)	Samuel Wyat (ord Nimble)
488	Wright and Wright cases (counted together)	William Wright (3rd man w/ that name, ord Gibraltar)	William Wright (4th man w/ that name, ord Gibraltar)
489	Winns-Harris	Daniel Winns (leading seaman Aboukir) and Robert George Harris (2nd class ordinary seaman)	unknown
490	Hart	John Hart (ord 2nd class Duncan)	"an ordinary seaman"
491	O'Donnell	John O'Donnell (able Duke of Wellington)	"boys of the said ship."
492	Earl	Samuel Earl (seaman St. Vincent)	William Henry Carne (boy St. Vincent)
493			Frederick Babb (boy St. Vincent)
494			Alfred Tiley (boy St. Vincent)
495			Clare Fisher (boy St. Vincent)
496	Elves and Reed cases (counted together)	William Reed (pm Woolwich HQ)	Robert Elves (pm Woolwich HQ)
497	Bayne and Church cases (counted together)	Robert Bayne (able seaman Terrible)	Robert Church (boy 1st class Terrible)
498	Organ-Harding	George Frederick Organ (naval schoolmaster) and William Harding (boy 1st class)	unknown

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
499	Morley-Rouse	George William Morley (gunner's mate Bristol) and Thomas Henry Rouse (boy 1st class Bristol)	unknown
500		Morley	Henry Josiah Bennett (boy 1st class)
501	Chammings	George Chammings (acting gunner 3rd class Flora)	Richard Baldwin (boy 1st class)
502	Smith-Morrison	John Smith (ship's corp Princess Royal) and Thomas Morrison (able Princess Royal)	unknown
503	Meanley-Philph	Thomas Philph (pm Portsmouth HQ)	William Meanley (pm Portsmouth HQ)
504	Kittle-Starks	George Kittle (stoker Cossack)	Thomas Starks (boy 1st class Cossack)
505	Golding	James Golding (able Cadmus)	1st class boy
506			1st class boy
507	Painter	William Painter (sick berth steward Impregnable)	John Oliver (boy 2nd class Impregnable)
508	Fulcher	William Fulcher (boatswain 3rd class Donegal)	warrant officer's servant, boy
509			warrant officer's servant, boy
510	Goodfellow	Thomas Goodfellow (MAA Bristol)	Peter Gill (pm)
511			Josh Koch (commander's servant)
512			Joseph Maloke (ship's tailor)
513			Charles Brown (signalman)
514			Thomas Tisley (pm)
515			Mr. McKindly ([gunner?] RMA)
516			G. Doorden (pm)
517			Thomas Goldworth (pm)
518			J(ames?) Storeman (pm)
519	Wilson	George Wilson (capt forecastle Liffey)	"a boy"
520			"another boy"
521			"another boy"
522	Foxhall and Moore cases (counted together)	Melsup Foxhall (pm Portsmouth HQ)	Joseph Moore (pm Gosport HQ)
523	Jones and Bennett cases (counted together)	Thomas Jones (pm Woolwich HQ)	James Bennett (Woolwich HQ)
524	Gay	William Stanton (supernumerary MAA)	William Gay (boy 1st class, prisoner on Princess Charlotte)
525	Widdicombe	William Widdicombe (shipwright Sphinx)	Henry James Loone (boy 1st class Sphinx)
526	Brett	Spencer Phipps Brett (commander Vestal)	William Candy (boy 1st class Vestal)
527	Southam	Henry Southam (gunner's mate Enterprise)	Alfred Knight (boy 1st class Enterprise)
528	Frost	"A leading stoker" (petty officer, Pearl)	William Frost (ord Pearl)
529	Priestly and Newland (counted together)	James Priestly (able Charybdis)	Thomas Newland (boy 1st class Charybdis)
530	McFarlane-Price	Thomas McFarlane (able Lord Warden)	Robert Price (ord Lord Warden)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
531	Nixdolph and Kingswell (counted together)	Adolphus Nixdolph (leading seaman Star)	Henry Kingswell (boy 1st class Star)
532	Carter	Samuel Carter (pm Hector)	"one of the boys of the ship"
533	"Prince of Wales" and Cloak (counted together)	Prince of Wales (leading seaman Forte) and Albert Cloak (boy 1st class)	unknown
534	Smart	Joseph Smart (leading Hercules)	unknown
535	Burns	John Burns (pm Inconstant)	unknown
536	Byrne-Yeo	William Byrne (able Seringapatam) and William Yeo (boy 1st class Seringapatam)	unknown
537	Sheppard and Walker cases (counted together)	Albert Sheppard (ord Valorous)	William Walker (ord Valorous)
538	Fielding-Lewis	Samuel Fielding (pm Gladiator) and William Lewis (ord Seringapatam)	unknown
539	Williams	Charles Williams (gunner RMA)	unknown
540	Anderson	Robert Anderson (chief engineer Nymphe)	unknown
541	Gutteridge and Lee cases (counted together)	William Gutteridge (pm Eclipse) and Richard Lee (pm Eclipse)	unknown
542	Frost	John Bodly Frost (acting MAA Racoon)	unknown
543	Cane	John Cane (gunner Volage)	unknown
544	Foy	"a petty officer"	George Foy (boy 1st class Royal Alfred)
545	Kuper	Frederick William Edward Kuper (lt Bristol)	Joseph Harris (signalman 3rd class, recently a boy and clearly still regarded as such, Bristol)
546	Thomas	John Thomas (able Thistle--this is presumably connected to Davis, below)	unknown
547	Davis	Thomas Davis (ord Thistle)	unknown
548	Smallwood	William Smallwood (pm Hercules)	unknown
549	Hayes	Daniel Hayes (QM Impregnable)	"some... boys"
550	Toole-Wright	John Toole (boy 1st class Briton) and Thomas Wright (boy 1st class Briton)	
551	Rowe	Richard Rowe (able Invincible)	unknown
552	Davis	George Davis alias William Wiggins (pm Chatham)	"a private, royal marines"
553	Johnson	William Johnson (pm Royal Alfred)	unknown
554	Twiss	William Twiss (pm Ganges)	Samuel Lynch Jewell (boy 2nd class)
555	Renwick	William Renwick (navigating sub-lt Impregnable)	Frank Henry Embly Boyle (boy 2nd class)
556			John George Newberry (boy 2nd class)
557			William Wallace (boy 2nd class)
558			William Alfred Mudge (boy 2nd class, 16 yo)
559			Charles Potter (boy 2nd class, 16 yo)
560			Charles Gilbert Davies (boy 2nd class)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
561			George Keenan (boy 2nd class)
562			John Byrns (boy 2nd class)
563			William Henry Jago Reddaway (boy 2nd class)
564	Wells and William (two trials counted as one pair)	Charles Wells (pm Chatham)	George William (pm Chatham)
565	Fedarb-Cook	Elias Pitcher Fedarb (able Ariel) and Alfred Cook (ord Ariel)	
566	Stamp-Carrall	Robert Stamp (ord Spartan)	Joseph Carrall (boy 1st class Spartan)
567	Philip	William Philip (MAA Swiftsure)	Charles Moon (unknown)
568	Carrall	Joseph Carrall (ord Spartan)	unknown
569	Hobbs-Rich	Tom Gees Hobbs (able Bellerophon) and James Rich (ord Bellerophon)	unknown
570	Simpson[-Keenor]	Henry George Keenor (ord Invincible)	Robert Simpson (ord Invincible)
571	Bray	Isaiah Bray (able Valiant)	unknown
572	Chater	Thomas Chater (leading seaman Endymion)	John Thomas Pheby (warrant officers' servant Endymion; "boy," "a dull-looking lad of 18")
573	Noone	Patrick Noone (pm Revenge)	"a boy named Tideman"
574	Williams	John Williams (pm, Chatham Division)	unknown
575	Laphorn-Bradford	Charles Laphorn (boy 1st class Triumph) and Walter Bradford (boy 1st class Triumph)	
576	Merry-Brown	Thomas Merry (pm Kestler)	George Brown (pm Kestrel)
577	Ruby-Elliott	Reuben Ruby (able Invincible) and George Elliott (ord Invincible)	unknown
578	Wallace	William Wallace (signalman Mosquito)	"an officer"
579	Neesham-Williams	James Neesham (pm Monarch) and Robert Williams (boy 1st class Monarch)	unknown
580	Richards	William Richards (corporal RMLI Squirrel)	unknown
581	Driscoll	Garrett Driscoll (able Warrior)	two seamen (one)
582			two seamen (two)
583	Hammett	Thomas Hammett (boatswain supernumerary Black Prince)	Thomas Harris (boy 1st class)
584			Thomas Bent (boy 1st class)
585			Daniel Watson (boy 1st class)
586			William Perry (boy 1st class)
587	Morries-Wright	George Morries (pm Minotaur) and Amos Wright (ord Minotaur)	unknown
588	Crawford	James Crawford (pm Cruiser)	unknown
589	Grogan-Wells	James Grogan (able Euphrates) and George Wells (able Euphrates)	unknown
590	Hume	Francis Alexander Hume (captain Immortalite)	William Rogers (ord Immortalite; some reporting suggests he is "young" or a "lad")
591	Humphreys	Albert Humphreys (boatswain Supply)	"boys"
592	Mitchell	Joseph Mitchell (ord Spartan)	unknown
593	Spong-Koch	William George Spong (ord Undaunted)	Oscar Constantine Karl Koch (bandsman Undaunted)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
594	Jennings-Tibbits	John Robert Jennings (ord Warrior) and David Tibbits (ord Warrior)	unknown
595	Hanigan	Patrick Hanigan (ord Black Prince)	unknown
596	Bates	Charles Bates (able, gunner 1st class, Cambridge)	William Chambers ("a lad")
597	Reddie	Charles James Reddie (lt Warrior)	Arthur Down (boy 1st class, 17 y 3 mo old, Warrior)
598			Thomas Robert Maxwell (boy 1st class, 17 yo, Warrior)
599	Barker-Searle	William Barker (ship's corporal, first class, Crocodile) and Henry Searle (lamp trimmer Crocodile)	unknown
600	Pearce and Baine cases (counted together)	Charles Alfred Pearce (signalman 2nd class Audacious) and Joseph Henry Baines (able Victor Emanuel) (presumably)	unknown
601	Hambling	George (alias John) Hambling (capt mizzentop St. Vincent)	"a boy"
602	Ingram	John Ingram (pm Argus)	animal
603	Burke	Joseph Burke (pm Invincible)	unknown
604	Annan	James Annan (ord Alexandra)	"a boy"
605			"an ordinary seaman"
606	Hennessy-Harrington	John Hennessy (able Shannon)	Edmund Joseph Harrington (able Shannon)
607	Nicholson	Fenwick Collingwood Nicholson (lt Iron Duke)	"able seaman"
608	Barr	James Barr (able Cambridge)	unknown
609	Taylor	James Taylor (boatswain Malabar) and "a seaman"	unknown
610	Tippett	John Tippett (ship's corporal 1st class, Defence)	Charels Drummon (able)
611	Shrub	John Shrub (leading seaman Sheerness)	Daniel S. Burgess (drummer RMLI)
612	Baker	Robert Baker (capt maintop Inconstant)	unknown
613	Jones	James Jones (ord Boadicea)	unknown
614	Gillespie	Edward Gillespie (pm Temeraire)	unknown
615	Mahoney	Michael Mahoney (able Duncan)	wardroom servant
616	Hudd	Robert Hudd (able Superb)	unknown
617	Bateman	John William Bateman (able Jumna) and Tomas Murray (fitter's apprentice, "boy")	unknown
618	Smith-Carthwright	William Smith (able Achilles) and Edward Henry Cartwright (ord Achilles)	unknown
619	Smith-Colley	William Smith (able Flamingo)	Frederick College (able Flamingo)
620	Hogg	George Edward Hogg (able Northampton)	ord seaman
621	Roberts	Aaron Roberts (armourer Osprey)	Robert Lees (ord Osprey)
622	Duggan	Cornelius Duggan (boatswain Alexandra)	boy 1st class
623	Turmean	Charles James Turmean (able Ranger)	ordinary seaman
624	Smart	Robert F. Smart (boatswain's mate Lion)	Robert Green (boy 2nd class)
625	Loaring	Thomas Loaring (MAA Himalaya)	? Wooley (boy 1st class, Lion, naval apprentice, Loaring's cabin boy?)
626	Slee	Harry Albert Slee (leading Cruiser)	"a boy" (unclear if more than one boy involved over various charges)

Appendix D. Table of Pairing Patterns

	Case	Active Partner (rank/ship)	Passive Partner (rank/ship)
627	Reid-Miller	George Rein (capt forecastle Pegasus) and William Miller (ord Pegasus)	unknown
628	Thomas	Richard Thomas (ord Tenedos)	unknown
629	Brown	Robert George Brown (ord Rapid)	unknown
630	Didymus	Luke Didymus (able Woodlark)	unknown
631	Simmons-Sharp	Harry Simmons (able Orontes) and Robert Charles Bennett Sharp (signal boy Orontes)	unknown
632	Mack	Thomas Joseph Mack (able Satellite)	unknown
633	Harding-Ruttle	Albert J. Harding (pm Agincourt) and John Ruttle (drummer Agincourt)	unknown
634	Owen	John Thomas Owen (boatswain Devestation)	Sidney Bickmore (bugler RMLI)
635			William Hunt (able)
636			George Gladman (ordinary)
637	Redman-Williams	William H. Redman (able Terror) and William H. Williams (ord Terror)	unknown
638	Buckley	John Buckley (able Collingwood)	unknown
639	Smith	William Smith (able Melita)	unknown
640	Amos	Walter W. Amos (able Penguin)	unknown
641	Manship	James Manship (pm Collingwood)	William Beresford (stoker Collingwood)
642	Prowse	Edward Prowse (pm Terror)	unknown
643	Sotham	Henry Sotham (leading seaman, Galatea for service in Cockchafer)	William Baker (dom 3rd class, boy)
644	Gardner	Sidney George Gardner (ord Ringarooma)	unknown
645	Palmer	Henry Albert Palmer (able Ringarooma)	unknown
646	Murphy	Edgar Morgan Murphy (leading Ringarooma)	unknown
647	Husk	Samuel Cross Husk (able Ringaroom)	unknown
648	Drake	Francis Drake (petty officer 1st class Ramillies)	"certain of the boys"
649	Thurston	Alfred Thurston (able Euphrates)	unknown
650	Penniall-Cooper	Frank Adam Penniall (able Resolution)	Edward Bell (boy 1st class Resolution)
651		Henry Cooper (able Resoltuion)	Edward Bell (boy 1st class Resolution)
652	May	William John May (petty officer 1st class Wanderer)	Walter Thomas Weston (boy)
653	Bosworthick	Charles Henry Bosworthick (gunner Pembroke)	domestic 3rd class
654	Sheppard	George Sheppard (pm Active)	Cecil John Mosedal (pm, bugler; boy)
655	Brown	Arthur Neve Brown (pm Active)	Cecil John Mosedal (pm, bugler; boy)
656	Job	Edward Job (boatswain Sheerness station)	unknown
657	Ludlow-Pilcher	William Ludlow (leading seaman Repulse) and Frederick Pilcher (ordinary seaman Repulse)	unknown
658	Salisbury	Edward Salisbury (p.o. 1st class Boscawen)	Arthur White (boy 2nd class)
659	Bobe	Ernest Hery Bobe (p.o. 2nd class Impregnable)	"several boys"

Appendix E. Table of Charges, Verdicts, and Sentences

Note: This table only provides simplified descriptions of crimes and verdicts. These are given for the purpose of comparison between cases and outcomes.

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/Article of crime alleged	Verdict	Verdict Level/Article	Sentence
1	ADM 1/5253	1692	Smith-Christi-an	Christi-an	midshipman	sodomy	felony	convicted	32	Death sentence. Outcome unconfirmed.
2	ADM 1/5253	1692		Smith	servant	consenting to sodomy	felony	acquitted	NA	NA
3	ADM 1/5254	1693	Padou-a	Padou-a	seaman	sodomy	felony	acquitted	NA	NA
4	ADM 1/5256	1696	Appleby	Appleby	steward's mate	sodomy	felony	convicted lesser	2	39 lashes and towed ashore.
5	ADM 1/5257	1696	Raven-Burski-n	Raven	servant	sodomy	felony	convicted lesser	2	carried in a boat w/ halter around neck, and to receive 10 lashes by the side of the CIC's ship, and 5 by all others at Blackstakes and Chatham, except the Royal Katherine, where he is to receive 30, and after to be towed ashore at boat's stern.
6	ADM 1/5257	1696		Burski-n	servant	sodomy	felony	convicted lesser	2	carried in a boat w/ halter around neck, and to receive 10 lashes by the side of the CIC's ship, and 5 by all others at Blackstakes and Chatham, except the Royal Katherine, where he is to receive 30, and after to be towed ashore at boat's stern.
7	ADM 1/5261	1699	Dicher	Dicher	marine	bestiality	felony	convicted	32	Death for him and the animal. Execution confirmed from paybook.
8	ADM 1/5262	1701	Pike	Pike	quartermas-ter	actions and expressions tending towards buggery	misdem	convicted	2	Flogging round Hamoaze and Sound, 7 lashes at each ship, w/ halter around his neck, crime to be read w/ beat of a drum, then carried before the Barbican of Plymouth, where 7 lashes more, then thrown overboard and towed ashore. Every ship in the sound shall send a boat w/ a lt to see the punishment.
9	ADM 1/5262	1701	Worrel-l	Worrel-l	coxswain	buggery	felony	acquitted	NA	NA
10	ADM 1/5262	1701	Amori-n	Amori-n	seaman	sodomy	felony	convicted	32	Death, confirmed in paybook.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
11	ADM 1/5265	1704	Brese-Stewart	Brese	mariner	buggery	felony	convicted lesser	2 & 33	“shall bee carry'd in a Boate with a Halter about his neck and that hee receive Ten Lahses on his Bare Back with a Catt of nine Tailles by ye side of Ten of HM's ships att Spithead, & his Crime to bee there declared by Beate of Drumme.”
12	ADM 1/5265	1704		Stewart	?	buggery	felony	acquitted	NA	NA
13	ADM 1/5266	1705	Wilson-Campbell-Casgany	Wilson	seaman	buggery	felony	convicted	32	Death. Confirmed in The Life of Sir John Leake.
14	ADM 1/5266	1705		Campe	seaman	buggery	felony	convicted	32	Death. Confirmed in The Life of Sir John Leake.
15	ADM 1/5266	1705		Casgany	seaman	buggery	felony	convicted lesser	33	Five lashes round River of Lisbon with a halter.
16	ADM 1/5266	1705	Rolls	Rolls	cook	ACS and buggery	felony	convicted	32	Death. Muster book indicates that he was executed a little over a week later in Jamaica.
17	ADM 1/5266	1706	Jones	Jones	mariner	ACS	misdem	convicted	2	7 lashes round w. halter, thrown overboard and towed ashore, and wages forfeited to Greenwich Hospital, w/ each ship sending a lt.
18	ADM 1/5266	1706	Hughes-Emmerson	Hughes	seaman	ACS or buggery	misdem or felony	convicted	32	Death.
19	ADM 1/5266	1706		Emmerson	boy	ACS or buggery	misdem or felony	convicted	32	Death, but with reprieve for admiral's decision?
20	ADM 1/5266	1706	Stephenson-Jack	Stephenson	seaman	buggery	felony	convicted lesser	2	50 lashes, ducked from yardarm, gun fired over head.
21	ADM 1/5266	1706		Jack	seaman	buggery	felony	convicted lesser	2	50 lashes, ducked from yardarm, gun fired over head.
22	ADM 1/5266	1706	Ball-Jones	Ball	quartermaster	buggery	felony	convicted	32	Death. Execution confirmed by later correspondence.
23	ADM 1/5266	1706		Jones	boy	buggery	felony	acquitted	NA	NA
24	ADM 1/5267	1709	Coise	Coise	boatswain	buggery	felony	convicted lesser	33	Dismissed and barred from service.
25	ADM 1/5268	1710	Oats	Oats	captain	ACS	misdem	convicted	2	Dismissed and barred from service.
26	ADM 1/5270	1713	Gregg-Cook	Gregg	master	found in bed	misdem	convicted	33	Dismissed and barred from service.
27	ADM 1/5270	1713		Cook	master's boy	found in bed	misdem	convicted	33	15 lashes round, w/ Gregg in attendance.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
28	ADM 1/5271	1719	Abell	Abel	seaman	attempted sodomy	misdem	acquitted	NA	NA
29	ADM 1/5271	1719	Thomas	Thomas	schoolmaster	attempted sod	misdem	convicted	33	10 lashes around the fleet
30	Newspaper; ADM 52/144	1721	Gobbit - Phillip	Gobbit	seaman	attempted sod	misdem	convicted	2	whipt from ship to ship having 10 Lashes with a Catt of Nine Tails 23 Saile in Company" [= 230 lashes]
31	Newspaper; ADM 52/144	1721		Phillips	seaman	attempted sod	misdem	convicted	2	whipt from ship to ship having 10 Lashes with a Catt of Nine Tails 23 Saile in Company" [= 230 lashes]
32	ADM 1/5273	1738	Ducaty - Tofts	Ducaty	youth	sodomy	32	convicted lesser	2	20 lashes round w/ halter 3 times.
33	ADM 1/5273	1738		Tofts	mariner	sodomy	32	convicted lesser	2	20 lashes round w/ halter 3 times.
34	ADM 1/5274	1739	Mel	Mel	gunner	ACS	2	convicted	2	Broken, rowed around fleet with halter and sentence proclaimed. Ordered to serve as ship's lyster for a year.
35	ADM 1/5274	1740	Hay	Hay	captain	sodomy	32	convicted lesser	2	Broke and dismissed from command.
36	ADM 1/5276	1742	Morse - Raffat-Sporting	Morse	seaman	sodomy	32	convicted lesser	33	30 round with halter twice.
37	ADM 1/5276	1742		Raffat	seaman	sodomy	32	convicted lesser	33	30 round with halter twice.
38	ADM 1/5276	1742		Sporting	servant (boy)	consenting to sodomy	32	convicted lesser	33	12 round once.
39	ADM 1/5283	1743	Featheroat-Horlock	Featheroat	seaman	sodomy	32	convicted lesser	2	24 at each ship, round fleet.
40	ADM 1/5283	1743		Horlock	seaman (boy)	sodomy	32	convicted lesser	2	24 at each ship, round fleet.
41	ADM 1/5283	1743	Burke-Murphen	Burke	seaman	sodomy	32	convicted lesser	2	18 at each ship, round fleet.
42	ADM 1/5283	1743		Murphen	seaman, capt's servant (boy)	sodomy	32	convicted lesser	2	9 at each ship, round fleet.
43	ADM 1/5285	1745	Trussen-Baker	Trussen	supernumerary seaman	sodomy	32	convicted	32	Death. Outcome unconfirmed.
44	ADM 1/5285	1745		Baker	boy	consenting to sodomy	32	convicted lesser	33	50 lashes, then drummed ashore w halter.
45	ADM 1/5289	1746	Short-Weston	Short	seaman	sodomy	32	convicted lesser	2	24 round.
46	ADM 1/5289	1746		Weston	seaman	sodomy	32	convicted lesser	2	24 round.
47	ADM 1/5289	1746	Algiers	Algiers	seaman	sodomy	32	convicted lesser	2	500, delivered round

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
48	ADM 1/5290	1747	Dyve-Auberry	Dyve	captain	sod practices	2	acquitted	NA	NA
49	ADM 1/5290	1747		Auberry	servant, steward	aspersing character of Dyve	misdem	convicted	2	500 lashes round.
50	ADM 1/5290	1747	Carter	Carter	master	sodomy	32	convicted lesser	2	Mulcted all pay, cashiered, barred from further service.
51	ADM 1/5292	1748	Parsons	Parsons	boatswain	sodomy, piratical expressions	32	convicted lesser	2	Cashiered, barred from any further service, 1 yr in Marshelsea.
52	ADM 1/5291	1748	Richman	Richman	seaman	sodomy with a sheep	32	convicted	32	Death. Outcome unconfirmed.
53	ADM 1/5292	1748	Wyche	Wyche	chaplain	attempted sod	2	convicted	2	Dismissed from service.
54	ADM 1/5292	1748	Bowen	Bowen	serjeant marines	sodomy	32	acquitted	NA	NA
55	ADM 1/5292	1748	Whitefoot	Whitefoot	marine	sodomy	2	convicted	2	24 round indicated ships [=72]
56	ADM 1/5292	1748	Smith-Austin	Smith	servant	sodomy	32	convicted lesser	2	50 round indicated ships [=150]
57	ADM 1/5292	1748		Austin	servant (boy)	sodomy	32	convicted lesser	2	15 round indicated ships [=45]
58	ADM 1/5293	1749	Waters - Robinson	Waters	seaman	sodomy	32	convicted	32	Death; respited (cf. Master's Log, ADM 52/738).
59	ADM 1/5293	1749		Robinson	seaman	sodomy	32	convicted	32	Death; respited (cf. Master's Log, ADM 52/738).
60	ADM 1/5294	1754	Landerkin	Landerkin	seaman	AICS; uncleanness	2	convicted	2	20 lashes round twice dismissed service (= total of 360).
61	ADM 1/5295	1755	Spencer-Cross	Spencer	boatswain's mate	sodomy	[2 and 29]	convicted lesser	2	"to receive 20 lashes alongside of each of [HM's] ships and vessels of war, now in Halifax Harbour... at two such different times."
62	ADM 1/5295	1755		Cross	servant (boy)	not formally charged, but sodomy	29	convicted lesser	2	"recommended to Capt Marshall to punish him severely on board the Nottingham."
63	ADM 1/5295	1756	French	French	midshipman	sodomy	2	convicted	2	"Three hundred lashes, on his Bare back, with a Halter about his neck, to be given him in equal proportions alongside each of... ships & vessels in Hamaoze... after which is to be drummed on shore, with the halter about his neck, and never to bear any office in [HM's] Naval Service."
64	ADM 1/5296	1756	Slade	Slade	carpenter	sodomy	[2 and 29?]	acquitted	NA	NA

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
65	ADM 1/5296	1757	Bicks	Bicks	seaman	sodomy	29	convicted lesser	2	"to receive upon his Bare Back, with a halter about his Neck, Five Hundred Lashes... after which... Discharged the service, and Towed on shore to the Point, with a halter hanging about his Neck, and a paper Expressing of the Cause of his discharge."
66	ADM 1/5297	1758	Blake	Blake	seaman	sodomy on a she goat	29	convicted	29	Death. Pardoned (see ADM 2/81, 124-5).
67	ADM 1/5298	1759	Beale	Beale	lt	indec practices	2	convicted	2	"Dismissed from his present Employment."
68	ADM 1/5298	1759	Tremu en	Tremu en	boatswain's servant	sod practices	2	acquitted	NA	NA
69	ADM 1/5300	1761	Finley - Newton	Newton	seaman	sodomy	29	convicted	29	Death. Confirmed based on, e.g., London Chronicle 717, 28-30 July 1761.
70	ADM 1/5300	1761		Finley	boy	sodomy	29	convicted	29	Death. Confirmed based on, e.g., London Chronicle 717, 28-30 July 1761.
71	ADM 1/5300	1761	Berry	Berry	seaman	ACS	2	acquitted	NA	NA
72	ADM 1/5301	1762	Angel	Angel	captain	indecent behavior	2	acquitted	NA	NA
73	ADM 1/5301	1762	Billins - Bryan	Billins	seaman	sodomy	29	convicted lesser	2	1000 lashes round.
74	ADM 1/5301	1762		Bryan	seaman	sodomy	29	convicted lesser	2	1000 lashes round.
75	ADM 1/5301	1762	Garbut	Garbut	boatswain	attempted sod	2	convicted	2	Dismissed from service as an officer, publicly drummed on shore.
76	ADM 1/5301	1762	Chilton	Chilton	seaman	sodomy	29	convicted	29	Death--outcome unknown.
77	ADM 1/5301	1762	Mitchell-McDonald	Mitchell	seaman	sodomy	29	convicted lesser	2	500 lashes round, towed ashore w/ halter, discharged service "as unworthy to associate with Seamen belonging to His Majesty's Ships."
78	ADM 1/5301	1762		Macdonald	seaman	sodomy	29	convicted lesser	2	500 lashes round, towed ashore w/ halter, discharged service "as unworthy to associate with Seamen belonging to His Majesty's Ships."
79	ADM 1/5302	1763	Pearson-Clark	Clark	seaman	sodomy	29	convicted lesser	2	300 lashes round, towed ashore, discharged from service.
80	ADM 1/5302	1763		Pearson	seaman	sodomy	29	convicted lesser	2	300 lashes round, towed ashore, discharged from service.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
81	ADM 1/5305	1771	Jones	Jones	purser	scandalous and indecent behavior, fraudulent practices	2	convicted	2	Dismissed employment, drummed out of service (for 1st charge) and mulcted all pay from service on Resolution (2nd charge).
82	ADM 1/5305	1772	Palmer	Palmer	cook	ACS	2	convicted	2	Dismissed employment, 200 lashes round, turned ashore w/ halter and label, broke.
83	ADM 1/5307	1775	Halsted-Robinson	Robinson	master	ACS and desertion	2	acquitted	NA	N/A
84	ADM 1/5307	1775		Halsted	RM Lt	ACS and desertion	2	acquitted	NA	N/A
85	ADM 1/5307	1775	Parrott	Parrott	seaman	ACS, indec behavs	29	convicted lesser	2	“To receive Three hundred Lashes with a Cat of Nine Tails on his bare Back alongside such ship or ships at Spithead or in Portsmouth Harbour... and then to be discharged from [HM’s] Service.”
86	ADM 1/5307	1775	Penfold-Whitnell	Penfold	lt	ACS or sodomy	29	acquitted	NA	N/A
87	ADM 1/5307	1775		Whitnell	marine	ACS or sodomy	29	acquitted	NA	N/A
88	ADM 1/5311	1779	Purcival	Purcival	gunner	sodomy	29	convicted lesser	2	“Dismissed with ignominy from the... service... and for ever rendered incapable of serving... in any capacity whatsoever.”
89	ADM 1/5314	1780	Blow	Blow	lt	ACS	2	acquitted	NA	NA
90	ADM 1/5315	1780	Nairne-Hensley	Nairne	marine	sodomy	felony	acquitted	NA	NA
91	ADM 1/5315	1780		Hensley	marine	sodomy	felony	acquitted	NA	NA
92	ADM 1/5327	1789	Bain	Bain	master	sodomy	29	acquitted	NA	NA
93	ADM 1/5328	1790	Carney	Carney (re Redmill)	Carney is seaman; Redmill, alt	Carney charges Redmill with AICS; Remill tried for making the charge, as well as mutiny and sedition	Redmill accused of attempt [2nd art violation]	Carney convicted; Redmill cleared.	19	500 lashes round for Carney. (Counted as acquittal in ref to charge against Redmill, as he is cleared of sexual allegations.)
94	ADM 1/5328	1790	Birch-Smallwood	Birch	carpenter's crew	AICS or sodomy	2 or 29	acquitted	NA	NA
95	ADM 1/5328	1790		Smallwood	marine	AICS or sodomy	2 or 29	acquitted	NA	NA

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
96	ADM 1/5328	1791	Beal-Paine	Beal	surgeon	indec libs	2	convicted	2	Dismissed employment of surgeon in Ambuscade.
97	ADM 1/5328	1791		Paine	master's mate	indec libs	2	convicted	2	Dismissed from the Ambuscade.
98	ADM 1/5331	1794	Johnston	Johnston	acting master at arms	attempting to seduce to indecency	2	acquitted	NA	NA
99	ADM 1/5337	1796	Sawyer	Sawyer	capt	sundry indecencies	2	convicted	2	Dismissed service, rendered incapable of ever serving in any military capacity again.
100	ADM 1/5339	1797	Allen	Allen	commander	sodomy	29	convicted	29	Death--execution confirmed by press.
101	ADM 1/5339	1797	Benso n-Francis	Benso n	seaman	sodomy	29	convicted	29	Death--execution confirmed by multiple sources.
102	ADM 1/5339	1797		Francis	seaman	sodomy	29	convicted	29	Death--execution confirmed by multiple sources.
103	ADM 1/5342	1797	Duckworth-Simpson	Duckworth	marine drummer	sodomy	29	acquitted	NA	NA
104	ADM 1/5342	1797		Simpson	marine	sodomy	29	acquitted	NA	NA
105	ADM 1/5343	1798	McMahon	McMahon	seaman	attempted sod and a range of non-sexual crimes	2	convicted	2	500 lashes round. (This includes charges and convictions for non-sexual crimes too.)
106	ADM 1/5343	1798	Morris-Savage	Morris	seaman	sodomy	29	convicted	29	Death--execution assumed based on execution warrant.
107	ADM 1/5343	1798		Savage	seaman	sodomy	29	acquitted	NA	NA
108	ADM 1/5346	1798	Grange-Priest	Grange	seaman	sodomy	29	acquitted	NA	NA
109	ADM 1/5346	1798		Priest	seaman	sodomy	29	acquitted	NA	NA
110	ADM 1/5346	1798	Jenness	Jenness	seaman	sodomy	29	convicted	29	Death--execution unconfirmed
111	ADM 1/5346	1798	Meik	Meik (re Nepean)	Meik is midshipman; Nepean is a Lt	making a charge of indec libs against a Lt, Nepean	accused Lt of 2nd art violation	his charge found creditable, so acquitted	NA	NA
112	ADM 1/5346	1798	Falso-Lambert	Falso	seaman	sodomy	29	acquitted	NA	NA
113	ADM 1/5346	1798		Lambert	"lad"	sodomy	29	acquitted	NA	NA
114	ADM 1/5347	1798	Calligan	Calligan	seaman	sodomy	29	convicted	29	Death. Precise outcome unknown, though the wording of entry in ADM 12/26 indicates that compiler thinks he was executed. Unclear what basis for that conclusion, though.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
115	ADM 1/5348	1799	Dixon	Dixon	master's mate	improper liberties	2	acquitted	NA	NA
116	ADM 1/5350	1799	Read-Tatters all	Read	quartermaster's mate	sodomy	29	convicted lesser	2	500 lashes, then solitary confinement in the mad house at HM naval hospital at Halifax for 12 months.
117	ADM 1/5350	1799		Tatters all	seaman	sodomy	29	convicted lesser	2	500 lashes, then solitary confinement in the mad house at HM naval hospital at Halifax for 12 months.
118	ADM 1/5350	1799	Matson	Matson	capt	2 and 29	2 and 29	acquitted	NA	NA (John Rouse goaled for 3 months in solitary confinement for prevarication; court relays to CIC sense of dangerous confederacy against Matson by his officers).
119	ADM 1/5350	1799	McMaster-Callaghan	McMaster	seaman	sodomy	29	convicted	29	Death--execution unconfirmed.
120	ADM 1/5350	1799		Callaghan	marine	sodomy	29	convicted	29	Death--execution unconfirmed.
121	ADM 1/5350	1799	Stump	Stump	marine Lt	sodomy (?)	29 (?)	acquitted	NA	NA
122	ADM 1/5351	1799	Sargent	Sargent	Lt	indecent conduct w/ multiple boys	2	convicted	2	Dismissed from service, rendered totally incapable of ever serving in any capacity in it again, mulcted of all pay due to Him, imprisoned two years in the Marshalsea.
123	ADM 1/5352	1800	Patton	Patton	boatswain	indecent conduct w/ multiple boys and a drummer	2	convicted	2	Broke from being boatswain; rendered incapable of ever serving in service, in any capacity; mulcted of all the pay due to him: to receive two hundred lashes on his bare back round, then drummed on shore with halter about neck as in as disgraceful a manner as possible.
124	ADM 1/5352	1800	Crowest	Crowest	ord (boy)	spreading allegation against Lt. Blow	accuses Blow of 2nd art violation	appears to be justification for 2nd article charge	NA	NA (Crowest is acquitted of the charge b/c there is found to be foundation for his accusations).
125	ADM 1/5355	1800	Harris-Harrison and Douglas-Ware	Harris	seaman	sodomy	29	acquitted	NA	NA
126	ADM 1/5355	1800		Harrison	seaman	sodomy	29	acquitted	NA	NA

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
127	ADM 1/5355	1800		Douglas	seaman	sodomy	29	acquitted	NA	NA
128	ADM 1/5355	1800		Ware	seaman	sodomy	29	acquitted	NA	NA
129	ADM 1/5354	1800	Thomas	Thomas	seaman	AICS, bestiality	2	acquitted	NA	NA
130	ADM 1/5355	1800	Hubbard-Hynes	Hubbard	seaman (boy)	sodomy	29	convicted	29	Death--confirmed by press.
131	ADM 1/5355	1800		Hynes	seam	sodomy	29	convicted	29	Death--confirmed by press.
132	ADM 1/5356	1801	Henry	Henry	lt	uncleaness	2	convicted (guilty of drunkenness too)	2	Dismissed ship and service.
133	ADM 1/5361	1802	Greenard-Fuller	Greenard	seaman	2 and 29	2 and 29	convicted	29	Death--assumed that it did take place b/c Fuller is pardoned.
134	ADM 1/5361	1802		Fuller	seaman (boy)	2 and 29	2 and 29	convicted	29	Death--but pardoned.
135	ADM 1/5361	1802	Holland-Reilly	Holland	seaman	2 and 29	2 and 29	convicted lesser	2	600 round, mulcted all pay from Trident and recommend to CIC that they be turned out of service w/ ignominy "as a disgrace to the Name of British seamen."
136	ADM 1/5361	1802		Reilley	seaman	2 and 29	2 and 29	convicted lesser	2	300 round, mulcted all pay from Trident and recommend to CIC that they be turned out of service w/ ignominy "as a disgrace to the Name of British seamen."
137	ADM 1/5362	1802	Manning	Manning	seaman	2nd article violation	2	convicted	2	200 round, to be mulcted 4 yrs pay, to be towed round the squadron with a halter round neck and turned on shore with ignominy as a disgrace to HM's service.
138	ADM 1/5364	1803	Kemp	Kemp	boatswain	2 and 29	2 and 29	convicted lesser; also guilty of suborning perjury	2	Dismissed from ship.
139	ADM 1/5365	1804	Brown-McCarthy	Brown	seaman	2 and 29	2 and 29	convicted lesser	2	200 lashes.
140	ADM 1/5365	1804		McCarthy	boy	2 and 29	2 and 29	convicted lesser	2	60 lashes, in the usual manner of punishing boys.
141	ADM 1/5369	1805	Ambley	Ambley	mate	sodomy	29	convicted	2	Death--pardoned and dismissed, per Liddel, Detail of the Duties.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
142	ADM 1/5371	1806	Mills	Mills	midshipman	not reporting sod; obscene speech	2	acquitted of reporting charge; convicted of obscene speech	2	Reprimanded and deprived 6 mos time as midshipman.
143	ADM 1/5371	1806	Robertson	Robertson	seaman	sodomy	29	acquitted	NA	NA
144	ADM 1/5372	1806	Smith-Batty	Smith	ord	sodomy	29	convicted	29	Death--execution not confirmed.
145	ADM 1/5372	1806		Batty	ord (boy)	sodomy	29	convicted	29	Death--execution not confirmed.
146	ADM 1/5374	1806	MacKay	MacKay	captain	releasing sodomy suspect	misdem	precise outcome unclear re sodomitical allegation; he is tried for a range of charges	NA	NA (this is uncounted).
147	ADM 1/5374	1806	Wheatly	Wheatly	seaman	AICS	2	convicted	2	300 round.
148	ADM 1/5375	1806	Cook-Little	Cook	seaman	sodomy	29	convicted	29	Death--execution assumed from warrant.
149	ADM 1/5375	1806		Little	seaman	sodomy	29	convicted	29	Death--execution assumed from warrant.
150	ADM 1/5376	1806	Graham	Graham	master's mate	sodomy	29	convicted	29	Death--execution assumed from warrant. The petition in Bates-Alcock may refer to Graham's execution as well.
151	ADM 1/5377	1807	Phillip	Phillip	seaman	2 and 29	29	convicted lesser	2	50 lashes
152	ADM 1/5377	1807	Derrett	Derrett	seaman	propositioning; AICS; uncleanness	2	convicted	2	300 round Downes, then imprisoned 1 yr in Marshalsea.
153	ADM 1/5379	1807	Blake-Jennings	Blake	boatswain's mate	2nd and 29th	29	acquitted	NA	NA
154	ADM 1/5379	1807		Jennings	boy	2nd and 29th	29	acquitted	NA	NA
155	ADM 1/5382	1807	Muston	Muston	lt	indec libs	2	acquitted	NA	NA
156	ADM 1/5382	1807	Lee	Lee	carpenter	uncleanness	2	convicted	2	Dismiss'd from his employment as Carpenter in His Majesty's Navy, and render'd incapable of serving His Majesty, his Heirs, and Successor, and to be sent to England, and there to be imprisoned, and kept in solitary confinement in the Marshalsea, for the space of two Years

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
157	ADM 1/5383	1807	Shand off-Johnson	Shand off	seaman	2 and 29	2 and 29	convicted lesser	2	1000 lashes round w/ halter, "or such part thereof as they may be able to bear, within the space of three calendar months." Then solitary confinement in any prison for 3 years.
158	ADM 1/5383	1807		Johnson	seaman	2 and 29	2 and 29	convicted lesser	2	1000 lashes round w/ halter, "or such part thereof as they may be able to bear, within the space of three calendar months." Then solitary confinement in any prison for 3 years.
159	ADM 1/5383	1807	Berry	Berry	lt	2 and 29	2 and 29	convicted	29	Death--execution confirmed by press.
160	ADM 1/5383	1807	Dixon	Dixon	seaman	AICS	2	acquitted	NA	NA
161	ADM 1/5384	1807	Dartway-Thomas	Dartway	ord	sodomy	29	acquitted	NA	NA
162	ADM 1/5384	1807		Thomas	landsman	sodomy	29	acquitted	NA	NA
163	ADM 1/5384	1807	Thomas	Thomas	seaman	AICS	2	convicted	2	100 lashes on his own ship.
164	ADM 1/5385	1808	Brown	Brown	lt	indec libs/AICS	2	convicted	2	Dismissed from service and rendered incapable of ever serving HM his heirs or successors.
165	ADM 1/5385	1808	Pewtn er-Millard	Pewtn er	serjeant marines	improper actions	2	acquitted	NA	NA
166	ADM 1/5385	1808		Millard	drummer	improper actions	2	acquitted	NA	NA
167	ADM 1/5385	1808	Gordon	Gordon	boatswain	improper liberties	2	convicted	2	Broke as boatswain, rendered incapable of holding office in service, mulcted all pay, towed round Nore with halter round neck and sentence read aloud at each ship, then 2 yrs solitary confinement in Marshalsea. After which Lords Commissioners to dispose of him as they see fit.
168	ADM 1/5494	1808	Anderson	Anderson	marine	AICS	2	convicted	2	500 lashes in the usual manner, drummed out of corps.
169	ADM 1/5386	1808	Bray	Bray	midshipman	AICS; propositioning	2	acquitted	NA	NA
170	ADM 1/5388	1808	Peyton	Peyton	lt	indecent; propositioning	2	convicted	2	Dismissed HM's service.
171	ADM 1/5388	1808	Joblin	Joblin	capt afterguard	indec	2	acquitted	NA	NA

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
172	ADM 1/5389	1808	Wilson	Wilson	quarter gunner	sodomy	29	convicted	29	Death--execution not confirmed.
173	ADM 1/5389	1808	Hunt (I)	Hunt	marine	unnatural practices	2	convicted	2	In consideration of his former good character, only 150 lashes.
174	ADM 1/5390	1808	McCasky	McCasky	master	indec; AICS	2	convicted	2	Cashiered, rendered forever incapable to serve in any place or office in navy, 2 yrs solitary confinement in Marshalsea.
175	ADM 1/5391	1809	Lewis	Lewis	serjeant marines	AICS, as well as drunkenness and insolence to superiors	2	convicted	2	Reduced to rank of private marine, 500 lashes alongside such ships as CIC direct, mulcted all pay due him.
176	ADM 1/5395	1809	Wilson	Wilson	seaman	sodomy w/ goat	29	acquitted	NA	NA
177	ADM 1/5395	1809	Taylor-Hobbs	Taylor	seaman	sodomitical practices	2	convicted	2	500 lashes each round, then solitary confinement in a prison for 2 yrs [Marshalsea], and mulcted all pay.
178	ADM 1/5395	1809		Hobbs	seaman	sodomitical practices	2	convicted	2	500 lashes each round, then solitary confinement in a prison for 2 yrs [Marshalsea], and mulcted all pay.
179	ADM 1/5397	1809	Hunt (II)	Hunt	marine	indec conduct; propositioning	2	convicted	2	100 Lashes... on board His Majesty's Ship Marlborough." Then "to be imprisoned in solitary Confinement, in... the Marshalsea," for two years.
180	ADM 1/5397	1809	Grimsshaw-Scott	Grimsshaw	marine	sodomy	29	convicted	29	Death--pardoned, commuted to transportation.
181	ADM 1/5397	1809		Scott	marine	sodomy	29	convicted	29	Death--pardoned, commuted to transportation.
182	ADM 1/5397	1809	Colquhoun-Fleming	Colquhoun	surgeon's assistant	sodomy	29	acquitted	NA	NA
183	ADM 1/5397	1809		Fleming	midshipman	sodomy	29	acquitted	NA	NA
184	ADM 1/5399	1809	North	North	marine	sodomy	29	convicted lesser	2	300 lashes round, 2 yrs solitary in Marshalsea.
185	ADM 1/5399	1809	Black	Black	marine	sodomy	29	convicted	29	Death--execution confirmed by Royal order and warrant.
186	ADM 1/5399	1809	Martin	Martin	landsman	2 and 29	2 and 29	acquitted	NA	NA
187	ADM 1/5400	1809	Chamberlain	Chamberlain	lt	unclean practices	2	convicted	2	Dismissed HM's service.
188	ADM 1/5400	1809	Branter	Branter	seaman	attempted bestiality	2	convicted	2	500 lashes round or on ship; then solitary in Marshalsea for 2 years.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
189	ADM 1/5400	1809	Taylor - Barrett	Taylor	seaman	sodomy	2 and 29	convicted	29	Death--confirmed in Captain Marryat and the Old Navy.
190	ADM 1/5400	1809		Barrett	seaman (boy)	sodomy	2 and 29	convicted	29	Death--execution confirmed in ADM 2/1077 and in Captain Marryat and the Old Navy.
191	ADM 1/5400	1809	Taylor	Taylor	surgeon	sodomy	29	convicted	29	Death--confirmed from press.
192	ADM 1/5401	1810	Worm old-Steers	Worm old	acting boatswain	indecency in being found in bed together	2	convicted	2	To be broke as boatswain, rendered incapable of ever serving again as an officer, and 3 months solitary confinement in Marshalsea.
193	ADM 1/5401	1810		Steers	gunroom steward	indecency in being found in bed together	2	convicted	2	To suffer 12 months solitary confinement in Marshalsea.
194	ADM 1/5403	1810	Lewis-Antoni o-Francisco-Crump ton	Lewis	seaman	sodomy	29	acquitted	NA	NA
195	ADM 1/5403	1810		Antoni o	seaman	sodomy	29	acquitted	NA	NA
196	ADM 1/5403	1810		Francisco	seaman	sodomy	29	acquitted	NA	NA
197	ADM 1/5403	1810		Crump ton	seaman	sodomy	29	acquitted	NA	NA
198	ADM 1/5403	1810	Edwards	Edwards	It	unnat behavior	2	convicted	2	Dismissed HM's service.
199	ADM 1/5403	1810	Barrett - Cooper	Barrett	marine	sodomy	29	acquitted	NA	NA
200	ADM 1/5403	1810		Cooper	marine	sodomy	29	acquitted	NA	NA
201	ADM 1/5404	1810	Coleman	Coleman	seaman	indec libs	2	convicted	2	200 lashes alongside.
202	ADM 1/5405	1810	White	White	corp marines	unnat crime	2	convicted	2	Broke from rank of corporal and reduced to enlisted ranks; and to receive 250 lashes.
203	ADM 1/5406	1810	De Cruize	De Cruize	seaman	AICS; propositioning	2	convicted	2	100 lashes on Namur, then 6 months solitary confinement in Marshalsea.
204	ADM 1/5407	1810	Guesue	Guesue	marine	indec libs	2	convicted	2	700 lashes; recommended to the CO to send him off the island (Anholt) as a disgraced character.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
205	ADM 1/5407	1810	Nathan	Nathan	ship's corp	2 and 29	2 and 29	convicted lesser	2	300 lashes w/ halter alongside ships, then solitary confinement in gaol or prison [Marshalsea] for 2 yrs; and mulcted all pay and prize money due to him.
206	ADM 1/5409	1810	Caskie-Whittle	Caskie	marine	2nd art violation	2	convicted	2	200 lashes round.
207	ADM 1/5409	1810		Whittle	marine ("lad")	2nd art violation	2	convicted	2	200 lashes round.
208	ADM 1/5409	1810	Dowan-Barber	Dowan	seaman	unnatural crime	2 (and 29?)	convicted (lesser?)	2	120 round.
209	ADM 1/5409	1810		Barber	seaman	unnatural crime	2 (and 29?)	convicted (lesser?)	2	120 round.
210	ADM 1/5409	1810	Toole	Toole	marine	sodomy	29	convicted	29	Death--commuted to transportation for life.
211	ADM 1/5410	1810	Rennings-Keegan	Rennings	seaman	sodomy	29	convicted	29	Death--execution confirmed from report of opinion/ commutation order in ADM 1/5410.
212	ADM 1/5410	1810		Keegan	boy	sodomy	29	convicted	29	Death--commuted to transportation for life (also confirmed in ibid.).
213	ADM 1/5410	1810	Allen	Allen	marine	ACS	2	convicted	2	500 lashes round, then 2 yrs solitary confinement [in Marshalsea].
214	ADM 1/5411	1810	Horne	Horne	marine	indec libs and sod	2 and 29	convicted	29	Death--confirmed from execution order and legal opinion.
215	ADM 1/5412	1811	Johns-Lechan	Johns	seaman	sodomy	29	convicted	29	Death--unconfirmed.
216	ADM 1/5412	1811		Lechan	marine boy	sodomy	29	convicted	29	Death--unconfirmed.
217	ADM 1/5412	1811	Alexander	Alexander	seaman	bestiality	29	convicted	29	Death--commuted to transportation for life, as confirmed in legal material found in the minutes.
218	ADM 1/5414	1811	Martin-Frank	Martin	seaman	sodomy	29	convicted	29	Death--unconfirmed.
219	ADM 1/5414	1811		Frank	boy 2nd class	sodomy	29	convicted	29	Death--unconfirmed.
220	ADM 1/5414	1811	Kennedy	Kennedy	seaman	attempted sodomy	2	convicted	2	300 round, mulcted all pay.
221	ADM 1/5414	1811	Manning-Maddon	Manning	seaman	sodomitical practices	2	convicted	2	600 lashes, then solitary confinement in one of the gaols or prisons for 2 yrs. Ordered NOT to be held in Marshalsea: ADM 2/1075, p. 320.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
222	ADM 1/5414	1811		Maddon	seaman	sodomitical practices	2	convicted	2	600 lashes, then solitary confinement in one of the gaols or prisons for 2 yrs. Ordered NOT to be held in Marshalsea: ADM 2/1075, p. 320.
223	ADM 1/5414	1811	Barber	Barber	master's mate	indec libs	2	convicted	2	Stripped of uniform publicly on quarter deck of Chanticleer by the provost martial, rendered incapable of ever serving HM, heirs, or successors as officer, and imprisoned 12 months in Marshalsea.
224	ADM 1/5415	1811	Clarence	Clarence	boatswain's mate	bestiality	29	acquitted	NA	NA
225	ADM 1/5415	1811	Donovan	Donovan	landsman	bestiality (2nd art violation)	2	acquitted	NA	NA
226	ADM 1/5416	1811	Beeson-Manning	Beeson	seaman	indecency	2	convicted	2	200 alongside.
227	ADM 1/5416	1811		Manning	marine	indecency	2	convicted	2	200 alongside.
228	ADM 1/5416	1811	Vernon	Vernon	ord, capt's cook	2 and 29	2 and 29	convicted lesser	2	300 lashes.
229	ADM 1/5417	1811	Sandom	Sandom	lt	indec libs	2	acquitted	NA	NA (charges found to have originated in a malicious combination)
230	ADM 1/5417	1811	Box-Owins	Box	marine	2 and 29	29	convicted lesser	2	200 lashes alongside, 1 yr solitary confinement [in Marshalsea].
231	ADM 1/5417	1811		Owins	marine	2 and 29	29	convicted lesser	2	200 lashes alongside, 1 yr solitary confinement [in Marshalsea].
232	ADM 1/5418	1811	Parker	Parker	marine	sodomy	29	convicted	29	Death--pardoned, confirmed by legal material (see chapter 1).
233	ADM 1/5418	1811	Powell	Powell	seaman	sodomy	29	acquitted	NA	NA
234	ADM 1/5418	1811	Muleraty	Muleraty	seaman, doing duty as cooper	bestiality	29	convicted	29	Death--pardoned, confirmed by legal material (see chapter 1).
235	ADM 1/5421	1811	Dendass	Dendass	able	sodomy	29	convicted lesser	2	300 lashes round, then 1 yr sol confinement in Marshalsea.
236	ADM 1/5421	1811	Gudgins-Birch	Gudgins	marine	2nd art breach	2	convicted	2	100 lashes.
237	ADM 1/5421	1811		Birch	boy 2nd class	2nd art breach	2	convicted	2	"In consideration of his Youth" only 36 lashes "in the Manner in which boys are usually punished."
238	ADM 1/5421	1811	Rogers	Rogers	seaman, gunner's crew	AICS	2	convicted	2	200 lashes round, the solitary confinement 2 yrs [in Marshalsea].

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
239	ADM 1/5422	1812	Smith	Smith	marine	sodomy	29	convicted	29	Death--confirmed by execution warrant.
240	ADM 1/5422	1812	Agar	Agar	able	sodomy	29	acquitted	NA	NA
241	ADM 1/5422	1812	Huggins	Huggins	able	indec practs	2	convicted	2	50 lashes.
242	ADM 1/5422	1812	Peters on	Peters on	able	indec practs	2	convicted	2	100 lashes on the Kite.
243	ADM 1/5422	1812	Tourney	Tourney	ord	2 and 29	29	convicted	29	Death--confirmed by execution warrant.
244	ADM 1/5423	1812	Dobson	Dobson	lt	multiple misdemeanors	2	acquitted for technical reason	NA	NA (though he is discharged).
245	ADM 1/5423	1812	Moore - Cochrane	Moore	ord	AICS	2	convicted	2	500 lashes round Spithead or Portmsouth harbor, then solitary confinement in the Marshalsea for 2 years.
246	ADM 1/5423	1812		Cochrane	ord	AICS	2	convicted	2	500 lashes round Spithead or Portmsouth harbor, then solitary confinement in the Marshalsea for 2 years.
247	ADM 1/5423	1812	O'Brien (re Nepean)	NA	NA	NA	NA	NA	NA	This is not counted, but NB that Nepean is cleared of allegation.
248	ADM 1/5424	1812	Ware	Ware	seaman	attempted bestiality	2	convicted	2	300 lashes onboard of or alongside such of his Majesty's Ships... at Spithead or in Portsmouth Harbour... and to be imprisoned in solitary Confinement in... the Marshalsea, for the Space of two years.
249	ADM 1/5426	1812	Sherwood	Sherwood	foretopman	uncleanness w/ a sheep	2	convicted	2	100 lashes on the Milford.
250	ADM 1/5427	1812	Jewell -Terat	Jewell	seaman	in position of committing an unnatural offence	2	convicted	2	200 lashes.
251	ADM 1/5427	1812		Terat	boy	in position of committing an unnatural offence	2	convicted	2	50 lashes.
252	ADM 1/5428	1812	Bouch	Bouch	foretopman	2nd art bestiality offence	2	convicted	2	300 lashes round, mulcted of/to forfeit all pay or wages due, and imprisoned in HM prison Marshalsea in solitary confinement for space of 12 calendar months.
253	ADM 1/5428	1812	Pasque	Pasque	seaman	indec and scand practs; endeavoring to have others engage in indec and scand practs	2	convicted	2	100 lashes on the Egmont.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
254	ADM 1/5428	1812	Sutherland-Millson	Sutherland	seaman	attempted sodomy	2	convicted	2	300 lashes round, then solitary confinement for 12 months in prison as directed [in Marshalsea].
255	ADM 1/5428	1812		Millson	seaman	attempted sodomy	2	convicted	2	300 lashes round, then solitary confinement for 12 months in prison as directed [in Marshalsea].
256	ADM 1/5431	1812	Higgins	Higgins	seaman	attempted bestiality	2	convicted	2	300 lashes.
257	ADM 1/5431	1812	Francisco-Thomson-Mahoney	Francisco	landsman	sodomy	29	convicted	29	Death--unconfirmed.
258	ADM 1/5431	1812		Thomas	landsman	sodomy	29	convicted	29	Death--unconfirmed.
259	ADM 1/5431	1812		Mahoney	boy	sodomy	29	convicted	29	Death--unconfirmed.
260	ADM 1/5431	1812	Dowling	Dowling	ord	ACS	2	convicted	2	300 round.
261	ADM 1/5431	1812	Williams	Williams	acting lt	indec	2	convicted	2	Dismissed HM's service, declared unworthy and incapable of serving HM, heirs, or successors as an officer; 12 months imprisonment in Marshalsea.
262	ADM 1/5432	1812	Wilkins	Wilkins	ord	sodomy	29	convicted	29	Death--confirmed based on execution warrant.
263	ADM 1/5433	1812	Hawes	Hawes	ord	gross indec	2	convicted	2	100 lashes alongside ships.
264	ADM 1/5433	1812	Antonio	Antonio	landsman	indec	2	convicted	2	200 lashes alongside ships.
265	ADM 1/5433	1812	Bryson	Bryson	RM lt	indec	2	acquitted	NA	NA
266	ADM 1/5434	1813	Martin	Martin	seaman	2 and 29	2 and 29	convicted lesser	2	36 lashes on the Elizabeth.
267	ADM 1/5434	1813	Harris	Harris	seaman	2nd art violation	2	acquitted	NA	NA
268	ADM 1/5435	1813	Irwin-Monser	Irwin	marine	sodomy	29	acquitted	NA	NA
269	ADM 1/5435	1813		Monser	seaman	sodomy	29	acquitted	NA	NA
270	ADM 1/5435	1813	Gunton	Gunton	acting master	sodomy	29	acquitted	NA	NA (William Norman found to have wilfully perjured himself, but Admiralty declines to prosecute).
271	ADM 1/5436	1813	Lemart	Lemart	landsman	indec/scand behavior	2	convicted	2	300 lashes on board or alongside in Spithead and Portsmouth Harbour.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
272	ADM 1/5436	1813	Martin	Martin	capt maintop	indec famils	2	acquitted	NA	NA
273	ADM 1/5436	1813	Wallace-Isles	Wallace	boy	indec famils	2	trial error (counted as acquittal)	NA	NA
274	ADM 1/5436	1813		Isles	seaman	indec famils	2	trial error (counted as acquittal)	NA	NA
275	ADM 1/5438	1813	Johnson	Johnson	able	scand actions; ACS	2	convicted	2	200 lashes on board or alongside, then to be imprisoned in solitary confinement in Marshalsea for 2 yrs from the date hereof or so long thereof as shall remain after the corporal punishment. Rendered unworthy of ever serving HM in any situation in the RN again.
276	ADM 1/5438	1813	Glanville	Glanville	boatswain	misdem bestiality	2	convicted	2	Dismissed from service and rendered incapable of ever serving again, "to be exposed in the most publick and ignominious Manner round the fleet at Spithead and in Portsmouth Harbour with a Halter round his Neck and his sentence to be read onboard each of His Majesty's ships and vessells in Commission at the Ports of His Majesty in the United Kingdom of Great Britain and Ireland and to be imprisoned in solitary confinement" in Marshalsea for 2 yrs from date hereof or so long as remains after the preceding punishment.
277	ADM 1/5439	1813	Hyndman	Hyndman	carpenter	found in bed w/ a boy	2	convicted	2	Dismissed as carpenter of the sloop and to serve before the mast on such a ship as CIC shall direct.
278	ADM 1/5439	1813	McArthur-Morgan	McArthur	clerk	2 and 29	2 and 29	convicted lesser	2	500 lashes on or alongside, and two years solitary confinement in prison [in Marshalsea].
279	ADM 1/5439	1813		Morgan	seaman	2 and 29	2 and 29	convicted lesser	2	300 lashes on or alongside.
280	ADM 1/5439	1813	Hardwick-Foreman	Hardwick	marine	sodomy	29	convicted	29	Death--not confirmed.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
281	ADM 1/5439	1813		Foreman	marine	sodomy	29	convicted	29	Death--not confirmed.
282	ADM 1/5439	1813	McIntyre	McIntyre	supernumerary seam	indec famils	2	convicted	2	100 lashes on the Centurion.
283	ADM 1/5439	1813	Carruthers	Carruthers	landsman	gross indec	2	acquitted	NA	NA
284	ADM 1/5439	1813	Richards (al. Rickards)	Richards (al. Rickards)	landsman	attempted bestiality	2	acquitted	NA	NA
285	ADM 1/5439	1813	Singer - Ireland	Singer	marine	2 and 29	2 and 29	convicted lesser	2	250 on or alongside.
286	ADM 1/5439	1813		Ireland	marine	2 and 29	2 and 29	convicted lesser	2	250 on or alongside.
287	ADM 1/5440	1814	Spencer	Spencer	It	improper connection, behaving in manner unbecoming character of officer and gentleman	2	convicted of non-sexual charges, but cleared of suspicion of sexual crimes	NA	NA (dismissed service for other charges).
288	ADM 1/5440	1814	Harding	Harding	landsman	bestiality	29	convicted	29	Death--commuted to transportation for life.
289	ADM 1/5440	1814	Hall	Hall	boatswain's mate	ACS	2	acquitted	NA	NA
290	ADM 1/5441	1814	Horne	Horne	boatswain's mate	ACS (though charging language indicates 29th article offence?)	2	convicted	2	200 lashes w/ halter round neck, then 12 months solitary in any prison [ends up in Marshalsea]. (Boys involved recommended for discharge or punishment.)
291	ADM 1/5446	1814	Watson	Watson	marine It	indec libs	2	acquitted	NA	NA
292	ADM 1/5446	1814	Hunter	Hunter	seaman	sodomy	29	acquitted	NA	NA
293	ADM 1/5447	1814	Palmer	Palmer	It	indec libs	2	acquitted	NA	NA
294	ADM 1/5447	1815	Hiatt	Hiatt	It	unnatural contact	2	acquitted	NA	NA
295	ADM 1/5447	1815	Gibbs	Gibbs	capt forecastle	detected in indec situation	2	convicted	2	"In Consideration of his former good Character" only 50 lashes on the sloop.
296	ADM 1/5448	1815	Spencer-Baker	Spencer	marine	sodomy	29	convicted	29	Death--pardoned and commuted to transportation for life.
297	ADM 1/5448	1815		Baker	drummer	sodomy	29	convicted	29	Death--pardoned and commuted to transportation for life.
298	ADM 1/5448	1815	Carteret	Carteret	captain	ACS	2	acquitted	NA	NA
299	ADM 1/5449	1815	Winfield-Anderson	Winfield	seaman	2 and 29	2 and 29	convicted lesser	2	300 lashes onboard or around.
300	ADM 1/5449	1815		Anderson	boy 2nd class	2 and 29	2 and 29	convicted lesser	2	300 lashes onboard or around.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
301	ADM 1/5450	1815	Shrewsbury	Shrewsbury	ord	indec	2	convicted	2	60 lashes on the Tremendous.
302	ADM 1/5450	1815	Randal	Randal	ord	scandalous actions	2	convicted	2	"In consideration of the very good Character given of the Prisoner by Captain Robert Campbell previous to the commission of the offences... only... to receive one hundred and fifty lashes" round.
303	ADM 1/5451	1815	Quinn	Quinn	quartermaster	sodomy	29	convicted	29	Death--execution assumed on basis of legal opinion.
304	ADM 1/5452	1815	Byrne	Byrne	able	ACS	2	convicted	2	200 lashes alongside.
305	ADM 1/5452	1815	Sercao - Westerman	Seraco	marine	sodomy	29	convicted	29	Death--confirmed, e.g., by Hampshire Telegraph, 5 Feb. 1816.
306	ADM 1/5452	1815		Westerman	boy	sodomy	29	convicted	29	Death--confirmed, e.g., by Hampshire Telegraph, 5 Feb. 1816.
307	ADM 1/5453	1816	Seraco - Charles	Seraco	marine	2 and 29	2 and 29	convicted	29	Death--confirmed, e.g., by Hampshire Telegraph, 5 Feb. 1816.
308	ADM 1/5453	1816		Charles	landsman	2 and 29	2 and 29	convicted	29	Death--confirmed, e.g., by Hampshire Telegraph, 5 Feb. 1816.
309	ADM 1/5453	1816	Troyac - Tall	Troyac	able	2 and 29	2 and 29	convicted	29	Death--confirmed, e.g., by Hampshire Telegraph, 5 Feb. 1816.
310	ADM 1/5453	1816		Tall	landsman	2 and 29	2 and 29	convicted	29	Death--commuted to 3 years solitary confinement in Winchester Gaol.
311	ADM 1/5453	1816	Troyac - Hubbard	Troyac	able	2 and 29	2 and 29	convicted lesser	2	No punishment b/c he's already been given the death sentence in earlier trial.
312	ADM 1/5453	1816		Hubbard	boy	2 and 29	2 and 29	convicted lesser	2	300 lashes on Africaine or on or alongside any other ship and to be mulcted/to forfeit all pay or wages due and lose any benefits due him.
313	ADM 1/5453	1816	Beauchamp-Bruce	Beauchamp	master's mate	2 and 29	2 and 29	convicted lesser	2	Dismissed from service, incapable of ever serving HM, heirs, or successors in any capacity, have uniform coat publicly stripped from back on QD of Africaine, imprisoned in Marshalsea in solitary for 2 yrs.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
314	ADM 1/5453	1816		Bruce	midshipman	2 and 29	2 and 29	convicted lesser	2	Dismissed from service, incapable of ever serving HM, heirs, or successors in any capacity, have uniform coat publicly stripped from back on QD of Africaine, imprisoned in Marshalsea in solitary for 2 yrs.
315	ADM 1/5453	1816	Parsons (I)	Parsons	marine (doing duty of serjeant)	uncleanness	2	acquitted	NA	NA
316	ADM 1/5354	1816	Parsons (II)	Parsons	marine (doing duty of serjeant)	uncleanness	2	convicted	2	200 lashes, imprisoned in Marshalsea in solitary for 18 months [later moved to Maidstone gaol].
317	ADM 1/5453	1816	Crutchley-Parsons	Crutchley	midshipman	2 and 29	2 and 29	convicted lesser	2	Dismissed from service and rendered incapable and unworthy of ever serving HM, his heirs, or successors in any capacity again and to be imprisoned in Marshalsea in solitary for 2 yrs.
318	ADM 1/5453	1816		Parsons	boy	2 and 29	2 and 29	convicted lesser	2	"In consideration of his Youth" only to be imprisoned in Marshalsea for 6 months.
319	ADM 1/5453	1816	Troyac	Troyac	able	sodomy	29	convicted	29	Death--confirmed, e.g., by Hampshire Telegraph, 5 Feb. 1816.
320	ADM 1/5453	1816	Crutchley	Crutchley	midshipman	uncleanness	2	convicted	2	Dismissed service and rendered incapable and unworthy of ever serving HM, his heirs, or successors in any capacity, imprisoned in Marshalsea in solitary for 2 yrs from date hereof.
321	ADM 1/5454	1816	MacDonald	MacDonald	lt	uncleanness, ACS	2	convicted	2	In consideration of very long service and high testimonials of character and galantry as officer, only dismissed from Variable, and put on bottom of list of lts.
322	ADM 1/5455	1816	Boxall	Boxall	seaman	bestiality	29	convicted	29	Death--commuted to transportation for life.
323	ADM 1/5455	1816	Seamen	Seamen	master	uncleanness, improper libs	2	convicted	2	Dismissed from HM's service and rendered incapable of again serving as an officer in service.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
324	ADM 1/5458	1818	Putress	Putress	seaman	uncleanness, contempt and insolence	2	cleared of sexual charge; convicted of rest	NA	NA (he is punished for the conviction).
325	ADM 1/5458	1818	Hook	Hook	seaman	2 and 29	2 and 29	convicted lesser	2	200 lashes on board or alongside, mulcted/to forfeit all pay, wages, pensions, or rights, titles, or claim to any, imprisoned in Marshalsea in solitary confinement for 1 yr, and dismissed from service as "totally unworthy of any Employ therein."
326	ADM 1/5459	1818	Murray	Murray	assistant surgeon	uncleanness	2	convicted	2	Dismissed the service, rendered incapable of ever serving in navy again.
327	ADM 1/5460	1819	Kelly	Kelly	cook	indec; propositioning	2	convicted	2	Dismissed the Spartan.
328	ADM 1/5461	1819	Wiseman	Wiseman	corp of marines	indecent liberties	2	convicted	2	Degraded from situation, 200 lashes alongside ships, towed on shore and drummed out of service.
329	ADM 1/5463	1821	Tool	Tool	seaman	indecent actions	2	acquitted	NA	NA
330	ADM 1/5465	1822	Osborne-Webber	Osborne	marine	attempted sod	2	convicted	2	50 lashes on the sloop as Capt. White directs; to be mulcted/to forfeit all pay or wages due from navy and marines and all other advantages to which otherwise entitled, and dismissed from service and rendered incapable of ever being employed in it again.
331	ADM 1/5465	1822		Webber	boy	attempted sod	2	convicted	2	36 "in the usual Way of punishing boys" on the sloop as Capt. White directs; to be mulcted/ to forfeit all pay or wages due from navy and marines and all other advantages to which otherwise entitled, and dismissed from service and rendered incapable of ever being employed in it again.
332	ADM 1/5468	1824	Fiott	Fiott	It	indecency	2	acquitted	NA	NA
333	ADM 1/5469	1825	White	White	seaman	sodomy	29	convicted lesser	2	200 lashes on Phaeton; then solitary confinement in Marshalsea for 12 months.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
334	ADM 1/5470	1826	Barron	Barron	lt	range of charges, including indecency	2	cleared of sexual charge	NA	NA (admonished on basis of other charges).
335	ADM 1/5470	1826	Armstrong	Armstrong	purser	indec libs	2	convicted	2	Dismissed from HM's service.
336	ADM 1/5471	1827	Bowker	Bowker	lt	indec; AICS	2	acquitted of sexual charges	NA	NA (is punished for conviction on other charges).
337	ADM 1/5471	1827	Raitt	Raitt	master	indec; propositioning	2	acquitted of sexual charges	NA	NA (is punished for conviction on other charges).
338	ADM 1/5472	1828	Maxwell (I)	Maxwell	boatswain	sodomy	29	convicted	29	Death--overturned for legal reasons.
339	ADM 1/5473	1829	Maxwell (II)	Maxwell	boatswain	sodomy	29	convicted	29	Death--not confirmed.
340	ADM 1/5478	1832	McGehee-Peach	McGee	marine	indec conduct	2	convicted	2	300 lashes in usual manner, then discharged service with branded discharge.
341	ADM 1/5478	1832		Peach	marine	indec conduct	2	convicted	2	300 lashes in usual manner, then discharged service with branded discharge.
342	ADM 1/5479	1833	Willings	Willings	gunner	attempted bestiality	2	acquitted	NA	NA (court notes disgraceful conduct of witness who brought charge).
343	Newspapers	1836	Rogers	Rogers	master	indec assault	2	acquitted	NA	NA
344	ADM 1/5484	1838	Curzon	Curzon	lt	improper libs	2	acquitted	NA	NA
345	ADM 1/5484	1838	Morgan	Morgan	lt	indec libs; obscene language	2/33 (misdem)	convicted	33	Dismissed HM's service.
346	ADM 1/5484	1838	Ayscough	Ayscough	lt	indec	2	convicted	2	Dismissed his ship, placed at bottom of the list of lts.
347	ADM 1/5484	1838	Inman	Inman	lt	indecency; desertion	2	cleared of sexual charge	NA	NA (cleared of sexual charge but dismissed service for his unofficerlike behavior).
348	ADM 1/5484	1838	Avery (re Nixon)	Avery	Nixon is commander	Avery charges Nixon w/ ACS	2	Avery acquitted; court feels charge against Nixon cannot be fully adjudicated b/c of his suicide.	NA	NA
349	ADM 1/5484	1838	Meldrum	Meldrum	gunner	indecency	2	acquitted	NA	NA
350	ADM 1/5485	1839	Dumaresq	Dumaresq	mate	indecent liberties	2	acquitted	NA	NA
351	ADM 13/103	1840	Mottley	Mottley	mate	indecent conduct; AICS	2	convicted	2	Dismissed service and rendered incapable of ever serving HM or successors.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
352	ADM 13/103	1841	Warder	Warder	supernumerary boy	false accusation	misdem	convicted	2	48 lashes, discharged service w/ disgrace and imprisoned for space of 8 calendar months and subjected to rigid prison discipline during that time.
353	ADM 13/104	1842	Sheep-Bass	Sheep	ord	indec	misdem	convicted	2	48 lashes, to be drummed round squadron in Malta Harbour, imprisoned for 1 yr, then discharged w/ disgrace.
354	ADM 13/104	1842		Bass	ord	indec	misdem	convicted	2	48 lashes, to be drummed round squadron in Malta Harbour, imprisoned for 1 yr, then discharged w/ disgrace.
355	ADM 13/103	1842	Place (I)	Place	lt	improp libs	misdem	acquitted	NA	NA (charge found false, infamous, and without slightest foundation).
356	ADM 13/103	1842	Place (II)	Place	lt	improp libs	misdem	acquitted	NA	NA (accusations found false, scandalous, and malicious).
357	ADM 13/104	1842	Wallace-Bailey	Wallace	seaman	2 and 29	misdem and felony	convicted lesser	2	100 lashes and dismissed service w/ disgrace.
358	ADM 13/104	1842		Bailey	boy	2 and 29	misdem and felony	convicted lesser	2	50 lashes and dismissed service w/ disgrace.
359	ADM 13/103-4	1842	Clarke	Clarke	mate	indec libs	misdem	acquitted	NA	NA (court finds prosecutor's evidence unworthy of belief and disgraceful to his character).
360	ADM 13/104	1843	Dubber	Dubber	ship's cook	indec libs	misdems	convicted	2	Dismissed service w/ disgrace.
361	ADM 13/104	1843	Mitchell	Mitchell	capt afterguard	indec assaults	misdems	convicted on one count	2	Discharged service w/ disgrace.
362	ADM 13/103	1844	Sparks	Sparks	carp	indec assaults	misdems	convicted	2	Dismissed the service, rendered incapable of entering again.
363	ADM 13/103	1844	Stokes	Stokes	lt	AICS	misdem	convicted	2	Dismissed his ship. (Later receives new appointment; see chp. 4 of this dissertation).
364	ADM 13/103	1845	Johnson	Johnson	mate	AICS	misdem	convicted	2	Dismissed the service and rendered incapable of ever being employed therein again.
365	ADM 13/103	1845	Daly	Daly	lt	indec libs	misdems	convicted	2	Dismissed the service.
366	ADM 13/103	1846	Crawley	Crawley	lt	sodomy (13/103 suggests misdem, but newspaper reports indicate 29th art violation)	felony	fully acquitted	NA	NA

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
367	ADM 13/103	1847	Alston	Alston	lt	indec libs	misdem	convicted	2	Dismissed his ship. (Hickman, Treatise, 238-9, reports that he was dismissed the service. This may refer to post-conviction administrative action.)
368	ADM 153/1	1849	Carter	Carter	marine	indec assaults	misdems	convicted	2	Imprisoned for 6 calendar months w/ hard labour, during the first two weeks and last two weeks of this term in solitary confinement, and further to be mulcted all pay and prize money due him, and at expiration of imprisonment to be discharged w/ disgrace.
369	ADM 13/103	1851	Keys	Keys	gunner	indec assaults	misdems	convicted	2	Dismissed the service, but in consideration of former good conduct was recommended to the favourable consideration of Admiralty.
370	ADM 13/104	1852	Hunter	Hunter	marine	AICS; disobeyed to superior; using disgusting and abominable lang.	misdems	convicted	2	57 lashes, imprisoned w/ hard labour for 2 years and to forfeit all claims to pension on discharge and all additional pay and good conduct pay from time in service; recommended to be discharged service w/ ignominy after imprisonment.
371	ADM 13/103-4	1853	Webber	Webber	gunner	proposing and endeavouring to persuade to unnat offense	misdem	acquitted	NA	NA
372	ADM 13/103-4	1854	Edwards	Edwards	lt	taking libs of a disgusting nature	misdem	acquitted	NA	NA
373	ADM 13/103-4	1855	Lathbury	Lathbury	mate	drunk; indec libs; deserting from and sleeping on watch	misdems	convicted	2	Dismissed service, rendered incapable of ever serving again.
374	ADM 194/180	1856	Nichols	Nichols	assistant paymaster	dunkenness and scand behavior	misdems	convicted	2	Dismissed service.
375	ADM 194/180	1856	Prout-Marshall	Prout	acting assistant engineer	exposing person; drunkenness	misdem	convicted	2	Dismissed service and imprisoned 2 years.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
376	ADM 194/180	1856		Marshall	acting assistant engineer	exposing person; drunkenness	misdem	convicted	2	Mulcted all pay and time, imprisoned 2 yrs w/ hard labour, then dismissed w/ disgrace and rendered incapable of ever serving again. (ADM 194/180 indicates that he was released after only 6 months' imprisonment.)
377	ADM 194/180	1856	Forster	Forster	sailmaker	2nd article breach	misdem	convicted	2	Imprisoned 12 months, discharged w/ disgrace.
378	Newspaper	1859	Marine Hibernia	Marine Hibernia	marine	unnatural crime	felony	convicted	29	Death--outcome unknown, but b/c of late date it is assumed he was not executed.
379	ADM 194/180	1860	Callaghan	Callaghan	boatswain 1st class	indec libs; drunkenness	misdems	convicted	2	Imprisoned 12 calendar months in Exeter gaol, then dismissed service and rendered incap of ever serving again.
380	ADM 194/180	1860	Dyer-Oaks	Dyer	quartermaster	2nd art breach	misdem	convicted	2	50 lashes, dismissed service w/ disgrace.
381	ADM 194/180	1860		Oaks	boy 1st class	2nd art breach	misdem	convicted	2	50 lashes, dismissed service w/ disgrace.
382	ADM 194/180	1860	Marshall-Brooks	Marshall	quartermaster	gross indec	misdem	convicted	2	Disrated, 50 lashes, and discharged from service w/ disgrace.
383	ADM 194/180	1860		Brooks	ord	gross indec	misdem	convicted	2	50 lashes and discharged from service w/ disgrace.
384	ADM 194/180	1860	Lumb	Lumb	gunner	indec conduct	misdems	convicted on two of the charges	2	Dismissed service and rendered incapable of ever serving again.
385	ADM 194/180	1860	McIntyre-Woodhouse	Mcintyre	able	sodomy	felony	convicted	29	Death--commuted to penal servitude for life.
386	ADM 194/180	1860		Woodhouse	boy 1st class	sodomy	felony	convicted	29	Death--commuted to penal servitude for life.
387	ADM 194/180	1861	Davey	Davey	sailmaker	4 counts indecency	misdems	acquitted	NA	NA
388	ADM 194/180	1861	Warner	Warner	chief yeoman signals	indecency	misdems	acquitted of these charges; convicted of drunkenness	NA	NA (for other charge, disrated to able and placed in second class conduct list).
389	ADM 194/180	1861	Evans-Midlane	Evans	sick berth steward	indecency	misdem	convicted	misdem	48 lashes, dismissed service w/ disgrace.
390	ADM 194/180	1861		Midlane	ord	indecency	misdem	convicted	misdem	48 lashes, dismissed service w/ disgrace.
391	ADM 194/180	1861	Quinn-Martin	Quinn	gunner RMA	sodomy	felony	convicted lesser	misdem	Penal servitude, 7 yrs.
392	ADM 194/180	1861		Martin	wardroom cook	sodomy	felony	convicted lesser	misdem	Dismissed service.
393	ADM 194/180	1861	Graves	Graves	gunner's mate	indec assault	misdem	convicted lesser	misdem	Dismissed service.
394	ADM 194/180	1861	Pennell	Pennell	boatswain's mate	exposing person, disgusting lang	misdems	acquitted	NA	NA

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
395	ADM 194/180	1861	Olive	Olive	2nd capt afterguard	indec libs	misdem	convicted	misdem	Dismissed from service, to forfeit all pay, prize money, and allowances, as well as all annuities, pensions, gratuities, medals, and decorations.
396	ADM 194/180	1861	White-Robinson	White	able	sodomy	felony	convicted lesser	misdem	Penal servitude for 10 years.
397	ADM 194/180	1861		Robinson	boy	sodomy	felony	convicted lesser	misdem	In consideration of mental weakness only to be imprisoned for 6 months, then dismissed service w/ disgrace.
398	ADM 194/180	1861	Cane	Cane	pm	indec assault	misdem	convicted	misdem	Penal servitude for 5 yrs.
399	ADM 194/180	1861	Watts	Watts	leading stoker	indec assault	misdem	convicted	misdem	Imprisoned for 2 yrs w/ hard labour, then dismissed from service w/ disgrace.
400	ADM 194/180	1861	Jones	Jones	boatswain's mate	indec assault; enticing to uncleanness	misdems	convicted, under alternate wording	misdem	In consideration of previous good conduct, only severely reprimanded and deprived of good conduct badge.
401	ADM 194/180	1861	Saunders	Saunders	ord	sodomy	felony	convicted	felony	Penal servitude for the term of natural life.
402	ADM 194/180	1861	Young	Young	able	indec assault	misdem	acquitted	NA	NA
403	ADM 194/180	1861	Crossman	Crossman	quartermaster	5 charges indec assault, unclean and scandalous conduct	misdems	convicted	misdem	Imprisoned in Winchester gaol for 18 months, for the first 6 months w/ sol confinement for 7 in each 28 days, and during remaining 12 months to be kept at hard labour. Then dismissed w/ disgrace. (Per Morning Post, William Long also sentenced to 1 month in Manchester gaol for contempt of court.)
404	ADM 194/180	1862	Gillanders	Gillanders	acting assistant engineer 2nd class	drunkenness, indecency	misdems	convicted	misdem	Dismissed w/ disgrace from service.
405	ADM 194/180	1862	Budd	Budd	boatswain	scandalous conduct; indec assault	misdems	convicted of 23rd art violation (i.e. scand conduct)	misdem	In consideration of former long service, only to forfeit all seniority as boatswain of 2nd class, and dismissed from Ariadne.
406	ADM 194/180	1862	Sixsmith	Sixsmith	ord	indecent assault	misdem	acquitted	NA	NA
407	ADM 194/180	1862	Labette	Labette	yeoman of signals	indecent assault	misdem	acquitted	NA	NA

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
408	ADM 194/180	1862	Marsh - Richardson	Marsh	gunner's mate	joint indec assault; unclean and scand axns	misdems	convicted	misdem	Penal serv, 7 yrs.
409	ADM 194/180	1862		Richardson	boy 1st class	joint indec assault; unclean and scand axns	misdems	convicted	misdem	Penal serv, 7 yrs.
410	ADM 194/180	1862	Armitage	Armitage	lt	7 counts indec assault	misdem	convicted	misdem	Dismissed service w/ disgrace.
411	ADM 1/5808	1862	Giddy	Giddy	boatswain's mate	sodomy	felony	acquitted, though court thinks him guilty of indec conduct	NA	NA (discharged)
412	ADM 1/5808	1862		Cox	boy 1st class	sodomy	felony	acquitted, though court thinks him guilty of indec conduct	NA	NA (discharged)
413	ADM 194/180	1862	Hunter	Hunter	boy 1st class	sodomy	felony	convicted	felony	In consideration of his youth, only sentenced to penal servitude, 10 yrs.
414	ADM 194/180	1862	Hale	Hale	gunner RMA	indec assault	misdem	acquitted	NA	NA
415	ADM 194/180	1863	Bates	Bates	assistant engineer 2nd class	indec assault	misdem	acquitted	NA	NA
416	ADM 194/180	1863	Bridle	Bridle	gunner 2nd class	AICS	misdem	convicted	misdem	Dismissed w/ disgrace and to be imprisoned for 1 yr w/ hard labour.
417	ADM 194/180	1863		Smith	boy 2nd class	AICS	misdem	convicted	misdem	Punished w/ 48 lashes, then dismissed w/ disgrace.
418	ADM 194/180	1863	Monk-Pugsley	Monk	boy 1st class	sodomy	felony	convicted	felony	Penal servitude, 10 yrs.
419	ADM 194/180	1863		Pugsley	boy 1st class	sodomy	felony	convicted	felony	Penal servitude, 10 yrs.
420	ADM 194/180	1863	Nash-Potter	Nash	ord	indec in being in hammock with Potter	misdem	convicted	misdem	Reduced to 2nd class for conduct, 48 lashes, imprisoned for 12 months, then dismissed service.
421	ADM 194/180	1863		Potter	supernumery 2nd class ord	indec in being in hammock with Nash	misdem	convicted	misdem	Reduced to 2nd class for conduct, 48 lashes, imprisoned for 12 months, then dismissed service.
422	ADM 194/180	1863	McLaurin	McLaurin	acting assistant engineer 1st class	drunk and indec	misdems	convicted	misdem	Dismissed service.
423	ADM 194/180	1863	A'Hearn-Newman	A'Hearn	gunner RMA	sodomy	felony	convicted	felony	Penal servitude, 15 yrs.
424	ADM 194/180	1863		Newman	boy 1st class	sodomy	felony	convicted	felony	Penal servitude, 7 yrs.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
425	ADM 194/180	1864	Turner	Turner	ord	indec assault	misdem	convicted	misdem	Penal servitude, 3 yrs.
426	ADM 194/180	1864	Heesom-Bertie	Heesom	servant	sodomy	felony	convicted	felony	Penal servitude, 10 yrs.
427	ADM 194/180	1864		Bertie	servant	sodomy	felony	convicted	felony	Penal servitude, 10 yrs.
428	ADM 194/180	1864	Morgan	Morgan	lt supernum	conduct unbecoming w/ boy	misdem(s)	convicted, though cleared of any sexual misconduct	NA	NA (dismissed HM's service, but recommended for merciful consid. Lords Commissioners concur and modify sentence to only discharge to half pay on lowest scale of his rank).
429	ADM 194/180	1864	King	King	gunner's mate	indec assault	misdem	convicted	misdem	In consideration of long service and good character only to be imprisoned for 2 yrs w/ hard labour, then dismissed w/ disgrace.
430	ADM 194/180	1864	Flowers	Flowers	signalman	indecent assault	misdem	convicted	misdem	Imprisoned for 12 months w/ hard labour, then discharged from service w/ disgrace. But in consideration of previous long continued good conduct and representaiton of ship's company in his favor, Lords Commissioners remit imprisonment, and cancel "with disgrace" from dismissal.
431	ADM 194/180	1864	Filmer	Filmer	master's assistant	non-sexual assault; an act of indec and unclean	misdems	convicted	misdem	Imprisoned for 1 yr, then dismissed service. Lords Commissioners order that he be sent to England (from West Indies), have remaining term of imprisonment remitted on arrival, and to be discharged to the shore.
432	ADM 194/180	1864	Kelly	Kelly	sub-lt	drunk and indecent conduct	misdems	acquitted of sexual charge	NA	NA (for non-sexual conviction is dismissed service)
433	ADM 194/180	1864	Cardy	Cardy	able	indecent assault	misdem	acquitted	NA	NA
434	ADM 194/181	1864	Evans	Evans	boatswain 3rd class	multiple charges, including false and scand accusation against George Wyatt	misdems	convicted	misdem	In consideration of former good conduct and length of arrest, only mulcted 12 days' pay and dismissed service (for other charges); for this charge, severely reprimanded.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
435	ADM 194/180	1864	Mulvaney-Wyatt	Mulvaney	assistant surgeon	person indec exposed w/ Wyatt	misdem	convicted	misdem	Imprisoned in an English gaol for 6 months, then dismissed service w/ disgrace.
436	ADM 194/180	1864		Wyatt	ord	person indec exposed w/ Mulvany	misdem	acquitted	NA	NA
437	ADM 194/181	1865	Wright	Wright	ord	scand act of unclean lying w/ Wright w/ his hand inside the man's trousers on his privates	misdem	convicted	misdem	In consideration of previous high character, only imprisoned w/ hard labour for 4 months, and reduced to 2nd class for conduct.
438	ADM 194/181	1865	Wright	Wright	ord	scand act of unclean in permitting hand in his trousers on his privates	misdem	acquitted	NA	NA
439	ADM 194/181	1865	Winns-Harris	Winns	leading seaman	sodomy	felony	convicted	felony	15 years penal servitude.
440	ADM 194/181	1865		Harris	ord 2nd class	sodomy	felony	convicted	felony	15 years penal servitude.
441	ADM 194/181	1865	Hart	Hart	ord 2nd class	attempting to take indec libs	misdem	convicted	misdem	48 lashes, then to be imprisoned in the general penitentiary at Kingston, Jamaica, for 1 yr w/ hard labour, then dismissed service w/ disgrace.
442	ADM 194/181	1865	O'Donnell	O'Donnell	able	four counts scandalous and indec conduct and assaults	misdems	convicted	misdem	Penal servitude for 5 yrs
443	ADM 194/181	1865	Earl	Earl	able	four counts indec assault	misdems	convicted	misdem	48 lashes and to be imprisoned in Winchester gaol for 2 yrs w/ hard labour, then dismissed service w/ disgrace. (Court also found Fisher's conduct disgraceful and Lords Commissioners direct he should be corporally punished and dismissed service w/ disgrace.)
444	ADM 1/6041	1865	Elves-Reed	Elves	pm	AICS	misdem	convicted	misdem	5 years penal servitude, forfeit all claims to pay etc., recommended to be discharged w/ ignominy from service and marked with "B.C."
445	ADM 1/6041	1865		Reed	pm	permitting the attempt	misdem	convicted	misdem	50 lashes and 5 years penal servitude, forfeit all claims to pay etc., recommended to be discharged w/ ignominy from service and marked with "B.C." Sentence subsequently determined to be problematic and revised to remove corporal punishment.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
446	ADM 194/181	1866	Bayne	Bayne	able	indec assault	misdem	convicted	misdem	Penal servitude for 7 yrs.
447	ADM 194/181	1866	Church	Church	boy 1st class	permitting indec assault	misdem	convicted	misdem	48 lashes and imprisoned 1 yr w/ hard labour, then discharged w/ disgrace.
448	ADM 194/181	1866	Organ-Harding	Organ	naval schoolmaster	indec and famil libs	misdem	acquitted	NA	NA
449	ADM 194/181	1866		Harding	boy 1st class	indec and famil libs	misdem	acquitted	NA	NA
450	ADM 194/181	1866	Morely-Rouse	Morley	gunner's mate	indecent assault w/ Rouse; indecent assault on another boy	misdem	convicted	misdem	Penal servitude for 5 yrs. (Henry Steward, having prevaricated in evidence, also imprisoned for 3 months.)
451	ADM 194/181	1866		Rouse	boy 1st class	indecent assault w/ Morley	misdem	convicted	misdem	In consideration of his youth to be imprisoned in a reformatory or gaol for 1 yr, then dismissed service.
452	ADM 194/181	1866	Chammings	Chammings	acting gunner 3rd class	3 counts indecent assault	misdems	fully and honourable acquitted	NA	NA (cout is of opinion that Baldwin wilfully gave false evidence; Lords Commissioners direct him to be imprisoned for 28 days then dismissed service w/ disgrace).
453	ADM 194/181	1866	Smith-Morris	Smith	ship's corp	sodomy	felony	convicted	felony	Penal servitude for 10 yrs.
454	ADM 194/181	1866		Morris	able	sodomy	felony	convicted	felony	Penal servitude for 10 yrs.
455	ADM 194/181	1866	Meanley	Meanley	pm	permitting crime of unnat nature	misdem	acquitted, in part b/c considered helpless and insensible from drink	NA	NA
456	ADM 194/181	1866	Philp	Philp	pm	attempting unnatural crime	misdem	convicted	misdem	Imprisoned for 2 yrs w/ hard labour, forfeit all financial advantage, badges, etc., then dismissed service w/ ignominy and marked on right breast w/ letters "BC."
457	ADM 194/181	1866	Kittle-Starks	Kittle	stoker	indecent assault	misdem	convicted	misdem	Penal servitude for 7 years.
458	ADM 194/181	1866		Starks	boy 1st class	permitting indec assault	misdem	acquitted, "he having been incapable from drink of resisting or of giving consent"	NA	NA
459	ADM 194/181	1866	Golding	Golding	able	indec libs	misdems	acquitted	NA	NA

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
460	ADM 194/181	1866	Painter	Painter	sick berth steward	improper/ indecent libs	misdem	convicted	misdem	Imprisoned in Exeter gaol for 2 yrs w/ hard labour, then dismissed service w/ disgrace.
461	ADM 194/181	1867	Fulcher	Fulcher	boatswain 3rd class	6 counts attempting/ committing indec acts and assaults	misdems	convicted	misdem	Imprisoned in Exeter gaol for 2 yrs, then dismissed service w/ disgrace.
462	ADM 194/181	1867	Wilson	Wilson	capt forecastle	2 counts indec assault; soliciting indec libs	misdems	convicted	misdem	Dismissed service w/ disgrace.
463	ADM 194/181	1867	Foxhall	Foxhall	pm	AICS	misdem	convicted	misdem	Imprisoned for 2 yrs w/ hard labour, then discharged w/ ignominy from service and marked on right breast with "BC."
464	ADM 194/181	1867	Moore	Moore	pm	permitting unnatural crime	misdem	acquitted ("a reasonable doubt existing as to whether the prisone was in such a state of consciousness as to be aware...")	NA	NA
465	ADM 194/181	1867	Jones	Jones	pm	AWOL; indecent assault	misdems	convicted	misdem	Imprisoned for 2 yrs w/ hard labour, then discharged w/ ignominy from service and marked on right breast with "BC."
466	ADM 194/181	1867	Bennett	Bennett	pm	AWOL; permitting indecent assault	misdems	convicted	misdem	Imprisoned for 2 yrs w/ hard labour, then discharged w/ ignominy from service and marked on right breast with "BC."
467	ADM 194/181	1868	Gay	Gay	boy 1st class	false charge of unnat offence	misdem	convicted	misdem	24 cuts w/ a birch, then imprisoned for 2 yrs w/ solitary confinement for first week of each month, remainder w/ hard labour, then dismissed service w/ disgrace.
468	ADM 1/6043	1868	Widdicombe	Widdicombe	shipwright	sodomy	felony	convicted lesser	misdem	Penal servitude for 5 yrs; but Lords Commissioners cancel sentence. (John Blake also punished for prevarication with 28 days impris w/ hard labour.)

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
469	ADM 194/181	1868	Brett	Brett	commander	indecent assault	misdem	acquitted	NA	NA (Brett is severely reprimanded for two instances of neglect of duty related to this charge; William Candy found to have made false statements; Samuel Wells found to have grossly prevaricated in evidence and imprisoned for 3 months; court also expresses disapprobation with George Harvey's evidence.)
470	ADM 194/181	1868	Southam	Southam	gunner's mate	indecent assault	misdem	convicted	misdem	Dismissed w/ disgrace from service.
471	ADM 194/181	1868	Frost	Frost	ord	false accusation of unnat offence and propositioning	misdem	convicted	misdem	Reduced to 2nd class for conduct, imprisoned for 2 yrs w/ hard labour, then dismissed service w/ disgrace.
472	ADM 194/181	1868	Priestly	Priestly	able	sodomy	felony	convicted	felony	Penal servitude for 9 years.
473	ADM 194/181	1868	Newland	Newland	boy 1st class	permitting sodomy	felony	convicted	felony	Penal servitude for 9 years.
474	ADM 194/181	1868	McFarlane-Price	McFarlane	able	indecent assault	misdem	convicted	misdem	Imprisoned 2 yrs w/ hard labour, then dismissed the service w/ disgrace.
475	ADM 194/181	1868		Price	ord	permitting indecent assault	misdem	acquitted	NA	NA ("it appearing that he was in such a state of unconsciousness as not to be aware of the assault being committed upon him").
476	ADM 194/181	1869	Nixdolph	Nixdolph	leading seam	AICS; scandalous/indec conduct.	misdems	convicted	misdem	Penal servitude for 10 yrs.
477	ADM 194/181	1869	Kingswell	Kingswell	boy 1st class	AICS; scandalous/indec conduct.	misdems	convicted	misdem	36 lashes, then imprisoned for 2 yrs w/ hard labour, then dismissed service w/ disgrace.
478	ADM 194/181	1869	Carter	Carter	pm	indecent proposals; rushing and knocking down his capt.	misdems	convicted	misdem	Penal servitude for 10 yrs.
479	ADM 194/181	1869	"Prince of Wales"	"Prince of Wales"	leading seam	indecency	misdem	convicted	misdem	Imprisoned for 2 years w/ hard labour, then dismissed service w/ disgrace.
480	ADM 194/181	1869	Cloak	Cloak	boy 1st class	indecency	misdem	convicted	misdem	Imprisoned for 12 months w/ hard labour, then dismissed service w/ disgrace.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
481	ADM 194/181	1869	Smart	Smart	leading seaman	indec assault; desertion while awaiting trial	misdems	convicted	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed w/ disgrace. (Wrongdoing also found on the part of the ship's police, Lord Gillford, and Lord Walter Kerr; the Lords Commissioners express severe displeasure to Gillford, and reprove Kerr.)
482	ADM 194/181	1869	Burns	Burns	pm	3 counts indecent assault	misdems	acquitted	NA	NA
483	ADM 194/181	1869	Byrne	Byrne	able	indecenty; drunkenness	misdems	convicted	misdem	Imprisoned w/ hard labour for 18 months, then dismissed w/ disgrace.
484	ADM 194/181	1869	Yeo	Yeo	boy 1st class	indecenty; drunkenness	misdems	convicted	misdem	In consideration of his youth, only discharged w/ disgrace.
485	ADM 194/181	1870	Sheppard	Sheppard	ord	indecent AICS; indec libs	misdem	convicted	misdem	48 lashes and imprisoned for 2 yrs w/ hard labour.
486	ADM 194/181	1870	Walker	Walker	ord	permitting indec libs	misdem	convicted	misdem	Imprisoned 18 months w/ hard labour.
487	ADM 194/181	1870	Fielding-Lewis	Fielding	pm	indecenty	misdem	convicted	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed service w/ disgrace.
488	ADM 194/181	1870		Lewis	ord	indecenty	misdem	convicted	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed service w/ disgrace.
489	ADM 194/181	1870	Williams	Williams	gunner	disgraceful cond of indec nature; insubord w/ violence	misdem	acquitted of sexual charge; convicted on other	NA	NA (for other offence imprisoned w/ hard labour for 1 yr).
490	ADM 194/181	1870	Anderson	Anderson	chief engineer	uncleanness	misdem	convicted	misdem	Dismissed the Nymph, placed a bottom of list of chief engineers, to remain there 2 yrs.
491	ADM 194/181	1870	Gutteridge	Gutteridge	pm	indecenty	misdem	convicted	misdem	In consideration of previous good conduct adjudged to only be dismissed from service w/ disgrace.
492	ADM 194/181	1870	Lee	Lee	pm	indecenty	misdem	convicted	misdem	Imprisoned for six months w/ hard labour, then discharged service w/ disgrace.
493	ADM 194/181	1871	Frost	Frost	master at arms	2 counts indec assault	misdems	convicted	misdem	Dismissed w/ disgrace from service.
494	ADM 194/181	1871	Cane	Cane	gunner	drunkenness, wilful disobd; uncleanness; act to prejudice of ord/disc by threatening acts to sentry	misdems	convicted	misdem	Imprisoned for 6 months w/ hard labour.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
495	ADM 194/181	1871	Foy	Foy	boy 1st class	false accusation of indec libs	misdem	convicted	misdem	24 cuts with a birch, then dismissed w/ disgrace.
496	ADM 1/6218	1871	Kuper	Kuper	lt	indecent assault; drunkenness	misdems	acquitted sexual charge; convicted drunkenness	NA	NA (for other offence forfeits 5 yrs' seniority and severely reprimanded).
497	ADM 194/181	1872	Thomas	Thomas	able	3 counts indecent assault	misdems	convicted	misdem	Imprisoned for 2 yrs, first week each month in solitary confinement, and remainder w/ hard labour, then dismissed service w/ disgrace.
498	ADM 194/181	1872	Davis	Davis	ord	indec assault	misdem	convicted	misdem	Imprisoned for 2 yrs, first week each month in solitary confinement, and remainder w/ hard labour, then dismissed service w/ disgrace.
499	ADM 194/181	1872	Smallwood	Smallwood	pm	indec assault	misdem	convicted	misdem	Penal servitude for 5 yrs. (Court gives 3 months in prison to another marine as well for prevaricating in his evidence.)
500	ADM 194/181	1872	Hayes	Hayes	quartermaster	5 counts indecent assault	misdems	convicted	misdem	Penal servitude for 10 years.
501	ADM 194/182	1873	Toole-Wright	Toole	boy 1st class	indec assault	misdem	convicted	misdem	Penal servitude for 5 yrs. B/c of issue with charge wording, Lords Commissioners modify to 2 yrs w/ hard labour, then dismissed service.
502	ADM 194/182	1873		Wright	boy 1st class	indec assault	misdem	convicted	misdem	Penal servitude for 5 yrs. B/c of issue with charge wording, Lords Commissioners modify to 2 yrs w/ hard labour, then dismissed service.
503	ADM 194/182	1873	Rowe	Rowe	able	2 counts indecent assault	misdems	convicted	misdem	Penal servitude for 5 yrs.
504	ADM 194/182	1873	Davis (al Wiggins)	Davis	pm	indec assault	misdem	convicted	misdem	Imprisoned w/ hard labour for 730 days, to forfeit all advantages as to pay and pension derivable from past service, then discharged w/ ignominy from service.
505	ADM 194/182	1873	Johnson	Johnson	pm	2 counts indec assault	misdems	convicted	misdem	Imprisoned for 2 years w/ hard labour, then dismissed service w/ disgrace.
506	ADM 194/182	1873	Twiss	Twiss	pm	indec assault	misdem	convicted	misdem	Dismissed service. Court also of opinion that Jewell either made false statement in investigation or in court and that Martin Flavin gave evidence in unsatisfactory manner.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
507	ADM 1/6475	1873	Renwick	Renwick	navigating sub-lt	15 charges indec assault	misdems	convicted on 13 counts	misdem	Penal servitude for 10 years.
508	ADM 194/182	1874	Wells	Wells	pm	drunkenness; indecent assault	misdems	convicted on both	misdem	Fined 1 pound, imprisoned 672 days w/ hard labour, then discharged w/ ignominy from service.
509	ADM 194/182	1874	William	William	pm	drunkenness; allowing indec assault on himself	misdems	acquitted sexual charge; convicted drunk	NA	NA (for other offence fined 1 pound and imprisoned 168 days w/ hard labour).
510	ADM 194/182	1874	Fedarb-Cook	Fedarb	able	sodomy	felony	convicted lesser	misdem	Penal servitude for 10 yrs.
511	ADM 194/182	1874		Cook	ord	sodomy	felony	convicted lesser	misdem	Penal servitude for 10 yrs.
512	ADM 194/182	1874	Stamp-Carrall	Stamp	ord	scand and indec conduct in lying together w/ persons naked and uncovered	misdem	convicted	misdem	Imprisoned for 2 yrs, the first 7 days in each month to be in solitary confinement, the rest w/ hard labour, then dismissed service w/ disgrace.
513	ADM 194/182	1874		Carrall	boy	scand and indec conduct in lying together w/ persons naked and uncovered	misdem	acquitted	NA	NA
514	ADM 194/182	1874	Philip	Philip	master at arms	indecent assault	misdem	acquitted, but court considers him guilty of highly improper conduct	NA	NA (for the other offence he is severely reprimanded)
515	ADM 194/182	1874	Carrall	Carral	ord	indec assault	misdem	convicted	misdem	Penal servitude for 5 yrs, then dismissed w/ disgrace from service.
516	ADM 194/182	1874	Hobbs-Rich	Hobbs	able	indec	misdem	acquitted	NA	NA
517	ADM 194/182	1874		Rich	ord	indec	misdem	acquitted	NA	NA
518	ADM 1/6323	1874	Simpson	Simpson	ord	sod	felony	convicted	felony	Penal servitude for 5 years
519	ADM 1/6323	1874	Keenor	Keenor	ord	sod	felony	acquitted	NA	NA
520	ADM 194/182	1875	Bray	Bray	able	uncleaness; AWOL; desertion; theft	misdems	convicted	misdem	Imprisoned for 2 years w/ hard labour, then dismissed service w/ disgrace.
521	ADM 194/182	1875	Chater	Chater	leading seam	sod; propositioning	misdems	convicted	misdem	Penal servitude for 5 years.
522	ADM 194/182	1875	Noone	Noone	pm	indec assault	misdem	convicted	misdem	Imprisoned for 18 months w/ hard labour, then dismissed service w/ disgrace.
523	ADM 194/182	1875	Williams	Williams	pm	drunkenness; indecency	misdem	acquitted sexual charge; convicted of drunkenness	NA	NA (on other charge fined 7 shillings and sixpence; court also finds two other privates wilfully made false statements).

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
524	ADM 194/182	1875	Lapthorn-Bradford	Lapthorn	boy	indecent	misde	convicted	misde	24 cuts w/ birch, imprisoned for 6 months, first 7 days in each month in solitary confinement, remainder w/ hard labour.
525	ADM 194/182	1875		Bradford	boy	indecent	misde	convicted	misde	24 cuts w/ birch, imprisoned for 6 months, first 7 days in each month in solitary confinement, remainder w/ hard labour.
526	ADM 1/6369	1875	Merry-Brown	Merry	pm	drunk on board; striking superior officer; indec assault	misde	convicted	misde	Penal servitude for 7 years. (James Searle, James Barker, George Barnes, and Thomas Barwell severely reprimanded in addition for gross neglect of duty.)
527	ADM 1/6369	1875		Brown	pm	drunkenness, allowing indec assault	misde	convicted [b/c of legal problems, later treated as conviction for drunkenness and uncleanness instead]	misde	Penal servitude for 5 years. In light of legal errors in the case Lords Commissioners alter this to imprisoned for two years w/ hard labor, then dismissed service w/ disgrace.
528	ADM 194/182	1875	Ruby-Elliott	Ruby	able	attempted sod	misde	convicted	misde	Penal servitude for 5 yrs (court also gives able seaman William Yabsley imprisonment w/ hard labor for 1 month for prevarication).
529	ADM 194/182	1875		Elliott	ord	attempted sod; feigning stupor	misde	convicted	misde	Penal servitude for 5 yrs.
530	ADM 194/182	1875	Wallace	Wallace	signalman	indec props	misde	convicted	misde	Imprisoned for 2 years, first week of each month in solitary confinement, remainder w/ hard labour, then dismissed service w/ disgrace.
531	ADM 194/182	1876	Neesham-Williams	Neesham	pm	attempted sod	misde	convicted	misde	Penal servitude for 10 years.
532	ADM 194/182	1876		Williams	boy 1st class	attempted sod	misde	convicted	misde	Penal servitude for 7 years.
533	ADM 194/182	1876	Richards	Richards	corporal	5 counts indec assault	misde	acquitted	NA	NA
534	ADM 194/182	1876	Driscoll	Driscoll	able	lying across hammocks; striking superior officer	misde	convicted	misde	Imprisoned for 18 months, the first week in each month in solitary confinement, the rest w/ hard labour.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
535	ADM 1/6385	1876	Hamm ett	Hamm ett	boatswain, supernum	6 counts indec assault	misdem	acquitted	NA	NA (court records opinion that the four accusing boys perjured themselves. All are subsequently tried on this charge and acquitted).
536	ADM 194/182	1876	Morris- Wright	Morris	pm	sodomy	felony	convicted	felony	Penal servitude for 10 yrs.
537	ADM 194/182	1876		Wright	ord	sodomy	felony	convicted	felony	Penal servitude for 10 yrs.
538	ADM 194/182	1876	Crawford	Crawford	pm	indecent assault	misdem	convicted	misdem	Imprisoned for 18 months w/ hard labour, then dismissed service w/ disgrace.
539	ADM 194/182	1877	Grogan-Wells	Grogan	able	sodomy	felony	convicted lesser	misdem	Penal servitude for 10 years.
540				Wells	able	sodomy	felony	convicted lesser	misdem	Penal servitude for 10 years.
541	ADM 194/182	1877	Hume	Hume	captain	indec assault, 3 charges	misdems	convicted	misdem	Dismissed service.
542	ADM 194/182	1877	Humphreys	Humphreys	boatswain	behaving indecently, 4 charges	misdems	convicted	misdem	Dismissed service.
543	ADM 194/182	1877	Mitchell	Mitchell	ord	indecent assault	misdem	acquitted	NA	NA
544	ADM 194/182	1877	Spong-Koch	Spong	ord	indecent assault	misdem	convicted	misdem	Penal servitude for 10 yrs. (Court also records condemnation of John Thomas [leading stoker] and criticism of Lt. James Coombe Helson.)
545	ADM 194/182	1877		Koch	bandsman	indecent assault	misdem	acquitted	NA	NA
546	ADM 194/182	1877	Jennings-Tibbits	Jennings	ord	scand and indec conduct	misdem	convicted	misdem	Imprisoned for 12 months w/ hard labour, then dismissed service w/ disgrace
547	ADM 194/182	1877		Tibbits	ord	scand and indec conduct	misdem	convicted	misdem	Imprisoned for 12 months w/ hard labour, then dismissed service w/ disgrace
548	ADM 194/182	1877	Hanigan	Hanigan	ord	indec assault	misdem	acquitted	NA	NA
549	ADM 194/182	1877	Bates	Bates	able, gunner 1st class	indec assault	misdem	acquitted	NA	NA
550	ADM 194/182	1877	Reddie	Reddie	lt	6 counts of indecent assault and conduct unbecoming in indecent familiarity	misdems	convicted	misdem	Dismissed service.
551	ADM 194/182	1878	Barker-Searle	Barker	1st class ship's corp	indec assault; behaving in indec manner	misdem	convicted	misdem	Penal servitude for 5 yrs.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
552	ADM 194/182	1878		Searle	lamp trimmer	indec assault; behaving in indec manner	misdem	convicted	misdem	Imprisoned for 2 years w/ hard labour, then dismissed service w/ disgrace.
553	ADM 194/182	1878	Baines	Baines	able	in bed w/ man both w/ trousers down	misdem	convicted	misdem	Imprisoned for 2 yrs, the first 7 days in each month in solitary confinement, remainder w/ hard labour, then dismissed service w/ disgrace.
554	ADM 194/182	1878	Pearce	Pearce	signalman 2nd class	in bed w/ seaman both w/ trousers down	misdem	convicted	misdem	Imprisoned for 2 yrs, the first 7 days in each month in solitary confinement, remainder w/ hard labour, then dismissed service w/ disgrace.
555	ADM 194/182	1878	Hambling	Hambling	capt mizzentop	indec assault; attempted indec libs	misdems	convicted	misdem	Imprisoned for 6 months w/ hard labour, then dismissed service.
556	ADM 194/182	1878	Ingram	Ingram	pm	attempted bestiality	misdem	acquitted	NA	NA
557	ADM 194/182	1878	Burke	Burke	pm	indec assault	misdem	convicted	misdem	Imprisoned for 2 yrs w/ hard labour, then dismissed service w/ disgrace.
558	ADM 194/182	1878	Annan	Annan	ord	indec assaults	misdems	convicted	misdem	Imprisoned for 2 yrs, the first 7 days in each month in solitary confinement, remainder w/ hard labour, then dismissed service w/ disgrace.
559	ADM 194/182	1878	Hennesy-Harrington	Hennesy	able	sodomy	felony	convicted	felony	Penal servitude for 12 yrs.
560	ADM 194/182	1878		Harrington	able	sodomy	felony	acquitted thru drink	NA	NA
561	ADM 194/182	1879	Nicholson	Nicholson	lt	indec assault; conduct unbecoming	misdems	convicted	misdem	Dismissed service w/ disgrace.
562	ADM 194/182	1879	Barr	Barr	able	indec assault	misdem	acquitted	NA	NA
563	ADM 194/182	1879	Taylor	Taylor	boatswain	drunkenness; in company w/ seaman in sleeping berth both w/ clothes disordered	misdem	convicted	misdem	Dismissed from service.
564	ADM 194/182	1880	Tippet	Tippet	corp 1st class	indec assault; indec libs	misdems	convicted	misdem	Imprisoned for 2 yrs w/ hard labour, then dismissed service.
565	ADM 194/182	1881	Shrub	Shrub	leading seam	getting into another's hammock	misdem	convicted	misdem	Imprisoned for 1 yr w/ hard labour, then dismissed service w/ disgrace.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
566	ADM 194/182	1881	Baker	Baker	capt maintop	indec assaults	misdems	convicted	misdem	Penal servitude for 5 yrs; Lords Commissioners subsequently of opinion that evidence was insufficient and annul sentence.
567	ADM 194/182	1881	Jones	Jones	ord	range of charges, including indec conduct	misdem	convicted	misdem	Imprisoned w/ hard labour 12 months, then dismissed service.
568	ADM 194/182	1882	Gillespie	Gillespie	pm	indec assault	misdem	acquitted	NA	NA
569	ADM 194/182	1882	Mahoney	Mahoney	able	unclean in indec props	misdem	convicted	misdem	Imprisoned w/ hard labour for 3 yrs, then dismissed service w/ disgrace.
570	ADM 194/182	1882	Hudd	Hudd	able	indec assault	misdem	convicted	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed service w/ disgrace.
571	ADM 194/182	1882	Bateman	Bateman	able	sodomy	felony	acquitted	NA	NA (but Thomas Murray, the passive partner, dismissed from the service by the Lords Commissioners).
572	ADM 194/183	1884	Smith-Cartwright	Smith	able	sodomy	felony	convicted lesser	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed service w/ disgrace
573	ADM 194/183	1884		Cartwright	ord	sodomy	felony	convicted lesser	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed service w/ disgrace
574	ADM 194/183	1884	Smith-Colley	Smith	able	sodomy	felony	convicted lesser	misdem	Imprisoned w/ hard labour for 6 months, then dismissed service w/ disgrace.
575	ADM 194/183	1884		Colley	able	sodomy	felony	acquitted	NA	NA
576	ADM 194/183	1884	Hogg	Hogg	able	indecent assault; using threatening lang to superior	misdems	convicted	misdem	Penal servitude, 5 yrs. Lords Commissioners modify sentence to imprisoned and kept in hard labour 2 yrs, then dismissed service.
577	ADM 194/183	1884	Duggan	Dugan	boatswain	indecent assault	misdem	acquitted	NA	NA
578	ADM 194/183	1884	Turman	Turman	able	indecent assault	misdem	convicted	misdem	Imprisoned w/ hard labour for 2 years, then dismissed service. Lords Commissioners remit remainder of his sent from date following committal to prison.
579	ADM 194/183	1885	Smart	Smart	boatswain's mate	indecent assault	misdem	convicted	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed service w/ disgrace.
580	ADM 194/183	1885	Loaring	Loaring	master at arms	indec assault; writing indecent letters	misdems	convicted	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed service w/ disgrace.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
581	ADM 194/183	1885	Slee	Slee	leading	indec propositions; indec assaults	misdems	convicted	misdem	Imprisoned w/ hard labour for 1 yr, then dismissed service w/ disgrace.
582	ADM 194/183	1885	Reid-Miller	Reid	capt forecastle	indec assault; desertion	misdem	convicted	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed service w/ disgrace..
583	ADM 194/183	1885		Miller	ord	indec assault	misdem	convicted	misdem	Imprisoned 1 yr w/ hard labor, then dismissed service w/ digrace.
584	ADM 194/183	1886	Thomas	Thomas	ord	indec assault	misdem	acquitted	NA	NA
585	ADM 194/183	1886	Brown	Brown	ord	uncleanness	misdem	convicted	misdem	Imprisoned w/ hard labour for 1 yr, then dismissed service w/ disgrace.
586	ADM 194/183	1886	Didymus	Didymus	able	indec assault	misdem	acquitted	NA	NA
587	ADM 194/183	1887	Simmons-Sharp	Simmons	able	found together in hammock box w/ trousers down	misdem	convicted	misdem	Imprisoned w/ hard labour for 6 months, then dismissed service.
588	ADM 194/183	1887		Sharp	signal boy	found together in hammock box w/ trousers down	misdem	convicted	misdem	Imprisoned w/ hard labour for 6 months, then dismissed service.
589	ADM 194/183	1887	Mack	Mack	able	uncleanness in making indecent proposals	misdem	convicted	misdem	Imprisoned w/ hard labour for 12 months, then dismissed service w/ disgrace.
590	ADM 194/183	1887	Harding-Ruttle	Harding	pm	indec conduct	misdem	acquitted	NA	NA
591	ADM 194/183			Ruttle	drummer	indec conduct	misdem	acquitted	NA	NA
592	ADM 194/183	1888	Owens	Owens	boatswain	uncleanness and indec assault	misdems	convicted	misdem	Dismissed service w/ disgrace.
593	ADM 194/183	1889	Redman-Williams	Redman	able	indec assault	misdem	convicted	misdem	Imprisoned w/ hard labour 2 yrs, then dismissed w/ disgrace.
594	ADM 194/183			Williams	ord	indec assault	misdem	convicted	misdem	Imprisoned w/ hard labour 2 yrs, then dismissed w/ disgrace.
595	ADM 194/183	1890	Buckle	Buckle	able	uncleanness	misdem	acquitted	NA	NA
596	ADM 194/183	1890	Smith	Smith	able	indecent assault	misdems	convicted	misdem	Penal servitude, 5 years. Lords Commissioners subsequently modify sentence to: imprisoned w/ hard labour for 2 years, then dismissed from the service.
597	ADM 194/183	1890	Amos	Amos	able	uncleanness and indec assault	misdems	convicted	misdem	Imprisoned w/ hard labour for 18 months, then dismissed service w/ disgrace. Lords Commissioners subsequently modify to: only dismissed service.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
598	ADM 1/7091	1891	Manship	Manship	pm	uncleanness	misdem	acquitted	NA	NA
599	ADM 194/183	1893	Prowse	Prowse	pm	sodomy	felony	acquitted	NA	NA
600	ADM 1/7174	1893	Sotham	Sotham	leading	sodomy	felony	acquitted of this charge; pleads guilty to a non-sexual charge	NA	NA (disrated to able for his conviction).
601	ADM 194/183	1893	Gardner	Gardner	ord	sodomy	felony	convicted	felony	10 yrs penal servitude.
602	ADM 194/183	1893	Palmer	Palmer	able	sodomy	felony	acquitted	NA	NA
603	ADM 194/183	1893	Murphy	Murphy	leading	sodomy	felony	acquitted	NA	NA
604	ADM 194/183	1893	Husk	Husk	able	sodomy	felony	acquitted	NA	NA
605	ADM 194/184	1894	Drake	Drake	petty officer 1st class	acts to the prejudice of good order and naval discipline	misdem	acquitted	NA	NA
606	ADM 194/184	1894	Thurston	Thurston	able	sodomy	felony	convicted lesser	misdem	Penal servitude, 3 years.
607	ADM 194/184	1894	Pennill-Cooper	Pennill	able	indecent assault; sodomy	misdem (felony?)	acquitted	NA	NA (victim who brought charge tried for perjury and convicted).
608	ADM 194/184	1894		Cooper	able	indecent assault; sodomy	misdem (felony?)	acquitted	NA	NA
609	ADM 194/184	1894	May	May	petty officer 1st class	acts to the prejudice of good order and naval discipline	misdem	convicted	misdem	Imprisoned w/ hard labour for 6 months, then dismissed from HM's service.
610	ADM 194/184	1894	Bosworthick	Bosworthick	gunner	indecent assault	misdem	acquitted	NA	NA
611	ADM 1/7221	1894	Brown	Brown	marine	sodomy	felony	convicted lesser; verdict later adjusted to act of gross indec	misdem	Originally given 3 yrs penal servitude w/ hard lab; Lords Commissioners reduce to 18 months imprisonment w/ hard labor after finding verdict problematic.
612	ADM 1/7221	1894	Sheppard	Sheppard	marine	sodomy	felony	acquitted	NA	NA
613	ADM 194/184	1984	Edward Job	Job	boatswain	two charges sodomy	felony	acquitted	NA	NA
614	ADM 194/184	1989	Ludlow-Pilcher	Ludlow	leading seaman	sodomy	felony	convicted lesser	misdem	Imprisoned w/ hard labour for 2 yrs, then dismissed w/ disgrace.
615	ADM 194/184	1989		Pilcher	ord seaman	sodomy	felony	convicted lesser	misdem	Imprisoner w/ hard labour for 18 months, then dismissed w/ disgrace.
616	ADM 194/184	1900	Salisbury	Salisbury	P.O. 1st class	idec assault; being in boy's hammock	misdem	convicted	misdem	Imprisoned w/ hard labour for 18 months, then dismissed w/ disgrace.

Appendix E. Table of Charges, Verdicts, and Sentences

	Short Citation	Year	CM Name	Defendant	Defendant's rank	Charge language or allegation(s)	Level/ Article of crime alleged	Verdict	Verdict Level/ Article	Sentence
617	ADM 194/184	1900	Bobe	Bobe	P.O. 2nd class	visiting boys in hammocks for immoral purposes	misdem	acquitted	NA	NA

Appendix F. Table of Courts Martial Boards Members, 1796-1840

Note: This table lists all officers who served on courts for trials identified in Appendix A in these years. The numerical coding used here corresponds to the fifth column of Appendix A. Service as president is indicated by parentheses. I have used Syrett and DiNardo's *Commissioned Sea Officers* and, where necessary, comparison of signatures to distinguish between officers with the same and similar names. However, detailed correlation of available biographical information with my identifications has not been possible due to time constraints; as a result, the following identifications should be regarded as tentative until further research is possible. Titles, honors, etc., have only been included here when they are helpful in distinguishing officers.

	Name	Trials
1	Adam, Charles	20; 25; 26; 119
2	Alexander, Richard Henry	74
3	Alexander, Thomas	20; 62; 68; 76; 80; 128; 129; 141; 158; 159; (160); (161); (162); (163); (164); (165); (166); 167
4	Allen, John	87
5	Almes, James	(6); 12
6	Anderson, James	94
7	Aplin, Peter	8
8	Arymes, George	64
9	Astle, George	36
10	Astley, Sir Edward William Carry	185
11	Atkins, David	95
12	Austen, Charles John	(182); 196
13	Austen, Francis William	32; 87; 99; 100; 109; 122; 129
14	Aylmer, Rt. Hon. Frederick William, Lord	158; 159; 160; 161; 162; 163; 164; 165; 166; 167
15	Aylmer, John	3; 4
16	Ayscough, John	86
17	Baker, Henry Edward Reginald	100; 149; 150
18	Baker, Thomas	43; 102; 117; 122; (151)
19	Ball, Henry Lidgbird	20; 57; 117; 122; 129
20	Ballard, Samuel James	17; 67; 79; 82
21	Ballard, Volant Vashon	39; 79; 82
22	Barrett, John	45; 66
23	Barrie, Sir Robert	62; 152
24	Bartholomew, David Ewen	173
25	Bathurst, Walter	25
26	Barton, Robert	14; 68; (76); 80; 93; 116; 117
27	Bastard, John	53; 154
28	Bateman, Charles Philip Butler	130
29	Bathurst, Walter	103; 137; 144; (181)
30	Bayntun, Sir Henry William	24; 40; 41
31	Bazely, Henry	38
32	Beauclerk, Lord Amerlius	44; 67; 110; 122; (133)
33	Beauford, William	141
34	Beauman, Francis	73; 84
35	Beaver, Philip	42
36	Bedford, William	12; 21; 35; 60; 67; 69
37	Bennett, Hon. John Astley	38
38	Bennett, Richard Henry Alexander	10; 68
39	Beresford, Sir John Poo	(15); 82; 131; 132; (147)

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
40	Berkeley, Hon. Sir George	(19); 21
41	Berry, Sir Edward	22; 23; 123; 124; 126; 127; 136; 139; 140
42	Bertie, Sir Albermarle	(48)
43	Bertie, Thomas	23; 35
44	Bestland, John	155
45	Bickerton, Sir Richard	4; 9; 19
46	Bingham, Joseph	27; 100; 109; 117; 130; 133
47	Bissett, James	69; (79); 99; 117
48	Blackwood, Hon. Sir Henry	59; 67; 68; 74; 76; 80; 88; (184)
49	Bligh, George Miller	63; 168
50	Bligh, John	45; 58
51	Bligh, Sir Richard Romney	(11)
52	Bligh, William	10
53	Boger, Edmund	158; 159; 160; 161; 162; 163; 164; 165; 166; 167; 172
54	Boger, Richard	4
55	Bolton, Sir William	39; 56; 141
56	Bouverie, Hon Duncombe Pleydell	40; 99; 100; 189; (195)
57	Bowater, Edward	12
58	Bowen, George	(2)
59	Bowen, James	7; 22; 142
60	Bouverie, Hon. Duncombe Pleydell	41; 130
61	Bowles, Sir William	57; 59; 158; 159; 160; 161; 162; 163; 164; 165; 167
62	Boxer, Edward	193
63	Boyles, Charles	29; (86)
64	Boyle, Hon. Courtney	36; 44
65	Boys, Thomas	11; 16; 90; 96; 101; 157
66	Brace, Sir Edward	144; 149; 150; (178)
67	Bradley, William	35
68	Bremer, Sir James John Gordon	190
69	Brenton, Edward Pelham	96
70	Briggs, Thomas	65; 81; 154; 155; (188)
71	Brine, Augustus	133; 134; 151
72	Brine, James	4
73	Brisbane, Sir James	153; 154; 155
74	Brodie, Thomas Charles	49
75	Broke, Sir Philip Bowes Vere	82
76	Bromley, Sir Robert Howe	44
77	Brookings, Samuel	5
78	Broughton, John	72; 89
79	Broughton, William Robert	69; 157
80	Browell, William	7
81	Browne, Philip	143
82	Brown, Thomas	60; 125; 147
83	Bullein, Charles	44
84	Bullen, Sir Charles	149; 150; (169)
85	Buller, Sir Edward	(72); (82); (89)

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
86	Burdett, George	131; 132; 135; 138
87	Burlton, Sir George	(49); 103; 118; 136; 139; 140
88	Burnaby, Sir William Crisp Hood	146
89	Burton, George Guy	19; 88
90	Burton, Robert	88
91	Butler, Edward	36
92	Bulton, George	93
93	Butcher, Samuel	128
94	Bettesworth, George Edmund Bryon	44
95	Byard, Sir Thomas	4
96	Byng, George (Viscount Torrington)	(65); 109; 122; 141
97	Cadegan, Rt. Hon. George, Earl	71
98	Calder, Sir Robert	1; 3
99	Campbell, Donald	49; 90; 97; 101; 114
100	Campbell, George	10
101	Campbell, Patrick	93; 118; 120; 121; 123; 124; 126; 127
102	Campbell, Robert	56; (64); 85; 115; 119; 123; 124
103	Campbell, Robert Bell	49
104	Capel, Hon. Thomas Bladen	69; 116; 135; 138
105	Carnegie, Rt. Honorable William, Earl of Northesk	(29)
106	Carroll, Sir William Fairbrother	145
107	Carpenter, James	102; 110;
108	Carter, Thomas Wren	194
109	Carteret, Philip	109
110	Caulfield, Thomas Gordon	65; (81); 147; (148); (175)
111	Cayley, William	(14)
112	Chamberlayne, Edwin Henry	119; 139; 140
113	Chambers, Samuel	169; 170
114	Charlton, William	75
115	Chetham, Edward	61
116	Chilcott, William	11
117	Christian, Hood Hanway	98; 143; 180; 185
118	Church, Stephen George	12
119	Churchill, Henry John Spencer, Lord	185; 186
120	Clarke, William	(20)
121	Clavell, John	156
122	Clay, Edward Sneyd	59
123	Clifford, Sir Augustus William James	184
124	Cobb, Charles	6
125	Cochet, John	128
126	Cochrane, Hon. Sir Alexander	21; (42)
127	Cochrane, Nathaniel Day	42; 71
128	Cochrane, Thomas (Lord Cochrane)	29
129	Cochrane, Sir Thomas	(179)
130	Cockburn, George	7; 30-31; 72

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
131	Cochet, John	11; 130
132	Codrington, Edward	36; 56; 103
133	Codrington, Henry John	196
134	Coffin, Sir Isaac	(36); (44)
135	Coghlan, Jeremiah, CB	118; 120; 121; 136; 181
136	Colby, David	62
137	Cole, Sir Christopher	128; 130
138	Cole, Francis	4
139	Collard, Valentine	49
140	Collier, Edward	196
141	Collier, Sir George Ralph	50; 51
142	Collingwood, Cuthbert	3; 28
143	Colville, John	45; 110; 112; 129
144	Conn, John	43
145	Cooke, John	29
146	Corbet, Robert	40; 41; 72
147	Corry, Armar Lowry	192
148	Cotton, Charles, Sir	(28); (34)
149	Cotterell, Frederick	63; 64
150	Court, Edward Henry	156
151	Crawford, James Coutts	54; 87
152	Crawley, John	18
153	Crispin, Benjamin	113
154	Crofton, Edward	55
155	Cumberland, William	49; 73
156	Cumby, William Pryce	148
157	Cumming, William	30-31; 62; 68; 74; 76; 80
158	Curtis, Sir Roger, Bart.	(8)
159	Dacres, Barrington	32
160	Dacres, James Richard (d. 1810)	1; 3
161	Dacres, James Richard (d. 1853)	(156)
162	Dacres, Richard	10; 24; 45
163	Dalling, John Windham	195
164	Darby, Henry D'Esterre	3
165	Dashwood, Charles	99; 134; 141
166	Davie, John	50; 51
167	Davies, Lewis, CB	192
168	Dawkins, William Robert	179
169	Dawson, John	23
170	Dench, Thomas	111
171	Dick, John	48
172	Dickson, Sir Archibald Collingwood	38; 60; 67; 69; 104; 105; 106; 107; 108; 110; 112; (158); (159); (167); (172)
173	Dickson, Archibald	(143)
174	Dickson, Edward Stirling	119; 126; 127; 158; 159; 160; 161; 162; 163; 164; 165; 166; 167
175	Digby, Henry	30-31

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
176	Digby, Stephen Thomas	84; 99; 112; 142
177	Dilkes, Charles	79; 114; 137; 152
178	Dilkes, John	10
179	Dillon, William Henry	91; 98; 126; 127
180	Dix, Edward	146
181	Dixon, Manley	(104); (105)
182	Dobbie, William Hugh	156; 167; 169; 170
183	Dobson, Man	2; 5; 11; 16
184	Dod, Michael	85
185	Dolling, William Brooking	94
186	Donnelly, Ross	11; 62
187	Domett, William	9; 12; 22; 28
188	Douglas, John Erskine	67; 69; 89; 97; 116; 117; 118; 120; 121; 123; 124; 126; 127; 136
189	Down, Edward Augustus	113
190	Downman, Hugh	37; 112
191	Drummond, Adam	133; 134
192	Drury, William O'Bryen	8; 28
193	Duckworth, John Thomas	8; (43)
194	Duer, John	75
195	Duff, Archibald	44; 147; 156
196	Dumaresque, Philip	44; 66; 95
197	Duncan, Hon. Henry	148; 173
198	Dundas, Hon. George Heneage Lawrence	48; 80; 88; 113
199	Dundas, Thomas	54; 69; 104; 105; 106; 107; 108
200	Dunn, Richard Dalling	33; 43; 59; 89
201	Durham, Philip Charles	22; (73); (95); 104; 105; 106; 107; 108
202	Edgcumbe, John	53; 81
203	Edwards, Sampson	9
204	Ekins, Charles	84; 157
205	Elliott, Hon. Sir George	65
206	Elliot, Sir William	190
207	Ellison, Joseph	8
208	Elphinstone, Charles	26
209	Epworth, Farmery Predam	96; 99; 100; 114; 115; 135; 138
210	Evans, Andrew Fitzherbert	13; (39); 132; (146); 152; (170)
211	Eyles, Thomas	89; 102; 110
212	Fabian, Charles Montagu	125; 131; 132; 147
213	Fahie, William Charles	42; (55); 90; 104; 105; 106; 107; 108; 112; 153
214	Fancourt, Robert Devereux	23
215	Fanshawe, Arthur	191; 192; 196
216	Farquhar, Arthur	77; 149
217	Fayerman, Francis	12; 34
218	Fellowes, Edward	30-31; 68; 76; 80; 93
219	Fellowes, Sir Thomas	189; 191; 192; 196
220	Ferrier, John	16; (53); 84; 97; (109); (116); (117); (122)

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
221	Fisher, William	189, 196
222	Fisting, Robert Worgan George	81
223	Fleeming, Hon. Charles Elphinstone	30-31
224	Fleming, John	168
225	Foley, Sir Thomas	1; 19; 23
226	Forbes, Robert	98
227	Foote, Charles	53
228	Foote, Edward James	25; 128; (130); 133; (134); (149); (150)
229	Forrest, Thomas	147; 158; 159; 160; 161; 162; 163; 164; 165; 166; 167; 179
230	Forster, Matthew	56
231	Forster, Samuel Peter	16; 18
232	Fothergill, William	27; 37; 114; 115; 148
233	Fowke, George	114; 115; 128; 130; 133; 134; 149; 150
234	Frederick, Thomas Lenox	1; 8
235	Fremantle, Thomas Francis	1; 33; (111); (113)
236	Fyffe, John	75; 143
237	Gage, William Hall	134
238	Galway, Edward	82
239	Gambier, Robert	167
240	Gape, Joseph	188
241	Gardner, Alan	(4); (21)
242	Gardner, Alan Hyde	21
243	Garlies, George, Lord Viscount, Earl of Galloway	22
244	Garth, Thomas	71; 72; 145
245	Gill, Charles	61; 73; 84; 92
246	Glynn, Henry Richard	72; 85; 91
247	Gordon, Alexander	135; 138
248	Gordon, Sir James Alexander	63; 130
249	Gordon, Hon. William	96
250	Gore, Sir John	82; 90; 114; 115; (144); (137)
251	Gore, John	174
252	Gosselin, Thomas Le Marchant	15; 19; 36
253	Gosset, Henry	182
254	Gower, Edward Leveson	87; 114; 115; 120; 121; 123; 124
255	Gower, Sir Erasmus	12
256	Graham, Edward Lloyd	38; 87
257	Graham, Thomas	131; 132; 177
258	Granger, William	90
259	Grant, Charles	126; 127
260	Grant, Sir Richard	194
261	Graves, Thomas	12; (23); 45
262	Green, James	156
263	Grey, George	1; 3
264	Griffith, Edward	68; 97; 116; 117; 122; (135); (138); (152)
265	Griffiths, Anselm John	44

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
266	Grindall, Richard	22
267	Guion, Daniel Oliver	87
268	Halkett, Peter	45; 67
269	Hall, Robert	87; 96; 99; 100; 102; 112; 147; 148
270	Halliday, John	74; 76; 99; 100
271	Hallowell, Benjamin	1; 33; 62; 93; 100; 103
272	Halsted, John	109; 117
273	Halsted, Lawrence William	38
274	Hamilton, Charles	44; 114
275	Hamond, Graham Eden	133; 136; 137; 144
276	Hanchett, John Martin	131; 132; 146; 148
277	Hancock, John	59; 85; 149; 150; 157; 190
278	Hanwell, William	101; 104; 105; 106; 107; 108
279	Hardy, John Oakes	13
280	Hardy, Temple	11
281	Hardy, Sir Thomas Masterman	23; 58; 90; 175
282	Hardyman, Lucius	37
283	Hargood, William	20; (25); 44; 68; (74); (87); (96); (99); (100); (102); 104; 105; (106); (107); (108); (110); (112); (114); (115); (128)
284	Harris, George	65
285	Hart, Henry	176
286	Harward, Richard	84; 92
287	Hay, Lord John	169
288	Harvey, Edward	(194)
289	Harvey, John	30-31; 54; 68; 74; 80; 93
290	Harvey, Thomas	15; 33; 116; 117; (177)
291	Hastings, Thomas	189; 195
292	Hawker, Edward	42; 149; 150; 157
293	Heathcote, Gilbert	147
294	Heathcote, Henry	114; 115; 118; 120; 121; 136; 144
295	Henderson, Robert	157
296	Henniker, Hon. Major Jacob	71
297	Heywood, Peter	40; 41; (77); 134; 141; 149; 150; 154; 155
298	Hill, Henry	17; 49; 72; 94
299	Hill, William	125
300	Hillyar, James	59; 66; 72; 128
301	Hoare, Edward Wallis	81
302	Hodgson, Brian	38; 100; 142
303	Hollis, Askew Paffard	93; 133; 134
304	Holloway, John	(22)
305	Home, Roddam	9
306	Honeyman, Robert	24; (71); 95
307	Hood, Alexander	4
308	Hood, Sir Samuel	68; (80); (88); (93)
309	Hope, Charles	180

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
310	Hope, George	95
311	Hope, Henry	76
312	Hope, George Johnstone	66
313	Horton, Joshua Sydney	38; 184
314	Hoste, Sir William	17; 44; (145); 178
315	Hotham, Charles	188
316	Hotham, Henry	7; 58; (131); (132); 135
317	Huskisson, Thomas	173
318	Inglefield, Samuel Hood	148
319	Inglis, Charles	46; (125)
320	Irby, Hon. Frederick Paul	128; 130
321	Irwin, John	9; 30-31; 36; 44; 60; 67
322	Jackson, Robert	38
323	Jackson, Samuel	158; 159; 160; 161; 162; 163; 164; 165; 166; 189
324	James, Joseph	66
325	Jenkins, Henry	5
326	Jervis, William Henry	(24)
327	Johnston, Charles James	53; 61; 64
328	Jones, Charles	71
329	Jones, Sir Charles Thomas	169
330	Jones, Richard	49; 91
331	Jones, Theobald	184
332	Jones, Theophilus	4
333	Keats, Richard Goodwin	33; (45); (103)
334	Kent, William	61; 73; 90; 102
335	Kerr, Alexander Robert	64; 102
336	Kerr, Charles	152
337	King, Andrew	61; 71; 73; 90; 98
338	King, Sir Edward Durnford	181; (183)
339	King, Hon. James William	147
340	King, Sir Richard (d. 1834)	10; 29; 59; 93; 136; 139; 140
341	King, William	95
342	Knight, Christopher	178
343	Knight, John	8
344	Knowles, Sir Charles Henry	1
345	Laforey, Sir Francis	24; (67)
346	Lambert, Henry	56
347	Lambert, Robert	116; 117; 122
348	Larcom, Joseph	13
349	Larcom, Thomas	12; 26
350	Laroche, Christopher	18; 30-31
351	Laugharne, John	36; (38); 103
352	Laurie, Sir Robert	103
353	Lawford, John	23; 48
354	Lechmere, William	29; 33
355	Lee, Richard	60; 67; (69); 84; 97; (101)

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
356	Legge, Hon. Sir Arthur Kaye	46
357	Le Geyt, George	39
358	Leith, John	182
359	Lennox, George Gustavus	156; 171
360	Leslie, Samuel	142
361	Lewis, Sir John	170; (191); (192); (196)
362	Lewis, Thomas	(32)
363	Lillicrap, James	157; 177
364	Linzee, Samuel Hood	90; 95
365	Lloyd, David	149; 150
366	Lloyd, Robert	91; 112
367	Loch, Francis Erskin	196
368	Loring, John	11; 16; 18; 24
369	Loring, John Wentworth	60; 87; 141
370	Losack, George	(26); 36
371	Losack, Woodley	60; 64
372	Louis, Thomas	(17)
373	Lowe, Abraham	171
374	Luke, William	19
375	Lukin, William	45
376	Lumely, John Richard	156
377	Lyons, Edmund	188
378	Lysaght, Arthur	60
379	McDougall, John	4; 8
380	MacKellar, John	160; 161; 162; 163; 164; 165; (168); (171)
381	Mackenzie, Adam	48; 50; 51; 82; 97; 106; 107; 108
382	McKenzie, George Charles	129
383	M'Kinley, George	24; (98); 130
384	Maclean, Rawdon	179
385	McLeod, Donald	45
386	Macnamara, James	48; 60; 66; 87; 97
387	Mainwaring, Thomas Francis Charles	118; 120; 121; 139; 140
388	Maitland, Anthony	157
389	Maitland, Frederick Lewis, CB	48; 54; 57; 149; 177; 189
390	Malcolm, Charles	171
391	Malcolm, Pultney	25; 26; 32; 60; 102
392	Maling, Thomas James	36; 128; 129; 136
393	Manley, John	9
394	Markham, John	8; 21
395	Markland, John Duff	111
396	Martin, George	28; (46); (68)
397	Martin, Thomas Byam	29; 48
398	Mason, Francis	114; 115
399	Matson, Richard	15; 71
400	Matthews, John	(5)
401	Maude, Hon. Sir James Ashley	125; 148

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
402	Maunsell, Robert	141; 188
403	Maxwell, Keith	64
404	Maxwell, Murray	76; 158; 159; 160; 161; 162; 163; 164; 165; 167
405	Mends, Robert	24
406	Mends, William Bowen	196
407	Miller, George	35
408	Mingaye, William James	180
409	Mitchell, Andrew	176
410	Mitchell, Frederick Thomas	183
411	Mitchell, Nathaniel	156
412	Monkton, John	19; 21; 22
413	Montagu, John William	186
414	Montagu, William August	65
415	Montgomerie, Alexander	176
416	Moore, Sir Graham	73; 116; 117
417	Moresby, Fairfax	192
418	Morier, William	183
419	Morris, James Nicholl	29; 87; 112
420	Mosse, James Robert	6
421	Moubray, George	75
422	Moubray, Richard Hussey	93; 103; 119; 123; 124; 126; 127
423	Mudge, Zachary	58
424	Mundy, George	149; 150
425	Murray, George	3; 23
426	Murray, James	178
427	Murray, Hon. John	7
428	Murray, Robert	(13)
429	Napier, Charles	111
430	Napier, Henry	90
431	Napier, Hon. William John, Baron	156
432	Nash, James	82; 89; 98; 148; 157
433	Nesham, Christopher John William	55
434	Newcombe, Francis	147; 148; 151
435	Newman, James Newman	89
436	Neve, Robert Jenner	34; 35; 62; 80
437	Nicholls, Henry	23
438	Noel, Hon. Frederick	145
439	Nourse, Joseph	134; 152
440	Nowell, William	122; 129
441	Ogilvy, William	2
442	Ogle, Charles	(157)
443	Oliver, Robert Dudley	17; 30-31; 89; 92; 97; 110; 112; 116; 122
444	Orde, Sir John	8
445	Osborn, Edward Oliver	34
446	Osborn, John	(27)
447	Oswald, James	30-31; 36

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
448	Otway, Robert Waller	2; 5; 18; 30-31; 46; 68; 88
449	Otway, William Albany	(35); (60)
450	Owen, Edward William Campbell Richard	(61); 84; 87; 96; 97; 102; 104; 105; 106; 107; 108; 109; 122; 129; (180)
451	Page, Benjamin William	128; 130; 133; 134; 150
452	Paget, Hon. Sir Charles	(189)
453	Pakenham, John	1; 12;
454	Palmer, Edmund	146
455	Parker, George	72; (85); (92); 97
456	Parker, Sir Hyde (d. 1854)	92; 94; 116; 135; (176); 191; 192; 196
457	Parker, Peter, Sir, Bart	64; 100; 123; 124; 130
458	Parker, William	3; 8
459	Parr, Thomas	10
460	Pasco, John	157
461	Pasley, Thomas	21
462	Pater, Charles Dudley	(91); 95; 104; 105; 106; 107; 108; 110
463	Paterson, Charles William	10; 96; 99; 100; 102; 104; 105; 106; 107; 108; 110; 112; 114; 115
464	Paterson, William	157
465	Patton, Hugh	182
466	Paulet, Lord Henry	19; 22; 23
467	Peard, Shuldham	1; 24
468	Pearse, Henry Whitmarsh	74; 76
469	Pearson, Richard Harrison	11; 72; 133; 134
470	Pechell, Samuel George	153
471	Pechell, Samuel John	131; 132; 135
472	Pellew, Fleetwood Broughton Reynolds	136
473	Pellew, Sir Israel	7; 13; 103; 118; 120; 121; 123; 124; 126; 127; 136; 139; 140; (153); (154); (155)
474	Pellew, Hon. Pownoll Bastard	175
475	Pender, Francis	13; 33
476	Penrose, Charles Vinicombe	24
477	Perceval, Westby	145
478	Percy, Jocelyn	96; 100
479	Pettman, William Robert Ashley	175
480	Peyton, John Strutt	189
481	Philip, Arthur	3
482	Phillimore, John	77
483	Phillott, Charles George Rodney	168
484	Pickmore, Francis	7; 12; 19; 22; 42; (66); 93; 103; (119); (123); (124); 126; 127; (136); (139); (140)
485	Pigot, Hugh	2
486	Pipon, Philip	181; 183
487	Plampin, Robert	119; 126; 127
488	Pole, Charles Morice	9; (12)
489	Pole, John	186
490	Polkinghorne, James	194

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
491	Popham, Sir Home	128; (142)
492	Popham, William	176
493	Poulett, Hon. George	58; 71; 73; 184
494	Prescott, Henry, CB	147; 177
495	Preston, D'Arcy	1
496	Prior, Joseph	142
497	Proby, Hon. Granville	71; 133
498	Prowse, William	84; 101; 116
499	Purvis, John Brett	152; 158; 159; 160; 161; 162; 163; 164; 165; 166
500	Purvis, John Child	8; 28
501	Pym, Samuel	32; 56
502	Quash, Charles Kempthorne	86
503	Quilliam, John	54; 77; 91
504	Raggett, Richard	60; 69; 84; 102; 109; 122
505	Rainier, John Sprat	141
506	Rainier, Peter	151
507	Raper, Henry	95; 110
508	Redmill, Robert	30-31
509	Rennie, George	174
510	Renou, Adrian	14; 15
511	Reynolds, Barrington	195
512	Reynolds, George	60
513	Reynolds, Robert Carthew	4; 7; 34
514	Rich, George Frederick	179
515	Richardson, Charles	43; 72
516	Ricketts, Tristram Roberts	34; 147
517	Riou, Edward	19
518	Roberts, Daniel	170
519	Roberts, William	56
520	Rodd, John Tremayne	28; 43; 149; 150
521	Rogers, Thomas	19; 61; 67; 69; 88
522	Rolles, Robert	99; 118; 120; 121; 123; 124; 126; 127; 136; 139; 140
523	Rose, Jonas	45
524	Rosenhagen, Philip Lewis J.	43
525	Rotheram, Edward	14; 35; 48
526	Rowley, Bartholomew Samuel	4
527	Rowley, Charles	(63)
528	Rowley, Sir Josias	29; 37; 40; 41; (47); 103; 123; 124; 126; 127; 153; 154; 155
529	Rowley, Sir Joshua Ricketts	189
530	Rowley, Samuel Campbell	102; 154; 155; 157
531	Rushworth, Edward	96
532	Russell, Thomas Macnamara	21
533	Salt, George Burgoyne	54; 59
534	Sanders, Thomas	185; 186
535	Sandom, William	182

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
536	Savage, Henry	8
537	Sayer, George	158; 159; 160; 161; 162; 163; 164; 165; 166
538	Schomberg, Alexander Wilmot	49; 89; 147; 148
539	Schomberg, Charles Marsh	50; 51; 82
540	Scobell, Edward	79
541	Scott, Edward Hinton	191
542	Scott, George	32; 67, 69; 128; 134
543	Scott, Matthew Henry	84; 89; 97; 104; 105; 106; 107; 108; 110; 129; (141)
544	Scriven, Timothy	175
545	Seale, Charles Henry	193
546	Searle, John Clarke	22
547	Searle, Thomas	195
548	Seater, John	13
549	Seccombe, Thomas	46
550	Serrell, John	49; 58; (75); 91
551	Seymour, George Francis	90
552	Seymour, Michael	36; 57; 59
553	Shannon, Rodney	174
554	Sharpe, Alexander Renton	159; 160; 161; 162; 163; 166; 167
555	Shield, William	46
556	Shippard, Alexander	71; 91
557	Shirreff, William Henry	156
558	Shivers, Thomas Revell	6
559	Shortland, John	42; 72
560	Shortland, Thomas George	89
561	Sinclair, John Gordon	156
562	Skene, Alexander	114; 115; 177
563	Skipsey, William	135; (185); (186)
564	Smith, Charles Thurlow	118; 120; 139; 140; 154; 155
565	Smith, Edward Tyrrel	(16); (18)
566	Smith, John	6
567	Smith, Matthew	111; 148
568	Smith, William Sidney	7; (118); (120); (121); (126); (127)
569	Somerville, Philip	48; 56; 64; 89; 134
570	Sotheby, Charles	148
571	Sotheby, Thomas	3; 59
572	Spear, Joseph	80
573	Spranger, John William	23; 24; 117; 133
574	Squire, Matthew	9
575	Staines, Thomas, Sir	115
576	Stanfell, Francis	164; 165; 166; 172; (174)
577	Stanhope, Henry Edwyn	(10)
578	Stanhope, Robert Henry	185
579	Stanley, William Pearce	190; 194
580	Stephens, George Hopewell	24
581	Stewart, Houston	171

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
582	Stewart, William	140
583	Stirling, Charles	(7); 21; (30-31); (40); (41)
584	Stirling, James	181
585	Stopford, Robert	4; 54; 57
586	Strachan, Sir Richard John	(84); (97)
587	Stewart, Henry	158; 159; 160; 161; 162; 163; 164; 165; 166
588	Stuart, Lord George	27
589	Stuart, John	77
590	Stuart, Lord William	69
591	Sturt, Henry Evelyn Pitfield	86; 178
592	Surridge, Thomas	25; 27
593	Sutton, John	3; 9; 22; 29; 43; 48; 54; 57; (58); (59)
594	Sutton, Samuel	23
595	Sykes, John	64; 77; 183
596	Tait, James Haldane	47; 168
597	Talbot, John	74; 76; 135; 138
598	Taylor, Bridges Watkinson	38
599	Taylor, Joseph Needham	193
600	Temple, John	47
601	Thomas, Richard	33; 62; 76; 80; 119
602	Thompson, Charles	(3); (9)
603	Thompson, Norborn	64; 118; 120; 123; 124; 137; 139; 140; 144
604	Thornbrough, Edward	(62)
605	Tobin, George	82
606	Toker, Thomas Richard	172
607	Totty, Thomas	22
608	Tower, John	150
609	Towry, George Henry	7
610	Trotter, Henry Dundas	195
611	Troubridge, Thomas	3
612	Tucker, Edward	65; 143
613	Tyler, George	151
614	Upton, Clotworthy	57
615	Usher, Thomas	96
616	Vashon, James	9; 21; 27
617	Vesey, Francis	16
618	Waldegrave, Hon. George Granville	56; 133
619	Waldegrave, William	(1)
620	Walker, James	24; 43; 84; 92; (94); 109; 116; 122
621	Walker, William	116
622	Waller, Jacob	7
623	Warren, Frederick	87; 96; 99; 102; 112; 113; (190); (193)
624	Warren, Samuel	14; 37; 40; 41; 47; 73; 141; (173)
625	Watson, Joshua Rowley	67; 103
626	Wauchope, Robert	174
627	Webley, William Henry	74; 76; 80; 88; 93; 180

Appendix F. Table of Courts Martial Boards Members, 1796-1840

	Name	Trials
628	West, John	76; 80; 88
629	Western, Thomas	15; (50); (51)
630	Whingates, Thomas	156
631	White, Charles	10
632	White, John Chambers	88; 93; 103
633	White, Thomas	85; 193
634	Whitshed, James Hawkins	9
635	Whitter, Header	43
636	Wickey, John	21
637	Wilkinson, Philip	7; 89; 104; 105; 106; 107; 108; 110; 112
638	Williams, Robert	85
639	Williams, Thomas	19; (90)
640	Willoughby, Sir Josiah Nesbit	173
641	Wilson, John	181
642	Wise, William Furlong	39; 172
643	Wodehouse, Hon. Philip	62; 68; 74; 86
644	Wolfe, George	82
645	Wolley, Isaac	35; 45; 55
646	Wolley, Thomas	12; 19; 43; 48; 54; 57; 58; 59; 72
647	Wood, James Athol	69; 82; 104; 105; 106; 107; 108; 110; 115; 121; 123; 124; 136; 153; 154; 155
648	Woolcombe, Edward	55
649	Woolcombe, John Charles	47; 130
650	Wooldrige, James	63; 64
651	Yeo, Sir James Lucas	158; 166; 167
652	Yorke, Sir Joseph Sidney	36
653	Young, James	21; 45; 48; 54

Appendix G. Table of Capital Sentences and Execution Information

	Year	Convict	Outcome
1	1692	Christian	Outcome unknown.
2	1699	Dicher	Execution confirmed from paybook.
3	1701	Amorin	Execution confirmed from paybook.
4	1705	Wilson	Execution confirmed from <i>The Life of Sir John Leake</i> .
5	1705	Campbell	Execution confirmed from <i>The Life of Sir John Leake</i> .
6	1705	Rolls	Execution confirmed from muster book.
7	1706	Hughes	Outcome unknown.
8	1706	Emmeson	Outcome unknown.
9	1706	Ball	Execution confirmed in later correspondence.
10	1745	Trussen	Outcome unknown.
11	1748	Richman	Outcome unknown.
12	1749	Waters	Execution respited; confirmed by Master's Log.
13	1749	Robinson	Execution respited; confirmed by Master's Log.
14	1758	Blake	Pardoned; confirmed by Admiralty correspondence.
15	1761	Newton	Execution confirmed from, e.g., press.
16	1761	Finley	Execution confirmed from, e.g., press.
17	1762	Chilton	Outcome unknown.
18	1797	Allen	Execution extensively documented. See e.g. Gilbert, "Buggery," 96n84.
19	1797	Benson	Execution extensively documented, including in Earl St Vincent's records at BL.
20	1797	Francis	Execution extensively documented, including in Earl St Vincent's records at BL.
21	1798	Morris	Execution assumed on basis of execution warrant.
22	1798	Jeness	Outcome unknown.
23	1799	Calligan	Outcome unknown, though ADM 12 digest seems to indicate understanding that he was executed.
24	1799	McMaster	Outcome unknown.
25	1799	Callaghan	Outcome unknown.
26	1800	Hubbard	Execution confirmed by press.
27	1800	Hynes	Execution confirmed by press.
28	1802	Greenard	Execution assumed b/c Fuller alone was offered pardon.
29	1802	Fuller	Pardoned, confirmed by Admiralty correspondence.
30	1805	Ambler	Pardoned and dismissed the service, as described by Liddel, <i>Detail of the Duties</i> , 141.
31	1806	Smith	Outcome unknown.
32	1806	Batty	Outcome unknown.
33	1806	Cook	Execution assumed from warrant.
34	1806	Little	Execution assumed from warrant.
35	1806	Graham	Execution assumed from warrant. Petition in Bates-Alcock may also confirm.
36	1807	Berry	Execution confirmed from press.
37	1808	Wilson	Outcome unknown.
38	1809	Grimshaw	Commutated to transportation for life.
39	1809	Scott	Commutated to transportation for life.
40	1809	Black	Execution confirmed by Royal order and warrant.
41	1809	Taylor	Execution confirmed from Marryat.
42	1809	Barrett	Execution confirmed from Marryat and Admiralty records.
43	1809	Taylor	Execution confirmed from press.
44	1810	Toole	Commutated to transportation for life. See <i>Naval Chronicle</i> 24 (1810), 434.

Appendix G. Table of Capital Sentences and Execution Information

	Year	Convict	Outcome
45	1810	Renning	Execution confirmed from report of legal opinion/commutation order in ADM 1/5410.
46	1810	Keegan	Commutated to transportation for life (see <i>ibid.</i>).
47	1810	Horne	Execution assumed from warrant.
48	1811	Johns	Outcome unknown.
49	1811	Lechan	Outcome unknown.
50	1811	Alexander	Commutated to transp for life. See post-conviction review material contained in the trial minutes.
51	1811	Martin	Outcome unknown.
52	1811	Frank	Outcome unknown.
53	1811	Parker	Pardoned. See chapter 1.
54	1811	Muleraty	Pardoned. See chapter 1.
55	1812	Smith	Executed. See Byrn, <i>Naval Courts Martial</i> , 121-22.
56	1812	Tourney	Executed. See Byrn, <i>Naval Courts Martial</i> , 121-22.
57	1812	Francisco	Outcome unknown.
58	1812	Thomas	Outcome unknown.
59	1812	Mahoney	Outcome unknown.
60	1812	Wilkins	Executed. See post-trial material in court martial minutes.
61	1813	Hardwick	Outcome unknown.
62	1813	Foreman	Outcome unknown.
63	1814	Harding	Commutated to transportation for life, confirmed based on Admiralty correspondence.
64	1815	Spencer	Commutated to transportation for life, confirmed based on Admiralty correspondence.
65	1815	Baker	Commutated to transportation for life, confirmed based on Admiralty correspondence.
66	1815	Quinn	Execution assumed on basis of legal opinion.
67	1816	Seraco	Death--confirmed, e.g., by <i>Hampshire Telegraph</i> , 5 Feb. 1816.
68	1816	Westerman	Death--confirmed, e.g., by <i>Hampshire Telegraph</i> , 5 Feb. 1816.
69	1816	Charles	Death--confirmed, e.g., by <i>Hampshire Telegraph</i> , 5 Feb. 1816.
70	1816	Troyac	Death--confirmed, e.g., by <i>Hampshire Telegraph</i> , 5 Feb. 1816.
71	1816	Tall	Death--confirmed, e.g., by <i>Hampshire Telegraph</i> , 5 Feb. 1816.
72	1816	Boxall	Commutated to transportation for life, confirmed based on Admiralty correspondence.
73	1828	Maxwell	Outcome unknown.
74	1859	Marine Hibe	Outcome unknown (commutation assumed as a post-1830s case).
75	1860	McIntyre	Commutated, as described in ADM 194/180.
76	1860	Woodhouse	Commutated, as described in ADM 194/180.

Bibliography

Archives and Manuscripts

Beinecke Library (Yale University)

Osborn fd14: Letterbook of Sir John Harper, 1812-1814.

Bodleian Library (Oxford)

Rawlinson MS A180: Pepysian naval manuscripts.

Rawlinson MS A295: Pepysian naval manuscripts.

British Library (London)

Add. MS 31174, 31176: Order Books of Lord St. Vincent.

Add. MS 31186: "Journal" of Lord St. Vincent, November 1795 - October 1797.

Add. MS 75839: Althorp Papers. Correspondence of Earl Spencer.

Add. MS 34933: Nelson correspondence.

Cambridge University Library

Manuscript Collection, Add. 9303: Admiral Sir Graham Moore journals.

London Metropolitan Archives

CLA: Sessions Papers, London Sessions.

MJ/SP: Sessions Papers, Middlesex Sessions.

OB/SP: Sessions Papers, Old Bailey.

Middle Temple Library (London)

MTL MS 23: Lawrence MSS Collection, Crown Cases, 1806-1815, vol. 6D.

National Archives (Kew)

(Note: Individual citations of courts martial from ADM 1 at the National Archives are listed in Appendix A rather than the bibliography. Individual logbooks, muster rolls, correspondence, and other Admiralty materials consulted in gathering case information

Bibliography

are not listed here, but are cited in the body of the dissertation when relevant.)

ADM 1/3665-3728: Solicitors' Letters and other legal correspondence, 1680-1839.

ADM 1/5208-5209; 1/5214-5215; and 1/5243: Correspondence from Privy Council, 1809, 1812, and 1832-34.

ADM 1/5253-5486: Courts Martial Papers, 1680-1839

ADM 1/5487-5494: Courts Martial Papers, Marines and South Africa.

(NB: Subsequent non-sequential items with sex crimes courts martial are only listed in Appendix A. Other post-1839 records searched that were not found to contain relevant material are not listed in this thesis.)

ADM 2/89: Lords' Out-Letters: Orders and Instructions, 1762-63.

ADM 2/1045-1078: Out-Letters: Legal Correspondence, 1689-1815.

ADM 2/1116-1126: Out-Letters: Courts Martial, 1781-1816.

ADM 7/298-316: Law Officers' Opinions, 1733-1830 (NB: subsequent opinions searched and found not to have relevant material have not been listed in this thesis.)

ADM 11/27-29: Succession Book of Mates, Midshipmen, Boys, etc., 1833-48.

ADM 11/39: Black Book of Warrant Officers, 1741-1815.

ADM 12/27A: Digest of Officer Convictions at CM, 1810-1816.

ADM 12/27B-E: Admiralty "Black Books."

ADM 12/27F: CM Verdicts, Digest and Index, 1812-1855.

ADM 12/28A: Index of Officers tried at CM and ship losses resulting in CM, 1750-1803.

ADM 12/35: Index of those tried at CM and ship losses resulting in CM, 1806.

ADM 13/103-104: CM Index and Register, 1803-1856.

ADM 106/3537, pt. 1; 106/3538, pt. 1; 106/3543; 106/3074: Miscellaneous CM Papers, 1672-1678, 1684-1798.

Bibliography

ADM 121/68: Mediterranean Station, correspondence relating to discipline and courts martial.

ADM 153/1-2: CM Reports and Returns from Nore Station.

ADM 194/180-184: Printed CM Returns, 1856-1900.

ASSI 6, 12, 36, 45: Assizes Records.

C 13/3129/9: Court of Chancery, Pleadings: Stutter v [Thomas G.] Muston.

CO 37/118, 127-28, 132-33, 138: Colonial Office, Despatches from Charles Elliot, Governor of Bermuda, 1847-51.

HO 17, 18, 19, 45, 47, 119, 181: Home Office, prisoner petitions.

PRIS 11/15-17: Marshalsea, Daybooks of Commitments and Discharges for Admiralty Prisoners, 1773-1842.

PRIS 11/18: Marshalsea, Orders for Commitments and Discharges of Admiralty Prisoners.

TS 4/1-38: Journals of Proceedings of the Admiralty Solicitor, 1828-65.

TS 6/1-15: Admiralty Solicitor Report Books, 1816-1868.

TS 25/24, 25/26, and 25/28: Treasury Solicitor and Procurator General, Law Officers' and Counsel's Opinions: Admiralty and Navy Case Books, vol. 2 (24: 1740-1848), vol. 4 (26: 1850-1876), and index to TS 25/23-26 (28).

National Maritime Museum (Greenwich)

ADM 354/169/52: Report on paying out the wages of a man hanged for sodomy.

BRA/95/A-D: Admiral Sir William Young, courts martial sentences, 1811.

CRK/11, 12, 15 : Lord St. Vincent and Nelson correspondence.

GRE/7: Hon. Sir George Grey, MS book of CM Rules, Opinions, and Precedents, 1746-1774.

GRV/118: Admiral Thomas Graves, MS volume relating to courts martial.

Bibliography

HAR/103 and 107: Papers of Lt. William Edward Fiott, 1810-14, 1824.

Jones, C.G. Pitcairn. *The Commissioned Sea Officers of the Royal Navy, 1660-1815*. Version with manuscript annotations held in Caird Library Reading Room, NMM. PBN2825/1.

KEI/L/138: 1st Viscount Keith, courts martial papers, 1795-96.

LAU/4, 6, 7, 11, 12, 16: Notebooks of Leonard G. Carr Laughton.

MKH/116: Sir Samuel Hood, papers, 1810-11.

MLN/109/1-2: Sir Alexander Milne, courts martial papers, 1860-64.

MLN/152/5: Sir Alexander Milne, papers. Includes published CM Returns from 1866 and 1869.

PHI/104/1: Sir Geoffrey Thomas Phipps Hornby, account book, 1865-77.

RUSI/NM/127-129: Admiral B.W. Page, Records of CM Proceedings, 1800-1815.

STK/49, 52: Papers of John Lort Stokes relating to trial of Henry Stokes.

WAR/21-23: Admiral Sir John Borlase Warren, CM Proceedings, 1812-1814.

Legislation

An Act for the Punishment of the Vice of Buggery, 1533 (25 Hen. 8, c. 6).

An Act for Establishing Articles and Orders for the Regulating and Better Government of His Majesty's Navies, Ships of War, and Forces by Sea, 1661 (13 Car. II, c. 9).

An Act for Amending, Explaining, and Reducing Into One Act of Parliament, the Laws Relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea, 1749 (22 Geo. II, c. 33).

An Act to explain and amend an Act made in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled "An Act for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea," 1779 (19 Geo. III, c. 17).

An Act to extend the Powers of an Act of the Thirty-seventh Year of His present Majesty,

Bibliography

for enabling His Majesty more effectually to grant conditional Pardons to Persons under Sentence of Naval Courts-martial, and to regulate Imprisonment under such Sentences, 1816 (56 Geo. III, c. 5).

The Naval Discipline Act Amendment Act 1860 (23 & 24 Vict., c.123).

The Offences against the Person Act 1861 (24 & 25 Vict., c.100).

The Naval Discipline Act 1861 (24 & 25 Vict., c.115).

The Naval Discipline Act 1864 (27 & 28 Vict., c.119).

The Naval Discipline Act 1866 (29 & 30 Vict., c.109).

Sexual Offences Act (1967), 1967 c. 60.

Reference Works

Adams, Thomas R. and David W. Waters. *English Maritime Books Printed Before 1801*. Providence: John Carter Brown Library, 1995.

Charnock, John. *Biographia Navalis*. London: for R. Faulder, 1794.

Cock, Randolph and N.A.M. Rodger. *A Guide to the Naval Records in the National Archives of the UK*. 2nd ed. London: Institute of Historical Research and The National Archives, 2008 [2006].

Colledge, J.J. *Ships of the Royal Navy: The Complete Record of all Fighting Ships of the Royal Navy*. London: Greenhill, 2003.

Lyon, David. *The Sailing Navy List*. London: Conway, 1993.

Marshall, John. *Royal Navy Biography*. 5 vols. London: for Longman et al., 1823-35.

O'Byrne, William R. *A Naval Biographical Dictionary*. London: John Murray, 1849.

Pappalardo, Bruno. *Tracing Your Naval Ancestors*. PRO Readers' Guide 24. Richmond: Public Record Office, 2003.

Rasor, Eugene L. *English/British Naval History to 1815*. Westport: Praeger, 2004.

Rodger, N.A.M. *Naval Records for Genealogists*. PRO Handbook 22. Richmond: PRO Publications, 1988.

Bibliography

Syrett, David and R.L. DiNardo (eds.). *The Commissioned Sea Officers of the Royal Navy, 1660-1815*. Aldershot: Scolar, 1994.

Williams, Gordon *A Dictionary of Sexual Language and Imagery in Shakespearean and Stuart Language*. London: Athlone Press, 2001 [1994].

Published Primary Sources

(NB: Shorter articles from periodical publications gathered as part of collecting case information are not listed here.)

An Account of the Proceedings Against Capt. Edward Rigby. London: by F. Collins, 1698.

An Account of the tryal, examination, and conviction of several notorious persons call'd Sodomites at Guildhall... 20th of October 1707. London, 1707. British Trials 2372.

Adair, Arthur Walter. *A Series of Letters, Submitted to the Consideration of the English Nation, for the Express Purpose of Exhibiting, Unadorned, A Case of Unparalleled Hardship, Tyranny, and Oppression, Exemplified in the Conduct of the Late Board of Admiralty to Arthur Walter Adair, Lieutenant Royal Navy*. London: for and by J. Bell, 1807.

Admiralty and Privy Council. *Regulations and Instructions Relating to His Majesty's Service at Sea*. [London]: s.n., 1731.

—. *Regulations and Instructions Relating to His Majesty's Service at Sea*. [London]: printed by W. Winchester and Son, 1806.

Adye, Stephen Payne. *A Treatise on Courts Martial*. New York: by H. Gaine, 1769.

Alison, Archibald. *Principles of the Criminal Law of Scotland*. Edinburgh: Blackwood, 1832.

Aspinall, A. (ed.). *The Later Correspondence of George III*. 5 vols. Cambridge: Cambridge University Press, 1962-70.

Austen, Jane. *Mansfield Park*. London: Bentley, 1833.

Barnard, Nicholas. *The case of John Atherton, Bishop of Waterford in Ireland: who was convicted of the sin of uncleanness with a cow, and other creatures; for which he was hang'd at Dublin, December the 5th, 1640... To which is added the sermon preach'd at his*

Bibliography

funeral. London: for E. Curll, 1710.

Beeler, John (ed.). *The Milne Papers: The Papers of Admiral of the Fleet Sir Alexander Milne, Bt., K.C.B. (1806-1896)*. Vol. I. Aldershot: Ashgate, 2004.

Bellamy, R. Reynell (ed.). *Ramblin' Jack: The Journal of Captain John Cremer, 1700-1774*. London: Jonathan Cape, 1936.

Benbow, William. *The Crimes of the Clergy, or the Pillars of Priest-Craft Shaken...* London: Benbow, 1823.

Bentham, Jeremy. "Offences Against One's Self." Ed. Louis Crompton. (<http://www.columbia.edu/cu/lweb/eresources/exhibitions/sw25/bentham/>)

Bishop, John Prentiss. *Commentaries on the Criminal Law*. 7th ed. Boston: Little, Brown, and Co., 1882.

Brenton, Edward Pelham. *Life and Correspondence of John, Earl of St. Vincent*. London: Henry Colburn, 1838.

British Trials, 1660-1900. Cambridge: Chadwyck-Healey, 1990.

Bromley, J.S. (ed.). *The Manning of the Royal Navy: Selected Public Pamphlets, 1693-1873*. London: Navy Record Society, 1974.

Bruce, Alexander. *The Institutions of Military Law, Ancient and Modern*. Edinburgh: heirs and successor of Andrew Anderson, 1717.

Burg, B.R. (ed.). *Gay Warriors: A Documentary History from the Ancient World to the Present*. New York: New York University Press, 2002.

—. *Rebel at Large: The Diary of Confederate Deserter Philip Van Buskirk*. Jefferson: McFarland, 2009.

Byrn, John (ed.). *Naval Courts Martial, 1793-1815*. Aldershot: Ashgate, 2009.

Callender, Geoffrey (ed.). *The Life of Sir John Leake, Rear-Admiral of Great Britain*. London: Navy Records Society, 1920.

Chappell, Edwin (ed.). *The Tangier Papers of Samuel Pepys*. London: for the NRS, 1935.

Choate, Jean (ed.). *At Sea Under Impressment: Accounts of Involuntary Service Aboard Navy and Pirate Vessels, 1700-1820*. Jefferson: McFarland, 2010.

Bibliography

Cohen, Daniel A. (ed.). *The Female Marine and Related Works: Narratives of Cross-Dressing and Urban Vice in America's Early Republic*. Amherst: University of Massachusetts Press, 1997.

A Compleat Collection of Remarkable Tryals... at the Sessions-House in the Old Bailey. London: for J. Philips, 1718.

A compleat collection of remarkable tryals of the most notorious malefactors, at the sessions-house in the Old Baily, for near fifty years past. 4 vols. London: for J. Phillips, 1718-21.

Cuthbertson, Bennett. *A System for the Compleat Interior Management and Oeconomy of a Battalion of Infantry*. Dublin: by Boulter Grierson, 1768.

Dana, Richard Henry. *Two Years Before the Mast: A Personal Narrative*. Mineola: Dover, 2007.

Dann, John C. (ed.). *The Nagle Journal: A Diary of the Life of Jacob Nagle, Sailor, from the Year 1775 to 1841*. New York: Wiedefeld & Nicolson, 1988.

Delafons, John. *A Treatise on Naval Courts Martial*. London: P. Steel, 1805.

Dickinson, J.C. "A Naval Diary of the Seven Years' War from Flookburgh." *Transactions of the Cumberland & Westmorland Antiquarian & Archaeological Society* 38 (1938): 238-44.

Dillon, William Henry. *A Narrative of My Professional Adventures (1790-1839)*, ed. Michael A. Lewis. 2 vols. London: Navy Records Society, 1956.

A Doleful Dirge on the Wicked Men Condemned to suffer at Lincoln Gallows, by the Lord Judge, the Right Honorable Sir James Allen Park, at the Lincoln Assizes, in March, 1823. Newark: Wright, 1823.

A faithful narrative of the proceedings in a late affair between the Rev. Mr. John Swinton, and Mr. George Baker. London: Sold at the Britannia in the Old-Baily [sic], 1739.

Fisher, R.A. *A Dig. of the Rep. Cases*. San Francisco: Sumner Whitney & Co., 1871.

"Flogging in the Navy: Part I.—Naval Articles of War." *The United States Magazine, and Democratic Review* 25 (1849).

Fortescue, John. *Reports of Select Cases*. London: for Henry Lintot, 1748.

Bibliography

Harrison, S.B. *An Analytical Digest of the Reported Cases...* Philadelphia: Desilver, Thomas, & Co., 1835.

Hawker, Edward. *Statement Respecting the Prevalence of Certain Immoral Practices in His Majesty's Navy: Addressed to the Right Honourable the Lords Commissioners of the Admiralty.* London: Printed by Ellerton and Henderson, Johnson's Court, Fleet Street, 1821.

Hickman, William. *Reports and Opinions of Officers on the Acts of Parliament & Admiralty Regulations for Maintaining Discipline and Good Order in the Fleet, Passed and Issued Since the Year 1860.* London: Harrison, 1867. NMM 355.133.

—. *A Treatise on the Law and Practice of Naval Courts-Martial.* London: Murray, 1851.

Hodgskin, Thomas. *An Essay on Naval Discipline.* London: by C. Squire, 1813.

Hough, William. *Precedents in Military Law: Including the Practice of Courts Martial.* London: William H. Allen & Co., 1855.

Jack Nasty-Face [William Robinson]. *Nautical Economy; or, Forecastle Recollections.* London: by William Robinson, 1836.

Jackson, Valentine. *Remarkable Trials at the Lancashire Assizes, Held August 1806, at Lancaster, before Sir Robert Graham, Knight, One of the Barons of His Majesty's Court of Exchequer. Faithfully taken in Short-Hand by Valentine Jackson.* London: for and By J. Day, 22, Fetter-Lane, Fleet-Street. BL shelfmark 1132.E.34.

Kilby, John. "John Kilby's Narrative as Seaman of the *Bonhomme Richard*." *Maryland Historical Magazine* 67 (1972): 21-53.

King, John. *The case of John Atherton, Bishop of Waterford in Ireland: fairly represented.* London: For Luke Stokoe, 1710.

Lacy, Mary. *The History of the Female Shipwright*, ed. Margarett Lincoln. Greenwich: National Maritime Museum, 2008 [1773].

The Last Dying Words, Behaviour and Confession of D.T. Myers, who was Executed at Peterborough, on Monday the 4th, of May, for an Unnatural Crime. Leicester: Pares, 1812.

Laughton, John Knox. *The Naval Miscellany, Vol. II.* London: for the NRS, 1912.

Bibliography

- Lavery, Brian (ed.). *Shipboard Life and Organisation, 1731-1815*. Aldershot: Ashgate, 1998.
- Lawes, Edward. "Detail of the Duties of an Officiating Judge-Advocate Upon Foreign Stations." In *A Practical Treatise on Naval Book-Keeping... to Which is Added... a Detail of the Duties of an Officiating Judge-Advocate upon Foreign Stations*. London: for the author, 1827.
- Lawson, John D. *Concordance of Words and Phrases...* St. Louis: F.H. Thomas & Co., 1883.
- Leech, Samuel. *Thirty Years from Home: Or, A Voice from the Main Deck*. Boston: Charles Tappan, 1844.
- Liddel, Robert. *A Detail of the Duties of a Deputy Judge Advocate; with Precedents of Forms of the Various Documents used in Summoning, Assembling and Holding a Naval Court Martial...* London: by H. Bryer, 1805. BL shelfmark 505.i.14.
- . *The Seaman's New Vade Mecum*. London: for G.G. and J. Robinson, 1787.
- . *The Seaman's New Vade Mecum*. 2nd ed. London: for G.G. and J. Robinson, 1794.
- Lind, James. *Three Letters Relating to the Navy, Gibraltar, and Port Mahon*. London: for A. Millar, 1757.
- Lowry, James. *Fiddlers and Whores: The Candid Memoirs of a Surgeon in Nelson's Fleet*, ed. John Millyard. London: Chatham, 2006.
- Lucas, Charles. *A Mirror for Courts-Martial: in which the Complaints, Trial, Sentence and Punishment of David Blakeney are Represented and Examined with Candor*. Dublin, 1768.
- McArthur, John. *A Treatise of the Principles and Practice of Naval Courts-Martial: With an Appendix, Containing Original Papers and Documents Illustrative of the Text...* London: Whieldon & Butterworth, 1792.
- . *Principles and Practice of Naval and Military Courts Martial: With an Appendix, Illustrative of the Subject*. 2nd ed. 2 vols. London: Strahan & Preston, 1805.
- . *Principles and Practice of Naval and Military Courts Martial, with an Appendix, Illustrative of the Subject*. 3rd ed. 2 vols. London: sold by Butterworth et al., 1806.
- . *Principles and Practice of Naval and Military Courts Martial: With an Appendix*

Bibliography

- Illustrative of the Subject*. 4th ed. 2 vols. London: Strahan, 1813.
- McCormick, Ian (ed.). *Sexual Outcasts, 1750-1850*, vol. II: *Sodomy*. London: Routledge, 2000.
- The Manuscripts of the House of Lords, 1693-1695*. London: HMSO, 1900.
- Melville, Herman. *White-Jacket: Or, The World in a Man-of-War*. Oxford: Oxford University Press, 2000.
- Merriman, R.D. (ed.). *Queen Anne's Navy: Documents Concerning the Administration of the Navy of Queen Anne, 1702-1714*. London: Navy Records Society, 1961.
- Mews, John (ed.). *Dig. Eng. Case Law*. London: Sweet and Maxwell, 1898.
- Mukhurji, Bamapada and Hem Chandra Mitra. *The Indian Penal Code, Act XLV of 1860...* Calcutta: Mukhurji & Co., 1896.
- Mundus Foppensis; Or, the Fop Display'd*. London: for John Harris, 1691.
- Muston, Thomas. *Copies of Letters and Certificates Granted to Captain Muston, R.N. by the Commander in Chief, the Members (Now in England) of a Court Martial, Held on Him (at his own Request) in the River Plata and Other Highly Respectable Naval Characters, in Addition to his Sentence of Acquittal*. London: by S. Gosnell, 1812. ADM 1/5382.
- New South Wales Law Reports*. Sydney: Charles F. Maxwell, 1881.
- Newman, J. *The Peculiar and Unprecedented Case of Thomas Skinner, Who Lately Received his Majesty's Free Pardon, through the Proofs of his Innocence, Produced by J.W. Parkins, Esq. Sheriff of London and Middlesex, after being Convicted and Condemned to Death for the Crime of Bestiality... Presented to the Public... with a View to BENEFIT THE INTENDED VICTIM, And his Family, and Remunerate him for a Part of those Losses he has Sustained*. London: for Thomas Skinner, 1821.
- Nicolas, Nicholas Harris (ed.). *Dispatches and Letters of Vice Admiral Lord Viscount Nelson*. 7 vols. London: H. Colburn, 1844-46.
- O'Brien, Patrick. *Master and Commander*. New York: Norton, 1994.
- The Old Bailey Online*. (www.oldbaileyonline.org)
- Particulars of the Execution of Charles Clutton, who was executed... at Northampton...*

Bibliography

August 13th, 1824, for Sodomy. Freeman: Northampton, 1824.

Pemberton, Charles Reece. *The Autobiography of Pel. Verjuice*. London: Scholartis, 1929.

The Queen's Regulations and the Admiralty Instructions. London: HMSO, 1862.

Report on Crime and Punishment in the Navy, in the Year 1862. In *Accounts and Papers of the House of Commons* 35 (1865).

Report on Crime and Punishment in the Royal Navy, and in the Marine Forces on Shore, in the Year 1864; Ordered, by The House of Commons, to be Printed, 16 February 1866. London: HMSO, 1866. NMM 342.537.

Returns of the Number of Persons Flogged in the Navy in the Year 1863. In *Accounts and Papers of the House of Commons* 35 (1865).

“Returns Relating to the Numbers and Promotions of Officers of Each Rank in the Royal Navy.” In *Parliamentary Papers: Accounts and Papers*, vol. 37 (1838).

Richardson, William. *A Mariner of England: An Account of the Career of William Richardson from Cabin Boy in the Merchant Service to Warrant Officer in the Royal Navy (1780-1819)*. Ed. Edmund Childers. London: Murray, 1908.

Robinson, William. *Jack Nastyface: Memoirs of an English Seaman*. London: Chatham, 2002.

Rodger, N.A.M. (ed.). *Articles of War: The Statutes Which Governed Our Fighting Navies, 1661, 1749 and 1866*. Havant: Kenneth Mason, 1982.

Simmons, Dan. *The Terror: A Novel*. New York: Little, Brown, and Co., 2007.

Smollett, Tobias. *The Adventures of Roderick Random*. 6th ed. 2 vols. London: for A. Millar et al., 1763.

—. *The Miscellaneous Works of Tobias Smollett*. London: Otridge and Rackham, 1824.

—. *The Novels of Tobias Smollett*. London: Hurst, Robinson, and Co., 1821.

Spavens, William. *The Narrative of W. Spavens, Chatham Pensioner, Written by Himself*. Louth: Sheardown, 1796.

Bibliography

—. *Memoirs of a Seafaring Life: The Narrative of William Spavens, Pensioner on the Naval Chest at Chatham*. Ed. N.A.M. Rodger. London: Folio Society, 2000.

A Standing Navy More Economical and Efficient than our Present and Irregular Force, with Some Remarks on Naval Titles, Naval Courts Martial, Officers' Messes, &c. London: Longman, 1851. BL shelfmark 8805.d.34.

Stokes, John Lort. *Discoveries in Australia; With an Account of the Coasts and Rivers Explored and Surveyed During the Voyage of the Beagle, 1837–1843*. London: T. and W. Boone, 1846.

Thomas, Aaron. *The Caribbean Journal of a Royal Navy Seaman*. (<http://scholar.library.miami.edu/thomas/index.html>.)

Thursfield, H.G. (ed.). *Five Naval Journals, 1789-1817*. London: Navy Records Society, 1951.

Thring, Theodore. *A Treatise on the Criminal Law of the Navy: With an Introductory Chapter on the Early State and Discipline of the Navy and an Appendix Comprising the Naval Discipline Act, the Queen's Regulations on Courts-Martial and Discipline, and Practical Forms*. London: Stevens, 1861.

— and C.E. Gifford. *Thring's Criminal Law of the Navy: With an Introductory Chapter on the Early State and Discipline of the Navy, the Rules of Evidence, and an Appendix Comprising the Naval Discipline Act and Practical Forms*. 2nd ed. London: Stevens, 1877. BL General Reference Collection 6835.a.39.

—, J.E.R. Stephens, C.E. Gifford, and F. Harrison Smith. *Manual of Naval Law and Court Martial Procedure, in which is embodied Thring's Criminal Law of the Navy... By J.E.R. Stephens... C.E. Gifford... and F. Harrison Smith*. 3rd ed. London: Stevens, 1901. BL General Reference Collection 6835.aaa.15.

—, J.E.R. Stephens, C.E. Gifford, and F. Harrison Smith. *Manual of Naval Law and Court Martial Procedure: in which is embodied Thring's Criminal Law of the Navy: Together with the Naval Discipline Act and an Appendix of Practical Forms*. 4th ed. London: Stevens, 1912. BL General Reference Collection 6836.e.3.

Tidy, Charles Meymott. *Legal Medicine*. London: Smith, Elder & Co., 1883.

Torrey, F.P. *Journal of the Cruise of the Unites States Ship Ohio*. Boston: by Samuel N. Dickinson, 1841.

Towne, John. *Service Afloat: Being the Personal Adventures of Lieut. John Towne, R.N.*

Bibliography

During the Late War... 2 vols. London: Henry Colburn, 1836.

The trial of David Robertson... for an unnatural crime with George Foulston: Tried before Sir Robert Graham... on Saturday, May 24, 1806, at Justice-Hall, in the Old Bailey: With his remarkable address to the court, praying arrest of judgment: embellished with a striking likeness of the prisoner. London: J. Day, 1806.

The Trial of Richard Branson for an Attempt to Commit Sodomy, on the Body of James Fassett... Tried at the General Quarter Session of the Peace, held at St. Margaret's-Hill, in the Borough of Southwark, Jan. 18, 1760. London: for H. Serjeant and T. Drake, 1760.

The Tryal of Mr. John Lowther for assault on John Bushnell, with an intent to commit the crime of sodomy: at an adjournment of the general sessions of the peace, at Guild-Hall, the 7th of October, 1761. London: Printed for J. Scott, 1761.

Trumbach, Randolph (ed.). *Select Trials as the Sessions-House in the Old-Bailey.* 4 volumes. New York: Garland, 1985.

— (ed.). *Sodomy Trials: Seven Documents.* New York: Garland, 1986.

Tucker, Jedediah Stephens. *Memoirs of Admiral the Right Honr. The Earl of St. Vincent.* 2 vols. London: Richard Bentley, 1844.

The Tyburn Chronicle: Or, Villainy Display'd in all its Branches. Containing an Authentic Account of the Lives, Adventures, Tryals, ... of the most notorious male factors... From the year 1700, to the present time. 4 vols. London: for J. Cooke, [1768].

Tytler, Alexander Fraser. *An Essay on Military Law, and the Practice of Courts Martial.* Edinburgh: Murray & Cochrane, 1800.

Waterman, Thomas W. *A Complete Practical Treatise on Criminal Procedure...* 7th ed. Albany: Banks & Brothers, 1860.

Wauchope, Robert. *A Short Narrative of God's Merciful Dealings.* Edinburgh: privately printed, 1862.

Williamson, John. *The Elements of Military Arrangement.* London: for Thomas Egerton, 1782.

Witthaus, R.A. and Tracy C. Becker. *Medical Jurisprudence: Forensic Medicine and Toxicology.* New York: William Wood & Co., 1894.

The Women-Hater's Lamentation. London: for J. Robinson, 1707.

Bibliography

The Women's Complaint to Venus (1698), Bodl. MS Rawl., poet. 159.

W.X.Y.Z. "Flogging Round the Fleet." *The United Service Journal and Naval and Military Magazine*, 1830, Part II. London: Henry Colburn and Richard Bentley: 702-709

Secondary Sources

Acland, Reginald. "The Development of Naval Courts Martial." *Journal of Comparative Legislation and International Law* 4 (1922): 35-59.

Adkins, Roy and Lesley Adkins. *Jack Tar: Life in Nelson's Navy*. London: Little Brown, 2008.

Alryyes, Ala. "War at a Distance: Court-Martial Narratives in the Eighteenth Century." *Eighteenth-Century Studies* 41 (2008): 525-42.

Alsop, J.D. "Male Bonding and the Navy Chum." *Mariner's Mirror* 97 (2011): 76-77.

Anderson, Olive. *Suicide in Victorian and Edwardian England*. Oxford: Clarendon Press, 1987.

Appleby, John C. *Women and English Piracy, 1540-1720: Partners and Victims of Crime*. Woodbridge: Boydell, 2013.

Atkins, Gareth. "Christian Heroes, Providence, and Patriotism in Wartime Britain, 1793-1815." *Historical Journal* 58 (2015): 393-414.

Azfar, Farid. "Genealogy of an Execution: The Sodomite, the Bishop, and the Anomaly of 1726." *Journal of British Studies* 51 (2012): 568-93.

Bailey, Derrick Sherwin. *Homosexuality and the Western Christian Tradition*. London: Longmans, Green, 1955.

Baker, Paul and Jo Stanley. *Hello Sailor!: The Hidden History of Gay Life at Sea*. New York: Longman, 2003.

Banister, Julia. "The Court Martial of Admiral Byng: Politeness and the Military Man in the Mid-Eighteenth Century." In Heather Ellis and Jessica Meyer (eds.), *Masculinity and the Other: Historical Perspectives*. Newcastle upon Tyne: Cambridge Scholars, 2009: 236-59.

Bibliography

- Bartlett, Peter. "Sodomites in the Pillory in Eighteenth-Century London." *Social & Legal Studies* 6 (1997): 553-72.
- Bates, Victoria. "'So Far as I can Define without a Microscopical Examination': Venereal Disease Diagnosis in English Courts, 1850-1914." *Social History of Medicine* 26 (2012): 38-55.
- Baynham, Henry. *From the Lower Deck: The Navy, 1780-1840*. London: Arrow, 1972.
- . "William Robinson, Alias Jack Nastyface." *Mariner's Mirror* 87 (2001): 77-80.
- Behrend-Martínez, Edward. "Manhood and the Neutered Body in Early Modern Spain." *Journal of Social History* 38 (2005): 1073-93.
- Bentam, Raymond. "Horace Walpole's Forbidden Passion." In Martin Duberman (ed.), *Queer Representations: Reading Lives, Reading Cultures*. New York: New York University Press, 1997: 276-89.
- Berckman, Evelyn. *The Hidden Navy*. London: Hamish Hamilton, 1973.
- Berco, Cristian. "Between Piety and Sin: Zaragoza's Confraternity of San Roque, Syphilis, and Sodomy." *Confraternitas* 13 (2002): 3-16.
- . "Producing Patriarchy: Male Sodomy and Gender in Early Modern Spain." *Journal of the History of Sexuality* 17 (2008): 351-76.
- and Stephanie Fink Debacker. "Queerness, Syphilis, and Enlightenment in Eighteenth Century Madrid." *Revista Canadiense de Estudios Hispánicos* 35 (2010): 31-47.
- . *Sexual Hierarchies, Public Status: Men, Sodomy, and Society in Spain's Golden Age*. Toronto: University of Toronto Press, 2007.
- Bérubé, Allan. "Coming Out Under Fire," *Mother Jones*, Feb/March 1983.
- . *Coming out under Fire: The History of Gay Men and Women in World War Two*. New York: Free Press, 1990.
- . "Lesbians at War with the Military." *Outlook* 13 (1991).
- . "Marching to a Different Drummer: Lesbian and Gay GIs in World War II." *The Advocate* 320 (1981).
- and John D'Emilio. "The Military and Lesbians during the McCarthy Years." *Signs* 9

Bibliography

(1984): 759-775.

—. *My Desire for History: Essays in Gay, Community, and Labor History*. Chapel Hill: University of North Carolina Press, 2011.

Betteridge, Tom (ed.). *Sodomy in Early Modern Europe*. Manchester: Manchester University Press, 2002.

—. “The Place of Sodomy in the Historical Writings of John Bale and John Foxe.” In idem, *Sodomy in Early Modern Europe*. Manchester: Manchester University Press, 2002: 11-26.

Black, Jeremy. *George III: America's Last King*. New Haven: Yale University Press, 2006.

Blake, Nicholas. *Steering to Glory: A Day in the Life of a Ship of the Line*. London: Chatham, 2005.

Blake, Richard. *Evangelicals in the Royal Navy, 1775-1815: Blue Lights and Psalm-Singers*. Woodbridge: Boydell, 2008.

—. *Religion in the British Navy, 1815-1879: Piety and Professionalism*. Woodbridge: Boydell, 2014.

Boes, Maria R. “On Trial for Sodomy in Early Modern Germany.” In Tom Betteridge (ed.), *Sodomy in Early Modern Europe*. Manchester: Manchester University Press, 2002: 27-45.

Bolster, W. Jeffrey. *Black Jacks: African American Seamen in the Age of Sail*. Cambridge: Harvard University Press, 1997.

—. “‘Every Inch a Man’: Gender in the Lives of African American Seamen, 1800-1860.” In Margaret S. Creighton and Lisa Norling (eds.), *Iron Men, Wooden Women: Gender and Seafaring in the Atlantic World, 1700-1920*. Baltimore: Johns Hopkins University Press, 1996: 138-68.

Borris, Kenneth (ed.). *Same-Sex Desire in the English Renaissance*. London: Routledge, 2004.

— and G.S. Rousseau (eds.). *The Sciences of Homosexuality in Early Modern Europe*. London: Routledge, 2008.

Bourne, Ruth. “The Wooden World Dissected.” *Pacific Historical Review* 14 (1945):

Bibliography

326-34.

Brady, Sean. "Masculinity and the Construction of Male Homosexuality in Modern Britain before the First World War." In Heather Ellis and Jessica Meyer (eds.), *Masculinity and the Other: Historical Perspectives*. Newcastle upon Tyne: Cambridge Scholars, 2009: 115-37.

Bray, Alan and Michael Rey, "The Body of the Friend: Continuity and Change in Masculine Friendship in the Seventeenth Century," in *English Masculinities*: 65-84.

—. *The Friend*. University of Chicago Press, 2003.

—. "Homosexuality and the Signs of Male Friendship." *History Workshop Journal* 29 (1990): 1-19.

—. *Homosexuality in Renaissance England*. New York: Columbia University Press, 1995 [1982].

—. "To Be a Man in Early Modern Society: The Curious Case of Michael Wigglesworth." *History Workshop Journal* 41 (1996): 155-165.

—. "A Traditional Rite for Blessing Friendship." In Katherine O'Donnell and Michael O'Rourke (eds.), *Love, Sex, Intimacy, and Friendship Between Men, 1550-1800*. Basingstoke: Palgrave Macmillan, 2003: 87-98.

Bromley, J.S. "The British Navy and its Seamen after 1688: Notes for an Unwritten History." In Sarah Palmer and Glyndwr Williams (eds.), *Charted and Uncharted Waters*. London: National Maritime Museum, 1982: 148-63.

Brooks, Ross. "'Vices Once Adopted': Theorising Male Homoeroticism in German-Language Legal and Forensic Discourses, 1752-1869." *Reinvention: A Journal of Undergraduate Research* 1 (2008). (<http://www2.warwick.ac.uk/go/reinventionjournal/issues/volume1issue2/Brooks>.)

Brophy, Brigid. "Jane Austen and the Stuarts." In B.C. Southam (ed.), *Critical Essays on Jane Austen*. London: Routledge & Kegan Paul, 1968: 21-38.

Brown, Judith. *Immodest Acts: The Life of a Lesbian Nun in Renaissance Italy*. Oxford: Oxford University Press, 1986.

Brunsmann, Denver. *The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World*. Charlottesville: University of Virginia Press, 2013.

Bibliography

- . “The Knowles Atlantic Impressment Riots of the 1740s.” *Early American Studies* 5 (2007): 324-66.
- . “Men of War: British Sailors and the Impressment Paradox.” *Journal of Early Modern History* 14 (2010): 9-44.
- . “Subjects vs. Citizens: Impressment and Identity in the Anglo-American Atlantic.” *Journal of the Early Republic* 30 (2010): 557-86.
- Bullough, Vern L. “Homosexuality and the Medical Model.” *Journal of Homosexuality* 1 (1974): 99-110.
- Burg, B.R. *An American Seafarer in the Age of Sail: The Erotic Diaries of Philip C. Van Buskirk, 1851-1870*. New Haven: Yale University Press, 1994.
- . *Boys at Sea: Sodomy, Indecency, and Courts Martial in Nelson's Navy*. Basingstoke: Palgrave Macmillan, 2007.
- . “The HMS *African* Revisited: The Royal Navy and the Homosexual Community.” *Journal of Homosexuality* 56 (2009): 173-94.
- . “Ho Hum, Another Work of the Devil: Buggery and Sodomy in Early Stuart England.” *Journal of Homosexuality* 6 (1980): 69-78.
- . “Nocturnal Emission and Masturbatory Frequency Relationships: A 19th-Century Account.” *Journal of Sex Research* 24 (1988): 216-20.
- . “Officers, Gentlemen, ‘Man-Talk,’ and Group Sex in the ‘Old Navy,’ 1870-1873.” *Journal of the History of Sexuality* 11 (2002): 439-56.
- . “Sailors and Tattoos in the Early American Steam Navy: Evidence from the Diary of Philip C. Van Buskirk, 1884-1889.” *International Journal of Maritime History* 6 (1994): 161-74.
- . “Sodomy, Masturbation, and Courts-Martial in the Antebellum American Navy.” *Journal of the History of Sexuality* 23 (2014): 53-78.
- . *Sodomy and the Pirate Tradition: English Sea Rovers in the Seventeenth-Century Caribbean*. New York: New York University Press, 1995 [1983, under the title *Sodomy and the Perception of Evil*].
- Burney, Ian. “Making Room at the Public Bar: Coroners’ Inquests, Medical Knowledge, and the Politics of the Constitution in Early-Nineteenth-Century England.” In James

Bibliography

Vernon (ed.), *Re-Reading the Constitution: New Narratives in the History of England's Long Nineteenth Century*. Cambridge: Cambridge University Press, 1996: 123-53.

Burroughs, Peter. "Crime and Punishment in the British Army, 1815-1870." *English Historical Review* 100 (1985): 545-71.

Burton, Valerie. "'As I wuz a-rolling down the Highway one morn': Fictions of the 19th-Century English Sailortown." In Bernhard Klein (ed.), *Fictions of the Sea: Critical Perspectives on the Ocean in British Literature and Culture*. Aldershot: Ashgate, 2002: 141-56.

—. "The Myth of Bachelor Jack: Masculinity, Patriarchy, and Seafaring Labor." In Colin Howell and Richard J. Twomney (eds.), *Jack Tar in History: Essays in the History of Maritime Life and Labour*. Fredericton: Acadiensis, 1991: 179-98.

Byrn, John D. *Crime and Punishment in the Royal Navy: Discipline on the Leeward Islands Station, 1784-1812*. Aldershot: Scolar, 1989.

Cadden, Joan. *Meanings of Sex Differences in the Middle Ages: Medicine, Science, and Culture*. Cambridge: Cambridge University Press, 1993.

—. "Medieval Scientific and Medical Views of Sexuality: Questions of Propriety." *Medievalia et Humanistica* 14 (1986): 157-71.

—. *Nothing Natural is Shameful: Sodomy and Science in Late Medieval Europe*. Philadelphia: University of Pennsylvania Press, 2013.

—. "'Nothing Natural is Shameful': Vestiges of a Debate about Sex and Science in a Group of Late Medieval Manuscripts." *Speculum* 76 (2001): 66-89.

—. "Sciences/Silences: The Natures and Languages of 'Sodomy' in Peter of Abano's *Problemata* Commentary." In Karma Lochrie, Peggy McCracken, and James A. Schultz (eds.), *Constructing Medieval Sexuality*. Minneapolis: University of Minnesota Press, 1997: 40-57.

Caplan, Jane. "'Speaking Scars': The Tattoo in Popular Practice and Medico-Legal Debate in Nineteenth-Century Europe." *History Workshop Journal* 44 (1997): 106-42.

Capp, Bernard. *Cromwell's Navy: The Fleet and the English Revolution, 1648-1660*. Oxford: Clarendon Press, 1989.

Carter, Philip. "Men About Town: Representations of Foppery and Masculinity in Early Eighteenth-Century Urban Society." In Hannah Barker and Elaine Chalus (eds.), *Gender*

Bibliography

in Eighteenth-Century England: Roles, Representations, and Responsibilities. London: Addison Wesley Longman, 1997: 31-57.

Cavallo, Sandra. *Artisans of the Body in Early Modern Italy: Identities, Families and Masculinities*. Manchester: Manchester University Press, 2007.

Cavell, S.A. *Midshipmen and Quarterdeck Boys in the British Navy, 1771-1831*. Woodbridge: Boydell, 2012.

—. “A Social History of Midshipmen and Quarterdeck Boys in the Royal Navy, 1761-1831.” PhD dissertation, University of Exeter, 2010.

—. “Social Politics and the Midshipmen’s Mutiny, Portsmouth 1791.” *Mariner’s Mirror* 98 (2012): 30-42.

Charters, Erica. “The Caring Fiscal-Military State during the Seven Years’ War, 1756-1763.” *Historical Journal* 52 (2009): 921-41.

—. *Disease, War, and the Imperial State: The Welfare of the British Armed Forces During the Seven Years’ War*. Chicago: University of Chicago Press, 2014.

—. “Disease, Wilderness Warfare, and Imperial Relations: The Battle for Quebec, 1759-1760.” *War in History* 16 (2009): 1-24.

—. “‘The Intention is Certain Noble’: The Western Squadron, Medical Trials, and the Sick and Hurt Board during the Seven Years’ War (1756-63).” In David Boyd Haycock and Sally Archer (eds.), *Health and Medicine at Sea, 1700-1900*. Woodbridge: Boydell, 2009: 19-37.

—. “Making Bodies Modern: Race, Medicine and the Colonial Soldier in the Mid-Eighteenth Century.” *Patterns of Prejudice* 46 (2012): 214-31.

—. “Military Medicine and the Ethics of War: British Colonial Warfare during the Seven Years’ War (1756-63).” *Canadian Bulletin of Medical History* 27 (2010): 273-98.

Chauncey, George. “Christian Brotherhood or Sexual Perversion?: Homosexual Identities and the Construction of Sexual Boundaries in the World War One Era.” *Journal of Social History* 19 (1985): 189-211.

Clamp, Peter G. “Climbing Boys, Childhood, and Society in Nineteenth-Century England.” *Journal of Psychohistory* 12 (1984): 193-210.

Clark, Anna. *The Struggle for the Breeches: Gender and the Making of the British*

Bibliography

Working Class. Berkeley: University of California Press, 1995.

Clarke, Danielle. "'The Sovereigns Vice Begets the Subjects Error': The Duke of Buckingham, 'Sodomy,' and Narratives of Edward II, 1622-28." In Tom Bettridge (ed.), *Sodomy in Early Modern Europe*. Manchester: Manchester University Press, 2002: 46-64.

Cocks, H.G. "Homosexuality Between Men in Britain Since the Eighteenth Century." *History Compass* 5 (2007): 865-89.

—. "Making the Sodomite Speak: Voices of the Accused in English Sodomy Trials, c. 1800-89." *Gender & History* 18 (2006): 87-107.

—. *Nameless Offences: Homosexual Desire in the 19th Century*. London: Tauris, 2010.

—. "Secret Crimes and Diseases, 1800-1914." In Matt Cook, Robert Mills, Randolph Trumbach, and H.G. Cocks, *A Gay History of Britain: Love and Sex Between Men Since the Middle Ages*. Oxford: Greenwood, 2007: 107-44.

—. "Trials of Character: The Use of Character Evidence in Victorian Sodomy Trials." In *Domestic and International Trials, 1700-2000: The Trial in History, Volume II*. Ed. R.A. Melikan. Manchester: Manchester University Press, 2003: 36-53.

Cohen, Ed. "Legislating the Norm: From Sodomy to Gross Indecency." *South Atlantic Quarterly* 88 (1989): 181-217.

Cole, Simon A. *Suspect Identities: A History of Fingerprinting and Criminal Identification*. Cambridge: Harvard University Press, 2001.

Colley, Linda. *Britons: Forging the Nation, 1707-1837*. New Haven: Yale University Press, 1992.

—. "Whose Nation?: Class and National Consciousness in Britain, 1750-1830." *Past and Present* 113 (1986): 97-117.

Colville, Quintin. "Corporate Domesticity and Idealised Masculinity: Royal Navy Officers and their Shipboard Homes, 1918-39." *Gender and History* 21 (2009): 499-519.

—. "Jack Tar and the Gentleman Officer: The Role of Uniform in Shaping the Class- and Gender-Related Identities of British Naval Personnel, 1930-1939." *Transactions of the RHS* 13 (2003): 105-29.

Conley, Carolyn. "Rape and Justice in Victorian England." *Victorian Studies* 29 (1986):

Bibliography

519-36.

Conley, Mary A. "The Admiralty's Gaze: Disciplining Sodomy in the Edwardian Navy." Paper presented at the conference "Navy and Nation: 1688 to the Present," National Maritime Museum, 2013.

—. *From Jack Tar to Union Jack: Representing Naval Manhood in the British Empire, 1870-1918*. Manchester: Manchester University Press, 2009.

Connelly, Mark and Walter Miller. "British Courts Martial in North Africa, 1940-3." *Twentieth Century British History* 15 (2004): 217-42.

Cordingly, David. *The Billy Ruffian: The Bellerophon and the Downfall of Napoleon*. New York: Bloomsbury, 2003.

—. *Seafaring Women: Adventures of Pirate Queens, Female Stowaways, and Sailors' Wives*. New York: Random House, 2007.

Cox, David J. *Crime in England, 1688-1815*. New York: Routledge, 2014.

Crane, Elaine Forman. *Ebb Tide in New England: Women, Seaports, and Social Change, 1630-1800*. Boston: Northeastern University Press, 1998.

Crawford, Catherine. "Legalizing Medicine: Early Modern Legal Systems and the Growth of Medico-Legal Knowledge." In idem and Michael Clark (eds.), *Legal Medicine in History*. Cambridge: Cambridge University Press, 1994: 89-116.

Creighton, Margaret S. "American Mariners and the Rites of Manhood, 1830-1870." In Colin Howell and Richard J. Twomney (eds.), *Jack Tar in History: Essays in the History of Maritime Life and Labour*. Fredericton: Acadiensis, 1991: 143-63.

— and Lisa Norling (eds.). *Iron Men, Wooden Women: Gender and Seafaring in the Atlantic World, 1700-1920*. Baltimore: Johns Hopkins University Press, 1996.

Crompton, Louis. *Byron and Greek Love: Homophobia in 19th-Century England*. Berkeley: University of California Press, 1985.

—. "Don Leon, Byron, and Homosexual Law Reform." *Journal of Homosexuality* 8 (1983): 53-72.

—. "Gay Genocide: From Leviticus to Hitler." In Louie Crew (ed.), *The Gay Academic*. Palm Springs: ETC Publications, 1978: 67-91.

Bibliography

- . *Homosexuality and Civilization*. Cambridge: Harvard University Press, 2006.
- . “Homosexuals and the Death Penalty in Colonial America.” *Journal of Homosexuality* 1 (1976): 277-94.
- . “The Myth of Lesbian Impunity: Capital Laws from 1270 to 1790.” In Salvatore J. Licata and Robert P. Petersen (eds.), *Historical Perspectives on Homosexuality*. New York: Haworth, 1981: 11-25.
- Crozier, Ivan. “‘All the Appearances were Perfectly Natural’: The Anus of the Sodomite in Medical Discourse, 1850-1900.” In Ivan Crozier and Christopher E. Forth (eds.), *Body Parts: Critical Explorations in Corporeality*. Lanham: Lexington, 2005: 65-84.
- . “The Medical Construction of Homosexuality and its Relation to the Law in Nineteenth-Century England.” *Medical History* 45 (2001): 61-82.
- . “Nineteenth-Century British Psychiatric Writing about Homosexuality Before Havelock Ellis: The Missing Story.” *Journal of the History of Medicine and Allied Sciences* 63 (2008): 65-102.
- . “Striking at Sodom and Gomorrah: The Medicalization of Male Homosexuality and its Relation to the Law.” In Judith Rowbotham and Kim Stevenson (eds.), *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage*. Columbia: Ohio State University Press, 2005: 126-39.
- Dabhoiwala, Faramerz. “Lust and Liberty.” *Past and Present* 207 (2010): 89-179.
- . *The Origins of Sex: A History of the First Sexual Revolution*. Oxford: Oxford University Press, 2012.
- . “Sex, Social Relations and the Law in Seventeenth- and Eighteenth-Century London.” In M.J. Braddick and John Walter (eds.), *Negotiating Power in Early Modern Society: Order, Hierarchy, and Subordination in Britain and Ireland* (Cambridge: Cambridge University Press, 2001): 85-101.
- . “Sex and Societies for Moral Reform, 1688-1800.” *Journal of British Studies* 46 (2007): 290-319.
- . “Summary Justice in Early Modern London.” *English Historical Review* 121 (2006): 796-822.
- Dacam, John H. “‘Wanton and Torturing Punishments’: Patterns of Discipline and Punishment in the Royal Navy, 1783-1815.” PhD thesis, University of Hull, 2009.

Bibliography

Dandeker, Christopher. "Patronage and Bureaucratic Control: The Case of the Naval Officer in English Society, 1780-1850." *British Journal of Sociology* 29 (1978): 300-20.

Daniell, Rosemary. *Sleeping with Soldiers: In Search of the Macho Man*. Athens: Hill Street Press, 2005 [1984].

Davidoff, Leonore and Catherine Hall. *Family Fortunes: Men and Women of the English Middle Class, 1780-1850*. Chicago: University of Chicago Press, 1987.

Davies, J.D. *Gentlemen and Tarpaulins: The Officers and Men of the Restoration Navy*. Oxford: Clarendon, 1991.

Davis, Natalie Zemon. *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France*. Stanford: Stanford University Press, 1987.

De Groot, Gerard. "Lipstick on her Nipples, Cordite in her Hair: Sex and Romance among British Servicewomen During the Second World War." In idem and Corinna Peniston-Bird (eds.), *A Soldier and a Woman* (Harlow: Longman, 2000): 100-118.

De Renzi, Silvia. "Medical Expertise, Bodies, and the Law in Early Modern Courts." *Isis* 98 (2007): 315-322.

Dening, Greg. *Mr Bligh's Bad Language: Passion, Power and Theatre on the Bounty*. Cambridge: Cambridge University Press, 1992.

Devereaux, Simon. "The Fall of the Sessions Paper: Criminal Trial and the Popular Press in Late Eighteenth-Century London." *Criminal Justice History* 18 (2002): 57-88.

Douglas, Mary. *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*. New York: Praeger, 1966.

Druett, Joan. *Hen Frigates: Wives of Merchant Captains Under Sail*. New York: Simon and Schuster, 1998.

—. *Petticoat Whalers: Whaling Wives at Sea, 1820-1920*. Hanover: University Press of New England, 2001.

—. *She Captains: Heroines and Hellions of the Sea*. New York: Simon and Schuster, 2000.

Dudink, Stefan and Karen Hagemann. "Masculinity in Politics and War in the Age of Democratic Revolutions, 1750-1850." In Dudink, Hagemann, and John Tosh (eds.),

Bibliography

Masculinities in Politics and War: Gendering Modern History. Manchester: Manchester University Press, 2004: 3-21.

Dugaw, Dianne. *Warrior Women and Popular Balladry, 1650-1850*. Cambridge: Cambridge University Press, 1989.

Durston, Gregory. "Rape in the Eighteenth-Century Metropolis: Part I" and "Part 2." *British Journal for Eighteenth-Century Studies* 28 (2005): 167-179; and 29 (2006): 15-31.

Dye, Ira. "Early American Merchant Seafarers." *Proceedings of the American Philosophical Society* 120 (1976): 331-60.

Edelstein, Laurie. "An Accusation Easily to be Made?: Rape and Malicious Prosecution in Eighteenth-Century England." *The American Journal of Legal History* 42 (1998): 351-90.

Eder, Markus, *Crime and Punishment in the Royal Navy of the Seven Years' War, 1755-1763*. Aldershot: Ashgate, 2004.

Emsley, Clive. "The Recruitment of Petty Offenders During the French Wars, 1793-1815." *Mariner's Mirror* 66 (1980): 199-208.

Eriksson, Brigitte. "A Lesbian Execution in Germany, 1721: The Trial Records." In Salvatore J. Licata and Robert P. Petersen (eds.), *Historical Perspectives on Homosexuality*. New York: Haworth, 1981: 27-40.

Fissell, Mary. "Introduction: Women, Health, and Healing in Early Modern Europe," *Bulletin of the History of Medicine* 82 (2008): 1-17.

—. *Vernacular Bodies: The Politics of Reproduction in Early Modern England*. Oxford: Oxford University Press, 2006.

Foucault, Michel. *The History of Sexuality*, trans. Robert Hurley. 3 vols. New York: Pantheon, 1978-88.

Foyster, Elizabeth. "Boys will be Boys?: Manhood and Aggression, 1660-1800." In Tim Hitchcock and Michèle Cohen (eds.), *English Masculinities, 1660-1800*. London: Addison Wesley, 1999: 133-50.

Frey, Sylvia R. "The Common British Soldier in the Late Eighteenth Century: A Profile." *Societas* 5 (1975): 117-31.

Bibliography

- Frykman, Niklas. "Seamen on Late Eighteenth-Century European Warships." *International Review of Social History* 54 (2009): 67-93.
- Fury, Cheryl A. "Elizabethan Seamen: Their Lives Ashore." *International Journal of Maritime History* 10 (1998): 1-40.
- . "Training and Education in the Elizabethan Maritime Community, 1585-1603." *Mariner's Mirror* 85 (1999): 147-61.
- (ed.). *The Social History of English Seamen, 1485-1649*. Woodbridge: Boydell, 2012.
- . *Tides in the Affairs of Men: The Social History of Elizabethan Seamen, 1580-1603*. Westport: Greenwood, 2001.
- Fussell, Paul. *The Great War and Modern Memory*. Oxford: Oxford University Press, 2013 [1975].
- Gane, Susan. "Common Soldiers, Same-Sex Love, and Religion in the Early Eighteenth-Century British Army." *Gender and History* 25 (2013): 637-51.
- Gilbert, A.N. "The *Africaine* Courts-Martial: A Study of Buggery in the Royal Navy." *Journal of Homosexuality* 1 (1976): 111-22.
- . "British Military Justice during the American Revolution." *The Eighteenth Century* 20 (1979): 24-38.
- . "Buggery and the British Navy, 1700-1861." *Journal of Social History* 10 (1976): 72-98.
- . "Conceptions of Homosexuality and Sodomy in Western History." *Journal of Homosexuality* 6 (1981): 57-68.
- and Michael Barkun. "Disaster and Sexuality." *Journal of Sex Research* 17 (1981): 288-99.
- . "Law and Honour among Eighteenth-Century Army Officers." *Historical Journal* 19 (1976): 75-87.
- . "Sexual Deviance and Disaster during the Napoleonic Wars." *Albion* 9 (1977): 98-113.
- . "Sodomy and the Law in Eighteenth- and Early Nineteenth-Century Britain." *Societas* 8 (1978): 225-41.

Bibliography

- . “The Regimental Courts Martial in the Eighteenth Century British Army.” *Albion* 8 (1976): 50-66.
- . “Why Men Deserted from the Eighteenth-Century British Army.” *Armed Forces and Society* 6 (1980): 553-567.
- Gill, Ellen. “‘Children of the Service’: Paternalism, Patronage and Friendship in the Georgian Navy.” *Journal for Maritime Research* 15 (2013): 149-65.
- Glasco, Jeffrey D. “‘The Seaman Feels Him-Self a Man.’” *International Labor and Working-Class History* 66 (2004): 40-56.
- . “‘We Are a Neglected Set’: Masculinity, Mutiny, and Revolution in the Royal Navy.” PhD thesis, University of Arizona, 2001.
- Glass, Robert E. “Naval Courts-Martial in Seventeenth-Century England.” In William B. Cogar (ed.), *New Interpretations in Naval History: Selected Papers from the Twelfth Naval History Symposium Held at the United States Naval Academy, 26-27 October 1995*. Annapolis: Naval Institute Press, 1997: 53-64.
- Godbeer, Richard. “‘The Cry of Sodom’: Discourse, Intercourse, and Desire in Colonial New England.” *William and Mary Quarterly* 52 (1995): 259-86.
- . *The Overflowing of Friendship: Love Between Men and the Creation of the American Republic*. Baltimore: Johns Hopkins University Press, 2009.
- . *Sexual Revolution in Early America*. Baltimore: Johns Hopkins University Press, 2002.
- Goldberg, Jonathan. *Sodometries: Renaissance Texts, Modern Sexualities*. Stanford: Stanford University Press, 1992.
- (ed.). *Queering the Renaissance*. Durham: Duke University Press, 1994.
- Goldsmith, Netta Murray. *The Worst of Crimes: Homosexuality and the Law in Eighteenth-Century London*. Aldershot: Ashgate, 1998.
- Gowing, Laura. *Common Bodies: Women, Touch, and Power in Seventeenth-Century England*. New Haven: Yale University Press, 2003.
- . *Domestic Dangers: Women, Words, and Sex in Early Modern London*. Oxford: Clarendon Press, 1996.

Bibliography

- . “Ordering the Body: Illegitimacy and Female Authority in Seventeenth-Century England.” In Michael J. Braddick and John Walter (eds.), *Negotiating Power in Early Modern Society: Order, Hierarchy, and Subordination in Britain and Ireland*. Cambridge: Cambridge University Press, 2001: 43-62.
- . “Secret Births and Infanticide in Seventeenth-Century England.” *Past and Present* 156 (1997): 87-115.
- Gradish, Stephen F. *The Manning of the British Navy During the Seven Years’ War*. London: Royal Historical Society, 1980.
- Gregory, Jeremy. “Homo Religiosus: Masculinity and Religion in the Long Eighteenth Century.” In Tim Hitchcock and Michèle Cohen (eds.), *English Masculinities, 1660-1800*. London: Routledge, 1999: 85-110.
- Grossberg, Michael. “Friends of the Court: A New Role for Historians.” *Perspectives on History* (Nov., 2010).
- Guillery, Peter. “The Further Adventures of Mary Lacy.” *The Georgian Group Journal* 10 (2000): 61-9.
- . “The Further Adventures of Mary Lacy: ‘Seaman,’ Shipwright, Builder.” *History Workshop Journal* 49 (2000): 212-19.
- Guttridge, Leonard F. *Mutiny: A History of Naval Insurrection*. Annapolis: Naval Institute Press, 1992.
- Haggerty, George E. “Beckford’s Paederasty.” In Thomas DiPiero and Pat Gill (eds.), *Illicit Sex: Identity Politics in Early Modern Culture*. Athens: University of Georgia Press, 1997: 123-42.
- . “The History of Homosexuality Reconsidered.” In Chris Mounsey (ed.), *Developments in the Histories of Sexualities: In Search of the Normal, 1600-1800*. Lewisburg: Bucknell University Press, 2013.
- . *Men in Love: Masculinity and Sexuality in the Eighteenth Century*. New York: Columbia University Press, 1999.
- . “Smollett’s World of Masculine Desire in *The Adventures of Roderick Random*.” *Eighteenth Century* 53 (2012): 317-30.

Bibliography

- Halperin, David M. *How To Do the History of Homosexuality*. Chicago: University of Chicago Press, 2002.
- . “How To Do the History of Male Homosexuality.” *GLQ* 6 (2000): 87-123.
- . “Is There a History of Sexuality?” *History & Theory* 28 (1989): 257-74.
- . *One Hundred Years of Homosexuality: And Other Essays on Greek Love*. Hoboken: Taylor and Francis, 2012 [1990].
- Halttunen, Karen. “Humanitarianism and the Pornography of Pain in Anglo-American Culture.” *American Historical Review* 100 (1995): 303-34.
- Hannay, David. *Naval Courts Martial*. Cambridge: Cambridge University Press, 1914.
- Hanson, Britta. “The Virtues of an Explicit Defense: Homosex in the Victorian Royal Navy.” *West Point Undergraduate Historical Review* 3 (2012): 55-73.
- Harvey, A.D. “Bestiality in Late-Victorian England.” *Legal History* 21 (2000): 85-88.
- . “Homosexuality and the British Army During the First World War.” *Journal of the Society for Army Historical Research* 79 (2001): 313-319.
- . “Prosecutions for Sodomy in England at the Beginning of the Nineteenth Century.” *The Historical Journal* 21 (1978): 939-948.
- . *Sex in Georgian England: Attitudes and Prejudices from the 1720s to the 1820s*. New York: St. Martin’s Press, 1994.
- Harvey, Karen and Alexandra Shepard. “What Have Historians Done with Masculinity?: Reflections on Five Centuries of British History, circa 1500-1950.” *Journal of British Studies* 44 (2005): 274-80.
- Hekma, Gert. “Homosexual Behavior in the Nineteenth-Century Dutch Army.” *Journal of the History of Sexuality* 2 (1991): 266-88.
- Herrup, Cynthia B. *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven*. New York: Oxford University Press, 1999.
- Hewlett, Mary. “The French Connection: Syphilis and Sodomy in Late-Renaissance Lucca.” In Kevin Siena (ed.), *Sins of the Flesh: Responding to Sexual Disease in Early Modern Europe*. Toronto: Centre for Reformation and Renaissance Studies, 2005: 239-60.

Bibliography

- Hitchcock, Tim. *English Sexualities, 1700-1800*. New York: St. Martin's Press, 1997.
- Hollinger, David A. "How Wide the Circle of the 'We'? American Intellectuals and the Problem of the Ethnos Since World War II." *American Historical Review* 98 (1993): 317-37.
- Houlbrook, Matt. "Soldier Heroes and Rent Boys: Homosex, Masculinities and Britishness in the Brigade of Guards, circa 1900-1960." *Journal of British Studies* 42 (2003): 351-88.
- Hubley, Martin. "'By the Laws of this Realm': Legal Precedents, Discretion, and Courts-Martial in the Royal Navy, 1746-1805." *Trafalgar Chronicle* 17 (2007): 16-30.
- . "Desertion, Identity and the Experience of Authority in the North American Squadron of the Royal Navy, 1745-1812." PhD thesis, University of Ottawa, 2009.
- . "'The most outrageous Set of People that ever lived': Desertion, Identity and Irish Seamen of the Royal Navy in North America, 1745-1815." In Robert J. Blyth and Keith Jeffery (eds.), *The British Empire and its Contested Pasts*. Dublin: Irish Academic Press, 2009: 169-95.
- . "'The people, from being tyrannically treated, would rejoice in being captured by the Americans': Mutiny and the Royal Navy during the War of 1812." In Craig Leslie Mantle (ed.), *The Apathetic and the Defiant: Case Studies of Canadian Mutiny and Disobedience, 1812 to 1919*. Kingston: Canadian Defence Academy Press; Toronto: Dundurn Group, 2007: 31-84.
- Hunt, Lynn. *Inventing Human Rights: A History*. New York: Norton, 2007.
- (ed.). *The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800*. New York: Zone, 1993.
- . "The Origins of Human Rights in France." *Proceedings of the Annual Meeting of the Western Society for French History* 24 (1997): 9-24.
- . "The Paradoxical Origins of Human Rights." In Jeffrey N. Wasserstrom et al. (eds.), *Human Rights and Revolutions*. 2nd ed. Lanham: Rowman and Littlefield, 2007 [2000]: 3-20.
- Hunt, Margaret R. "The Sailor's Wife, War Finance, and Coverture in Late Seventeenth-Century London." In Tim Stretton and Krista Kesselring (eds.), *Married Women and the Law: Coverture in England and the Common Law World*. Montreal: McGill-Queen's

Bibliography

University Press, 2013: 139-162.

—. “Women and the Fiscal-Imperial State in the late Seventeenth and early Eighteenth Centuries.” In Kathleen Wilson (ed.), *A New Imperial History*. Cambridge University Press, 2004: 29-47.

—. “Women Confront the English Military State, 1640 to 1715.” In Peter Ericsson, Fredrik Thisner, Patrik Winton, and Andreas Åkerlund (eds.), *Allt på ett bräde. Stat, ekonomi och bondeoffer*. Uppsala: Uppsala University Library, 2013: 247-55.

Hutchinson, J.R. *The Press-Gang Afloat and Ashore*. New York: Dutton, 1914.

Jackson, Mark (ed.). *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000*. Aldershot: Ashgate, 2002.

—. *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England*. Manchester: Manchester University Press, 1996.

—. “Suspicious Infant Deaths: The Statute of 1624 and Medical Evidence at Coroners’ Inquests.” In Michael Clark and Catherine Crawford (eds.), *Legal Medicine in History*. Cambridge: Cambridge University Press, 1994: 64-86.

Jackson, Paul. *One of the Boys: Homosexuality in the Military during World War II*. Montreal: McGill-Queen’s University Press, 2004.

Jamieson, A.G. “Tyranny of the Lash?: Punishment in the Royal Navy during the American War, 1776-1783.” *Northern Mariner* 9 (1999): 53-66.

Jones, C. Pitcairn. “The ‘Identity’ of Jack Nastyface.” *Mariner's Mirror* 39 (1953): 136-38.

Jordan, Gerald and Nicholas Rogers. “Admirals as Heroes: Patriotism and Liberty in Hanoverian England.” *Journal of British Studies* 28 (1989): 201-24.

Karremann, Isabel. “‘The Sea Will Make a Man of Him?’: Hypervirility, Effeminacy, and the Figure of the Queer Pirate in the Popular Imagination from the Early Eighteenth-Century to Hollywood.” *Gender Forum* 32 (<http://www.genderforum.org/issues/historical-masculinities-as-an-intersectional-problem/the-sea-will-make-a-man-of-him/>.)

Kemp, Peter. *The British Sailor: A Social History of the Lower Deck*. London: J.M. Dent & Sons, 1970.

Kenyon, John. *The Popish Plot*. London: Phoenix, 2000 [1972].

Bibliography

- Kimmel, Michael S. "From Lord and Master to Cuckold and Fop: Masculinity in 17th-Century England" (1987). In idem, *The History of Men: Essays in the History of American and British Masculinities*. Albany: State University of New York Press, 2005: 125-42.
- . "'Greedy Kisses' and 'Melting Extasy': Notes on the Homosexual World of Early 18th-Century England as Found in *Love Letters Between a Certain Late Nobleman and the Famous Mr. Wilson*." *Journal of Homosexuality* 19 (1990): 1-10.
- Knowles, James. "To 'scourge the arse / Jove's marrow had so wasted': Scurrility and the Subversion of Sodomy." In Dermot Cavanagh and Tim Kirk (eds.), *Subversion and Scurrility: Popular Discourse in Europe from 1500 to the Present*. Aldershot: Ashgate, 2000: 74-92.
- Laffin, John. *Jack Tar: The Story of the British Sailor*. London: Cassell, 1969.
- Lake, Peter. "Anti-Popery: The Structure of a Prejudice." In R. Cust and A. Hughes (eds.), *Conflict in Early Stuart England: Studies in Religion and Politics, 1603-1642*. London: Longman, 1989: 72-106.
- Lambert, Andrew. *Trincomalee: The Last of Nelson's Frigates*. London: Chatham, 2002.
- Land, Isaac. "Bread and Arsenic: Citizenship from the Bottom up in Georgian London." *Journal of Social History* 39 (2005): 89-110.
- . "Customs of the Sea: Flogging, Empire, and the 'True British Seaman,' 1770 to 1870." *Interventions* 3 (2001): 169-85.
- . "The Humours of Sailortown: Atlantic History Meets Subculture Theory." In Glenn Clark, Judith Owens, and Greg T. Smith (eds.), *City Limits: Perspectives on the Historical European City*. Montreal: McGill-Queen's University Press, 2010: 325-47.
- . "The Many-Tongued Hydra: Sea Talk, Maritime Culture, and Atlantic Identities, 1700-1850." *Journal of American and Comparative Cultures* 25 (2002): 412-417.
- . "Patriotic Complaints: Sailors Performing Petition in Early Nineteenth-Century Britain." In Fiona Paisley and Kirsty Rein (eds.), *Critical Perspectives on Colonialism: Writing the Empire from Below*. New York: Routledge, 2014: 102-20.
- . "'Sinful Propensities': Piracy, Sodomy, and Empire in the Rhetoric of Naval Reform, 1770-1870." In Anupama Rao and Steven Pierce (eds.), *Discipline and the other Body: Correction, Corporeality, Colonialism*. Durham: Duke University Press, 2006: 90-114.

Bibliography

- . *War, Nationalism, and the British Sailor, 1750-1850*. New York: Palgrave Macmillan, 2009.
- Lane, Jane [pseud., Elaine Kidner Dakers]. *Titus Oates*. London: Andrew Dakers Ltd., 1949.
- Langley, Harold D. *Social Reform in the United States Navy, 1798-1862*. Annapolis: Naval Institute Press, 1967.
- Laqueur, Thomas W. "Bodies, Death, and Pauper Funerals." *Representations* 1 (1983): 109-31.
- . "Bodies, Details, and the Humanitarian Narrative." In Lynn Hunt (ed.), *The New Cultural History*. Berkeley: University of California Press, 1989: 176-204.
- . *Making Sex: Body and Gender from the Greeks to Freud*. Cambridge: Harvard University Press, 1990.
- . "Mourning, Pity, and the Work of Narrative in the Making of 'Humanity.'" In Richard Ashby Wilson and Richard D. Brown (eds.), *Humanitarianism and Suffering: The Mobilization of Empathy*. Cambridge: Cambridge University Press, 2009: 31-57.
- . *Solitary Sex: A Cultural History of Masturbation*. New York: Zone, 2003.
- Lavery, Brian. "Jack Aubrey's Ships." In A.E. Cunningham (ed.), *Patrick O'Brian: Critical Essays and Bibliography*. New York: Norton, 1994: 71-84.
- . *Nelson's Navy: The Ships, Men, and Organisation, 1793-1815*. Annapolis: Naval Institute Press, 1989.
- . *Royal Tars: The Lower Deck of the Royal Navy, 875-1850*. Annapolis: Naval Institute Press, 2010.
- LeJacq, Seth Stein. "The Bounds of Domestic Healing: Medical Recipes, Storytelling, and Surgery in Early Modern England." *Social History of Medicine* 26 (2013): 451-68.
- . "Buggery's Travels: Royal Navy Sodomy on Ship and Shore in the Long Eighteenth Century." *Journal for Maritime Research* 17 (2015): 103-116.
- Lemisch, Jesse. "Jack Tar in the Streets: Merchant Seamen in the Politics of Revolutionary America." *William and Mary Quarterly* 25 (1968): 371-407.

Bibliography

- Lewis, Michael. *The History of the British Navy*. London: Allen & Unwin, 1959.
- . *The Navy in Transition, 1814-1864: A Social History*. London: Hodder and Stoughton, 1965.
- . *A Social History of the Navy, 1793-1815*. London: Allen and Unwin, 1960.
- Lincoln, Margarette. "Emma Hamilton, War, and the Depiction of Femininity in the Late Eighteenth Century." *Journal for Maritime Research* 17 (2015): 135-45.
- . *Naval Wives and Mistresses, 1750-1815*. London: National Maritime Museum, 2007.
- . *Representing the Royal Navy: British Sea Power, 1750-1815*. Aldershot: Ashgate, 2002.
- Linebaugh, Peter, Douglas Hay, and E.P. Thompson (eds.). *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. New York: Pantheon, 1975.
- . "The Tyburn Riot Against the Surgeons." In Douglas Hay et al. (eds.), *Albion's Fatal Tree*. New York: Penguin, 1977: 65-117.
- Lloyd, Christopher. *The British Seaman, 1200-1860: A Social Survey*. London: Collins, 1968.
- . *Captain Marryat and the Old Navy*. London: Longmans, Green, and Co., 1939.
- Lyons, Clare A. "Mapping an Atlantic Sexual Culture: Homoeroticism in Eighteenth-Century Philadelphia." *William and Mary Quarterly* 60 (2003): 119-54.
- . *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730-1830*. Chapel Hill: University of North Carolina Press, 2006.
- MacDonald, Michael and Terence R. Murphy. *Sleepless Souls: Suicide in Early Modern England*. Oxford: Clarendon Press, 1990.
- Malcomson, Thomas A. "Creating Order and 'Disorder' in the British Navy: The North American and West Indies Station, 1812-1815." PhD thesis, York University, 2007.
- Marcus, G.J. *Heart of Oak: A Survey of British Sea Power in the Georgian Era*. London: Oxford University Press, 1975.
- Masefield, John. *Sea Life in Nelson's Time*. London: Methuen, 1905.

Bibliography

- Maynard, Steven. "Making Waves: Gender and Sex in the History of Seafaring." *Acadiensis* 22 (1993): 144-54.
- McCormack, Matthew. "Dance and Drill: Polite Accomplishments and Military Masculinities in Georgian Britain." *Cultural and Social History* 8 (2011): 315-30.
- . "The New Militia: War, Politics and Gender in 1750s Britain." *Gender and History* 19 (2007): 483-500.
- McCreery, Cindy. "True Blue and *Black, Brown and Fair*: Prints of British Sailors and their Women During the Revolutionary and Napoleonic Wars." *British Journal for Eighteenth-Century Studies* 23 (2000): 135-52.
- McFarlane, Cameron. *The Sodomite in Fiction and Satire, 1660-1750*. New York: Columbia University Press, 1997.
- McGuane, James P. *Heart of Oak: A Sailor's Life in Nelson's Navy*. New York: Norton, 2002.
- McIntosh, Mary. "The Homosexual Role." *Social Problems* 16 (1968): 182-92.
- McKee, Christopher. *Edward Preble: A Naval Biography, 1761-1807*. Annapolis: Naval Institute Press, 1972.
- Miller, Amy. *Dressed to Kill: British Naval Uniform, Masculinity, and Contemporary Fashions*. London: National Maritime Museum, 2007.
- Mills, Jennie. "Rape in Early Eighteenth-Century London: A Perversion 'so very perplex'd.'" In Julie Peakman (ed.), *Sexual Perversions, 1670-1890*. Basingstoke: Palgrave Macmillan, 2009: 140-66.
- Mintz, Steven. "Does History Matter?" *Inside Higher Ed*. (2 July 2013).
- Morris, Polly. "Sodomy and Male Honor: The Case of Somerset, 1740-1850." *Journal of Homosexuality* 16 (1988): 383-406.
- Moss, Stephen. "The Man Behind the Great Dickens and Dostoyevsky Hoax." *The Guardian*, 10 July 2013.
- Munkhoff, Richelle. "Searchers of the Dead: Authority, Marginality, and the Interpretation of Plague in England, 1574-1665." *Gender & History* 11 (1999): 1-29.

Bibliography

- Murphy, Lawrence R. "Cleaning up Newport: The U.S. Navy's Persecution of Homosexuals After World War I." *Journal of American Culture* 7 (1984): 57-64.
- . *Perverts by Official Order: The Campaign Against Homosexuals by the United States Navy*. New York: Haworth, 1988.
- Murray, Dian. "The Practice of Homosexuality Among the Pirates of Late 18th and Early 19th Century China." *International Journal of Maritime History* 4 (1992): 121-30.
- Murray, E.S. "Crimes and Punishments from Court Martial Proceedings, 1759 and 1776." *The Bulletin of the Fort Ticonderoga Museum* 9 (1952): 57-72.
- Naiman, Eric. "When Dickens met Dostoyevsky." *Times Literary Supplement*, 10 April 2013.
- Naphy, William G. "Reasonable Doubt: Defences Advanced in Early Modern Sodomy Trials in Geneva." In Maureen Mulholland and Brian Pullan (eds.), *Judicial Tribunals in England and Europe, 1200-1700: The Trial in History, Volume I*. Manchester: Manchester University Press, 2003: 129-46.
- . "'Under-Age' Sexual Activity in Reformation Geneva" (with responses by Tom Betteridge and Nick Davidson). In George Rousseau (ed.), *Children and Sexuality: From the Greeks to the Great War*. Basingstoke: Palgrave Macmillan, 2007: 108-41.
- Neale, Jonathan. *The Cutlass and the Lash: Mutiny and Discipline in Nelson's Navy*. London: Pluto, 1985.
- Neufeld, Matthew. "The Framework of Casualty Care During the Anglo-Dutch Wars." *War in History* 19 (2012): 427-44.
- and Blaine Wickham. "The State, the People and the Care of Sick and Injured Sailors in Late Stuart England." *Social History of Medicine* 28 (2014): 45-63.
- Newman, Simon P. "Wearing their Hearts on their Sleeves: Reading the Tattoos of Early American Seafarers." In Tim Armstrong (ed.), *American Bodies: Cultural Histories of the Physique*. Sheffield: Sheffield Academic Press, 1996: 18-31.
- . "Reading the Bodies of Early American Seafarers." *William and Mary Quarterly* 55 (1998): 59-82.
- Nilsson, Arne. "Cruising the Seas: Male Homosexual Life on the Swedish American Line, 1950-1975." *Suomen Queer-tutkimuksen Seuran Lehti (SQS)* 71 (2006): 71-86. (<http://www.helsinki.fi/jarj/sqs/SQSNilsson.pdf>.)

Bibliography

Norling, Lisa. *Captain Ahab had a Wife: New England Women and the Whalefishery*. Chapel Hill: University of North Carolina Press, 2000.

—. “‘How Frought with Sorrow and Heartpangs’: Mariners’ Wives and the Ideology of Domesticity.” *New England Quarterly* 65 (1992): 422-46.

—. “The Sentimentalization of American Seafaring: The Case of the New England Whalefishery, 1790-1870.” In *Jack Tar in History*: 164-78.

Norton, Rictor. “Homosexuality in Eighteenth-Century England: A Sourcebook.” (<http://rictornorton.co.uk/eighteen/index.htm>.)

—. *Mother Clap’s Molly House: The Gay Subculture in England, 1700-1830*. London: Gay Men’s Press, 1992.

—. “Oddities, Obituaries and Obsessions: Early Nineteenth-Century Scandal and Social History Glimpsed through William Beckford’s Newspaper Cuttings” (2008) (rictornorton.co.uk/beckford.pdf).

—. “Recovering Gay History from the Old Bailey.” *London Journal* 30 (2005): 39-54.

O’Donnell, Katherine and Michael O’Rourke (eds.). *Queer Masculinities, 1550-1800: Siting Same-Sex Desire in the Early Modern World*. Basingstoke: Palgrave Macmillan, 2006.

O’Driscoll, Sally. “The Molly and the Fop: Untangling Effeminacy in the Eighteenth Century.” In Chris Mounsey (ed.), *Developments in the Histories of Sexualities: In Search of the Normal, 1600-1800*. Lewisburg: Bucknell University Press, 2013: 145-72.

Oldham, James. “Informal Lawmaking in England by the Twelve Judges in the Late Eighteenth and Early Nineteenth Centuries.” *Law and History Review* 29 (2011): 181-220.

Oosterhoff, Jan. “Sodomy at Sea and at the Cape of Good Hope During the Eighteenth Century.” *Journal of Homosexuality* 16 (1998): 229-35.

Pack, A. J. *Nelson’s Blood: The Story of Naval Rum*. Annapolis: Naval Institute Press, 1982.

Pardo-Tomás, J. and À. Martínez-Vidal. “Victims and Experts: Medical Practitioners and the Spanish Inquisition.” In J. Woodward and R. Jütte (eds.), *Coping with Sickness: Medicine, Law and Human Rights—Historical Perspectives*. Sheffield: European

Bibliography

- Association for the History of Medicine and Health Publications, 2000: 11-27.
- Park, Chris. "Exploring Historical Attitudes to Male Same-Sex Desire." *Past 2 Present* 5 (2012): 21-4.
- Patterson, Craig. "The Rage of Caliban: Eighteenth-Century Molly Houses and the Twentieth-Century Search for Sexual Identity." In Thomas DiPiero and Pat Gill (eds.), *Illicit Sex: Identity Politics in Early Modern Culture*. Athens: University of Georgia Press, 1997: 256-69.
- Payne, Dianne. "Rhetoric, Reality, and the Marine Society." *London Journal* 30 (2005): 66-84.
- . "Children of the Poor in London, 1700-1780." PhD thesis, University of Hertfordshire, 2008.
- Peers, Douglas M. "Privates off Parade: Regimenting Sexuality in the Nineteenth-Century Indian Empire." *International History Review* 20 (1998): 823-54.
- Pelling, Margaret. "Compromised by Gender: The Role of the Male Medical Practitioner in Early Modern England." In *The Task of Healing: Medicine, Religion and Gender in England and the Netherlands, 1450-1800*, ed. Hilary Marland and Margaret Pelling. Rotterdam: Erasmus, 1996: 101-33.
- Phillips, Kathy J. "Billy Budd as Anti-Homophobic Text." *College English* 56 (1994): 896-910.
- Philpotts, Trey. "The Real Marshalsea." *The Dickensian* 87 (1991): 133-45.
- Pietsch, Roland. "A Boyhood at Sea: The Records of the Maritime Society at the Maritime Museum, Greenwich." *Genealogists' Magazine* 27 (2001): 3-8.
- . "Hearts of Oak and Jolly Tars?: Heroism and Insanity in the Georgian Navy," *Journal for Maritime Research* 15 (2013): 69-82.
- . *The Real Jim Hawkins: Ships' Boys in the Georgian Navy*. Barnsley: Seaforth, 2010.
- . "Ships' Boys and Charity in the Mid-Eighteenth Century: The London Marine Society (1756-1772)." PhD thesis, Queen Mary University, 2003.
- . "Ships' Boys and Youth Culture in Eighteenth-Century Britain: The Navy Recruits of the London Marine Society." *Northern Mariner* 14 (2004): 11-24.

Bibliography

- . “Urchins for the Sea.” *Journal for Maritime Research* 2 (2000): 64-83.
- Pocock, Tom. *Remember Nelson: The Life of Captain Sir William Hoste*. London: Collins, 1977.
- Pomata, Gianna. “Blood Ties and Semen Ties: Consanguinity and Agnation in Roman Law.” In *Gender, Kinship, and Power*, ed. M.J. Maynes, A. Waltner et al. New York: Routledge, 1996: 27-42.
- . *Contracting a Cure: Patients, Healers, and the Law in Early Modern Bologna*. Baltimore: Johns Hopkins University Press, 1998.
- Poole, Steve. “‘Bringing great shame upon this city’: Sodomy, the Courts and the Civic Idiom in Eighteenth-Century Bristol.” *Urban History* 34 (2007): 114-26.
- Pope, Dudley. *The Black Ship*. Philadelphia: Lippincott, 1963.
- . *Life in Nelson’s Navy*. London: Allen & Unwin 1981.
- Quarm, Roger. “An Album of Drawings by Gabriel Bray RN, HMS *Pallas*, 1774-75.” *Mariner’s Mirror* 81 (1995): 32-44.
- Radel, Nicholas F. “Can the Sodomite Speak?: Sodomy, Satire, Desire and the Castlehaven Case.” In Katherine O’Donnell and Michael O’Rourke (eds.), *Love, Sex, Intimacy and Friendship Between Men, 1550-1800*. Basingstoke: Palgrave Macmillan, 2003: 148-67.
- Rasor, Eugene. *Reform in the Royal Navy: A Social History of the Lower Deck, 1850 to 1880*. Hamden: Archon, 1976.
- Rediker, Marcus. *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700-1750*. Cambridge: Cambridge University Press, 1987.
- and Peter Linebaugh. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*. Boston: Beacon Press, 2000.
- . “Towards a People’s History of the Sea.” In David Killingray, Margarete Lincoln, and Nigel Rigby (eds.), *Maritime Empires: British Imperial Maritime Trade in the Nineteenth Century*. Woodbridge: Boydell, 2004: 195-206.
- Reed, John R. *The Army and Navy in Nineteenth-Century British Literature*. New York: AMS Press, 2011.

Bibliography

- Richardson, Ruth. *Death, Dissection, and the Destitute*. 2nd ed. London: Phoenix, 2001 [1987].
- Ritsema, Alex. *A Dutch Castaway on Ascension Island*. 2nd ed. Deventer: by the author, 2010.
- Rocke, Michael. *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence*. New York: Oxford University Press, 1996.
- . “Sodomites in Fifteenth-Century Tuscany: The Views of Bernardino of Siena.” *Journal of Homosexuality* 16 (1988): 7-31.
- Rodger, N.A.M. “Britain.” In *Ubi Sumus?: The State of Naval and Maritime History*, ed. John B. Hattendorf. Newport: Naval War College Press, 1994: 41-58.
- . *The Command of the Ocean: A Naval History of Britain, 1649-1815*. New York, Norton, 2004.
- . “Devon Men and the Navy, 1689-1815.” In Michael Duffy (ed.), *The New Maritime History of Devon*. London: Conway Maritime Press, 1992: 209-15.
- . “Honour and Duty at Sea, 1660-1815.” *Historical Research* 75 (2002): 425-47.
- . “‘A Little Navy of Your Own Making’: Admiral Boscawen and the Cornish Connection in the Royal Navy.” In Michael Duffy (ed.), *Parameters of British Naval Power, 1650-1850*. Exeter: University of Exeter Press, 1992: 82-92.
- . “The Mutiny in the *John and Thomas*.” *Mariner's Mirror* 70 (1984): 293-98.
- . “The Naval Chaplain in the Eighteenth Century.” *British Journal of Eighteenth-Century Studies* 18 (1995): 33-45.
- . “The Naval World of Jack Aubrey.” In A.E. Cunningham (ed.), *Patrick O'Brian: Critical Essays and Bibliography*. New York: Norton, 1994: 49-70.
- . “Officers, Gentlemen, and their Education, 1793-1860.” In Richard Harding (ed.), *Naval History, 1680-1850*. Aldershot: Ashgate, 2006: 537-48.
- . “Patronage et compétences.” In Martine Acerra and Jose Merino (eds.), *Les marines de guerre européennes: XVIIe-XVIIIe siècles*. Paris: Press of the University of Paris-Sorbonne: 255-66.

Bibliography

- . *The Safeguard of the Sea: A Naval History of Britain, 660-1649*. New York: Norton, 1998.
- . “Shipboard Life in the Georgian Navy, 1750-1800: The Decline of the Old Order?” In Lewis R. Fischer et al. (eds.), *The North Sea: Twelve Essays on the Social History of Maritime Labour*. Stravanger: Stravanger Maritime Museum, 1992: 29-39.
- . “Stragglers and Deserters from the Royal Navy during the Seven Years’ War.” *Bulletin of the Institute of Historical Research* 57 (1984): 56-79.
- . *The Wooden World: An Anatomy of the Georgian Navy*. Annapolis: Naval Institute Press, 1986.
- Roelens, Jonas. “Visible Women: Female Sodomy in the Late Medieval and Early Modern Southern Netherlands (1400-1550).” *BMGN: Low Countries Historical Review* 2015 (130): 3-24.
- Rogers, Nicholas. “Liberty Road: Opposition to Impressment in Britain during the American War of Independence.” In Colin Howell and Richard J. Twomney (eds.), *Jack Tar in History: Essays in the History of Maritime Life and Labour*. Fredericton: Acadiensis, 1991: 53-75.
- . *The Press Gang: Naval Impressment and its Opponents in Georgian Britain*. London: Continuum, 2007.
- Rosario, Vernon A. (ed.). *Sciences and Homosexualities*. New York: Routledge, 1997.
- Rotundo, E. Anthony. “Romantic Friendship: Male Intimacy and Middle-Class Youth in the Northern United States, 1800-1900.” *Journal of Social History* 23 (1989): 1-25.
- Rousseau, George. “An Introduction to the *Love-Letters*: Circumstances of Publication, Context, and Cultural Commentary.” In Michael S. Kimmel (ed.), *Love Letters Between a Certain Late Nobleman and the Famous Mr. Wilson*. New York: Harrinton Park, 1990: 47-92.
- . “The Kiss of Death and Cabal of Dons: Blackmail and Grooming in Georgian Oxford.” *Journal of Historical Sociology* 21 (2008): 368-396.
- . “Policing the Anus: Stuprum and Sodomy According to Paolo Zacchia’s Forensic Medicine.” In Kenneth Borris and George Rousseau (eds.), *The Sciences of Homosexuality in Early Modern Europe*. London: Routledge, 2008: 75-91.

Bibliography

- . “Privilege, Power and Sexual Abuse in Georgian Oxford” (with response by Tim Hitchcock). In Rousseau (ed.), *Children and Sexuality: From the Greeks to the Great War*. Basingstoke: Palgrave Macmillan, 2007: 142-69.
- . ““You Have Made me Tear the Veil from Those Most Secret Feelings’: John Addington Symonds Amidst the Children” (with response from K.D. Watson). In Rousseau (ed.), *Children and Sexuality: From the Greeks to the Great War*. Basingstoke: Palgrave Macmillan, 2007: 173-205.
- Ruberg, Willemijn. “Trauma, Body, and Mind: Forensic Medicine in Nineteenth-Century Dutch Rape Cases.” *Journal of the History of Sexuality* 22 (2013): 85-104.
- Rubin, G.R. *Murder, Mutiny and the Military: British Court Martial Cases, 1940-1966*. London: Francis Buntle, 2005.
- Rubini, Dennis. “Sexuality and Augustan England: Sodomy, Politics, Elite Circles and Society.” *Journal of Homosexuality* 16 (1988): 349-81.
- Rudolph, Julia. “Gender and the Development of Forensic Science: A Case Study.” *English Historical Review* 123 (2008): 924-46.
- Schleiner, Winfried. ““That Matter Which Ought Not To Be Heard Of’: Homophobic Slurs in Renaissance Cultural Politics.” *Journal of Homosexuality* 26 (1994): 41-75.
- Schreiber, Roy E. *The Fortunate Adversities of William Bligh*. New York: Lang, 1991.
- Sedgwick, Eve Kosofsky. *Between Men: English Literature and Male Homosocial Desire*. New York: Columbia University Press, 1985.
- . *Epistemology of the Closet*. Berkeley: University of California Press, 1990.
- Shapin, Steven and Simon Schaffer. *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life*. Princeton: Princeton University Press, 1985.
- . *A Social History of Truth: Civility and Science in Seventeenth-Century England*. Chicago: University of Chicago Press, 1994.
- Shapiro, Stephen. “Of Mollies: Class and Same-Sex Sexualities in the Eighteenth Century.” In Kate Chedgzoy, Emma Francis, and Murray Pratt (eds.), *In a Queer Place: Sexuality and Belonging in British and European Contexts*. Aldershot: Ashgate, 2002: 155-76.
- Shields, Juliet. “Smollett’s Scots and Sodomites: British Masculinity in *Roderick*

Bibliography

Random." *The Eighteenth Century* 46 (2005): 175-188.

Shoemaker, Robert. "The Decline of Public Insult in London, 1600-1800." *Past and Present* 169 (2000): 97-131.

—. "Male Honour and the Decline of Public Violence in Eighteenth-Century London." *Social History* 26 (2001): 190-208.

—. "The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-Century London." *Journal of British Studies* 47 (2008): 559-80.

—. "Public Spaces, Private Disputes?: Fights and Insults on London's Streets, 1660-1800." In Tim Hitchcock and Heather Shore (eds.), *The Streets of London: From the Great Fire to the Great Stink*. London: Rivers Oram, 2003: 54-68.

—. "Reforming the City: The Reformation of Manners Campaign in London, 1690-1738." In Lee Davidson et al. (eds.), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750*. Stroud: Sutton, 1992: 99-120.

—. "Reforming Male Manners: Public Insult and the Decline of Violence in London, 1660-1740." In Tim Hitchcock and Michèle Cohen (eds.), *English Masculinities, 1660-1800*. London: Addison Wesley, 1999: 133-50.

—. "The Taming of the Duel: Masculinity, Honour, and Ritual Violence in London, 1660-1800." *Historical Journal* 45 (2002): 525-45.

Shorter, Edward. "On Writing the History of Rape." *Signs* 3 (1977): 471-82.

Sibalis, Michael Davis. "The Regulation of Male Homosexuality in Revolutionary and Napoleonic France, 1789-1815." In Jeffrey Merrick and Bryant T. Ragan, Jr. (eds.), *Homosexuality in Modern France*. Oxford: Oxford University Press, 1996: 80-101.

Siena, Kevin. "The Strange Medical Silence on Same-Sex Transmission of the Pox, c. 1660-c.1760." In Kenneth Borris and George Rousseau (eds.), *The Sciences of Homosexuality in Early Modern Europe*. London: Routledge, 2008: 115-33.

Simpson, Antony E. "Blackmail as a Crime of Sexual Indiscretion in Eighteenth-Century England." *Criminal Justice History* 17 (2002): 61-86.

—. "The 'Blackmail Myth' and the Prosecution of Rape and Its Attempt in 18th Century London: The Creation of a Legal Tradition." *Journal of Criminal Law and Criminology* 77 (1986): 101-150.

Bibliography

- . “Masculinity and Control: The Prosecution of Sex Offenses in Eighteenth-Century London.” PhD Dissertation, New York University, 1984.
- . “Popular Perceptions of Rape as a Capital Crime in Eighteenth-Century England: The Press and the Trial of Francis Charteris in the Old Bailey, February 1730.” *Law and History Review* 22 (2004): 27-70.
- Smith, Peter C. *Sailors in the Dock: Naval Courts Martial Down the Centuries*. Stroud: History Press, 2011.
- South, Mary L. “Homophobia in Eighteenth-Century Southampton.” *Proceedings of the Hampshire Field and Club Archaeological Society* 66 (2011): 187-200.
- Southam, Brian. *Jane Austen and the Navy*. 2nd ed. London: National Maritime Museum, 2005 [2000].
- Stanley, Jo. “And After the Cross-Dressed Cabin Boys and Whaling Wives?: Possible Futures for Women’s Maritime Historiography.” *Journal of Transport History* 23 (2002): 9-22.
- . *Bold in her Breeches: Women Pirates Across the Ages*. London: Pandora, 1995.
- . “Homosexuality among Sailors.” *The Oxford Encyclopedia of Maritime History*. Oxford: Oxford University Press, 2007: 148-49.
- . ““They Thought They Were Normal—And Called Themselves Queens’: Gay Seafarers on British Liners, 1945-1985.” In Duncan Redford (ed.), *Maritime History and Identity: The Sea and Culture in the Modern World*. London: I.B. Tauris, 2014: 230-252.
- . “With Cutlass and Compress: Women’s Relations with the Sea.” *Gender and History* 12 (2000): 232-36.
- Stark, Suzanne J. *Female Tars: Women Aboard Ship in the Age of Sail*. Annapolis: Naval Institute Press, 1996.
- . “Two Women Whalers.” *American Neptune* (1984): 22-24.
- Steinhoff, Keike. *Queer Buccaneers: (De)Constructing Boundaries in the Pirates of the Caribbean Film Series*. Berlin: Lit Verlag, 2011.
- Steppler, G.A. “British Military Law, Discipline, and the Conduct of Regimental Courts Martial in the Later Eighteenth Century.” *English Historical Review* 102 (1987): 859-86.

Bibliography

- Stewart, Alan. *Close Readers: Humanism and Sodomy in Early Modern England*. Princeton: Princeton University Press, 2014 [1997].
- . “Queer Renaissance Bodies?: Sex, Violence, and the Constraints of Periodisation.” In Kate Chedgzoy, Emma Francis, and Murray Pratt (eds.), *In A Queer Place: Sexuality and Belonging in British and European Contexts*. Aldershot: Ashgate, 2002: 137-54.
- Stevenson, Kim. “Causing a Sensation: Media and Legal Representations of Bad Behaviour.” In Judith Rowbotham and Stevenson (eds.), *Behaving Badly: Visible Crime, Social Panics and Legal Responses: Victorian and Modern Parallels*. Aldershot: Ashgate, 2003: 31-46.
- . “‘Most Intimate Violations’: Contextualising the Crime of Rape.” In Anne-Marie Kilday and David Nash (eds.), *Histories of Crime: Britain, 1600-2000*. Basingstoke: Palgrave Macmillan, 2010: 80-99.
- . “Unearthing The Realities of Rape: Utilising Victorian Newspaper Reportage To Fill in the Contextual Gaps.” *Liverpool Law Review* 3 (28): 405-423.
- Sullivan, F.B. “The Naval Schoolmaster During the Eighteenth Century and the Early Nineteenth Century.” *Mariner’s Mirror* 62 (1976): 311-26.
- Symonds, Deborah A. *Weep Not For Me: Women, Ballads, and Infanticide in Early Modern Scotland*. University Park: Pennsylvania State University Press, 1997.
- Tarbin, Stephanie. “Civic Manliness in London, c. 1380-1550.” In Susan Broomhall and Jacqueline Van Gent (eds.), *Governing Masculinities in the Early Modern Period: Regulating Selves and Others*. Farnham: Ashgate, 2011: 23-45.
- Terry, Jennifer. *An American Obsession: Science, Medicine, and Homosexuality in Modern Society*. Chicago: University of Chicago Press, 1999.
- Thompson, Peter. “No Chance in Nature: Cannibalism as a Solution to Maritime Famine, c.1750-1800.” In Tim Armstrong (ed.), *American Bodies: Cultural Histories of the Physique*. Sheffield: Sheffield Academic Press, 1996: 32-44.
- Tomalin, Claire. *Samuel Pepys: The Unequalled Self*. New York: Knopf, 2002.
- Tosh, John. “Hegemonic Masculinity and the History of Gender.” In idem, Stefan Dudink, and Karen Hagemann (eds.), *Masculinities in Politics and War: Gendering Modern History*. Manchester: Manchester University Press, 2004: 41-58.
- . “Masculinities in an Industrializing Society: Britain, 1800-1914.” *Journal of British*

Bibliography

Studies 44 (2005): 330-42.

Trumbach, Randolph. "The Birth of the Queen: Sodomy and the Emergence of Gender Equality in Modern Culture, 1660-1750." In Martin Duberman, Martha Vicinus, and George Chauncey (eds.), *Hidden from History: Reclaiming the Gay and Lesbian Past*. New York: New American Library, 1989: 129-40.

—. "Blackmail for Sodomy in Eighteenth-Century London." *Historical Reflections* 33 (2007): 23-39.

—. "Die Entstehung der Homo- und der Heterosexuellen." *Österreichische Zeitschrift für Geschichtswissenschaften* 9 (1998): 425-36.

—. "Erotic Fantasy and Male Libertinism in Enlightenment England." In Lynn Hunt (ed), *The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800*. New York: Zone, 1996: 253-82.

—. "Gender and the Homosexual Role in Modern Western Culture: The 18th and 19th Centuries Compared." In *Homosexuality, Which Homosexuality?* London: GMP, 1989: 149-69.

—. "The Heterosexual Male in Eighteenth-Century London and his Queer Interactions." In Katherine O'Donnell and Michael O'Rourke (eds.), *Love, Sex, Intimacy, and Friendship between Men, 1550-1800*. Basingstoke: Palgrave Macmillan, 2003: 99-127.

—. "London's Sodomites: Homosexual Behavior and Western Culture in the 18th Century." *Journal of Social History* 11 (1977): 1-33.

—. "Male Prostitution and the Emergence of the Modern Sexual System: Eighteenth-Century London." In Ann Lewis (ed.), *Prostitution and Eighteenth-Century Culture: Sex, Commerce, and Morality*. London: Pickering & Chatto, 2011: 185-202.

—. "The Origin and Development of the Modern Lesbian Role in the Western Gender System: Northwestern Europe and the United States, 1750-1990." *Historical Reflections* 20 (1994): 287-320.

—. *The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth-Century England*. New York: Academic Press, 1978.

—. *Sex and the Gender Revolution. Vol. 1: Heterosexuality and the Third Gender in Enlightenment London*. Chicago: University of Chicago Press, 1998.

—. "Sex, Gender, and Sexual Identity in Modern Culture: Male Sodomy and Female

Bibliography

- Prostitution in Enlightenment London." *Journal of the History of Sexuality* 2 (1991): 186-203.
- . "Sodomitical Assaults, Gender Role, and Sexual Development in Eighteenth-Century London." *Journal of Homosexuality* 16 (1988): 407-29.
- . "Sodomitical Subcultures, Sodomitical Roles, and the Gender Revolution of the Eighteenth Century: The Recent Historiography." *Eighteenth-Century Life* 9 (1985): 109-21.
- . "Sodomy Transformed: Aristocratic Libertinage, Public Reputation and the Gender Revolution of the 18th Century." *Journal of Homosexuality* 19 (1990): 105-24.
- . "The Transformation of Sodomy from the Renaissance to the Modern World and its General Sexual Consequences." *Signs* 37 (2012): 832-47.
- Turley, Hans. "Piracy, Identity, and Desire in *Captain Singleton*." *Eighteenth Century Studies* 31 (1997): 194-214.
- . *Rum, Sodomy, and The Lash: Piracy, Sexuality, and Masculine Identity*. New York: New York University Press, 1999.
- Upchurch, Charles. *Before Wilde: Sex Between Men in Britain's Age of Reform*. Berkeley: University of California Press, 2009.
- . "Liberal Exclusions and Sex Between Men in the Modern Era: Speculations on a Framework." *Journal of the History of Sexuality* 19 (2010): 409-31.
- Valle, James E. *Rocks and Shoals: Order and Discipline in the Old Navy, 1800-1861*. Annapolis: Naval Institute Press, 1980.
- Vickers, Emma. "'The Good Fellow': Negotiation, Remembrance, and Recollection—Homosexuality in the British Armed Forces, 1939-1945." In Dagmar Herzog (ed.), *Brutality and Desire: War and Sexuality in Europe's Twentieth Century*. New York: Palgrave, 2008: 109-34.
- . "Infantile Desires and Perverted Practices: Disciplining Lesbianism in the WAAF and the ATS during the Second World War." *The Lesbian Studies Journal* 13 (2009): 431-441.
- . *Queen and Country: Same-Sex Desire in the British Armed Forces, 1939-45*. Manchester: Manchester University Press, 2013.

Bibliography

- . “Queer Sex in the Metropolis?: Place, Subjectivity and the Second World War.” *Feminist Review* 96 (2010): 58-73.
- Walker, Garthine. “Rape, Acquittal and Culpability in Popular Crime Reports in England, c. 1670-c. 1750.” *Past and Present* 220 (2013): 115-42.
- . “Rereading Rape and Sexual Violence in Early Modern England.” *Gender & History* 10 (1998): 1-25.
- Wallace, Lee M. “Too Darn Hot: Sexual Contact in the Sandwich Islands on Cook’s Third Voyage.” *Eighteenth-Century Life* 18 (1994): 198-211.
- Wareham, Tom. *Frigate Commander*. Barnsley: Pen and Sword Maritime, 2012 [2004].
- . *The Star Captains: Frigate Command in the Napoleonic Wars*. London: Chatham, 2001.
- Watson, Katherine D. “Medical and Chemical Expertise in English Trials for Criminal Poisoning, 1750-1917.” *Medical History* 50 (2006): 373-90.
- . *Poisoned Lives: English Poisoners and their Victims*. London: Hambledon & London, 2004.
- Watson, Samuel J. “Flexible Gender Roles during the Market Revolution: Family, Friendship, Marriage, and Masculinity among U.S. Army Officers, 1815-1846.” *Journal of Social History* 29 (1995): 81-106.
- Weeks, Jeffrey. *Coming Out: Homosexual Politics in Britain, from the Nineteenth Century to the Present*. London: Quartet, 1977.
- . “Inverts, Perverts, and Mary-Annes: Male Prostitution and the Regulation of Homosexuality in England in the Nineteenth and Early Twentieth Centuries.” *Journal of Homosexuality* 6 (1980/81): 113-34.
- . *Sex, Politics and Society: The Regulation of Sexuality Since 1800*. London: Longman, 1981.
- . “‘Sins and Diseases’: Some Notes on Homosexuality in the Nineteenth Century.” *History Workshop* 1 (1976): 211-219.
- White, Jerry. “Pain and Degradation in Georgian London: Life in the Marshalsea Prison.” *History Workshop Journal* 68 (2009): 69-98.

Bibliography

- Wilkinson, Clive. "The Non-Climatic Research Potential of Ships' Logbooks and Journals." *Climatic Change* 73 (2005): 155-67.
- Wilson, Kathleen. *The Island Race: Englishness, Empire and Gender in the Eighteenth Century*. London: Routledge, 2003.
- . "Nelson and the People: Manliness, Patriotism and Body Politics." In David Cannadine (ed.), *Admiral Lord Nelson: Context and Legacy*. Basingstoke: Palgrave Macmillan, 2005: 49-66.
- . *The Sense of the People: Politics, Culture, and Imperialism in England, 1715-1785*. Cambridge: Cambridge University Press, 1995.
- Winton, John. *Hurrah for the Life of a Sailor!: Life on the Lower-Deck of the Victorian Navy*. London: Joseph, 1977.
- Zeeland, Steven. *Barrack Buddies and Soldier Lovers: Dialogues with Gay Young Men in the U.S. Military*. New York: Harrington Park, 1996.
- . *The Masculine Marine: Homoeroticism in the U.S. Marine Corps*. Binghamton: Harrington Park, 1996.
- . *Military Trade*. New York: Harrington Park, 1999.
- . *Sailors and Sexual Identity: Crossing the Line Between "Straight" and "Gay" in the U.S. Navy*. Binghamton: Harrington Park, 1995.
- and Mark Simpson. *The Queen is Dead: A Story of Jarheads, Eggheads, Serial Killers, and Bad Sex*. London: Arcadia, 2001.
- Zuckerman, Arnold. "Disease and Ventilation in the Royal Navy: The Woodenship Years." *Eighteenth-Century Life* 11 (1987): 77-89.

Curriculum Vitae
SETH STEIN LEJACQ

Institute of the History of Medicine
1900 E. Monument Street
Baltimore, MD 21205-2113
410-955-3178

1712 St. Paul Street, Apt. 2
Baltimore, MD 21202
267-670-2530
slejacq1@jhmi.edu

EDUCATION

- 2016 PhD. Department of the History of Medicine, The Johns Hopkins University.
Dissertation: “Run Afoul: Sodomy, Masculinity, and the Body in the Georgian Royal Navy.” Defense: March 9, 2016.
Advisor: Professor Mary Fissell.
Fields: Early Modern Britain (John Marshall); Early Modern Medicine (Mary Fissell); Sex, Gender, and Women’s History in Early Modern Europe (Gianna Pomata); History of Pre-Modern and Modern Medicine (Gianna Pomata and Harry Marks).
- 2008 BA. Cornell University. Departments of History (summa cum laude) and Government. Phi Beta Kappa, with distinction in all subjects.

PUBLICATIONS

“Buggery’s Travels: Royal Navy Sodomy on Ship and Shore in the Long Eighteenth Century.” *Journal for Maritime Research* 17, no. 2 (2015) (Special issue: “Gendering the Maritime World”): 103-116.
DOI: 10.1080/21533369.2015.1094980; <<http://www.tandfonline.com/doi/full/10.1080/21533369.2015.1094980>>.

“The Bounds of Domestic Healing: Medical Recipes, Storytelling, and Surgery in Early Modern England.” *Social History of Medicine* 26, no. 3 (2013): 451-68. (Roy Porter Memorial Prize Essay)
DOI: 10.1093/shm/hkt006; <<http://shm.oxfordjournals.org/content/26/3/451>>

AWARDS AND HONORS

- 2015 David Underdown Memorial Prize, Northeast Conference on British Studies.
- 2014 Dean’s Teaching Fellowship, The Johns Hopkins University.
- 2011 Society for the Social History of Medicine, 2010 Roy Porter Student Essay

- Prize.
- 2011 Nominee, Johns Hopkins University Excellence in Teaching Award, Teaching Assistant Category.
- 2010 Charles Singleton Center for the Study of Pre-Modern Europe Annual Paper Prize.
- 2006 DeKiewiet Prize, Cornell University History Department.

GRANTS AND FELLOWSHIPS

- 2008-2016 Owsei Temkin Fellowship, Department of the History of Medicine, The Johns Hopkins University.
- 2012-13 Social Science Research Council International Dissertation Research Fellowship.
- 2012-13 Council on Library and Information Resources Mellon Fellowship for Dissertation Research in Original Sources.
- 2012 American Historical Association, Bernadotte E Schmitt Grant (declined).
- 2011 Institute of Historical Research Mellon Fellowship in the Humanities, Pre-Dissertation Fellowship.
- 2011 Johns Hopkins University Charles Singleton Center for the Study of Pre-Modern Europe Travel Grant.
- 2011 Council for European Studies Mellon Foundation Pre-Dissertation Fellowship (declined).
- 2011 Johns Hopkins University Program for the Study of Women, Gender, and Sexuality Summer Research Grant (declined).
- 2009 Grant-in-Aid, Folger Shakespeare Library.
- 2007 Frederick George Marcham Scholarship, Cornell University.

INVITED TALKS

- 2013 “Reading the Sodomitical Body: Medical and Lay Body Evidence in English Homosexual Sex Crimes Trials, 1700-1850.” Wellcome Unit for the History of Medicine, Oxford University. November 11, 2013.
- 2012 “Common Seamen, Bodily Knowledge and Royal Navy Sex Crimes Trials.” Department of History and Philosophy of Science, University of Cambridge. November 27, 2012.

RECENT PRESENTATIONS

- 2016 Upcoming: “Bugged and Bugging Bodies: The Forensic Investigation of Sodomy in Georgian Britain.” American Association for the History of Medicine annual meeting, Minneapolis, MN. April 28-May 1, 2016.

- 2015 Invited commenter for the workshop “Bodies that Work: Three Perspectives on the History of Maternity.” The Johns Hopkins University, Baltimore, MD. Dec. 5, 2015.
- 2015 “Between Decks: Sodomy, Masculinity, and Abuse of Authority in the Nelsonian Royal Navy.” Northeast Conference on British Studies, University of Ottawa. October 16-17, 2015. (Winner of the 2015 David Underdown Memorial Prize.)
- 2015 “Witnesses to the Worst of Crimes: Sailors, Experts, the Periodical Press, and Royal Navy Sodomy Prosecutions.” OIEAHC-SEA Conference, Chicago, IL. June 18-21, 2015.
- 2015 “Sodomite or No: False Sodomy Accusations, Homosexual Blackmail, and British Forensic Medicine, 1700-1860.” “Faking It” Symposium, UC Berkeley. April 10-11, 2015.
- 2015 “Damned Buggers: The Experiences of the Accused in Royal Navy Sodomy Cases, 1690-1840.” Mid-Atlantic Conference on British Studies, Baltimore, MD. March 27-28, 2015.
- 2013 “Mollying Ways: The Characters of the Sodomite in Royal Navy Sex Crimes Trials, 1690-1861.” Navy and Nation conference, National Maritime Museum. July 25-27, 2013.
- 2013 “Constructing the Naval Sodomite: Perceptions of Homosexuality in Courts Martial for Sexual Crimes, 1690-1861.” Naval Expertise and the Making of the Modern World conference, Wolfson College, Oxford University. May 10-11, 2013.

TEACHING EXPERIENCE

The Johns Hopkins University

Professional Writing and Communication. Two sections. Adjunct Lecturer. Spring 2016.

The History of Forensic Medicine: Medicine and the Law in Western Society, 1500-2000. Fall, 2014.

History of Modern Medicine. Teaching Assistant. Four semesters.

History of Pre-Modern Medicine. Teaching Assistant. Two semesters.

RECENT EMPLOYMENT EXPERIENCE

- 2010-present Editorial Assistant, *Bulletin of the History of Medicine*.
- 2010-present Graduate Assistant, Charles Singleton Center for the Study of Pre-Modern Europe, The Johns Hopkins University.
- 2009-2011 Library Assistant, Historical Collection at the Institute of the History of Medicine, The Johns Hopkins University.

LANGUAGES

French: read and translate with dictionary.
German: read and translate with dictionary.
Latin: read and translate with dictionary.

GENERAL INTEREST WRITING

“Notes from the Field.” Department of the History of Medicine, JHU, 1 July 2014.
<https://www.hopkinshistoryofmedicine.org/content/notes-field>

“Prepare for the Worst.” *OUPblog*, 18 June 2013. <http://blog.oup.com/2013/06/17th-century-home-remedies/>

“Remedies, Surgery, and Domestic Medicine.” *The Recipes Project*, 9 June 2013.
<http://recipes.hypotheses.org/1568/>

“Early Modern Breast Surgeries and Recipes.” *The Recipes Project*, 17 December 2012.
<http://recipes.hypotheses.org/618/>