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The Sodomy Trial of Nicholas Sension, 1677

Documents and Teaching Guide

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ABSTRACT The sodomy trial of Nicholas Sension in 1677 has long fascinated historians, in part because the surviving documentation from this particular case is exceptionally full and richly detailed, but also because it challenges long-held assumptions about attitudes toward sodomy in early America. The trial records cast light not only on the history of sexuality but also on a broad range of themes relating to seventeenth-century New England's society and culture. Yet until now no complete edition of the documents from Sension's trial has appeared in print. This edition is intended primarily for use in undergraduate courses. It includes a substantial introduction that discusses attitudes toward illicit sex in early New England, the challenges involved in the legal prosecution of sodomy, what little we know about Nicholas Sension's biographical details, and the specific circumstances surrounding his prosecution; it also considers the knotty issues of sexual assault and of consent that weave through many of the depositions. A brief time line and questions to guide classroom discussion are also included. The documents themselves have been modernized in spelling, capitalization, and punctuation as an aid to comprehension. For interested scholars, literal transcriptions are printed separately in this issue under "Consider the Source."

Reconstructing the sexual lives and values of settlers in seventeenth-century New England and elsewhere in colonial North America poses a considerable challenge, given that most people did not leave behind personal accounts of

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their sexual activities or attitudes. Most surviving information comes from sources such as sermons, legal statutes, and court records that promoted official values, along with letters and diaries that reflect the views of literate, educated men from the upper ranks of colonial society. Yet legal records include a treasure trove of depositions from less privileged townsfolk and villagers who came forward to testify against or in behalf of individuals charged with sexual offenses that ranged from indecent exposure and premarital sex to adultery, rape, sodomy, and bestiality. Many of those who gave evidence in court could not write for themselves, but officials recorded their oral testimony for use during trials and any subsequent appeals. Such depositions are, of course, partisan and do not provide a transparent window into the past. Yet they do let us glimpse the beliefs, experiences, and fears of ordinary folk. In particular, they broaden significantly our understanding of sexual culture in colonial America, including relations between members of the same sex. A particularly rich cache of documents that survives from the sodomy trial of Nicholas Sension in 1677 enables us to observe the effect of illicit sexual behavior on social relations in one community—Windsor, Connecticut—and the striking range of attitudes toward sodomy among its residents. The documents illuminate a broad range of themes and issues, including what we now call gender and sexuality, the dynamics of everyday interaction in communities such as Windsor, and the influence of social hierarchy, modes of informal regulation, religious values, and legal procedure.¹

1. The most detailed examination of this case and its implications remains Richard Godbeer, “‘The Cry of Sodom’: Discourse, Intercourse, and Desire in Colonial New England,” *William and Mary Quarterly* 52 (1995): 259–86. For other essays on same-sex intimacy in early American culture, see Louis Crompton, “Homosexuals and the Death Penalty in Colonial America,” *Journal of Homosexuality* 1 (1976): 277–93; Jonathan Ned Katz, *Gay American History: Lesbians and Gay Men in the U.S.A.* (New York: Avon Books, 1976); Robert F. Oaks, “‘Things Fearful to Name’: Sodomy and Buggery in Seventeenth-Century New England,” *Journal of Social History* 12 (1978): 268–81; Robert F. Oaks, “Perceptions of Homosexuality by Justices of the Peace in Colonial Virginia,” *Journal of Homosexuality* 5 (1979–80): 35–41; Robert F. Oaks, “Defining Sodomy in Seventeenth-Century Massachusetts,” *Journal of Homosexuality* 6 (1981): 79–83; Jonathan Ned Katz, *Gay/Lesbian Almanac: A New Documentary* (New York: Harper and Row, 1983); Roger Thompson, “Attitudes towards Homosexuality in the Seventeenth-Century New England Colonies,” *Journal of American Studies* 23 (1989): 27–40; Michael Warner, “New English Sodom,” in Jonathan Goldberg, ed., *Queering the Renaissance* (Durham, N.C.: Duke University Press, 1994), 330–58; Alan Bray, “To Be a Man in Early Modern Society: The Curious Case of Michael Wigglesworth,” *History Workshop Journal* 41 (1996): 155–65; Colin L. Talley, “Gender and Male Same-Sex Erotic Behavior in

THE PURITANS, SEX, AND SODOMY

Sex figured as a regular topic of public discussion in seventeenth-century New England. Puritan leaders were eager to put colonists on their guard against sin by denouncing in sermons and other official pronouncements all illicit impulses, sexual and otherwise. The settlers were taught that God had ordained sex to enable reproduction and as an expression of love between husband and wife, but that all nonmarital sex was sinful, disorderly, and polluting. According to ministers, the physical body had a crucial role to play in the drama of spiritual redemption: it was intended by God as a temple for the soul and so should be kept safe from the pollution of sin; individuals who abused their bodies by, for example, drinking heavily or engaging in illicit sex desecrated God's creation and placed their souls in jeopardy. When Puritans condemned illicit sex as "unclean," "filthy," and "defiling," they used language that underscored the need to protect their bodies from contamination for the sake of their souls.²

New England ministers taught that sexual urges should be understood in terms of that larger moral drama in which each individual should be waging war against temptation to sin. They explained masturbation, sex between

British North America in the Seventeenth Century," *Journal of the History of Sexuality* 6 (1996): 385–408; Nicholas F. Radel, "A Sodom Within: Historicizing Puritan Homoerotics in the Diary of Michael Wigglesworth," in Tracy Fessenden, Nicholas F. Radel, and Magdalena J. Zaborowska, eds., *The Puritan Origins of American Sex: Religion, Sexuality, and National Identity in American Literature* (New York: Routledge, 2001), 41–55; Thomas A. Foster, "Antimasonic Satire, Sodomy, and Eighteenth-Century Masculinity in the *Boston Evening Post*," *William and Mary Quarterly* 60 (January 2003): 171–84; Clare A. Lyons, "Mapping an Atlantic Sexual Culture: Homoeroticism in Eighteenth-Century Philadelphia," *William and Mary Quarterly* 60 (January 2003): 119–54; Anne G. Myles, "Queering the Study of Early American Sexuality," *William and Mary Quarterly* 60 (January 2003): 199–202; Thomas A. Foster, *Sex and the Eighteenth-Century Man: Massachusetts and the History of Sexuality in America* (Boston: Beacon Press, 2006), esp. chap. 7; and Thomas A. Foster, ed., *Long before Stonewall: Histories of Same-Sex Sexuality in Early America* (New York: New York University Press, 2007). Most surviving information about sexual intimacy between male colonists comes from New England, and so it is not surprising that almost all scholarship on early American same-sex relations has focused on the northern colonies. For discussion of the fragmentary evidence surviving from the early Chesapeake, see Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Knopf, 1996), 354, and Richard Godbeer, *Sexual Revolution in Early America* (Baltimore: Johns Hopkins University Press, 2002), 122–24.

2. For a more detailed discussion of Puritan sexual ideology, see Godbeer, *Sexual Revolution*, esp. chap. 2.

unmarried persons, adultery, sodomy, and bestiality just as they did any other sin, such as drunkenness or disobedience: they were all driven by the moral corruption that men and women inherited from Adam and Eve. The modern notion of sexual orientation as a distinct component of human identity that impels each man and woman toward members of the same or opposite sex had no place in their ideological framework. Thus, official religious teaching did not depict sodomy as fundamentally distinct from any other manifestation of human sin. Nor did it see particular individuals as inclined or limited to any one form of sexual offense: anyone could be tempted to commit any sin. Sexual sins could be traced to a particular frame of mind (that is, the corrupt tendencies passed on by Adam and Eve to their descendants), but that mental state was not specific to any one category of offense, nor was it even specifically sexual. The basic issue at stake was moral orientation, not sexual orientation.

New England's ministers condemned all nonmarital sex as immoral, unclean, and dangerous, yet they distinguished carefully between different kinds and degrees of offense. Clergymen classified sexual acts in terms of those involved and their relationships to each other: their marital status, sex, and species. Although all sexual offenses had, they believed, the same fundamental cause, they made a clear categorical distinction between illicit sex performed by a man and woman and that between either two persons of the same sex (sodomy) or a human being and an animal (bestiality). Ministers reminded their congregations of the fate suffered by the citizens of Sodom to warn against all the sins in which the Sodomites had engaged, not only their sexual offenses. For them sodomy was quite distinct from the history of Sodom: it referred specifically to "unnatural uncleanness . . . when men with men commit filthiness, and women with women." Sodomy disrupted the natural order and crossed scripturally ordained boundaries between sexes. It was thus more clearly sinful and disorderly than "uncleanness" between a man and a woman.³

Puritan theologians insisted that any individual had the potential to commit any sin, sexual or otherwise. Yet some colonists apparently recognized in particular individuals an ongoing preference for specific kinds of sexual partner. Sensing that official ideology was of limited use in making intelligible their actual experiences and observations, they created what seemed to them more helpful categories and frameworks of meaning. In Windsor,

3. Samuel Whiting, *Abraham's Humble Intercession for Sodom* (Cambridge, Mass., 1666), 46. For clerical references to Sodom, see Warner, "New English Sodom," 331, 348.

Connecticut, some of those who witnessed Sension's advances toward other men roundly condemned his behavior in language that followed standard religious formulas. But other townsmen were clearly able and willing to think independently as they sought to understand such behavior. Though they did not go so far as to identify a specific sexual orientation such as many modern Americans assume to exist, they did nonetheless perceive in their neighbor's actions a persistent inclination toward sodomy that transcended individual sex acts (see, for example, documents 8 and 19).

PROSECUTING SODOMY IN COURT

Unlike Puritan ministers, who included in their definitions of sodomy sex between men and also between women, New England's laws against sodomy focused on the coupling of men with men.⁴ The Connecticut statute against sodomy read as follows: "If any man lie with mankind as he lieth with a woman both of them have committed abomination, they both shall surely be put to death." That gendered distinction reflected the legal system's conception of sex as a phallic act. Because lawmakers and magistrates understood sex in terms of penetration, they found it difficult to conceive of a sexual scenario that did not involve a penis along with a male to which it was attached. As a result, there was little room for the recognition or prosecution of sex between women. On only two known occasions did women appear before New England courts for having engaged in "lewd" behavior one with the other. In neither case was their behavior categorized as a specific offense, perhaps in part because the magistrates were not sure how to do so. The word "lewd" signified inappropriate sexual behavior without committing to a precise definition of the behavior under consideration.⁵

New England courts were reluctant to convict on charges of sodomy (or other capital offenses such as adultery, rape, and bestiality) unless there was clear proof that sexual intercourse had occurred. Neither intention, nor an unsuccessful attempt, nor intimacy short of penetration (including ejaculation without penetration) would suffice. In most cases courts had only circumstantial evidence on which to base their deliberations. Witnesses may

4. For sexual regulation in early New England, including legal prosecutions for sodomy, see Godbeer, *Sexual Revolution*, chap. 3. The one exception to this legal focus on men was New Haven, for which see 106–7.

5. See *The Public Records of the Colony of Connecticut, from April 1636 to October 1776*, 15 vols. (Hartford: Brown & Parsons, 1850–90), 1:77, and Godbeer, *Sexual Revolution*, 105–6.

have seen the accused in compromising circumstances, but they rarely claimed to have seen one person actually penetrating another. When dealing with capital cases, New England courts required that the allegation be substantiated by a confession or the testimony of at least two witnesses. The two-witness rule, in combination with the legal system's narrow definition of sex as an act of intercourse, made conviction extremely difficult. As a result, those accused of crimes that carried the death penalty were mostly whipped or fined for either suspicious behavior or an attempted crime. Only two individuals, William Plaine and John Knight, are known to have been executed for sodomy in New England; and in neither case was the route to conviction straightforward.⁶

Not only were executions for sodomy rare in seventeenth-century New England, but prosecutions were also remarkably few in number. That does not necessarily mean that sodomy itself was extremely rare. Local communities preferred to handle problematic behavior through informal channels; they resorted to ecclesiastical discipline or the legal system only when private exhortation or local and informal measures failed to resolve a situation. Although most surviving information about illicit sex comes from court records, colonists did not see such behavior primarily as a legal problem. Any number of local incidents and controversies involving sodomy may have escaped record because of this preference for noninstitutional forms of social control. Addressing the situation through nonjudicial channels was less dire than invoking capital law and so would have appealed to those who disapproved of sodomy but did not want the accused to hang. We should also bear in mind that many sexual offenses came to light because pregnancy resulted; this was not a risk for men having sex with other men.⁷

6. See Godbeer, *Sexual Revolution*, 110–11. It is surely no coincidence that both of these trials took place in New Haven, where the legal code defined sodomy much more broadly than in the other New England colonies.

7. Roger Thompson concludes from the modest number of cases that “homosexual behavior was virtually unknown in everyday life.” He explains this in terms of a roughly even sex ratio that enabled most New Englanders to marry, official hostility to sodomy, vigilance against its practice, and the internalization of Puritan values by most New Englanders. Thompson rejects the argument made by Alan Bray, for early modern England, and by Robert Oaks, for seventeenth-century New England, that there was “undoubtedly much more homosexual activity than the court records indicate.” Thompson is doubtless right to argue that New England's sex ratio would have militated against the kind of situational same-sex intimacy that probably occurred in the early South. But his assumption that official “homophobia” was reflected in popular attitudes is much less compelling. “It does not seem to occur to Thompson,” writes Michael Warner, “that the scarcity of court evidence might indi-

Those who favored legal action against men who engaged in sodomy often had difficulty persuading their neighbors to join them in pressing charges, even against notorious individuals. Not all colonists shared official values or abided by prescribed codes of behavior. Responses to sodomy seem to have ranged from outright condemnation to a live-and-let-live attitude that did not go so far as to condone such behavior but did enable peaceful cohabitation, especially if the individual concerned was a prominent or otherwise valued member of the local community. Much of the time, colonists appear to have found nonsexual aspects of a person's behavior more significant in determining his or her social worth. If the individual concerned was in other respects popular as a neighbor or shielded by his social stature, and so long as his sexual behavior did not outweigh attributes that protected him, then disrupting social and economic relationships in the local community may have struck the practical-minded as too high a price to pay for the enforcement of moral absolutes.

THE CASE OF NICHOLAS SENSION

Considerations such as these help us understand the complex legal proceedings against Nicholas Sension and the ambiguous place that he seems to have occupied in his local community.⁸ What can we know about his life in seventeenth-century Windsor, Connecticut? What kind of person was he?

cate non-reporting from any of a number of causes." See Thompson, "Attitudes toward Homosexuality," 30–31, 34; Alan Bray, *Homosexuality in Renaissance England* (London: Gay Men's Press, 1982), esp. chap. 2; Oaks, "'Things Fearful to Name,'" 271; and Warner, "New English Sodom," 353n12.

8. Linda A. Bissell was the first scholar to uncover and discuss the Sension case, in "Family, Friends, and Neighbors: Social Interaction in Seventeenth-Century Windsor, Connecticut" (Ph.D. diss., Brandeis University, 1973). Jonathan Ned Katz provided a detailed description of the incidents recounted by witnesses against Sension, including lengthy quotations from their depositions, in *Gay/Lesbian Almanac*, 111–18. The original file papers from the Sension case may be found in the Connecticut State Library in Hartford under "Connecticut Archives, 1620–1820, Crimes and Misdemeanors," 1st ser. (1662/3–1789), vol. 1, nos. 85–102. For the official court record of the trial, verdict, and sentence, see "Records of the Court of Assistants and Superior Courts, May 11, 1669–October 7, 1686, and October 1, 1696–October 3, 1701," RG 001, Early Colonial Records, 53:22–23, also on deposit at the Connecticut State Library, recently published in Helen Schatvet Ullman, ed., *Colony of Connecticut, Minutes of the Court of Assistants, 1669–1711* (Boston: New England Historic Genealogical Society, 2009), 47–48. For the early history of Windsor, Conn., see Henry R. Stiles, *The History and Genealogies of Ancient Windsor, Connecticut, . . . 1635–1891*, 2 vols. (Hartford, Conn.: Case, Lockwood, and Brainard, 1891) (hereinafter cited as *HGAW*).

We know from early passenger lists that Sension came to New England on a London-based ship called the *Elizabeth and Ann* in 1635. He was thirteen at the time, and he most probably traveled with neighbors and relatives in order to join his father, Matthew, one of the original settlers of Dorchester, Massachusetts. Within a few years of the lad's arrival, his family decided to move on. They joined a group of families from Dorchester and Watertown that followed in the footsteps of pioneers from nearby Cambridge who migrated in 1636 to settle in the Connecticut Valley.⁹ Matthew Sension lived for some years in the newly settled town of Windsor, but he then removed to Norwalk. His son Nicholas settled permanently in Windsor, where he bought land in 1643 and married a woman named Isabelle on June 12, 1645. The Sensions were conspicuously childless in an era when most women conceived and bore children roughly every two years following marriage. This peculiar fact was not lost on the Windsor town clerk, who noted in his record book beneath the entry for the Sensions' marriage that it was "now 1680 and 35 years last June" since they wed and still they "had no child."¹⁰

During the decades that followed Nicholas Sension's arrival and settlement in Windsor, the town grew rapidly, expanding well beyond the original cluster of house lots. This was a community of farming families, situated some ten miles from Hartford. The Sensions owned a house lot in an outlying area of Windsor, across the Farmington River from the original settlement. Like many men of his generation, Nicholas Sension occasionally appeared in public records. In 1657 he was admitted to the rank of freeman, a status that gave him full civil and political rights, including the right to participate in town meetings and to vote in elections. He served as a county court juror in 1658 and became town constable (an unpaid position as local peacekeeper) in 1663.¹¹ He served on a grand jury at a session of the Court of Assistants (the colony's superior court) held at Hartford in May 1674.¹²

9. *New England Historical and Genealogical Register* (hereinafter cited as *NEHGR*) 14 (1860): 308; James Savage, *A Genealogical Dictionary of the First Settlers of New England, before 1692*, 4 vols. (Boston: Little, Brown, 1862) (hereinafter cited as *GD*), 4:51–52.

10. *HGAW*, 1:166, 2:676; *Some Early Records and Documents of and Relating to the Town of Windsor, Connecticut, 1639–1703* (Hartford: Connecticut Historical Society, 1930) (hereinafter cited as *SERD*), 7, 66.

11. *Public Records of the Colony of Connecticut*, 1:294; *Records of the Particular Court of Connecticut, 1639–1663* (Hartford: Connecticut Historical Society, 1928), 195, 265.

12. Ullman, *Minutes of the Court of Assistants*, 34.

Sension does not appear to have become a full member of the local church, although we cannot be certain because Windsor's early church records are damaged; his wife, Isabelle, definitely joined in 1649.¹³ He was known as Goodman Sension, indicating that he occupied a middling rank in Connecticut society. In 1676, as New England struggled to recover from the devastation inflicted by Indian attacks during King Philip's War, Sension made a voluntary contribution, along with other Windsor householders, to "the poor in want in other colonies."¹⁴ Like most seventeenth-century New England towns, Windsor had a relatively limited range of wealth among its inhabitants, but there were gradations and these mattered to contemporaries. In a tax list for 1675, Sension was included in the first of five social categories identified by town leaders. The following year, he was positioned in the second richest of five income groups.¹⁵ But a decade later, in 1686, Sension ranked 104th of 148 men on a tax list, suggesting that his economic fortunes may have suffered in the aftermath of his trial in 1677.¹⁶ Nicholas died on September 18, 1689; Isabelle followed him two weeks later, on October 2, 1689. Sension's estate was valued at eleven pounds and seventeen shillings, a modest sum for the late seventeenth century. With no heirs of his own, Sension left nearly his entire estate to Samuel Wilson, who had testified against him in 1677. The wife of Josiah Gillett, another hostile witness at Sension's trial, inherited Isabelle Sension's clothes and her skillet.¹⁷

Sension was an unusually peaceable neighbor and in many respects a solid citizen. In 1648 a neighbor named Edward Chalkwell thought so highly of Sension that he included a bequest to him in his will. Chalkwell's gift consisted of several high-status items, including a gun, sword, bandoleers (a

13. *HGAW*, 1:140, 884. In Massachusetts at this time church membership was a prerequisite for freeman status, but such was not the case in Connecticut.

14. *HGAW*, 1:229; *SERD*, 89.

15. For the 1675 list, see *HGAW*, 1:88. Twenty-nine townsmen were listed in this category; forty-two had a family, horse, and two oxen, thirty-seven had a family and horse but no oxen, and fifteen had a family but no horse or oxen; twenty-four were listed as single men, seventeen of whom had a horse. The 1676 tax list can be found at the Town Clerk's Office in Windsor, Conn.

16. For the 1686 list, see *SERD*, 182. An alternative explanation for this decline in economic standing may have had to do with age: by 1786 Sension was in his mid-sixties, and at that stage of life New England men often had fewer resources.

17. Charles William Manwaring, comp., *A Digest of Early Connecticut Probate Records*, vol. 1, *Hartford District, 1635-1700* (Hartford, Conn.: R. S. Peck, 1904), 505.

belt worn over the shoulder and across the chest to support a musket), his “best hat,” and forty shillings.¹⁸ New Englanders were in general remarkably litigious. Nearly all the deponents at Sension’s trial in 1677 had been regularly involved in a wide array of lawsuits ranging from debt and contract litigation to minor criminal offenses involving drunkenness, slander, trespass, and disturbing the peace. Yet Sension rarely appeared in court as a plaintiff, defendant, or witness. In fact, he was fined five pounds in 1640 for *refusing* to appear as a witness against Aaron Starke, who was accused of having had sex with a heifer. Given Sension’s own illicit interest in men, he may have been reluctant to incriminate another man on trial for a sexual offense deemed “against nature.” Or he may simply have been a good friend of Starke’s and so loath to speak against him.¹⁹ In 1674 Sension served on a grand jury for another case of bestiality that came before the Court of Assistants. The jury found the defendant “suspiciously guilty of attempting or endeavoring to commit that heinous sin,” but it did not consider those attempts to have been “legally proved.” Three years later Sension would himself benefit from a similar commitment to judicial rigor.²⁰

At his trial in 1677 it became clear that Sension had been making sexual overtures toward men in and around Windsor for over three decades. Many of the witnesses claimed that Sension had tried to force himself on them; they were in effect describing incidents of attempted sexual assault. But the law against rape (see Appendix A) condemned those who “ravish[ed] any maid or woman that is lawfully married or contracted.” It made no mention of men as possible victims of sexual assault and so could not be used in cases of same-sex rape. The law against sodomy was silent on the issue of consent and so could be used to prosecute sexual intercourse between men regardless of whether the act was consensual. The issue of consent was, nonetheless, crucial in sodomy cases because it determined whether the individuals involved would be treated as defendants accused of a criminal offense or as victims of assault. Most of the witnesses at Sension’s trial claimed that he had been at least aggressive toward them; many of them told the court that he had tried to rape them; and a few said that he had offered them payment in return for sex. But none admitted to having had consensual sex with the accused, which is hardly surprising since any such claim would have made them liable to prosecution. Yet there may have been men (perhaps including

18. *Public Records of the Colony of Connecticut*, 1:492.

19. *Records of the Particular Court of Connecticut*, 13.

20. Ullman, *Minutes of the Court of Assistants*, 34.

witnesses at the trial) who had in reality agreed to have sex with the defendant. It is suggestive that Sension left most of his estate to one of his accusers, Samuel Wilson. Perhaps Wilson was less averse to Sension's advances than he felt compelled to claim in his deposition; or they may have become friends at some point before Sension's death.

That Sension escaped formal censure for so long requires careful attention and explanation. Even those men who were horrified by Sension's behavior proved, with a few exceptions, unable or unwilling to hold him accountable for his actions until 1677. Recent scholarship has demonstrated that social status was crucial in determining whether individuals would be held accountable for crimes such as rape. Cases of sexual assault against women were much more likely to reach court and result in conviction if the alleged assailant was a man of lower social status; colonial courts rarely targeted white men from the middle or upper ranks of society. This was in part because legal and other institutions served to protect men in general and wealthy white men in particular. But the dynamics at work were often multilayered. Gender codes shaped the ways in which people would have experienced and afterward assessed incidents of sexual coercion. Men, on the one hand, were expected to be sexually aggressive, and some degree of forcefulness was seen as acceptable. Respectable women, on the other hand, could not acknowledge sexual desires and were expected to resist a man's advances, at least initially, as a demonstration of their virtue.²¹ These widespread assumptions blurred the boundary between consent and coercion quite independently of the aggressor's social status. But the situation became even more muddled when it involved men in positions of authority. Masters sometimes assumed that they had a right not only to the labor of their servants but also to their bodies. Those who shared that perspective might well understand sexual aggression toward a female servant in terms of the power dynamic between those involved; it would not necessarily be treated as a distinct issue. As one scholar has written, "Many instances of coerced sexual relations were probably not perceived as rape, even

21. See Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006), esp. chap. 1. Men were, however, expected to strike a balance between the exhibition of strength and unruly violence. As Thomas Foster has pointed out, men who seemed to have no control over their passions were likely to be seen as having failed to master themselves. Rape was, then, an expression of "failed self-mastery." See Foster, *Sex and the Eighteenth-Century Man*, 67–69. There are several passages in the depositions against Sension where the defendant's neighbors and employees claimed that he was unable to master his illicit desires, which would have made him problematic as a man in their eyes.

by the victim, and certainly not by the assailant or the neighbors,” because they were seen instead as “an expression of male control.” For all these reasons, cases of sexual assault against women often remained unreported and unpunished.²²

The Sension case suggests that assumptions about the sexual prerogative of privileged men over their dependents extended in some cases to male as well as female subordinates. The surviving evidence shows that during the 1640s, when Sension was in his twenties, he made advances to men of roughly the same age, such as Samuel and Nathaniel Phelps. But by the 1660s his erotic energies were focused on much younger men and articulated, for the most part, in the context of hierarchical relationships: most of the men whom he approached were in their teens or early twenties; Nathaniel Pond and Daniel Saxton were his own servants. In other words, Sension appears to have been interested in men whose age and status placed them in a position subordinate to himself. For most sodomy prosecutions in early New England there survives only a brief record of the charge and outcome; in some cases we do not even know the names of those involved, let alone their age or status relative to each other. But the social context that emerges from the transcripts of Sension’s trial suggests that, at least within this particular cluster of male relationships, sexual aggression, hierarchy, and power were closely intertwined. That power dynamic might help explain why most of Sension’s neighbors took so long to protest his behavior. Legal codes distinguished between licit and illicit sex in terms of the participants’ gender and marital status. But in practice sexual acts acquired meaning at least partly through the social status and hierarchical relationships of those

22. Barbara S. Lindemann, “‘To Ravish and Carnally Know’: Rape in Eighteenth-Century Massachusetts,” *Signs* 10 (1984–85), 79, 81. See also the case of the physician Henry Greenland, discussed by Laurel Thatcher Ulrich in *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650–1750* (New York: Knopf, 1982), chap. 5. The most detailed examination of social and cultural dynamics shaping the experience and adjudication of rape in the colonial and Revolutionary period is Sharon Block’s monograph, *Rape and Sexual Power in Early America*; but see also Foster, *Sex and the Eighteenth-Century Man*, chap. 3, Merrill D. Smith, ed., *Sex without Consent: Rape and Sexual Coercion in America* (New York: New York University Press, 2001), and Cornelia Hughes Dayton, *Women before the Bar: Gender, Law, and Society in Connecticut, 1639–1789* (Chapel Hill: University of North Carolina Press, 1995), chap. 5. Block and these other scholars focus on cases involving the rape of women, but some of the power dynamics that they see at work in those cases were also present in the Sension case, as we argue below.

involved. Sension may have believed that his aggressive behavior was justified by his status as a male householder and employer; others may have felt the same way, even if they did not approve of his behavior.²³

We also need to bear in mind that authority in this period was defined in terms of gender, which could become quite complicated in situations where an authority figure was a woman or the person subject to authority was a man. Social and political order depended on male as well as female submission to authority figures. Because dominance was associated with manhood and subordination with femininity, men who occupied a subordinate position were taught to think of themselves as performing a female role, deferring to those in authority over them as a wife or daughter should defer to their husband or father. Gender was, then, as much structural as it was psychological or biological.²⁴ John Cotton, a respected minister in Boston, declared that the relationship between rulers and subjects was equivalent to that between “husband and wife in the family,” so that male subjects should obey those in positions of political authority as wives obeyed their husbands. Ministers routinely urged their congregants, male and female, to think of themselves as brides of Christ and to behave accordingly. To put it more broadly, men could make sense of any situation in which they deferred to an authority figure by assuming in that context a female persona. Thus, a male servant could be treated and might think of himself as functionally female, even though still biologically a man. Returning to the case of Nicholas Sension, because most of his targets were younger than he and in some cases working for him, some townsfolk may have conflated his behavior with the expression of conventional male authority over subordinates whose position was equivalent to that of a dependent woman, regardless of whether they were men or women. This

23. Bruce Smith identifies the myth of “Master and Minion” as an important component in the “cultural poetics” of same-sex desire in the English Renaissance. That particular configuration “reinforced the hierarchical relationships in which Renaissance readers defined themselves as individuals, as members of society, and as partners in love”; Bruce R. Smith, *Homosexual Desire in Shakespeare’s England: A Cultural Poetics* (Chicago: University of Chicago Press, 1991), 193. Alan Bray contends that sex between men in Renaissance England often expressed the “prevailing distribution” of economic and social power and that this contributed to “a sluggishness in accepting that what was being seen was indeed the fearful sin of sodomy,” which in turn would have protected perpetrators from social or official retribution as well as from condemnation by their own consciences; Bray, *Homosexuality in Renaissance England*, 49–51, 56, 76.

24. We are here adapting somewhat Laurel Thatcher Ulrich’s statement that “gender restrictions were structural rather than psychological”; Ulrich, *Good Wives*, 38.

may have served to camouflage and, in some people's eyes, even excuse Sension's predatory behavior toward his male servants and neighbors.²⁵

Others may have decided not to take action against Sension for the more straightforward reason that he was popular. The young men of Windsor clearly conferred with each other about Sension's advances, but for the most part they decided that it was not in their best interest to speak out against him. They knew that Sension was well liked and that his reputation as a good neighbor, along with his status, would shield him, at least to some degree. Even his sexual targets may have liked him in other respects and so hesitated to complain. Thomas Barber openly declared that he was reluctant to testify against Sension, even though the latter had attempted to assault him, because he was grateful for the hospitality that Sension and his wife had shown toward Barber and his wife (see document 20). It is possible that Sension exploited this sense of indebtedness on the part of neighbors such as Barber, perhaps assuming that his position as a benefactor as well as his social and economic authority would protect him from outcry. This and various other factors that enabled Sension to evade prosecution for so long operated, of course, at the direct expense of those who had fallen victim to his sexual aggression. But even as Sension's position within the community protected him for many years, it provided no absolute guarantee of safety, as he would discover.

Sension did clearly worry about the possibility of prosecution and also about the spiritual implications of his attraction to men (see documents 6, 11, 18, and 28). He had good reason to be worried that his neighbors might take action against him. Although Sension's advances toward young men did not result in formal prosecution before 1677, town leaders had investigated his behavior informally on two previous occasions, first in the late 1640s and again in the 1660s. Both investigations were prompted by complaints from the relatives of young men who had been approached by Sension. (For the first investigation, concerning complaints made by William Phelps on behalf of his brothers Samuel and Nathaniel, see document 19; for the second, relating to accusations made by Isaac Pond regarding Sension's treatment of his brother Nathaniel Pond, see documents 13, 14, and

25. John Cotton, *The Way of the Churches of Christ in New-England* (London, 1645), 4. For a fuller discussion of this distinction between biological sex and gender roles, see Ulrich, *Good Wives*, esp. chap. 2, and Richard Godbeer, "Performing Patriarchy: Gendered Roles and Hierarchies in Early Modern England and Seventeenth-Century New England," in Francis J. Bremer and Lynn Botelho, eds., *The Worlds of John Winthrop: England and New England, 1588–1649* (Boston: Massachusetts Historical Society, 2005), 290–333.

15). The trial of 1677 came about as a result of Daniel Saxton's insistence on leaving Sension's employment because of his master's sexual advances toward him, which prompted a third round of informal questioning and negotiation (document 4). Sension then made a massive tactical blunder and sued the young man for slander (document 1). When the court heard evidence corroborating Saxton's allegations (document 2), it decided to prosecute Sension instead and charged him with having "committed, or at least attempted, that horrible sin of sodomy" (document 3).

The evidence before the court fell short of providing legally compelling proof that Sension had indeed committed "that horrible sin." What the courts needed to justify a conviction for sodomy was clear proof that sexual intercourse had taken place. Neither intent nor attempted sodomy would suffice. Those who wanted Sension held accountable for his long history of illicit behavior and attempted or actual assaults had to contend not only with the various inhibiting factors described above but also the precise and limited contours of the law against sodomy as interpreted by New England courts. Although the depositions before the court provided a litany of sexual advances by Sension, only one witness, Daniel Saxton, claimed that Sension had actually penetrated another man (see document 5). That man was Nathaniel Pond, another servant in the Sension household. Pond would have been a key witness at the trial, had he not died in 1675, fighting with the colonial militia against Narragansett warriors at the Great Swamp Fight.²⁶ Without his testimony the court had a serious evidentiary problem, given the stringent requirements in a criminal case that carried the death penalty. It is possible that other witnesses limited their claims to attempted sodomy because they knew that this would not carry the death penalty and did not want to be responsible for Sension's death. Or there may have been men who had been sodomized by Sension but were ashamed to admit this. Ulterior motives, then, may have shaped the information entered into evidence before and during the trial.

In the end, Sension was found guilty of attempted sodomy (see document 30). He was sentenced to stand under the gallows with a rope around his neck, to be whipped, to lose his right to vote and other privileges associated with freeman status, to pay costs of imprisonment and trial, and to give bond for future good behavior. In other words, he underwent public humiliation that was intended explicitly to remind him of what would have happened if the jury had found him guilty of sodomy itself. He was also

26. See Daniel Mandell, *King Philip's War: Colonial Expansion, Native Resistance, and the End of Indian Sovereignty* (Baltimore: Johns Hopkins University Press, 2010), 85–89.

stripped of his political manhood, and he was put under warning for the future. But he did escape with his life. And there the official record ends. No surviving evidence indicates whether his behavior changed after June 1677, although he did succeed in avoiding any further formal proceedings.

The surviving evidence about this case leaves many possible questions unanswered, including and perhaps especially Isabelle Sension's perspective on her husband's behavior and eventual prosecution. But the documents are, nonetheless, exceptionally rich. They are open to multiple interpretations and enable us to think about the case from a variety of perspectives, including (but certainly not limited to) the different ways in which people interpreted and responded to erotic attraction between members of the same sex, the role played by consent and implicit or explicit coercion in Sension's sexual aggression toward other men, issues of social power and the protection afforded by status as well as reputation, the significance of religious belief in shaping local reactions to illicit behavior, and the challenge of proving guilt when prosecuting a crime defined in very specific and narrow terms. Whatever the uncertainties of this story, it is clear that Nicholas Sension was a controversial and ambiguous figure within his community long before he came before the court in 1677, and that his story has much to tell us about the texture of life in early New England.

THE SENSION CASE DOCUMENTS

Over two dozen depositions have survived from the Sension trial. The account of the testimonies against Nicholas Sension (document 29) suggests that there were at least three additional witnesses in the case whose statements are no longer extant. The case papers were written on individual leaves of paper of varying sizes by numerous authors, including the court clerk John Allyn, local magistrates in Windsor, and perhaps in a few cases the deponents themselves. Some leaves of paper contain two or more statements; these are presented as separate items below, as we think it more useful to organize the surviving evidence as a collection of individual depositions, rather than clustering the statements as they were recorded, often miscellaneous, on the original leaves of paper that ended up in the Connecticut State Library. We begin with Nicholas Sension's slander suit against Daniel Saxton, which prompted Sension's trial for sodomy. There follows a series of depositions concerning Sension's advances toward Saxton, another cluster of documents relating to Sension's relationship with Nathaniel Pond, and then several depositions about Sension's sexual aggression toward other men in Windsor. We finish with the jury's verdict and the sentence imposed by the court. Appendixes A and B list the capital laws

in effect at the time and the documents as cataloged at the Connecticut State Library.

Handwriting and literacy skills vary dramatically from document to document. Three of the surviving documents are barely legible because of fading or exceptionally poor handwriting (documents 4, 7, and 14); we are grateful to John Sweet for his assistance in deciphering these three depositions. Not only is seventeenth-century handwriting sometimes very difficult to read, but spelling and syntax had yet to be standardized. We have elected to modernize spelling, capitalization, and punctuation as an aid to comprehension; it has been our experience that without these modifications, many students find the documents perplexing and off-putting. In addition, we have occasionally inserted words in square brackets to make sentences more comprehensible. Footnotes explain terms that will be unfamiliar to many modern readers and provide basic biographical information on the individuals mentioned in the court documents. Literal transcriptions are printed separately for the first time in this issue of *Early American Studies* under “Consider the Source.”

BRIEF TIME LINE

1635: Nicholas Sension crosses the Atlantic from England to Massachusetts; according to the passenger list, he is thirteen years old.

1643: Nicholas Sension buys land in Windsor, Connecticut.

1645: Nicholas Sension marries Isabelle (family name unknown).

Late 1640s: Informal investigation of Nicholas Sension’s “abuse” toward Samuel and Nathaniel Phelps.

Late 1660s: Informal investigation of Nicholas Sension’s “lascivious carriages” toward Nathaniel Pond.

Spring 1677: Informal negotiations with George Saxton, prompted by Daniel Saxton’s insistence that he be released from his indenture to Nicholas Sension because of the latter’s attempts to “abuse” him.

May 1677: Nicholas Sension sues Daniel Saxton for slander, but upon hearing evidence against Sension, the court decides to prosecute him instead on charges of sodomy.

May 29, 1677: Nicholas Sension stands trial for having “committed, or at least attempted, that horrible sin of sodomy”; the jury finds him guilty of attempted sodomy but not sodomy itself.

June 27, 1677: Nicholas Sension is released from jail on bond for good behavior.

September 18, 1689: Nicholas Sension dies (Isabelle Sension dies October 2, 1689).

QUESTIONS FOR CONSIDERATION

As you read the court documents below, consider what they can tell us about family and community life in early New England, as well as Puritan attitudes toward sexuality. In particular, ask yourself the following questions:

1. What do these documents tell us about the different contexts in which Sension spent time with other men in Windsor? What were the boundaries of private and public space in seventeenth-century New England? How did those boundaries differ from our own? Under what circumstances would Sension have seen other men partially or fully undressed?
2. What can we learn from this case about the social and economic structure of society in early New England? What does it tell us about the power dynamics at work between masters and servants, husbands and wives, older and young siblings, and men of different status within the community?
3. How did Sension go about approaching men when he wanted to have sex with them? What role did coercion play in these interactions?
4. Sension made sexual overtures to several men repeatedly, but the young man on whom he focused his attentions was Nathaniel Pond, an indentured servant in the Sension household. What can we learn from the documents about the relationship between these two men and their feelings for each other?
5. Why do you think the Windsor townspeople waited so long to take formal action in response to Sension's illicit sexual behavior? What does the court evidence reveal of Sension's general standing and reputation among his neighbors?
6. Given the quantity of evidence against Sension, why was he not convicted of sodomy? How severe was the sentence against him?
7. What role did religion play in the Sension case? Look for specific passages in which participants in the trial used or referred to others using religious language.

THE DOCUMENTS

Nicholas Sension's Slander Suit against Daniel Saxton

1. Daniel Saxton is summoned to appear in court (CSL#92), May 14, 1677

To Windsor Constable:

Daniel Saxton²⁷

These are in his Majesty's name to will and require you to appear before some of the Assistants²⁸ in Hartford to give answer to the complaint of Nicholas Sension for your charging of him with a notorious crime. You are to appear at Hartford tomorrow by eight of the clock. Hereof fail not.

John Allyn,²⁹ Assistant.

Hartford May 14, 1677

You are to warn Job Drake³⁰ and Robert Hayward[?]³¹ to appear at the same time to give in testimony in the case.

27. Daniel Saxton was the son of early Windsor settlers, George and Catherine Saxton. His father became directly involved in trying to resolve his son's troubles with Sension (see document 4). Daniel Saxton married in 1680 and subsequently moved to Westfield. See *GD*, 4:31; *HGAW*, 2:677.

28. The Assistants served as counselors to the colony's governor. In addition, they met as a superior court to preside over criminal cases carrying penalties of death, dismemberment, or banishment. They were appointed by the colonial assembly until 1708, after which they were directly elected by the colony's voters. The Court of Assistants met in Hartford.

29. John Allyn belonged to one of Windsor's most prominent families. He became a leading figure in the colony and served in numerous administrative, judicial, and military positions of responsibility, including posts as representative to the Connecticut General Court, member of the governor's council, secretary of the colony, principal judge of the Court of Common Pleas in Hartford County, magistrate of the Particular and General Courts of Connecticut, clerk of the courts, and lieutenant colonel of the Connecticut militia. See *GD*, 1:43; *HGAW*, 2:29; and John Gorham Palfrey, *History of New England*, 2 vols. (Boston: Little, Brown, 1860), 2:549.

30. Job Drake, son of an early Windsor settler, John Drake, married Mary Wolcott in 1646. Job and Mary lived in Windsor and had seven children between 1648 and 1662. His testimony in the Sension case has not survived. See *GD*, 2:70; *HGAW*, 1:154, 2:178.

31. Given that no deposition by Robert Hayward survives and that Robert Renwert did testify the next day about Daniel Saxton's allegations (see document 4), it seems possible that this may have been a slip on John Allyn's part and that he should have written "Renwert" instead.

2. Testimony of Joshua Holcombe³² (CSL#85), May 15, 1677

Being informed that Nicholas Sension doth prosecute Daniel Saxton for slandering him in declaring what attempts he hath offered toward the act of sodomy, and fearing lest the innocent may be punished and the guilty glory in his punishment and so persist in his villainy, I thought myself bound in conscience to inform the honored court which be to hear and judge of the case of some of his former villainies of that nature attempted to myself, for he hath strongly made his attempts to myself for to commit sodomy with me several times, and if your worships see cause to call me at any time to speak in the matter, I am and I hope shall be ready to call the god of gods and of truth³³ to be witness in the matter, so I rest, desiring god to be amongst our gods, for which I shall pray.

Your unworthy servant at command

Joshua Holcombe³⁴

The prosecution of Nicholas Sension

3. A Court of Assistants held at Hartford,³⁵ May 29, 1677

The Grand Jury, having considered Nicholas Sension's case and the evidences concerning him, do declare that he ought to come to a trial.

The indictment of Nicholas Sension:

Nicholas Sension, thou art indicted by the name of Nicholas Sension, late of Windsor, that not having the fear of God before thine eyes, thou hast most wickedly committed, or at least attempted, that horrible sin of sodomy, for which, according to the law of God and the law of this colony, thou deservest to die.

32. Joshua Holcombe was baptized in 1640, married in 1663, and had ten children. Following his father's death, Joshua's mother married James Enno Sr., another witness against Sension (see document 15). See *GD*, 2:444; *HGAW*, 1:159, 2:394–95.

33. An allusion to Dan. 2:47, which reads: "The king answered unto Daniel, and said, Of a truth it is, that your God is a God of gods, and a Lord of kings, and a revealer of secrets, seeing thou couldest reveal this secret."

34. Holcombe's statement does not end with a May 29 notation by the court clerk John Allyn indicating that the deponent swore to its truthfulness in court, perhaps because this document was not, strictly speaking, a deposition but rather an offer to serve as a witness. Holcombe gave further statements that he did swear to in court; see documents 18 and 22.

35. Minutes of the Court of Assistants, Connecticut State Library.

The prisoner being brought to the bar before the court, he was commanded to hold up his hand and to attend unto his indictment, which being read, he was inquired whether he was guilty according to the indictment or not guilty. His answer was "Not Guilty."

Being inquired again by whom he would be tried, the prisoner answered, "By God and the country."

The jury propounded and set before him, whose names are in the margin, were accepted by the prisoner and the case committed to them.

[*in margin*] The jury of life and death: Nicholas Olmstead, Nathaniel Stanley, James Steel, John Gilbert, John Bissell, Jacob Drake, Benedick Alford, John Kilborn, Thomas Standish, Thomas Orton, Thomas Porter, Paul Peck Sr.

Evidence relating to Daniel Saxton

4. Testimony of Robert Renwert (CSL#88b), May 15, 1677

This is to certify to whom it may concern that being entreated to hear a difference between Nicholas Sension and George Saxton of Westfield about Daniel Saxton, the son of said George Saxton, being at present a servant unto Nicholas Sension, who was gone out of his service without his leave, as he, the said Sension told me and his father, in threatening wise said he would have him now, and Nicholas Sension told me when I came to see the young man's indenture and saw he had a considerable time to serve. I told them I would not do anything in it yet to advise them till I heard the young man give his reasons himself why he would go from his master. Now this same night the young man was procured to be there. Then I desired him to give his reasons why he went from his master. His answer was because his master abused him. That being a general term, I desired him to explain himself. He spake very low the first time, so that I could hardly understand him: "He would have committed the sin of sodomy with me." He expressed the same words again somewhat louder. Then I asked him if his master used any loving expressions to him to persuade him to it. He said, "No, not any." I asked him if his master's clothes were on or no. He said his clothes were all on. Job Drake Sr. asked him if his master used any persuading speeches with him to persuade him to his will. He answered, "No, not any." There were many more words among them after this, but some were not to the purpose of this matter in hand, as I thought, or if any of them were, these were collateral to what went before. I know [that] Nicholas Sension and his wife complained much how stubborn and disobedient this young man was to obey some of their lawful commands. This is the substance of what I can testify to.

One thing I had forgot. I asked him if his master had proffered any such abuse to him before this time. He said, “No, not any.” I said then, “[Was] it the first time and the last time of any such actions?” He said it was the first and last.³⁶

5. Testimony of Daniel Saxton (CSL#93a), sworn in court, May 29, 1677

Be it known to the honored Governor and Assistants of this corporation³⁷ that what I can say concerning my master Nicholas Sension is as followeth, that very lately, sometime the last April, he came up to the bedside to me in the morning early and I being awake he did only look on me and so went down[stairs] again. And the third morning he came also and I being awake as before was resolved with my[self] to see what his intention was, thinking with myself whether he would commit the same wickedness with me as I had seen him commit with Nathaniel Pond.³⁸ So he took the [bed] clothes and turned on one side of me and turned me on my belly and took up my shirt and with his lips kissed my tail³⁹ twice, and then got on me with his body. With that, I, perceiving his wicked intention, violently thrust him off again, and told him that he would not leave this devilish sin till he were hanged.

Sworn in court May 29, 1677, attests John Allyn, Secretary.

Daniel Saxton [further] saith⁴⁰ he saw Nicholas Sension come to bed to Nathaniel Pond and make the bed shake so that he concluded he [Sension] had committed the sin of sodomy with Nathaniel Pond.

Sworn in court.

6. Testimony of Daniel Saxton (CSL#96), sworn in court, May 29, 1677

Daniel Saxton saith that John Enno waked him and told him Nicholas Sension had been with him and had wiped something off of him and

36. Robert Renwert does not appear in any of the standard Windsor town records. This document does not bear a notation by secretary John Allyn indicating that it was sworn in court during Sension’s trial.

37. That is, Connecticut.

38. Nathaniel Pond, second son of Samuel and Sarah Pond, was born in Windsor in 1650. Samuel Pond died in 1655, and Nathaniel subsequently went to live with Sension as an indentured servant. He served in the militia during Metacomet’s War. Pond and four other Windsor soldiers were killed at the Great Swamp Fight on December 16, 1675, in what is now South Kingston, R.I. See *GD*, 3:453; *HGAW*, 1:164, 2:620; Mandell, *King Philip’s War*, 85–89.

39. The *Oxford English Dictionary* defines *tail* as the “lower and hinder part of the human body; the fundament, posteriors, buttocks, backside.”

40. These last lines were appended to the bottom of the manuscript during the trial by the court secretary John Allyn.

93 a

Daniel Saxton's testimony

Be it known to the Honorable governor & assistance of the
 commissioners that whereas I can say concerning my Master
 Nicholas Spurgeon is as followeth, that my Lady Sumner
 the last evening she came up to the bed chamber for the
 morning entry & I being a wake she did only looke one
 morn to go to bed & she came againe: & the third morning she came
 also and being a wake as before was troubled with my
 do for what she inquisition was thinkinge with myself
 whether she would come to some wickednes with me
 as she had seen some Comissit with Nathaniel pond
 to her woods w^{ch} clothes & bought one of mee w^{ch} pond
 me on my belly & took up my heart and with the sign
 with my fagle with: & then got on me with her body
 I trust here of a p^{er} sewing the w^{ch} in passion not to
 leave thee thee best mine bill. her weare changed
 103

Sworn in court May 29. 1677 at 8th
 John Alley Secy

See Saxton sayth he saw Nicholas Spurgeon
 Com to the Court pond & make the 2^d shales
 that he had committed the sin of fornication
 w^{ch} Nath pond. Sworn in court

Figure 1. Testimony of Daniel Saxton (Connecticut Archives, 1620–1820, Crimes and Misdemeanors, 1st ser., vol. 1, no. 93a), reproduced by the kind permission of Connecticut State Library.

showed him the sheet, and there was something left wet on the sheet, and he heard Sension pray [to] God to turn him from this sin he had so long lived in, or gone on a long time.

Sworn to in court May 29, 1677, attests John Allyn, Secretary.

7. Testimony of Daniel Saxton (CSL#93b), undated

The testimony [of] Daniel Saxton, [that] being in Goodman Sension's inner room with his uncle and auntie⁴¹ and John Gillett, Goodman Sension asked Daniel what he had told Henbury. He inquired two or three times. Daniel answered, "Uncle, ye cannot be ignorant of this thing." With that the woman rose up and went out of the room and his uncle rose out of his chair and said, "Daniel, if ye dost join with Henbury against me, ye will hang me." Daniel answered, "Well, well."⁴²

8. Testimony of John Gillett⁴³ (CSL#95a), undated

A further testimony of John Gillett

I being in company with my brother Josiah Gillett have heard him often say that he heard the words that were spoken in the chamber, which were

41. It is possible that Sension's wife, Isabelle, about whom little is known, was related by blood or marriage to George Saxton, Daniel's father, although no known genealogical evidence supports that hypothesis. But it seems more likely that Daniel Saxton referred to Sension and his wife as "uncle and auntie" to express his close relationship with them, conferring on them an honorary familial status. It is conceivable that the uncle and aunt were not Sension and his wife but additional individuals present in the room, which would mean that Sension was not the only person whom Saxton had incriminated. There are, however, several reasons to doubt this. First, none of the other documents from this case mention any accused individual other than Sension. Second, the deposition reports that Daniel responded to Sension's question with an answer beginning, "Uncle." Third, John Gillett also referred to Sension as Daniel's "uncle" (see document 8) And fourth, Nathaniel Pond apparently called Sension "uncle" as well (see document 13). Indeed, Sension may well have encouraged the servants in his household to address him in this way. For the expansive ways in which Anglo-Americans applied categories of kinship during this period, see Richard Godbeer, *The Overflowing of Friendship: Love between Men and the Creation of the American Republic* (Baltimore: Johns Hopkins University Press, 2009), esp. 8, 204.

42. This document does not bear a notation by the secretary John Allyn indicating that it was sworn in court during Sension's trial.

43. John Gillett, older brother of Josiah Gillett, was born in Windsor in 1644. In 1669 he married Mary Barber (sister of Samuel and Thomas Barber Jr., for whose testimonies against Sension see documents 20 and 21); they had six children. See *GD*, 2:256; *HGAW*, 2:290.

as followeth, that Daniel Saxton told his uncle Sension that he would never leave this old trade till he was brought to the gallows.

John Gillett

Further, I can testify that after my brother had told me this above written, hearing he did deny it again to others, I took occasion in my own house to speak with him about it and told him that if he denied what he had told me, that I should testify against him. And then my brother owned it again to me that he had spoke the above said words.

John Gillett⁴⁴

9. Testimony of Josiah Gillett (CSL#87a), May 22, 1677

Josiah Gillett,⁴⁵ being called to speak what he heard at the time that the testimony of Daniel Saxton refers to, saith to the best of his knowledge he heard words in the chamber overhead: "You'll never leave this devilish sin till you are hanged." When I was risen up and we were together, I asked what was the reason of the stir. Daniel Saxton answered, "Cause enough." He said he would be gone.

[Gillett] further saith that when they were consulting about Daniel's going away, the said Josiah understood what was the reason of his departure; he heard it uttered from the said Daniel.

Evidence relating to Daniel Saxton and Nathaniel Pond

10. Testimony of Daniel Saxton (CSL#87a), May 22, 1677

Daniel Saxton, upon examination, affirmeth to the truth of what he had given in writing.

Second, being asked whether he had seen Nicholas Sension commit that wickedness with Nathaniel Pond, he answered, "Yea," and also said that he thought John Enno was present with him.

44. This document does not bear a notation by the secretary John Allyn indicating that it was sworn in court during Sension's trial.

45. Josiah Gillett was baptized in Windsor in 1650, married in 1676, and had eleven children. See *GD*, 2:256; *HGAW*, 1:157, 2:289–90; *SERD*, 161.

11. Testimony of John Enno⁴⁶ (CSL#96), sworn in court, May 29, 1677

The testimony of John Enno, aged twenty-two years, that when Nathaniel Pond went first to Narragansetts [as] a soldier,⁴⁷ Nicholas Sension spake to me to lodge at his house. Daniel Saxton coming [to stay over as well] when that night I lodged with him, Nicholas Sension came into the next room and came to Daniel Saxton and took off the [bed] clothes from off Daniel when the said Daniel was asleep and lay down by him and caused the bed to rock much and then rose up and kneeled on the chest and wiped something off from Daniel. And then he went to the next room to prayer, and prayed to God to turn him from this wicked sin that he had lived in a long time.

Further, I testify that I have many times seen the foresaid Nicholas Sension lie by Nathaniel Pond's side on the bed. Also another time I lay with Nathaniel Pond and toward morning the foresaid Nicholas came to the bedside and uncovered me and seeing that it was me he went to the other side of the bed and turned up the [bed] clothes and lay down by Nathaniel Pond. And further, Nicholas Sension desired me to say nothing of these things for one thousand pounds⁴⁸ because they [that is, we⁴⁹] were neighbors.

Sworn in court May 29, 1677, attests John Allyn, Secretary.

12. Testimony of Arthur Henbury⁵⁰ (CSL#90), undated

The testimony of Arthur Henbury, aged thirty-four, do testify that a little time after the fight with the Indians at the fort,⁵¹ John Enno and Daniel

46. John Enno, the second son of James and Hannah (Bidwell) Enno (see note 92, below), was born in 1654, married in 1681, and had four children. See *GD*, 2:124; *HGAW*, 2:242; Douglas C. Richardson, "The Eno and Enos Family in America: Descendants of James Eno of Windsor, Conn.," typescript (1973) (copy at Connecticut State Library); *SERD*, 157.

47. That is, in the militia as part of the campaign against the Indians that culminated in the Great Swamp Fight.

48. This would have been a vast sum of money in seventeenth-century New England. Sension appears to have been speaking hyperbolically, rather than offering a direct bribe to Enno.

49. Whoever was transcribing slipped into the third person, a common occurrence in seventeenth-century court records.

50. Arthur Henbury was born around 1643, married in 1670, and had four children. He lived in Windsor before moving to Simsbury and then Hartford. See *GD*, 2:402; *HGAW*, 2:386; and J. Hammond Trumbull, *The Memorial History of Hartford County, Connecticut, 1633-1884*, 2 vols. (Boston: Edward L. Osgood, 1886), 2:274.

51. A reference to the Great Swamp Fight, which took place on December 16, 1675.

Saxton both spake to me of Nicholas Sension's bad carriage⁵² towards them. Daniel spake of Nicholas Sension's proffering to give Nathaniel Pond his black horse to turn about to him, and accordingly the said Nathaniel Pond did turn about to him.⁵³ Further, John Enno told me that the night that Daniel Saxton came from Farmington⁵⁴ that Nicholas Sension came and lay with Daniel Saxton, and after Nicholas Sension was gone John Enno saw Daniel Saxton slabbered with seed⁵⁵ left behind him on the thighs of Daniel Saxton and on the sheet, and John Enno waked Daniel Saxton and showed him what Nicholas Sension had left behind him.⁵⁶

Evidence relating to Nathaniel Pond

13. Deposition of John Griffin (CSL#89), sworn in court, May 29, 1677

The Testimony of John Griffin,⁵⁷ aged fifty-six years or thereabouts, saith: That Isaac Pond,⁵⁸ the elder brother of Nathaniel Pond who lived with Goodman Sension, having made a motion of marriage to my daughter and being about to enter into that relation, did at that time, which was about ten years ago, lay open the state and condition of his brother to me and did seriously desire my advice and counsel in the case, his brother having made known his grievance to him and what temptations he was liable unto by reason of his master Sension's grossly lascivious carriages towards him, who did often in an unseemly manner make attempts tending to sodomy, so that he was forced by violence to throw him off from him, and yet his said master did often and at the same times when he was resisted reiterate his attempts of that nature, so that though Nathaniel was grown somewhat

52. Behavior.

53. Nicholas Sension seems to have been offering to give Nathaniel Pond his horse, or at least the use of it, in return for giving him access to his buttocks.

54. Farmington, Conn., is approximately fifteen miles southeast of Windsor.

55. The *Oxford English Dictionary* defines *slabber* as to "wet in a dirty or disagreeable manner"; *seed* in early modern parlance was a term for semen. Thus, Henrybury alleged that Sension had ejaculated on Saxton.

56. This document does not bear a notation by the secretary John Allyn indicating that it was sworn in court during Sension's trial.

57. John Griffin was living in Windsor by 1647, when he married Anna Bancroft. The couple had ten children (including Mary, who married Samuel Wilson, another witness against Sension; see document 16). See *GD*, 2:313; *HGAW*, 1:157, 2:346.

58. Isaac Pond, eldest son of Samuel and Sarah Pond, was born in Windsor in 1646, married in 1667, and had one daughter before he died prematurely in 1669. See *GD*, 3:452; *HGAW*, 2:620.

stronger than his master yet his attempts were so violent and constant that he found it difficult work to keep him off. I advised him to use all means to procure his brother's release from Goodman Sension and that if he and some friends could not attain it of his master, then to make his application to authority. Immediately upon this he repaired to Timothy Phelps for his advice, who with him went to Goodman Sension. And after some discourse with him, Nathaniel Pond being present, Goodman Sension so far condescended as to set the said Nathaniel Pond at liberty, but the young man, after this way was made for him, out of his ingenuity⁵⁹ (as I did judge when I heard of it) said that his uncle Sension (as he styled him),⁶⁰ having been the man that had brought him up from a child in his orphan's state, and now being grown up, he was loath to leave him who had the trouble of his education in his minority now [that] he was fit to do him service, whereupon Goodman Sension yet offered for his abuse to give him a year's time off his service and forty shillings, which I took to be the conclusive issue at that time.

The substance of this my wife also remembers.

Taken upon oath in court May 29, 1677, attests John Allyn, Secretary.

14. Testimony of Timothy Phelps⁶¹ (CSL#100), sworn in court, May 22, 1677

Timothy Phelps's deposition is barely legible. It includes a brief account of an attempted assault by Sension on the deponent, which took place roughly fourteen years before the trial. The remainder of the deposition describes Phelps's involvement in the confrontation that took place about seven or eight years before the trial over Sension's sexual advances toward Nathaniel Pond. This account is consistent with the deposition of John Griffin (document 13).

The testimony of Timothy Phelps: I do testify that about fourteen year[s]

59. Innocence, generosity, or honorable character.

60. As he called him, presumably as an expression of affection. See also note 41, above.

61. Timothy Phelps belonged to one of Windsor's most prominent families. His father, William, who was born in Gloucestershire in 1599, crossed the Atlantic to Dorchester, Mass., in 1630, where he served as selectman (an elected member of the town's executive board, in charge of the community's day-to-day operations), as constable, and as representative to the Massachusetts General Court. William and his second wife were among the earliest Puritan settlers of the Connecticut Valley, arriving in Windsor in the spring of 1636. William served as a deputy to the Connecticut General Court and on the Court of Assistants; he was a founding member of Windsor's first church. Timothy Phelps was born in 1639. He married in 1661 and had twelve children. He also became a member of the Windsor church and an officer in the local militia. See *GD*, 3:407; *HGAW*, 1:163, 2:565; *SERD*, 178.

[ago], it may be something more or less, I was upon the watch with Goodman Sension and we went into his barn and I was asleep. Goodman Sension [*several illegible words*] against my body, that I wakened [and thrust?] my hand behind me and did discern what he was about, and with my feet [*two illegible words*] him from me. I do further testify [that] about seven [or] eight year[s] ago Nathaniel pond came to me and his brother Isaac in his behalf, and Nathaniel did complain that Goodman Sension often made attempts to [*illegible*] him to the sin of Sodom, that he neither could nor would lie with Goodman Sension any longer. And I went with him up to Goodman Sension's and I called the said Sension aside and told him what complaints had been made to me and told him of diverse [others] that would swear of attempts to [*several illegible words*] and told him that he had formerly been before [authority?] upon such accounts. And Goodman Sension did desire that I would be with Nathaniel and Isaac and himself and discourse about the business, and much discourse we had, and Goodman Sension did promise that Nathaniel should never have occasion to complain more upon this occasion, and he would give him respite of his time and [Nathaniel] should go away in a peaceful way.

Sworn before the court May 29, 1677, attests John Allyn, Secretary.

15. Testimony of James Enno Sr⁶² (CSL#100), sworn in court, May 29, 1677

James Enno Sr. affirmeth that Isaac Pond did complain that Nicholas Sension did abuse his brother and that he should not live with him, and further saith that he told Goodman Sension of it when this matter first came out.

Sworn in court, attests John Allyn, Secretary, May 29, 1677.

16. Testimony of Samuel Wilson⁶³ (CSL#91), sworn in court, May 29, 1677

The testimony of Samuel Wilson, aged about twenty-five years: about six years ago, I lay with Nathaniel Pond a part of a night and in the morning Goodman Sension came up to the bedside and it was hardly light in the chamber, and he put his hand into the bed and Nathaniel Pond and I lay

62. For information about James Enno Sr., see note 92, below. His sons James Jr. and John also testified against Sension (see documents 11 and 29).

63. Samuel Wilson was born around 1652. At some point during the 1650s, following the untimely death of his father, Robert, Samuel went to live with his aunt and uncle William Phelps Jr. and Isabel (Wilson) Phelps. In 1672 he married Mary Griffin, daughter of John Griffin (another witness against Sension; see document 13); they had seven children. Sension left nearly his entire estate to Wilson upon his death in 1689. See *GD*, 4:588; *HGAW*, 1:168, 2:794; Manwaring, *Digest of Early Connecticut Probate Records*, 1:505.

back to back, and Goodman Sension put his fingers to Nathaniel Pond's breech and likewise to mine, and I turned about and he pulled his hand out of the bed and said he [had] come for some tobacco.

Sworn in court May 29, 1677, attests John Allyn, Secretary.

17. Testimony of John Moses Jr. (CSL#97), sworn in court, May 29, 1677

The testimony of John Moses,⁶⁴ aged twenty-two, do testify that on the general training day last⁶⁵ at night, having occasion to lodge at Nicholas Sension's and went to bed with Daniel Saxton, then came Nathaniel Pond and Andrew Hillier⁶⁶ and lay in the same bed with us. And towards morning Nicholas Sension came to us into the chamber and to the bedside where I lay and put his hands to my secret parts, groveling all about those parts, so waking me out of sleep. Then I springed up and then he stepped back and I saw him in his shirt and I thought he had been gone, but he returned back again to the other side of the bed where Nathaniel Pond lay and called softly to the said Nathaniel, and Nathaniel sprang out his arms⁶⁷ and said, "What ails you, what do you here."

Sworn in court May 29, 1677, attests John Allyn, Secretary.

18. Testimony of Joshua Holcombe (CSL#95b), sworn in court, May 29, 1677

I Joshua Holcombe, aged about thirty-six years, do further testify that a little after the news came of Nathaniel Pond's death Nicholas Sension told me that he was afraid that it fared the worse with him for his foolish and fond and sinful⁶⁸ affections which he had towards him.

Given upon oath May 29, 1677, attests John Allyn, Secretary.

64. John Moses was born in 1654. His parents had settled in Windsor during the 1640s. See *GD*, 3:245; *HGAW*, 1:162, 2:509.

65. Training day was a semiannual civic event in which the town militia gathered to drill and compete in feats of arms. Although solemnized by prayer and psalm singing, these events often took on a festive atmosphere. Training days provided numerous opportunities for entertainment, both licit and illicit; they were frequently marked by rowdiness, heavy drinking, and sexual liaisons. See Richard P. Gildrie, *The Profane, the Civil, & the Godly: The Reformation of Manners in Orthodox New England, 1679–1749* (University Park: Pennsylvania State University Press, 1994), 123–28.

66. Andrew Hillier was born in Windsor in 1646. He married in 1681 and moved to Simsbury, Conn. See *GD*, 2:422; *HGAW*, 1:159, 2:391–92.

67. It is not clear whether Pond sprang out of bed into Sension's arms or out from his arms.

68. John Allyn wrote these two words and then deleted them.

Evidence relating to Other Men Approached by Sension

19. Testimony of William Phelps⁶⁹ (CSL#98), sworn in court, May 29, 1677

William Phelps, aged about three score year[s],⁷⁰ testifies that to the best of my remembrance about thirty years ago, not much off and on,⁷¹ I complained of abuse offered to my brothers Samuel⁷² and Nathaniel⁷³ on this very account and divers others by this man in question. My spirits were exceedingly troubled, fearing what the issue of such a trade might [be] in respect of the honor of God [engaged?] in it and lying to stake about ⁷⁴ and the hazard of infecting the rising generation made me to adventure⁷⁵ to complain to the honored Mr. Hoskins,⁷⁶ telling him what he had acknowledged to me when I dealt with him about it, which I suppose the records will declare, which was spoken to him by me on oath, which moved him to bring it to a hearing, where they met openly at Mr. Henry Clark's house deceased.⁷⁷

That which I complained of was his sodomitical actings towards my

69. William Phelps, son of William Sr. and Elizabeth Phelps (see note 61), was born around 1617. He migrated to Massachusetts with his parents in 1630 and then moved again with his father and stepmother to Windsor in 1636. He became a member of the local church in 1639. Phelps married in 1645, was subsequently widowed, and remarried in 1676. See *GD*, 3:407–8; *HGAW*, 1:163, 2:564.

70. *Score* indicates a set of twenty, so Phelps was roughly sixty years old.

71. Or thereabouts.

72. Samuel, another son of William Sr. and Elizabeth Phelps (see note 61), was born in England about 1625. He emigrated to Massachusetts with his parents and then moved to Connecticut with his father and stepmother. He married in 1650 and settled in Windsor, where he had nine children. See *HGAW*, 1:163, 2:564–65.

73. Born in England about 1627, Nathaniel Phelps also migrated to Massachusetts with his parents, William Sr. and Elizabeth Phelps (see note 61), and then to Connecticut with his father and stepmother. He married in 1650 and had six children; he and his wife lived for a time in Windsor before moving to Northampton, Mass., during the mid-1650s. See *GD*, 3:406; *HGAW*, 1:163, 2:565.

74. The meaning of “and lying to stake about” is unclear.

75. To take a risk in doing something; given the possibility of retribution, perhaps in the form of a slander suit, this was definitely a risk.

76. John Hoskins, an early settler of Windsor who had previously lived in Dorchester, Mass., was a man of considerable wealth and an influential figure in the new colony. See *HGAW*, 1:159, 2:404.

77. Henry Clark was one of Windsor's most prominent early settlers. He served as a church deacon, town magistrate, and representative to the Connecticut General Court before moving to Hadley, Mass., where he died in 1675. See *GD*, 1:393; *HGAW*, 1:153, 2:155; Royal R. Hinman, *A Catalogue of the Names of the Early Puritan Settlers of the Colony of Connecticut* (Hartford, Conn., 1852), 608–9.

brethren, which he acknowledged he took up at the school where he was educated. This he acknowledged upon my inquiry of him how long he had driven this trade.⁷⁸

Sworn in court May 29, 1677, attests John Allyn, Secretary.

20. Testimony of Thomas Barber Jr.⁷⁹ (CSL#99), sworn in court, May 22, 1677

The deposition of Thomas Barber, aged about three and thirty years: Saith that several years since, he being hired by Josiah Ellsworth to work with him and Goodman Sension about Mr. [John] Gilbert's⁸⁰ warehouse at Hartford, that the first night they came to lodge at Mr. Gilbert's house, Goodman Sension and the deponent were appointed to lie together in a trundle bed⁸¹ under a standing high bed wherein lay two members of the General Court⁸² at that time. And this deponent saith that he was unwilling and afraid to lodge with him because of some reports he had heard formerly concerning him, but being [that] those gentlemen lay in the chamber and they were in a strange place, he hoped no hurt would come of it and therefore submitted and yielded to lodge with him without making disturbance in a strange house. But not long after, the deponent being in bed with him and turning his back parts toward Goodman Sension, the said Goodman Sension soon after strove to turn his back parts upwards and attempted with his yard⁸³ to enter his body, which the deponent being awaked and feeling what he was about was in a great strait, fearing to disturb the courtiers in

78. These last two sentences were appended to Phelps's testimony by John Allyn.

79. Thomas Barber Jr. was born in Windsor in 1644. In the early 1660s he married Mary Phelps, sister of William Phelps, who also testified against Sension (see document 19). He purchased the homestead that had belonged to Nathaniel Pond's father and had seven children with Mary. See *GD*, 1:114; *HGAW*, 1:151, 2:50.

80. The merchant John Gilbert had settled in Windsor but also acquired land and a warehouse with river access in Hartford. See J. Wingate Thornton, *A Genealogical Memoir of the Gilbert Family, in Both Old and New England* (Boston: Printed for the Author, 1850), 9.

81. A low bed on wheels that could be slid and stored underneath another bed. It was not unusual during this period for people to sleep together in the same bed as a matter of convenience, and doing so did not imply intimacy, sexual or otherwise; but such arrangements would have created opportunities for those drawn to particular kinds of illicit coupling as well as vulnerability for those who did not share such feelings.

82. The colony's representative assembly or legislature, which also sat in judgment over cases of judicial appeal, thus the name.

83. A colloquialism for the penis.

the other bed and more fearing he should be wronged. And the deponent further saith that in the same time to hinder him from prosecution of his devilish design, he turned his elbow back to Sension's belly with several blows, which caused him to desist for that time. And so the said deponent slept in fear all night and in morning told his master Josiah Ellsworth that he would lie no more with Goodman Sension as long as he stayed there, nor did not.

Further, the deponent saith that in time of troubles⁸⁴ he was much beholden to the said Goodman Sension for his entertainment⁸⁵ in his house and therefore is much troubled that he should be any instrument to ~~wrong~~ testify against⁸⁶ him in the least measure, but saith that at that time, he and his wife lodging in the middle room between Goodman Sension and his wife and the outward room, the said Goodman Sension early in the morning used to come out of his bed chamber with his shoes on and so passed through the deponent's room, and after he was gone out of that room he the said deponent saith he heard a noise of creaking, a bed in the chamber as he suspected and thought, but never saw any such thing, only he knows that the said Sension was very familiar with Nathaniel Pond.

Sworn in court May 29, 1677, attests John Allyn, Secretary.

21. Testimonies of Samuel Barber⁸⁷ and Thomas Barber Jr. (CSL#88a), sworn in court, May 29, 1677

Samuel Barber saith that being at our marsh, Nicholas Sension being with me and others, the said Sension proffered me a bushel of corn if I would put down my breeches that he might give me two blows.⁸⁸ And another

84. This may be an allusion to the frontier violence that plagued the Connecticut Valley during warfare between Native Americans and colonists in 1675–76, or it may refer more specifically to a period of hardship experienced by Thomas Barber Jr. and his wife.

85. Hospitality.

86. The court secretary John Allyn crossed out “wrong” and inserted “testify against.”

87. Samuel Barber, brother of Thomas Barber Jr. (see document 20), was baptized in Windsor in 1648, married in 1670, widowed in 1676, and remarried in 1677; he had two children with his first wife and eleven with his second. He became a member of the Windsor church in 1671, but later moved away to Simsbury. See *GD*, 1:113; *HGAW*, 1:151, 2:50; *SERD*, 147.

88. The *Oxford English Dictionary* suggests that the colloquial use of the word *blow* as in “to fellate” dates only to the mid-twentieth century. Thus, Sension was probably proposing to smack Barber on the buttocks. For a similar allegation, see the deposition of Peter Buell (document 24).

May 22nd 1677. The deposition of Thomas Barber aged about threescore
 & thirty years.

Saith that severall yeares since he being hired by Josias Elsworth
 to reside with him & Goodman Sension about my last wifes
 warehouse at Hartford that the first night they came
 to lodge at my last wifes house Goodman Sension & the
 deponent were appointed to lye together in a trundle bed
 under a standing high bed whereon lay two members of the
 Gen^l Court at that time. and this deponent saith that
 he was unwilling & afraid to lodge with him because of
 some reports he had heard formerly concerning him
 but being those gent^l m^{en} lay in the chamber & they
 were in a strange place he hoped no hurt would
 come of it & therefore submitted & yielded to lodge
 with him without making disturbance in a strange house
 but not long after the deponent being in bed with him
 & turning his back parte toward Goodman Sension
 the said Goodman Sension soon after started to turne
 his back parte upwards & attempted with his hand to
 enter the deponents body which the deponent being awaked &
 feeling what he was about was in a great straight
 feare to disturb the Courtiers in the other bed &
 more feareing hee should be wronged & this deponent
 further saith that in the same time hee turned his
 face from prosecution of his devilish designe hee turned his
 elbow back to Sension & bidly putt out all blowes
 which caused him to resist for that time & so the
 said deponent he got in feare all night and in
 morning told his master Josias Elsworth that
 hee would lye no more with Goodman Sension as long
 as hee staid there. nor did not

further this deponent saith that in time of troubles hee
 was much beholding to the said Goodman Sension for hee
 enterd him in his house & therefore is much troubled
 that hee should be any inhumane to wrong him in the least
 measure, but saith that at that time hee & his wife
 lodging in the middle roome between Goodman Sension & his
 wife & the outward roome the said Goodman Sension
 early in the morning used to come out of his bed trundle
 with his shooes on & so passed through the deponents
 room & after hee was gone out of that room hee the
 said deponent saith he heard a noise of exceeding a
 bed in the chamber as he suspected & thought but
 never saw any such thing only hee knows that the
 said Sension was very familiar with Nath: Pond

Sworn in Court May 29 1677
 Jos: Mather Secy

Figure 2. Testimony of Thomas Barber (Connecticut Archives, 1620–1820, Crimes and Misdemeanors, 1st ser., vol. 1, no. 99), reproduced by the kind permission of Connecticut State Library.

time, riding in a cart together, having open knee breeches, the said Sension put up his hands in my breeches to my bare skin.

Thomas Barber doth testify the same with Samuel [Barber] about Nicholas Sension's proffering a bushell of Indian corn to Samuel to put down his breeches.

May 29, 1677 sworn in court, attests John Allyn, Secretary.

22. Testimony of Joshua Holcombe (CSL#87a), sworn in court, May 22, 1677

Joshua Holcombe, upon examination, saith upon a time I was upon the watch⁸⁹ with Goodman Sension and I propounded unto the said Sension that we might go into some house, the said Sension said it were better that we went upon his haymowe.⁹⁰ Thither we went and when we were there, when I was almost asleep, the said Sension did endeavor to untie my breeches.⁹¹ And I, perceiving what he was about, wondered what he meant, and I was quiet and let him alone till he had loosed my breeches and turned them down out my breech and with his mouth and nose rubbed about my breech, and then being about to get upon me I threw him off and he promised me to be quiet. This was in the nineteenth year of my age, which is about nineteen years since.

Another time the same year, I was mowing for my father Enno⁹² and [I] being at rest under a bush, the said Sension came to me and lighted his pipe and smoked by me, and I having an open pair of drawers⁹³ the said Sension thrust up his hand into them and at last went to untie my drawers.

89. Literally the act of staying awake and vigilant, this also signified those who patrolled and guarded an encampment or town to protect the inhabitants against attack.

90. A stack of hay, in this case presumably stored inside a barn.

91. *Breeches*, according to the *Oxford English Dictionary*, were garments that covered "the loins and thighs." A *breech*, in the subsequent usage of the term in this deposition, refers to the "part of the body covered by this garment," including "the buttocks, posteriors, rump, [or] seat."

92. Sension's next-door neighbor, James Enno Sr., was born in London in 1625 to a French Huguenot family. He settled in Windsor in 1648, the same year in which he married Hannah Bidwell. James Sr., himself a witness against Sension (see document 15), had three children with Hannah, including James Jr. and John, who also testified during the Sension trial (see documents 11 and 29). Following the death of Hannah in 1657, James Sr. married Joshua Holcombe's widowed mother, Elizabeth, in 1658. Enno became a church member, held a number of minor town posts, and made his living as a barber-surgeon. See *GD*, 2:124; *HGAW*, 1:155, 2:240–41; *SERD*, 115; and Richardson, "Eno and Enos Family in America," 1–2.

93. An undergarment for the lower part of the body and legs, in this case with the lacing loosened.

Another time I was with the said Sension washing in the river and I went out upon the bank to dry myself, and the said Sension came to me with his yard or member⁹⁴ erected in his hands and desired me to lie on my belly and strove with me, but I went away from him.

Joshua Holcombe upon oath testified to what is above written in court May 29, 1677, attests John Allyn, Secretary.

23. Testimony of Joseph Phelps⁹⁵ (CSL#86), sworn in court, May 22, 1677

I, Joseph Phelps, about forty-seven year[s] of age, do give in testimony that about twenty year[s] ago I watched with Nicholas Sension in [the] town watch. It was a very rainy night, and Goodman Sension was very urgent with me to go to a bed in his inner room where he and his wife did lodge, and said he would go to bed too. So I went to bed. And after I had been in bed awhile and asleep, he came to bed to me and made a thrust at my hinder parts with his privy⁹⁶ member, and that waked me, and perceiving how he was acting, I rose and called out and told him it was [a] pity he were not hanged ere this time that would act in this manner. And perceiving that I was awake, he fell into a trembling and shaked that the bed did shake.

Joseph Phelps

His mark⁹⁷

Taken upon [oath] in court May 29, 1677, attests John Allyn, Secretary.

24. Testimony of Peter Buell⁹⁸ (CSL#101), sworn in court, May 29, 1677

The testimony of Peter Buell, age thirty-one years: I being in Goodman Sension's barn and the said Sension being there, he told me if I would let him have one blow at my breech he would give me a charge of powder. And when my breeches was down, he threw me upon my belly and would

94. Another colloquialism for the penis.

95. Joseph Phelps, another son of William Phelps Sr. (see note 61, above), was born in England around 1630. At the time of the Sension trial, he was living in Simsbury, Conn., with his second wife. See *GD*, 3:406–7; *HGAW*, 1:163, 2:563–64.

96. Private.

97. If individuals could not write their names at the end of a statement, they would insert a simple mark such as a cross alongside or underneath their name as written by someone else.

98. Peter Buell, son of a Welsh immigrant and carpenter, was born in Windsor in 1644. He moved to Simsbury, Conn., in 1670. He had three wives and eleven children and served the town of Simsbury in a variety of civic capacities. See *GD*, 1:288; *HGAW*, 1:153, 164, 2:126; and Albert Welles, *History of the Buell Family* (New York: Society Library, 1881), 29–30.

have committed the sin of Sodom with me, but when I perceived what he was about I resisted him out of shame, not knowing the evill of the thing and [Buell saith] not farther.

Sworn in court May 29, 1677, as attests John Allyn, Secretary.

25. Testimony of Jacob Gibbs⁹⁹ (CSL#94), sworn in court, May 29, 1677

The testimony of Jacob Gibbs, aged about fifty-one years, [is] as it followeth: I, serving an apprenticeship partly with Richard Bidwell¹⁰⁰ and partly with James Enno Sr., did observe the immoral carriage of my next[-door] neighbor Nicholas Sension, that at many times if not all times when he came into my company alone or I into his company, either at his house or my master's house or elsewhere, Nicholas Sension would have a fawning¹⁰¹ carriage, hugging me in his arms and full atrembling with his body and shaking his hands and thrusting his hands within my breeches, laboring to handle the lower part of my body in an uncomely manner. Being withstood sometimes by words and sometimes by actions, [he] would forbear me during the time of my apprenticeship, which was about twenty-nine or thirty years since. There was a time that Nicholas Sension hired me from my master to carry marsh hay out of that marsh commonly called William Thrall's¹⁰² marsh on rod poles, and he said to me, "To keep our clothes clean, let us pull off our stockings and breeches." And so we both did, and I took the point of my breeches and tied up the ears of my shirt.¹⁰³ When we sat down to drink and smoke, he came to me and took up my legs under his arms and untied my shirt and uncovered me, being uncovered himself, [and] strove to close his body with mine. After much striving, I told him that if he would not let me alone I would cry for help. I did hope some

99. Jacob Gibbs, son of Giles and Katherine Gibbs, Windsor pioneers, was probably born in England around 1626. Gibbs and his siblings were apprenticed to several local families after the untimely death of their father in 1641. He married in 1657 and had seven children. See *GD*, 2:246; *HGAW*, 1:156–57, 2:287; *SERD*, 116, 164.

100. Richard Bidwell was an early settler of Windsor. He died in 1647, and his wife, Hannah, subsequently married James Enno Sr. See *HGAW*, 2:72; and Edwin M. Bidwell, *Genealogy to the Seventh Generation of the Bidwell Family in America* (Albany, N.Y.: Joel Munsell's Sons, 1884), 21.

101. The *Oxford English Dictionary* defines *to fawn upon* as "to show delight at the presence of; to lavish caresses on, to caress."

102. William Thrall served as a soldier in the Pequot War of 1637 and settled in Windsor, where he and his wife had two children. See *GD*, 4:293–94; *HGAW*, 1:167, 2:761.

103. His shirrtails.

others were at work in the same marsh and would hear me, and then he left me.

Taken upon oath in court May 29, 1677, as attests John Allyn, Secretary.

26. Testimony of George Griswold¹⁰⁴ (CSL#88a), sworn in court, May 29, 1677

George Griswold saith about one or two and thirty years since, I was in the mill house in a little place called the miller's study and Nicholas Sension was with me, and he took me and threw me on the chest and took hold on my privy parts.

Sworn in court May 29, 1677, attests John Allyn, Secretary.

27. Testimony of John Parsons¹⁰⁵ (CSL#88a), sworn in court, May 29, 1677

John Parsons testifieth that at a time when Goodman Sension and I were in Josiah Ellsworth's¹⁰⁶ house, we were both together in the chamber and suddenly the said Sension clapped his hands about me and unbuttoned or unclasped my breeches. And I asked what he would do. He said, no hurt. I said, no more, he should not, but accidentally he got me down and endeavor[ed] to get upon me with his yard in his hand.

May 29, 1677, sworn in court, attests John Allyn, Secretary.

28. Testimony of Peter Hennerick¹⁰⁷ (CSL#88a), May 29, 1677

Peter Hennerick testifieth that Nicholas Sension coming to speak with John Enno, I heard the said Sension say unto John Enno, "Oh, John, do not

104. Born in England around 1633, George Griswold settled in Windsor and became one of the region's most respected gravestone carvers. He married Mary Holcombe (sister of Joshua Holcombe) in 1655; they had ten children. See *GD*, 2:317; *HGAW*, 2:351; Ernest J. Caulfield, "Connecticut Gravestones I: George Griswold (1636–1704)," *Markers* 8 (1991): 9–16; *SERD*, 159.

105. John Parsons was born in 1647. He moved to Easthampton, N.Y., shortly after the Sension trial and in 1679 married a widow, Elizabeth Garlick, who had previously been tried for and acquitted of witchcraft; they had one child together. See *GD*, 3:364; *HGAW*, 1:163, 2:551–52; and Lewis Townsend Stevens, *The History of Cape May County: From Aboriginal Times to the Present Day* (Cape May City, N.J., 1897), 45.

106. Born in England in 1629, Josiah Ellsworth became a prominent resident of Windsor and an officer in the town militia. He married Elizabeth Holcombe (sister of Joshua Holcombe). They had nine children together. See *GD*, 2:114–15; *HGAW*, 1:155, 2:210; *SERD*, 154–55.

107. Peter Hennerick does not appear in any of the standard Windsor town records (unless this is a misspelling of Peter Hendrick, mentioned in *GD*, 2:403). Hennerick was perhaps a transient resident who worked as a servant in the home of James Enno Sr.

“speak anything to my prejudice. I would not have thee speak of it for a thousand pounds. I love you and your mother and all the family.” This was in the war time at the same time that my Dame Enno¹⁰⁸ speaks to.

~~Sworn in court attests John Allyn, secretary.~~

This not sworn.

29. List of witnesses against Nicholas Sension (CSL#87b), undated

An account of the testimonies against Nicholas Sension are:

Timothy Phelps	Jacob Gibbs	
Daniel Saxton	Peter Buell	
John Enno	John Pettibone ¹⁰⁹	
James Enno Jr. ¹¹⁰	Samuel Wilson	
Joseph Phelps		
Joshua Holcombe		
John Gillett		
James Hillier ¹¹¹	} These two testify to Pond’s lamenting those evils at his death	
John Bone ¹¹²		
Thomas Barber, Timothy Phelps’s brother		

108. “Dame Enno” was probably Elizabeth, widow of Thomas Holcombe (father of Joshua Holcombe), James Enno Sr.’s second wife and stepmother to James Enno Jr. and John Enno. Her testimony does not survive.

109. John Pettibone’s testimony has not survived. Pettibone emigrated from Wales, married in 1664, and had nine children. He relocated to Simsbury before Sension’s trial. See *GD*, 3:403; *HGAW*, 2:562.

110. James Enno Jr., the eldest son of James and Hannah (Bidwell) Enno (see note 92, above), was born in 1651. During the warfare between Native Americans and colonists in 1675–76, he served with the Connecticut militia alongside Nathaniel Pond in the Great Swamp Fight. He married in 1678 and had nine children. His testimony has not survived. See *GD*, 2:124; *HGAW*, 1:155, 2:242; Richardson, “Eno and Enos Family in America,” 5; *SERD*, 157.

111. James Hillier was born in Windsor in 1644. Following his father’s untimely death in 1655, he was apprenticed to William Phelps. Hillier married in 1677 and had three children. Hillier served as a sergeant in the town militia company. His testimony also has not survived. See *GD*, 2:422; *HGAW*, 1:159, 2:392; *SERD*, 167; and George E. McCracken, “Two Mary Cases and Some of Their Early Descendants Named Alderman, Gleason, and Phelps,” *NEHGR* 122 (1968): 37–39.

112. John Bone does not appear in any of the standard Windsor town records. His testimony has not survived.

Nicholas Sension's Fate

30. The court's verdict and sentence,¹¹³ May 29, 1677

The jury return[s] that they find the prisoner guilty according to the indictment [but] only [of] attempts to sodomy and that in the highest degree. The prisoner did also acknowledge in court that he had made attempts to that sin.

This court, having heard and considered what the jury found the prisoner Nicholas Sension guilty of and his confession, do adjudge him for his notorious sinful attempting that great and unnatural sin of sodomy, and his soliciting and endeavoring to infect others therewith, we disfranchise¹¹⁴ the said Sension and order him to continue in durance¹¹⁵ till he shall be called forth by the Governor or some of the Assistants and then he shall stand upon a ladder by the gallows with a rope about his neck so long as he shall be appointed there to stand, and then be tied to the gallows and severely whipped and then returned to the prison, there to remain during the court's pleasure. At his releasement from prison he is to pay the jailer his just dues and six pounds to the treasurer to defray the charge in his trial, and to give a hundred pound bond for his good behavior so long as he shall continue in this colony.

31. Sension released from jail on bond (CSL#102)

Hartford, June 27, 1677. Nicholas Sension acknowledged himself bound in recognizance of two hundred pounds for his good behavior towards all persons and things in this colony. And in particular he binds over all his housing and land in Windsor and all his cattle and swine and household stuff of all sorts to the government of this colony for his good behavior as aforesaid, this bond to continue during the pleasure of the court.

Acknowledged before the Governor and Assistants [on] the day above written, as attests John Allyn, Secretary.

APPENDIX A

Capital laws established by the General Court of Connecticut, 1642¹¹⁶

1. If any man after legal conviction shall have or worship any other God but the Lord God, he shall be put to death. Deut. 13:6, & 17:2; Exod. 22:20.

113. Minutes of the Court of Assistants, Connecticut State Library.

114. To take away the rights and privileges of a freeman, including the right to vote.

115. Imprisonment.

116. *Public Records of the Colony of Connecticut*, 1:77–78.

2. If any man or woman be a witch (that is) hath or consulteth with a familiar spirit, they shall be put to death. Exod. 22:18; Lev. 20:27; Deut. 18:10–11.
3. If any person shall blaspheme the name of God the Father, Son, or Holy Ghost, with direct, express, presumptuous, or high-handed blasphemy, or shall curse God in the like manner, he shall be put to death. Lev. 24:15–16.
4. If any person shall commit any willful murder, which is manslaughter committed upon malice, hatred, or cruelty, not in a man's necessary and just defense, nor by mere casualty against his will, he shall be put to death. Exod. 21:12, 13, 14; Num. 35:30–31.
5. If any person shall slay another through guile, either by poisonings or other such devilish practice, he shall be put to death. Exod. 21:14.
6. If any man or woman shall lie with any beast or brute creature, by carnal copulation, they shall surely be put to death, and the beast shall be slain and buried. Lev. 20:15–16.
7. If any man lie with mankind as he lieth with a woman both of them have committed abomination, they both shall surely be put to death. Lev. 20:13.
8. If any person committeth adultery with a married or espoused wife, the adulterer and the adulteress shall surely be put to death. Lev. 20:10, & 18:20; Deut. 22:23–24.
9. If any man shall forcibly and without consent ravish any maid or woman that is lawfully married or contracted, he shall be put to death. Deut. 22:25.
10. If any man stealeth a man or mankind, he shall be put to death. Exod. 21:16.
11. If any man rise up by false witness, wittingly and of purpose to take away any man's life, he shall be put to death. Deut. 19:16, 18, 19.
12. If any man shall conspire or attempt any invasion, insurrection, or rebellion against the Commonwealth [of Connecticut], he shall be put to death.

And whereas frequent experience gives in sad evidence of several other ways of uncleanness and lascivious carriages practiced among us, whereunto, in regard of the variety of circumstances, particular and express laws and orders cannot suddenly be suited; This Court cannot but look upon evils in that kind as very pernicious and destructive to the welfare of the Commonweal, and do judge that severe and sharp punishment should be inflicted upon such delinquents, and as they do approve of what hath been already done

by the Particular Court, as agreeing with the general power formerly granted, so they do hereby confirm the same power to the Particular Court who may proceed either by fine, committing to the house of correction, or other corporal punishment, according to their discretion, desiring such seasonable, exemplary executions may be done upon offenders in that kind, that others may hear and fear.

APPENDIX B

List of Sension trial documents at the Connecticut State Library

- CSL#85 Testimony of Joshua Holcombe, May 15, 1677
- CSL#86 Testimony of Joseph Phelps, May 22, 1677
- CSL#87a Testimonies of Daniel Saxton, Josiah Gillett, and Joshua Holcombe, May 22, 1677
- CSL#87b List of witnesses against Sension, undated
- CSL#88a Testimonies of Peter Hennerick, John Parsons, George Griswold, Samuel Barber, and Thomas Barber Jr., May 29, 1677
- CSL#88b Testimony of Robert Renwert, May 15, 1677
- CSL#89 Testimony of John Griffin, May 29, 1677
- CSL#90 Testimony of Arthur Henbury, undated
- CSL#91 Testimony of Samuel Wilson, May 29, 1677
- CSL#92 Summons to Daniel Saxton, Job Drake, and Robert Hayward, May 14, 1677
- CSL#93a Daniel Saxton's complaint against Nicholas Sension, May 29, 1677
- CSL#93b Testimony of Daniel Saxton, undated
- CSL#94 Testimony of Jacob Gibbs, May 29, 1677
- CSL#95a Testimony of John Gillett, undated
- CSL#95b Testimony of Joshua Holcombe, May 29, 1677
- CSL#96 Testimonies of John Enno and Daniel Saxton, May 29, 1677
- CSL#97 Testimony of John Moses Jr., May 29, 1677
- CSL#98a-b Testimony of William Phelps, May 29, 1677
- CSL#99 Testimony of Thomas Barber Jr., May 22, 1677
- CSL#100 Testimonies of Timothy Phelps and James Enno Sr., May 22, 1677 (sworn to on May 29)
- CSL#101 Testimony of Peter Buell, May 29, 1677
- CSL#102 Writ of Recognizance, releasing Nicholas Sension from prison on bond, June 27, 1677

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