

Sources for Lesbian, Gay, Bisexual and Trans (LGBT) History

Introduction

Little specific research has been done on LGBT history in Somerset, but this leaflet gives a brief introduction to records that may be useful.

The State and Church were for many centuries deeply concerned about homosexuality, which they saw as a threat to society. This led to a series of legislative and church measures against gay men. The resulting prosecutions are a rich source of evidence for sexual attitudes and activity.

Legislation

- The first relevant legislation was an Act of 1533, which made sexual acts between men illegal.
- During the 18th century, the offence of “indecent assault” began to be applied to non-consensual sexual activity between men. During this period, inns frequented by gay men and lesbians were targeted as “disorderly houses” under licensing legislation.
- The 1861 Offences Against the Person Act made some sexual acts between men illegal. The Criminal Law Amendment Act, 1885, made any act of “gross indecency” between men in public or private a criminal offence. “Importuning” (soliciting sexual acts) became illegal under the 1898 Vagrancy Act and the Criminal Law Amendment Act, 1912.
- From 1533-1861, sexual acts between men were capital offences, punishable by hanging. In 1861 this was reduced to life imprisonment and the 1885 Act reduced it again to up to two years’ imprisonment.
- In 1967, following the recommendations of the Wolfenden Committee, private homosexual acts between consenting adults stopped being a criminal offence.
- Sexual relations between women have never been illegal.

Quarter Sessions

The Quarter Sessions was the main local court from 1362-1971. It was presided over by local Justices of the Peace, and usually sat four times a year. Some powers were replaced in the 20th century by Petty Sessions and local magistrates’ courts (ref. D\PS). Please see the Quarter Sessions leaflet for more details.

Two homosexuality cases have been found in the Quarter Sessions rolls, from 1622 and 1630; these are discussed in G. R. Quaife’s book (see Further Reading). There are also records relating to Mary Hamilton. Mary, known as Charles, married Mary Price at Wells in 1746. Soon afterwards, she was tried for vagrancy and sentenced to be publicly whipped.

Sessions Rolls (ref. Q\SR)

This is the main descriptive series of records, and contains (among other documents) examinations of suspects and witness statements. There are rolls for 1561, 1591 and 1597, but the main series covers 1607-1971.

Order Books (ref. Q\SO)

These contain court orders for cases heard by Justices, and some petitions and calendars of prisoners. However, the outcome of a case will not necessarily be recorded in the order book. The main run of Order Books starts in 1613, and continues until 1971. Earlier volumes (before the 18th century) are in a mixture of Latin and English.

Assizes

As homosexuality was a capital offence between 1533 and 1861, cases should have been heard at the Assizes, which was the higher criminal court.

Assize judges visited each county three times a year. The Assize records are held centrally at The National Archives. Somerset came under the Western Circuit; these records are catalogued under the code ASSI 21-30.

For further details about Assize records, please see the Assizes leaflet.

Church Court records

The Church took an active interest in nearly all aspects of community life and morality. They tried to regulate all types of sexual activities, whether between heterosexual or same-sex couples. Canon law specifically banned sexual acts between men and cross-dressing, both of which are condemned in the Old Testament.

Somerset came under the Diocese of Bath and Wells, whose records are held here at the Somerset Heritage Centre (ref. D\D). For more information about the records, please see the Diocesan Records leaflet.

Visitation records

Visitation was the process whereby the Bishop investigated life in the parishes under his jurisdiction. After receiving reports from the clergy and churchwardens on the state of the parish, he would visit to deal with any serious matters.

Records of visitations during the Middle Ages sometimes appear in the **Bishops' Registers** (ref. D\D\Breg); these will be in Latin. **Visitation articles** (the churchwardens' replies to a series of questions about their parish) survive for 1840-1901 (ref. D\D\Va), and **visitation presentments** (churchwardens' replies for the annual archdeacons' visitation) for 1818-1879 (ref. D\D\Vp).

Church Court records

The Church had its own court system, parallel to the civil courts, which heard its own cases and issued its own penalties.

Deposition Books (ref. D\D\Cd) These survive for 1530-1754 and record witness statements. They are very rich in detail, and are in English. These are only catalogued by volume, not by individual case.

Cause Papers (ref. D\D\Cp) These are formal papers and witness statements relating to particular cases. They survive best for the 18th and 19th centuries, but are not listed in detail.

Act Books (ref. D\D\Ca) These survive for 1458-1917, and give summaries of cases, often arranged by place. They are mostly in Latin before 1733.

Other records

Hospital records

As homosexuality and lesbianism were sometimes seen as mental illnesses, asylum records may contain relevant cases. The main Somerset mental hospitals were the Somerset and Bath Pauper Lunatic Asylum, which opened in 1848 (ref. D\H\men) and the Western Joint Asylum, which opened in 1897 (ref. D\H\tv). Please note that access to records under 100 years old is usually restricted.

Parish records

Parish registers occasionally contain notes about individuals' lives or characters (although it is hard to establish their accuracy).

Further Reading and Links

- Crompton, L. (2003) *Homosexuality and Civilization*, Harvard University Press. A very comprehensive survey, covering homosexuality and lesbianism from the ancient world to the modern day.
- Quaife, G.R. (1979) *Wanton Wenches and Wayward Wives: Peasants and Illicit Sex in Early Seventeenth Century England*, London, pp.175-177.
- May, A.N. (n.d.) 'Mary Hamilton' in *Oxford Dictionary of National Biography*, [Online] available at www.oxforddnb.com
- **The National Archives:** Gay and Lesbian history guide (with useful glossary) www.nationalarchives.gov.uk/catalogue/RdLeaflet.asp?sLeafletID=357.
- **Old Bailey Online:** trial records of London's central criminal court, 1674-1913, including useful background information and search tips. <http://www.oldbaileyonline.org/static/Gay.jsp>
- **Archives Hub:** online catalogues for university and colleges' archives. See the LGBT resource guide at <http://archiveshub.ac.uk/features/feb06.shtml>
- **LGBT History Month** website: <http://www.lgbthistorymonth.org.uk>.

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