

UnErasing LGBTQ History and Identities Podcast
Season 7 Episode 2: “Thomas or Thomasine Hall”

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TRANSCRIPT

Deb Fowler: Hello, and welcome to *UnErasing LGBTQ History and Identities — A Podcast*. I’m Deb Fowler, co-founder of History UnErased.

There are plenty of conversations about gender today, in the media, pop culture, recent legislation, and even in Executive Orders. In this episode, our host, Kathleen Barker, will unpack the first known case of when someone’s gender became a legal matter. The year? 1629. And the testimonies in the court records read like a soap opera.

Take it away, Kathleen!

Kathleen Barker: We begin in the year 1603. A child is born in England, christened and raised as a girl named Thomasine. Although we know very little about Thomasine Hall’s childhood, as was typical of girls of the time, Thomasine was taught domestic work and needlework arts such as sewing and lacemaking.

In 1625, when Thomasine was around 22, records show that Thomasine’s brother was drafted into military service (the language of the time was “pressed into military service”). Between 1625 and 1627, Thomasine cut their hair, donned men’s clothing, and, using the name Thomas, followed their brother into military service.

Sometime after leaving the military, Hall returned to wearing female clothing and hairstyles and reverted to the name Thomasine — earning wages with her needlework and sewing skills.

Two years later, in 1627, once again adopting the name Thomas and dressing in men's clothing, Hall boarded a ship and sailed off to the royal colony of Virginia as an indentured servant. We don’t know why Hall traveled as Thomas and not Thomasine, but it was most likely safer to travel as a single man than a single woman.

Historical note: Indentured servitude became one of the main labor systems in early Jamestown. Why? Because the Virginia Company urgently needed workers—but the journey to America was expensive, and most people couldn’t afford it. So the Virginia Company came up with a deal: in exchange for free passage to the New World, young men and women (although mostly men) would sign contracts agreeing to work for 4 to 7 years to pay off their debt. The contractually assigned work was organized around men’s labor and women’s labor.

Records show that in 1629, Thomas Hall was an indentured servant for John Tyos, a farmer with a small tobacco plantation. There, Hall performed tasks assigned to men, such as plowing fields, chopping wood, and harvesting crops. At some point, Hall began dressing in female clothing again and performing women's work: sewing, cooking, and cleaning. John Tyos seemed to have no problem with this change and insisted that Thomas was actually a woman, and her name was Thomasine.

Other members of the community, however, were confused and needed to know whether Thomas/Thomasine was a man or a woman. The community's uncertainty about Hall's gender led to a physical inspection of Hall by three women in the community. After the physical inspection, the three women declared Hall to be a man, but there were more inspections! One took place while Hall was sleeping, and another took place while they were walking down the street! And again, the women determined Hall to be a man. John Tyos, however, still insisted that Hall was a woman.

Historical note: It's important to keep in mind that understandings of privacy were a little different in colonial America than they are today. During this time period, women often inspected other women for signs of things like out-of-wedlock pregnancy, sexual activity, and even witchcraft, and their determinations were respected as authoritative evidence. However; if what happened to Hall seems invasive to you, you are correct, it was very invasive. Historians agree that the way Hall was treated would be regarded as abusive, irrespective of the time period and accepted cultural understandings and practices.

These examinations were not merely performed for the sake of town gossip. Thomas/Thomasine's situation became urgent when another farmer, John Atkins, offered to buy Hall's contract from John Tyos. Atkins needed to be certain of Thomas/Thomasine's gender to know what work Hall could perform for him, as well as how much he should pay for the contract. (Women's work was regarded as less valuable than men's, so if Hall were female, Atkins could pay Tyos less for the contract.)

The question of Hall's gender became a legal matter and was referred to the highest court in the land at the time, the Virginia General Court of Jamestown. The Justices asked Hall for a detailed account of their life, and heard testimony from community members. Much of the information we have about Hall and the community's curiosity is from the testimony documented in the minutes from the case, dated April 8th, 1629. Although Hall was willing to describe their physical characteristics, they refused to choose a gender and declared that they were both a man and a woman.

In the *Virginia Immigrants and Adventurers Biographical Dictionary*, an entry reads:

"Thomas or Thomasine Hall, a hermaphrodite, came to Virginia sometime prior to March, 1629."

Historical note: In the 17th and 18th centuries in England, intersex people were recognized as a category—though at the time, the term used was "hermaphrodite." While there was an understanding that intersex people existed, English society expected them to choose: would they live as a man or a woman? Perhaps Hall's willingness to switch gender presentation threatened this norm and confused the colonists?

The Minutes from the Council and General Court of Virginia in the matter of "Thomas or Thomasine Hall" include the following information:

Capt. Bass testified that on March 18th, Hall responded "both" when Cap. Bass asked about whether Hall was a man or a woman; Capt. Bass also testified about a rumor in the community that Hall *"did lay with a maid of Mr. Richard Benett's called great Bess."* Hall denied this.

The implications and legal consequences, which were derived from Church law, would be different for Hall regarding a relationship with "great Bess" if Hall were a man versus a woman. If Hall were legally male, they could be charged with fornication for engaging in a relationship with Bess. If Hall were legally female, there would be no legal consequences in Colonial Virginia. There might be disapproval among community members, but there were no laws against women who engaged in same-sex relationships.

Hall was asked why they sometimes dress in women's apparel, and Hall responded, "I goe in woemen's apparel to gett a bitt for my catt." Historians interested in Hall's case agree that it was most likely a reference to a French phrase for prostitution, though many questions still exist and will likely go unanswered (until time travel is possible).

Back to the trial You will hear the word "exaiate" in the next testimony, which means a person (or persons) with legal authority responsible for questioning and gathering information. Court records for the testimony from Jamestown resident Roger Rodes state, verbatim:

"Being at the upper plantacon after it had beene rumored that the said Hall was a man and that hee was pur in mans apparel the said Hall being then there with them, the said Rodes tould Hall thou hast beene reported to bee a woman and now thou art proved to bee a man, I will see what thou carriest, Whereuppon the said Rodes laid hands upon the said Hall, and this exaiate did soe likewise, and they threw the said Hall on his backe, and then this exaite felt the said Hall and pulled out his members whereby it appeared that hee was a perfect man, and more hee cannot depose."

Well, after listening to Hall's testimony and the testimonies from community members, Governor John Pott, the presiding judge, determined: *"it shall be published in the plantation where said Hall lyveth that he is both a man and a woeman, and that all inhabitants there may take notice thereof."* He

required Hall to wear a mix of men's and women's clothing—men's clothes on the top, women's clothes on the bottom, along with a woman's cap and apron.

What happened next? We don't know, but Governor Pott's ruling was most likely understood as a form of ostracism of Hall. What we DO know, from an entry included in the formal records in *Virginia Immigrants and Adventurers Biographical Dictionary*, is that "Thomas Hall, who by early 1629 was John Atkins' servant, died sometime prior to February 9th, 1633." We don't know if Atkins paid Hall's contract for men's labor or women's labor; we don't know what work Hall actually performed for Atkins; and we don't know how Hall died.

Thomas/Thomasine's case leaves us with many questions, but it does illuminate the fact that gender and sex diversity, along with the challenges this may bring to organizational structures, are not new—and they've existed throughout American history.

And I leave you with the following question: Who is best suited to decide someone's gender? The courts? Doctors? An employer? The government? Or, the individual themselves?

DF: Kathleen Barker is History UnErased's program director and podcast host, and is a library and information specialist and public historian with over 20 years of experience as a museum and library educator. This podcast is funded by the New York City Council. It was developed by History UnErased and produced and edited by Dinah Mack, our youth equity program director and podcaster.

Our theme music is "1986" by BrothaD via Tribe of Noise. Please rate this podcast and share!

I'm Deb Fowler. Thanks for listening. And visit UnErased.org to learn how we are putting LGBTQ history in its rightful place - the classroom.

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