

# **WITCH HUNTING AND WITCH TRIALS**

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The Indictments for Witchcraft from the  
Records of 1373 Assizes Held for the Home  
Circuit AD 1559-1736

Collected and Edited by C. L'Estrange Ewen

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WITCHCRAFT



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WITCH HUNTING AND WITCH  
TRIALS

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The Indictments for Witchcraft from  
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Collected and edited by  
C. L'ESTRANGE EWEN  
With an Introduction

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## PREFACE

**W**ITCHCRAFT is a subject which has appealed to many writers, and a large number of books and essays recording facts and fiction relating to the practices of sorcery and enchantment have been published.

Of the volumes relating to witchcraft in England, the most useful for reference appear to be the following :—

Scot (Reginald). *The discoverie of witchcraft, Wherein the lewde dealing of witches and witchmongers is notablie detected, the knaverie of conjurors, the impietie of inchantors, the follie of soothsaiers, the impudent falshood of cousenors, the infidelitie of atheists, the pestilent practises of Pythonists, the curiositie of figurecasters, the vanitie of dreamers, the beggerlie art of Alcumystrie . . . the vertue and power of naturall magike, and all the conveiances of Legierdemaine and juggling are deciphered . . . Heereunto is added a treatise upon the nature of substance of spirits and devils, etc.* Black letter. pp. 560. *W. Brome* : London, 1584. 4°.

Hutchinson (Francis). *Bishop of Down and Connor*. An historical essay concerning Witchcraft, with observations . . . tending . . . to confute the vulgar errors about that point. *London*, 1718. 8°.

Notestein (Wallace). *Professor of English History at Cornell University, Ithaca, N.Y.* A History of Witchcraft in England from 1558 to 1718. pp. xiv, 442. 1911. 8°.

Kittredge (George Lyman). *Professor of History, U.S.A.* English Witchcraft and James the First. pp. 65. *Macmillan Co.* : New York, 1912. 8°.

Murray (Margaret Alice). *Assistant-Professor of Egyptology at University College, London*. The Witch-Cult in Western Europe. A study in anthropology. pp. 303. *Clarendon Press* : Oxford, 1921. 8°.

Summers (Rev. Augustus Montague). *The History of Witchcraft and Demonology*, pp. xv, 353, pl. viii. *Kegan Paul and Co.*: London, 1926. 8°.

— *The Geography of Witchcraft*. pp. xi, 623. pl. viii. *Kegan Paul and Co.*: London, 1927. 8°.

Of these writers, Reginald Scot, a Kent gentleman, as indicated by his title-page, gives a very full and entertaining exposition of the subject, his opinions being marked by outstanding intelligence and unusual independence of vision. Dr. Hutchinson in 1718 was, however, the first inquirer to compile statistics, and he notes (p. 49) that from the time of the Act of Henry VIII until the year 1644 about fifteen sorceresses or enchantresses were executed in England, and in his chronological table he mentions (quoting Scot, p. 543) seventeen or eighteen witches condemned at St. Osyth in 1676 (neither date nor number is borne out by the official records now presented), and fifteen hanged in Essex in 1645 (an under-estimate). These are the only cases in the Home Circuit for the period 1588–1718 which he was able to trace. For two centuries Hutchinson's statistics were the only data available, and his figures were used as late as 1883 by Sir J. F. Stephen (*History of Criminal Law*, ii, 431–5). Professor G. L. Kittredge, who made diligent search for records of executions for witchcraft throughout England during the reign of James I, found mention of less than forty (p. 65). As, unfortunately, he gives neither list nor index it is not possible to say whether any one of the fourteen cases for the Home Circuit now given is an addition to his list. The present researches support his view that the time of James I was not the period of greatest persecution, although I shall shew that the early part of that reign was the time of greatest danger to the arraigned witch in Middlesex and the five counties of the Home Circuit.

Professor W. Notestein, another twentieth century investigator, in a list of cases of witchcraft 1558–1718, mentions about 400 cases in all in England, about 100 of the suspects or accused being persons in Essex, Herts., Sussex, and Kent, of whom



approximately one-half were convicted and suffered the death penalty.

Assistant-Professor Murray, in her book on the Witch-Cult, gives a bibliography of the subject, as does the Rev. A. Montague Summers in his first-named work. The most recent volume is the latter writer's *Geography*, forming with his *History*, a comprehensive survey of the subject, but one which is unfortunately marred by the author's religious venom. In the second volume the chapter on witchcraft in England consists of 121 pp., of which 15 pp. relate to Ireland. This authority rests content with the statistics of Professor Notestein. So much energy has been expended in this sphere of literature that it is surprising to find that no writer (not even Mr. Summers, who has given "more than thirty years close attention to the subject of witchcraft") has made any use whatever of the records of Assizes. It is hoped, therefore, that the notes now brought together and presented for the first time may serve as an addendum to the works already in print and be of value to future students of the history of the magic arts.

Now, instead of the fifteen executions discovered by Hutchinson for the period 1541-1644, proof is provided of no less than eighty from five counties only, and during a shorter period. The hundred cases of Professor Notestein are now swelled to 513 persons accused (790 indictments) in the same five counties, and that from about 77 *per centum* of the original rolls, and an even smaller proportion of original indictments, as many bills returned with an *ignoramus* were destroyed.

The figures now given will correct the statement of the authors of *History of English Law* (p. 556) that "very few people were done to death by the laws of Henry VIII and Elizabeth". These eminent lawyers (Sir F. Pollock and Dr. F. W. Maitland), misled by Hutchinson, erred further in stating that the "days of the Commonwealth were the worst days for witches in England". Attention may also be drawn to the views advanced by Sir J. F. Stephen (*History of Criminal Law*, 1883, ii, 432), that trials

were "most common in the seventeenth century", and by Mr. N. W. Thomas (*Encyclopædia Britannica*), who states that they were most numerous during the same period. As the seventeenth century covered more than two-thirds of the period during which the trials were in progress the remark is somewhat pointless; moreover, it is inaccurate. So far as can be estimated from existing records, there were more trials in forty-two years of the reign of Elizabeth than during the entire century to which these two authorities point as the most active period.

The present essay is not intended to be a popular account of the witch-cult and description of the disgusting habits and filthy orgies commonly ascribed to the devil-worshippers. Many able pens have already written up these subjects. Reference to the contents will show that my remarks are confined solely to an account of the official machinery of conviction and punishment and statistics of the results of its functioning which, although they should form the sub-stratum of any history of witchcraft, have not hitherto attracted more than passing attention. For instance, I cannot trace a single writer on witchcraft who makes reference to the laws of William the Conqueror and Henry I on the subject.

The search of the Home Circuit indictments alone occupied the writer for four months. Doubtless a more leisured examination would have revealed further details. Looking through the last thirty or forty bundles was a dreary dirty business, and had a negative result. Some of these later files were scanned hurriedly and others still more hopeless were passed over entirely.

The indictments have been abstracted as briefly as possible and the manner in which this has been done can be ascertained by comparing one of the complete forms given pp. 77-92 with its corresponding précis. Baptismal names have, in general, been modernized. I have endeavoured to give references to all contemporary pamphlets and literature.

In the appendices will be found a collection of instructive and interesting extracts, most of which have not been printed before. As an example of a gaol delivery roll I have selected that for the famous assizes at Chelmsford in 1645 when nineteen women were sentenced to death. The two Upper Bench actions see the light of day for the first time, and the Suffolk and Leicester depositions are likewise new. Dalton's Discovery of Witches, the Scottish indictment, and the Chelmsford examination have appeared before, but will be found of sufficient interest to bear repetition. I include a list of additional witches compiled from various sources.

My own search of the public records is by no means complete ; a thorough examination of the Coram Rege and De Banco rolls (a lengthy undertaking) would reveal many cases of persons who had been publicly accused, if not officially charged with the crime. A complete catalogue of witches is yet far from being an accomplished fact.

C. L. E.

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# WITCH HUNTING AND WITCH TRIALS

## INTRODUCTION

### **Ancient Laws against Witchcraft**

Witchcraft, enchantment, sorcery, invocations of evil spirits, and other phases of the black arts have been recognized and practised in England, as elsewhere, from time immemorial. At all times magic in all forms appears to have been considered to be a public danger, and was punished by both ecclesiastical and civil courts. The Church, blindly following biblical behests, believed that the slaughter of wizards and witches was in accordance with the wishes of the Almighty.

“Thou shalt not suffer a witch [sorceress R.V.] to live.” (*Exodus* xxii, 18.)

“A man also or woman that hath a familiar spirit, or that is a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones.” (*Leviticus* xxi, 9.)

“There shall not be found among you anyone . . . that useth divination or an enchanter or a witch or a charmer or a consulter with familiar spirits or a necromancer.” (*Deuteronomy* xviii, 10, 11.)

Roman treatment of magicians and practisers of the occult was equally drastic. By the Twelve Tables, a collection of the earliest known laws of the Roman people, it was ordained that a man should not remove his neighbour's crops to another field by incantations, nor conjure away his corn. For practising incantations or administering poisonous drugs [the penalty was death].<sup>1</sup> Various offences in respect of witchcraft were severely noticed by the *Sententiæ* of Julius Paulus.<sup>2</sup> Prophets were to

<sup>1</sup> *Roman Law*, by A. W. Hunter, 1903, pp. 20, 21.

<sup>2</sup> *Ibid.*, p. 1068.

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be beaten and expelled from the city ; if they came back, they were to be imprisoned or deported. Persons consulting with reference to the life of the Emperor were punished with death. Those who took part in the exercise of magical and diabolical arts were to be crucified ; the magicians themselves, to be burnt alive. Even to keep books on the subject was a crime ; the books were to be burned and the owners severely punished.

Under the *lex Cornelia de Sicariis*, those who offered sacrifices to injure their neighbours, even if no evil result followed, were punished.<sup>1</sup>

Punishment of witchcraft was likewise ordained by the Church of Rome, but at first the penalties were not severe. The *Liber Pœnitentialis* of Theodore, Archbishop of Canterbury (668–690), the most venerable compendium of ecclesiastical laws for England, is divided into fifty chapters, of which the twenty-seventh deals with idolatry and sacrilege and the penances for offending.<sup>2</sup> Of the twenty-six heads the following selection of punishments is made :—

1. Anyone who has sacrificed to demons : 1 to 10 years' penance.

6. The consulter of those who divine by birds : 3 years' penance, one of which he shall fast on bread and water.

8. The layman or cleric practising as a magician or enchanter : expulsion from church.

9. Anyone who has destroyed another by evil spells : 7 years' penance, three of which he shall fast on bread and water.

10. The frequenter of soothsayers or makers of divinations : 5 years' penance, three of which he shall fast on bread and water.

13. The woman who uses divinations or devilish witchcrafts : 1 year's penance.

20. Astrologers, that is those who by the invocation of demons have turned a man's reason : 5 years' penance, one of which he shall fast on bread and water.

21. Anyone who has raised storms : 5 years' penance, one of which he shall fast on bread and water.

<sup>1</sup> *Roman Law*, p. 1068.

<sup>2</sup> *Ancient Laws and Institutes of England*, p. 292.

As early as the time of King Wihtraed (690–731), consulting and rewarding evil spirits appears to have been a civil offence in England, and duly noticed in a code of laws.

If a husband, without his wife's knowledge, make an offering to devils [or idols], let him be liable in all his substance and his "heals-fang" [i.e. a fine]. If both make offering to devils, let them be liable in their "heals-fang", and all their substance.

If a "theow" make an offering to devils or idols, let him make a "bōt" of vi shillings, or his hide.<sup>1</sup>

The eighth century Northumbrian digest, the Confessional of Ecgberht, Archbishop of York (735–766), also provides that if a woman exercised the magic art, witchcrafts, and evil-spells she should fast, and if by her spells she should slay any person, her fast should continue for 7 years. Also if anyone sacrifice to demons, he should fast 1 to 10 years.<sup>2</sup>

The punishment for witchcraft became much more severe by the laws of Edward and Guthrum.

If witches (*wiccan*) or diviners (*wigleras*), perjurers or "morth" <sup>3</sup>-workers, or foul, defiled, notorious adulteresses, be found anywhere within the land; let them then be driven from the country and the people cleansed, or let them totally perish within the country, unless they desist, and the more deeply make "bot".<sup>4</sup>

King Æthelstan (925–940) ordained respecting witchcrafts, and "lyblacs", and "morthdæds":—"if any one should be thereby killed, and he could not deny it, that he be liable in his life. But if he will deny it, and at the threefold ordeal shall be guilty; that he be cxx. days in prison: and after that let his kindred take him out, and give to the king cxx. shillings, and pay the 'wēr' to his kindred, and enter into 'borh' [i.e. surety] for him, that he evermore desist from the like." <sup>5</sup>

<sup>1</sup> *Ancient Laws and Institutes*, p. 18, sections 12, 13.

<sup>2</sup> *Ibid.*, p. 355, sections 29, 32.

<sup>3</sup> Secret homicide.

<sup>4</sup> *Ancient Laws and Institutes*, p. 74, section 11.

<sup>5</sup> *Ibid.*, p. 86, section 6.



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The ecclesiastical laws of King Edmund (940–946) also forbade the working of “lyblac”, i.e. *veneficium* or the compounding and administering of drugs and philtres.<sup>1</sup>

King Edgar (958–979) enjoined “that every priest zealously promote Christianity, and totally extinguish every heathenism; and forbid well-worshipings, and necromancies, and divinations, and enchantments, and man-worshipings, and the vain practices which are carried on with various spells, and with ‘frith-splots’ [i.e. sacred spots], and with elders, and also with various other trees, and with stones, and with many various delusions, with which men do much of what they should not”.<sup>2</sup>

The Witan of King Ethelred (975–979) followed the laws of Edward and Guthrum:—

And if witches or soothsayers, magicians or whores, “morth”-workers or perjurers, be anywhere found in the country, let them diligently be driven out of this country, and this people be purified: or let them totally perish in the country, unless they desist, and the more deeply make “bot”.<sup>3</sup>

The secular digest of King Cnut (1014–1038) followed on similar lines, and also forbade the love of witchcraft or the promotion of “morth”-work in any wise; or by “blot” [i.e. offering to idols], or by “fyrht”; or the performing of anything pertaining to such illusions.<sup>4</sup> By another code, the Northumbrian priests also fined those who were found in any way to love witchcraft.<sup>5</sup>

William the Conqueror (1066–1087), in a summary of laws, recorded that perpetual banishment was the punishment for killing *veneno*, which may mean by “venom” or “poison”, but more probably the “magic art”, having regard to the wording of a later law.<sup>6</sup> Witchcraft was much mixed up with poisoning, and in one indictment of date 1567 shortly to be

<sup>1</sup> *Ancient Laws and Institutes*, p. 105, section 6.

<sup>2</sup> *Ibid.*, p. 396, section 16.

<sup>3</sup> *Ibid.*, p. 135, section 7.

<sup>4</sup> *Ibid.*, p. 162, sections 4, 5.

<sup>5</sup> *Ibid.*, p. 419, section 48.

<sup>6</sup> *Ibid.*, p. 207, section 36.