

THE UNIVERSITY OF CALGARY

Witchcraft Prosecutions in England:

The Home Counties, 1563-1625.

BY

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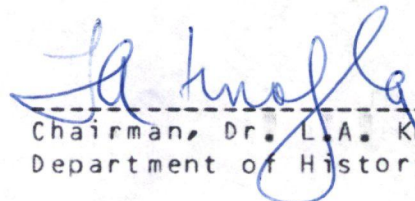
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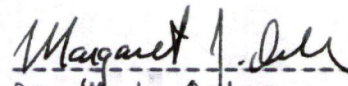
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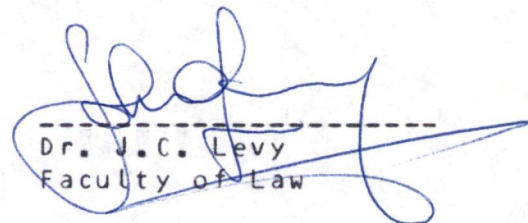
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FACULTY OF GRADUATE STUDIES

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ABSTRACT

The death of catholic Mary and the accession of protestant Elizabeth saw the return of exiled saints intent upon the establishment of the "New Jerusalem". The groundwork of this earthly paradise - where all men would be ruled by the Word of God - called for the realm to be freed from the grip of Satan. Catholicism was not the only menace to be eradicated. Another was the practice of witchcraft, its most formidable form being non-professional healing. Since God had bestowed the ability to heal solely upon the physician, the healer's duplication of these cures offered a lure to try men's faith. The effort to have the healer brought to justice met with little success in many regions of England. This failure stemmed from the widespread acceptance of the healer and informal medicinal remedies - a tolerance which only government intervention could overcome. Proclamations from the privy council which endorsed the prosecution of witchcraft, however, were not forthcoming due to the moderate protestantism of its leaders, Lords Burghley and Salisbury. At the county level, similar tempers often prevailed. An analysis of witchcraft prosecutions in the southeastern counties of the Home district between 1564 and 1625 reveals that the healer lay virtually untouched by the secular arm in Kent, Surrey and Sussex. However, in Essex from the 1570s to the 1600s and in late Elizabethan Hertfordshire, protestant

fervour occupied a prominent place in county administration. Influential local officials provided the impetus for their colleagues to prosecute such offenders, and brought a similar pressure to bear upon assize judges for convictions and punishment. The godly claimed such prosecutions under the cause of protestantism, and any objections on the part of a protestant judge would be construed as overt sympathy with the catholic enemy. The triumph of the anglican church over the saints, which began its assault in the 1580s with the efforts of John Whitgift, archbishop of Canterbury, substantially reduced the prosecution of the healer. Although some zealots continued the battle cry against this foe, the anglican church held the healer to be an instrument of God's mercy sent to administer to the poor rather than an evil agent who captured souls. By the Stuart era, prosecutions for witchcraft in the Home counties had declined from their peak in the 1570s and 1580s. James I's disapproval of witchcraft prosecutions coupled with judicial scepticism rendered any attempt to prosecute healers difficult to obtain. With the breakdown of central authority during the civil wars, Matthew Hopkins would revive the godly assault upon the healer in the mid 1640s. With the exception of this episode, witchcraft prosecutions and convictions on the Home circuit would never again reach the totals of the early decades of the Elizabethan era, and would occur at a sporadic and low level until the early eighteenth century.

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LIST OF ABBREVIATIONS

Assi - assize rolls
BM - British Museum (London)
CJ - chief justice
D/ACA - Detection Books of the archdeacon of Colchester
D/AEA - Detection Books of the archdeacon of Essex
ERO - Essex Record Office (Chelmsford)
esq - esquire
HMC - Historical Manuscripts Commission
JB - baron of the exchequer
JCB - chief baron of the exchequer
JCP - justice of the common pleas
JKB - justice of the king's bench
JP - justice of the peace
JQB - justice of the queen's bench
kt - knight
PRO - Public Record Office (London)
QB (Ancient) - queen's bench ancient indictments
Q/SR - quarter sessions rolls.

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INTRODUCTION

The Historiography and Law of Witchcraft

Precedent plays a major part in English justice, and the [Essex witchcraft] trial [of 1566] set a pattern which was to be copied in later ones, particularly in the way rules of evidence were set aside...Most of the harm spoken by witnesses [against witches] could be put down to trivial domestic accidents or ordinary illness. Unsupported and ridiculous confessions were believed, evidence of children was accepted..."¹

"The "sufficient proofs", any one of which could lead to a conviction [for witchcraft], were as follows: accusation by another witch; an unnatural mark upon the body supposedly caused by the devil or a familiar; two witnesses who claimed to have seen the accused either make a pact with Satan or entertain her familiars..."²

The investigation of witchcraft in England has not been an attractive subject for research among modern scholars because of its occult nature. For this very reason it has, however, caught the fancy of numerous popular writers whose sensational and narrative accounts possess little analysis or explanation.³ If one sets aside these volumes, and those which deal generally with English witchcraft - where it is presented as an appendage of the Continental experience and relegated to a single chapter or less - then the historiography of witchcraft in England is of a very limited scope.

The initial work which exclusively discussed the phenomenon in England was written by Wallace Notestein and published in 1909.⁴ He argued that concern over the matter originated with the return of the Marian exiles who had been

infected with the germ of witchcraft mania during their Continental sojourn. Notestein proceeded to trace chronologically the incidence of witchcraft in England through publicized trials and major personalities like Reginald Scot, James I and Matthew Hopkins, until its decline in the late-seventeenth and early-eighteenth centuries. The picture which emerged under Notestein is one that endures today. Witchcraft trials were manifest proof of the credulity of an age before the dawn of the Enlightenment. Belief in the supernatural led a normally prudent legal profession to discard rules of evidence and base the suspect's guilt upon the dubious testimony of "maleficium" regardless whether it was supplied by an adult or child, the presence of the devil's mark, or other equally questionable forms of proof. Untold numbers (predominately female) lost their lives in the face of such superstition. It can be assumed that Notestein felt those imprisoned or hanged for witchcraft were the victims of official zeal and community hatred. A sceptic like Reginald Scot was an anachronism, a rare instance of a "modern man" caught in a dark age.

Twenty years later, George Kittredge approached the subject in a similar manner.⁵ Rather than adopt the chronological format of Notestein, he composed individual essays on particular aspects of the broad range of activity which he considered to fall under the heading of witchcraft. The work of Kittredge is primarily additive to that of

Notestein; the major difference was that the former argued that the origin of witchcraft in England properly belonged to a much earlier period. Shortly thereafter, C.L'Estrange Ewen produced a calendar of the witchcraft indictments of the Home circuit of assize during 1559-1736, and another volume which contained printed material on witchcraft from a variety of sources.⁶ Ewen's efforts, however, were largely editorial, and the introductory passages he wrote agreed with the work of Notestein. Ewen did notice one peculiarity in his exploration of the Home circuit material - indictments for witchcraft in Essex outnumbered the combined total of those for the other four Home counties. This he left unexplained.

A revival in research on English witchcraft occurred in the post-war era with two publications in 1947.⁷ Christina Hole followed the essay format of Kittredge which produced a largely narrative account. R. Trevor-Davies, on the other hand, argued for a religious nexus in the prosecution of witchcraft, and was the first to place witch persecutors in the calvinist (parliamentarian) camp and witch defenders in the anglican (royalist) camp. While Trevor-Davies' contribution to the study of English witchcraft was unique in many respects, few writers followed suit to investigate further his arguments.⁸ Instead, the sub-topic approach by Kittredge (Richard Deacon, 1972; Ronald Holmes, 1974) and the editorial approach by Ewen (Barbara Rosen, 1969; Joseph Marshburn, 1971) dominated the discussion of English witchcraft.⁹

The only recent contribution of note has been a study by Alan MacFarlane on Essex and a general work on religion and magic by Keith Thomas.¹⁰ Both authors are primarily concerned with witchcraft in its social setting, and thus have offered valuable insights in the anatomy of witchcraft accusations at a grass-roots level. MacFarlane and Thomas have elaborated on the "scapegoat theory" implicit in earlier works. The argument of both is that the person most likely to be accused of witchcraft was a poor, elderly woman who suffered the uncommon misfortune of having injury befall her neighbours after quarrelling with them. Usually a social recluse, the widow was powerless to halt the mounting suspicion of the community, suspicion which eventually led to a formal accusation of witchcraft. Tried upon the evidence noted above, the difference between conviction or acquittal often rested upon community support or the person's "character", those hated or of "immoral life" being sent to gaol or the gallows.

The principal difficulty with such an explanation is that it fails to consider the irregular prosecution statistics for the Home counties noted by Ewen. It is not a concern to argue whether accusations were as widespread as Thomas and MacFarlane claim, or whether those prosecuted are merely "the tip of the iceberg" of all allegations or suspicions. The concern of this thesis is to account for the varying incidence of witchcraft prosecutions in the Home counties during

1564-1625. In doing so, this study will suggest a far different explanation for the prosecution of witchcraft in England, and as such, will reveal the inadequacy of existing interpretations such as "scapegoatism" (which sees prosecutions for witchcraft as a way to rid the community of social undesirables), or the arguments of feminists (who view the offence of witchcraft as the invention of a misogynous ruling elite of males eager to suppress an emerging female identity). The starting point for our discussion will be an analysis of the laws against witchcraft and why the activity ascribed to witchcraft should generate a level of concern which would lead to legislative action.

Witchcraft as a criminal offence became a serious matter to Englishmen during the beginning of the reign of Elizabeth I. The hostility which emerged at this time was unprecedented, and touched off a century-and-a-half of prosecutions. Such feeling had not existed fifteen years earlier when a Henrician law against witchcraft was enacted only to be struck down five years later in a sweeping repeal of all felonies created during the reign of Henry VIII by the parliament of Edward VI.¹¹ Few prosecutions occurred under the Henrician act.¹² In order to understand the zeal which fought for the return of the statute and kept the hard-won Elizabethan law from a similar fate, one must examine the historical setting at the time of Elizabeth I's accession.

Preaching Mary Tudor's funeral sermon on 14 December

1558, Bishop White lamented that "the wolves will be coming out of Geneva and other places and have sent out their books before, full of pestilent doctrines, blasphemy, and heresy to infect the people".¹³ The bishop referred to the numerous men who had fled to the Continent to escape persecution under the catholic reign of Mary, and now hastened back to their homeland with the accession of the protestant Elizabeth I. To the exiles, the deaths of the monarch and the leading Roman advocate in England, Cardinal Reginald Pole, were patiently awaited signs from heaven. God had struck another blow to the languishing body of the catholic church and as the papacy wavered in England, John Jewel, an exile appointed bishop of Salisbury shortly after his return, exhorted his fellow countrymen about the necessity of immediate action:

"The sound of the gospel hath gone all over the world; and the whole world is awaked therewith, and draweth to it. The sun is risen; the day is open: God hath made his Kingdom wonderful among us. It is now time, now is the time that we should arise from sleep; for now is our salvation near."¹⁴

The message of Jewel's sermon was in particular directed at the new queen. Elizabeth I, as the godly princess in the spirit of the biblical Deborah, was expected to lead the righteous in an all-out campaign to extirpate catholicism at home and abroad. In accomplishing the destruction of the enemy, Jewel warned of the terrible fight between God's chosen warriors and the devil's legions of Rome, and urged his fellow saints to "manfully stand against the gates of Hell, and resist all the assaults and quench all the fiery darts of the

wicked".¹⁵

Christ's soldiers were first called forth into the field with the onset of Elizabeth's coronation parliament which sat from January to April of 1559. The ferocity of spirit and militancy that results from a belief that one is taking an active part in laying the foundation of the "New Jerusalem" explains how a small body of men (twelve to sixteen exiles) led by Anthony Cooke kt and Francis Knollys kt could obstinately dominate the House of Commons.¹⁶ Thus, the appearance of a bill in the lower house against the invocation of evil spirits and witchcraft was undoubtedly instigated by the spiritual advisors to the godly in the Commons, and men like Jewel, Grindal, and others who stayed in the rear as chaplains to Christ's army.¹⁷ The saints realized the urgency of such a law as part of their quest to rid the realm of all enemies of the gospel. At the same time, however, many moderates and catholics sat in silent scepticism. The former group saw in the enactment of such a bill a return to the horrid religious persecution of the recent past. An even greater degree of disapproval, however, was present among the latter since they were aware that the saints looked upon many elements of the catholic worship as superstitious witchcraft or sorcery, especially the magic of relics and the doctrine of transubstantiation.¹⁸

Elizabeth I and her privy council also took a dim view of this godly fervour. National security and political stability

demanded that the country adopt a "via media" between catholicism and protestantism to accommodate the largest number of titled subjects to the new regime.¹⁹ Thus, in an effort to frustrate the saints' designs, the queen's secretary and leader of the council, William Cecil kt, lord Burghley, included the illegality of the use of charms, sorcery, witchcraft, enchantments, soothsaying and other devices in the Injunctions for Religion proclaimed during July of the same year.²⁰

The battle, however, had only just begun. After Jewel had encountered first hand the swarms of Satan which inhabited the English countryside while on a visitation of the western counties between July and October 1559, renewed agitation for a statute was guaranteed. In a letter written to his ally in reformation, Peter Martyr of Zurich, Jewel told of the gargantuan obstacles that the righteous would have to conquer:

"We found everywhere the people sufficiently well disposed towards religion...It is hardly credible what a harvest, or rather what a wilderness of superstition had sprung up in the darkness of the Marian times. We found in all places votive relics of the saints, nails with which the infatuated people dreamed that Christ had been pierced, and I know not what small fragments of the sacred cross. The number of witches and sorceresses had everywhere become enormous."²¹

Thus, the bishop took the opportunity in a sermon at court to plead with her majesty that "the laws touching such malefactors be put into due execution".²²

Edmund Grindal, another saint installed as the bishop of London upon his return from exile, shared Jewel's sentiments.

On 17 April 1561, he petitioned Burghley with the request that some extraordinary punishment be given to a priest for "mass matters of magic and conjuration" in order to serve as a deterrent to others.²³ Both bishops were incensed at the dissolution of parliament shortly after the witchcraft bill had received its first reading in the Lords.²⁴ In addition, the subsequent delegation of the heinous offences under the jurisdiction of the ecclesiastical courts had excited their fury. Like wise gardeners, Grindal and Jewel knew that weeds had to be extirpated before heavenly vegetation would spring forth. The mild censure of the spiritual arm (purgation or penance under the final sanction of excommunication) was an impotent measure and properly belonged in a Ladocean or "lukewarm" church.

In a sermon opening Elizabeth's second parliament in 1563, Alexander Nowell, another of Christ's combatants, tried to silence the critics of the road to the "New Jerusalem":

"But now some will say: Oh bloody man! that calleth this a house of right and now would have it made a house of blood. But the Scripture teacheth us that divers faults ought to be punished by death: and therefore following God's precepts it cannot be accounted cruel."²⁵

Another saint, William Alley, the Elizabethan bishop of Exeter who had emerged from obscurity in the north country as a wandering preacher and practitioner of physic during Marian times, set down a judgment for doctrine and discipline when the convocation met at the opening of parliament. Among his proposals was a demand that "there be some penal sharp, yea

capital pains for witches, charmers, sorcerors, inchanters and such like".²⁶ While the Lord's Word commanded "Thou shalt not suffer a witch to live" (Exodus 22.18), the passage of the saints' bill against witchcraft still underwent a rocky ride, generating considerable scrutiny from the government, who returned it in a new form to the Commons via the solicitor general, William Roswell, with the alterations of James Dyer kt, CJCP.²⁷ This would suggest that even though the saints secured a victory when the new bill became law, they did so at a great expense.

A comparison of the Elizabethan witchcraft statute with its Henrician ancestor confirms this suspicion.²⁸ Although both acts declared the invocation of spirits for any lewd intent or purpose to be felony without clergy, the queen's law was in many respects milder towards other such fraudulent practices. The king's statute had fully stressed the pretentious nature of any claim to be able to harm others through witchcraft. In defining this offence, the act spoke of hoaxes which employed devices such as images or pictures of people which would be burned or mutilated in order to effect similar harm upon the actual person. Further, the Henrician statute also referred to other frauds which involved the use of assorted articles (rings, crosses, crystal balls, etc.) with the objective to predict the future, obtain the love of another, or locate treasure, misplaced articles or stolen property. While the penalty under the king's law was death

without clergy, conviction for the same frauds under the later statute brought a year's imprisonment with quarterly pillory appearances for the first offence, and life imprisonment and forfeiture of goods and chattels upon second conviction.

The Elizabethan Act, however, possessed one distinction - a form of witchcraft unclarified by its Henrician predecessor. The earlier statute had punished offenders as felons because of their "intent" to bring about harm and destruction to others. The queen's law, on the other hand, declared witchcraft to be a felony only in conjunction "whereby the death of any person doth ensue", or "whereby any person shall happen to be killed or destroyed". An additional section stated that if the practice of witchcraft had caused actual injury or the ruin of property, the guilty party was to incur a term of one year in gaol along with four sessions in the pillory. This mercy ceased upon repeated conviction. Those who evidently hadn't learned their lesson were to be treated as murderers and executed.

The birth of a moderate edition of the 1542 statute and this elaboration were clearly appeasement tactics on the part of a government entrusted with the task to maintain religious moderation. In adherence to this policy, Burghley (often an ally of the zealots for political reasons) had denied Grindal's earlier mentioned plea after seeking the opinion of Robert Catlin kt, CJQB, who stated that "the temporal law will not meddle with them".²⁹ Cecil, a sympathetic protestant, can

hardly be blamed for finding a scapegoat when caught between performing his duty and not offending his anti-catholic allies. Yet the council had succumbed to the pressure of the saints. Such concessions, however, like the reinstitution of the law declaring buggery to be felony ("Whosoever lieth with a beast shall die the death", Exodus 22.19) were frivolous when compared with the crucial questions of the succession or of doctrinal reform.³⁰ In fact, the thrust of the Elizabethan witchcraft act - the recognition of witchcraft to be a felony when proven the agency for murder, would hardly be the instrument to purge the realm of catholics. Instead, it appears to have been directed at curtailing the hazardous practices of unlicensed persons who treated the sick and diseased.

The legal experts of Elizabeth I, Dyer and Catlin (both conservatives in religion), had thrown this morsel to the wolves with an assurance that it would leave a bitter aftertaste in their mouths.³¹ The complications which tainted the saints' victory are related by Michael Dalton in 1618, when he commented upon the opinion of a 1599 edition of William Lambard's "Eirenarcha":

"But if one which is no physician or surgeon will take a cure upon him, and his patient dieth under his hand; this hath been holden to be felony: but query of this last case, for it cannot be discerned whether the patient's death commeth by any wilful default, in the party taking such cure upon him, or by the patient's infirmity: again, there appeareth in them no will to do harm, but rather to do good, and then the statute of 34 Hen. VIII [1543] c. 8 leaveth so great a liberty of such practice to unskilled persons, that it be hard now to make it felony."³²

The barriers to successful prosecution, as Dalton and no doubt other Elizabethan legal writers generally realized, were numerous.³³ First, contemporaries were divided upon the issue of whether or not the doctoring activities of laymen fulfilled the concept of "premeditated malice" for a murder charge. While the fact that most healers treated their patients out of charity, pity or brotherly love seemed to refute any suspicion of malice, many observers still felt (citing legal authors like Britton) that the bold presumption of the ignorant to undertake the office of physician could be construed as nothing other than a will to do harm.³⁴ Given that the death of a patient under the care of a healer was held to be murder, how was the Henrician statute, which declared it to be legal for persons who were not physicians to minister the sick and diseased, to be interpreted? This act could of course be circumscribed by the types of cures it specifically permitted, such as the application of herbs and ointments to outward sores and diseases, or the offering of drinks for inward maladies such as the stone, strangury or an ague. More importantly, the statute specifies that such protection be given to those with "knowledge and experience in the nature of herbs, roots and waters", and accordingly it could be limited so as not to protect either the experimental or "hit and miss" healer, or those without a claim to any degree of formal medical training. The guilt attached to the untrained intruder into the physician's realm for their patient's demise

was still far from clear-cut. The fact that the victim or his relations had solicited or consented to the aid of an unqualified dispenser of physic placed them at least partly responsible, or in modern terms - contributorily negligent. Finally, the complex and often indeterminable question as to whether the person's death resulted from treatment or disease was an area which the legal profession (given the rudimentary state of Tudor medical practice) preferred to leave well enough alone.

The problem of adequate proof is demonstrated by the example of John Smythe alias Salmon, a common wizard indicted at Essex assizes in 1560 for murder by witchcraft.³⁵ The precise charges were that on 28 May 1559 and other occasions before and after, he bewitched John Grant, who died three months later, and Bridget Peacock, who died on 28 May 1560 (the dates on the second victim being obviously juggled to fit within the rule of a year and a day limitation in cases of homicide by poisoning).³⁶ The assize judges, serjeant-at-law Ranulph Cholmley and attorney general Gilbert Gerard, confronted with the dilemma cited above, halted the trial after Smythe's plea of "not guilty" and sent the perplexing case up to the more seasoned minds of the queen's bench for determination.³⁷ The bench's view that such a case did not deserve special consideration led to its transferal back to the assizes - a clear and direct message to Cholmley and Gerard that this case was to be judged on its merits within the existing law of murder.³⁸ Smythe's subsequent acquittal

should not be regarded as surprising.

The revival of a witchcraft law a few years later, however, substantially reduced the protection offered to healers by the Henrician act which permitted their activity. The number of healers being dispatched to the gallows or gaoled in the Home counties under the queen's witchcraft act appears in Appendix I. Aside from Elizabethan Essex (which will be argued as an exceptional case in chapter three), the statistics bear witness to the tenuous and precarious nature of this law, and suggest that the assize judges demanded a strict degree of proof. In addition, Appendix I further reveals the otiosity of the coronation parliament of James I in enacting the final English law against witchcraft in early 1604.³⁹ The background surrounding the repeal and replacement of the former act is reminiscent of the initial years of Elizabeth I's reign. Under the direction of Robert Cecil, the earl of Salisbury, the government neglected a lesson that Burghley had learned about quashing godly politics. The solution Salisbury's father employed from the 1570s was to obtain seats in the lower house for an influential bloc of councillors who would bridle the Commons by their presence and zeal in initiating and defending crown business.⁴⁰ Salisbury's failure to stack the house with such royal guardians caused chaos among the surprised and inexperienced members until the calvinist Robert Wroth kt, a veteran parliamentarian (and a witch hater whose name will reappear later on), guided the

house with an agenda which included discussing dispensations to penal statutes.⁴¹

To Wroth and his godly cohorts, the current penal laws of England were far behind the ideal form which Scripture had laid out for mankind. The suppression of the clerically-based classical movement (an effort to reform the church by the abolition of episcopacy and its replacement with a presbyterian government) by Archbishop Whitgift in the last decades of the sixteenth century led many saints to abandon matters related to church polity as a "thing indifferent". Instead, they now channelled their energies into a quest for the better adherence of the nation to a revived christian morality of the anglican church. While a great deal of parliamentary time was spent on fruitless religious argument, Wroth and his associates were still able to use their new-found power to pass measures against recusants and vagabonds, and to secure the following pieces of minor legislation consistent with their desire for a godly, protestant commonwealth: (1) the removal of benefit of clergy from killing by "chance-medley" ("Whoso killeth any person, the murderer shall be put to death...ye shall take no satisfaction for the life of a murderer" - Numbers 35.30,31): (2) an act "to restrain the inordinate haunting and tipling at inns, alehouses and other victualling houses" ("Woe to the drunkard for he shall not inherit the kingdom of God" - 1 Corinthians 6.10): (3) the offence of bigamy declared a

felony without clergy: and (4) a new witchcraft law more in accord with biblical prescription.⁴²

The Stuart witchcraft act is similar to its Elizabethan relative with the exception of one major difference - when human injury now resulted from witchcraft, the offenders were held to be felons without the benefit of clergy. The government left the harsh nature of these laws unopposed because it viewed such concessions as a small price to pay for the much needed subsidy which would be voted by parliament. In addition, it perhaps considered that these legal reforms would have a negligible impact upon the administration of criminal justice. The keenness of such foresight in the case of witchcraft is apparent from the prosecution statistics for the Home counties. A meagre total of two complete cases (conviction and definite hanging) occur between 1605 and 1736 for simply harming persons by witchcraft, and in each instance the victim is described as being "utterly consumed and wasted" (a short life expectancy due to their miserable condition).⁴³ In fact, the irony of Wroth's new statute was that it actually saved the lives of more healers, since it almost eliminated the penalty of imprisonment and thus reduced the number which perished from gaol fever.

The attitude of James I towards witchcraft had changed from open hostility to caution by the time he ascended the English throne in 1603.⁴⁴ An obvious example of this shift to leniency was the monarch's insistence on the grant of a pardon

to a man named Butler (a practitioner in physic) on charges of witchcraft.⁴⁵ This act contrasts sharply with an earlier view contained in James I's "Daemonologie", where Epistomen (actually the king himself) informs Philomathes about whether a prince or magistrate may have mercy on a witch:

"But in the end to spare the life, and not to strike when God bids strike, and so severely punish in so odious a fault and treason against God, it is not only unlawful, but doubtless no less sin in that magistrate..."⁴⁶

James I no longer endorsed the prosecution of witches, and he was quite content to leave the matter of witchcraft offenders to his learned judges "to do with them as the law requires".⁴⁷

The king, however, could still be quite serious about the subject of witchcraft. His interest as well as the indifference and scepticism of many of those around him is displayed in a courtier's account of a royal audience. In a letter written to Amias Paulet kt in January 1607, John Harrington kt told of their discourse on various scholarly topics which deteriorated when James steered the conversation towards one of his passions:

"His Majesty did much press for my opinion touching the power of Satan in matters of witchcraft; and asked me, with much gravity, if I did truly understand, why the devil did work more with ancient women than others? I did not refrain from a scurvy jest, and even aside (notwithstanding to whom it was said) that we were taught hereof in Scripture, where it is told, that the devil walketh in dry places...More serious discourse did next ensue..."⁴⁸

Although the monarch could appreciate the intellectual and bawdy nature of the response, Harrington did not escape

without afterwards humbling himself "as not willing a subject should be wiser than his Prince, nor even appear so".

However, the following episode reveals that some members of the government shared the king's intensity but evidently not his mercy.

On 14 April 1604, a pardon in favour of a convicted witch, Christian Weech of Norfolk, attained the privy seal (Salisbury's influence with his father gained pardons for two witches in 1597).⁴⁹ With this approval, the formality of the great seal, the final stamp of authority in such cases, should have made her release automatic. Yet sometime within two years afterwards, Norfolk JPs wrote to Cecil and the council to enlist support in securing Weech's release from gaol, their appeals to the lord chancellor having been to no avail. One must look for a more reasonable explanation than the petitioners' allegation that the pardon "had been stayed from passing the great seal by the sinister means of her enemies".⁵⁰ The delay in chancery can be attributed to the obstinacy of Thomas Egerton kt, who pursued the role of chancellor described by the staunch calvinist George Downame as a governor of the commonwealth upholding the gospel and "ferreting out" its enemies.⁵¹

The other crimes defined under the Elizabethan and Jacobean acts, the invocation or conjuration of evil spirits and the use of witchcraft for fraudulent purposes, elicited varying degrees of official concern. The sole person hanged

for the former offence (see Appendix II) during the Elizabethan era in the Home counties was Thomas Heather, a swindler who exploited the superstitious beliefs of his audience to turn a profit. Heather collected fees from parishioners convinced in his ability to call upon the aid of spiritual entities whose superhuman knowledge would reveal the location of a horde of treasure. Convicted and pardoned of this deception at Hertford assizes in 1573, the con artist moved to Surrey where he repeated the hoax. Heather managed to elude apprehension for nearly two years; but when caught and convicted, John Southcote, JQB, ordered his execution.⁵² In addition, a similar scheme was employed by a labourer named Robert Browning, who was convicted at Essex assizes in 1598 of cozening and conjuring spirits, and sentenced to time in the pillory.⁵³ The commutation of his sentence supplies further evidence that the law held those "taken in" by such frauds equally to blame.

The culpability of victims also explains the scarcity of indictments in the secular courts under the final offence of the statutes, the use of witchcraft (not employing the conjuration of spirits) for fraudulent purposes. A search of extant assize records for the Home counties between 1564 and 1625 reveals a solitary indictment under this section. In 1620, Gilbert Wakering, a surgeon of Halstead, was tried in Essex for contracting with Richard Billingham, a fuller, to discern the name of the culprit who stole the clothier's twenty yards of bays for the sum of five shillings.⁵⁴

Wakering's stalling and refusal to honor his part of the bargain led to initial threats, and then to Billingham's procurement of a bill of indictment against him.

The records of the court of quarter sessions in Essex contain another informative case.⁵⁵ In 1578, Sibyl Brown, a servant distraught over the disappearance of her master's linen, learned of George Freeman's success in recovering a stray colt with the assistance of Miles Bloomfield. Brown subsequently solicited Thomas Linford to seek the expertise of Bloomfield, who dwelt "hard by the churchyard" at Chelmsford. After some delay, the cunning man brought out a looking glass which would reveal the thief. When Linford perceived a visage which resembled that of Humphrey Barnes of his parish, he confronted Bloomfield about the accuracy of his method. The cunning man cautiously admitted that "he would not say he had it nor accuse him, but as far as he could judge he had it". The outcome of both cases, where Wakering was acquitted at the assizes and Bloomfield released at quarter sessions (although probably bound to good behavior), again demonstrates the focus on human gullibility, and a "let the buyer beware" approach to these types of offences by the legal profession. Tudor and Stuart lawyers held such frauds to be properly within the purview of the spiritual courts, and the preponderance of cases in the archidiaconal records (where the victim was often presented too) confirms this attitude. Thus, a survey of available archidiaconal records for Essex shows three

charlatans presented for offering to locate stolen or lost property while thirteen customers were presented for seeking this service.⁵⁶

The government's view of such frauds, however, was much more serious when connected with the monarch, heads of state or its agents. For example, on 21 January 1578, the council ordered an investigation into a report of the discovery of a wax image (in the likeness of the queen) thrust with needles, a lewd object supposedly designed to bring about Elizabeth I's death.⁵⁷ The ability of this act of voodoo to achieve its goal did not worry the government. The act itself was the major concern. What the person or persons responsible had done was simply an early physical expression of the later words of Jeremy Vanhill, who was hanged at Kent assizes in 1586 for treasonously declaring his wish for the queen's decease.⁵⁸ Further, an undated document shows a similar plan to destroy Burghley and Robert Dudley, the earl of Leicester.⁵⁹ Stephen Kilden and his wife Jane, late of Southwark, were apprehended with the engraved pictures of these statesmen before they could pour wax into the wooden molds and complete their nefarious scheme. They were found guilty at the assizes but sent back to prison without sentence of death (evidently so that their actions wouldn't be publicized). Finally, other catholics like Mrs. Dewse tried this desperate measure in a vain attempt to alleviate the growing restrictions and burdens upon their faith. In an attempt to revenge herself upon "that

thief Justice [of the Peace] Young who lived by robbing papists" and another man, she hired Robert Birch in late 1589 to make wax effigies of the duo, and commanded him "to stick them with pins and prick them to the heart".⁶⁰

An additional area of governmental attention (and one in which James I took an active role) was to refute cases of demon possession. On 11 August 1574, Rachell Pinder confessed before Matthew Parker, archbishop of Canterbury, Rowland Hayward kt, alderman, and William Fleetwood, recorder of London, to deceiving numerous people (including some of "good wit and understanding") by faking to be possessed by the devil.⁶¹ The following Sunday, Pinder and Agnes Briggs (for the same hoax) stood at St. Paul's Cross where the preacher openly read their confessions, and they "acknowledged their hypocritical counterfeiting with penitent behavior, requiring forgiveness of God and the world, and the people to pray for them".⁶²

James I's involvement in exposing these impostures is hardly surprising since he had long before recognized demon possession as a potential catholic deceit. Epistomen informs Philomathes in the "Daemonologie" that a vast percentage of such cases are frauds perpetrated by the catholics "to confirm their rotten religion".⁶³ The miracle of a priest who released a neighbour hopelessly ensnared in Satan's clutches was a powerful lure to attract a non-believer into the fold. Epsitomen warns further of the various props used to dress up

and sensationalize the event, specifically citing the confederate's howling at holy water, fleeing from a cross or throwing violent fits upon hearing the name of God. Finally, James I doubted even if the rare authentic instance (characterized by abnormal strength, speaking in tongues etc.) can be cured, and nowhere did he claim that this condition could be effected through witchcraft.

The king's demand that such instances be tested to their limit for fraud is apparent in an episode occurring in early 1605. On the sovereign's order, two hysterical maids (suffering from a disease they believed to be the result of a particular woman's malicious witchcraft) were to be lodged and treated at Cambridge.⁶⁴ James I and Salisbury's adamancy to refute the allegation that the young women were bewitched is shown by the allotment of £100 from the privy purse for their care. While tests for counterfeiting failed, the maids' behavior was evidently the result of delusion (believing that an old woman could use a spell to actually cast harm upon them). The physicians, who certified to the king that "the disease of the maidens is natural", were rewarded £20 for their psychological and physical cure of these patients.⁶⁵

The most devastating blow to the witchcraft statute by James I, however, occurred at Leicester in 1616. On a royal progress, the king arrived in the town and was greeted with the news of the execution of a number of witches a month previous. A letter from Robert Heyrick to his brother William supplies additional detail.⁶⁶ Heyrick states that nine women

were hanged for tormenting a twelve or thirteen year-old boy with spirits sent by witchcraft. James I called for the boy and soon exposed his counterfeit. The king then ordered the release of five other witchcraft suspects from gaol, and became "somewhat discountenanced" with the senior judge responsible for the hangings, Humphrey Winch.⁶⁷ Several caveats must be entered regarding this event. First, it is not clear how many women were actually hanged (perhaps the five released were among the nine Heyrick states were executed). In addition, James I would surely have dealt more harshly with a judge who allowed convictions upon such flimsy evidence. Winch suffered the mild penalty of being moved to a position of inferiority with Henry Hobart, CJCP, for a year-and-a-half on the Midland circuit.⁶⁸ Further, Winch was an intensely religious man and one cannot tell whether he acted in collusion with godly JPs and ministers. Finally, the records of the Home circuit in the following chapters will reveal prosecutions of this type to be exceptional.

James I's displeasure with Winch marked the end of a sixty year period in English history when convictions under the witchcraft law were common. The discussion thus far has argued that the only persons prosecuted with any regularity under the Elizabethan and Stuart acts between 1564 and 1625 in the Home circuit were those whose witchcraft was regarded as the actual cause of injury and death. Of such offenders, the amateur who doctored the ills of parishioners, the so-called

"white or good witch", was most vulnerable to conviction. Why the godly should single out such a person for destruction, and how such healing services endangered the furtherance of the "New Jerusalem" will be the subject of chapter one.

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1983), p. 42.
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- 53 CAR, Essex Eliz. I, 2927. Five years earlier, Browning was
bound at quarter sessions to discharge the parish of
Danbury of his child, and to appear at the next sessions
to answer to the charge "that he had two wives, the first
one alive" (ERO Q/SR 124/1).
- 54 CAR Essex James I, 1453.
- 55 ERO Q/SR 67/44-46. Bloomfield's prosecution was
undoubtedly initiated by Brown's master, Gabriel Poyntz (a
Marian exile) who was sheriff of Essex on two occasions
(Poyntz was never in the commission of the peace).
- 56 MacFarlane, pp. 277-295. This survey is indefinite since
one cannot tell what the large numbers of persons
presented for witchcraft were actually doing.
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CHAPTER ONE

The Witch and the Word of God

"Ye matrons mild draw near in haste, this irk-
some act behold,
Then nature shall her rueful plants, by you her
nymphs unfold,
Each wit in whom the skillful skill, of nature's
art is shown,
Surrender may themselves to me, this cruel act
to moan"¹ (John Philip, 1566)

Scripture had taught the saints of the angel
Lucifer's rebellion and banishment to earth. As the
avowed enemy of God and thus Creation, Satan roamed the
world for converts to his Kingdom of Darkness, an earthly
depotism built upon precepts and commands opposite to the
laws of God. Since very few mortals would consciously
contract with the devil for their soul, Satan obtained his
vassals through trickery. The ultimate deception of his
domain was the catholic church whose head, the Bishop of
Rome, was even unaware of his servitude. Protestant
zealots like the Marian exiles or William Perkins regarded
those who embraced the Roman faith to be duped humans led
astray from the truth of the Word of God and its gospel of
salvation by the error of a religion whose multitude of
saints and relics were actually props of seduction. The
pervasiveness of catholicism was a caveat to mankind of
the devil's treachery and cunning. However, an
established religion was a relatively new addition to the

repertoire of tricks he employed against mortals during his 5000 year presence on earth. This chapter will focus on the agency of the "good" witch, one of Satan's much older snares for the harvest of souls, and discuss why such an individual was regarded by some protestants as another unknowing ally to the world of darkness.

The practice of witchcraft was a natural pillar for the devil's temple since this activity was a major transgression against God's Word:

"For rebellion is as the sin of witchcraft..." (1 Samuel 15.23)

"Let none be found among you that maketh his son or his daughter to go through the fire, or that useth witchcraft, or a regarder of times, or a marker of the flight of fowls, or a sorceror, or a charmer, or that counseleth with spirits, or a soothsayer, or that asketh counsel of the dead. For all that do such things are an abomination unto the Lord, and because of these abominations, the Lord God doth cast them out before thee." (Deutoronomy 18.10-12)²

Treatises by William Perkins in 1587 and Henry Holland in 1590 identified eight forms of witchcraft. To these authors, the popular conception of the witch - an agent of evil who mysteriously harmed or destroyed all those who bore her offence - was far too conspicuous and despised by the masses to have any real impact in furthering the Kingdom of Darkness. Satan had subtly disguised several other types of witches in his quest to capture souls. The most abundant of these (and the witch specifically referred to in Exodus 22.18) the Hebrews had called "Mechashshepha", meaning one learned in the art of

poisoning and who also expressed a skill in the use of wholesome medicines and beneficial confections.³ Jean Bodin, the Continental jurist, reiterated this view in 1580 when he wrote in "De la Demonomanie des Sorciers" that "the most part of witches play the physician".⁴

In England, as on the Continent, "Mechashshepha", the non-professional healer, flourished in rural areas where physicians were unavailable. Commonly an elderly woman, the parishioners viewed this mortal's power to heal as a blessing from God. The success and acclaim of the treatments and recipes of such healers is understandable when one considers that most were the beneficiaries of a body of knowledge compiled from generations of experimentation which discerned that particular herbs, roots and waters could often abate the afflictions of man and beast. The healer usually added an element of magic to her medicinal prescription, as the formula used by Ursula Kempe (alias Grey) for the relief of lameness illustrates:

"...take hog's dung and chervil [i.e. a herb], and put them together, and hold them in [the] left hand, and to take in the other hand a knife, and to prick the medicine three times, and then to cast the same into the fire, and to take the said knife and to make three pricks under a table, and to let the knife stick there. And after that to take three leaves of sage, and as much of herb John (alias herb grace) and put them into ale and drink it last at night and first in the morning..."⁵

The healer might also employ a cure which lacked actual medication such as an amulet of herbs, roots, a

stone or metal which would be either carried or worn about the neck.⁶ More frequently, however, the remedy called for the recitation of short phrases. The catholic form of many of these incantations is shown by a woman's advice to her neighbours that their sick horses and cattle would be restored to health if they said in front of the animals five paternosters, five aves and a credo.⁷ Evidence of the spectrum of remedies employed by healers can be seen in the following examples. Katherine Thompson and Anne Neveson placed the bill of a white drake (a male duck) against the lips of their patient while they pronounced an incantation.⁸ Further, Catherine Fenwick deposed before the archidiaconal court at Durham in 1570 that she consulted the wife of Jenkin Pearson about the illness of her cousin's child. Fenwick was informed that "the child was taken with the fairy", and paid 3d for the following prescription:

"...send two [persons] for south running water, and these two shall not speak by the way, and that the child should be washed in that water, and dip the shirt in the water, and so hang it upon a hedge all that night, and that on the morrow the shirt should be gone and the child should recover health."⁹

Although in this case the cure failed (the shirt never left the hedge and the child was still sick the next morning), such unorthodox remedies could sometimes gain the healer an exalted reputation after the patient's recovery through either psychological (as shown by the effect of placebos in modern medicine) or natural means.

A Stuart physician termed such attempts to cure as "reasonless medicine" and warned its courtiers of the danger in receiving such aid:

"Oft times a good event may authorize it for skill and their friendly offer call it goodwill; but their kind care is too oft seen and proved a keen weapon to wound their friend, and the sick are nor seldom oppressed with being so loved. I would it were a slander in these days that good will and excellent medicine put to death more lives than open murder."¹⁰

John Cotta proceeded to relate an experience which may explain how an illusion of success was created around the healer.¹¹ A physician of Northamptonshire, whom he describes "as of mediocre learning", was reknown for his ability to correctly diagnose an illness and prescribe the proper treatment simply by the study of a urine sample. On his deathbed, some admirers pleaded with him to reveal the secret behind this expertise for the benefit of mankind. The ailing physician's response was shocking. He stated that his alleged skill was "unworthy of posterity" because for every chance cure, he had made scores of errors in analysis. These failures were kept silent due to the reluctance of his victims to come forward and admit they had been "conned". A rare triumph, on the other hand, won wide proclamation and thus accounted for his ill-deserved glory.

Cotta's distress over the activities of the healer was echoed by certain protestants. The elderly female, in undertaking to remedy the maladies of her neighbours, had

intruded upon sacred territory bestowed by God unto his human agent, the physician. Therefore, she had violated the teachings of St. Paul that "all men should walk within their callings" (1 Corinthians 7.20-24).¹² Further, the censure of the healer by George Gifford and William Perkins was not alleviated by the claim that divine mercy had endowed other mortals with the gift of healing.¹³ Although the Bible revealed cures of the handicapped and sick being performed by the Apostles and others, such feats had been necessary to confirm the truth of the gospel and had ceased approximately two hundred years after the Ascension.

The duplication of these miracles beyond this time by the layman was a perplexing matter. If miracles had vanished from the earth well over a millenium ago, and the restoration of health was reserved by God unto the physician, then the "wonders" of the healer must be effected by the only other supernatural being, the Prince of Darkness. But why should Satan choose to assist mankind? God permitted the devil to work these "wonders" as a test of man's faith. The healer and her cures were sought after by those who placed physical welfare above spiritual health. In the patronage and embrace of this unauthorized saviour of the body, the masses unsuspectingly honoured Satan and thus broke the Lord's first commandment "Thou shalt have none other gods before

me" (Exodus 20.3). Their reward for seeking the devil's aid was clear:

"If any turn after such as work with spirits, and after soothsayers, to go a whoring after them, thus will I set my face against that person, and will cut him off from among his people." (Leviticus 20.6) [marginal note] To esteem sorcerers and conjurers is spiritual whoredom and idolatry.

The righteous and upright man, however, valued his soul as a precious jewel. He knew that God was the sole dispenser and reliever of pestilence and misfortune. Further, he understood that the Lord visited man with torments for one of four purposes: to punish the wicked, to avenge himself upon the stubborn disbeliever, to spur those wallowing in sin, and to test and prove his elect.¹⁴ When struck with adversity, the God-fearing man looked to the lesson of the Book of Job.¹⁵ He would immediately conduct an inward scrutiny to discover why God had allowed his executioner, Satan, to vex him. Then he would profess repentance of his sin and pray until being released from the malady. His quiet endurance of pain would be a mirror of his faith and trust in the mercy of God. Similar counsel was present in a popular homily by John Chrysostom which urged the sick to bear even the most raging fever because God has not yet finished martyrdom and one that dies in prayer and godliness is "the perfect martyr".¹⁶ In addition, the use of physic was also omitted in various biblical passages which stressed health through the Lord:

"Is any sick among you? Let him call for the Elders of the Church; and let them pray for him, and anoint him

with oil in the name of the Lord. And the prayer of faith shall save the sick, and the Lord shall raise him up...Acknowledge your faults one to another, and pray one for another, that you may be healed: for the prayer of a righteous man availeth much, if it be fervent." (James 5.14-16)

Perhaps the wife of a man named Robiant of Barking in Essex awaited health at the hand of God when in 1596 she refused Mother Jones' medicine for "the colic".¹⁷ The healer had heard of the woman's plight and generously came to her aid. The bedridden woman verbally abused Mother Jones and shunned her offer. Mother Jones then cursed that she hoped Robiant would "abide the uttermost torments ever abided".

This doctrine of self-martyrdom held an ominous note for the physician. Perkins and Gifford certainly never meant for their devotees to reject the aid of God's lawful agent (both state that physic should be esteemed by the godly as a divine gift).¹⁸ In addition, the editor of the book which recited the above homily of Chrysostom thought it relevant to dilute this message, and introduced the work with a few pages which cited the blessed merits of lawful physic. The intention behind the publication of such works was to stress spiritual salvation over material concerns, and clearly the policy of Gifford and Perkins was first God and the care of the soul, and second the physician and bodily worries. Yet the outright refusal of any medical remedy on religious or other grounds in early modern England seems to have been a frequent enough event

for John Cotta to ridicule the negligence of those who dissuaded the sick from proper medical treatment.¹⁹ The cost of lawful physic barred most Englishmen from treatment, and, like Robiant's wife, they could easily avoid the healer. Men of prominence, however, often found it difficult to resist the motherly attitude of court and personal physicians. Others, fearful that the medical prescriptions would inflict more harm than good, fled for exercise and fresh air in the countryside. One man who could not seek such a retreat because of his burdensome workload was Burghley's godly secretary, Michael Hicckes kt. During 1579, an interesting admission can be found in a letter written by this devout servant of the crown to his protestant friend, John Stubbe:

"...albeit I have a weak and froward stomach and so much abhorring physic that I either do very unwillingly receive or very hardly retain any bitter potions, yet, when any wholesome medicine is administered unto my soul, I thank God..."²⁰

Hicckes' right index finger provided an escape from what he regarded as the sacrifice of his faith.

The saints in parliament sought to rid the land of the non-professional healer, and they secured a mild victory in the Elizabethan law against witchcraft, sorcery, charms and enchantments. On another front, some protestants composed fictional works which described convicted healers as evil witches. Disseminated in chapbooks and ballads, these tales showed the devil's

malice in action and were an effective way to school the public that God eventually exposes all evil doers who will then receive their just dessert at the gallows.

Many popular writers and historians regard the Elizabethan and Stuart chapbooks to be factual accounts. However, several items suggest that the reader should approach such literature with caution. First, conscious fabrication may explain why most of the authors chose to remain anonymous. Further, one cannot speak with the confidence expressed by John Langbein in the old Bailey session papers of a much later period:

"We have no reason to suspect invention in the OBSP, Old Bailey trials were well-attended public spectacles, and word would have got around if the OBSP reporters started fabricating".²¹

Sixteenth and seventeenth century assize trials, unlike hangings (which took place in fields or on hillsides), were not open to the general public. The court would barely have room for suspects and witnesses after the judges, clerks, local officials and jurors had assembled. In addition, the writer knew that his account would be hawked in London miles away from the site of the trial, and only in the most remote circumstance would his version be read by an eye witness. The chapbook tales were not written as "catch-penny" pamphlets nor were they professional criminal trial reports. They are single edition tracts produced for the responsible vicar or curate as an aid to instruct the parish.

The dubious legal value of such literature may be shown in the fabricated relation of Agnes Waterhouse's trial for murder by witchcraft:

"...then said the Queen's attorney [Gilbert Gerard]: Agnes Waterhouse, when did thy cat last suck of thy blood? Never, said she. No? said he, let me see, and then the gaoler lifted up her kercher on her head, and there were divers spots in her face and one on her nose. Then said the Queen's attorney: In good faith, Agnes, when did he suck of thy blood last? By my faith, my lord, said she, not this fortnight. And so the jury went together for that matter."²²

Assize records reveal that Agnes Waterhouse confessed to murder by witchcraft.²³ No trial of her guilt was necessary. Her stay at the bar was limited to the few minutes in which her indictment was read and her plea of guilty was entered. Then she was led back to the town gaol to await sentence of death.

The witch chapbooks were published or sold by men who handled a wide range of protestant literature. The first two English witch accounts - one of the Essex witches and the other about John Walsh - were published respectively by William Powell and John Awdeley.²⁴ The latter accepted numerous religious tracts, including "A Famous and Godly History of the Lives of Three Reformers" (1561), "The Epistles and Gospels for every Sunday" (1565), and "The Sanctuary for a Troubled Soul" (1565). In addition, he approved informative and godly works such as "The Fraternity of Vagabonds" (1565), "The Cruel Assault of God's Fort" (1570), "The Form and Shape of a Monstrous

Child born at Maidstone" (1568), and "An Answer to a Papistical Bill" (1570), as well as a prayer against traitors (1569) and the tyranny of papists (1570).

William Pickering sold the Essex witch book at the corner of the church of St. Magnus, where one could find protestant works like "A Complaint against the Wicked Enemies of Christ" (1564?), and "The XV Fearful Tokens preceding the General Judgment called Doomsday" (1566).

The subsequent witch stories appear in an atmosphere of equal religious fervour. At the placard of the gun by the "little north door" of St. Paul's in 1579, Edward White peddled two different witch stories while he drew the attention of passers-by to certain lectures by John Calvin, various anti-papal tracts, and a book entitled "A Hospital for the Diseased" which discussed the cure of ailments by herbal remedies. Finally, a witch book printed by Thomas Dawson at "the three cranes in the vinetree" in 1582 was only a minor item in an impressive array of protestant works which he had at his London shop.

The author of the chapbook constructed his tale within a framework of correct names, places and dates. A journey outside of London to interview those involved was regarded as bothersome and needless to the Elizabethan or Stuart writer. A source who wanted the skeletal information woven into a useful tale of terror and tragedy paid the writer a fee for his reconstruction. A telling

indictment of his patron's indifference towards a truthful relation is the wholesale facelift he gave the benevolent female healer. Future research will discover the extent to which the writer borrowed from similar witch books already in distribution on the Continent.²⁵ The primary concern of the patron was to have the writer portray the witch as a second Eve. All the witch accounts depict an innocent and piteous woman who was seduced into malicious witchcraft through her ignorance of the gospel. An inability to distinguish between good and evil rendered her defenseless and provided the Prince of Darkness with an easy inroad to blacken her soul. The tale of Elizabeth Francis is a clear illustration.²⁶

Elizabeth lived in poverty and longed for material prosperity. One day she received a cat named "Satan" as a gift from her grandmother. The name of the pet failed to arouse the girl's suspicion, and within a short while the satanic spirit which inhabited the animal's body satiated her thirst for wealth. In return, Elizabeth consented to nourish the cat with a small amount of her blood. This is a common scene found in the witch chapbooks and is a peculiar twist of the passion of Christ. As the godly bore the cross to confirm their faith in the new covenant, the witch also shed her blood (though only a cowardly amount) to ratify her allegiance to darkness. What seemed like an innocent request was in reality the ratification

Elizabeth's pact with the devil. The cost to Satan was small. He had first enticed the girl with the sudden appearance of eighteen sheep, and then promised her matrimony with a financially independent man, Andrew Byles. However, the devil's malice and trickery soon became apparent after Elizabeth had followed his advice to first fornicate with Byles. Byles refused to marry her and her sheep mysteriously "wasted away". Thus, a hostile woman eagerly accepted the spirit's offer to plague Andrew Byles, and her conversion to darkness was complete.

The chapbooks portray all witches in much the same way. As hate-filled vessels of Satan, they harmed or destroyed their neighbours upon the slightest affront or provocation. For example, Margaret Harkett caused Joan Frynde's garden to become barren after a dispute over a basket of peas, and Alice Nokes crippled Thomas Spicer's servant for taking a pair of gloves from her daughter in a playful jest.²⁷ The witch never foresaw the dire consequences of her actions. Joan Cunney first understood the reward for her witchcraft and lewd life when she was made to cry out upon the gallows: "that she had greviously sinned, the devil had deceived her, the devil had deceived her, and that she had twice given her soul to the devil".²⁸

Even an honest life did not protect one from the onslaught of mankind's enemy. The downfall of Joan

Prentice was due to her "lukewarm" religiosity rather than material lust. Joan's seduction by the force of evil began one night as she rested in bed:

"the devil appeared unto her...being in the shape of a dun coloured ferret...and settling his fiery eyes upon her eyes spake...Joan Prentice give me thy soul...I am Satan; fear me not, my coming unto thee is to do thee no hurt..."²⁹

Joan properly denied this request, and answered that "her soul appertained only unto Jesus Christ by whose precious bloodshedding it was bought and purchased". Yet her "statute protestantism" found little wrong in suckling the ferret with her blood. In doing so, Joan was well on her way into Satan's clutches.

The relation of the tragic life of a witch by a curate, vicar or lecturer would catch and hold the interest of the congregation because of its simplistic nature. The individuals in these tracts were concrete; they were contemporary people from across the county. The tale of the witch and her victims reaffirmed the ease with which Satan could plague sinners. Those who offended the christian maxims of pity, charity and brotherly love became the witches' prey. The picture which emerged to the audience was one of a community of hate, a mess of humans hopelessly entangled in the mischievous web of Satan. Only a godly life shielded one from the devil's overtures, and the story of John Hopwood provided a valuable lesson:

"[A witch named Margery Staunton] came to the house of John Hopwood of Walden and had continually her requests. At the last, being denied of a leathern thong, she went her way offended, and the same night his gelding in the stable, being the day before in very good case, died suddenly..."³⁰

Hopwood had been safe when he gave to the less fortunate. But he paid dearly after he shut his door on this needy widow. Perhaps it was at this point that Francis Trigge, an Elizabethan preacher, interrupted the tale to tell his audience that:

"we may see how experience, and the very confessions of witches, agree that merciful lenders and givers are preserved of God, and that unmerciful and covetous Nabals are vexed and troubled of Satan".³¹

In addition, some members of the congregation may have lived to hear a chapbook written some twenty-five years later which tells of a drunkard who was injured by a witch in a natural haunt of Satan's legions - a Hertfordshire alehouse.³²

The claim that the godly are immune from the devil's plagues recurs in other chapbooks. When Agnes Waterhouse became upset with a tailor named Wardol, she bid her familiar spirit to harm him and destroy his goods. A few days later the witch was surprised to hear that a healthy Wardol was still at his trade and his goods intact. She then angrily confronted her spirit who answered that he was unable to fulfill her order "because Wardol is so strong in faith".³³ A relation which involves Richard Harrison and his wife expresses the same idea. As a

minister of God, the husband was alarmed to hear his spouse attribute her state of depression to the witchcraft of Agnes Herd.³⁴ The husband knew such a thought would reflect on his professional competence, and he lamented "what will the people say, that I being a preacher should have my wife so weak in faith?" The preface to a third chapbook further echoes this theme when the author urges the reader "to shield oneself with prayer and assured faith in the merits of Jesus Christ so that the devil nor his angels shall have power over thee or thine".³⁵

A final element of these tracts is the occasional reference which links the witch to the catholic faith or the practice of herbal healing. One witch learned to call her familiar spirit by kneeling upon the ground, making a circle (the catholic symbol for divinity), and praying to Satan,³⁶ In addition, Agnes Waterhouse admitted that her familiar would only allow her to pray in Latin.³⁷ Elizabeth Francis, on the other hand, procured her own miscarriage by drinking a herbal mixture, while another book relates that Mother Dutton's spirit (in the likeness of a toad) lived in a border of green herbs within her garden, the location where she nourished him with blood from her left flank.³⁸

William Perkins and George Gifford objected to the chapbook tales because they fostered an anxiety over the evil witch, and thus the attention of the masses was

diverted from their true enemy, the kindly healer. The reality of malevolent witchcraft was further bolstered by a host of detection/recovery methods. Popular belief endorsed such tests as "searching the body of the suspect for the devil's mark" (as God has secretly marked his elect, the devil has openly identified his horde), "swimming the witch" (the waters of baptism will not receive the witch), and other non-religious methods.³⁹

The fear of the witch and the communal concern to banish this offender led to many formal accusations of innocent persons. Lettice Tybolde had the misfortune to be presented for this offence before the court of the archdeacon of Colchester because her loose tongue and quarrelsome attitude coincided too often with the sickness and death of her neighbours' cattle.⁴⁰ The additional belief that a witch could captivate and hold the love of a man beyond natural limits brought suspicion upon Agnes Berry.⁴¹ This widow was a boarder in the residence of a man who "liveth [away] from his own wife". Some parishioners attributed this peculiar living arrangement to the witchcraft of the widow, and suspected that part of her power over the man stemmed from her daughter's sexual favours. Other accusations rested upon equally scandalous evidence. In 1592, John Wiseman of Maldon in Essex reported to his friends that "he had seen a broom in his house sweep the house without any hand[s]".⁴² The

attribution of this feat to his wife's "witchcraft" was perhaps a clever plot to put an end to a bitter marriage, which he would witness as a satisfied spectator at his spouse's hanging.

William Perkins, George Gifford and Reginald Scot denounced such superstition. Scot, in particular, ridiculed the lewdness of all authors who avowed or propagated a belief in the evil witch.⁴³ The general tone of Gifford's "Dialogue Concerning Witches" (written for the instruction of the ignorant) is quickly set in the initial stages of a conversation between two characters:

Daniel: "You never had no hurt done yet, had you by any witch?"

Samuel: "...I fear I have; for there be two or three in our town which I like not, especially an old woman. I have been as careful to please her as ever I was to please mine own mother..yet methinks she frowns at me now and then. And I had a hog which...was very well to our thinking overnight, and in the morning he was dead. My wife hath had five of six hens even of late dead. Some of my neighbours wish me to burn something alive...Others will me in time to seek help at the hands of some cunning man, before I have any further harm...I pray you let me have your best counsel..."

Daniel: "...I pity your case, it is most certain you are bewitched."

Samuel: "Bewitched, do you think I am bewitched? I feel no harm in my body, you make me more afraid."

Daniel: "Nay, I do not think that the old woman hath bewitched you, or that your body is bewitched, but that the devil hath bewitched your mind..."⁴⁴

William Perkins, however, ignored the "evil witch" and concentrated upon what he termed "the good witch" or healer. In his opinion, the healer's impersonation of a

physician was far more deserving of the punishment of death.⁴⁵

Protestant opinion further castigated the chapbooks for their contradiction of Scripture. The witch tracts had stressed protection of the faithful from the devil's plagues. Perkins and Gifford regarded this claim as subversive to the message of the gospel. Although Perkins stated that the godly are "a thousand times less likely" than the reprobate to be victimized by witchcraft.⁴⁶ no man, however righteous, should think himself free from the devil's torments - witness the example of Job:

God: "[From] whence comest thou?"

Satan: "From compassing the earth to and fro, and from walking in it".

God: "Hast thou considered my servant Job, how none is like him in the earth, an upright and just man, one that feareth God and escheweth evil? For yet he continueth in his uprightness although thou movest me against him, to destroy him without cause."

Satan: "Skin for skin, yea, and all that ever a man hath, will he give for his life. But stretch out now thine hand, and touch his bones and his flesh, to see if he will not blaspheme thee to thy face."

God: "Behold, he is in thine hand; but save his life."
(Job 2.2-6)

The saint fought an uphill battle and, setting aside witchcraft, he was more apt to be chastened and tested through God's love than the sinner:

"Wherefore do the wicked live, and wax old, and grow in wealth?... Their houses are peaceable, without fear, and the rod of God is not upon them. Their bullocks gendereth, and faileth not: their cows calveth and casteth not her calf." (Job 21.7, 9-10)

Thus, the saint found solace and proof of his election in the event his crops were ravaged by hailstones while those of his drunken and irreligious neighbour escaped unscathed.

A further contradiction resulted from the malicious action of the witch.⁴⁷ The Kingdom of Darkness would have been brought to desolation long ago if Satan used the witch to both harm and heal:

"So if Satan cast out Satan, he is divided against himself, how shall then his Kingdom endure?" (Matthew 12.26)

The chapbook portrayal of the witch as an elderly female was inevitable since most of the subjects of these stories were actual healers convicted of murder. While age is certainly a factor in acquiring an intricate knowledge of the medical benefits found in nature, the fact that women formed a vast majority of those who engaged in root and herb healing seemed perfectly normal to the saints. Had not the serpent chosen Eve over Adam as the easier prey to effect man's downfall? Or what about the story of Lot? The Lord told Lot and his household to flee before the destruction of the evil cities of Sodom and Gomorrah, and cautioned them not to look behind at the rain of fire and brimstone. But alas, Lot's wife gazed over her shoulder and was instantly turned into a pillar of salt (Genesis 19.1-26). Numerous other biblical examples could be put forward which attest

to the greater success of Satan with the female sex including the story of Job. When the devil sought to turn Job against God, he inflicted painful boils upon his entire body. Yet Job remained quiet as his wife looked upon his revolting appearance and cried: "Dost thou still retain thy integrity? Curse God and die." (Job 2.9).

Perkins and Gifford did not realize that mothers had treated the diverse illnesses of their children out of necessity for generations. The poor were never able to afford the cost of medical care, nor was such service to be found in villages and hamlets. Through default, a number of elderly women became specialists in the treatment of particular maladies. To a world haunted with the spectre of death, the potions, slaves and plasters of the healer were a welcome respite. God had endowed this person with the gift of healing, and her cures were expressions of God's love and mercy.

The love and esteem of the community formed a protective net around the healer which the godly attack often found difficult to penetrate. The degree to which this dispenser of health was sheltered by the parish is shown by a complaint found in the preface to a chapbook:

"For albeit the justices be severe in executing of the laws [against witches] ... it is the foolish pity or slackness, or both, of the multitude and under-officers that they most commonly are winked at, and so escape unpunished, to the dishonour of God and imminent danger of her Majesty's liege people. Nay, the fondness and ignorance of many such that they succour those devilish imps, have recourse to them for the health of themselves and others, and for things lost..."⁴⁸

The populace disassociated their earthly saviour from the witch, and when the prosecuting authority pursued healers for witchcraft, confusion and disbelief ensued. In 1597, Paul Rigden and Alexander Violettt appeared in the court of the archdeacon of Canterbury to respond to an accusation of "seeking witchery".⁴⁹ Rigden confessed that he solicited the aid of "one Mother Chambers", who "had done some good unto divers others that were sick [and] he sent to her but not as a sorceror or witch as alleged". A distraught Violettt explained that Chambers had merely given his child medicine for a disease she diagnosed as "yelow jandis". Further confusion was etched on the face of John Crave of Essex. Presented on a similar charge, he replied that he sent his spouse to Father Perfoche for some medicine to relieve his ailing cattle, but "he knoweth not that he is a witch".⁵⁰ Thomas Saye expressed equal disbelief. When presented before the court of the archdeacon of Essex for "seeking help at the hands of a wizzard", he told the court that "he went to a man for physic for his child that lay sick and otherwise he went not to any".⁵¹ Others were equally unco-operative. Joan Allen elected to undertake penance for lying during October of 1574 rather than reaffirm her statement that Widow Jackson had assisted her.⁵² Alice Gardiner of Boreham in Essex, on the other hand, frustrated legal process in a different way. In 1566, she advised a

neighbour who was accused of witchcraft "to confess nothing, for if thou do, thou will die for it and thou will turn thy neighbours to trouble".⁵³ The suspect, "one mason's wife", subsequently fled.

In their combat against the healer, the saints were confronted by tradition. The threat of a cracked neck upon the gallows or a spell in a dirty gaol failed to deter the healer. In addition, those who returned to the parish after conviction or acquittal on the charge of witchcraft continued to attract clientele and often regained their social standing. However, the number of those who reappear on later charges suggests that the stigma of prosecution left them extremely vulnerable to blackmail and gossip.

The prosecution and punishment of the healer verified the distance between the vengeful God of the saints and the loving Father of the masses, and undoubtedly hardened the peasantry against religious zealotry. The refusal of the populace to believe that the healer executed for witchcraft was anything other than a devilish witch further hindered the saints attempt to discredit their enemy. Thus, the authors of the chapbooks were not the only culprits, as a quote from a witch book written by Henry Goodcole demonstrates:

"the cause [the punishment of healers?] hath received a wound already, by most base and false ballads which were sung at the time of our returning from the witch's execution. In them I was ashamed to see and hear such ridiculous fictions of her bewitching corn on the ground,

of a ferret and an owl daily sporting before her, of the bewitched woman braining(?) herself, of the spirits attending in the prison: all of which I know is to be fitter for an Ale-Bench than for a relation of the proceeding in [a] Court of Justice...I wonder that such lewd balladmongers should be suffered to creep into the printers' presses and peoples' ears."⁵⁴

Goodcole, however, was far from a reliable witness himself since his allegedly truthful account of the life of a witch named Elizabeth Sawyer was drawn largely from the chapbook of the Essex witches by John Philip.⁵⁵

The obstinacy and ignorance of the masses posed a minor impediment in the effort to discredit the healer when compared to the disagreement of protestant opinion. In 1584, the calvinist Reginald Scot published "The Discovery of Witchcraft", a monumental work of over six hundred pages. This treatise refuted the existence of the witch and, in addition, remonstrated with those who prosecuted women for "the working of miracles" under the offence of witchcraft. The equation of the word "witch" with "wisewoman" (meaning primarily a female herbal specialist) was to Scot a case of slander.⁵⁶ He traced the existence of this misnomer to the modern rendition of Exodus 22.18 - "Thou shalt not suffer a witch to live". Scot cited the concordance of Hebrew and Greek authors, and translated the text of Josephus to display the specific rather than general content of the passage:

"Let none of the children of Israel have any poison that is deadly or prepared to any hurtful use. If any be apprehended with such stuff let him be put to death, and suffer that which he meant to do to them, for whom he prepared it."⁵⁷

Scot also stated that in almost all the places where contemporary editions of the Bible had the word "witch", the older texts possessed the Hebrew or Greek words meaning poisoner.

Reginald Scot's defense of the herbal healer is understandable. As an authority in the cultivation of hops, this proximity to nature brought him an awareness that God had endowed various plants with an ability to cure or relieve disease.⁵⁸ He saw the use of the gallows against those who employed preparations derived from these divine instruments of health as an unjust and lewd practice. The protestant esquire, instead, urged unity against the real enemy to the commonwealth - the "enchanted paracelsian or magical physician". This individual cozened the populace away from the "true order of physic" to embrace the power of false charms and incantations. The mischief which resulted was, in Scot's opinion, grievous:

"Methinks these magical physicians deal in the commonwealth much like a certain kind of cynical people do in the church...who instead of learning and authority..do feed the people with their own devices and imaginations, which they prefer before all other divinity: and labouring to erect a church according to their own fantasies, wherein all order is condemned, and only their magical words and curious directions advanced, they would utterly overthrow the church."⁵⁹

The appearance of protestant tracts to rebutt the arguments of Scot suggest his book received a warm welcome and wide endorsement. Less than three years after "The

Discovery of Witchcraft" was marketed, George Gifford countered with "A Discourse of the Subtle Practices of Devils by Witches and Sorcerors". A similar treatise by William Perkins followed in 1593. The attempts of Gifford and Perkins to counter the arguments of Scot were feeble. The gist of their case centered upon the name

"Mechashshepa Pharmacous".⁶⁰ Gifford argued that the Greek word "pharmakia" (pharmacy) was often used as a general term for witchcraft by numerous Greek scribes.

Nebuchadnezer and Pharoach frequently sought the counsel of those known as "Mechashshepa" (e.g. the wisemen of Babylon in Daniel 2.2 or the enchanter of Egypt in Exodus 7.11), and he asks: "Is any man so absurd as to think that kings would take poisoners as their chief wise men?"

Perkins added that surely the Bible would not have a separate law for poisoning when this offence was already included under the law against murder (Numbers 35.31).⁶¹ Scot, however, had already dealt with this objection when he discussed numerous repetitions present in Scripture such as the prohibition of theft in Exodus, Leviticus and Deuteronomy.⁶²

Gifford and Perkins demanded the death of the healer for her pharmaceutical meddling, while Scot confined the punishment to those who employed poison (e.g. ratsbane) for the purpose of murder. Chapter two will explore why the former argument frequently held sway, and led to

apprehensions and prosecutions of erring healers for injury and death in Elizabethan and early Stuart Essex (Gifford's county). In addition, chapter three will disclose further why the arraignment of healers for murder and injury by witchcraft in the other four Home counties such as Kent (Scot's county) should be lax in comparison to that of Essex.

Notes to Chapter One

- 1 John Philip, "The Examination of Certain Witches at Chelmsford in the County of Essex" Miscellanies I, ed. H. Beigel (London: Philobiblon Society, 1864), p. 16. This book was published during 1566 in London.
- 2 R. Hall, trans., The Bible and Holy Scriptures contained in the Old and New Testament (Geneva, 1560). All Scriptural quotes in this thesis are taken from this text.
- 3 George Gifford, A Discourse of the Subtle Practices of Devils by Witches Sorcerors (London, 1587), pp. C2r-C3.
- 4 Henry Holland, A Treatise on Witchcraft (London, 1590), p. B4. Holland refers to Bodin, p. 472.
- 5 W.W., A True and Just Record of the Information, Examination and Confession of all the Witches taken at St. Osyth (London, 1582), p. A4r, Ursula Kempe alias Grey was executed for murder by witchcraft in 1582, CAR Essex Eliz. I, 1300.
- 6 Reginald Scot, The Discovery of Witchcraft (London, 1584), p. 241.
- 7 Peter Clark, English Provincial Society from the Reformation to the Revolution: Religion and Society in Kent, 1500-1640 (Hassocks, Sussex: Harvester Press, 1977), p. 155.
- 8 Ewen II, p. 451.
- 9 Ewen II, p. 447.
- 10 John Cotta, A Short Discovery of the Dangers of Ignorant Practices of Physic (London, 1612), p. 19.
- 11 Cotta, pp. 110-11.
- 12 Cotta, p. 88.
- 13 William Perkins, A Discourse of the Damned Art of Witchcraft (London, 1608), pp. Q6r-Q7.
- 14 Perkins, p. Q5r.
- 15 Perkins, pp. 230-32.
- 16 John Chrisotom, "Fifth Homily" The Disclosing of a Late Counterfeited Possession, (London, 1574), pp. C5-C6. In

presenting the message of death through godliness rather than life through ungodliness, this homily affirms "Thou runneth to him [the devil] as to a Physician" (p. C6).

- 17 ERO D/AEA 17, f. 164.
- 18 George Gifford, A Discourse of the Subtle Practices of Devils by Witches and Sorcerors (London, 1587), p. H1r; Perkins, p. 155.
- 19 Cotta, pp. 28-29.
- 20 Alan Smith, Servant of the Cecils: The Life of Sir Michael Hickes, 1543-1612 (London: Jonathan Cape, 1977), p. 95.
- 21 John Langbein, "The Criminal Trial Before the Lawyers" University of Chicago Law Review, XLV (1978), p. 271.
- 22 Philip, p. 46.
- 23 CAR, Essex Eliz. I, 274.
- 24 Paul Morrison, Index of Printers, Publishers and Booksellers in STC (Charlottesville, Va.: University of Virginia Press, 1961). This index was used to locate the books handled by various individuals; Anon, The Examination of John Walsh Touching Witchcraft and Sorcery (London, 1566). This book contains the examination of Walsh before Thomas Williams, commissary to the bishop of Exeter, William Alley, [see the Introduction of this thesis]. Walsh was a Dorset wizard who had learned the art of physic from a catholic priest.
- 25 H.C. Midelfort, Witch Hunting in Southwestern Germany (Stanford, Calif.: University Press, 1972), pp. 69-70. The 1550s and 1560s saw numerous such witch and devil books run through several editions.
- 26 Philip, pp. 24-26.
- 27 Anon, "The Several Facts of Witchcraft Approved and Laid to the Charge of Margaret Harkett" (London, 1585), Complaint and Reform in England, eds. H. Dunham and S. Pargellis (Oxford: University Press, 1938), p. 191; Anon, A Detection of Damnable Driftes Practiced by Three Notorious Witches Arraigned at Chelmsford in Essex (London, 1579), pp. B1r-B2, [hereafter cited as Anon 1]. Alice "Nokes" was the name of a woman executed for murder by witchcraft at Essex assizes in 1579 and is not the name of a fictitious person, CAR Essex Eliz. I, 1047.
- 28 Anon, The Apprehension and Confession of Three Notorious Witches, Arraigned and by Justice Condemned and Executed

- at Chelmsford in the County of Essex (London, 1589), pp. B3-B3r, [hereafter cited as Anon 2].
- 29 Anon 2, pp. B1-B1r.
 - 30 Anon 1, p. A8r.
 - 31 MacFarlane p. 197.
 - 32 Anon, The Most Cruel and Bloody Murder committed by an Innkeeper's Wife (London, 1606). The accompanying tale of the witchcraft of Joanne Harrison and her daughter who were executed at Hertford assizes is the sole instance of mis-indentification traced to the chapbooks. The actual names of the felons were Christine and Alice Stokes (likely mother and daughter).
 - 33 Philip, pp. 47-48.
 - 34 W.W., p. F2r.
 - 35 Anon 1, p. A3r.
 - 36 Anon 2, pp. A3,A4.
 - 37 Philip, pp. 48-49.
 - 38 Philip, p. 26; Anon, A Rehearsal both Strange and True of the Heinous Acts Committed by Four Notorious Witches at Windsor (London, 1579), p. A5r [hereafter cited as Anon 3].
 - 39 Ewen I, pp. 60-69.
 - 40 ERO D/ACA 14, f. 291r.
 - 41 ERO D/AEA 14, f. 250.
 - 42 ERO D/B 3, 1/8 f. 53r.
 - 43 Reginald Scot, The Discovery of Witchcraft (London, 1584), pp. 542-43.
 - 44 Gifford, A Dialogue Concerning Witches (London, 1593), pp. A4r-B1r.
 - 45 Perkins, p. 174.
 - 46 Perkins, pp. 223-24.
 - 47 Scot, pp. A3r-A4.
 - 48 Anon 3, p. A3r.

- 49 Arthur Hussey, "Visitations of the Archdeacon of Canterbury", Archaeologia Cantiana, XXVI (1904), p. 21.
- 50 ERO D/AEA 16, f. 56.
- 51 ERO D/AEA 20, f. 237.
- 52 ERO D/AEA 8, f. 99ar.
- 53 ERO D/AEA 3, f. 37r; Q/SR 19/36.
- 54 Henry Goodcole, The Wonderful Discovery of Elizabeth Sawyer, a Witch, Late of Edmonton, her Conviction, Condemnation and Death (London, 1621), p. A3r.
- 55 For example compare folios B4-D1 of the Goodcole tract with the Philip chapbook.
- 56 Scot, pp. A6,110.
- 57 Scot, p. 111.
- 58 Scot, Discovery, p. B5; Reginald Scot, A Perfect Platform of a Hop Garden (London, 1574).
- 59 Scot, p. B1.
- 60 Gifford, Discourse pp. C2r-C3.
- 61 Perkins, p. 180.
- 62 Scot, p. 120.

CHAPTER TWO

Essex Saints: A Case Study

"The condition of this recognizance is such that...Mark Moote, William Skinner, William Huckabye, and Thomas Egles do make their personal appearance...at the next gaol delivery ...[to] prefer several bills of indictment against Alice Aylett, wife of Thomas Aylett of Braintree, for and concerning the suspicion of the felonious and detestable art of witchcraft..." (bond taken by an Essex JP, 18 August 1589).¹

On the evening of 2 March 1573 on the manor of Moulsham, John Southcote, JQB, Robert Monson, JCP, Baron Robert Rich, lord lieutenant, and Anthony Cooke kt, custos rotulorum, relaxed in the parlour of the "chief mansion house" after an enjoyable meal which was served amidst the delightful music of pipers.² For one of these men, the jovial and informal mood of the evening ceased when his associates began to express their anxiety over the recent catholic plot of Ridolphi to depose their protestant monarch, Elizabeth I, and the news of the slaughter of their comrades, the Huguenots, in Paris.

John Southcote's silent acceptance of these remarks betrayed his catholic sympathies.³ Raised under the Roman faith during the reign of Henry VIII, Elizabeth I's favour had brought his promotion to the queen's bench in 1563. As a justice of gaol delivery for the Home counties, the stubborn Southcote dominated the circuit bench at the expense of less eminent men such as the attorney general, Gilbert Gerard (1563-67), or serjeants-at-law Christopher Wray (1567-70) and Thomas Gawdy (1571-72).⁴ At Essex assizes, the catholic judge hobnobbed with one or more local magnates whose Marian

office-holding left little doubt as to their ardour for the "New Jerusalem" and its godly combatants. The presence at Southcote's table of Richard, the first lord Rich (Marian privy councillor), William Petre kt (principal secretary of state), William Cordell kt (solicitor general and master of the rolls), or the catholic barons - Mordaunt and Morley⁵, encircled his court with a "Roman aura" and led hostile protestants to brand the judge "a favourer of papists".⁶

The merciful handling of local healers accused of murder or injury by witchcraft in Southcote's court provided the godly with ample proof for their charge. The judge's first brush with a demand for a healer's death had come during the summer of 1564, shortly after the inception of the Elizabethan Witchcraft Act. The instigator of the prosecution was Thomas Cole, a former headmaster of Maidstone school who had been in exile at Frankfort during the Marian regime.⁷ Upon his return to England, Edmund Grindal had invested him in the office of archdeacon of Essex, and Cole regarded his elevation as a divine calling to blaze the path of righteousness through half a county. In his quest to redeem the sins of all those under his wing, Cole embarked on circuit duty at every available opportunity although common practice suggested he relegate his judicial function to a surrogate.⁸

The first known healer to appear before Thomas Cole's "reformatory of sin" was Elizabeth, the wife of John Lewis of Great Waltham.⁹ This woman was accustomed to being a target of

"brutes" spun by jealous neighbours which alleged that she practiced witchcraft. These rumours, for the most part, had been harmless. Her first real difficulty resulted after the herbal remedy she administered to the young son of Gregory Canell either caused or coincided with the gruesome deformity of his body. Lewis' attempts at reparation (she urged Canell's wife "to go to the Woman of Pattiswick [in Essex] for the child's recovery") were stifled by the infant's quick demise. What followed was her formal presentation before the archidiaconal court in June 1564 and her lamentation that "I have been brought out of my good name to an ill".

Elizabeth Lewis steadfastly denied any role "in the hurting of Gregory Canell's child", and she probably affirmed that the twisted limbs of the young boy were a result of his illness. The healer's refusal to acknowledge any fault proved to Cole that her soul could not be salvaged from darkness. Thus, the archdeacon suspended ecclesiastical process and sought her transfer to the secular arm in order to secure a punishment in accordance with the Mosaic code. In Henry Fortescue esq of Faulkborne Hall, Thomas Cole found a local JP receptive to his cause. Fortescue's familiarity with the atrocity of non-professional healing may have resulted from his representation of Sudbury in the coronation parliament of Elizabeth I.¹⁰

On 22 July, Elizabeth Lewis stood before John Southcote in the town hall of Colchester and pleaded not guilty to three counts of murder by witchcraft.¹¹ It would be naive to assume

that the sheriff, Henry Fortescue, would leave the outcome of Lewis' trial to a group of disinterested jurors attuned to the opinions of a catholic bench. The conviction of the healer on each charge and the reaction of the bench suggests that some of the "twelve good and lawful men" empanelled to discover the truth had decided upon Lewis' guilt beforehand. Despite their finding, Southcote refused to pronounce sentence of death upon the healer and sent the woman back to gaol despite the hostile objections of his judicial partner, Gilbert Gerard, a man whom Bishop Grindal cited as "an ally in the cause for reformation".¹² Gerard's vehement anti-catholicism is apparent from his initiation of the prosecution of two Essex catholics in 1561, Edward Waldegrave kt of Borley and Thomas Wharton kt of Boreham for attending mass in their residences.¹³ When Gerard questioned as to why this felon had been spared sentence of death, the senior judge instructed the clerk to enter upon the record the fiction that Lewis was remanded due to a plea of pregnancy.

In retrospect, John Southcote's reaction is easily explained. From the outset of the reign of Elizabeth I, the government had relied upon the catholic lawyer's expertise for assistance in numerous legislative matters. During this service to the crown, he must have been informed of the reasons behind the agitation for a law against witchcraft, and thus he knew the colour of its backers. To Southcote, the adherents of the "New Jerusalem" had erred in their attack

upon the herb-toting widow and her incantations. In most cases, the real murderer was the plague or other pestilent diseases. Southcote was acutely aware of the high infant mortality rate of his age - ten of the judge's thirteen children had been claimed by the ravages of disease.¹⁴

The legal manoeuver Southcote employed to rescue the healer must have infuriated Cole and Fortescue. At the next assizes, the two saints, acting perhaps on the advice of the attorney general, petitioned the bench to appoint a jury of matrons to verify the pregnancy of a number of convicted female felons. This plea received considerable support since such reprieved persons usually remained in confinement until they succumbed to gaol fever. The fact proved to many that their upkeep had been an unnecessary charge upon the county. Southcote could not refuse this request without a visible display of favour to the healer. His reluctance to sidestep the petition with an extra-legal ruling left him bound by a verdict which declared Lewis and two others to be "without child".¹⁵ Elizabeth Lewis was executed in a field outside Chelmsford on 2 April 1565.¹⁶

The godly duo of Cole and Fortescue resurfaced at the summer assizes in 1566 with four healers from the village of Hatfield Peverel.¹⁷ Assured that the execution of Lewis had further alienated Southcote from their cause, they bullied or tricked two women into acknowledging the murder of their patients.¹⁸ Thus, their catholic adversary was again stranded with little recourse but to pronounce sentence.¹⁹ The other

two suspects who wisely elected to undergo trial of their guilt, placed themselves upon the country and were acquitted.²⁰ The persistence of Cole and Fortescue²¹ led Southcote and Petre (custos rotulorum) to secure the village from further persecution with the induction of a resident catholic, Leonard Sandell esq, into the commission of the peace.²²

Further conflict, however, lay on the horizon. With the deaths of Lords Rich (1567) and Mordaunt (1570), Petre (1571), and the religious exile of Lord Morley (1570), the catholic compact at Essex assizes was slowly eroded. In the void a new protestant firmament arose over the gently rolling hills of the county. Its brightest star was Robert, the second lord Rich, who shared the lieutenancy with his fervent uncle, John, lord Darcy.²³ Southcote remained impervious both to the dawn of the gospel over Essex and its companion demand to punish the sin of unlawful healing which spawned a new wave of witchcraft prosecutions in the summer of 1572. This resistance to change was the catalyst behind the muster of upper echelon saints at the "chief mansion house" of the manor of Moulsham the following spring.

The protestant compact which assembled at Moulsham was prepared to bridle any further succour to healers.²⁴ Although Anthony Cooke kt could call upon his genealogical influence (as father-in-law to England's primary statesmen, Cecil and Bacon) and, like Baron Rich, his aggressive tongue, the key

member of the trio was Robert Monson.²⁵ A flex of protestant muscle at the national level had created Monson a serjeant-at-law by special mandate and then a puisne justice of the common pleas. The new judge demonstrated his loyalty to the protestant cause when he had "grated hard" upon the queen's prerogative in 1566 by his bold criticism of her right to postpone the question of the succession. In his elevation to the coif, Monson became Southcote's equal and, considering the rapidity of this promotion, a voice to be heard.

The accomplishment of the trio's goal was enhanced once Rich and Cooke secured the co-operation of their host at Moulsham, sheriff Thomas Mildmay kt.²⁶ The part played by this JP was to ensure that the four healers committed by Robert, lord Rich (with the aid of his uncle, Lord Darcy), were brought before Southcote as a unit.²⁷ Three of these suspected felons - Catherine Pullen, Margery Skelton and her husband, William - were charged with murder by witchcraft while the fourth, Mary Mason, was indicted for the murder of her husband by poison.²⁸

The arraignment of a poisoner with the group of witchcraft suspects served a definite purpose if one assumes that the drink which Mason allegedly "poisoned" her spouse with was, in reality, a potion to cure him of an illness. If Southcote could deny Mason's conviction because it was not proven that a poisonous substance (e.g. ratsbane) was involved (both her arraignment before the others and her acquittal

suggest this), then the legal acumen of Monson would prove invaluable when the trials of the other three followed. Since murder by witchcraft and by poison were evidently two distinct offences, where did the difference lie? How was the crime of Catherine Pullen, whose medical treatment of a woman resulted in her instant death, to be separated from the alleged offence of Mason? Monson offered a simple elucidation. Although proof of an identifiable poison and "premeditated malice" were often vital to a conviction for poisoning, the presence of both elements in a prosecution of witchcraft must be assumed. Armed with the authority of John de Britton, the judge argued that, regardless of any good intent, those who die under the care of a person without formal medical training are to be considered "victims of murder".²⁹ What was needed was proof of amateur doctoring along with the demise of the recipient.

The subsequent murder convictions of Pullen and the Skeltons, and their executions at the gallows the next day, intimates the reluctance of Southcote to confront the trio and deny the protestant statute. In retaliation, and in an effort to reassert his seniority on the Essex bench, he defended another healer, Elizabeth Francis of Hatfield Peverel, who was fortunate not to have been arraigned with the others.³⁰ Francis had earlier been lured into a confession by Cole and Fortescue in 1566, and the death of her appointed guardian, Leonard Sandell in 1569, brought her within the reach of

Fortescue once more. At the previous assizes, Francis had been arraigned upon the following indictment:

"On [date illegible] March 1572 at Hatfield Peverel, having been previously convicted of a similar offence, Elizabeth Francis, wife of Christopher Francis of Hatfield Peverel, bewitched Mary, wife of William Cocks, miller, so that for ten days afterwards she was lame and despaired of her life.³¹

Southcote regarded the addition of the phrase "having been previously convicted of a similar offence" as an insult to his professional competence. He did not need to be reminded that Francis was now to be tried on a count of felony (a second conviction of human injury by witchcraft carried the death penalty). The catholic judge silenced such legal upstarts when he refused to allow her trial and ordered that a new indictment be framed "in which the recital will be clearer than this". This indictment (minus the objectionable phrase) is the same charge Francis faced when she rendezvoused with the saints at the next assizes. Upon conviction, Southcote sentenced the healer to the specific penalty of a year in prison rather than the customary "sentenced according to the statute", a ruling which the godly would have seized upon to have her hanged.

The presence of Robert Monson at Essex assizes encouraged further prosecutions of healers by expectant JPs. Like the Skeltons, the three women dispatched to the hangman for murder by witchcraft were subjects of a diligent official inquiry. The three - Alice Chaundeler of Maldon, Cecily Glasenbury of

Barking and Elizabeth Taylor of Thaxsted - were respectively convicted of five, three and two deaths.³² While Baron Rich conducted the case against the first suspect, the heightened prospects for successful prosecution brought Glasenbury and Taylor to the bar.³³ The individuals responsible for the arrest and process of these two healers were the protestant JPs, Clement Sisley esq of Eastbury Hall in Barking and Henry Medeley esq of Tilty Abbey.³⁴

Robert Monson's departure from the Home circuit after 1574 did not alleviate the pressure upon John Southcote to enforce the law against witchcraft. The execution of six healers for murder by witchcraft in fields outside of Chelmsford and Brentwood during 1573-74 had established a local precedent. The endorsement of the statute by the bench provided the impetus for the apprehension of healers, and the return of "one of the principal supporters of puritanism" in Suffolk, Thomas Gawdy (now JQB), to the Home circuit ensured a continuity.³⁵

The tenure of Southcote and Gawdy on the Essex bench (1575-82) saw the arraignment of 41 persons at assizes for the practice of witchcraft. Of this number, at least 31 (75%) were charged with murder. This suggests that the saints' demand to punish healers in accordance with the Mosaic code was being energetically followed by several JPs. The Darcys of northeastern Essex typify such enthusiasm. The family first embraced the protestant faith with the succession of the second lord John to the baronetcy of Chiche (St. Osyth).³⁶ As

joint lord lieutenant with Robert, lord Rich (his nephew), Darcy was able to secure the induction of two protestant relatives - Thomas and Brian Darcy esqs of Tolleshunt D'Arcy, into the commission of the peace. A coastal residence aided their candidature for office as the government was anxious to increase the surveillance of the eastern shores in order to hinder the efforts of Jesuit missionaries.³⁷ As JPs, both men appear to have been equally adept in the assembly of a criminal prosecution for witchcraft. Although Thomas Darcy conducted the cases against two Brightlingsea healers who were hanged for this offence in 1580 and 1581³⁸, the subsequent activity of his kinsman elicited much greater notice.

During the afternoon of 28 March 1582 a procession of carts, under the escort of the deputy and bailiffs of John Wentworth esq of Gosfield, arrived at the market square in Chelmsford. The precious cargo of this entourage consisted of some forty-odd shackled prisoners who were to be tried for various felonies. Amongst this group sat nine women whom Brian Darcy had arrested on charges of murder or injury by witchcraft.³⁹ The motivation for this crusade appears to have begun less than a year previous by a Maldon protestant, William Lowth.⁴⁰ The hospitality of the Darcys to Lowth had cushioned his relocation to Essex and, in requital, he presented his patrons with his translation of a Continental work by Bartholomew Batty.⁴¹ This book, entitled "A Christian Man's Closet", argues that, like the tribes of old Israel, the

"New Jerusalem" will be comprised of godly households. Each fortress of God will be preserved by its master whose prudent rule will be akin to that of a biblical patriarch. Batty then cautions the master to beware of a multitude of evils which can infect his godly household, one of these being that he "give no credit to conjurations, witchcraft, sorceries and such vain-like devices".⁴²

Brian Darcy decided he could win the favour of the new baron Chiche, Thomas Darcy, with a purge of the lord's seat - the village of St. Osyth. His interrogation of various domestic servants revealed that Grace Thurlow had suffered the loss of her son despite the herbal ministrations of Ursula Kempe.⁴³ The JP ordered her apprehension and on 19 February 1582 he bullied Kempe with threats that the gravity of her crime would bring an end for her at the stake.⁴⁴ The next day, he offered this somber and repentant woman merciful treatment in exchange for the names of other parishioners who engaged in healing. The frightened woman's acceptance of this deal soon netted the JP four other suspects: Alice Newman on 21 February, Elizabeth Bennett on the next day, and Agnes Glascock and Alice Hunt on 24 February.⁴⁵ While the first three launched counter-accusations against one another, Alice Hunt supplied information against two others (perhaps her enemies) whom she felt were responsible for her incarceration.

A cold judicial reception awaited Brian Darcy at the spring assizes. Judges Southcote and Gawdy may not have been

in agreement over the punishment of healers but they did realize their delicate position. To applaud the action of this JP would perhaps trigger a rash of similar "crusades" and compound their already strenuous workload at gaol delivery.⁴⁶ When sheriff John Wentworth delivered the gaol calendar to the judges at Westminster prior to the assizes, they were undoubtedly forewarned of Darcy's action.⁴⁷ As a lesson to others, Brian Darcy's name was struck from the Essex commission of the peace.⁴⁸ In addition, the judges also frustrated most of the glory the JP hoped to reap from this episode. Ursula Kempe was the only convicted felon sentenced to hang; another three women were remanded without judgment.⁴⁹ Darcy's reinstatement at the next assizes, however, suggests his ejection was disciplinary. But his crusade against evil was not without some later benefit. Darcy had attracted the government's eye with his protestant fervour and this brought him the shrievalty in 1586, an important post because of the Armada preparations.

The following two cases reveal that Southcote was not about to abandon his keen legal sense in witchcraft trials. In 1576, Thomas Gent esq of Steeple Bumpstead, a protestant lawyer, had successfully prosecuted Margery Spencer [hanged] of Halstead for murder by witchcraft.⁵⁰ Three years later, Gent investigated a complaint by Henry Kent of Foxearth against two Borley women, Margery Ganer and Joan Norfolke, for injury by witchcraft.⁵¹ Kent, whom Southcote recognized as a

troublemaker and had earlier indicted the man in queen's bench as a common barrator, was hardly one whose word could sway the minds of judge and jury.⁵² Both women were acquitted, and Kent and his son were called to quarter sessions a few months later to answer for an assault and battery upon Margery Ganer and her servant.⁵³

The second case involves Brian Darcy's prosecution of a woman for the murder of John Bird, a St. Osyth labourer, in 1582.⁵⁴ While Anne Swallow's remedy may have either failed to allieviate or aggravated his pain, a coroner's jury had earlier held his death to be suicide and not murder:

"The jurors say that on 15 February 1582 between 4 and 5 p.m., the said John Bird being sick left his bed in Rond's house and threw himself into a pond near the said house where he was drowned.⁵⁵

Swallow was acquitted of any fault.

The retirement of Southcote from circuit duty and his replacement in 1583 by serjeant-at-law Francis Gawdy left Thomas Gawdy with undisputed control of the Home circuit bench. The dominance of this judge saw witchcraft prosecutions at Essex assizes escalate to a peak in 1584 (a total of 15 persons prosecuted with 6 convictions for felony and 3 for trespass⁵⁶). After this date, the appearance of Reginald Scot's "The Discovery of Witchcraft" deterred Thomas Gawdy and a number of Essex JPs from the godly work of punishing healers. A wide impact of its message (witch = poisoner) is suggested by the arraignment of only four

witchcraft suspects before Gawdy at the assizes during 1585-86 and the yield of a single conviction for trespass.⁵⁷

The rebirth of the execution of healers at Essex assizes depended upon the promotion of a friend of Lord Rich, Robert Clarke esq, to the bench of the exchequer on 22 June 1587.⁵⁸ Clarke was a member of the Essex commission of the peace from the year of Brian Darcy's infamy (a session at which he was present).⁵⁹ His affinity to the third lord Rich resulted from their common affection for the gospel.⁶⁰ In 1586, Clarke had negotiated the purchase of the manor of Newark in Goodeaster from the lord, and he either retained or named the godly preacher, Geoffrey Josselin, to the vicarage.⁶¹ Together, Rich and Clarke were able to persuade a conservative Thomas Gawdy to regain his former vigour and sentence a long-time enemy of the saints, John Salmon alias Smythe of Danbury (the common wizard earlier mentioned), to death in 1587.⁶²

The following year saw Gawdy and Clarke order the execution of two women on the outskirts of Braintree for murder by witchcraft.⁶³ The two felons, Catherine Harris and Agnes Smythe of Sible Hedingham, were the initial victims of an intelligence network created by the circulation of George Gifford's "A Discourse of the Subtle Practices of Devils by Witches and Sorcerors". Nowhere in the county did this information system work more effectively than in the southern portion of the hundredal boundary of Hinckford. This region was the residence for a number of protestant preachers in the

early 1580s who conveyed the message of the Word to the surrounding parishes. These godly men formed the bulk of a classis which met at Braintree under the direction of Gifford himself: Richard Rogers of Wethersfield, Ezekial Culverwell of Felsted, Giles Whiting of Panfield and Roger Carr of Rayne.⁶⁴ Rogers had displayed his zeal to spread the Word when, on the sabbath, he journeyed with his followers across the hundred to deliver a sermon from the market cross at Halstead.⁶⁵

The Braintree classis, however, had been disbanded by 1590 with the sequestration of the saints by Bishop Aylmer at the behest of Archbishop Whitgift. Despite this loss of spiritual sustenance (which occurred throughout Essex), the brethern remained faithful. When George Gifford, who was beneficed a distance away at Maldon, advocated the capital punishment of healers, he found a receptive audience in many godly parishioners. It was evidently the information provided by these people to sympathetic JPs which accounts for the successful prosecution of healers within the hundred of Hinckford [see Appendix IV] and elsewhere from 1588-1603.⁶⁶

Several of the JPs who arrested these healers, and gathered the evidence for their conviction, were adamant supporters of the saints. Richard Franck esq of Maldon, who committed Agnes Hales [gaoled in 1592] of Stebbing and Audrey Matthew [hanged in 1594] of Great Dunmow, was the patron of George Gifford at Maldon.⁶⁷ Francis Barrington esq of Hatfield

Broadoak, who along with Franck headed the petition of the hundreds of Dunmow et al in favour of suspended protestant clerics, prosecuted Alice Alberte [gaoled in 1592] of Felsted.⁶⁸ Finally, the influence of Robert Wroth esq of Loughton, who committed Joan [hanged in 1590] and Agnes [died before trial, same date] Mose of his parish, restored Richard Rogers to the living at Wethersfield.⁶⁹ Wroth was also one of the central figures behind the harsher Stuart witchcraft law [see Introduction].

The remaining JPs who pursued healers during this period comprise a varied group. Some were perhaps as fervent as the saints listed above, but they are not known to have supported the classical movement. Israel Amyce esq of Sible Hedingham, land agent and surveyor for Burghley, honoured his christian name with the prosecutions of Catherine Harris and Agnes Smythe [both hanged in 1588], and Elizabeth Easterford [gaoled in 1593] of his parish.⁷⁰ In 1594, Edward Grimston esq of Bradfield, a chancery official and a merciless hunter of catholics, was responsible for the presence at the bar of Anne Harrison [guilty of murder, remanded without sentence], and Bridget [gaoled] and Elizabeth [acquitted] Hale, all of Thorpe Le Soken.⁷¹ Another individual who perhaps qualified as a godly JP was Christopher Chibborne esq of Messing. Chibborne's godly demeanor is suggested by his prosecution of Joan Gibson [acquitted in 1587] of Messing. He charged that she had "bewitched" (used an incantation to ruin or repair?)

a windmill at Inworth which belonged to George Clarke. The nature of this prosecution may explain his ejection from the Essex commission of the peace.⁷²

The motivation behind additional prosecutions was a desire for patronage. The willingness to prosecute cases of witchcraft on a sporadic level was one way to demonstrate a fidelity to the protestant realm. At quarter sessions, Thomas Mildmay kt, custos rotulorum, continued to submit healers to the assizes such as Jane Wallys [hanged in 1592] of Stebbing.⁷³ In addition, Edmund Huddleston kt of Pattiswick perhaps hoped to continue to ease the pressure which emanated from quarter sessions upon his recusant wife, Dorothy, with the prosecution of Joan [hanged in 1594] and Elizabeth [gaoled, same date] Garrett of Gosfield.⁷⁴

Robert Clarke formed the last link in this godly chain. By 1589, the baron of the exchequer obtained complete control of the Home circuit bench with the replacement of Thomas Gawdy by a succession of serjeants-at-law.⁷⁵ During the next six-and-a-half years, Clarke's rule of the Essex bench was challenged only once. On 11 July 1592 at Chelmsford, Thomas Walmsley, JCP, witnessed the godly proceedings (two women hanged and two gaoled for witchcraft) and in disgust, this catholic judge did not return to serve with Clarke on the Home circuit the following year.⁷⁶ The readiness of Clarke to allow the conviction of healers and pass judgment upon them earned the judge the praise of George Gifford. Gifford dedicated his

second work on witchcraft, "A Dialogue Concerning Witchcraft", to Clarke and expressed his pleasure over "the wise and godly course used upon the seat of Justice when such [healers] have been arraigned".⁷⁷ These words were hardly those of flattery. During Clarke's eight year span as a judge at Essex assizes from 1587(Summer) to 1595(Lent), 51 persons faced trial for witchcraft and, of this total, 32 (63%) were convicted. Nineteen (59%) of those found guilty resided within the southern half of the hundred of Hinckford.

The jubilation, however, was soon to end. Robert Clarke was unexpectedly transferred from his roost at Essex assizes by the Cecils in the summer of 1595. The godly were now distressed to find a bench staffed by Francis Gawdy, JQB, and Thomas Owen, JCP, both moderate protestants.⁷⁸ Clarke's fate and the awe presented by two such puisne judges discouraged the local prosecution of healers. Extant files from five of seven assizes during the tenure of the new duo reveal a mere five persons prosecuted for witchcraft. This total comprises Rose Moore [acquitted of felony] of Coggeshall, Margaret Childe [gaoled] of Great Horkesley, Agnes Smythe [acquitted of felony] of Stebbing [in Hinckford], Joan Fisher [hanged] of Halstead [in Hinckford] and Alice Warren [gaoled] of Brentwood.⁷⁹ While the saints bided their time in the hope of better days, the attitude of Gawdy's next partner from 1599-1600, George Kingsmill, JCP, a west country man of protestant stamp, presaged further sorrow.⁸⁰ Kingsmill's

support of Gawdy is apparent from the acquittal of all seven witchcraft suspects (four on felony counts) in the assize rolls of the Home counties.

The loss of puisne support rendered Francis Gawdy open to influence. The appearance of a new associate to join Gawdy, serjeant-at-law William Daniel, caused a stir amongst the saints. When the assizes commenced at Chelmsford on 23 July 1602, Lord Rich pretended surprise at the sight of an old friend of the godly, Robert Clarke.⁸¹ The attendance of Clarke in an unofficial capacity and the proposed trial of six healers for murder by witchcraft were certainly not unconnected events. Nor was the subsequent conviction and hanging of five of these suspects.⁸² Although Francis Gawdy was to suffer another bout of Clarke's expertise on witchcraft⁸³, similar allies, judicial or otherwise, in the assault upon healers were rapidly becoming a rare breed.

The weaning of local power from the hands of the godly in Essex can be seen as early as 1587 when Burghley had retracted his grant of the lieutenancy of the county from Robert Dudley, the earl of Leicester, the powerful ally of the saints and close friend of Robert, the third lord Rich. Burghley's son, Robert Cecil, the earl of Salisbury, followed the same course in 1603 when he returned the office not to Rich, but to a conservative in religion, Robert Radcliffe, the fifth earl of Sussex.⁸⁴ Another voice of the saints at the assizes, that of Francis Barrington kt who was regarded by the brethern as a

"second Nehemiah", was silenced in 1608 upon his removal from the Essex commission of the peace.⁸⁵ The forces of nature dealt a further blow to the godly faction with the deaths of Robert Wroth in 1606 and Robert Clarke in 1607.

The reappointment of catholics to important county offices accompanied the government effort to quell the influence of the godly. With the death in 1608 of Thomas Mildmay kt, custos rotulorum, Salisbury named first, his conservative secretary, Henry Maynard kt of Little Easton, and then, in 1610, the catholic earl of Suffolk, Thomas Audley, to the office.⁸⁶ For Suffolk, however, the office was honourary and he delegated the chair at quarter sessions to an associate, William Petre, the second baron Writtle.⁸⁷

The appearance of Lord Petre on the county bench emphasized the return of this catholic family to local prominence after a hiatus of nearly three decades. His father, John, had demonstrated his loyalty by becoming a fixture at quarter sessions, although he must have maintained a discreet silence in godly matters.⁸⁸ The Petres' co-operative nature, however, ceased when they returned to govern their family estates nestled around the principal manors of Ingatestone and West Horndon. Between 1564 and 1625, this catholic family prosecuted only two persons for witchcraft [both acquitted] within the region of Barnstable hundred and the southwest of Chelmsford hundred [see Appendix v].⁸⁹

The attrition of protestant zeal at quarter sessions and assizes by 1608 did not eradicate the prosecution and conviction of Essex healers. A number of other saints continued the battle, such as Robert Wroth esq of Loughton, son of the force behind the Jacobean witchcraft act [see Introduction]. Some moderates, like the Waldegraves and Wisemans, joined in the fray convinced that the ultimate source of benefits, James I, heartily endorsed such action.⁹⁰ Six of the twenty persons who were tried in Essex under the new witchcraft statute during 1608-1616 were convicted. The four persons hanged out of this group were all judged by men whose protestant background suggests a probable sympathy to the punishment of witchcraft. For example, John Croke kt, JKB, did not disappoint the godly faction when he used his seniority of tenure (a la Clarke) over the catholic, Thomas Walmesley, JCP, to sentence to death Alice Bust in 1609 and Katherine Lawrett a year later.⁹¹ In addition, Humphrey Winch kt, JCP (the judge at Leicester in 1616), sent Richard Jonn, a labourer, to the gallows for "consulting, entertaining, employing and feeding evil spirits" in 1612.⁹² Finally, Henry Hobart kt, CJCP, a native of East Anglia, ordered the execution of Susan Barker of Upminster in the summer of 1616.⁹³

The adverse reaction of James I to the Leicester hangings urged a caution upon all men in matters of witchcraft. No better reminder of the king's "volte face" was there than the

presence of one of the targets of royal sanction, serjeant-at-law Ranulph Crewe, on the Home circuit bench from the summer of 1617 until 1625. The lesson of Crewe, perhaps an innocent victim of Winch's rule, led his puisne associates, Robert Houghton, JKB, and Thomas Chamberlain, JCP, to handle witchcraft cases with care. The result was a single conviction for this offence, Mary Holt of Great Leighs, upon which the bench ruled that she be remanded in gaol indefinitely.⁹⁴ In addition, Essex JPs were likewise affected by James I's displeasure and, in the records of nine assizes between 1617 and 1622, only four witchcraft trials were found.

Godly warfare, for the time being, was at a standstill in Essex. The casualties on the enemy side, however, were few in number when contrasted with Gifford's estimate that "there were two such persons [healers] in every English village".⁹⁵ The primary barrier which prevented a purge of the county, as shown in the example of the Petres, was the refusal of many moderates and catholics to co-operate with the godly. An additional example will emphasize this point.

In 1578, the bench at quarter sessions ordered Henry Archer esq of Theydon Garnon to investigate a charge of witchcraft against Jane Buxton of West Ham. Though the JP bound five persons to give evidence against the woman for killing 14 pigs at Stratford, this was the sole offence prosecuted.⁹⁶ The JP's mild investigative technique was probably also responsible for the acquittals of other

Stratford residents including Benedict Buxton in 1581 (a relation of Jane?) and Margaret Rogers in 1579 and 1581.⁹⁷ Archer, not surprisingly, was both a lawyer and an adherent to the catholic faith.⁹⁸

In stark contrast to the actions of Archer was the diligent inquiry of Henry Grey kt of Pirgo. On 31 April 1576 at the high constables' petty sessions for the hundred of Chafford, a jury presented that "one Nicholas Baker's wife...is vehemently suspected to use witchcraft".⁹⁹ When this suspicion was submitted to the next meeting of quarter sessions, Thomas Mildmay kt instructed Grey to look into the charge. Grey, the son of the protestant lord, John Grey of Pirgo, (a man whom Calvin urged to "carry on the warfare of the cross to the end"), obtained solid evidence of two murders and various injuries caused by Joan Baker [hanged] of Brentwood, and an accomplice, Elizabeth Aylett [gaoled].¹⁰⁰ As a protestant, Grey had learned from the lead set by Lord Rich, and he continued to prosecute healers even though he became a government stalwart against the saintly faction.

A lack of unity among the saints was another factor which kept witchcraft mania at bay in this county. The absence of witchcraft prosecutions within the region occupied by members of the classis at Dedham [see Appendix IV] was due to their rejection of Gifford's arguments. This may be explained by the moderation of its leader, Edmund Chapman. He had expressed alarm of the radical stance of some of his comrades at a national synod in London in early 1587.¹⁰¹ A few months

later, Edmund Salmon of Ewerton in Suffolk queried the brethern as to "how he might know a witch?". The record of the secretary, Richard Parker, recites the confused response of the members and their refusal to consider the healer as the prime culprit:

"...[the brethern answered that] there must be some usual experience of evil effects to ensue of their [i.e. the witch's] displeasure and some presumption of the death of man or beast: some said she might be found out by search in her body, some thought that to be fancy in the people easily conceiving such a thing and to be reproved in them."¹⁰²

The discussion ended with the conservative decision that "it was thought fittest to give it over to some justice to examine it [i.e. leave the matter to the secular arm]".

A general reluctance to endorse Gifford's thesis also appears to have been characteristic amongst the godly preachers of the Braintree classis. Before the publication of Gifford's treatise in 1587, this area was scarce of witchcraft prosecutions. The example of John Hull, a tailor of Stebbing and one of the Hinckford faithful, presents an interesting case. In 1583, Hull was bound to testify in a case against Margaret Hodgen [acquitted] of Stebbing for the murder of his wife by witchcraft.¹⁰³ At the same assizes, he was also to stand trial for the offence of sedition because he had uttered the following laments: "the preachers' licenses are taken away [by Bishop Alymer], the more pity it is, and that there were two hanged of late who suffered wrongly."¹⁰⁴ Hull certainly grieved over the deprivation of the saints who

nourished his spiritual appetite with their sermons. One wonders, however, whether he condoned Hogden's ministrations to his ailing spouse, and if he did, were those he spoke of as being "unjustly hanged" healers executed for murder by witchcraft?

The reluctance of saintly preachers like Chapman and the Braintree members to co-operate with the secular arm is perhaps explained best by the message contained in this biblical parable:

"The Kingdom of Heaven is likened unto a man which sowed good seed in his field. But while men slept, his enemy came and sowed tares among the wheat, and went his way. But when the blade was sprung up, and brought forth fruit, then appeared the tares also. So the servants of the householder came and said unto him, Sir, didst not thou sow good seed in thy field? From whence then hath it tares? He said unto them, An enemy hath done this. The servants said unto him, Wilt thou then that we go and gather them up? But he said, Nay, lest while ye gather up the tares, ye root up also the wheat with them. Let both grow together until the harvest [i.e. the Second Coming]... (Matthew 13.24-30).

"The enemy that sowed them (the tares) is the devil; and the harvest is [at] the end of the world; and the reapers are the angels" (Matthew 13.39)

For Gifford and Perkins, however, a certain tare, the healer, was choking out rather than growing alongside the wheat, and thus demanded the intervention of mortals. When this argument was combined with the authority of the Mosaic code, the godly could justify the assault upon this menace as an example of "good works".

The final area of disagreement among the saints, as evident in the above meeting of the Dedham classis, was the

actual identity of the witch. Arthur Dent, vicar of South Shoebury, considered witches to be those who sought out Satan in an effort to effect harm upon their enemies or for other worldly purposes:

"...we condemn those that use witchery by the counsel of Satan and...the very action of consulting with Satan, though no harm come thereby, is flatly death to the party. I would this law were established in all christian churches, then there would not be so many witches in that kind, as now there are. I confess indeed, there be some which be counted witches, which indeed are not, as namely those which hurt cattle...or else children, not from the counsel of Satan but by the traditions of other women, by poisoning them, in using the natural causes thereof. These I would have punished, yet not in the name of witches but in the name of murderers."¹⁰⁵

Dent possessed a much more narrow definition of a witch than did his patron, Robert, lord Rich. He saw the actual contract as the key - a mortal actually calling upon the aid of the Prince of Darkness for whatever reason. Rich, on the other hand, looked upon a secret contract instead - the healer unknowingly signing a pact with Satan to cure others.

Lord Rich and his godly associates perceived their role as watchmen over a small part of what would eventually be a "New Jerusalem" - a land free of any trace of catholic worship. This view placed the magic of the healer, which had existed peacefully among mortals for generations, in a different light. As officials under an oath to honour God and country, the duty of the protestant guardian was to rescue the souls of those under his governance by the arraignment of this "papist lure" to face the justice of the Mosaic code.

Yet the saints' success can only be described as moderate

due to their inability to persuade many of their religiously conservative or catholic colleagues, the general populace and even men of their own stamp to accept the argument advanced by Gifford and Perkins. Tradition held and as a result, prosecutions for murder by witchcraft became sporadic and were confined to specific geographical areas within the county. Lord Rich and the saints could capitalize upon the general anxiety over the catholic threat before the defeat of the Armada to assist their cause against this "catholic" foe. Their successors, however, found it difficult to continue the battle when forced to operate under a government eager to suppress religious extremism. Chapter three will examine the incidence of witchcraft prosecutions in the remaining counties of the Home district and will suggest reasons why this form of godly warfare met with far less favour among county administrators.

Notes to Chapter Two

- ¹ ERO, Q/SR 148/147. This recognizance is erroneously filed under Jan 1600. The JP who took this bond was Anthony Maxey of Bradwell near Coggeshall, a god-fearing protestant, Frederick Emmison, Wills of Essex Gentry and Merchants (Chelmsford: Essex County Council, 1978), pp. 103-104.
- ² This meeting is speculative and is used primarily for dramatic effect.
- ³ Rodney Fisher, "The Inns of Court and the Reformation" (Cambridge: Claire College Ph.D. dissertation, 1974), p. 195.
- ⁴ Edward Foss, The Judges of England, 1485-1603, vol. V (New York: Ams Press, 1966), pp. 405-415. The status of each office is reflected by its salary. A table of 1598 reveals that puisnes of the two courts received £128 6s 8d for their fee, reward and robes, the attorney general £61 and serjeants-at-law £26 6s 8d. All received an additional £20 as judges of assize.
- ⁵ DNB, Cordell, Mordaunt, Parker (lord Morley), Petre and Rich. Extant rosters between 1563-70 reveal the attendance at Essex assizes of Mordaunt three times, Rich twice and Parker and Petre once. Cordell's only known presence was during 1573.
- ⁶ Michael O'Dwyer, "Catholic Recusants in Essex, 1580-1600" (London: University College M.A. thesis, 1960), p. 125.
- ⁷ DNB, Cole.
- ⁸ Jay Anglin, "The Court of the Archdeacon of Essex: An Institutional and Social Study" (Los Angeles: UCLA Ph.D. dissertation, 1965), p. 31.
- ⁹ ERO, D/AEA 2, f. 61 (depositions and examinations are at the end of this volume). The following reconstruction is based upon this source. The evidence of Lewis' herbal expertise comes from her admission that "she hath a garden and in it herbs", and a deponent's statement that "Elizabeth never taught her children any of her art or cunning" (transcript in MacFarlane, pp. 307-309).
- ¹⁰ EMHC, Fortescue. This JPs patron was the godly Ambrose Cave kt.

- 11 CAR Essex Eliz. I, 172 [hereafter cited as CAR unless otherwise noted].
- 12 Fisher, p. 273.
- 13 Frederick Emmison, Elizabethan Life: Disorder (Chelmsford: Essex County Council, 1970), p. 11.
- 14 Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800 (New York: Harper and Row, 1977) pp. 55-65; Foss, V, p. 542.
- 15 CAR, 211.
- 16 ERO Q/SR 13/15. An entry in the parish register of Chelmsford (T/R 5/1) for 2 April 1565 (the last day of assizes) reads: "Here were hanged five prisoners, viz. two men and three women, the same day. This is an exact match with CAR, 198,204,211.
- 17 CAR, 263,264,273,274. Fortescue held land in this village (EMHC, Fortescue), and Hatfield Peverel was the site of a puritan conventicle led by Thomas Carew in 1584 (Collinson, p. 340).
- 18 CAR, 273,274. The chapbook tale of these witches states that Elizabeth Francis (who confessed to trespass) was examined by "Dr. Cole and master Foscue" (Philip, p. 24). Agnes Waterhouse may have confessed in an effort to save her daughter, Joan.
- 19 It was rare for any person, and far rarer for females, who confessed to felony to escape sentence.
- 20 CAR, 263, 264. Southcote was joined on the bench by the catholic lords, Rich and Mordaunt (CAR, 249).
- 21 Joan Osborne of Hatfield Peverel was acquitted of murder by witchcraft at the Lent assizes in 1567 (CAR, 295).
- 22 No witchcraft prosecutions occurred at Hatfield Peverel during Sandell's tenure in the commission of the peace. The will of Leonard Sandell (JP Essex 1568-1570) reveals his catholic affiliation: Emmison, Wills, pp. 123-24. Sandell's secondary, John Ivie and his clerk, Thomas Ivie, were later catholic recusants (O'Dwyer, p. 34). This JP also was the cousin of the catholic recusants, John Tyrell of Little Warley in Essex (O'Dwyer, p. 29) and William Dawtreay of Petworth in Sussex (Manning, p. 135).
- 23 DNB, Rich.
- 24 CAR, 580.

- 25 EMHC, Cooke, Monson.
- 26 Mildmay's loyalty brought him an appointment to the quorum in 1574 and the office of *custos rotulorum* after the death of Anthony Cooke in 1576. (EMHC, Mildmay).
- 27 Mason and the Skeltons resided in the parish of Wakering in the hundred of Rochford where the Rich family owned numerous surrounding manors (Emmison, Wills, p. 11). Pullen lived at Tollesbury, an eastern village under the control of the Darcy family (Emmison, p. 78).
- 28 CAR, 617-620. Margery Skelton had been examined before archdeacon Cole in 1566 for witchcraft. The woman admitted to curing the illnesses of six of her neighbours with her prayers. In addition, "she placed nut tree leaves and sage leaves" under the head of a boy (as a charm about his neck?) in an effort to cure him. One of those she claimed to have healed, "Pyckett's wife", was perhaps the mother of a girl, Phyllis Pyckett, whom Skelton was charged with murdering at the assizes in 1573 (ERO D/AEA 3, f. 95). Cole and Fortescue could not proceed further with Skelton because they required the co-operation of the catholic, Richard, the first lord Rich, who was the territorial overlord of the woman's parish.
- 29 Lambard, *Eirenarcha* (London, 1599). Lambard cites Britton, "On the Laws of England" (fol. 14), who states that "if one which is not a physician or surgeon will take upon him to cure a sick or wounded man which dieth under his hand, it is felony".
- 30 CAR, 622. Henry Fortescue, who attended this assizes, was probably responsible for her arrest. His ally, Thomas Cole, had died a few years earlier.
- 31 CAR, 586.
- 32 CAR, 669, 724-725.
- 33 The inference that Lord Rich committed Chaundeler of Maldon is drawn from Rich's later committal of another Maldon woman for murder by witchcraft, Ellen Smythe [hanged] in 1579 (PRO, Assi 35/21/4, m. 66).
- 34 Sisley of Barking committed Glasenbury of the same town, while Medeley instigated the prosecution of other Dunmow healers such as Joan Prestmary [acquitted in 1578] of Great Dunmow (PRO, Assi 35/20/5 m. 53). The wills of both JPs reveal their protestant connections: Emmison, Wills, pp. 107-108 for Medeley and pp. 131-132 for Sisley.

- 35 Cockburn, p. 197.
- 36 James Oxley, The Reformation in Essex (Manchester: University Press, 1965), p. 265.
- 37 O'Dwyer, p. 27.
- 38 CAR 1184, 1267. Darcy owned the nearby manors of Fingringhoe and West Mersea.
- 39 CAR, 1288, 1300-1304, 1312, 1316, 1325. Cecily Sellis of Little Clacton is not listed as a gaol prisoner and thus may have been bailed.
- 40 Lowth's previous residence or occupation is unknown. His connections with the coastal town and the Continent suggest he may have been a merchant. Lowth certainly knew the Maldon preacher, George Gifford, and may have influenced his hatred of healers. In 1599, Lowth's name appears as a witness to a will of John Martin gent of Maldon. This man left bequests of £10 to Gifford, and £5 each to the godly preachers, Ralph Hawden and Thomas Carew (Emmison, Wills, p. 229).
- 41 Bartholemew Batty, The Christian Man's Closet (trans. W. Lowth), (London, 1581), preface.
- 42 Batty, p. 45r.
- 43 W.W., pp. 107-108.
- 44 According to the chapbook, Brian Darcy examined Ursula Kempe on three occasions. There can be little doubt that his treatment of this suspect was much different than his interrogation of Elizabeth Bennett, whom he urged "as thou wilt have favour, confess the truth...they which do confess the truth of their doings, they shall have much favour; but the other, they shall be hanged and burned" (pp. 121-122). Elizabeth Bennett confessed to murder at the assizes and was hanged (CAR, 1316).
- 45 The respective dates appear in the chapbook.
- 46 Cockburn, p. 51. The overcrowded gaols and busy schedule of the Home circuit made it one of the most unpopular routes amongst the judiciary.
- 47 The gaol calendar handed to the judges at Westminster is a unique document. Although it was common for calendars to be divided into sections such as remanded, felons, women, and rogues, this calendar has a new heading, "witches" under which is a list of ten suspects. Southcote would

only have to glance at the calendar to notice this novelty.

- 48 CAR, 1284. Brian Darcy's name does not appear in the commission of the peace for this assizes.
- 49 See note 38. The martyrdom of a priest of the Petre family, John Payne of Ingatestone, at this assizes stirred up anti-catholic feeling at this assizes and contributed to the convictions of these women.
- 50 PRO Assi 35/18/8 m. 38; CAR, 866.
- 51 CAR, 1092,1093.
- 52 ERO, Q/SR 32/9-13,36-38, 51/43, 68/3; QB (Ancient) 9/638, m. 108.
- 53 ERO, Q/SR 72/41.
- 54 CAR, 1341.
- 55 QB (Ancient) 9/652 (2), m. 363.
- 56 Trespass was a general term applied to indicate a non-capital criminal offence. It refers in this thesis to the injury of humans or destruction of livestock by witchcraft.
- 57 CAR, 1511,1512,1582,1620.
- 58 EMHC, Clarke. In 1579, the patent of assize given to a baron of the exchequer declared that "he shall be reputed and be of the same order, rank, estimation, dignity, and preeminence to all intents and purposes as any puisne judge of either of the two other courts" (Foss, pp. 409-410).
- 59 CAR, 1284.
- 60 Gifford, Dialogue, p. A3r. Gifford praised Clarke as "one zealously affected to the gospel". Clarke's frequent presence at assizes and quarter sessions can be seen in CAR, 1373,1416,1447,1454 etc.
- 61 Jay Anglin, "The Essex Puritan Movement and the Bawdy Courts" in Tudor Men and Institutions ed. H.Slavin (Baton Rouge: Louisiana State University Press, 1972), p. 177. Before securing the sanctity of Goodeaster, Josselin had suffered deprivation at the hands of Bishop Aylmer from his living at Shellow Bowels in Essex.

- 62 John Salmon (alias Smythe) was an Essex wizard. In 1572, he was committed along with his wife Joan because they "practiced witchcrafts, enchantments, charms and sorcery". (PRO, Assi 35/14/4 m. 5) He fell under the protective wing of Southcote and a cautious Thomas Gawdy in 1587 until Robert Clarke appeared as an assize judge for Essex. Salmon was acquitted of witchcraft in 1561, 1571, and 1587. In addition, Southcote also granted him the benefit of clergy after he was found guilty of grand larceny in 1570 (CAR, 423,1753,1792,2794,2801).
- 63 CAR, 1908.
- 64 Roland Usher, The Presbyterian Movement in the Reign of Queen Elizabeth as illustrated in the Minute Book of the Dedham Classis, 1582,89 (London: Royal Historical Society, 1905), p. 98.
- 65 Collinson, p. 373.
- 66 Since the hundreds of Hinckford and Dunmow fell under the jurisdiction of the archdeacon of Middlesex and no records are extant for this region, it is impossible to trace those who were prosecuted in the ecclesiastical records.
- 67 EMHC, Franck; PRO, Assi 35/34/1 m. 7, 35/36/2 m. 60; CAR, 2283,2568.
- 68 EMHC, Barrington; PRO Assi 35/35/1, m. 66; CAR, 2408; A. Peel (ed.), The Second Part of a Register (London, 1915), p. 156-57.
- 69 EMHC, Wroth; PRO Assi 35/32/1 m. 8; CAR, 2074.
- 70 EMHC, Amyce; PRO Assi 35/30/2 m. 6, 35/35/2 m. 5; CAR, 1908,2454.
- 71 EMHC, Grimston; PRO Assi 35/36/1 m. 77, 35/36/2 m. 60; CAR, 2529,2573.
- 72 PRO Assi 35/43/2 m. 115; CAR, 1795. Chibborne was ejected along with the radical protestant, John Butler esq of Mountessing. The petition for their restoration by Lord Rich was only successful in the case of Chibborne (Lansdowne MS, 53/84).
- 73 PRO Assi 35/34/2 m. 7; CAR, 2339.
- 74 O'Dwyer, pp. 34,103; PRO Assi 35/36/1 m. 77, CAR, 2511. Dorothy Huddleston's name is struck out in recusant rolls at quarter sessions in the early 1590s.
- 75 John Puckering, Thomas Owen and Edmund Drewe.

- 76 EMHC, Walmesley; CAR, 2339,2348,2349,2358.
- 77 Gifford, pp. A3r-A4.
- 78 EMHC, Owen and Gawdy.
- 79 CAR, 2646,2668,2709,2794,2861. A hostile Robert, lord Rich who sat beside Gawdy explains the conviction and execution of Fisher and the gaoling of Warren (CAR, 2801). The shock occasioned by the acquittal of the Hinckford healer, Agnes Smythe, in 1596 may account for Fisher not being tried during Lent of 1597 and the process of her case when Rich attended the next assizes.
- 80 EMHC, Kingsmill.
- 81 CAR, 3101.
- 82 CAR, 3134,3148,3157,3159-60. Christopher Chibborne committed two of these suspects (PRO Assi 35/43/2 m. 115).
- 83 CAR Essex James I, 3,25,34.
- 84 DNB, Radcliffe.
- 85 J. Gleason, The Justices of the Peace in England, 1558-1640 (Oxford: Clarendon Press, 1969), p. 73.
- 86 B. Quintrell, "The Government of the County of Essex, 1603-42" (London Univ. Ph.D. dissertation, 1965), pp. 17,20.
- 87 Quintrell, pp. 39-40,67.
- 88 DNB, Petre.
- 89 CAR, 899,1110. The suspects were Agnes Sawen of Stock and John Simon of Shenfield (Barstable). The Petre family members for this period were: William - JP until 1572, his son John - JP from 1573 to 1612 and his grandson William - JP from 1616 to 1622.
- 90 O'Dwyer, pp. 26,32. The Wisemans and Waldegraves were catholic families who claimed a number of recusants in the Elizabethan era. Some moderates who conformed to the protestant faith, like Thomas Waldegrave, Edward Waldegrave and Ralph Wiseman, evidently were enlisted into the Essex commission of the peace in the high Elizabethan era. For committals of witchcraft suspects by these men see PRO Assi 35/42/2 m. 139 and 35/43/2 m. 115,116.
- 91 DNB, Croke; CAR, 412,496.

- 92 CAR, 742. Although convicted of bewitching a horse to death, Richard Jonn of North Ockenden was hanged for employing, rewarding and feeding several evil spirits called "Jockey", "Jacke" and "Will" with the intention of destroying the livestock of their neighbours. Winch's partner was serjeant-at-law John Dodderidge.
- 93 DNB, Hobart; CAR, 1089.
- 94 CAR, 1293.
- 95 Gifford, p. A4r.
- 96 CAR, 1007.
- 97 CAR, 1056,1265,1268.
- 98 Fisher, p. 319.
- 99 ERO, Q/SR 57/27.
- 100 DNB, John Grey; EMHC, Henry Grey; PRO Assi 35/18/8 m. 38; CAR, 879.
- 101 William Hunt, The Puritan Movement: The Coming of Revolution in an English county (Cambridge, Mass.: Harvard University Press, 1983), p. 97.
- 102 Usher, p. 70.
- 103 CAR, 1404.
- 104 CAR, 1383.
- 105 Arthur Dent, Christ's Miracles (London, 1608), pp. D1r-D2.

CHAPTER THREE

The Home Counties

"Albeit your doings may seem to proceed of zeal in you, yet I could have wished that it had been joined with some better consideration". (Lord Buckhurst to certain deputy lieutenants of Sussex regarding their proposal to arrest Anthony Kempe gent of Slindon for recusancy).¹

Essex was not the only county in the Home district with a fairly high prosecution rate of witchcraft. When one compares the number of persons indicted for murder and injury by witchcraft during 1564-1625 with the populations of the various Home counties, a more accurate measurement of prosecution is obtained. Estimates of the population of the Home counties based on muster returns place Kent at 90,000, Essex at 74,000, Surrey at 55,000, Sussex at 52,000 and Hertfordshire at 21,000 in the year 1577.² Given these totals, the indictment rate for witchcraft at assizes in the Home counties per 10,000 inhabitants is as follows: Essex - 24.1, Kent - 3.0, Surrey - 5.3, Sussex - 2.7, and Hertfordshire - 18.6. According to these figures, late Elizabethan and Jacobean Hertfordshire had a higher prosecution rate than the data in Appendix II suggests. The remaining regions are confirmed to be very low areas of prosecution. But why should Kent and Sussex, areas which were early hotbeds of puritanism, compare so unfavourably with Essex?

The previous chapter has shown that the example provided by a active magnate, Robert, the second lord Rich, indoctrinated many protestant JPs in Essex to follow suit in the prosecution of healers for murder and injury by witchcraft. In Kent, Surrey and Sussex, however, the godly possessed no such champion or guidance. As a result, Southcote's merciful treatment of such offenders held sway, an action which schooled the gentry about the dubious nature of such prosecutions. The county of Kent will be used to illustrate the fate of this form of godly warfare apart from a sympathetic patron.

The most likely candidate to back the demands of the saints to punish the healer in Kent was a man who, as a young radical, had fought in the front line of Wyatt's ill-fated rebellion against Mary Tudor. This was William Brooke, lord Cobham.³ As lord lieutenant of the shire and lord Warden of the Cinque Ports from 1559-1597, Cobham dominated the area around the county seat of Maidstone. From Cobham Hall in western Kent, the lord's influence extended across the shire to the eastern towns of the Cinque Ports. Cobham, however, proved to be a disappointment to the godly. An unexpected pardon which released him from the Tower of London taught a precious lesson. Religious zealotry had nearly cost him his life, and never again would he be caught in such difficulty. At the accession of Elizabeth I, Cobham did not revert back

to his old ways, and the retention of a Marian priest, Peter Hendley, as his private chaplain, reveals the lord's effort to hedge his bets in matters of faith.⁴ Any chance of reclaiming Cobham was further negated by his personal feud with the chief patron of the godly, the Earl of Leicester. The animosity between the two must have doubled after Leicester used his influence on the privy council to have Cobham committed as a conspirator in the plot of Ridolphi.⁵ The lord's imprisonment in the Tower was temporary; he was exonerated on the grounds of insufficient evidence and restored to local prominence.

The suspicion that Cobham would have been privy to such a scheme was perhaps the unforeseen product of his effort to retain a foothold in both religious camps. Leicester had capitalized upon this fact to persuade the members of the council to issue a warrant for his foe's arrest. On one hand, Cobham was a devout servant of Elizabeth I and a known confederate of Wyatt; on the other hand, a Marian priest cared for his soul, and he backed the continuance of two Kentish catholics - Christopher Allen kt of the Mote in Ightham and Thomas Cotton kt of Oxenhoath - in the county commission of the peace.⁶ The presence of the conformists Allen and Cotton assured that moderation would be the order of the day at Maidstone quarter sessions. Both men were senior JPs until their deaths in the 1580s, and Allen was familiar with the godly

zeal behind the witchcraft act because he was a member of the parliament of 1563 when the bill was read and debated.⁷ In addition, the presence of Cobham's conservative brother-in-law, Henry Neville, lord Abergavenny, at Birling on the western edge of Kent, further strengthened the barrier against the saints.⁸

To the east of the shire, Cobham was bolstered in his stance to soothe protestant tempers by two legal bastions. The first, serjeant-at-law William Lovelace of Canterbury, was a catholic who was amongst those in attendance with Cobham's father at Rochester in 1554 to welcome the arrival of Cardinal Pole.⁹ Lovelace was joined and succeeded in his rule of Canterbury quarter sessions by the second magnate, Roger Manwood, justice of the common pleas (1574) and chief baron of the exchequer (1578-92). Manwood, on intimate terms with the conservative archbishop of Canterbury, Matthew Parker, served as a high commissioner in 1576 and earned the saint's enmity with his ruthless handling of religious extremists.¹⁰ The supremacy of Manwood and Lovelace at quarter sessions and as counsel to the Cinque Ports was an effective check on the prosecution of healers. Both magnates were MPs for the 1563 session, and Reginald Scot's dedication of "The Discovery of Witchcraft" to Manwood reflects his narrow view of the witchcraft statute. Scot, the kinsman of

Thomas Scot kt, another prominent Kentish JP, was reciting the professional opinion of Manwood when he affirmed that:

"if they [i.e. healers] confess that which indeed hath been committed by them, as poisoning, or any other kind of murder which falleth into the power of such persons to accomplish, I stand not to defend their cause".¹¹

Manwood, Lovelace, Cobham, Allen and Cotton knew full well that to countenance the prosecution of such offenders within their territorial jurisdiction was to take up the banner of protestant militancy. Yet as loyal subjects, their allegiance could easily be brought into question should they openly oppose one of her majesty's laws. The quandry into which these religious conservatives were placed is clearly evident at Maidstone assizes during July 1567 with the trial of Agnes Bennett before Southcote, Cobham, Allen, Cotton, Manwood, Lovelace and Thomas Wotton, custos rotulorum.¹² Robert Rudston esq of Boughton Monchelsea had committed Bennett for murder by witchcraft because a potion which she gave John Littlehare was suspected to have caused his death later that day.¹³ Bennett should properly have been indicted for poisoning, and the fact that she was not, suggests that her concoction could not be proven to have contained a recognizable poison such as ratsbane. An additional clue that this was an attempt by Bennett to heal Littlehare is the identity of the prosecuting JP. Rudston was also an avid supporter of Wyatt, who grieved on the eve before the

uprising that "the queen would give away the supremacy and the Bishop of Rome should have his power in England".¹⁴ Rudston, evidently, had not learned the lesson of Cobham.

Bennett was convicted of murder under the witchcraft statute and hanged at the end of the assizes. Why did Cobham and his moderate associates not intervene with a maleable Southcote for mercy after the verdict of the jury? The local desire to maintain a subordinate role at the assizes and allow the bench free rein in the interpretation of the law saw that no such plea was presented. Southcote's pronouncement of death upon Bennett is perplexing, and perhaps in the shadow of the Wyatt supporter Cobham, he had little alternative when a preponderance of evidence pointed to the potion as the cause of the man's death. In the aftermath of Bennett's execution, the rumbling of county disapproval mollified Rudston's hostility through the persuasions of his neighbour and brother-in-law, Thomas Wotton esq of Boughton Malherbe. The subsequent abandonment of the prosecution of witchcraft suspects by Rudston in the vicinity of his estates brought Bennett a local notoriety which was still alive thirty years later when a local pauper was arrested when he seditiously exclaimed that "in putting down begging", the queen surpassed "Nan Bennett" in cruelty and wickedness.¹⁵

Thomas Wotton, custos rotolurum, was another Wyatt

supporter whose protestantism was rekindled with the accession of Elizabeth I, but was kept to a moderate heat by a professional association with Cobham and his unofficial deputies, Allen and Cotton. The effect of these men upon the JP is evident by the manner Wotton handled an exhibition by the saints at Westwell.¹⁶ At two o'clock in the afternoon on 13 October 1574, Roger Newman (a Marian exile) and John Brainford, vicars of Westwell and Kennington respectively, entered the house of William Spooner to perform an exorcism upon his servant, seventeen-year-old Mildred Norrington.¹⁷ After an alleged period of two hours, the saints were finally able to coax the evil spirit within the young woman to converse with them. The following exchange then occurred:

"we charged him...to tell what he was...and what his name was. At the first he said, the devil, the devil...he roared and cried as before, and spoke terrible words, I will kill her, I will kill her, I will tear her in pieces...Then he said again he would kill us all. We said again, Thou shalt hurt none of us all, for we are servants of God...And he said again, Wilt thou give me no rest? We said, Thou shalt have none here since Jesus Christ hath redeemed her with his blood, and she belongeth to him..."

Before these men of God were to expel the demon, they learned from the spirit that its possession of the woman was ordered by an elderly witch, "Old Alice" of Westwell, for whom it had also perpetrated three murders. When word of the murders of "Old Alice" reached the bench of quarter sessions, Wotton decided to investigate the matter himself. This JP had three options. He could commit the

suspect for trial at the assizes and face the displeasure of Southcote, Allen and Cotton. Or he could dismiss the accusations and still allow the saints the glory of their exorcism. Wotton did neither, and instead, embarked on the third course which, with the aid of George Darrell JP, exposed the fraud of Norrington before a large assembly at Boughton Malherbe.¹⁸

William Lambard esq of Ightham was soon to replace Allen and Cotton as the spokesman for moderation at Maidstone quarter sessions. After his induction into the commission of the peace for the county in 1580, Lambard, who lived in the same parish as Allen, worked closely with Cobham and his neighbour.¹⁹ The new JP, an anglican lawyer, could exhort grand jurors at quarter sessions to honour God and the realm with the presentment of all "imps of Satan and enemies of right religion".²⁰ However, when Lambard elaborated on this theme, he did not cite witches or enchanterers when he warned of the threats posed by engrossers, barrators, keepers of unruly alehouses, adulterers, thieves, vagrants, and rogues. In addition, Lambard's "Eirenarcha", a handbook written for the instruction of JPs, contains scant reference to the offence of witchcraft.²¹ He also did not think it worthy to consider such activity when he discussed the different divisions of homicide.

The county of Kent, like several other areas of

England, was particularly affected in the early years of Queen Elizabeth by the foment of protestantism in the 1560s and was home to a number of witchcraft prosecutions. At the spring assizes in 1565, the godly serjeant-at-law and recorder of Maidstone, Nicholas Barham, prosecuted a local woman named Joan Byden.²² That Maidstone would bring the county's first convicted felon for witchcraft is of considerable interest since this town was the major recruiting ground for Wyatt's rank and file, and also the site where Thomas Cole had laboured as a schoolmaster in pre-Marian days.²³ Southcote, in predictable fashion, had remanded the woman in gaol.²⁴ The watchful eye of Cobham contributed to the execution of the second felon convicted of murder by witchcraft, the aforementioned Agnes Bennett in 1567. The lord lieutenant, however, was again absent at the next assizes, and Southcote remanded the third felon, Margery Kancham.

Kancham was soon to play an important role in inhibiting the prosecution of healers in Kent. On 1 May 1570, Leonard Norgrave, keeper of Canterbury castle gaol, opened the castle gates and allowed Kancham to walk away to freedom.²⁵ The gaoler was heartstruck that she had been condemned to a life in a damp and dark dungeon cell with little prospect of release. Whether or not this act of compassion was triggered by a concern over the deteriorating health of his prisoner is unknown.

Nevertheless, Norgrave certainly thought the woman to be innocent of murder. When called to answer for his action, Norgrave incurred the wrath of several godly parishioners who swore affidavits that he was "a common blasphemer of God" who esteemed "the witch's physic" over the sermons of Mr. Wood. The case against Norgrave, however, seems to have been abandoned, and it was likely through the intercession of Archbishop Parker, Manwood and Lovelace, that Southcote recommended the woman for a special pardon which was granted by letters patent out of chancery at the end of the month.²⁶ Since all acts of murder and poisoning were excluded from the parliamentary acts of general pardon, Kancham required the aid of powerful backers.²⁷ For cold-hearted governors to adopt the cause of an unfamiliar peasant woman who had been convicted of two murders and petition Southcote for her release was a rare event.

The impunity of Norgrave and the release of Kancham was thus an excellent barometer for the local gentry to gauge the religious, social and cultural temper of the assize judges and the county governors. To follow suit opened one to the possibility of sharing in the enormous pool of government patronage, the disposal of which often rested in the hands of these superiors. Cobham, unlike the eastern magnates, Manwood and Lovelace, was not a lawyer, and he wavered uneasily rather than openly admit

the shortcomings of a statute of the realm. The wariness of the lord allowed witchcraft prosecutions to continue in the vicinity of Maidstone, while Manwood and Lovelace were not receptive to such allegations being laid in the east.²⁸ Thus Cobham complied with his son-in-law's prosecution of Ellen Peckman of Hoo All Hallows for murder by witchcraft in 1571.²⁹ This JP, Thomas Coppinger, whose East Anglian background suggests a religious fervour, had Peckman imprisoned at Cobham under warrant from the lord.³⁰ Cobham wisely absented himself from the assizes, and the role of prosecutor may have fell upon a relative who had been a Marian exile, John Cobham esq of Newington.³¹ After Peckman's conviction, Southcote was reluctant to remand the felon without sentence, since he felt this action would be related to the lord lieutenant and provoke his opposition (a concern seen earlier in the case of Agnes Bennett). Instead, the judge placed Peckman's fate in the hands of a jury of matrons in the hope their pity would save the woman.³² The matrons, however, performed their duty truthfully, and Peckman was dispatched to the hangman.

Coppinger, installed into the commission of the peace the next year by Cobham for his diligence, was soon affected by the moderation of Allen, Cotton, Wotton, and it seems his uncle as well. The hesitation of the lord to follow the lead of Manwood and Lovelace ceased after

Leicester instigated his arrest as a Ridolphi plotter. Any lingering love for a faction sponsored by his foe ceased. Southcote perhaps saw in Cobham's retreat from the saints the opportunity to issue special pardons for Alice Stanton of Northfleet (a village to the north of Cobham) and Alice Daye of Boxley (near Maidstone) in 1577, both of whom were convicted under the witchcraft act.³³ It is also interesting to note that Coppinger's tenure as a JP for Kent (1573-80) saw him prosecute only one other healer, Catherine Burbage of Hoo All Hallows in 1578. Significantly, she was charged not with the injury or deaths of humans but with killing two valuable geldings and a calf.³⁴

The pervasive power of Cobham-Abergavenny et al in the west and Manwood-Lovelace in the east deterred more zealous JPs from the prosecution of healers. While trials for witchcraft continued to occur at an infrequent rate, it was clear that only the most knowledgeable JP could successfully secure a conviction at assizes. Such a prosecutor was serjeant-at-law Nicholas Barham. Due to his keen interest and legal prowess he could be sure to satisfy the narrow requirements of the bench for indictment and conviction when seemingly hard evidence could be obtained. Thus, Alice Daye was found guilty of murdering three persons by witchcraft in 1574, and in an effort to satisfy the legal precision of her prosecutor, Southcote remanded Daye in gaol because of pregnancy.³⁵

After three years in Maidstone gaol, Daye received a pardon for her crimes and was released.³⁶ Shortly thereafter, the healer resumed her practice and administered to the afflictions of Maidstone and Boxley residents and their livestock. Daye's late summer resurgence in the community was undoubtedly sparked by the funeral procession for her nemesis Barham, who died of the plague on 25 July 1577 at the "black assizes" of Oxford. Daye, however, encountered further trouble when news of the worsening condition of one of her patients, John Collins, a Maidstone yeoman, reached the Marian exile and Elizabethan diplomat, Thomas Randolph.³⁷ The healer was sentenced to a year in prison by Southcote during the summer of 1578 for the injury of Collins and the deaths of a Boxley man's heifers.³⁸ When her patient died two weeks afterwards, Daye was hanged for murder by witchcraft at the next assizes.³⁹ The woman had tested the limits of the bench's mercy and had lost.

The unity of Cobham, lord lieutenant, and Manwood, JCB, against the saints, impeded the prosecution of healers in Kent. From the execution of Daye until the publication of "The Discovery of Witchcraft" by Reginald Scot in 1584, all five persons arraigned under the witchcraft statute in Kent were acquitted. Scot's treatise deterred the anglican gentry still further from such prosecutions by discussing the catholic roots of

witchcraft prosecution and the abuses of judicial process employed by glory-seeking individuals in order to obtain convictions. This book must have had a significant impact locally. During the remainder of the Elizabethan period when a mere seven persons were tried for this offence, only Agnes Bigge [hanged in 1593] and Alice Jeken [gaoled for trespass in 1595] were convicted.⁴⁰

The legacy left by Southcote, Manwood, Cobham and Scot endured well into the Jacobean era. A brief revival, however, occurred in the early years of James I. This was probably sparked by the renewed hopes of the saints that James I was the longed for "godly prince", who would lead them in an all-out assault upon evil, a fact suggested by the king's argument for the capital punishment of healers in his "Daemonologie". Despite the five persons prosecuted for witchcraft between 1603 and 1606 (two of whom were convicted and executed), the religious fervour behind the arraignment of witches was soon snuffed out by Salisbury's campaign against the saints. For the rest of the reign, very few persons were indicted in Kent for this offence, and of the two women who appeared before Thomas Walmesley in 1611, one was acquitted and the indictment of the other was voided apparently on the most technical grounds.⁴¹

The picture in Surrey and Sussex was much the same. Without the active endorsement of a local magnate, the

godly were unable to overcome the obstinacy of Southcote or his message of toleration towards the activities of healers. The catholic judge's initial sentence of death upon a Surrey woman, Edith Worseley, in March 1565 for murder by witchcraft was only one of two such judgments pronounced by the bench during Southcote's tenure in these counties.⁴² The case of Worseley and the other executed felon, Margaret Cooper of Kirdford in Sussex (1575), appear to have been instances of poisoning. Worseley's victim, the daughter of Richard Bybye, had died the day upon which she received the healer's treatment. The execution of Cooper may be explained by the occupation of her husband, a surgeon, and probably the woman had secretly dabbled in her spouse's trade at the expense of her neighbour's lives and livestock.⁴³

These examples, however, are exceptions, and Southcote was able to turn back the tide of protestant militancy. While the hanging of Worseley may have been considered an omen of things to come by certain saints in Surrey, the bench soon defeated any design to purge the county of healers when the next three women convicted of murder by witchcraft at the assizes - Rose Burrow (August 1565), Margaret Robinson (February 1568) and Jane Baldwin (July 1569) - were all remanded in gaol without sentence.⁴⁴ No reason was submitted for these remands. Obviously, Southcote did not employ the fiction of

pregnancy since he knew from the action of Cole and Fortescue in Essex that the protestant faction, led by William More esq of Loseley and George Goring esq of Ovingdean, would have the support of his colleague, Gerard. Southcote did not want to be confronted again with a petition to empanel a jury of matrons to refute the claims.⁴⁵

Southcote's stubborn dominance at assizes can also be seen in Sussex. The sparse prosecutions for witchcraft may reflect a resistance to the statute among the catholic areas of the county (particularly the western region), and the influence exercised by Lovelace and Manwood upon the Sussex legal expert, serjeant-at-law John Jeffery, protestant counsel to the Cinque Ports.⁴⁶ In a similar vein, Southcote forestalled the advertisement of witchcraft by the mitigation of several punishments. Agnes Baldwin (1567) and Joan Osborne (1570) of Sussex are examples of healers who were convicted of trespass under the witchcraft act and were imprisoned without sentence of the pillory.⁴⁷ Thus they did not face the malice of the throng on market day. On the other hand, Margery Smyth (1565) was punished with two bouts in the pillory instead of a period of imprisonment.⁴⁸ This sentence was undoubtedly ordered by Southcote to expose the folly in her belief that she could cure the ailments of livestock through the repetition of an incantation while her two

"magical" toads suckled the animals.

Southcote succeeded in his opposition to the prosecution of healers in these regions primarily by default. At the head of the commission of the peace, the iron rule of the catholic judge in Surrey and Sussex discouraged those JPs from prosecuting healers without manifest evidence of poisoning. These counties, like Kent, possessed no lieutenant or legal bastion whose status and opinion could effectively oppose the obstinacy of Southcote. The lieutenancy of these regions rested in the hands of religious conservatives who were unsympathetic to godly warfare. In Surrey, this office was held by the Howards of Effingham from the early years of Elizabeth I to the close of the Jacobean period. William, lord Howard (1511-1584) and his heir, Charles Howard (1536-1624), later earl of Nottingham, were as careful in religion as their Elizabethan neighbours, Cobham and Abergavenny. They followed the crown in religious faith, and thus father and son backed Mary Tudor against Wyatt, and Elizabeth I against the northern earls.⁴⁹ The later Howards were also suspected catholics. In Sussex, the saints could hardly count on any assistance from the leading resident, Thomas Sackville, lord Buckhurst. By 1569, Buckhurst controlled the lieutenancy which had been weaned from the catholic faction of Arundel and Lumley.⁵⁰ Two of Buckhurst's daughters were married to

neighbouring magnates who were hardly supportive of godly warfare - Lords Abergavenny and Montague (the latter a man who was selected to share the lieutancy of the county until 1585).⁵¹ Buckhurst was a moderate protestant like Burghley. In addition, Buckhurst, as a privy councillor, may have been concerned that the godly fervour of Robert Monson might disrupt the pattern of religious moderation set by Southcote, and this may explain why gaol delivery commissions issued by the government for the county during 1573-74 list the protestant judge as a serjeant-at-law.⁵²

The best illustration of the fate of godly warfare waged without the leadership of such powerful personages as Buckhurst, Howard or Rich occurred at Kingston assizes during July 1582. Motivated by the example of Brian Darcy a few months earlier, an unidentified JP (perhaps William More, now kt) prosecuted four women from the town of Godalming and a fifth from the nearby village of Shalford on charges of murder and injury by witchcraft.⁵³ A vexed Southcote rebutted the testimony of crown witnesses which resulted in the acquittal of four suspects. The judge also thwarted the conviction of the remaining suspect, Agnes Waters alias Stevens, by the issuance of a general pardon for trespass after her plea of innocence. Thomas Gawdy's obvious support of his partner requires a modification of the view presented in chapter two. Gawdy, like his successor Robert Clarke, was certainly not an

individual who thirsted for the blood of healers. Their association with Rich and the saints in Essex was one of protestant co-operation. However, when devoid of the succour and pressure of this saintly faction, they were reluctant to oppose the tradition set by Southcote outside of Essex. The tenures of Gawdy and Clarke (1583-1595) reveal four convictions and fourteen acquittals for murder by witchcraft in the Home counties outside of Essex. Of those found guilty, Agnes Bigge of Kent was the sole person sentenced to hang, while the others were remanded in gaol indefinitely. These remands included Agnes Morris of Hertfordshire (remanded because of "weak evidence" by Thomas Gawdy) and Agnes Mouser alias Baldwin of Sussex (reprieved by Clarke from execution after having been found guilty of trespass for a second time).⁵⁴ In this respect, such judges are better characterized as anglican Southcotes more easily swayed by the arguments of the Rich faction than their catholic counterpart.

The county of Hertfordshire before 1590 also appears to have been mild in the prosecution of witchcraft despite the sparse survival of files. The ten gaol delivery sessions which are extant from 1573 to 1582 reveal three acquittals and one conviction for trespass. This suggests a low rate of prosecution can be explained again by the dominance of Southcote at the assizes between 1564 and 1582. Certainly the lord lieutenant and custos rotulorum

at this time, Ralph Sadler kt, would not have sponsored the saints in their attack upon healers. Sadler was a privy councillor who pleaded with Burghley to spare the life of his friend, the catholic Duke of Norfolk, and who was also entrusted by Elizabeth I with the care of Mary, Queen of Scots.⁵⁵

By 1587 death had removed Sadler from local affairs, and Burghley retained the lieutenancy of the county. It was from this time onwards that saints like Henry Cock kt (d. 1610), John Brocket kt (d. 1598), both deputy lieutenants, and other local notables such as Charles Morrison kt began to inculcate a hostility amongst the anglican gentry towards the activities of healing which would continue well into the reign of James I. Cock had formerly been Leicester's deputy, Brocket was known to be a zealous pursuer of recusants, and Morrison was exiled at Strasburg with his parents during the Marian regime.⁵⁶ In addition, the relocation of Essex JPs familiar with witchcraft like Israel Amyce (surveyor of the Cecil manors), Thomas Fanshaw, and Edward Hubberd (chancery officials who worked under Gilbert Gerard, now master of the rolls) to Hertfordshire could only intensify the local awareness of witchcraft.⁵⁷ The efforts of Cock, Brocket and Morrison quickly bore fruit. Between 1590-1616, thirty-one persons were tried under the witchcraft statutes of Elizabeth I and James I in Hertfordshire.

While Robert Clarke resisted the conviction of those charged with murder by witchcraft, preferring instead to allow conviction on the lesser count of injury, the precedent for the punishment of healers was established between the summer of 1595 and the spring of 1598, when four felons were hanged for murder by witchcraft on the order of Francis Gawdy and Thomas Owen.⁵⁸

Burghley and Salisbury were probably ignorant of the activity of their deputies. The change of heart on the part of Gawdy and Owen is perhaps explained by their unwillingness to oppose those who served a man of Salisbury's stature and power. Chapter one of this thesis has suggested that Salisbury was indifferent to the prosecution of healers. He may have regarded this offence as a form of poisoning which, because of the lack of actual malice involved, was within the realm of special pardon. But more importantly, Salisbury never directly intervened to prevent the prosecution of such cases. The reduction of witchcraft prosecutions in Essex was simply another unexpected result when he worked to silence religious zealots. Thus the gentry of Hertfordshire continued to prosecute suspects for murder and injury by witchcraft, and only in rare instances did word of this fervour reach the ears of the lord lieutenant. John Stileman, a local squire who was not a member of the commission of the peace for the county, supplied Salisbury

with such news. A letter dated 9 September 1600 informed Salisbury of an incident which involved Israel Amyce:

"Mr Amyce is a little amended and some hope of him. Upon the examination of a notable witch, which he had committed to the gaol at Hertford, for a revenge did inflict her witchery upon him in such a manner that he was almost consumed to the bone. His doctors could not tell what to make of it...When I heard of it, I sent presently to a woman that dwelt twelve miles from Waltham, which I had heard of her skill in those matters. She sent away presently to him with some things that he should take that night before he went to bed. He presently on the receipt found an alteration in himself, and that day at dinner did eat more meat than he had done all the time of his sickness."⁵⁹

Amyce clearly believed in the power of the black witch as well as the danger of being treated by the remedies of her benevolent counterpart. Whether the two Hertfordshire widows whom he committed in 1600 were of the black or white variety is unknown, and is a general problem in any analysis of witchcraft.⁶⁰ Salisbury relied upon his assize judges and his deputy lieutenants to react in the same manner as Stileman. The fact that Amyce was unsuccessful in his bid to punish the woman to whom Stileman referred could be seen by Salisbury as proof that his servants were admirably fulfilling their duty to impartially administer the laws of the realm.

The low incidence of witchcraft prosecution in Kent, Surrey and Sussex can thus be attributed to the failure of the saints to mobilize the weight of county support at the assizes in order to supercede the message of caution delivered by the assize judges. The godly cry against the

healer or white witch in fecund nurseries of protestantism like the deaneries of Pevensey and Lewes in Sussex, or among the Stranger congregations in the Cinque Ports and eastern Kent (e.g. the town of Canterbury was the site of the Huguenot national synod in 1584 and later), fell on deaf ears.⁶¹ The final chapter will summarize the discussion of witchcraft prosecution thus far in the Home counties during 1564-1625, and in addition advance an explanation for the rebirth of prosecutions in regions like Kent and Essex in the 1630s.

Notes to Chapter Three

- 1 Roger Manning, Religion and Society in Elizabethan Sussex (Leicester: University Press, 1969), p. 147.
- 2 E. Rich, "The Population of Elizabethan England", Economic History Review 2nd Ser., II (1949), p. 254.
- 3 Ralph Arnold, The Hundred of Hoo (London: Constable, 1947), pp. 57-75. Cobham's father, George, had sent his sons abroad to receive their education under the guidance of Lutheran tutors. George was the uncle of Thomas Wyatt kt, and although his sons heartily supported the conspirator, their father tried to portray his loyalty to Mary Tudor and claimed he was an unwilling participant in Wyatt's rebellion. The grace of Mary pardoned both George and William before trial.
- 4 Clark, p. 137.
- 5 DNB, Henry Brooke.
- 6 EMHC, Allen. Christopher Allen was knighted the day after Mary's accession to the throne; Gleason, pp. 18, 123. Cotton was a Marian JP whose catholic sympathy is apparent from his affiliation with the catholic Culpeppers of Kent, Surrey and Sussex.
- 7 Out of 27 complete rosters from the summer of 1564 (the operational date of the witchcraft statute) till Lent of 1585, Allen's attendance at assizes is noted on 24 occasions while Cotton was present 16 times.
- 8 DNB, Neville.
- 9 EMHC, Lovelace. The name of William Lovelace appears under Kent in a book published in 1572 entitled "A List of Catholics in England", J. McGurk, "Lieutenancy and Catholic Recusants in Elizabethan Kent" Recusant History. 12 (1973-74), p. 157.
- 10 EMHC, Manwood.
- 11 Scot, p. A2.
- 12 CAR, Kent Eliz. I, 382.
- 13 CAR, Kent Eliz. I, 389.
- 14 Clark, p. 92.

- 15 CAR, Kent Eliz. I, 2573.
- 16 Scot, pp. 126-131.
- 17 Clark, p. 150. Newman's brother, John, elected to remain in Kent and suffered martyrdom during the Marian regime.
- 18 McGurk, p. 168 (n. 12). George Darrell was a Marian JP.
- 19 Gleason, pp. 8-20.
- 20 Gleason, p. 13.
- 21 Lambard, Eirenarcha (London, 1581), p. 320.
- 22 EMHC, Barham; CAR, Kent Eliz. I, 297.
- 23 Clark, pp. 91-92.
- 24 Byden is listed as a gaol prisoner in the spring calendar of 1568 (CAR, Kent Eliz. I, 420); no pardon or gaol death has been traced.
- 25 The details of the following episode are drawn from CAR, Kent Eliz. I, 536.
- 26 Calendar of Patent Rolls, Eliz. I, V (London: HMSO, 1966), 75.
- 27 8 Eliz. I (1566) c. 19. This act of general pardon exempts "all voluntary murders and wilful poisonings".
- 28 The majority of those persons tried for witchcraft at Kent assizes resided within the western lathe of Aylesford.
- 29 CAR, Kent Eliz. I, 592; Arnold, pp. 83-84. Coppinger, a Suffolk native, was sheriff in 1580, a position entrusted at this time to fervent protestants because of the governmental concern with catholic missionaries. From thirteen rosters of Kent assizes between 1572 and 1580 (the tenure of Coppinger as a JP), his attendance is noted nine times.
- 30 PRO, Assi 35/13/8, m. 23.
- 31 EMHC, John Brooke alias Cobham; CAR, Kent Eliz. I, 572.
- 32 CAR, Kent Eliz. I, 592.
- 33 Calendar of Patent Rolls, Eliz. I, VI (London: HMSO, 1972), 1644. A pardon has not been found for Alice Daye; for her suggested release see note 35 below.

- 34 CAR, Kent Eliz. I, 910.
- 35 CAR, Kent Eliz. I, 716.
- 36 CAR, Kent Eliz. I, 743,772,806,842. Daye does not appear in the gaol calendar for July 1577. However, she reappears under "remanded" in the next available calendar (July 1578). Although this may suggest that she was never released and the omission of her name was due to scribal error, it seems far more likely that she was pardoned because she was subsequently charged with offences which occurred at Maidstone in August 1577 and Boxley in December 1577.
- 37 DNB, Randolph.
- 38 CAR, Kent Eliz. I, 919.
- 39 CAR, Kent Eliz. I, 931.
- 40 CAR, Kent Eliz. I, 2081,2216. Bigge's victim died three days after she administered her remedy.
- 41 CAR, Kent James I, 577. The indictment of Sibyl Ferris was voided "because it is not good at law by virtue of the statute".
- 42 CAR, Surrey Eliz. I, 202.
- 43 CAR, Sussex Eliz. I, 516.
- 44 CAR, Surrey Eliz. I, 254,331,430. Jane Baldwin was pardoned on the same date as Margery Kancham; see note 26 above.
- 45 EMHC, More, Goring; The remand of Burrow without sentence was a few days after Gerard, Fortescue and Cole had pressured Southcote into the verification of Lewis' pregnancy in Essex.
- 46 EMHC, Jeffrey.
- 47 CAR, Sussex Eliz. I, 219,390.
- 48 CAR, Sussex Eliz. I, 167.
- 49 DNB, Howard.
- 50 Manning, pp. 221-237; DNB, Fitzalan, Lumley.
- 51 DNB, Browne, Sackville.
- 52 CAR, Sussex Eliz. I, 429,456,477.

- 53 CAR, Surrey Eliz., 1322-1326. More left a bequest to the poor of Godalming and other towns and villages in his will (EMHC).
- 54 CAR, Sussex Eliz. I, 1288; Hertfordshire Eliz. I, 421.
- 55 EMHC, Sadler.
- 56 EMHC, Brock, Cock, Morrison.
- 57 EMHC, Amyce, Fanshaw, Hubberd.
- 58 CAR, Herts. James I, 161,162,345,524.
- 59 HMC Salisbury MSS, 251/75.
- 60 CAR, Herts. Eliz. I, 962,963.
- 61 Clark, pp. 149-150; Manning, p. 196.

CONCLUSION

"I. A man is found dead in the fields, who a little before went out well; another man being his adversary is questioned for his life, as being suspected to have murdered him; this man proving that he was a hundred, or two hundred miles from the place where and when the man died, is quit [i.e. acquitted] by the law. I demand then, what justice is in that law that quiteth him, if he might send the devil, or leave order with the devil or with his imps, to witch him to death at that time?

II. Two men strive together, one overcometh and beateth the other, who presently sickeneth, and within three days dyeth; the other is questioned by the law for his life; what justice were in this law, if an old witch hating one, or both of them, and seeing the opportunity should have power to witch the one to death, that so she might cause the other to be hanged?"¹

In 1655 Thomas Ady challenged Cromwellian lawyers to contemplate these two cases. While such lucid reasoning is a reflection of the trend of Ady's time towards a more critical scientific inquiry, one may suggest that like arguments would have come as readily to Tudor and Stuart lawyers. The assumption of this thesis that the overwhelming majority of those convicted under the witchcraft statutes were healers - so-called white witches whose remedies either caused or coincided with the demise of their patients - removes much of the scandal heaped upon the legal profession by such an offence. Had "maleficium", familiar spirits, the devil's mark, and the swimming trial² been accepted as proof of guilt by assize judges, then the statistics of prosecution would surely

have reached epidemic numbers. The evidence from the Home counties, however, reveals judicial prudence and caution. Even in Essex, where conditions were ripe for a godly harvest, over forty per-cent of those tried on charges of witchcraft during 1564-1625 were acquitted (see Appendix III).

Modern studies have failed to recognize that witchcraft trials emerged within an already established and technical jurisprudence. The ultimate administration of the criminal law was left in the hands of judges and lawyers, men acutely familiar with a wide range of complex legal questions such as the culpable and non-culpable events involving a poisoned apple. A god-fearing and pious judge could believe in the possibility of malevolent witchcraft. His legal mind, however, demanded hard evidence for conviction, and in instances of "maleficium", such empirical proof was not forthcoming. The Winch episode at Leicester discussed in the introduction may be seen as an exception, and as previously mentioned, the lack of corroborating indictments makes any explanation of this incident speculative. The prosecution of the white practitioner, on the other hand, is entirely compatible with the normal operation of Tudor and Stuart criminal process: two adults stood in court and gave eye-witness testimony that the accused had treated a loved one, and the remedy employed was ineffectual or served to further

aggravate the patient's condition. One suspects that most of those convicted for murder by witchcraft used what was thought to be a toxic herbal potion; but this cannot be verified due to an absence of extant depositions or recorded testimony. The proportion of witnesses who came forward voluntarily or were informed of the "murder" through the investigations of a zealous JP is again undeterminable. In personages like the Darcys in chapter two or the JP at Godalming in Surrey in chapter three, one may assume the latter.

The preceeding chapters of this thesis have shown that godly warfare against the healer in the Home counties during 1564-1625 was waged on a regional and limited basis. Numerous answers may be advanced to explain the failure of this godly assault: society's acceptance of the non-professional healer as evident by the profusion of tracts on herbal remedies sold to the general public³, the lack of effective leadership or consensus amongst the saints against this foe, the requirement of assize judges for hard evidence, a contradictory statute which seemed to protect lay healers, the intolerance of large witch-hunts by the judiciary, the influence of moderates like Reginald Scot, and etc. Elizabethan and Jacobean England witnessed a situation where the white witch or healer was prosecuted far above her malevolent counterpart. The repression of the vanguard of the saints' army by the government of the

Stuarts, however, reduced the prosecution of the former to a level equal to or below the latter. But the next generation of this army was to rally around the flag of righteousness again, only this time not to crusade for the purification of a national institution and its communicants. Instead, they sought the dis-establishment of the anglican church and the return of a "New Jerusalem" where the church was an invisible church in the heart of every man.

The resurrection of the saints in the 1630s and 1640s to national prominence was made possible by the general feeling of hostility to Stuart absolutism. Englishmen objected to the arrogant policies of Charles I. Thus the godly could find allies in the broad spectrum of political, economic, and social dissent against the king to voice their hatred of Archbishop William Laud's introduction of arminian and popish ceremonial into the anglican church. While the saints could rant that Charles I was an agent of anti-christ for his support of Laudian innovations, the government still controlled appointments to the judiciary and the county commissions of the peace. At this point it is interesting to note that Laud once told the Duke of Buckingham that "magical healing was a topic he had little looked into".⁴

Stuart religious conservatism continued to hinder witchcraft prosecutions and convictions until the outbreak

of the civil wars brought the suspension of regular assize circuits by parliament, and resulted in the delegation of gaol delivery commissions to non-professional judges between 1642 and 1645. The lapse in royal control permitted the witch-finding activity of Matthew Hopkins, the son of James Hopkins esq, minister of "God's Word" in Suffolk and Essex, to go unchecked amidst an outpouring of religious zeal against Laud and Charles I. Hopkins' temporary success against the witch lay in the support of town and village authorities for his cause. He was careful to operate in areas which had requested his service. Naturally, his presence was most in demand in the heavily puritan region of East Anglia. Further, Hopkins' sole purge in the Home counties occurred expectedly in Essex, where twenty-nine were indicted and nineteen were hanged (see Appendices I and II).⁵ One should not be surprised to find at the head of the judicial commission which presided over these trials the name of Lord Rich, the son of the third baron who presented the petitions in favour of the suspended saints to the parliament of 1587. Any interpretation of the crusade of Hopkins is speculative because one cannot proceed beyond the actual indictments without relying upon chapbook information. Therefore, it is not known whether this was a campaign of revenge upon healers and deluded women who believed they could conjure protective spirits, or an arbitrary slaughter based upon superstition.⁶

Reports of such abuses were in part responsible for the restoration of the criminal law to professionals, many of whom were previously Stuart administrators. Although the Cromwellian Protectorate saw periodic spurts of prosecutions and convictions of persons under the witchcraft act, the policy of this regime was one of religious toleration. The "New Jerusalem" had arrived, and freedom of worship was granted to the diversity of religious sects which were born with the breakdown of central control during the civil wars. In addition, Cromwellian moderation has been cited as the force behind the suspension of witchcraft trials in Scotland and the release of all those suspected of such an offence from custody.⁷ In England, however, such a sweeping order was unnecessary as witchcraft prosecution remained at a far lower rate. The tradition of conservatism under the Stuarts held, perhaps aided by the infamy of the actions of Hopkins. But convictions under the witchcraft statute still occurred. It is revealing to note that the judges receptive to witchcraft prosecutions in the Home counties such as Peter Warburton, JCP and Matthew Hale, CJKB, were men appointed to the bench by parliament (see Appendices II and III). The Restoration brought the gradual decline of witchcraft trials: 1685 saw the last hanging for murder by witchcraft, 1717 the last prosecution, and 1736 the repeal of the statute by the parliament of George II.⁸

The period of English history which was most receptive to the prosecution of healers for murder by witchcraft (excepting 1642-1645) was the initial decades of the Elizabethan era before the emergence of the anglican church. The Marian exiles and the vanguard of the saintly movement had envisaged a "New Jerusalem" free from any hint of catholicism, where the Word of God resounded from every pulpit in the land. The church and its members were to undergo a transformation according to the blueprint provided by Scripture. In this plan, the white witch, whom William Perkins referred to as "the greatest enemy to God's name, worship and glory, that is in this world, next to Satan himself"⁹, was an especial enemy to be destroyed. The triumph of the anglican church (which held the healer as an instrument of God's mercy) over this saintly fervour substantially reduced the impetus to prosecute healers. While the church of Gifford and Perkins saw capital punishment as the just retribution for the gravity of the healer's sin, the anglican church saw such prosecution as cruel persecution. The goal of the saints who arose in the 1630s and 1640s was different than that of the Marian exiles. The "New Jerusalem" which they desired was not the imposition of a particular religion upon the general populace; rather, a battle for the right of every individual to follow his conscience in religion. In such an atmosphere, the prosecution of the

healer became an action of little significance other than an ostentatious attempt to prove one's godliness. With the healer becoming less and less susceptible to prosecution and conviction, it remained for science to vanquish the belief in man's evil or black cousin.

Notes to Conclusion

- 1 Thomas Ady, A Candle in the Dark: showing the divine cause of the distractions of the whole nation of England, and of the Christian world (London, 1655), p. 172.
- 2 Ewen II, pp. 55-56. The suspect would be suspended across the water by a rope and if she floated, then theory stated that the waters of baptism had rejected her which proved that she was a witch. Such trials (as crude as the ordeal) were not used by the legal profession, and rather seem to have been the result of mob violence.
- 3 For example, Walter Cary, A Book of the Properties of Herbs (London, 1560); Anon, Here Beginneth a Good Book of Medicines entitled the Treasure of Poor Men (London, 1560); Anon, The Great Herbal (London, 1560); Anon, A Godly Garden out of which [the] Most Comfortable Herbs may be gathered (London, 1574); Anon, Remedies for Diseases in Horses (London, 1576); Leonard Mascall, The First Book of Cattle (London, 1587); John Gerard, The Herbal (London, 1597) etc.
- 4 Thomas, p. 597.
- 5 Ewen I, pp. 221-231. It is interesting to note that sixteen of the seventeen persons convicted of murder by witchcraft at Essex summer assizes were hanged. At the same time, however, only three of the eleven convicted of "entertaining evil spirits" were executed; the remainder remanded indefinitely in gaol (see the argument in the introduction of this thesis).
- 6 Ewen II, p. 261.
- 7 Larner, p. 75.
- 8 Ewen II, pp. 129, 390.
- 9 Perkins, p. 178.

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Appendix I - Persons Executed for Murder or Injury by Witchcraft at the Assizes in the Home
Counties, 1564-1736.*

<u>County</u>	<u>1563 Statute</u>	<u>1604 Statute</u>			
		<u>James I 1605-25</u>	<u>Charles I 1626-49</u>	<u>Commonwealth 1649-60</u>	<u>Charles II... 1660-1736</u>
Essex	54	4	2**	0	0
Hertfordshire	4	4	0	0	0
Kent	5	1	0	7***	0
Surrey	1	0	0	1	0
Sussex	1	0	0	0	0

* The 1604 Act was repealed by 9 Geo. II (1736) c.5.

** The suspension of the assizes (1643-45) saw seventeen persons executed before Lord Rich who collaborated with Matthew Hopkins during July 1645 (Ewen I, pp. 221-231).

*** Six persons were executed before Peter Warburton in July 1662, parliamentary reprieves arrived too late to save two of them (Ewen I, pp. 239-243).

Appendix II - Persons Executed for Conjuraton of Spirits at the Assizes in the Home Counties,
1564-1736.

<u>County</u>	<u>1563 Statute</u>	<u>1604 Statute</u>			
		<u>James I 1605-25</u>	<u>Charles I 1626-49</u>	<u>Commonwealth 1649-60</u>	<u>Charles II... 1660-1736</u>
Essex	0	1**	0***	0	0
Hertfordshire	0	0	0	0	0
Kent	0	0	0	2****	0
Surrey	1*	0	0	0	0
Sussex	0	0	0	0	0

* Thomas Heather was executed in 1577 (CAR, 740).

** Richard Jonn was executed upon the order of Humphrey Winch in 1612 (CAR, 742).

*** Three persons were executed in the Matthew Hopkins crusade (see Appendix I, note **).

**** Two persons were executed in March 1657 before Matthew Hale (Ewen I, p. 249).

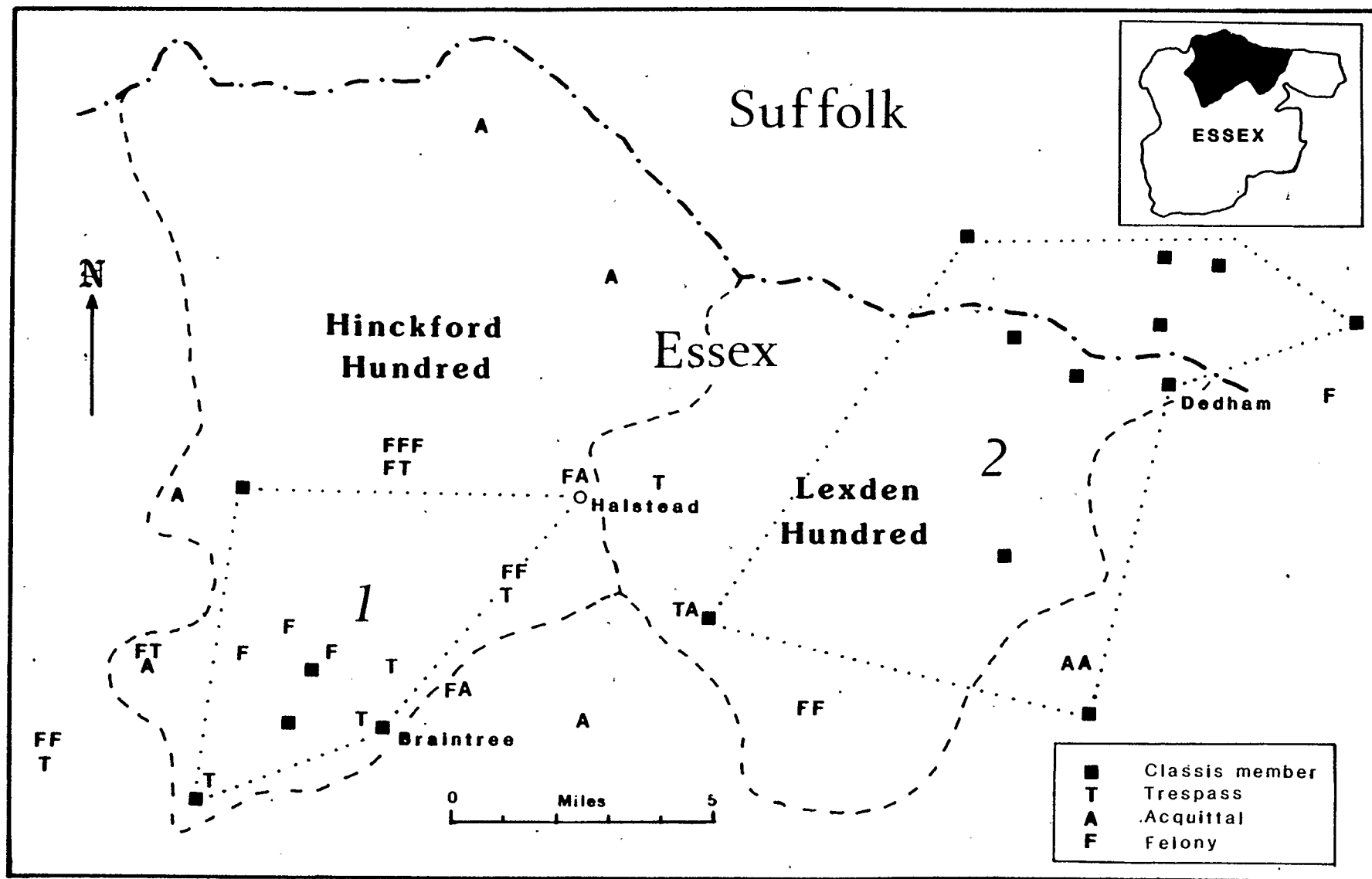
Appendix III - Persons Indicted for Murder or Injury by Witchcraft at the Assizes in the Home Counties, 1564-1624

<u>County</u>	<u>Records Extant (x/125)</u>	<u>Number of Persons</u>	<u>Female</u>	<u>Guilty</u>		<u>Acquitted</u>	<u>Executed</u>
				<u>Felony</u>	<u>Trespass</u>		
Essex *	76% (95)	177	165	69	29	77**	58
Hertfordshire	64% (80.5)	39	34	12	9	18	8
Kent	72% (90)	27	26	7	4	15***	6
Surrey	83% (104)	29	27	7	1	21	1
Sussex	69% (87)	14	12	2	3	9	1

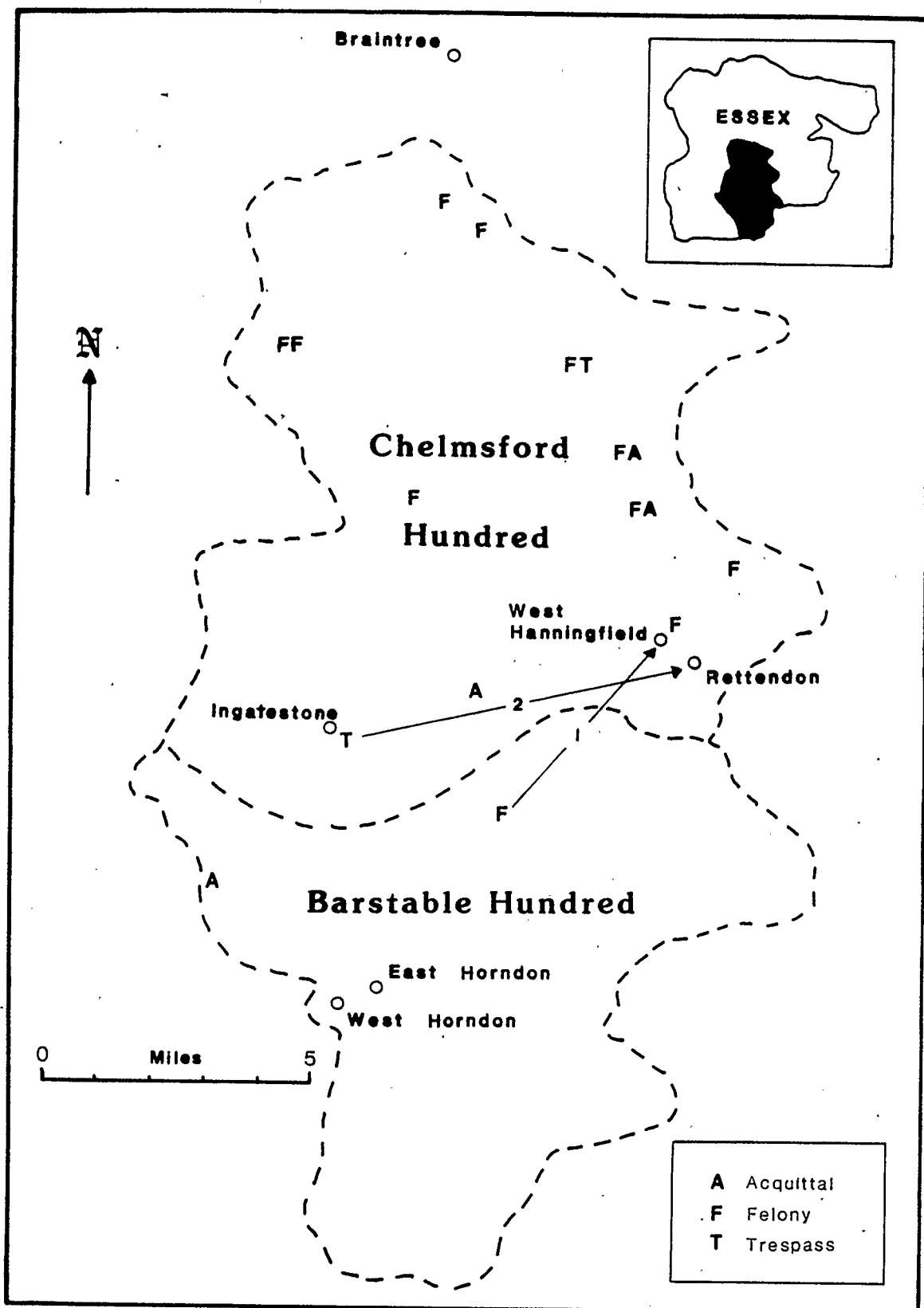
* Twenty-five persons died of gaol fever in Essex either awaiting trial or serving sentence for witchcraft between 1564-1624.

** William Rand was not tried for this offence in 1564 despite entering a plea of not guilty (CAR, 186) and the bench voided the indictment of Margery Stanton in 1579 (CAR, 1063).

*** The indictment of Sibyl Ferris was voided in 1611 (CAR, 577).



Appendix IV : Witchcraft prosecutions in the vicinity of Braintree (1) and Dedham (2) classes (c.1582-87) in northern Essex, 1587- 1603.



Appendix V: Witchcraft prosecutions in Chelmsford and Barstable Hundreds, 1564-1625.

- 1 Eustace Clovile of Hanningfield Hall committed this suspect.
- 2 Offence occurred at Rettendon.