

## We Have Found a Witch! May We Burn Her?

Jane Wenham was your typical witch; a widow, old, not exactly the greatest neighbor, and practically destitute. After twenty years of being reputed to be a witch, charges were brought against her in 1712 for “conversing familiarly with the Devil in the shape of a cat.”<sup>1</sup> These charges, however, did not include what the peasants saw as the most damning evidence: the spectral tormenting of a maid. Jane, who was condemned to die by the jury who heard her case, never faced the executioner. She lived out the rest of her days in a small cottage on the estate of a kindly Lord. But why wasn’t she executed? There was the normal amount of evidence against her, and yet she was not killed. This happy reprieve was more than just a one-time miracle for Jane, it was indicative of the growing popular sentiment of the time that belief in witches and magic was a vulgar, hedonistic thing of the past, something which the learned gentry would rather laugh at than take seriously

### THE EVIDENCE

This arguably famous trial in

English history took place in a typical setting, a small town named Walkerne in the county of Hertfordshire, a place out of the way and seen as characteristic of backward country ways to the urbanized city dwellers of the time. To the educated elite, these country folk were full of superstitions about witchcraft and “not one of them with the least shadow of reason.”<sup>2</sup> Jane had lived in this town her whole life, and by her old age, was widely presumed to be a witch there. Her trial in 1712 was not the first time she had run into trouble with the law. For years she had had a dispute with her neighbor, John Chapman. Chapman, who was a farmer, had long suspected her of being a witch, attributing the deaths of livestock to her for years.<sup>3</sup> In 1711-12, the two ran into trouble when Jane supposedly bewitched his servant, Matthew Gibson, after he had refused her a bit of straw. According to witnesses, after his encounter with Jane, a woman in a riding cloak also came to Matthew asking for straw, he refused to give her straw as well. It was after this encounter with the unknown woman that he took off on a crazed journey in search of straw

himself. Going to several neighbors' homes and asking for straw, he finally stole some from a dung heap and carried it home in his shirt, which he had ripped off in the process. When asked to account for his behavior, all he could say was, "...he knows not what mov'd him to this, but says he was forc'd to it, he knows not how."<sup>4</sup>

While some witnesses were more than ready to believe the story of the young farmhand, not all were so convinced. A physician from Hertfordshire, seriously questioned the story, saying that based on his master's poor relationship with the accused, "that in order to better ingratiate himself with his master...to contrive this foolish capriccio of his own."<sup>5</sup> It is of course impossible to tell which is the truth, if Matthew Gibson really did become enchanted or not, but the latter explanation appears more plausible as, before this incident, Jane had borne no ill will towards the boy, and had indeed no conflict with him.

Chapman, who had however clearly never liked Jane, immediately went to confront her, calling her a "witch and a bitch." In response, the old "witch" lashed back, taking him to court for slander, a case which she won, and was paid a shilling in restitution by Chapman for his comment. This certainly was not the punishment she was searching for; Jane went away grumbling about getting real justice and cursing the Reverend Mr. Gardiner, the man who had decided the matter. To the witness, Francis Bragge, this was a rather suspicious slip of the tongue, a notion which the Physician shrugged off, pointing out that her anger was "what might drop from any person."<sup>6</sup>

All this took place on February the eleventh of 1711-12, and according to members of the Gardiner family, not an hour had passed before Jane seemed to find the justice she so desired. It

came in the form of the Gardiner's serving maid Anne Thorn, a newly crippled girl who had injured her knee in an accident. A strange person for Jane to take her ire out upon, as her trouble was with the parson, not his servant.<sup>7</sup> This aside, soon after Jane Wenham had left the house following Mr. Gardiner's verdict, Anne became possessed with this notion that she had to leave and go in search of sticks. In a stint remarkably similar to that of Matthew Gibson, she ran searching for these sticks a great distance, running into some of John Chapman's working men who later verified seeing her. It was on this journey, which reportedly happened in the span of only six or seven minutes, that she too came upon a woman in a riding cloak, who bade her to pick some sticks from an oak tree, wrap them in her gown (which she had by this time discarded) and secure the bundle with a crooked pin that the old woman gave her.<sup>8</sup> All of this came out after the Gardiners and a neighbor, Mr. Bragge, found the girl having a fit in the kitchen sans her dress.

This was but the first in a long series of 'fits' that the maid would have over the next month or so, in the time leading up to the trial and afterwards. Anne would continue to be tormented with pinches and pinpricks (witnesses testified that she continually came into possession of pins that had not been on her person before),<sup>9</sup> several times being mistaken for dead. It was during one such episode where they feared the maid had passed that Jane Wenham was finally forcibly brought to the girl, who immediately became animated once more; attacking Jane even and crying out for her blood. At the same time (February 15th), the Constable, Sir Henry Chauncy, was called in to press charges against Jane on behalf of the bewitched girl.

Jane, who had maintained her innocence from the start, at once

begged to be subjected to the water test, the archaic trial- by- ordeal method of determining innocence.<sup>10</sup> Ironically enough, the constable refused the experiment, as it was “illegal and unjustifiable.”<sup>11</sup> Instead she was asked by a minister from a neighboring town to repeat the Lord’s Prayer for the constable and the men who had brought charges against her. By this time flustered by the men around her, Jane tried several times and was unable to say the prayer correctly.<sup>12</sup> After asking for a respite, the men left her with her jailor, and return the next morning to question her again. It was that night that reportedly Anne was visited by a cat with the face of Jane, which tormented her greatly, until she was miraculously recovered by those in the room praying over her. This became a new tradition, which the townspeople not only took comfort in, but also thought this phenomenon proved their case to the fullest extent. They believed that God was rescuing her from the Devil in response to the prayers.

The next day, February 16th, having had time to compose herself, Jane again met with the Constable and men of the town, and again failed to correctly repeat the Lord’s Prayer. The men then got down to business and asked her if she had anything to do with the tormenting of Anne Thorn, a question which at first she declined to answer. It was at that point she was told by one of the men, Mr. Strutt, that, “if she was guilty of such a vile act, that it would be the best thing she could do, both for the salvation of her own soul, and the good of others, to confess.”<sup>13</sup> Jane then, for lack of a better term, caved, and began to confess. She admitted to not only being a witch and bewitching Anne Thorn, but also to taking the shape of a cat as her familiar spirit, which she used to torment Anne, and entering into a pact with the devil. The reason for her turning

away from God and going down this path sounds remarkably like a line from the *Malleus Maleficarum*,<sup>14</sup> as she says it was “a malicious and wicked mind...for when any of her neighbors vexed her she used horrid curses, and imprecations, on which the Devil took advantage over her.”<sup>15</sup> They then asked her to name others she worked with, and received the names of three women from Walkerne, all of whom were held for a week and then released, with no charges ever being filed against them.

Pleased with themselves, the men retired for the night, as the next day was the Lord’s Day, Sunday, but it was on this day (February 17th) that one of the strangest parts of this case took place. Up until this point, the townspeople had seemingly abided by the law in their makings of a case against Jane. They had refused giving her the trial- by- ordeal method; they had taken careful testimony, and they had even had four women carefully search for a witches mark on Jane. However, it was on that Sunday that underlying superstitions finally came out that worked against their case. It was that evening when those who were watching over Anne, the maid, decided to take some of her urine and pour it into a stone bottle, tightly cork it and hang it over a fire. Witnesses testified that during the time the bottle was over the fire, Jane herself fell into fits, crying and whatnot. However, when the bottle exploded up “like a pistol,” Jane returned to her normal self.<sup>16</sup> This was more incontrovertible proof for the townspeople.

That same night the Constable decided to avenge poor Anne, whom had all day been crying for Jane’s blood. When he found Jane with a pin “that came into her fingers,” he became enraged, thinking that she was meaning to harm the girl again. As he proudly testified in court, he saw it as further proof of her guilt. He therefore

took the pin from her and began to repeatedly stick the pin into her arm, often up to the head of it, trying to draw blood, which he said he did not.<sup>17</sup> It is indeed strange that Jane apparently did not bleed while being stabbed repeatedly with a pin, and with the prevailing belief being that when a needle is inserted into a witches' mark it does not bleed, there is little wonder that such an occurrence would have sealed impressions of her guilt.

Armed to the teeth with testimony against her, the Constable and townspeople took Jane to Gaol to face prison and trial. All the way to the prison she was recanting her earlier confession and begging her jailors to release her. While in prison awaiting trial, the townspeople ransacked her home and also found in the pillow of Anne curious little feather cakes which could not be taken apart by human hands. Thinking these cakes an evil charm, they decided to burn the lot, thinking "...and not without reason... would have it all burnt in hopes the effects of [the charm] might cease,"<sup>18</sup> not saving one as evidence for trial.

## THE TRIAL

The townspeople came to trial hoping to have a trial that mirrored the case of Julian Cox, who set the precedent in 1663 for being executed for tormenting a maid in much the same way that Jane supposedly had. Their hopes were somewhat dashed by the fact that the only official charges brought against Jane were on her familiarity with the Devil and taking on the form of a cat to do so.<sup>20</sup> Not completely disheartened, thinking the testimony about the afflicted girl would be evidence enough to convict, they brought forward a grand total of sixteen witnesses against Jane. None came in her defense, the accusers gleefully noted, as not even Jane's children had come to speak for her. This was not hard to understand

from an outsider's perspective, as many relatives of convicted witches were often tried on the basis of their relationship to the condemned alone, notwithstanding testifying on their behalf. These advantages the townspeople of Walkerne thought they had amounted to little, however, when met with the person of the Judge, the honorable Lord Powell.

If there was to be a hero in this story, Lord Powell was beyond a doubt it. In the words of a contemporary, Francis Hutchinson, "...the tryal being before a judge of learning and experience, he valued not those tricks and trials."<sup>21</sup> Lord Powell was representative of the growing public sentiment of the upper classes that witchcraft was nothing but a vulgar belief held by ignorant people. The learned upper classes were beginning to think that believing in witches and magic was a lower, more primitive way of thinking, "which has its residence only in the weak and cowardly understandings and tempers."<sup>22</sup> Clearly from the start of the trial on March 9th, the Judge thought little of the charges, and even less of those who had brought them forward. Famously he told one witness in response to an allegation that Jane flew to the witches Sabbath that it is not a crime to fly. And he took this sardonic approach to the whole of the trial, and is veritably the reason it did not become the circus that the court of Salem did during their own witch trials, with the afflicted taking an active part in the proceedings.

As more than one person at the time pointed out, the trial of Jane Wenham already had much in common with the infamous trials of Massachusetts. As far as evidence was concerned, the two were identical, as both were entirely "trusted to the spectre evidence."<sup>23</sup> And at the outset of the trial, it appeared Anne Thorn had every intention to disrupt the trial

as the afflicted in Salem did, falling into a fit at the sight of Jane Wenham when called to testify. Unlike the Judges in Salem, however, Powell was not about to stand for such nonsense. When the townspeople asked to be allowed to pray over her as it would bring Anne out of her fit, the Judge refused, telling them: "She will come to herself by and by."<sup>24</sup>

This was not the only time the notion of prayer being used to combat the girl's fits was discussed. The Reverend Strutt, the same who had asked Jane to recite the Lord's Prayer and goaded her into confessing, testified to the fact that not only could Jane not say the Lord's Prayer, but also that said prayer could be used to heal Anne. The Judge met this with the skepticism many at the time had for such superstitious beliefs, saying: "That he had heard there were forms of exorcism in the Romish Liturgy, but knew not that we had any such in our church. However, he was glad to find there was such virtues in our prayers."<sup>25</sup> It was only then that, for the sake of evidence, he allowed Anne to be brought out of her fit through prayer.

Then the story of the odd feather cakes found in the pillow of Anne after the accused had been taken to Gaol was brought up. After having the cakes described to him in great detail, the issue of evidence came up once again as the Judge questioned the fact that none had been brought to court. As the account of the trial goes, "[Powell] said, that he wish'd he could see an enchanted feather; and seem'd to wonder that none of these strange cakes were preserved."<sup>26</sup>

The last to testify were two women, Susan Aylott and Elizabeth Field, each of whom accused Jane of killing a child of theirs. When the fact came out that both of these deaths had taken place over twelve years ago, the Judge questioned Elizabeth

why she did not immediately bring charges against Jane if she was so sure of her guilt. Elizabeth responded that she had been to poor at the time, an answer the Judge countered by asking, "Whether she was grown rich since?"<sup>27</sup> Elizabeth answered in the negative, saying that she just seized upon an opportunity.

Before sending the Jury out to deliberate, both Jane and her advocate, Powell, spoke to them. Jane, for her own part said little, just asserting that she was a "clear woman." The Judge was more direct, telling the jury after summing up the case to them that it was "left to them, whether it was sufficient to take away the prisoner's life."<sup>28</sup> The jury spent little time deliberating, and returned shortly with a guilty verdict. Judge Powell then, "tho' he was forc'd to condemn her, because a silly jury would find her guilty, sav'd her life."<sup>29</sup> This is, in essence, what he and another man, Colonel Plummer of Gilston, did. For his part, Lord Powell set aside the verdict, granting her a reprieve. The Colonel, "a sensible gentleman, who will for ever be in honor for what he did," took her into his protection and set her up in a cottage on his estate where she could live safely away from the people of Walkerne who would undoubtedly have killed her. It was in this shelter she lived out the rest of her days, peacefully dying of old age and natural causes. This was hardly the execution the people of Walkerne hoped for.

## CONCLUSION

But why did Jane escape the hangman when so many before her, when charged with the same crimes, did not? The answer lies in the times. Jane had the fortunate luck to be tried at the beginning of the eighteenth century, when witchcraft beliefs were not only no longer popular, but looked down upon and often laughed at.

The highly educated began to equate belief in witches with heathens, as all the stories were founded in pagan tradition; or, as one author at the time put it: "this strange notion of witchcraft has its foundation in heathen fables."<sup>30</sup> It was a time when not only were the ideas which founded the trials were being called into question, but also the legal structure used to prosecute them. The use of torture to find the truth and gain confessions was no longer sitting well with the majority of the population. People were starting to realize that, "the wisest men in the world may be brought, by imprisonment and torture, to confess to any thing, whether it be true or false."<sup>31</sup> People over the last century had become increasingly concerned with the use of torture, and the possible abuse of it in all criminal cases, especially in that of witchcraft. No longer was it found to be reliable as more and more people pointed out that innocent people would confess to absolutely anything in order to stop the pain. And as the confessions gained by torture were often the only "conclusive" evidence in a witchcraft trial, the practice came under fire as people were being condemned to die on nothing more than questionable

confessions. Whether given under duress or not, confessions no longer were seen as the end all be all piece of evidence to seal shut a case.<sup>32</sup>

It is clear that Jane was saved by the time in which her trial took place. As was made clear by the example of Julian Cox in 1663, in earlier years people had been killed for what she had been accused of. In the end, the case against her consisted of her threatening Anne, her subsequent presence when Anne recovered, and her "free" confession. This was enough for a jury to sentence her to death, but at the same time too little for a judge to condemn her to die. And thanks to this judge, and others who shared his opinion, Jane escaped the fate of so many reputed witches before her, and lived happily into old age. This trial, in the way it was carried out, is a perfect case for the changing times, an era when science was at the forefront and what was seen as backwards hedonism was pushed into relative obscurity. In it are all the classic features of a witchcraft trial, except for the reprieve granted at the end, which instead shows the moving forward of the judicial process and societal concepts towards what was arguably a more modern stance.

## END NOTES

1. Francis Bragge, *"A Full and Impartial Account of the Discovery of sorcery and witchcraft, as practic'd by Jane Wenham of Walkerne"* (Printed for E. Curil, London, 1712), 28.
2. Physician in Hertfordshire, *"A Full Confutation of Witchcraft..."* (Printed for J. Baker, London, 1712), 42.
3. *Ibid*, 5.
4. *Ibid*, 6.
5. Physician in Hertfordshire, 6.
6. *Ibid*, 7.
7. Physician in Hertfordshire, 8.
8. Bragge, *"A Full and Impartial Account..."*, 8.

9. *Ibid*, 23.

10. *The traditional water test, is one of the best known examples of the old judicial standard of proof "Trial by Ordeal." In such a case, the accused would be subjected to some sort of ordeal, the outcome of which would determine their guilt. The water test, as satirized in the film "Monty Python and the Holy Grail," a suspect witch would be bound and thrown into the water. If they floated then clearly they were a witch, therefore guilty and burned; whereas if they sank and drowned they were innocent, although still dead. By the late seventeenth century, however, this process was seen as barbaric, as the new standard of proof became a confession gained under torture.*

11. *Ibid*, 16.

12. *It is worth noting that the mistakes that she made were grammatical, for instance: "Lead us not into temptation but deliver us from all evil" rather than "Lead us not into temptation and deliver us from evil." Bragge, 16.*

13. *Ibid*, 19.

14. *The Malleus Maleficarum, otherwise known as the 'Witches' Hammer,' was a guide book published by one Heinrich Kramer and Jacob Spranger. In short, it was intended to be used by prosecutors and inquisitors to find and prove the guilt of suspected witches. It also is an incredibly misogynistic document that was largely Kramer trying to assert religious supremacy over judicial in the case of witches, as he had been thwarted in earlier attempts to condemn witches to death. Following its publication, it was widely used throughout Europe in the witch hunts.*

15. *Ibid*, 20.

16. *Ibid*, 24.

17. *Ibid*, 23.

18. *Ibid*, 27.

19. Joseph E. Baker, "The Witch, No. 3" (Walker, Geo H. & Co.), 1892.

20. *Ibid*, 28.

21. Francis Hutchinson, "An Historical Essay Concerning Witchcraft" (Printed for R. Knaplock and D. Midwinter, London, 1720), 165.

22. Unknown, "Impossibility of Witchcraft..." (Printed by J. Baker, London, 1712), 5.

23. Hutchinson, 164.

24. Bragge, 28.

25. Bragge, 29.

26. Bragge, 31.

27. Bragge, 32.

28. Bragge, 33.

29. Hutchinson, 165.

30. Unknown, 12.

31. Unknown, 32.

32. *Brian P. Levack, The Witch-Hunt in Early Modern Europe (Pearson Education Limited, UK, 1987), 261.*