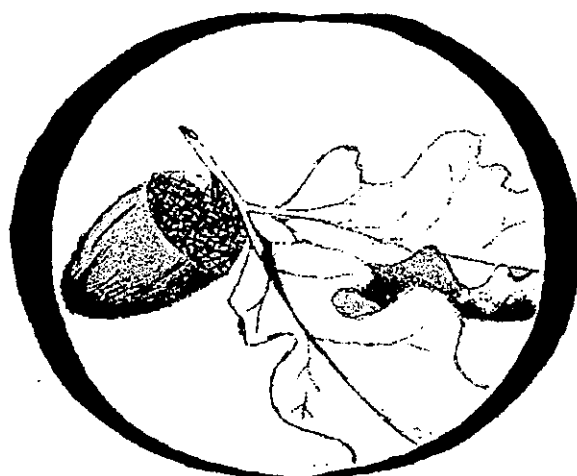


**Women, Witchcraft and the Law
in Early Modern Wales (1536-1736):
A Continuation of Customary Practice.**



by Sally Parkin
1998

In memory of my father

Thomas Edwin Parkin
1916 to 1995
to whom I gave my word.

for my children, Jesse and Elisabeth
to whom I gave my promise.

And to Helen Robin whose loving care of this family
has enabled me to keep both.

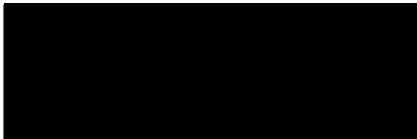
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Women, Witchcraft and the Law in Early Modern Wales (1536-1736): A Continuation of Customary Practice is an amendment of *Women, Witchcraft and the Law in Early Modern Wales (1536-1736): A Continuation of Customary Practice* originally submitted in 2000 which was a re-submission of a thesis entitled *Witchcraft in Early Modern Wales A Continuation of Customary Practice*, originally submitted in February, 1998.

Candidate's Certification

I certify that the substance of this thesis has not already been submitted for any degree and is not currently being submitted for any other degree or qualification.

I certify that any help I received in preparing this thesis, and all sources used, have been acknowledged.



Sally Parkin

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**Introduction:
Defining the Figure of the Welsh Witch,
1536-1736**

Documentary evidence from the records of the Courts of Great Sessions for Wales¹ provides a framework for analysing witchcraft in early modern Wales, specifically from 1536 to 1736. Wales has two distinct types of witchcraft cases: witchcraft as words or slander cases, and witchcraft as *malefice* cases in which a woman was accused of practising *malefice* or premeditated harming. The outcomes in both types of cases before the criminal courts of Wales were almost always the same, the survival of the accused witch and the woman slandered as a witch. In other words, execution for charges associated with witchcraft was extremely rare in early modern Wales.

The timeframe, 1536 to 1736, is precise because the Courts of Great Sessions were established with the Acts of Union between Wales and England. The Acts began in 1536 and ended in 1543 but it was the 1536 Act which established the Courts of Great Sessions for all of Wales. Modelled on the Sessions of the former Principality of Wales, the Courts of Great Sessions were unlike the Assize courts of England although they were subjected to the same authority of English statute law. In 1736, the 1604 Witchcraft Act of James I/IV, which made execution the punishment for those found guilty of *malefice* witchcraft practices, was rescinded. This brought an end to the legal mechanisms which enabled the prosecution of people for witchcraft activities for which, if found guilty, they could face execution in Britain.

Two hundred years of court cases relating to witchcraft in early modern Wales are located in the Courts of Great Sessions records. Compared with other counties and shires in England and Scotland, there are very few Welsh witchcraft cases. There are more cases per county in England than there are records of witchcraft court cases for the whole of early modern Wales. Nevertheless, the surviving records provide important insights into traditional Welsh attitudes towards witchcraft and ways of dealing with it.

The Courts of Great Sessions had four circuits and each justice of the four groups of three shires held a Court of Great Sessions twice a year in each county, usually in spring and summer, for fifteen although not necessarily consecutive, days. This is the reason why so many witchcraft cases took such a long time to reach any sort of conclusion in the courts. Often the outcome remains unknown as people, particularly in witchcraft as words cases, simply did not proceed and there is no court record detailing what eventually happened. All that remains are the initial declarations. Such cases were, in all probability, settled out of court with no further notification to the court. Prothonotary papers therefore, sometimes contain only the brief declaration of the slandered woman plus the amount of financial compensation for which she originally asked.

¹ Held at The National Library of Wales, Aberystwyth, Wales.

Witchcraft as Words

Witchcraft as words cases are far more numerous than witchcraft as *malefice* cases. However, the Brecon Circuit has no cases of witchcraft as words for Radnor or Glamorgan although there is one case located in each of the quarter sessions records for these counties. There is one case for Brecon. The Chester Circuit has nine cases for Denbigh, eight for Flint and six for Montgomery. On the North Wales Circuit, there are three for Angelsey, one for Caernarvon but none for Merioneth. Merioneth is a particularly difficult county because quarter sessions and Courts of Great Sessions records no longer exist prior to 1682. Only Pembroke, with six cases, has witchcraft as words cases for the Carmarthen Circuit as there are none for the counties of Carmarthen or Cardigan. The records of the ecclesiastical courts, which dealt with defamation, for early modern Wales yield even fewer cases of witchcraft as defamation: one for the Peculiar of Hawarden Consistory Court, none for Bangor, St. Asaph, St. Davids, or the Archdeaconry of Brecon, and four for Llandaff, one in 1712 with a further three in 1722.

Table IWitchcraft as Words Cases: Summary of Court Circuits**Brecon Circuit****Brecon***Great Sessions*

1634 wife and husband against a man, man spoke words: witch

Quarter Sessions

1690 woman against one woman and two men, all spoke the words: witch plus ²

Glamorgan*Quarter Sessions*

1730 man against a woman, woman spoke words: bewitchment. Case for misbehaviour, causing a breach of the peace, not witchcraft ³

No cases for **Radnor**

Chester Circuit**Denbigh**

1604 wife and husband against wife and husband, woman spoke words: witch

1604 wife and husband against wife and husband, woman spoke words: witch

² "Witch plus" means that there was more than one slander about which the woman was concerned, i.e. she may also have been slandered as a harlot, a scold etc.

³ This is the Glamorgan case of William Williams against Margaret Richards who accused Williams of bewitching her oxen and wanted his blood so that he would not do it again. It is a slander case as it concerns "his Good Name and Credit." and the court records refer to it as an article of misbehaviour case against Margaret Richards, not as a witchcraft case. Glamorgan Plea Rolls (1542-1830) 1730 July at Neath. Glamorgan Quarter Sessions Roll Midsummer 1730 "c", No. 39.

- 1610 wife and husband against wife and husband, woman spoke words: witch
 1610 wife and husband against man, man spoke words: witch
 1627 wife and husband against man, man spoke words: witch
 1655 wife and husband against man, man spoke words: witch
 1673 woman against woman, woman spoke words: witch plus * witch second 4
 1684 wife and husband against man, man spoke words: witch plus
 1712 woman against man, man spoke words: witch plus * witch second

Flint

- 1605 wife and husband against wife and husband, wife spoke words: witch
 1610 woman against man, man spoke words: witch
 1615 wife and husband against wife and husband, wife spoke words: witch
 1617 wife and husband against wife and husband, wife spoke English words: witch
 1635 widow against man, man spoke words: witch
 1660 woman against wife plus husband, wife spoke words: witch plus
 1666 woman against man, man spoke words: witch
 1677 widow against man, man spoke words: witch plus * witch second

Montgomery

- 1635 wife and husband against wife and husband, wife spoke words: witch
 1636 wife and husband against wife and husband, all spoke words: witch
 1648 woman against wife and husband, wife spoke words: witch
 1651 wife and husband against man, man spoke words: witch
 1650-5 woman against widow, widow spoke words: witch
 1662 wife and husband against wife and husband, both spoke words: witch

North Wales Circuit

Anglesey

- 1652 widow against man, man spoke words: witch (Maud verch Hugh ap Hugh)
 1718 wife and husband against man, man spoke words: witch plus
 1732 wife and husband against man, man spoke words: witch plus

Caernarvon

- 1754 wife and husband against wife and husband, wife spoke words: witch plus
 * witch second (case also cited as being before the Spiritual court of Bangor)

No cases for Merioneth

⁴ This means that, in the court record, the woman was slandered for being more than a witch i.e. also a thief, a whore, a drunk, etc as well as being slandered for a witch. "Witch" was usually cited first, where it is not, I have used the " * witch second", to indicate the importance of each slander to the woman bringing the case. The most important of the slanders was generally cited first in the declaration.

Carmarthen Circuit

No cases for **Carmarthen**

No cases for **Cardigan**

Pembroke*Great Sessions*

- 1623 wife and husband against wife and husband, ?⁵ spoke the words: witch
 1634 widow against man, man spoke words: witch
 1634 widow against man, man spoke words: witch
 1638 wife and husband against wife and husband, woman spoke words: witch plus
 1661 wife and husband against wife and husband, both spoke words: witch plus
 1783 woman against man, man spoke words: witch plus

Quarter Sessions

Year ? wife and husband bound over for speaking of a wife: witch plus

Table IIWitchcraft as Words Cases: Ecclesiastical Courts**Peculiar of Hawarden Consistory Court**

1666-85 woman against woman, woman spoke words: witch

No cases for **Bangor**

No cases for **St. Asaph**

No cases for **St. Davids**

No cases for Archdeaconry of Brecon

Llandaff

- 1712 wife against woman, wife spoke words: witch plus * witch second
 1722/24 wife against wife, wife spoke words: witch plus * witch first. Witness depositions attached.
 1722 wife against wife, wife spoke words: witch plus * witch second
 1722 wife against wife, wife spoke words: witch plus * witch first

No cases for **Court of Arches (appeals)**

⁵ "?" indicates that the sex of the person who spoke the words is unknown.

Witchcraft as Malefice

The people of early modern Wales had a profound belief in witches, witchcraft and the supernatural. The belief was deeply ingrained but, during the years when the Witchcraft Act of 1604 was law, Wales did not experience a rash of accusations or prosecutions. Witchcraft cases in early modern Wales show the survival of almost all those who were accused of witchcraft as *malefice* and found guilty as charged. Witches were not usually executed in Wales even though they admitted their guilt in court. The only woman who did not admit her guilt was Margaret verch Richard who was executed after putting herself on the court. However, her case documents are unusual as there are no witness statements, no statement from Margaret herself and only the judgement is recorded.

Further refining the concept of *malefice* witchcraft as understood in early modern Wales, the transcripts of each witchcraft court case indicated that the guilty verdict for women tried as *malefice* practising witches may have been reserved mainly for those women whose actions had resulted in the death of a person. The cases of Gwen verch Ellis, Margaret verch Richard, Anne Ellis, Elizabeth Parry,⁶ and Olly Powell, provide evidence where their actions were related to the death of a person. All these women were found guilty but none, other than Margaret verch Richard, received any punishment for their proved actions. This, despite the fact that the bills were declared true and the case against each accused was proved. The other cases against the accused concerned the bewitchment of people and animals, lingering illnesses and unusual behaviour of people after contact with the accused. These cases also resulted in true bills, guilty verdicts followed by dismissal or the bill being declared *Ignoramus*.

Table IIIWitchcraft as Malefice Cases: Summary of Court CircuitsBrecon Circuit

Brecon	None
Glamorgan	1668 Rachel Flemynge/Fleming for witchcraft practices, dismissed 1678 Rachel Flemynge/Fleming for witchcraft practices, sentenced to death but died on the day of her execution. No extant records for the Glamorgan Courts of Great Sessions prior to 1690 exist.
Radnor	None

Chester Circuit

Denbigh	1594 Gwen verch Ellis for witchcraft practices
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⁶ A quarter sessions case from Denbighshire which was a petition only and the petitioner, Sarah Poole was proved to be a troublesome assaulter of her neighbours and bound over to keep the peace.

1672-73 Elizabeth Parry, quarter sessions for witchcraft practices

Flint 1655-56 Dorothy Griffith for witchcraft practices
1657 Anne Ellis for witchcraft practices

Montgomery None

North Wales Circuit

Anglesey 1652 Maud verch Hugh ap Hugh, fate unknown but this slander case may have become a witchcraft practices case.
1655 Margaret verch Richard for witchcraft practices. **Executed.**

Caernarvon 1621/22 Ritherch ap Jevan and Lowri verch Jevan committed to gaol on a charge of witchcraft. (No court records, only the letter of a contemporary citing the occurrence).

Merioneth None. No extant Courts of Great Sessions or quarter sessions.

Carmarthen Circuit

Carmarthen 1654 Joan Roger and David John for bewitchment
1656 Gwenllian David/Lys Hier and Margaret David/Maggie Hier for witchcraft practices

Cardigan 1693 C/Katherine Rees for witchcraft practices

Pembroke 1607 Katherine Lewis/Bowen for witchcraft practices
1693/4 Olly Powell for witchcraft practices

Haverfordwest County and Borough
1655 Golly Lullock for witchcraft practices

Brecon Circuit : no cases in the records of Great Sessions.

Brecon : none.

Radnor : none.

Glamorgan: none.

Women as Witches

This brief review of the Courts of Great Sessions records for witchcraft in early modern Wales shows that the cases all concern women, a fact which has generated the approach of this thesis. Witchcraft in Europe in the early modern period was generally associated with women but not always. In early modern Wales however, the association appeared to be almost exclusive. Such exclusivity apparently did not predispose the Courts of Great Sessions judges and juries towards punishment as most accused women were not fined, gaoled or executed. Margaret verch Richard ⁷ was executed but the fate of the others, most of which were recorded, was dismissal without any form of punishment. There is some dispute as to the fate of Gwen verch Ellis ⁸ but cases for *malefice* witchcraft in early modern Wales generally record survival as the usual outcome, not punishment or execution.

A considerable degree of correlation exists between Welsh popular beliefs relating to witches and the gendered nature of witchcraft cases in Wales. Early modern Welsh people defined witchcraft as the maleficent practices of the witch, activities which they believed were the result of intended and premeditated harm inflicted only by the witch. The witch, as far as the Welsh people were concerned, was always a woman as popular culture dictated that only women could be witches because only women engaged in *malefice*. Prior to the borrowing of the term *wits* from Middle English before the early modern period, the Welsh term for any individual thought to be a practitioner of the magical arts was *rheibwr* or *rheibes*, depending on the sex of the person, and came from the word *rheibio* which meant *to bewitch*. This term was all inclusive as it was used to refer to all types of practitioners of the magical arts, of both sexes: witch, conjuror, sorcerer, soothsayer and charmer.

Court records for Wales support the implication that witchcraft activities and witches in early modern Wales related only to women. All witchcraft as words cases before the Courts of Great Sessions concerned women who were bringing others to court for having slandered them as a witch. Similarly, witchcraft as *malefice* cases also concerned only women. There is no court case in which a man was brought to court accused of being a *malefice* practising witch. Nevertheless, those women accused as *malefice* practising witches survived guilty verdicts under the Witchcraft Acts of the English state, an authority under which the outcome should have been very different. Similarly,

⁷ NLW, Great Sessions 16/7 Great Sessions for Anglesey (1655) Margaret verch Richard of Beaumaris on 20th August 1655 at Beaumaris.

⁸ NLW, Great Sessions 4/9/4/10-15 NLW Denbigh Gaol Files (1594) Great Sessions for Denbigh 36 Elizabeth. See Richard Suggett, "Witchcraft Dynamics in Early Modern Wales." in Michael Roberts and Simone Clarke (eds), *Women and Gender in Early Modern Wales*, University of Wales Press, Cardiff, 2000, p. 85-86. Transcriptions of this case do not indicate what the verdict was. Suggett's statement "Gwen was arrested, arraigned for murder by witchcraft, found guilty and sentenced to hang." (op. cit., p. 81) is questionable as Gwen was tried under the 1562 Witchcraft Act of Elizabeth I, not the 1604 Witchcraft Act of James I. In the 1562 Act, *maleficia*, if proved, was a punishable offence for which one year of imprisonment was the sentence.

witchcraft as words cases were being heard in a criminal court system under the same state authority which demanded that any implication of witchcraft should be investigated. In other words, the slander cases for Wales should have been examined in an effort to ascertain if the slander had any truth to it and whether the slandered woman was indeed a practising witch. Witchcraft in early modern Wales does not appear to reflect the statutes of English law in relation to both types of witchcraft cases before the Courts of Great Sessions.

Summary of the Thesis

The thesis is concerned with examining the influences which determined the nature of the witchcraft cases in the Courts of Great Sessions. Witchcraft as words cases in the Courts of Great Sessions provide evidence that Welsh people continued to adhere to their customary laws, particularly those of the Law of Women, laws which existed for hundreds of years prior to the Acts of Union.

Witchcraft as *malefice* cases provide evidence of the continued use of customary practices with which to contain the *malefice* activities of the witch. Such practices enabled the individual to undertake self-empowerment actions in the face of perceived threats, thus alleviating the fear and paranoia which the existence of witches often generated. Evidence for the use of customary practices occurs in every witchcraft as *malefice* court case for Wales, suggesting that the actual court case was the final antidote to witchcraft, the end of what the thesis proposes is a three phase antidote process. The objective of the court case was to induce the witch to admit her guilt because customary practice dictated that reconciliation could not occur until an admission of guilt was achieved. The admission restored inter-personal and communal harmony, again indicative of adherence to customary law which required the restoration of such harmony in order to alleviate bloodfued or kin dispute.

Courts of Great Sessions case evidence indicates that witchcraft in early modern Wales may have had some significant differences from the experience of witchcraft before other courts in neighbouring countries, Continental Europe and America.

Chapter I "Contextualising the Welsh Witch in the Early Modern World: Witchcraft Historiography", provides a comparative analysis between Welsh popular beliefs, the nature of the Welsh witch and existing witchcraft historiography for the early modern world. In this way, the differences and similarities between witchcraft experiences in Wales and the rest of the early modern world can be contextualised.

Chapter II "The Courts of Great Sessions: the context of the witchcraft cases", details the new judicial system under which Wales, in its entirety, existed from 1536. The records from this court system are the main sources from which key evidence can be elicited for early modern Welsh witchcraft. However, despite the fact that English statutes

were imposed on Welsh society, the courts were not a mirror image of the Assize courts of England, nor did the judicial response to witches brought before the Courts of Great Sessions follow the principles of the various English Witchcraft Acts of 1541, repealed by Edward VI in 1547, the Act of 1562 and the Act of 1604.

Chapter III "The Customary *Law of Women* : Social Place and Cultural Status", examines the customary legal environment in which Welsh women had existed for hundreds of years prior to the Acts of Union. Welsh witchcraft slander cases were not heard before the ecclesiastical courts as was common in England and the reasons why Welsh women slandered as witches brought cases before the criminal courts for financial compensation can be found in the customary laws of the Welsh people. The Courts of Great Sessions slander cases are in direct contrast to witchcraft as defamation cases which were brought before the ecclesiastical courts in Wales in the 1700s. This chapter provides evidence for the reasons why the Courts of Great Sessions dealt with witchcraft as words in a criminal court, reinforcing the social place and cultural status of Welsh women after the Acts of Union.

Chapter IV "Order and Authority : Gender and the Continuation of Customary Laws and Practice in Early Modern Wales", examines two concepts of order, that of the English state and that of Welsh adherence to customary law after the Acts of Union and into the twentieth century. Witchcraft in early modern Wales is a gender issue and, using evidence from the centuries after that of the sixteenth, evidence for the Welsh response and reactions to women and witchcraft can be analysed retrospectively. This method overcomes the difficulty encountered because of the lack of contemporary written sources in relation to the women who were the subject of witchcraft as *malefice* and witchcraft as words accusations. The analysis of both types of witchcraft cases before the Courts of Great Sessions provides evidence which supports the principle that such cases reflect the customary laws and practices of the Welsh people rather than the statutes of the English state.

Chapter V "Witchcraft as Words : Slander and Defamation Case Studies" analyses witchcraft as words cases. Defamation/slander cases were usually concentrated in the ecclesiastical courts in early modern England and were not, therefore, awarded financial compensation. This chapter examines why Welsh women lodged such cases in the highest criminal court located within Wales which was available to all Welsh people. All such cases were brought by women, there are no cases of slander brought by men for being called a witch in the Courts of Great Sessions. Witchcraft as words cases were concerned only with the honour of the woman and not with whether she was or was not a practising witch. Using the Great Sessions records, the evidence of the Law of Women and the continuation of customary practices pertaining to women, it can be seen that a woman's social place and cultural status were essential criteria for showing the nature of witchcraft cases as slander. Defamation cases brought before the Welsh ecclesiastical courts in the 1700s provide a direct contrast to reasons associated with the lodgement of

witchcraft as words cases by Welsh women in the Courts of Great Sessions.

Chapter VI "Personal Protection, The First Phase of the Welsh Antidote to Witchcraft as *Malefice*", begins the analysis of the continuation of adherence to customary practice, and the reasons behind the lodgement of so few witchcraft as *malefice* cases in the Courts of Great Sessions. Evidence from court documents indicates that a set pattern of responses, personal antidotes to *malefice*, were undertaken by the accusers. Self-empowerment actions as part of a counter-magical process were undertaken well before a witchcraft case was lodged in the courts. Court case evidence also indicates that individuals moved into the second phase of the antidote process if the personal phase was unsuccessful.

Chapter VII "Communal Protection, The Second Phase of the Welsh Antidote to Witchcraft as *Malefice*", examines the role of the conjuror, the communal balancing agent between the people and the witch, in early modern Wales.

Chapter VIII "Witchcraft as *Malefice* : Witchcraft Case Studies, The Third Phase of The Welsh Antidote to Witchcraft", examines the different dimension of witchcraft cases which were lodged in the Courts of Great Sessions in early modern Wales. The lodgement of a court case was the end process of a *malefice* problem which the participants had been unable to resolve using the personal and communal antidotes offered by customary practices. In all cases but one, each woman accused as a witch admitted her guilt and was found guilty, a verdict however which resulted in the release of the woman with no further punishment. The evidence indicates that the reason why Welsh people lodged such cases was to achieve the reconciliation process which Welsh customary law viewed as the necessary outcome for people injured by or injuring another person. Only through reconciliation could inter-personal and communal harmony be restored. The thesis will argue that it was because the objective of the Welsh court case differed from the objective of court cases in other regions, as instanced by witchcraft historiography, that there were so few witchcraft as *malefice* cases brought to court in early modern Wales.

Chapter IX Conclusion, concludes that the nature of witchcraft cases before the Courts of Great Sessions was reflective of the customary laws and the continued adherence to customary practices pertaining to women and women accused as witches in early modern Wales. The reasons why witchcraft as *malefice* cases were so few and witchcraft as words cases were lodged in the criminal courts for financial compensation were due to the Welsh people's adherence to customary practices and to the customary Law of Women, authorities which clearly remained of greater significant to Welsh people than the authority of the English state.
