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The Devil's Specter:
Spectral Evidence and the Salem Witchcraft Crisis

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In Salem, Massachusetts on September 8 1692, Ann Putnam Jr. gave a deposition against Goodwife Bradbury claiming that “Mis Bradbery is a most dreadfull witch for sence she has been in prison she or hir Apperance has com to me and most greivously afflicted me.”¹ Here Ann Putnam Jr. provided “spectral evidence” to the grand jury inquest against Mary Bradbury. Spectral evidence refers to testimony of the bewitched that an accused person’s spectral shape appeared to them at a time when their physical body was elsewhere. This was a key point of proof delivered against accused witches at Salem in 1692. Spectral evidence is impossible to prove and courts used it with caution in court cases prior to Salem. Legal references from the seventeenth century all urged courts to be extremely skeptical of spectral evidence, yet nearly every case during the Salem outbreak featured this evidence. This study will focus on the impact spectral evidence had on the Salem crisis and what role it played in ending the crisis.

There are four main questions concerning spectral evidence that this study explores. First, what is the history of the use of spectral evidence in court cases before the Salem trials and how much weight did the courts give this sort of evidence? Second, what affect did spectral evidence have on the Salem trials and to what extent did the court use it? Third, was there a debate about allowing spectral evidence at the time of the Crisis and, if so, between who and to what end? Finally, once spectral evidence was eliminated from the Salem trials, what affect did that have on the remaining cases and the ultimate end of the Crisis?

To answer these questions, this paper first explores the history of spectral evidence in England and to what extent it was used in English court cases. The Bury St. Edmonds case stands out as a clear precedent for the use of spectral evidence at Salem and is explored in depth. New England law concerning spectral evidence is then considered as well as other New England

¹ “Ann Putnam JR. V. Mary Bradbury, 1692”, Paul Boyer and Stephen Nissenbaum, *The Salem witchcraft papers, volume 1* (Electronic text center, University of Virginia Library).

court cases where spectral evidence became a factor. Next, this study explores to what extent the court of Oyer and Terminer used spectral evidence at Salem. It then discusses the impact the debate had over the use of spectral evidence. The last issues discussed are the effects on the remaining cases after spectral evidence was no longer accepted. This paper argues that the validation of spectral evidence at Salem placed accused witches more at risk for conviction and that without this evidence, the remaining cases had no legal ground to continue.

Witchcraft has been a part of English culture since at least the fourteenth century, but was not considered a crime until 1558.² The Catholic Church first prosecuted witches as heretics because they believed sorcery disrupted the natural plan of God. The king had the power to overturn a conviction of heresy brought by the church, but for the most part, the church handled witchcraft accusations. Henry VIII attempted to create a secular law concerning witchcraft in 1541 by enacting that, “sundrie persons unlawfully have devised and practiced... witchcrafts, inchantments and sorceries to the destruction of their neighbors persones and goodes...” would be subject to felony charges.³ During this time, execution was the sentence for a felony charge. This statute was broad and harsh for the time and Henry VIII repealed it six years later.

The start of Queen Elizabeth I's reign in 1558 marked the true beginning of a clear secular statute concerning witchcraft, which imposed varied punishment for different degrees of the crime. This statute stated that all who, “use, practice, or exercise any witchcraft, enchantment, charm or sorcery, whereby any person shall happen to be killed or destroyed... shall suffer pains of death.”⁴ Even though this statute did define the crime of

² Wallace Notestein, *A History of Witchcraft in England, From 1558 to 1718* (Washington: The American Historical Association, 1911), 13,14.

³ Notestein, *A History of Witchcraft in England*, 11.

⁴ Notestein, *A History of Witchcraft in England*, 14.

witchcraft, it did not impose any judicial limits on what evidence to admit. Guilty verdicts were common throughout the first half of Elizabeth's reign, confession being the most coveted form of evidence. The charges ranged from causing illness to bewitching and killing children. The evidence given was testimonies from the victims, neighbors, and family members. Most involved the use of familiar animals to inflict harm on community members. Wallace Notestein, a University of Minnesota history professor, referred to the evidence used in the St. Oses outbreak of 1579 by stating, "The use of evidence in this trial would lead one to suppose that in England no rules of evidence were yet in existence. The testimony of children ranging in age from six to nine was eagerly received."⁵ Even though spectral evidence was not documented as such in these cases, by Notestein's analysis it can be assumed that spectral evidence could have been just as eagerly accepted.

During this time, there were scholars who opposed the use of such evidence and even the existence of witches altogether. Reginald Scot was the first notable opponent of witchcraft persecution, noting in his work, the *Discoverie of Witchcraft*, that belief in such testimony as evidence of witchcraft was ignorant and an abuse to the legal system.⁶ A clergyman George Gifford also opposed the prosecution of innocent people as witches and, even though he believed in their existence, he thought "that most of the evidence presented against them was worthless."⁷ These scholars' opinions would find an adversary in King James I.

King James I believed strongly in the threat of witchcraft and sought to strengthen and enforce the statute prosecuting witches. James wrote the *Demonologie* in 1597, which outlined his beliefs on witchcraft and offered what he believed to be valid evidence for conviction.⁸ He

⁵ Notestein, *A History of Witchcraft in England*, 44.

⁶ Notestein, *A History of Witchcraft in England*, 57-69.

⁷ Notestein, *A History of Witchcraft in England*, 70.

⁸ Notestein, *A History of Witchcraft in England*, 103-104.

stressed the importance on finding the witch's mark and also believed that witches would float when placed in water. He then repealed the statute created by Elizabeth and replaced it with a new law that now allowed execution for not only murder, but also for using evil spirits to cause harm. At this time, spectral evidence became popular in testimony, but remained inadequate to prove guilt. The weight spectral evidence was given to a case relied on the perceived credibility of the witness. The cases of Northampton in 1612 and York in 1622 illustrate that the use of spectral evidence was used in varying degrees.

Elizabeth Belcher of Northampton suffered a mysterious illness that eventually was attributed to witchcraft. She accused a suspected witch, Joan Brown, of bewitching her and, shortly after, Joan and her mother were arrested. Elizabeth's brother, Master Avery, was taken with fits when he also accused Joan and three others, including Agnes Brown. These accusations incited a witch panic and fourteen accused were imprisoned. Master Avery's testimony included spectral evidence; he stated that he saw a specter of a "bloody man desiring him to have mercy on his mistress Agnes and to cease impeaching her,"⁹ as well as other apparitions of the accused. Spectral evidence was combined with other evidence such as the witch's mark and water test. Joan Brown and her mother were executed as well as three others including a young man whose mother committed suicide in prison awaiting her trial. This example shows how spectral evidence was used to give credit to an accusation and, ultimately, a conviction while the next example displays the opposite.

In 1622, the children of Edward Fairfax of York were afflicted with a mysterious illness. They repeatedly saw specters of six women and claimed they were bewitched by them. The women were examined and placed in prison. Four of them were released in April of that year, but Fairfax wanted a better result and the women were formally tried in August. The judges

⁹ Notestein, *A History of Witchcraft in England*, 110.

heard a portion of the spectral evidence and dismissed the case on grounds that, “the evidence reached not to the point of the statute.”¹⁰ The Northampton case consisted of at least two respected adults providing spectral evidence as compared to York where the testimony rested solely on children and this fact may have played a role in the credibility of the case. These examples illustrate that during the reign of King James I, the weight of spectral evidence was dependent on the witness and the inclination of the judge, not on a well-defined legal statute.

As the seventeenth century progressed, witchcraft prosecutions steadily declined and there was a push for caution in determining guilt. Officials set strict standards for accepting confessions and actively discouraged the use of swimming tests. Even with these new standards, the correct use of spectral evidence remained ambiguous. In this period, spectral evidence became more common, as did acquittals. The courts of England scrutinized accusations more closely, finding in some cases imposture by the accusers, as seen in a trial at Taunton-Dean, where Justice North tried a man for bewitching a young girl. The afflicted girl brought pins into the courtroom and falsely claimed the accused had bewitched her and after the man was acquitted, his mother caught the judge in the stairwell stating, “My lord, forty years ago they would have hang’d me for a witch, and...now they would have hang’d my poor son.”¹¹ The caution present in English witchcraft cases would be overlooked in New England in 1692.

Formal statutes did not change regarding evidence, but scholars and clergyman wrote guides to handle witchcraft accusations. Richard Bernard created a substantial work in 1627 entitled *Guide to Grand-Jurymen...in cases of Witchcraft*. Bernard was a clergyman who urged caution when prosecuting witches. He believed diseases were the cause of most possession cases, that the Devil acted alone in most cases, and that the swimming test was not an accurate

¹⁰ Notestein, *A History of Witchcraft in England*, 144-145.

¹¹ Notestein, *A History of Witchcraft in England*, 278.

means to determine guilt. Even with this cautious opinion, Bernard did believe that specters seen by afflicted persons were grounds for suspicion.¹² Bernard urged that this evidence should be only grounds for suspicion not conviction. He stated that, if anything, apparitions seen by the afflicted were, “the devil’s testimony, who can lye, and that more often then speak truth” and even if the devil told the truth he did it with “lying intent...seeking to ensnare the blood of the innocent.”¹³ Bernard stated that Satan could represent any unregenerate (non-church member) innocent person to deceive people. This language could be interpreted to mean that Satan could not falsely represent an innocent church member and this understanding would be significant evidence toward accused church members in Salem 1692. Other contemporary authors such as John Gaule who wrote *Select cases of conscience concerning witchcraft* in 1646 and William Perkins who wrote, *a discourse of the damned art of witchcraft* in 1631, agreed with Bernard’s cautious opinion, but also left much room for interpretation in their findings. Michael Dalton published the legal guidance text, *The Country Justice* in 1618 in which he explains that direct evidence may not be available in a witchcraft case and offers his opinion as to other evidence to look for. He explains that the apparitions seen in the fits of the bewitched are grounds for suspicion but more is needed for conviction, the best evidence being the confession of the accused and/or the existence of an animal familiar. Dalton also provides a list of characteristics exhibited by afflicted persons to determine that they are, in fact, bewitched. One of the seven characteristics listed, stated that a sick party is bewitched, “when the party shall see visibly some

¹² Notestein, *A History of Witchcraft in England*, 235-236.

¹³ Mary Beth Norton, *In the Devil's Snare, The Salem Witchcraft Crisis of 1692* (New York: Vintage Books, 2002), 33.

apparition, and shortly after some mischief shall befall him.”¹⁴ Dalton’s guidance was used extensively at Salem in 1692.

The use of spectral evidence in England was becoming more common during the reign of Charles II and James II. One case in particular in Bury St. Edmond has been heralded as the clear precedent for the use of spectral evidence at the Salem Crisis in New England. Seven children in Lowestoft Suffolk, England in 1662 became ill, “feeling most extreme pain in her (their) stomach, like the pricking of pins; occasionally being unable to speak or hear.”¹⁵ Out of the seven children, six were young girls coming from four different families and all claimed to be bewitched. The afflicted accused two widows, Rose Cullender and Amy Denny, of bewitching them. The girls were examined by a doctor and he concluded that they were bewitched. At the trial in Bury St. Edmonds, the parents and relatives of the afflicted testified on their behalf, stating that the children were too ill to attend. Three children tried to attend the proceedings, but suffered fits and “could not in any wise give instructions in the court who were the cause of their distemper.”¹⁶ The children claimed to see the accused’s specters terrorizing and threatening them. The seemingly skeptical Sir Matthew Hale implemented the touch test as proof of bewitchment. As one of the afflicted lay motionless with eyes closed, Amy Denny lightly touched her and she “leaped up...and with her nails scratched her till blood came.”¹⁷ Community members accused the widows of acts of malfeasance in addition to the bewitchment charge. At the close of the three-day trial, Judge Hale instructed the Jury that, “There were such creatures as witches...because the scriptures said so and because the wisdom of all nations

¹⁴ Daniel G. Payne, “Defending against the Indefensible: Spectral evidence at the Salem Witchcraft Trials,” *Essex Institute historical collections* 129, 1(1993): 68.

¹⁵ Norton, *In The Devil’s Snare*, 36.

¹⁶ Norton, *In The Devil’s Snare*, 36.

¹⁷ Norton, *In The Devil’s Snare*, 37.

declared witchcraft to be a crime.”¹⁸ The widows were convicted and hanged three days later.

Why was this case used as a precedent for the admittance of spectral evidence at Salem in 1692?

The Bury St. Edmond case mirrored the Salem Crisis of 1692 in many ways. The afflicted children bore similar symptoms and claimed to see specters of those bewitching them. The children accused reputed witches in the community and neighbors followed these accusations with stories of malefic witchcraft. These testimonies of malefic witchcraft were not compiled into an arrest until spectral evidence aroused sufficient suspicion. The judge presiding over the trial, Sir Matthew Hale, was well versed in the law and was considered a skeptic. He belonged to the Church of England, but was close friends with the Puritan divine Richard Baxter.¹⁹ Cotton Mather believed that the girls at Salem were bewitched, but, according to Peter Hoffer, “he could not bring himself to rely upon popular beliefs...there had to be some legal authority upon which to base a learned opinion,” and the Bury St. Edmond case provided that basis.²⁰ These facts illustrate why the Bury St. Edmond case became a model for handling evidence in witchcraft in 1692 New England.

Seventeenth-century New England courts used the same statutes as English courts up to 1641. Prior to 1641, New England followed the James I chapter 12 statute of 1604 concerning witchcraft. This statute did not state any restrictive measures concerning evidence in a witchcraft case, but only prohibited “the practice, use or exercise of witchcraft, enchantment, charm or sorcerie” resulting in the death penalty for those charges where the victim is killed or permanently injured.²¹ This law allowed ample room for interpretation on part of the judges and juries as to what evidence was sufficient to meet the statute. In 1641, Massachusetts received a

¹⁸ Norton, *In The Devil's Snare*, 37.

¹⁹ Norton, *In the Devil's Snare*, 38.

²⁰ Peter Charles Hoffer, *The Salem Witchcraft Trials, a Legal History* (Kansas: The University Press of Kansas, 1997), 80.

²¹ Payne, *Defending against the Indefensible*, 62.

charter from the British crown and a new statute regarding witchcraft was put into place. This statute stated that, “If any man or woman be a witch that is hath or consulteth with a familiar spirit, they shall be put to death.”²² It also mentions the accused witch having a familiar spirit, which would be an important piece of evidence at Salem, but remains ambiguous as to what is sufficient to prove guilt.

Prior to 1692, there had been cases which admitted spectral evidence as a means of indictment, but not conviction. In 1684, the prominent Boston Minister Increase Mather wrote, *An Essay for the recording of Illustrious Providences* in which he related many cases in New England that utilized spectral evidence as a valid form for indictment. Of all the cases, Mather listed only one man who was executed that had not confessed of the crime and even that case had supplemental evidence for conviction.²³

In 1689, Increase Mather’s son, Cotton, chronicled the possession of the Goodwin children in his *Memorable Providences relating to witchcrafts and possessions*. The Goodwin children suffered afflictions by spectral tormenters during the day, and at around “nine or ten at night they always had a release from their miseries, and ate and slept all night” as described by Cotton Mather.²⁴ Mather had decided the children were of too good a nature to disassemble their bewitchment, but in *Memorable Providences* he chose not to include Goodwife Glover’s name because, “lest we wrong the reputation of the innocent by stories not enough enquired into”²⁵ Goody Glover confessed and was hanged for bewitching the Goodwin children. Cotton Mather stressed the importance of other corroborated evidence before naming the accused based solely on the spectral torments of the afflicted children, but this caution would not be remembered at

²² Payne, *Defending against the Indefensible*, 63.

²³ Payne, *Defending against the Indefensible*, 66.

²⁴ Berbard Rosenthal, *Salem Story: Reading the Witch Trials of 1692* (Cambridge: Cambridge University Press, 1993), 2.

²⁵ Payne, *Defending against the indefensible*, 67.

Salem. The Goodwin case was well known throughout New England and it was more than likely that the afflicted at Salem knew the particulars of the case. The afflictions that the Goodwin children suffered closely matched the afflictions suffered by those in Salem in 1692. Instead of viewing this similarity with suspicion, Salem officials saw this as validation that the devil was at work in New England.

The Salem Witchcraft Trials in 1692 gave unprecedented weight to spectral testimony. The following section discusses the legal context of Salem in 1692 and provides a description of the start of the Crisis. The extent the courts used spectral evidence is demonstrated by examining the evidence presented in each case. Discussed first are those cases that used spectral testimony as the sole form of evidence. Next, are cases where evidence of malefic witchcraft are presented, and last, the cases of those who confessed.

Massachusetts in 1692 did not have a charter from the English crown following their “Glorious Revolution” and subsequent ousting of Governor Edmund Andros. Massachusetts did not try any Witchcraft cases at this time for fear that, without a statute, the validity of the verdict may be called into question. Witchcraft accusations had been common in New England, but convictions were not, being that the court had a more skeptical eye scrutinizing the accused as well as the accuser. This practice would not be present at the crisis beginning at Salem village.

In this time of political instability and unrest, little nine year old Betty Parris and eleven year old Abigail Williams became severely ill, suffering strange torments in the house of Reverend Samuel Parris. Reverend John Hale described the girls as being “bitten and pinched by invisible agents...so as it was impossible for them to do of themselves...their throats choked, their limbs wracked and tormented so as might move an heart of stone, to sympathize with

them...they were afflicted as bad as John Goodwin's children at Boston in...1689."²⁶ The two girls as well as Ann Putnam Jr., age 12, and Elizabeth Hubbard, age 16, named three women as the ones who had afflicted them: the Parris household slave Tituba, Sarah Osborne, and Sarah Good. On February 29, 1692, arrest warrants were issued for the three women.²⁷

On March 1, 1692, the examinations of the three women started. The deviation of the courts from the guidelines set by Perkins, Bernard, and Dalton began with the first examination of Sarah Good. The first deviation being that Sarah Good, Sarah Osborne, Tituba and their accusers were not questioned separately as deemed necessary by all the legal guidelines for corroboration purposes. John Hathorne and Jonathan Corwin examined the accused in the presence of all four afflicted girls as well as an audience. The moment the accused entered the room the afflicted claimed the witches' specters tormented them which created a hostile accusatory environment from the start. Hawthorne "desired the children all of them to look upon her (Sarah Good), and see, if this were the person that had hurt them and so they all did looke upon her and said this was one of the persons that did torment them -- presently they were all tormented."²⁸ Sarah Good offered validation for the accusations by immediately accusing Sarah Osborne as the witch that tormented the girls. Good testified that Osborne's specter had entered the meeting house with the court officials and presently afflicted the girls. The indictments for Sarah Good and Sarah Osborne were based on the spectral evidence that had taken place at their examinations. Sarah Good was later executed on June 29 1692 on charges of malefic witchcraft, Sarah Osborne died in prison on charges based solely on spectral evidence, and Tituba confessed

²⁶ Rosenthal, *Salem Story*, 2.

²⁷ Rosenthal, *Salem Story*, 14-15.

²⁸ "Examination of Sarah Good, March 1 1692," Paul Boyer, Stephen Nissenbaum, *The Salem Witchcraft papers, Volume I p.6* (Electronic text center, University of Virginia Library).

to witchcraft in March, but remained alive throughout the entire crisis.²⁹ These three accused women show the three different paths that are taken in the ensuing crisis by almost all of the accused.

Of the one hundred and fifty six imprisoned, seventy nine were charged solely on the basis of spectral evidence.³⁰ All the prisoners were initially accused by the group of the afflicted who claimed the ability to see the invisible world and the specters of the accused tormenting them. As displayed by Bernard, Perkins, and Dalton, spectral evidence was not sufficient for conviction, but had to be supplemented with a confession or direct testimony, corroborated by at least two credible adults, of malefic witchcraft. Even though Governor Phips deviated from these guidelines, in many instances he did not allow spectral testimony to be the sole form of evidence to convict and execute. Those seventy nine accused languished in prison without being called to trial. Amongst those accused was Sarah Osborne who died in Prison, eight who escaped prison, thirty-nine whose fates were determined by the superior court of judicature, and four who would count themselves amongst the afflicted. Sarah Churchill, Sarah Bibber, Mercy Lewis, and Susanna Sheldon were accused with spectral evidence, but then became afflicted themselves, thereby escaping prosecution.³¹ The next group of accused would be those indicted on charges of spectral evidence, but convicted with non-spectral acts of malefic witchcraft.

The group of accused who were charged with non-spectral acts of malefic witchcraft was made up of thirty individuals. According to Wendal Craker, “the smallest subset of prisoners accounted for eighty-five percent of the trials, and one hundred percent of the executions.”³² All

²⁹ Wendel D. Craker, “Spectral Evidence, Non-Spectral acts of Witchcraft, and Confession at Salem in 1692”, *The Historical Journal*, 40. 2 (1997): 352.

³⁰ Craker, *Spectral Evidence*, 338.

³¹ Craker, *Spectral evidence*, 338.

³² Craker, *Spectral evidence*, 342.

of the accused in this group were indicted on spectral evidence that had taken place during their examination. The first example is Bridget Bishop, the first person to be executed.

Bridget Bishop's examination took place on April 19, 1692 and followed the same pattern previously outlined in the case of Sarah Good. Bishop was brought into the examination room with the afflicted present and "as soon as she came near all fell into fits."³³ The line of questioning that ensued was accusatory rather than fact finding. Since the afflicted girl's testimony was taken at face value, there was no question if the accused was guilty, but instead focused on what the reason was for tormenting the children. Bridget Bishop was called to trial in June 1692 on charges that she afflicted Ann Putnam Jr. at her examination.

At the trial of Bridget Bishop, many townspeople provided overwhelming spectral evidence against her. Men such as William Stacy and Samuel Gray testified that Bridget Bishop's specter visited them at night in their beds causing them to be very frightened. William Stacy even attributed the sickness of his child to Bishop after her night visit. Others offered supplemental testimony about Bishops lewd character and even accused her of murder. Reverend John Hale attributed the death of his parishioner, Goodwife Trask, to Bishop. Stating that after Trask had interrupted a late night party at the Bishops and had taken "shovel-board pieces when people were at play w'th them and threw them into the fyre," she was taken ill with similar fits as the afflicted and eventually died from a laceration of the throat.³⁴ This non-spectral testimony only gave more weight to the afflicted girl's claims of which, on further inspection of testimony, may have been falsely placed on Bridget Bishop. Hale's story later was

³³ "Examination of Bridget Bishop, April 19 1692", Paul Boyer, Stephen Nissenbaum, *The Salem witchcraft papers, volume 1* p. 34 (Electronic text center, University of Virginia Library).

³⁴ "The Rev. John Hale et al. v. Bridget Bishop, 1692", Paul Boyer, Stephen Nissenbaum, *The Salem Witchcraft papers, Vol. 1* p. 39 (Electronic text center, University of Virginia Library).

attributed to Sarah Bishop not Bridget, but the lack of a first name in Hale's testimony led the girls to believe it to be Bridget.

The afflictions of the girls in open court compelled the judges, jurors, and audience to put an end to their suffering. Richard Weisman illustrates the intense nature of the girl's fits in court by quoting a bystander who stated, "Sometimes in their fits...their tongues drawn out of their mouth to a fearful length...their arms and legs...quite dislocated, the blood hath gushed plentifully out of their mouth...so grievously distressed by the invisible powers of darkness."³⁵ The fits displayed by the girls and the spectral testimony and non-spectral testimonies given left no room for Bishop to defend herself. The afflicted corroborated each other's stories in open court without contention because they were never questioned separately.

Bishop's guilt had been determined at her examination and the non-spectral evidence of malefic witchcraft given during her trial merely gave the courts enough ammunition to fit the statute for conviction. Bridget Bishop's death warrant read,

the Nyneteenth day of April] last past and divers other dayes and times [before and after certain acts of] Witchcraft in and upon the bodies of Abigail Williams , Ann putnam J, Mercy Lewis , Mary Walcott and Elizabeth Hubbard of Salem village single women, whereby their bodies were hurt, afflicted pined, consumed, Wasted and tormented contrary to the form of the Statute in that Case [made and] provided To which Indictm'ts the said Bridgett Bishop pleaded not guilty and for Tryall thereof put her selfe upon God and her Country, where[upon] she was found guilty of the felonyes and Witchcrafts whereof she stood Indicted and sentence of Death accordingly passed ag't her as the Law directs, Execution whereof yet remains to be done³⁶

³⁵ Richard Weisman, *Witchcraft, Magic and Religion in 17th-century New England* (Amherst: The University of Massachusetts Press, 1984), 47-48.

³⁶ "Death Warrant v. Bridget Bishop, 1692", Paul Boyer, Stephen Nissenbaum, *The Salem Witchcraft papers, Vol. 1 p. 20* (Electronic text center, University of Virginia Library).

Bridget Bishop's death warrant shows that she was convicted of having tormented the afflicted girls. Spectral testimony was the only evidence that supported the claim made by Bishop's indictment. The charge that Bishop consumed and wasted the afflicted was simply not true, considering the girls were present at all the trials and actively participated. Bridget Bishop was hanged on June 10, 1692 still proclaiming her innocence. Spectral evidence sealed the fate of Bridget Bishop as it did for nineteen others.

Rebecca Nurse had her trial on June 29, 1692 and is a good example of how the weight given to spectral evidence in court left no one safe. Nurse was a prominent woman in Salem Village and an avid churchgoer. People were shocked to hear Nurse's name come up among the accused. During her trial, she pronounced her innocence, stating that she "was as clear as the child unborn."³⁷ Ann Putnam Jr., Mercy Lewis, Mary Wolcott, Elizabeth Hubbard and Abigail Williams all testified that Nurse's specter had afflicted them by, "biting, pinching...pricking," and urging them to sign the devil's book.³⁸ The girls corroborated each other's testimonies by stating that they had observed Nurse afflicting the other girls. According to Carol Karlsen, many townspeople, "began to question and resist the possessed's right to their visions."³⁹ Supporters of Rebecca Nurse petitioned the court for her release and gave testimony to her good character. The jury declared a verdict of not guilty, but Judge Stoughton was not satisfied. He brought up a quote that Nurse had used that he said was as good as any confession. Nurse referred to the testimony given by her accusers, accused witches Abigail Hobbs and Deliverance Hobbs, by stating, "What do these persons give in evidence against me now, they used to come among

³⁷ Payne, *Defending against the indefensible*, 74.

³⁸ "Ann Putnam Jr. V. Rebecca Nurse, 1692," Paul Boyer and Stephen Nissenbaum, *The Salem Witchcraft Papers, Volume 1 p.21* (Electronic Text Center, University of Virginia Library).

³⁹ Carol F. Karlsen, *The Devil in the Shape of a Woman, Witchcraft in Colonial New England*, (New York: Norton & Company Inc. 1998), 245.

us.”⁴⁰ Stoughton took the phrase “among us” to mean, among us witches, whereas later, Nurse tried to explain that she meant that the accused were among her and other prisoners. The jury deliberated again and returned a verdict of guilty.

The pattern had been established that those who professed their innocence to the court garnished increased spectral torments by the afflicted until either they confessed or were found guilty. The validity of the afflicted group’s spectral testimony was never called into question even when imposture was found. One example took place during Rebecca Nurse’s trial where Goody Bibber claimed Nurse’s specter pricked her with pins and displayed the marks in court. Nurse’s daughter-in-law observed Bibber remove pins from her clothing and prick herself.⁴¹ Another example concerns the afflicted naming extremely prominent and pious people as being responsible for their afflictions and the court officials instructing them not to tell further lies. Some of the afflicted claimed to see the Reverend George Burroughs’ dead wives appear to them and claim that Burroughs had killed them, but the descriptions of their wounds did not match up with each other’s testimony. The most prominent example of spectral deception was in the cases of Elizabeth and John Proctor. Spectral evidence made up most of the testimony against them and, in more than one instance, that testimony had been called into question by the Proctors’ supporters. In one occurrence, taking place in the home of Nathaniel Ingersoll, the afflicted girls accused Goody Proctor of spectral torments and when Ingersoll reprimanded them, one girl stated, “That she did it for sport, they must have some sport.”⁴² The Proctors were found guilty regardless of this sworn statement; John was hanged August 19, 1692, and Elizabeth reprieved due to her pregnancy. These discrepancies were overlooked by officials. After the first few

⁴⁰ Payne, *Defending against the indefensible*, 74.

⁴¹ Marilynne K. Roach, *The Salem Witch Trials: A Day-by-Day chronicle of a community under siege* (New York: Cooper Square Press, 2002), 183.

⁴² Payne, *Defending against the Indefensible*, 77.

cases were tried, the pattern became clear that confession and affliction were the two ways to escape the gallows.

Throughout England and New England in the seventeenth-century, confession remained the one vital piece of evidence that a court could use to convict an accused witch. In Salem during 1692, this practice became the complete opposite. After the first confessed witch, Tituba, had indicated that Salem had witches lurking in all places, the court officials needed a way of finding them. A confessed witch supposedly had the special sight, as did the afflicted, to see the specters of other witches. An executed witch was of no help to the courts in finding the others responsible for tormenting the young girls. Forty-four of the forty-five confessed witches were kept in prison for most of the trials and had been called to testify against other accused witches. Samuel Wardwell was the only one found guilty and executed, but he had recounted his confession. It remains unclear as to why confessions occurred in the first half of the trials, but by the second Andover phase the pattern would be solidified. After Ann Foster, Mary Lacey Sr., and Mary Lacey Jr. all confessed and were saved, as opposed to the five condemned witches who maintained their innocence and went to the gallows, there was an influx of confessions and an increase in accusers to warrant a second look at the proceedings.

The debate over the validity of spectral evidence began with the first trial at Salem and continued until well after the trials had concluded. The first concern regarding spectral evidence was whether the Devil could represent an innocent person's shape to the afflicted. To settle this debate, Salem officials had to assume that humans had the power to understand the intentions of the Devil. According to Richard Weisman, this assumption went against basic Puritan belief and, "Satan might indeed make use of spectral representation, it was not within human capacity

to decide whether his intention was to inform or to deceive.”⁴³ Salem officials strove to find an answer in spite of the deviation from theological beliefs. Dalton’s *Country Justice* related an ambiguous model for answering this question. He noted that the Devil could represent an innocent non-church member in appearance which gave credit that the specters of church members were indeed guilty of witchcraft. The judge John Richards wrote to his minister, Cotton Mather, in May 1692 asking for guidance regarding the witchcraft accusations. Mather wrote back to him explaining that he should trust in God to illuminate the correct path in this matter. He also addressed spectral evidence and stated, “do not lay more stress upon specter testimony than it will bear...thereby granting too much credit to diabolical representations.”⁴⁴ Mather went on to conclude that God usually found a way to relieve innocent people from being represented as specters. The caution Mather stressed did not save Bridget Bishop, the first to be hanged, from the gallows.

The court of Oyer and Terminer took a break after the hanging of Bishop and decided to consult Prominent Boston ministers about how to handle the next set of cases. The ministers responded in a letter entitled “The Return of Several Ministers.” This letter, attributed to Cotton Mather, stressed extreme caution when dealing with spectral testimony. “The Return” even referred to the in court outbursts of the afflicted as noise that disrupted the flow of proper judiciary conduct. Spectral testimony, as described by the ministers, should be presumption only and in no way should determine guilt, because, “a demon may, by God’s permission, appear in the shape of an innocent, yea, a virtuous man”⁴⁵ The ministers even suggested that if the courts viewed the spectral testimonies more critically, than the crisis might end.⁴⁶ Even though the

⁴³ Weisman, *Witchcraft, Magic and Religion*, 150-151.

⁴⁴ Norton, *In the Devil's Snare*, 203.

⁴⁵ Rosenthal, *Salem Story*, 70.

⁴⁶ Weisman, *Witchcraft, Magic and Religion*, 153.

court of Oyer and Terminer wrote to the ministers of Boston asking for specific help regarding the trials, they did not employ any of the caution regarding spectral testimony as stated by the ministers.

Other clergymen related their feelings about the use of spectral testimony throughout the trials. Reverend Samuel Willard included in his June 12 sermon (of which Justice Sewall being in the congregation) his opinion about spectral testimony exclaiming, “Don’t believe the devil...the devil may represent an innocent, nay a godly person, doing a bad act.”⁴⁷ Reverend Milborne, a prominent Boston minister, wrote a petition against the use of spectral evidence stating that, “If said specter testimony pass for evidence we have great grounds to fear that the innocent will be condemned.”⁴⁸ Milbourne was brought before the Governor and council and either had to pay a two hundred pound bond or be imprisoned for publishing works against the decisions of the court; Milborne remained silent for the remainder of the trials. For reasons unknown, Justice Stoughton as well as the other members of the court of Oyer and Terminer did not believe that an innocent person could be thus represented and continue to use it as evidence of guilt.

Many accused witches voiced their disapproval of the weight given to spectral evidence. Accused witch Susanna Martin brought up a point in court that if the Devil could represent the specter of Saint Samuel, than he could represent any innocent person; Increase Mather argued this idea after the trials were concluded. Nathaniel Cary, whose wife was accused, described his reaction after he had attended portions of a trial and noted, “The specter-evidence was there received, together with idle, if not malicious stories, against people’s lives, I did easily perceive which way the rest would go...I soon saw so much that...which put me upon consulting the

⁴⁷ Norton, *In the Devil’s Snare*, 215-216.

⁴⁸ Norton, *In the Devil’s Snare*, 217.

means of her escape.”⁴⁹ Before her execution, Mary Etsy petitioned the court to scrutinize the testimony given by the afflicted. She thought the afflicted should be questioned separately, which reflected the guidance given by Perkins and Bernard much earlier, and that those who confessed should be questioned because she was sure some of them lied. John Proctor wrote a petition regarding spectral evidence just before his execution in August 1692. Proctor wrote to prominent clergymen advocating the move of the trials to Boston because of the hostility shown by the accusers, jurors, and judges toward the accused, condemning them before their trials, and that torture had been used to illicit confessions.

The militia leader and Salisbury Justice of the Peace, Robert Pike, confessed his discontent with the use of spectral testimony four days after the execution of George Burroughs. Pike wrote to fellow councilman, Jonathan Corwin, that, “He believed that diabolical visions, apparitions, or representations were more commonly false...than real...but by the devil’s report and then cannot be believed, because he is the father of lies.”⁵⁰ He thus concluded that determining guilt would be too difficult if done by accurate legal means and that the guilty should go free, while evidence is being gathered, rather than one innocent person be sent to the gallows. Towards the end of October, 1692, Boston ministers took notice of the great weight given to spectral testimony and wrote their opinion more poignantly than in the “Return of Several Ministers.”

The pamphlet *Cases of Conscience concerning evil spirits* was circulated among prominent figures during October 1692, even though it was not formally published until November. *Cases of Conscience* condemned the use of spectral testimony as evidence, and referred to the story previously stated by Susanna Martin, that if the Devil could represent Saint

⁴⁹ Payne, *Defending against the Indefensible*, 77.

⁵⁰ Norton, *In the Devil's Snare*, 266-267.

Samuel then he most certainly could represent an innocent. The pamphlet laid out specific, religiously proven conviction guidelines for witchcraft and all pertained solely to confession or physical evidence.

Almost simultaneously, Increase Mather's son, Cotton, published his *Wonders of the Invisible World*. Cotton aimed to defend the work done by the courts in finding and prosecuting the witches that had bewitched Salem Village. He agreed that spectral evidence be used as presumption only and not means to convict, but he also argued that the court had followed the letter of the law thus far and had not convicted any innocent. Cotton asked the court clerk to reiterate in writing "the awe which is upon the hearts of your juries, with respect unto the validity of the spectral evidences."⁵¹ With that statement, Cotton displayed the great weight the jury had given to spectral testimony even if he meant it as vindication for their actions.

On October 12, 1692, Governor Phips halted the imprisonment of any new accused witch and three days later he disbanded the Court of Oyer and Terminer. Phips wrote to the King and Queen of England regarding the witchcraft trials explaining the reason for stopping them so abruptly. Phips became conflicted with the validity of spectral evidence and the weight that it had carried during the length of the Court of Oyer and Terminer. The Governor's letter read, "On enquiring into the matter I found that the Devil had taken upon him the name and shape of several persons who were doubtless innocent and to my certain knowledge of good reputation, for which cause I have now forbidden the committing of any more that shall be accused without unavoidable necessity and those that have been committed I would shelter from any proceedings

⁵¹ Norton, *In the Devil's Snare*, 279.

against them wherein there may be the least suspicion of any wrong to be done unto the innocent.”⁵²

Governor Phips created a new council in 1693 to hear the remaining cases. Phips expressly directed this new court to ignore all spectral testimony and base their decisions on tangible facts. According to Peter Hoffer, “Everyone believed in witches, feared Satan, and was appalled and convinced by the girls’ testimony...so long as the girls were permitted to testify to the maleficium of apparitions.”⁵³ The removal of the girls’ testimony from the courtroom forced the jurors to focus on the facts rather than their own belief in the accused’s guilt. The remaining fifty-two accused were acquitted of all charges on the basis that the evidence provided did not sufficiently meet the standards of the new superior court. The three confessing witches that remained were pardoned by Governor Phips on grounds that other confessed witches had been reprieved. Lieutenant Governor Stoughton disagreed with Phips’ decision, passionately exclaiming, “The kingdom of Satan has advanced and God have mercy on this country.”⁵⁴

The immediate crisis of 1692 seemed to have ended with those last acquitted cases, but the debate over spectral evidence would expand to the larger community. A prominent Boston Merchant, Thomas Brattle, wrote a letter dated October 8 1692, criticizing the use of spectral evidence in the court at Salem. Brattle concluded that, “This Salem philosophy, some men may call the new philosophy; but I think it rather deserves the name of Salem superstition and sorcery, and it is not fit to be named in a land of such light as New England is.”⁵⁵ This harsh criticism of the court’s actions regarding spectral testimony, if they reflected community opinion, may have aided in the ending of witchcraft executions in New England altogether.

⁵² Payne, *Defending against the Indefensible*, 80.

⁵³ Hoffer, *The Salem Witchcraft Trials*, 87.

⁵⁴ Norton, *In the Devil's Snare*, 292.

⁵⁵ Payne, *Defending against the Indefensible*, 81.

Five years after the last trial, a judge who presided at Salem, Samuel Sewall, and twelve members of the jury published a letter offering an apology for their roles at Salem. The letter displayed their change of heart concerning spectral evidence and stated that, “on further consideration, and better information, we justly fear (spectral evidence) was insufficient for the touching the lives of any.”⁵⁶ This apology offers information that the jury and judges did in fact give significant weight to spectral evidence in the convictions of those twenty persons sent to the gallows.

Spectral testimony had been present in England since witchcraft first became a crime in 1558. The statutes governing this evidence remained vague, allowing courts to decide for themselves if the testimony should be allowed merit. A general belief in specters had been commonplace, but testimony of this in court was never sufficient to meet the statute to convict witches. In 1662, Sir Matthew Hale solidified the legal credibility of spectral testimony by allowing it in the Bury St. Edmund case and thus created a precedent to be used at Salem in 1692.

During the Salem Witch Trials, the courts were overwhelmed with spectral testimony. Stories of specters, only visible to other witches and those they afflicted, placed one hundred and fifty six people in prison. The court repeatedly deviated from guidelines established for convicting witches. The indictments for most of the one hundred and fifty six accused pertained to incidents of spectral evidence presented at their initial examinations. The subsequent convictions related to non-spectral evidence that supposedly proved that the accused tormented the afflicted. Confession became one of the only ways an accused witch escaped the gallows.

⁵⁶⁵⁶ Payne, *Defending against the Indefensible*, 81.

Those who confessed provided information on other witches at trial and this became a means for many to remain alive and not face the court.

The apparent weight given to spectral testimony caused controversy among clergyman and the courts. Prominent Boston ministers suggested that spectral testimony only be used as a presumption of guilt pending further investigation. Testimony from the accused and their families suggested that spectral testimony became confirmation of guilt rather than only grounds for inquiry.

After twenty had been executed and confessed witches filled the prison, Governor Phips, possibly feeling pressured on all sides to do something, disbanded his court of Oyer and Terminer in place for a new Superior Court. Phips forbade the use of spectral testimony in the remaining cases and subsequently all accused were acquitted or reprieved. The controversy that surrounded spectral testimony did not end with the last trial, but was discussed by community members and eventually jurors and judges themselves. Community consensus deplored the use of spectral testimony and, even if they believed the Devil was at work in Massachusetts, agreed that, most likely, many innocent lives were lost.

This study has shown that spectral evidence had always been scrutinized in court cases prior to Salem in 1692. The clergy as well as secular courts thought spectral evidence suspect and never allowed it to meet a statute for conviction. The court of Oyer and Terminer in Salem 1692, validated spectral evidence by allowing that testimony to be the sole charge on most of the indictments and thereafter strove to prove such allegations. The acceptance of spectral testimony without intense scrutiny allowed the accusation of three women to result in one hundred and fifty six arrests. The debate over how to use spectral evidence began after the first execution and did not end until well after the last trial. The last cases were dismissed after Governor Phips

disallowed spectral evidence to be presented. This study has proven that the validation of spectral evidence at Salem placed accused witches more at risk for conviction and that, without this evidence, the remaining cases had no legal ground to continue.

Bibliography

- Boyer, Paul, ed. and Stephen Nissenbaum ed. *The Salem Witchcraft papers, Verbatim Transcripts of the Legal Documents of the Salem Witchcraft Outbreak of 1692*. Electronic Text Database: University of Virginia, 2002.
- Craker, Wendel. "Spectral Evidence, Non-Spectral Acts of Witchcraft, and Confessions at Salem in 1692." *The Historical Journal* 40 (June 1997): 331-58.
- Hoffer, Peter. *The Salem Witchcraft Trials: A legal History*. Lawrence: University Press of Kansas, 1997.
- Karlsen, Carol F. *The Devil in the Shape of a Woman, Witchcraft in Colonial New England*. New York: Norton & Company Inc., 1998.
- Norton, Mary Beth. *In The Devil's Snare, The Salem Witchcraft Crisis of 1692*. New York: Vintage Books, 2002.
- Notestein, Wallace. *History of Witchcraft in England From 1558 To 1718*. Washington D.C.: The American Historical Association, 1911
- Payne, Daniel G." Defending against the indefensible: Spectral evidence at the Salem Witchcraft Trials." *Essex Institute Historical Collections* 129 (1993): 62-83
- Roach, Marilynne K. *The Salem Witch Trials A Day-By-Day Chronicle of a Community Under Siege*. New York: Cooper Square Press, 2002.
- Rosenthal, Bernard. *Salem Story, Reading the Witch Trials of 1692*. Cambridge: Cambridge University Press, 1993.
- Weisman, Richard. *Witchcraft, Magic, and Religion in 17th-century Massachusetts*. Amherst: The University of Massachusetts Press, 1984.