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History 206

12 May 2015

Legal Proceedings in the Salem Witch Trails

In 1692 the town of Salem Massachusetts was faced with a crisis. What began with two young girls accusing their Indian slave of witchcraft, spiraled into nineteen people being executed and hundreds of others either being incarcerated or having their lives ruined. Many if not all were innocent. The hysteria had a stranglehold on every aspect of town life including the legal system. The legal system was biased against the accused and provided little recourse for the accused to challenge the accusations. Mary Beth Norton aka Mary Donjon Alger, a Professor of American History at Cornell University and author of the book *In the Devil's Snare* writes, "These interrogations...had a single purpose: to elicit a confession of guilt"(25). Norton asserts that an accusation of witch craft meant citizens of Salem faced condemnation before proceedings even began regardless of their possible innocence. Those in positions of authority would employ unethical tactics to coerce a confession to produce a guilty verdict.

During the era in which the Salem Witch Trials transpired the Magistrate was charged with the administration of the law. John Hathorne and Jonathan Corwin were the magistrates of Salem in 1692. The Salem interrogations were chiefly conducted by John Hathorne. Like many magistrates of that period of time, Hathorne was convinced that those who committed a crime were guilty even before any litigation commenced. Mary Beth Norton's book *In the Devil's Snare* states " he assumed that the accused had committed the offense in question. Indeed that

assumption was correct”(25). More often than not those who were brought before the magistrate were guilty of a crime. However, many of those who were accused of witchcraft were innocent. Based on past experiences Hathorne’s rulings were derived from assumption as opposed to actual fact. Thus, Hathorne’s preconceived convictions related to witchcraft prevented him from implementing an impartial adjudication.

The hysteria surrounding witchcraft had escalated to such great proportions that it led the principle magistrate, Hathorne to establish new procedures in the Salem Witch Trials. Hathorne was an experienced Justice of Peace who guilefully diverted from the conventional practice of conducting preliminary examinations. As written in Mary Beth Norton’s book *In the Devil’s Snare* he chose to hold the preliminary investigations in public in contrast to a private forum which was the norm. Hathorne would prepare his own evidentiary summaries and requested that detailed transcripts of the trials be kept(25). Hawthorne manipulated his authority to create circumstances that would be favorable to him. The new stipulations would give him the ability to maneuver the legal proceedings for his desired outcomes. Public interrogations are more intimidating than those that are private. In Mary Beth Norton’s book *In the Devil’s Snare* she states that “the magistrates moved the first examinations from Nathaniel Ingersoll’s tavern, the original location, to the meeting house, the largest building in the Village, so that many more people could attend”(25). This benefited Hathorne because more villagers present at the interrogations subjected the accused to further pressure. The more people in attendance the higher the probability that someone in the audience may offer additional information that would further support the existing accusations. Mary Beth Norton, in her book *In the Devil’s Snare* writes how in the interrogation of Sarah Osborne an audience member made a remark which led

Hathorne to make an inquiry into the statement that ultimately helped condemn her(27; ch1). Had the interrogations been held private, false affirmations from other villagers would not have come to light. Further comments from the audience became the nail in the coffin for many of the accused. Another damaging variable of holding interrogations public was the influence it created on the close relatives of many of the accused. In the book *In the Devil's Snare*, Norton recounts how Sarah Good's husband William approached Hathorne expressing doubts about his wife's innocence. He was unable to provide specifics when pressed by Hathorne. But later on William stated that he saw "a wart or tett a little below the right shoulder which he never saw before" which signifies the presence of the devil(26) Spouses began to question the innocence of their loved ones. They felt compelled to share their doubts and misgivings about their relatives as they listened in on the interrogations. Corroboration by close relatives served to exasperated the situation the accused faced. Hathorne's approach in his interrogations were advantageous in his legal pursuit for a confession of guilt.

Hathorne had devised an interrogation that was intended to generate a confession of guilt. His line of questioning was designed to affirm their guilt. In the book *A Delusion of Satan: The Full Story of the Salem Witch Trials*, Frances Hill refers to the case of Martha Cory. Hill states "As soon as Martha Cory was brought forward and asked by Hathorne *why*- as always, not *if*, but *why*- she hurt these persons..."(77). By asking these types of leading questions Hathorne lessened the probability that the accused could respond in a way that would help in their defense. The idea was to address them as though they were guilty and perhaps they would feel trapped and respond with guilt. Another exploitative ruse Hathorne employed was to direct the afflicted to appear at the interrogations. As written in Mary Beth Norton's book *In the Devil's Snare*

during the interrogation of Sarah Good, Hathorne requested that the children she allegedly tormented identify her as their tormentor(26). In his quest to extract an admission of guilt from Good, Hathorne wanted the audience to be witness to the children's affliction and personally hear the children name the accused. This resulted in making the children's accusations and accounts more credible, especially since they were so willing to face their tormenters and allow the villagers to witness their afflictions. Interrogations led the accused to be incarcerated. There they were subjected to deplorable conditions.

Many of the accused were often incarcerated without any formal charges. There they were experienced horrid circumstances. Prison for those convicted of a crime during the era of the Salem Witch Trials was harsh. However, those who were accused of witchcraft suffered far greater than those charged with other crimes. Frances Hill author of *A Delusion of Satan: The Full Story of the Salem Witch Trials* writes "As the most dangerous inmates, the witches were kept in the dungeons. These were perpetually dark, bitterly cold, and so damp that water ran down the walls. They reeked of unwashed human bodies and excrement"(95). To subject people to these conditions is abhorrent. Accused witches were viewed with such vitriol that it was believed an environment such as this was fitting in light of the accusations they faced. More over, this wretched setting was considered just the type they deserved to be confined in. Those individuals detained in these horrendous conditions were the people who proclaimed their innocence and had not been formally charged. While imprisoned the accused were still considered a threat to the afflicted. It was believed that the specters of the accused could manifest themselves and continue their reign of harmful acts upon the already afflicted and others. Frances Hill author of *A Delusion of Satan: The Full Story of the Salem Witch Trials* states "Their limbs

were weighed down and their movements restricted by manacles chained to the wall, so that their specters could less easily escape to wreak havoc”(95). These precautions were taken under the false belief that it prevented the specters from displaying themselves to the accused and compelling them to exercise injury to others. It was thought that immobilizing the accused would stop them from practicing witchcraft via phantom. The ironic twist is that those who admitted to witchcraft, like Tituba, received leniency in the manner in which they were incarcerated. Frances Hill in her book *A Delusion of Satan: The Full Story of the Salem Witch Trials* describes how Sarah Good, Sarah Osborne, and Tituba were imprisoned following their interrogations. Sarah Good and Sarah Osborne were both shackled to fourteen pounds of chains by the jailer. Tituba on the other hand did not receive such treatment as she confessed to practicing witchcraft. This reveals how convoluted the mindset was of those in the legal system. Those who professed innocence were abused and received unmerciful treatment. Those who admitted guilt also received inhuman treatment but it was a bit more lenient in comparison to others who maintained their innocence. All accused were exposed to public humiliation in the form of public examinations, and full body checks.

If being questioned in front of the villagers wasn't shameful enough, the accused were stripped naked and were physically inspected for supposed body markings that presumably signified they were witches. In Mary Beth Norton's book *In The Devil's Snare* she writes that “by diligent search”, the jurors initially explained that they found “apreternathurall Excesence of flesh between the pudendum and Anus much like to Tetts or not usually in woman...”(205). The jurors violated the accused women in order to discover evidence that they were witches. The jurors who were not doctors, were given the authority to search for markings on the body they

interpreted to be symbolic of devil reverence. Yet, these individuals were not educated on what constitutes normal body appearance. The jurors had crossed the line of human decency when they felt it necessary to search a woman's private in the name of seeking proof. In her book *A Delusion of Satan: The Full Story of the Salem Witch Trials*, France Hill states "Body searchers for "witches' teat" afforded ample opportunities for rough treatment"(95). Body searches for "devil marks" were not conducted gently. The searches were an additional way in which to afflict more pain and humiliation on the accused. After going through the ordeal of an inquiry, imprisonment, and inspection the accused would finally have their day in court or so they thought. The trials were a pointless exercise considering that they are already considered guilty.

When the accused arrived for their day in court it would turn into a fruitless endeavor. They would be unable to defend themselves as they were already judged to be guilty. The trials were so egregious that they resembled a kangaroo court. The courts did not adhere to normal nor appropriate procedures. In her book, *A Delusion of Satan: The Full Story of the Salem Witch Trials* states Francis Hill writes "The scene in the meeting house resembled the trial scene in *Alice in Wonderland* more than it did any normal scene in any normal courtroom"(81). No one understood their legal roles, no one seemed to want to seek the truth, and the audience was permitted to speak out of turn. The alleged afflicted were allowed to put on a show of idiocy. Spectral evidence was the main methodology of proof employed to ascertain a conviction of a witch on trial. The caveat with spectral evidence was that it was only visible to the afflicted. It's proof relied solely on the afflicted demonstrating their torment or physical injury. Something the accused were all too happy to perform at a moments notice. Frances Hill in her book *A Delusion of Satan: The Full Story of the Salem Witch Trials* describes the trial of Martha Carrier. Carrier's

trial as well as the majority of the trials were based on spectral evidence. One of the main elements of evidence presented to condemn Carrier at trial was the claim by Susannah Sheldon that Carrier's specter had bound her hands tightly at great speed with a wheel-band. There were no witnesses to corroborate the story. The accuser was not asked pertinent details to connect Carrier to Susannah. Susannah was not asked to provide details of the incident. Carrier was not asked any questions about the incident thus denying her the ability to discredit Susannah. Mary Beth Norton's book *In The Devil's Snare* indicates that at Sarah Good's trial "An afflicted person,... claimed to have been stabbed "in the breast" during the court session a knife held by Goods apparition"(220). It was an apparent preposterous assertion. There was no search for a wound or blood. Odds are there was no wound and she presumably made it up. Good was not given an opportunity to refute the accusation. It was assumed she was guilty of the indicated act. Yet, for the court it was an acceptable and legitimate form of evidence. Many of the complaints made by different individuals contained almost identical descriptions and phrasing.

There were multiple similarities within the Salem complaint records. The resemblance in the complaints were perpetrated by members of the Salem community. Those who held considerable influence in the Salem community were the driving force behind the irregularities of the complaints. Thomas Putnam was one of the most notable members of Salem. He along with other villagers were instrumental in bringing attention to the witchcraft crisis. He and the villagers filed formal complaints with the Salem magistrates. Margo Burns and Bernard Rosenthal in their article *The Examination of Records of the Salem Witch Trials* write "This similarity seem likely due to the influence of Thomas Putnam, who was the recorder and the one common element across the group of accusers(414)." The descriptions and phrasing of afflictions

in the complaints by various people were analogous. It cast suspicion that the details were influenced by Putnam perhaps in an attempt to add validity to the complaints. It created an unfair documentation against the accused. Judges who are held to the highest standards of the legal system were responsible for misguiding the jury resulting in the death of innocent people.

The judges of the Salem Witch Trials were guilty of misconduct. These men are held to the highest standard of the law yet, they all but encouraged the jury to change a not guilty to a guilty verdict for Rebecca Nurse. When the verdict was heard immediately two judges voiced their opposition, but Stoughton acted. He essentially forced the jury to reconvene and was instrumental in assuring a guilty verdict by the jury. As stated in Mary Beth Norton's book *In The Devil's Snare* "Stoughton took the matter in hand. Insisting that he "would not Impose upon the Jury," he nevertheless asked if the jurors had sufficiently considered something Goody Nurse "let slip" during her trial"(225). Stoughton could not accept the jury's verdict. His insinuation that they missed something led to them to believe they had made a mistake. The judges's comments were subliminally coercive and essentially made it clear that they would not accept anything but a guilty verdict. As a result the jury deliberated for a second time. This time they delivered a verdict of guilty. The accused were rendered powerless by the courts to prove their innocence.

The accused were denied the ability to provide evidence in their defense. Two witnesses were necessary to accuse someone of witchcraft. Sarah Good had only been accused by Tituba. Her attempts to advise the courts landed on deaf ears. Mary Beth Norton's book *In The Devil's Snare* states Sarah Good "questioned whether the prosecutor had actually found the required two witnesses to each of her purported acts witchcraft. But whatever she said, it was in vain, and she was convicted"(221). A legal requirement was bypassed altogether by not seeking out the second

witness. In addition, her request for explanation of why this was allowed was ignored. Similarly, Rebecca Nurse's family was denied the opportunity to present evidence that her "teats" had a medical explanation. As written in Mary Beth Norton's book *In The Devil's Snare* Nurse's family faced impediments in their attempts to help their mother "they expressed their willingness to testify that their mother had been "troubled with an Infirmity of body of many years" which the women's jury had misinterpreted. But the court apparently did not comply with the request"(223). Rebecca Nurse's body markings were interpreted as the devil's insignia and were used as part of the evidence against her. If the family could prove a medical explanation for the markings then they would be one step closer to clearing her. However, the courts unwillingness to permit the family's testimony regarding the markings confirm unjust practices by court officials. The Salem Trials were not about justice but rather a display of authoritative dominance.

The trials were a demonstration of power by the courts. Mattis Risan writes in his article *Power and Changing Roles in Salem Witch Trials: The Case of George Jacobs, Sr.* Jacobs dared to be assertive, ironic, and comical. Something which the courts were unprepared for. Thus, diminishing the power the courts had over him. George Jacobs Sr. believed in his innocence. He was under the impression that by using these tactics he would be able to convince the courts of his innocence. Jacob's approach was unusual and certainly threw off the courts. He was in control at some points and responded with wit and surprised the courts with insightful questions. His strategy was to be self assured and mediate his innocence. He succeeded in throwing the courts off on a slight tangent. However, his tactic did not work and ultimately sealed his fate, death. Again, the court's agenda was to secure guilty verdicts, impose and carry out death

sentences. The Trials were not about proving innocence or allowing anyone the opportunity to prove their innocence.

The witch craft crisis in Salem Massachusetts in the winter of 1692 saw innocent people killed and many lives ruined. The event will always be remembered for the extraneous deaths and hysteria that overtook a small colonial town. The Salem cataclysm still haunts many people today. However, the Salem Witch Trials presented an even greater tragedy. It displayed a complete failure of a legal system designed to protect an individual's rights. Rights that were obliterated by those who abused their authority, flaunted their power and allowed their personal beliefs to interfere in proper legal procedures.