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Reinstating Rationality within the Salem Witch Hunt: A look into the *Ignoramus* Indictments of 1692

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Professor Mary Beth Norton HIST 2090: Seminar on Early American History 6 December 2010 The trials that comprised the Salem witchcraft crisis of 1692-1693 are often described as legal proceedings guided by irrationality through which targeted residents of Essex County were indiscriminately convicted for being witches. Such a description deserves some serious reconsideration in light of the indictments returned *ignoramus* by the Court of Oyer and Terminer's grand jury during the peak of the witch-hunt in mid 1692. By returning an indictment *ignoramus*, the grand jury rejected the charge under question on grounds that it lacked "foundation" or was not properly supported by the evidence presented.²

Barely studied by scholars, these *ignoramus* indictments denote how the grand jury deliberated with caution when considering witchcraft accusations and, as result, did not assume anyone's guilt. However, a pressing question arises from this dynamic: what made the grand jury ignore the claims made in these indictments? The extant records from examinations and depositions of both witnesses and suspects in the cases of John Willard, John Procter, George Jacobs, William Procter, Rebecca Jacobs, Wilmot Redd, Job Tookey and Mary Parker—the eight suspected witches who received at least one of the indictments against them returned *ignoramus* in 1692—provide a varied array of possibilities that might assist answering this inquiry.

In general terms, the Court of Oyer and Terminer followed the standards set forth by England's legal system. ³ Throughout the course of the trials, the attorney general was the person in charge of preparing indictments against suspects after their initial examinations. Such indictments, which made reference to specific people and events, were then presented to a grand

¹ Bernard Rosenthal, ed., *Records of the Salem Witch-Hunt*. (New York: Cambridge University Press, 2009), 50. Hereafter, referred to as *RSWH*. According to the legal procedures introduction of the records, "the court [of Oyer and Terminer] was established with an associate grand jury to consider indictments." Additionally, by "peak of the witch-hunt," I refer to the four month period, between June and September 1692, during which all of the suspects of witchcraft sentenced to death were executed; for a comprehensive view of accusation and execution dates see Mary Beth Norton, *In the Devil's Snare*; (New York: Vintage Books, 2003), 315-317.

² Definition of *ignoramus* by *Black's Legal Dictionary* as quoted in *RSWH*, 87.

³ The information presented in this paragraph is based upon the introduction about the trials' legal procedures found in *RSWH*, 44-52.

jury, which would determine if the charge under scrutiny warranted a trial. If the grand jury—composed of 18 men hailing from different towns of Essex County—found the evidence sufficient to establish commission of crime, it would return the indictment as a *billa vera* or true bill; if not, as previously mentioned, it would reject the indictment and mark it as *ignoramus*. It is impossible to determine why the indictments were rejected through a simple reading of their text, given the formulaic way in which they were written. Nonetheless, remaining records of the examinations and depositions make up for the indictments' lack of detail, as they present the different kinds of evidence, ranging from "valid, eye-witness testimony to second-hand rumors, hearsay testimony and fits and fancy" examined by the grand jury while deliberating. By carefully considering the available pieces of evidence corresponding to the indictments returned *ignoramus*, plausible arguments can be developed about why such charges did not survive.

John Willard was the first of the suspected witches to have one of the indictments presented against him returned *ignoramus*. The grand jury rejected the accusations made against Willard by 18-year old Susannah Sheldon who, according to her first deposition on May 17,1692, claimed that "John Willard [was] afflicting her day and night." In Willard's examination, which took place on May 18, Sheldon once again accused him of afflicting her and "fell down immediately" as she tried to approach him. Sheldon also spoke, in her second deposition on May 18, of seeing apparitions of people murdered by Willard, who spectrally menaced to cut her throat if she revealed his murders to the Court. According to Rosenthal, Sheldon's overly visual and descriptive testimonies made her acquire a reputation of being

⁴ RSWH, 50. The language of indictments either described the alleged victim as being "tortured, afflicted, tormented, consumed...and wasted," or the class of crime committed, such as the accused making a "diabolical covenant with the devil."

⁵ *Ibid*. 46.

⁶*Ibid*, No. 163. All documents in *RSWH* have an identification number. Hereafter, single numbers will refer to pages, while a number preceded by "No." will refer to a particular document.

⁷ *Ibid*, No. 174.

excessively dramatic that, in the long run, could have invited the grand jury to question the veracity of her claims. Ultimately, Sheldon's accusations against Willard were returned *ignoramus* by the grand jury on June 30, 1692.

The grand jury's refusal to indict can be understood as a reflection of their doubts regarding Sheldon's credibility as an accuser. In *The Devil's Snare*, historian Mary Beth Norton states that Sheldon's "excessive antics and disturbing visions could well have called her credibility into question." ⁹ Thus, by returning Sheldon's indictment *ignoramus*, the grand jury explicitly demonstrated for the first time that it did not assume anyone's guilt and, while deliberating, was actually weighting and taking into account the particularities of each case, such as the credibility of the accusers. ¹⁰ Despite this, Willard was hanged on August 19, 1692, as the grand jury returned six other indictments against him *billa vera*, for which a jury trial convicted him.

The second indictment returned *ignoramus* by the grand jury was that issued on behalf of Mary Walcott against John Proctor. The grand jury's ruling in this accusation was particularly unusual, given that Walcott was one of the trials' principal accusers. Understanding why this indictment was returned *ignoramus* becomes further shrouded in complexity upon examining the case's extant evidence. Such evidence appears to contain the two essential pieces for which—in most instances—the grand jury returned indictments concerning spectral evidence as true bills: the accusers' affliction during a public examination and the support of at least two witnesses.¹¹

⁸ *Ibid*, No. 178. Interpretation based on Rosenthal's note to this document.

⁹ Norton, *Devil's Snare*, 218. Norton explains how Sheldon's lack of credibility as an accuser also stemmed from contradicting testimonies she provided in other cases.

¹⁰ Interpretation based on Rosenthal's note accompanying RSWH, No. 298.

Within the legal context of the time, examinations proved to be one of the most powerful ways of finding grounds to convict someone for witchcraft accusations based on spectral evidence, given that public afflictions would "satisfy the two witness rule need to prove witchcraft, often described as a secret crime." Refer to *RSWH*, 50, for further reference about this particular.

Yet, it is plausible that the grand jury's determination resulted from a significant incongruence between Walcott's testimony and a statement by Samuel Parris regarding her afflictions.

The charges against Proctor for afflicting Walcott are, according to the indictment, based on acts that occurred before and during April 11, 1692. The central event referenced in the indictment is the April 11 examination of Proctor's wife, Elizabeth. Although Elizabeth was the subject being questioned during this examination, several of the townspeople in the public claimed that John Proctor was also afflicting them. Some of them, including Walcott, suffered afflictions as Proctor approached them in the examination room. This is evidenced in the examination record, where the recorder stated that "...there is Goodman Proctor going to hurt Goody Bibber; and immediately Goody Bibber fell into a fit. There was the like of Mary Walcott and divers others." ¹³

Yet, Walcott's claims that Proctor had afflicted her both at Elizabeth's April 11 examination and several times before that day appear dubious when considered along Parris's testimony about her afflictions. In a statement concerning events that occurred at his household between April 4 and 12, Parris narrated how, while writing, he was interrupted by fits on John Indian, Abigail Williams and Mary Walcott. ¹⁴ According to Parris, they cried that Proctor's specter was afflicting them. Parris specifically said that Proctor left Walcott "deaf and dumb." In an attached note following his statement, presumably written on April 12, Parris said that Walcott had seen Proctor for the first time "the last night coming from [Elizabeth Proctor's] examination." Such note highlights a significant contradiction between Parris's statements and the details of the indictment: if Walcott saw Proctor for the first time during the April 11

¹² *Ibid*, No. 387.

¹³ *Ibid*, No. 49.

¹⁴ The following narration is based on *RSWH*, No. 61.

¹⁵ *Ibid*.

examination of his wife, then how was it possible that, as stated by the issued indictment, he afflicted her before this day? This disagreement between dates would most probably become clear to the grand jury upon their close examination of the case's records. By considering the clash between the indictment and what Parris—a figure of great authority within Salem's affairs—said in his statement, the grand jury certainly had a compelling reason to doubt, and consequently reject, Walcott's claims. It is then plausible to affirm that the grand jury's *ignoramus* ruling did not result from Walcott's lack of credibility as an accuser, but rather from the major incongruity, in terms of dating, between her claims and Parris's testimony. ¹⁶

The third *ignoramus* indictment seen during the peak of the "witch-hunt" resulted from Mercy Lewis's accusations against George Jacobs, a resident of Salem Town. In Jacobs's examination, which took place on May 10, 1692, Mercy Lewis testified that he was the man afflicting and trying to kill her.¹⁷ The record of such examination also states that "Mercy Lewis want[ed] to come near him but fell into great fits." As previously mentioned, suffering afflictions during the examination of an accused was usually considered as sufficient evidence for conviction or returning the indictments in question as *billa vera*. Nonetheless, Lewis's deposition, which followed Jacobs's preliminary examination, could have provided the grand jury with enough doubt for eventually returning Lewis's indictment *ignoramus*.

In her May 11 deposition, Mercy Lewis narrated how the specter of an old man attempted to coerce her into signing the devil's book at midnight on April 20. ¹⁸ After Lewis refused to sign the book, the old man proceeded to threaten her for not doing so. Lewis then stated that—after

¹⁶ After the indictment against Proctor for afflicting Walcott was returned ignoramus, Walcott presented a deposition to support John Holton's claims against Proctor, which according to Rosenthal was also used as trial testimony against both John and Elizabeth Proctor; see *RSWH*, No. 502. Thus, it is arguable that Walcott's overall credibility was not in question when— nor affected after—the grand jury turned down her claims against Proctor.

¹⁷ *RSWH*, No. 133.

¹⁸ *Ibid*, No. 134.#

seeing Jacobs during his first examination—she identified him as the old man afflicting her. Despite the subsequent depositions of Thomas Putnam and Sarah Churchill, who testified in favor of Lewis's charges against Jacobs, the grand jury ultimately returned the indictment for afflicting Lewis as *ignoramus* on August 4.¹⁹ The jury's decision can be forcefully interpreted as resulting from the dubious manner through which Lewis identified Jacobs as the man afflicting her. Furthermore, Lewis's acclamation of Jacobs as the specter afflicting her several times prior to his examination lacked the support of any witnesses, something that could have also raised some doubts among the grand jury.²⁰

The case of William Proctor, son of John Proctor and the fourth man who received an *ignoramus* indictment, is particularly unusual, given that the grand jury rejected all the indictments presented against him and significant evidence of his case, such as records of examination, is not extant.²¹ The case's few surviving pieces of evidence, however, provide varied possibilities that could explain why none of the charges against William Proctor progressed. The first available piece on the case, a May 28, 1692 complaint against William Proctor and others by Joseph Holton and John Walcott, is particular because it lacks the mention of any first names.²² For Rosenthal,

the absence of first names strongly suggests that the people were not known personally by the accusers nor by those from whom they learned the names. It is likely that the establishment of the Court of Oyer and Terminer the previous day influenced the timing of this set of accusations.

¹⁹#bid, No. 479.

²⁰ Richard Godbeer, *The Devil's Dominion: Magic and Religion in Early New England.* (New York: Cambridge University Press, 1992), 169. Godbeer explains how it was common for magistrates, jurors and ministers to only accept as convicting evidence for witchcraft either confession of a pact with the devil and/or the testimony of at least two witnesses about the accusers' afflictions.

²¹ My interpretation and assumptions only consider the extant evidence and do not include any speculations about what might have occurred during an examination. Rosenthal, nonetheless, suggests that William Proctor's first examination probably occurred on May 31st, following his arrest. See *RSWH* No. 663 for further details on Rosenthal's speculation about this initial examination.

²² Following interpretation based on editor's note found in *RSWH*, No. 221. #

Thus, this piece of evidence suggests that, since early on, William Proctor's case was built upon shaky grounds, certainly marked by speculation—something the grand jury might have considered when rejecting all the indictments presented against him. Still, two other possible explanations for why the indictments against William Proctor were returned *ignoramus* can be found in Elizabeth Hubbard's deposition as well as in the indictments themselves.

Hubbard's deposition, the only one surviving from any of W. Proctor's accusers, is unusual insofar as it appears that it was written by Hubbard herself. In this brief document, Hubbard described without much detail and in poor grammar how William Proctor afflicted her and Mary Warren on his May 31 examination.²³ Given that this atypical deposition—both in content and form—appears as the only affirmation of how Proctor afflicted Hubbard and Warren, the grand jury could have certainly questioned its validity when deciding the cases' future. Furthermore, the indictments resulting from Hubbard's and Warren's accusations against Proctor only presented them as witnesses supporting each other's testimonies and failed to mention additional independent testimony. ²⁴ This lack of multiple witnesses could have significantly weakened the strength of their accusations, since the testimonies did not follow the two-witness rule that—as previously mentioned—the grand jury usually considered essential to move a case forward. Thus, in light of the uncertainty and several irregularities that marked these two accusations against W. Proctor, the grand jury's rejection of both indictments on September 8 should not be surprising. It is important to note that W. Proctor was probably the first of all the accused, for whom the grand jury returned an ignoramus indictment, to be acquitted. After being imprisoned since May 1692, W. Proctor was presumably cleared from all charges when on

²³ RSWH, No. 583. In her deposition, Elizabeth Hubbard stated that "william procter did afflicte me this deponant the 31. day of may 92. at the time of his examination: and allso I did see said william procter afflicte mary warrin at the time of his examination…"

²⁴ *Ibid*, No. 581 and No. 582.

January 7, 1693 the grand jury returned *ignoramus* an indictment issued against him for afflicting Mary Walcott during his second examination on September 17, 1692.²⁵

The case of Rebecca Jacobs—the fifth accused to receive an *ignoramus* indictment—is also an odd one, given that the indictment rejected by the jury was not for afflicting another party, but rather for confessing her own alliance with the devil or, in other words, covenanting. On September 10, 1692, the grand jury, in an apparent backlash to its own precedent of returning all indictments for confessions as *billa vera*, returned that of Jacobs as *ignoramus*. Such a singular decision, however, acquires new meaning when understood in terms of Jacobs's apparent mental instability. In a statement presented to the jury, Rebecca Fox, Jacobs's mother, said that her daughter was "a woman broken and distracted in her mind." Thus, according to Rosenthal, a possible explanation of the grand jury's ruling is that it "accepted the reasoning of Rebecca Jacobs's mother that her daughter was not sound of mind and concluded that [her] confession was insufficient." ²⁸ The jury did return *billa vera* an indictment against Jacobs for afflicting Elizabeth Hubbard²⁹. However, in January 1693, Jacobs was found not guilty for afflicting Hubbard and finally acquitted from all charges of witchcraft.³⁰

In the case of Wilmot Redd, the sixth of the accused to be returned an *ignoramus* indictment, there are no explicit contradictions or irregularities in the extant evidence from which to discern the rationale behind the grand jury's ruling. Although Redd was ultimately hanged on

²⁵#bid, No. 663 and No. 776. My investigation only considers the few *ignoramus* indictments of 1692 since in 1693, the remaining witchcraft accusations were considered by a new superior court in the form of "a Court of Assize and General Gaol Delivery" that, in response to the great opposition that emerged against the Trials and their excessive consideration of spectral evidence in late 1692, did not consider such kinds of evidence when reaching their rulings; see Norton, *Devil's Snare*, 291.

²⁶ *RSWH*, No. 608.

²⁷ *Ibid*, No. 611.

²⁸ *Ibid*, N. 608.

²⁹ *Ibid*, No. 609.

³⁰#bid, No. 715. Again, in the cases decided in 1693, spectral evidence did not hold, as public opposition turned against it and the overall craze of the Trials. Refer to Note 25 for an expanded explanation on how cases were decided in 1693.

September 22, 1692, the indictment filed against her for afflicting Elizabeth Booth was returned *ignoramus* on September 14. ³¹ Still, one observable trend among the surviving evidence could hint at the motivations behind the grand jury's *ignoramus* ruling, namely: the lack of any records with Booth's own testimony against Redd. ³² All the evidence narrating Booth's afflictions was actually presented by others—in this case—Mary Walcott, Ann Putnam, and Elizabeth Hubbard, three of the trials' regular accusers.

Walcott and Putnam, for example, were who adjudicated Booth's afflictions to Redd during the former's examination. Moreover, Walcott and Putnam, along with Hubbard, also testified about Booth's afflictions in their depositions against Redd. Yet, in two of these depositions—those of Hubbard and Walcott—Booth's name appears crossed out. The cancellation of Booth's name from these two records could indicate that Hubbard and Walcott retracted from their testimonies describing Booth's supposed afflictions. As a consequence of their retractions, the grand jury could have determined that Booth's claims lacked sufficient independent supporting witnesses, and therefore, ruled *ignoramus* for the indictment issued on her behalf. Another possibility suggested by Booth's overstruck name is that she did not even attend Redd's examination and that her name had been recorded by mistake. Albeit lacking concrete knowledge about why Booth's name was removed from two of the depositions, the

³¹ *Ibid*, No. 623.

³² It is important to have in mind that maybe such individual testimonies of Booth against Redd, although not found in the available Trials' records, were in fact recorded but got lost with time. My interpretation, however, is based on the absence of such testimonies and develops from the available evidence.

³³ *Ibid*, No. 247. The record from the examination reads: "Eliz. Booth fell into a fit, and Mary Walcott and Ann Putnam said it was this woman [Redd] [who] afflicted her.

³⁴ *Ibid*, No. 248, No. 249 and No. 250.

³⁵ "Overstruck letters or words indicate that they are canceled either by the recorded or by a later corrector." *RSWH*, 92.

³⁶ This is a particularly strong possibility, given that the indictment against Redd for afflicting Booth does not list any witnesses in its signature, which was the norm for most indictments; see *RSWH*, No. 623.

³⁷ The theory that Booth did not actually attend Redd's examination, suggested by Mary Beth Norton, is strongly countered by the fact that her name was maintained in both Redd's examination file and Putnam's deposition; see *RSWH* No. 248 and No. 249.

simple act of crossing out her name ultimately indicates the court recorders' and officials' further scrutiny of the documents presented as evidence throughout the trials.³⁸

Elizabeth Booth, along with Susannah Sheldon, reappeared as unsuccessful accusers in the case of Job Tookey, the seventh suspected witch to receive an *ignoramus* indictment from the grand jury. Unlike in Booth's claims against Redd, where there were no explicit indications as to why the grand jury turned down the charges, in this case it is plausible to principally link the jury's *ignoramus* ruling for the indictments on Booth's and Sheldon's charges with Sheldon's poor credibility as an accuser.

The core of Booth's and Sheldon's evidence to support their claims is found in the testimonies they offered at Tookey's June 7 examination.³⁹ In this June 7 examination, Booth and Sheldon paired up several times to describe how Tookey not only spectrally afflicted them, but also other townspeople. For example, according to the examination recorder, Booth and Sheldon "saw the same 8 persones cryeing out for vengeance upon Stuky and looked as red as blood."⁴⁰ Such a description of Tookey's *maleficium* upon others goes well along with the previously mentioned characterization of Sheldon—by historians Rosenthal and Norton—as an accuser whose overly dramatic testimonies were often disbelieved by the grand jury.⁴¹ Since Booth joined Sheldon in part of her overly visual statements, as demonstrated by the above excerpt, it is then possible that the grand jury also began to question the validity of her accusations. Thus, the grand jury's September 15 *ignoramus* ruling for both accusations can be

³⁸ It is not possible to determine whether Booth's name was crossed down by the depositions' recorder or by a later corrector, in response to the grand jury's *ignoramus* ruling.

³⁹ *RSWH*, No. 312.

⁴⁰ Ibid.

⁴¹ Refer to page 3 of this paper for details on Rosenthal's and Norton's view of Sheldon as an accuser of questionable reputation.

seen as a result of Sheldon's contested credibility as an accuser, which extended to Booth through their concurrent testimonies.⁴²

The last *ignoramus* indictment released by the grand jury in its 1692 rulings was that against Mary Parker for afflicting Martha Sprague. Parker, a resident of Andover, is considered one of the trials' most intriguing figures, given the little evidence that survived her case. In two of the case's few available pieces related to Sprague's accusations—Parker's examination record and the indictment for the accusations—everything appears to follow the norm for which the grand jury would usually return a *billa vera*. The examination record, for instance, reveals how Sprague both testified against Parker and suffered an affliction at her sight, which was witnessed by those at the examination room—following the standard two-witness rule for which grand juries usually returned indictments as true bills. ⁴³ Thus, mystery remains, along with many other aspects of this case, regarding why the grand jury turned down Sprague's accusations against Parker. ⁴⁴ The pieces that would complete such puzzle most probably reside in the lost records of depositions and statements in which Sprague furthered described the *maleficium* Parker inflicted upon her.

⁴² A third indictment, for afflicting Mary Warren, was also presented against Tookey. In these charges, however, the grand jury returned a *billa vera*. Although Warren also testified in this June 7 examination, what may have allowed her case to move forward was that she never testified the same as Sheldon and Booth. Tookey was acquitted in early January 1693 from Warren's charges; see *RSWH* No. 651 for the indictment on Warren's behalf and No. 760 for Tookey's 1693 trial record.

⁴³ *RSWH*, No. 540.

⁴⁴ In "The Untold Story of Mary Ayer Parker: Gossip and Confusion" (paper presented at the annual Berkshire Conference, Sripps College, Claremont, California, 2005), Jacqueline Kelly uses Mary Beth Norton's finding that Parker was Sprague's step-great-aunt as starting point to argue that Parker and Sprague probably did not know each other at the time of the trial, despite their distant family linkage. It is possible that, through other of the case's materials, the grand jury also assumed this and decided to return *ignoramus* the indictment issued on Sprague's behalf. Yet, given that the extant records do not hint at this, I decided not to include such speculation in my main argument. See Norton, *In The Devil's Snare*, 260, for further explanation on Sprague's and Parker's family ties.

jury when returning the indictments brought to their attention during the climax of the witch-hunt between August and September 1692. All in all, the ignoramus indictments returned in the cases of John Willard, John Proctor, George Jacobs, William Proctor, Rebecca Jacobs, Wilmot Redd, Job Tookey and Mary Parker concurrently reveal the grand jury's careful deliberation when indicting for alleged witchcraft—a usually overlooked aspect of the trials.

At times, the grand jury ruled *ignoramus* when major evidentiary contradictions and irregularities appeared, as in the cases of *Mary Walcott v. John Proctor*, *Mary Warren and Elizabeth Hubbard v. William Proctor* and *Mercy Lewis v. George Jacobs*. For other accusations, as those of *Susannah Shelden v. John Willard* and Rebecca Jacobs's confession of covenanting, the grand jury presumably returned *ignoramus* indictments because of the accusers' questionable credibility. Despite the different rationale behind their decisions, altogether, these 1692 *ignoramus* indictments denote how amidst the peak of the witch scare, the grand jury did not assume anyone's guilt, even in cases where the traditional two-witness rule was complied with and public afflictions had taken place. Although more than a dozen of supposed witches were hanged after being sentenced by a subsequent jury trial, the grand jury's actions—albeit usually unacknowledged—evidence how some rationality indeed persisted within the greater havoc of the Salem Witch-Hunt story.

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