

Popular Magic

Cunning-folk in English History

OWEN DAVIES



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*Cunning folk
in English History*

Owen Davies



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Introduction

The term cunning-folk is little known today. It is recognised by those with an interest in folklore and social history, and is used by some modern practitioners of magic, but for most people it has no meaning. Yet a century ago everyone in rural society would have been familiar with the term, and two hundred years ago the majority of the population, in both town and country, would have known of at least one cunning-man or cunning-woman. Hundreds of thousands of people had personal experience of them over the centuries. The aim of this book is to show the role cunning-folk played in English society over the last five hundred years. Monarchs have condemned them, some swung from the gallows, hundreds were incarcerated, some achieved prosperity, others died in poverty. They were frequently criticised in print, were the subject of plays and novels, and a couple even wrote about themselves, yet they remain elusive characters. Little has been written about them in the last thirty years, and they have never been the subjects of a book. This is therefore the first comprehensive history of English cunning-folk. It seeks to explore both their light and dark sides. While it may disappoint some who have idealised their knowledge, it will enlighten others who believe magic to have been an unmitigated, injurious fallacy. I hope it will entertain, for cunning-folk were consummate performers and no strangers to publicity, and also throw new light on a professional type that for centuries was as integral to English life as the clergyman, constable and doctor.

Cunning-folk was just one of several terms used in England to describe multi-faceted practitioners of magic who healed the sick and the bewitched, who told fortunes, identified thieves, induced love, and much else besides. It is employed in a general sense here not just because it was widely used, but also because it conveniently encompasses both sexes. Wizard and conjuror were also popular terms in some regions,

but these were masculine titles, and to refer to wise-women and wise-men all the time becomes unwieldy. White witch, although now a part of common language, was actually little employed in popular speech prior to the twentieth century, except perhaps in Devon.¹ It was frequently used in educated discourse to describe a range of healers, but the indiscriminate way in which it was employed, its restricted popular usage, and the modern context in which it is applied, make it problematic to adopt as a generic term.

The cunning element of cunning-folk comes from the Anglo-Saxon *cunnan*, meaning to know. Wizard similarly derives from the Old English *wis*, meaning wise, so can be seen as a variant of wise-man. Both definitions tell us something fundamental about how these people were perceived. They were individuals who stood out in society for possessing more knowledge than those around them, knowledge that was acquired either from a supernatural source, from an innate, hereditary ability, or from being able to understand writing. Despite their linguistic origins, these terms only appear in documents during the early modern period. In Anglo-Saxon and Viking sources people who would later be described as cunning-folk were usually referred to using the blanket term of *wiccan*, meaning witch, or were described as those involved in *drycraeft*, the practice of magic.² The ecclesiastical and Christian secular authorities made little distinction between good and bad magic. Both were sinful, and many benign practices were denounced as vestiges of iniquitous pagan worship. There is evidence that the essential services early modern cunning-folk provided were also in demand in the Anglo-Saxon and early medieval period. It can be found in medical manuscripts or leechbooks, some of which demonstrate a potent and indiscriminate blend of religious observance, herbalism and magic.³ Amongst the many remedies and healing prayers they contain can be found charms to protect one from witches and elves, charms against thieves, and potions to procure love.

The fact that the terms cunning-man and cunning-woman are absent from the Anglo-Saxon sources does not mean they were not in popular usage, only that they were not used in the formal vocabulary of the time. Likewise in the medieval period we hear nothing of them because Latin was the main written language, particularly for official documents. Instead, in the twelfth and thirteenth centuries we find terms such as

incantatrix, *incantator*, *sortilegus*, and *maleficus* being used to refer to a range of magical practitioners including diviners and cunning-folk. There was also *pythonicos*, a Greek word used in the Bible, which was originally applied to the priestess at the oracle of Delphi, but later came to encompass soothsayers, diviners, witches and cunning-folk. During the fourteenth century the vernacular terms enchanter, sorcerer and variations on the word nigromancer (necromancer) appear more often, but it is only in the second half of the fifteenth century that the terms cunning-man and cunning-woman, as well as wizard, become a part of the written language. It is from this period onwards that this book is concerned.

Considering how central cunning-folk were to the experience of magic for the majority of people in the past it is necessary to say something about what magic means, and how cunning-folk related to various aspects of it. In the historiography of magic a distinction has usually been made between high or learned magic and low or folk magic. Learned magic is generally defined by its sophisticated theoretical, philosophical and ceremonial structure. It can be further broken down into two main categories, demonic and natural. As the name suggests, demonic magic was primarily concerned with the attempt to conjure and command devils and demons, and was thus an explicitly heretical exercise. Its practitioners were usually motivated by a desire for wealth and power, using demons to find treasure, to murder enemies, to prevail over the rich and influential and to have sexual control over women. The practitioners of natural magic, on the other hand, perceived themselves to be acting from purer motives. Natural magic was considered by many intellectuals to be a branch of the sciences, as it dealt with the occult powers within nature. In our period it was primarily influenced by neoplatonism, which held that the universe was suffused and ruled by a hierarchy of spirits. All matter was interconnected by these spiritual influences, and sympathetic relationships governed all matter. Stars and planets possessed evil and good aspects, and radiated their benign or malign influence upon the earth like ripples across water. Natural magicians sought to manipulate the world around them by attracting these benign stellar influences, and adjuring spirits to do their bidding, or beseeching angels to aid them. This could be achieved by means of certain gestures, instruments, words, incantations, and talismans which

fused Christian worship with astrological symbolism. In practice, many learned magicians dabbled in both branches of magic, which certainly did not help the defence of natural magic from theological claims that it was equally diabolic.

Low, popular, or folk magic is usually characterised as a rich medley of indigenous beliefs, practices and rituals, some of them dating back to Anglo-Saxon times, perhaps even earlier, perpetuated largely through oral transmission. The use of 'low' does not necessarily indicate that this type of magic was confined to the 'low' elements of society, but those who employed it had no lofty pretensions about what they were doing. The resort to it was purely a means to an end, whether it was employed to negate the effects of witchcraft, to heal ailments, detect thieves or to procure love. Folk magic had no unifying theoretical or philosophical basis, and there were no manuals to instruct the initiate on associated beliefs and practices. Knowledge of it was held in the collective memory of each community, being called upon when necessity required it. Nevertheless, both types of magic shared some of the same principles, most notably the archaic belief in sympathetic associations, and also the incorporation of Christian beliefs and prayers. Furthermore, there were specific individuals who straddled the worlds of both learned and low magic, and who were consequently thought to have more knowledge of the occult than those around them: these people were cunning-folk.

It is axiomatic that wherever there were witches there were cunning-folk. The history of both groups is inextricably bound up with each other. The latter have often been portrayed as the antithesis of the former. From the early modern period onwards this notion led to the convenient but misleading use of colour to distinguish between the two figures – black witches who used magic for malicious, destructive practices, and white witches whose job it was to combat their evil machinations. Such a categorical definition was never, however, a common aspect of the popular perception of cunning-folk. They occupied an ambiguous position both in society and in the realm of magic, which in both moral and practical terms was neither black nor white. The curing of witchcraft was also only one element of the job description of cunning-folk, albeit an integral and crucial one. If we are to appreciate properly the importance of their role in English society, considerable

emphasis must also be placed on their other services. The breadth of their activities, both magical and mundane, was well captured in Thomas Heywood's early seventeenth-century play, *The Wise Woman of Hogsdon*, which was possibly based on a real London practitioner. At one point the cunning-woman muses:

Let mee see how many trades have I to live by: First, I am a wise-woman, and a fortune-teller, and under that I deale in physicke and fore-speaking [bewitchment], in palmistry, and recovering of things lost. Next, I undertake to cure madd folkes; then I keepe gentlewomen lodgers, to furnish such chambers as I let out by the night: Then I am provided for bringing young wenches to bed; and, for a need, you see I can play the match-maker.

She ends with the sly observation, 'Shee that is but one, and professeth so many, may well bee tearmed a Wise-woman, if there bee any'.⁴

All those interested in English cunning-folk owe a great debt to the work of four scholars, George Kittredge, Cecil Ewen, Keith Thomas and Alan Macfarlane. Kittredge was a highly respected American professor of English literature, whose main interests were Shakespeare and Chaucer. He was a prolific writer, and amongst his many academic achievements was an annotated edition of the complete works of Shakespeare. Many people today, though, only know him for his book *Witchcraft in Old and New England*, published in 1929. This was based on an extensive survey of printed records pertaining to a period spanning from Anglo-Saxon times to the nineteenth century. The reference section alone takes up around a third of the book. Despite the title, several chapters are primarily concerned with magic. Although Kittredge never actually discussed cunning-folk as a group, they are the subject of many of the cases he cited involving love magic, thief magic, spirit conjuration, treasure-seeking and divination. Kittredge's research was largely library based, and he did not concern himself with the mass of unpublished archival material relating to the trials for witchcraft and magic. Coincidentally, though, around the same time an English contemporary named Cecil Ewen was busy doing just that. Ewen was an eclectic historian who researched and published on a diverse range of topics including lotteries, piracy and Walter Raleigh. During the 1920s he busied himself with an exhaustive search through the assize court records for the home counties, as well as pamphlets, manuscripts and printed records relating

to the period of the witch trials between 1542 and 1736. The main result was two books that are still essential research tools for witchcraft historians today, *Witch Hunting and Witch Trials* (1929) and *Witchcraft and Demonianism* (1933). Although Ewen was largely concerned with the trial of witches, his extensive transcriptions also provide a wealth of information concerning the role of cunning-folk.

While recognising the pioneering nature of their work, for the historian of cunning-folk today the witchcraft publications of Kittredge and Ewen are only really useful as source books. Neither scholar attempted detailed analyses of the information they so painstakingly and diligently collated. It was nearly another forty years before a sophisticated examination of English cunning-folk appeared. Keith Thomas's *Religion and the Decline of Magic* (1971) is an immense survey of the role and nature of magic in English society from the medieval period to the eighteenth century. Its author, a now knighted Oxford academic, was the first historian fully to recognise the importance and significance of cunning-folk in early modern English society, and devoted a hundred or so pages to their consideration. Thomas naturally turned to the work of Kittredge and Ewen for information, but also conducted his own equally impressive search through both libraries and archives. He made particularly valuable use of ecclesiastical court records, which, as we shall see later, are one of the most important sources concerning cunning-folk for the sixteenth and early seventeenth centuries. Using this large database of information he painted a revealing picture of who cunning-folk were, what they did, and how they were viewed by various social groups. Thomas's portrait of cunning-folk was not formed in academic isolation, however, as one of his doctoral students, Alan Macfarlane, was also engaged in an innovative regional study of witchcraft and magic in early modern Essex, which refreshingly gave as much emphasis to cunning-folk as to witchcraft accusations and prosecutions. His exhaustive survey of the exceptionally rich court records surviving for the county, both secular and ecclesiastical, enabled him to present, for the first time, some concrete impression of the number of cunning-folk serving the population, their pattern of distribution in the county, and the spatial relationship between them and their clients. As he admitted, the records by no means revealed all of those who practised over the period, but his findings nevertheless served

to confirm and highlight the significant role of cunning-folk in early modern society.⁵

In their work on witchcraft and magic, Thomas and Macfarlane did more than anyone before or since to shed light on the world of English cunning-folk, not just in relation to the witch trials but also to the wider context of religion and society at the time. In the last thirty years little more has been written about cunning-folk in early modern England, but much valuable work has been done on society and culture in the period to throw new light on the subject. Hence the appearance of this study and, one hopes, others. Furthermore, Thomas's and Macfarlane's interest in cunning-folk ended prematurely with the termination of the witch trials in the early 1700s. Cunning-folk were as much a part of eighteenth- and nineteenth-century society as they were of the seventeenth, but until recently historians have neglected to investigate their continued social importance.⁶ Considering the popularity of cunning-folk and their centrality to the whole business of witchcraft, their dismissal by British historians is surprising. During the second half of the 1990s there was something of a renaissance in English witchcraft studies, with the publication of some outstanding books and articles, but in all these cunning-folk received only minor consideration.⁷

The main reason for this lack of interest is that historians seem to have difficulty placing cunning-folk. In terms of witchcraft, discussion tends to focus on the trials, the relationship between accuser and accused, and more recently the narrative aspect of accusations, with the role of third party mediators and consultants in these situations often being considered as peripheral. Historians of magic have largely ignored cunning-folk as well. They have been drawn to the world of erudite high magicians, not only because these magicians were intellectual, literate, and left accounts of their experiments, but also because they embraced a coherent and sophisticated philosophy which modern historians can engage with and study within the context of early science. Cunning-folk left little record of their thoughts and experiments, not necessarily because they lacked the intellect to comprehend occult philosophies, but rather because it just did not interest many of them. Cunning-folk applied practical magical solutions to resolve everyday problems. Medical historians, particularly those concerned with the eighteenth and nineteenth centuries, have also shown little interest in

cunning-folk. Their debate has concentrated on developments in medical knowledge, the struggle for medical respectability, and the growth of commercialism. On the whole, cunning-folk were rarely engaged in these developments, and so they have largely been sidelined.⁸ Consequently, our understanding of the popular experience of illness and cure remains far from complete. Likewise, our knowledge of the popular experience of crime is all the poorer for the historian's reluctance to consider the detective role of cunning-folk.

Cunning-folk, then, have often been air-brushed out of representations of the past. To restore them to our collage of England's cultural history, the reader will be presented with a wide range of sources covering a long period of time. In doing so, I will be looking again at the era of the witch-trials, but this time from the viewpoint of cunning-folk. I will consider their ongoing popularity and social function in an age when the focus on the expansion of orthodox medicine, mass education and industrialisation has often obscured their continued relevance in English society. And I will explore in greater detail than before just who cunning-folk were, how they were perceived and represented over the centuries, and where they stood in relation to their continental counterparts. Finally, to anyone thinking of taking up the 'cunning-profession', this book may serve as a useful historical guide as to the right and wrong ways to go about it.

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Cunning-Folk and the Law

In the Anglo-Saxon and Viking periods various secular and ecclesiastical legal codes condemned people for using charms to cure the sick, foretelling the future and procuring love. King Alfred decreed that ‘women who are wont to practise enchantments, and magicians and witches, do not allow them to live’.¹ His guide was the famous passage in Exodus 22:18, which commanded, ‘Thou Shalt not suffer a witch to live’. But there is little evidence indicating the extent to which such edicts were ever invoked. From the twelfth century there were no specific secular laws against magic, but the activities of cunning-folk continued to be seen as a problem by the authorities, and surviving ecclesiastical documents and state papers show that resort to those who practised magic was widespread. There were particular fears in elite circles about its use in aiding political intrigues. Writing in the mid twelfth century, John of Salisbury warned of the dangerous temptations that the promise of magic opened up to courtiers. Over the next three centuries, several accusations of sorcery were made against such high-profile people as Hubert de Burgh, Henry III’s justiciar, and Walter Langton, bishop of Lichfield and treasurer to Edward I.² The most famous case was that of Eleonor Cobham, duchess of Gloucester, who in 1441 was tried for using magic against Henry VI. To achieve her purposes she was accused of hiring the services of an astronomer and astrologer named Roger Bolingbrooke, Thomas Southwell, a canon of St Stephen’s Chapel, Westminster, and a cunning-woman named Margerie Jourdayne. The latter was further accused of supplying the duchess with love potions, and was burned at Smithfield for treason. But such sorcery cases were infrequent in England and rarely involved people, like Jourdayne, who can be confidently identified as cunning-folk.

We really only start getting significant details about cunning-folk, as opposed to learned ‘high’ magicians, from the second half of the

fourteenth century onwards, not necessarily because they were becoming more prevalent or popular, but, rather, because there are more relevant surviving documents from this point onwards, the most important of these being in ecclesiastical records. Unless cunning-folk got mixed up in treasonous plots, poisoning, murder, or were sued for fraud or defamation, their activities were considered to be moral offences, to be dealt with by the church. Until the mid sixteenth century both secular and religious authorities were considerably more concerned with the disruptive, social consequences of magic and deception than with any heretical, satanic complicity cunning-folk might have been involved in. The practice of love magic was one such source of potential social discord, and there are records of several cases heard by the ecclesiastical authorities during the fifteenth and early sixteenth centuries. In October 1446, for example, the 'official' of the priory and convent of Durham heard evidence against Mariot de Belton and Isabella Brome, who were accused of telling women they could magically procure husbands for them.³ The commissary's court of the London diocese also dealt with several similar cases. In 1492 it heard how Richard Laukiston had offered to find a rich husband for a widow named Margaret Geffrey. Laukiston was going to achieve this by applying to a 'cunning man that by his cunning can cause a woman to have any man that she hath favour to'. In 1526 one Margaret Williamson was examined after it was reported that she possessed certain books from which she concocted love potions.⁴

It was the practice of thief detection, however, which seems to have caused the most concern, as is evident from various surviving court records from London. As early as 1311 the bishop of London, Ralph Baldock, wrote to his archdeacon asking him to investigate the practice of sorcery and theft divination in the city.⁵ Later in the century a spate of such cases were brought before the mayor. In 1375, for instance, John Porter of Clerkenwell prosecuted John Chestre for having failed to discover a thief who had stolen some valuables. Chestre admitted that 'he often exercised that art', and claimed to have successfully restored £15 stolen from a man at Garlickhithe. The plaintiff and defendant agreed on a settlement, and the court ruled that, because the defendant's art was held to be a deception of the public, he must swear not to exercise it in future.⁶ In 1382 Robert Berewold was accused of defamation and deceit. He had been asked to identify the thief who

stole a mazer (drinking bowl) from a house in St Mildred Poultry. Like Chestre he divined by 'turning the loaf'. A wooden peg was sunk into the top of a loaf of bread and four knives were placed in the sides. When a list of names was gone through, either verbally or mentally, the loaf turned at the name of the thief. In this manner Berewold fixed upon a woman named Johanna Wolsy, who subsequently accused him of 'maliciously lying' and of causing a public scandal. For his punishment he was put in the pillory with the incriminating loaf hung round his neck, and was made to go to church on the following Sunday at the hour of mass and confess his crime before Johanna's fellow parishioners and other neighbours. In the same year another practitioner, Henry Pot, was similarly punished for defamation. Nicholas Freman had come to him to find out who had stolen a mazer. Pot made thirty-two balls of white clay and 'over them did sorcery, or his magic art'. From this Pot divined that a married woman named Cristina Freman was the culprit, and it was she who subsequently had him arraigned for falsehood. He confessed before the mayor that 'he had many times before practised divers like sorceries, both within the city and without, through which various persons had undeservedly suffered injury in their character'.⁷

There was particular concern over the detective activities of cunning-folk because their accusations sometimes resulted in embarrassing instances of wrongful imprisonment. This in turn could lead to wider social discord. This fear is apparent from a messy legal situation the mayor and aldermen of London had to sort out in 1390. It involved two men, Robert Mysdene and John Geyte, who had been unfairly arrested and imprisoned for theft upon the word of a cunning-man named John Berkyng. Berkyng was made an example of by the court because 'from such falsehoods ... murders might easily have ensued'. He was placed in the pillory, imprisoned and then banished from the city.⁸ Such situations would never have developed if cunning-folk had not been so influential. Officials lower down the legal tier, constables and bailiffs, seem to have considered the word of a cunning-man as sufficient proof of guilt to make arrests. In the fifteenth century John Holond, a husbandmen in the service of the abbey of Woodbridge, Suffolk, was arrested for burglary after having been identified by 'negremaunser'. While in prison he complained to the court of Chancery that he was

being held against 'all lawe, reason and conscience', and that all his neighbours would testify to his 'gode name and fame'. Such arguments cut little ice with his gaolers: his word was deemed inferior to that of a cunning-man.⁹

Despite evidence of the pernicious activities of cunning-folk and diviners, neither church nor state instigated a systematic campaign of suppression, and the victims of theft who felt let down by cunning-folk, and those defamed by them, continued to launch private law suits in various courts throughout the fifteenth and early sixteenth centuries. It was only with the consolidation of monarchical power and centralisation of authority under Henry VIII that a more concerted attempt to suppress cunning-folk and other magical practitioners was possible. In fact, it was the concern over those who practised theft magic, love magic and treasure hunting, rather than witches as they came to be defined later in the century, which led to the first so-called Witchcraft Act of 1542. To be more precise, this statute was directed 'Against Conjuracion and Witchcrafts and Sorcery and Enchantments'. Although it made provision for those who used 'witchcrafts, enchantments, and sorceries to the destruction of their neighbour's persons and goods', that is witches, its main target were those who took 'upon them to declare and tell where things lost or stolen should be become', those who practised invocations and conjurations to 'get knowledge for their own lucre in what place treasure of gold and silver should or might be found', and those who 'provoke any person to unlawful love'. The penalty for such activities was death. Although the survival of secular court records for the rest of the decade is very poor, the evidence suggests that the statute was something of a dead letter. There is, at any rate, no record of anyone dying because of it. Prosecutions continued, nevertheless, though not under the conjuration statute. Around 1545, for instance, two practitioners of 'nigramansi', John Lamkyn, master of Holbeach grammar school, and a Cirencester wheelwright named Edmund Nasche, were prosecuted before the Star Chamber – a tribunal consisting of the king's council. The two conjurors had been consulted about the theft of some money and jewels from Holbeach church, and had declared that John Patriche was the guilty party. It was Patriche who subsequently brought a defamation suit against them.¹⁰ Although such cases highlighted the problem posed by cunning-folk, Edward VI repealed the

statute of 1542, along with several others, less than six years later. This was a sign that the punishment decreed by the statute was perhaps deemed rather too harsh, and that the problem posed by such people was considered by many to be a moral issue for the church to deal with in its courts rather than a matter for the state.

During the late 1540s and 1550s cunning-folk continued to thrive, and no doubt those aware of the legislation felt relieved that the threat of capital punishment no longer hung over them, although they could still receive lesser punishment in other courts of law. One fascinating piece of evidence for the flourishing state of the trade at this point in time derives from the ecclesiastical examination of a London cunning-man in 1549. William Wycherley, a tailor by trade, of St Sepulchre's, confessed to having conjured up a spirit named Scariot to provide him with knowledge of stolen goods. During his examination he declared that 'there be within England above five hundred conjurers as he thinketh ... and specially in Norfolk, Hertfordshire, and Worcestershire and Gloucestershire'. This was undoubtedly a conservative estimate, but may still have surprised his audience. He also listed numerous practitioners he was personally acquainted with, including 'one Lowth, in Flete-streete, a broderer', Thomas Malfrey, 'of Goldstone besides Yarmouth', a woman 'besides Stoke Clare', a Welshman named John Davye who was 'a prophesier, and a great teller of thinges lost', and one Durant, a painter in Norwich who did 'use invocation of spiritess'. Others he knew in London practising the 'sieve and shears' were a labourer named Thomas Shakilton of Aldersgate Street, Christopher Morgan, a plasterer of Beche Lane beside the Barbican, and a Mrs Croxton of St Giles.¹¹

As the prosecution of Wycherley indicates, the absence of statutes against cunning-folk in the years after 1547 was not symptomatic of a lack of concern over the social and moral problem posed by their activities. The 'sooth-sayer' that Henry Machyn recorded seeing in a London pillory was certainly not the only practitioner to be punished in this period. The man, a scrivener by trade, had 'a paper sett over yshed wrytten for sondrys and practyses of grett falsode and muche on-trowthe'.¹² In fact, if anything, the church seemed to increase its vigilance in this legislative void. In 1549 Archbishop Cranmer's Articles of Visitation underlined the responsibility of church officials to report

those who practised magic. In 1554, during the brief reign of Mary Tudor, the Catholic bishop of London, Edmund Bonner, reiterated the point. The Royal Articles printed in the first year of Queen Elizabeth's reign, and many times subsequently, demanded that churchwardens and parishioners report anyone 'that do charmes, sorcerye, enchauntmentes, invocations, circles, witchcrafts, southsaying, or any lyke craftes or imaginations invented by the devyll, and speciallye in the tyme of womens travayle'. In the same year Bishop Jewel expressed concern that 'the number of witches and sorcerers had everywhere become enormous'.¹³ There were other voices as well, one of the most interesting of which was that of a reformed student of the occult sciences named Francis Coxe. In 1561 he was convicted for his activities, though it is not certain under what law, and did a stint in the pillory. To demonstrate that he was a reformed character he subsequently published a rejection of his former trade in a broadside entitled, *The Unfained Retractation of Frauncis Coxe*. Shortly afterwards he expanded upon the same theme in a *Short Treatise Declaringe the Detestable Wickednesse of Magicall Sciences*. Obviously familiar with the work of the occultist Cornelius Agrippa, 'of whome all the worlde speaketh', he declared all magic to be the work of the devil. According to Coxe, those who practised it became 'infidels, turninge the temple of ye holy Ghoste into a sinagoge of sathan. Therefore deare countryman, flee from these most wicked and damnable sciences of divination'.¹⁴

In March 1559 there was a failed attempt to restore the laws against conjuration and witchcraft, but it was only in 1563 that a new Bill 'Against Conjuracions, Enchantments, and Witchcrafts' was finally passed. The preamble made quite clear that the absence of laws against these 'evils' had been detrimental to the country, and that, since the repeal of the 1542 Act, 'many fantastical and devilish persons have devised and practised invocations and conjurations of evil and wicked spirits, and have used and practised witchcrafts, enchantments, charms and sorceries'. Once again, it was cunning-folk and learned occultists who were the principal targets. The renewed secular action against such people was partly a response to the growing voices of concern, and partly due to suspected magical intrigue in high places. Only the year before, when the countess of Lennox and four others had been prosecuted for treason, it was alleged that they had consulted some 'wizards' to know how long

the queen was to live. Again, the law was directed at any person or persons who took:

upon him or them by witchcraft, enchantment, charm, or sorcery, to tell or declare in what place any treasure of gold or silver should or might be found or had in the earth, or other secret place; or where goods, or things lost or stolen should be found or be come; or shall use or practise any sorcery, enchantment, charm or witchcraft to the intent to provoke any person to unlawful love; or to hurt or destroy any person in his or her body, member, or goods.

The only significant departure from Henry VIII's statute was the absence of the death penalty for a first offence. Those convicted were to face one year's imprisonment and four stints in the pillory. Those convicted of the same offence twice faced life imprisonment. The death penalty was reserved only for those who either committed murder by witchcraft or conjured up evil spirits. If the statute of 1542 proved a damp squib, that of 1563 subsequently sparked a fiery zeal of repression – but not against those who were the original targets of the law. It was witches, those individuals who were thought to use their powers for nothing else than malicious harm against man and beast, who subsequently felt its full force. This is not the place to embark on a consideration of why authoritarian concern over witches now suddenly escalated.¹⁵ Essentially, once the state became determined to suppress all forms of magic, and a statute was put in place and made known, it was left up to the populace to root out all those who came under the law, and the people demonstrated that it was witches who most concerned them.

The attention and focus of the courts shifted away from the activities of cunning-folk and towards the *maleficium* of supposed witches. While for hundreds of innocent women this meant incarceration and death for crimes they had not committed, for cunning-folk this period represented an escape: relatively few were ever prosecuted under the Act. Judicial leniency concerning cunning-folk was, however, in no way representative of much educated opinion at the time. As the campaign against witchcraft took off there were numerous complaints about the profusion of cunning-folk, and many calls for their extermination. The authors of witchcraft pamphlets, who reported trial testimonies and other sensational occurrences for a popular audience, were particularly

vocal in their call for the rounding-up of cunning-folk as well as witches. In 1574 a pamphlet recounting a supposed case of diabolic possession began by complaining that the 'Realme is knowne by common experience, and of late, to be troubled with Witches, Sorcerers, and other such wise men and women (as they call them)'. More outspoken was a pamphlet recounting the trial of the Windsor witches in 1579. Referring to cunning-folk, it complained that although 'the Justices bee severe in executyng of the Lawes in that behalfe, yet suche is the foolishe pitie, or slackeness, or both, of the multitude and under-officers that they most commonly are winked at, and so escape unpunished'. Three year later another pamphlet demanded, with sardonic cruelty, that witches and cunning-folk should all be rigorously punished:

Rygorously, sayd I? Why it is too milde and gentle a tearme for such a merclesse generation: I should rather have sayd most cruelly executed: for that no punishment can bee thought upon, be it in never so high a degree of torment, which may be deemed sufficient for such a divelish and danable [sic] practise.¹⁶

Bearing in mind the background to and content of the statutes of 1542 and 1563, historians have been somewhat misleading in referring to them as the Witchcraft Acts. Although that of 1563 came to be invoked predominantly against witches, like its predecessor it by no means placed specific emphasis on maleficent witchcraft. It would, perhaps, be more accurate to describe them as the Conjuraton Acts. Even the small but significant changes found in the 1604 Act of James I were as much aimed at cunning-folk and conjurors as witches. Divination for treasure, the detection of lost or stolen property and provoking unlawful love once again became capital offences, though only after a second conviction. Added to the list of magical crimes laid down in the Elizabethan statute was the theft of corpses 'to be employed or used in any manner of witchcraft, sorcery, charm, or enchantment', and the act of entertaining, feeding, consulting or covenanting with any 'evil and wicked spirit'. All were punishable by death in the first instance. The Act basically enshrined in legislation the harsh views on experimental, beneficial and harmful magic that the new king had expressed several years earlier in his *Daemonologie*. Written in the form of a dialogue, King James has a character ask at one point, 'what forme of punishment thinke yee merites

these magicians and Witches? For I see that ye account them to be all alike guiltie? ... They ought to be put to death according to the Law of God, the civill and imperiall Law, and municipall law of all Christian nations.'¹⁷ The 1604 Act remained in place for the next 131 years. An attempt was made during the Rump Parliament to bolster the section concerning magical detection by also making it a criminal offence to *consult* cunning-folk in order to find 'goods lost or stolen, or to know who shall be their husbands or wives, or any other such like future contingencies'.¹⁸ The proposal never got beyond the committee stage, but the fact that it was considered at all suggests that there was concern that neither the 1604 Act nor the ecclesiastical courts were making much headway against the popularity of cunning-folk. Around the same time, a pamphlet outlining the *Lawes against Witches and Coniuration* tried to explain to a popular audience why, although wizards and conjurers were different from witches, they were still guilty of the same diabolic crime. Instead of blanketing witches and cunning-folk as 'all alike', a view that the common people could not accept, its author accepted popular discrimination. He acknowledged that the 'Conjurer compacteth for curiosity, to know secrets, or work miracles; And the Witch of mere malice to do mischiefe, and to be revenged', but their 'superstitious, and ceremoniall formes of words (called Charmes)', their 'medicines, herbs, or other things', and their divining of 'things to come' were all still done with the 'Devils help, and covenants made with him'.¹⁹ Such attempts to justify the 1604 Act patently made little impression on those who resorted to magical practitioners.

Although cunning-folk were infrequently prosecuted under the conjuration statutes, the surviving records provide very useful information not only about cunning-folk themselves, but also about the response of the authorities to their activities. It is quite apparent, for instance, that very few cunning-folk were prosecuted at the assizes, which generally dealt with the most serious crimes in England. Only eleven cases out of 503 indictments brought under the conjuration statutes in Essex dealt with cunning-folk or treasure-seekers. A trawl through the published assizes records of other counties does not reveal many more. It is probably safe to say that fewer than a hundred cases of magic, as opposed to malefic witchcraft, were heard in assize courts between 1563 and 1736. It is important to note, however, that the divinatory practices of

cunning-folk and fortune-tellers could also be tried under laws against fraud and vagrancy, which entailed a lesser punishment. Thus in 1636 Margaret Snelling was successfully prosecuted at the Devon assizes for 'deceiving and cosening of the kinges subjects by fortune telling and deluding them'. She was publicly whipped and pilloried on the next market day, and had to do penance after divine service in three local churches on four consecutive Sundays – not pleasant, but better than a year in prison. In March 1691–92 Elizabeth Powell was brought before a Wiltshire magistrate and charged 'with performing the unlawfull art of Fortune telling and of discovering of hidden treasure'. Although the latter crime was explicitly mentioned in the 1604 Act, Powell was actually prosecuted for the lesser offence of vagrancy, and was sentenced to hard labour in Devizes house of correction.²⁰

Only a few of those cunning-folk hauled before the assizes, men such as Nicholas Battersby, of Bowtham, were charged with the crime of detecting stolen goods. In 1663 Battersby was employed by a man languishing in York gaol for the theft of £140 from the study of Lord Fairfax. He professed his innocence and desired the cunning-man to detect the real culprits. Battersby 'tooke instruccions thereof in his booke', and the next day went to the sheriff's gaol to declare formally that the man had been wrongly imprisoned, and that the money had, in fact, been stolen by an old grey-haired man and a young man who were servants in Fairfax's house. Battersby's boldness in appearing before the authorities certainly showed an admirable commitment to both his client and his 'art', but it also led to his own indictment for sorcery.²¹ Most assize offences concerned treasure-hunting or the capital offence of conjuring up evil spirits. The two crimes were usually related. One of those unfortunate enough to be charged was Thomas Heather, a yeoman of Hoddesdon in Hertfordshire, who in 1573 was indicted at the assizes for having conjured up spirits in a local wood to help him discover large sums of money. He was found guilty but was later pardoned. Two year later he was further indicted at the Surrey assizes, along with three labourers named William Williamson, Richard Pope and Thomas Twyford, all of Battersea, for invoking evil spirits to assist them in revealing a great treasure. Heather seems to have been the organiser of the escapade, but evaded arrest. His three accomplices were found not guilty, though he was sentenced to hang *in absentia*. Around