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## Witchcraft, women's honour and customary law in early modern Wales\*

Early modern Wales has two distinct types of witchcraft cases: witchcraft as words or slander cases, and witchcraft as *malefice* cases in which a woman was accused of practising *malefice* or premeditated harming.<sup>1</sup> The outcomes in both types of case before the criminal courts of Wales were almost always the same, the survival of the woman accused as a witch and the woman slandered as a witch. In other words, punishment and execution for charges associated with witchcraft were extremely rare in early modern Wales.

Evidence from case-studies indicates that Welsh early modern society had a distinctive social response which sets Welsh witchcraft studies apart from current models of witchcraft historiography. The reasons for the Welsh response to women accused and found guilty of witchcraft activities lie somewhere between the customary laws relating to women in pre-Union Wales and the continuation of such customary responses within the constraints of the new legal system imposed with the Acts of Union, 1536–1543. Perhaps, in some way, the Welsh reaction to witches can be construed as a form of social protest 'guided by tradition and custom',<sup>2</sup> despite or in spite of the English legal system. Evidence of the continued adherence to customary law and of the protection of the rights of Welsh women is considerable in witchcraft as words cases, indicating that the primary authority under which cases were tried has more to do with the law of custom and prescriptive rights than it does with the Witchcraft Acts of the English state.

The outcomes of Welsh cases gives every indication of the distance between the authority of the English state and Welsh adherence to the authority of customary law when reacting to women, witches and witchcraft. The authority of the English state came to rest on a people who had had their own legal codes for centuries prior to the emergence of the Tudor and

\*I wish to extend heartfelt thanks to Keith Wrightson for his enthusiasm, effort, insight and unqualified ongoing support. With deep appreciation, I acknowledge the input of Huw Pryce and Rees Davies (*Vale*, 16 May 2005), Geraint H. Jenkins and Richard Suggett for their time, comments, encouragement and intellectual support.

<sup>1</sup>Held at the National Library of Wales, Aberystwyth, the records of the Courts of Great

Sessions provide a framework for analysing witchcraft, specifically from 1536, from the first Act of Union between England and Wales, to 1736, when the Witchcraft Act of 1604 was rescinded.

<sup>2</sup>Roger B. Manning, *Village Revolts, Social Protest and Popular Disturbances in England, 1509–1640* (Oxford, 1988), 319.

Stuart state. The relationship between common law and customary rights emphasizes the reality of a people whose customary laws dictated their reactions and ways of behaving within the confines of their own language and culture. Welsh people, whether as protagonists in witchcraft cases, judges, witnesses, accusers or as the accused party, did not follow the principles set out in the English Witchcraft Acts. Their own popular culture and customary law did not require such a response to suspected witches because the problem of what to do with the accused and the ramifications of the accused's actions had been resolvable prior to and without such Acts. The layering of the English legal system over the Welsh people did not obfuscate the premises inherent within their pre-existing customary legal code.

Welsh people had a profound belief in witches, witchcraft and the supernatural; the belief was deeply ingrained but, during the years when the Witchcraft Act of 1604 was law, Wales did not experience a rash of accusations and prosecutions. One of the most unusual aspects of Welsh witchcraft was that, in the overwhelming majority of cases, those who were not only accused but were found guilty as charged survived the verdict. Those accused as *malefice* practising witches or those slandered as witches were not executed in Wales and the reasons for such a reaction, as detailed in court records, can be found in the continuation of customary law and practices. Such mechanisms enabled the individual to undertake self-empowerment processes in the face of perceived threats, thus alleviating the fear and paranoia which the existence of witches often generated. Transcriptual evidence for the use of customary law occurs in every slander case brought before the Courts of Great Sessions and evidence for the continued adherence to customary practices, the use of which was based on concepts inherent within Welsh customary law, can be elicited from every witchcraft as *malefice* case.

Early modern Welsh people defined witchcraft as the maleficient practices of the witch, activities which they believed were the result of intended and premeditated harm inflicted only by the witch. The witch, as far as the Welsh people were concerned, was always a woman, as popular culture dictated that only women could be witches because only women engaged in *malefice*. Defining what the word 'witch' meant to early modern Welsh people, how they perceived the person of the witch and what characteristics they associated with the witch can be established through the evidence provided in witchcraft as words and witchcraft as *malefice* court case documents.

Linguistic definition is very important because *witch* was not a native Welsh term. Practitioners of the magical arts were referred to as *rheibur* or *rheibes*, depending on the sex of the person, and came from the word *rheibio* which meant *to bewitch*,<sup>3</sup> an all-inclusive term. The introduction of the word *witscraft* in some early Welsh manuscripts was borrowed from the English word *witchcraft*,<sup>4</sup> *wits* being the Welsh term used for the English word *witch*. The first printed use of *wits* was in a dictionary published in 1547 by William Salesbury,<sup>5</sup> which defined *wits* as meaning a *dewim* (sic) *wraic* or, in modern Welsh, *dewin guraig*, or a woman diviner/wizard/soothsayer.<sup>6</sup> The usage clarified the term *witch* still further, as Salesbury's definition implied that *wits* only referred to women in the Welsh language. The term *guraig/gwarch* in the Welsh language described an 'ugly old woman, crone, hag,

<sup>3</sup>*Geiriadur Prifysgol Cymru. A Dictionary of the Welsh Language* (Cardiff, 1968–, ongoing) cites the use of these terms in the written work of William Salesbury, *Kynniver Llith a Ban* (1551); Robert Holland, *Agoriad byrr ar Weddi'r Arglydd* (1677); and Edward Lhud, *Archaeologica Britannica* (1707).

<sup>4</sup>Thomas Gwynn Jones, *Welsh Folklore and Folk-Custom* (London, 1930), 125.

<sup>5</sup>William Salesbury, *A Dictionary in Englyshe and Welsh* (London, 1547).

<sup>6</sup>Richard Suggett, 'Some Aspects of Village Life in Eighteenth Century Glamorgan' (B.Litt., Oxon., 1976), 200.

witch, sorceress'.<sup>7</sup> Not only is this a linguistic reference to women, it further implies that *witch* referred to women who were viewed as figures of bad or evil intent.<sup>8</sup> Suggett cites the replacement of *rheibes* in the 1588 translation of the Bible with *hudoles* in the 1620 publication, but the feminine implication remained as both terms were female.<sup>9</sup>

The term *wits/witch* remained a standard reference throughout the early modern period: *wits/witch*, when used in Welsh colloquial speech, always meant a woman and was not a term used in conjunction with men.<sup>10</sup> Court records for Wales support this implication because all witchcraft as words cases before the Courts of Great Sessions, where the emphasis on citing the slander in Welsh was paramount, concern women who were called *wits/witch*. Every witchcraft as words case was of a woman bringing another, usually a woman, to court for having slandered her as a witch. Similarly, witchcraft as *malefice* cases concern only women as there is no case in which a man is brought to court accused of being a *malefice* practising witch.<sup>11</sup>

Men who practised the magical arts were referred to as conjurors, sometimes as wizards, and as sorcerers or soothsayers, again depending upon which branch of the magical arts they practised. Conjurors were regarded as being beneficial as they found stolen goods, created charm papers for protection and acted in a protective capacity when it came to dealing with the effects of the witch and her activities. *Consuriur*<sup>12</sup> was also a Welsh borrowing from the English term *conjuror*, although the Welsh term was used only for men. The terms had a much wider meaning in England where both men and women could be referred to as witches, cunning people, charmers and healers although, by the early modern period, witches were generally women.<sup>13</sup> While the Welsh borrowed the terms, they do not appear to have borrowed the concepts which accompanied such terms, as the Welsh language specified one term for women and another one for men.

Witchcraft case evidence in early modern Wales does not show any marked difference between the evidence witness statements gave as to the figure of the witch and the characteristics which Welsh popular culture attributed to the witch. Essentially, the witness statements mirror the premises inherent within Welsh popular culture. The concept that 'witch' was a gendered term in early modern Wales can, therefore, be based on linguistic, court case and popular culture evidence. The concept is an important deviation from the less specific gendering of the term in other areas such as England, Scotland, Guernsey, Portugal, Hungary and Venice, where witches were usually, but not always, women.<sup>14</sup>

<sup>7</sup>Geiriadur Prifysgol Cymru, *op. cit.*, cites the earliest written date as 1514.

<sup>8</sup>*ibid.*, cites William Salesbury, *Kynniver Llith a Ban* (1551).

<sup>9</sup>Richard Suggett, 'Witchcraft dynamics in early modern Wales' in Michael Roberts and Simone Clarke (eds), *Women and Gender in Early Modern Wales* (Cardiff, 2000), 84.

<sup>10</sup>Geiriadur Prifysgol Cymru, *op. cit.* William Salesbury cited the term *wits* as referring to women who were evil.

<sup>11</sup>Sally Parkin, 'Women, Witchcraft and the Law in Early Modern Wales (1536–1736): A Continuation of Customary Practice' (Ph.D., University of New England, 2002), Appendix 1, 314–27, and Appendix 11, 328–60.

<sup>12</sup>Geiriadur Prifysgol Cymru, *op. cit.*, citing William Salesbury, *Testament Newydd ein Anglwydd Jesu Christ* (1567) using the terms *consuriur*, *consurur*, *consierur*, *consuruyr* meaning conjuror or conjurer.

<sup>13</sup>Keith Thomas, *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth- and Seventeenth-Century England* (London, 1991), 209–10, 295–6, 219–20, 316–18, 323–4, 271–2; Owen Davies, *Witchcraft, Magic and Culture, 1736–1951* (Manchester, 1999), 214–70.

<sup>14</sup>Christina Larner, *Enemies of God. The Witch-hunt in Scotland* (London, 1981), 91–2; James Sharpe, *Instruments of Darkness. Witchcraft in England 1550–1750* (London, 1997), 114; Francisco Bethencourt, 'Portugal: a scrupulous inquisition' in Bengt

Such evidence supports the popular belief that only women could be witches in Wales; all of which implies that, in early modern Wales, only women were accused as *malefice* practitioners and slandered as witches. The specific gendered nature of the Welsh evidence is further supported by the evidence that popular beliefs prior to the Acts of Union in 1536 were ongoing from the beginning of both types of witchcraft cases, 1594–1693 for witchcraft as *malefice* and 1604–1783 for witchcraft as words. Over a period of two hundred years, the popular belief record and the judicial record concur: the characteristics associated with the Welsh witch remain uncompromised, providing answers as to why there were so few witchcraft cases before the courts, and the reactions, responses and experiences of the accused, the accusers and the judiciary in early modern Wales.

Two basic principles underlie witchcraft in every culture: witchcraft begins with popular culture and cannot exist without such a belief system. The second is the degree of fear which popular culture associates with *malefice*, the premeditated harming initiated by the witch. In 1996 Sharpe and Briggs respectively published on the central role of *malefice* in the popular (and also the learned) reactions to witchcraft.<sup>15</sup> Put simply, it was what the structures of early modern society did with popular beliefs which generated the diverse reactions to witches and witchcraft.<sup>16</sup> *Malefice*, as a term, was generally defined as premeditated and intentional harm, but evidence for Wales indicates that the definition was perhaps more precise. Accompanying the association of *malefice* only with women was the evidence from witchcraft as *malefice* court cases that *malefice* in Wales usually meant premeditated and intentional harm which resulted in the death of a person. Welsh *malefice* court cases did not generally deal with bewitchment and the generation of illness, lost crops, milk and butter churnings: women were before the courts charged with *malefice* witchcraft because a person had died. However, even when the verdict of guilty was brought against the woman whose *malefice* was believed to have caused such a death, the woman was not imprisoned, tortured, fined or executed.

Specific characteristics were associated with those accused as witches in Wales. The witch was usually a member of the lower middle classes and was not one of the marginalized poor.<sup>17</sup> She was usually married, had an income of her own which gave her a measure of economic

Ankarloo and Gustav Henningsen (eds), *Early Modern Witchcraft: Centres and Peripheries* (Clarendon, 1990), 407–9; Ruth Martin, *Witchcraft and the Inquisition in Venice 1550–1650* (Oxford, 1989), 221; Gabor Klaniczay, 'Hungary: the accusations and the universe of popular magic' in Ankarloo and Henningsen (eds), *op. cit.*, 219–55, 222; Stephen Dewar, 'Witchcraft and the evil eye in Guernsey', *Guernsey Historical Monograph*, III (1968), 3–12; Malcolm McGuinness, 'Witchcraft Trials and the Influence of Literature: Guernsey' (unpublished postgraduate paper, University of Exeter), presented at 'Reading Witchcraft Texts, Idioms, Vocabularies' conference, History Department, University of Wales, Swansea, 9–11 September 1998.

<sup>15</sup>Sharpe, *op. cit.*; Robin Briggs, *Witches and Neighbors. The Social and Cultural Context of European Witchcraft* (New York, 1996).

<sup>16</sup>Robert Muchembled, 'The witches of the Cambrensis: the acculturation of the rural world in the sixteenth and seventeenth centuries' in James Obelkevich (ed.), *Religion and the People 800–1700* (Chapel Hill, 1979), 221–76.

<sup>17</sup>Cases of Gwen verch Ellis, NLW, Great Sessions 4/9/4/10 NLW Denbigh Gaol Files (1594) Great Sessions for Denbigh; Katherine Rees, NLW, Great Sessions 4/886/15 Great Sessions for Cardigan (1693); Dorothy Griffiths, NLW, Great Sessions 4/985/2/1 Great Sessions for Flint (1655–6); Margaret David/Maggie Hier, NLW, Great Sessions 4/719/2/49 NLW Great Sessions for Carmarthen (1656); Katherine Lewis, NLW, Great Sessions 33/6/5, the testimony of Richard Browning, who gives this information concerning Katherine Lewis.

independence from her husband, she was in a long-term relationship with children of varying ages, and generally she lived in a nuclear family situation.<sup>18</sup>

Familiars, paps, teats or the devil's mark, characteristics often associated with witches, were not aspects of Welsh witchcraft. The witch did not indulge in shape transformation, other than in oral histories, nor did she attend Sabbats or Esbats.<sup>19</sup> Her pre-trial experience, other than being confined to gaol, was not characterized by sleep deprivation, interrogation, lack of food and water, or any other form of torture initiated for the purpose of exacting a confession. No Welsh witch was stripped naked and searched for evidence of her pact with the devil, and groups of matrons were not employed as searchers for the reporting of evidence to the court. Witch-prickers did not exist in Wales.

Perhaps, most significantly, the demonic element was not evident in Wales; the witch was tried for her maleficent practices but these were not considered to be related to the devil. Welsh witchcraft cases concerned only the accused woman who was never interrogated in order to elicit the names of others, her possible associates, who may have been practising witches. Without the devil pact and the witches' gatherings, connotations of group activity were not evident. Witchcraft in early modern Wales was not regarded as a communal activity, it was a personal activity. Two cases provide evidence of a tenuous link with the devil. The first comes from the witness statement of John Lloyd ap – ap Miller who testified that he spoke aloud his thought that the fly in Gwen's ale was the devil's minion. His testimony was corroborated by other witnesses:

Gwen brought them  
great goblet full of drink upon the top wherof there  
was a great fly of the bigness of the bumble bee great and  
ugly to behold which when this deponent saw said this is  
your devil meaning the said Gwen and this deponent and the rest  
of that company sought to take the said fly but could not  
and then did pour down the drink upon the floor and yet  
could neither see the said fly in the cup nor upon the ground.

<sup>18</sup>Social positions of women accused as witches in Wales closely resemble those elicited by Joan Kent, 'The rural "middling sort" in early modern England, circa 1640–1740: some economic, political and socio-cultural characteristics', *Rural History*, x (1999), 1, 19–54, at 22; Malcolm Gaskill, 'Witchcraft in early modern Kent: stereotype and the background to accusations' in Jonathan Barry, Marianne Hester and Gareth Roberts (eds), *Witchcraft in Early Modern Europe. Studies in Culture and Belief* (Cambridge, 1996), 257–87, 263–6, 271, 277, 283; Annabel Gregory, 'Witchcraft, politics and "good neighbourhood" in early seventeenth-century Rye', *Past and Present*, CXXXIII (1991), 31–66, 33–5 and 37; Bengt Ankarloo, 'Sweden: the mass burnings (1668–1676)' in Ankarloo and Henningsen (eds), *op. cit.*, 310–12; P. G. Maxwell-Stuart,

'The fear of the King is death: James VI and the witches of East Lothian' in William G. Naphy and Penny Roberts (eds), *Fear in Early Modern Society* (Manchester, 1997), 209–25.

<sup>19</sup>Evidence which implied that the woman slandered as a witch could transform her shape came from a Montgomery case in 1650/1 when Jane Meredith brought a case for an unspecified amount of damages against Joan Miris. Joan had said: 'Allan a thi am ty i witch, di a withiest dy ew (ythr) oi haner i wared, mi a wel (aist) dy yn dwad mewn trwy dwll y klo dair gwaith me bedair' or 'Out of my house witch, thou didst bewitch thy uncle from ye mydle downward; I saw thee coming through a hole in ye lock three or foure times': NLW, Great Sessions 13/16 Great Sessions for Montgomery (1650/1).



The second is the case against Margaret verch Richard which states that 'being led and seduced by the divell... she caused the death of Gwen Meredith and caused harm to her neighbours, their goods and animals'. The 'divell' reference is difficult to contextualize, other than as a standard early modern legal phrase, because there is only one document connected to this case. This is the statement, judgement and sentence of the court; there are no witness statements attached and no statement from Margaret verch Richard, who put herself at the mercy of the court as she was not, in her view, guilty. This case is also the only Welsh case in which an accused witch did not admit her guilt, and the reason, as far as the transcript implies, was that Margaret verch Richard did not consider that she was responsible for the death of Gwen Meredith through *malefice* practices.<sup>20</sup>

Witchcraft as words cases contextualize the ongoing Welsh experience of customary law under the newly implemented authority of the English state. I have used the phrase 'witchcraft as words' in preference to 'witchcraft as slander' because, even though slander is the reason for the lodgement of the court case, it is the emphasis on the use of the word 'witch' and its relationship to the cultural status and social place of Welsh women which are of significance. 'Witch', when used as a slanderous word, was a deliberate verbal insult, a harm done to an individual who then had to be compensated financially for the loss the verbal harm caused to the honour of that person. 'Witch' was a descriptive term which always referred to women, a gendered specificity which explains the nature of the witchcraft as words cases in the Courts of Great Sessions.

The social and cultural place of Welsh women, precisely outlined in the customary Law of Women, had existed in Wales for hundreds of years prior to the writing down of these laws, known collectively as the Law of Hywel Dda, in the ninth/tenth century. The Law of Women recognized the importance of women as reproducers, and within the authority of the Law of Women are the probable reasons for the way in which witchcraft as words cases were lodged and the lack of legal consequences for Welsh women slandered as witches. Concepts enshrined within the Law of Women may also explain why such cases in Wales were lodged in the criminal Courts of Great Sessions rather than in the church courts, as such cases were in England.<sup>21</sup> If these courts had followed the premise of English law to the letter, all witchcraft as words cases should have been examined for evidence of *malefice*, i.e. the practising of premeditated actions which caused physical harm/death. Witchcraft as words case evidence provides considerable detail, indicating that maleficent activities were probably being undertaken, but these were never examined. This was in direct contrast to the dictates of the Witchcraft Act of James I, the law from 1604–1736 under which most Welsh witchcraft cases were lodged, and which stated that the guilty person should suffer imprisonment and pillory for the first offence, and death for the second.<sup>22</sup> Such was not the outcome in early modern

<sup>20</sup>Gwen verch Ellis, NLW, Great Sessions 4/9/4/13. NLW Denbigh Gaol Files (1594) Great Sessions for Denbigh. Margaret verch Richard, NLW, Great Sessions 16/7 Great Sessions for Anglesey (1655).

<sup>21</sup>Evidenced in cases for Durham, Devon and Cornwall. For the situation elsewhere see Helena Kennedy, *Eve was Framed: Women and British Justice* (London, 1992), 25; Peter Rushton, 'Women, witchcraft and slander in early modern England:

cases from the church courts at Durham, 1560–1675', *Northern History*, xviii (1982), 116–32; Janet Thompson, *Wives, Widows, Witches and Bitches. Women in Seventeenth Century Devon* (New York, 1993), 81–101; Martin Ingram, *Church Courts, Sex and Marriage, 1570–1640* (Cambridge, 1987), 2; Bryan Wilson, *Religion in Sociological Perspectives* (Oxford, 1992), 59.

<sup>22</sup>Henry Charles Lea, *Materials Towards a History of Witchcraft* (New York, 1957), vol. 3, 1306.

Wales: slander for financial recompense remained the sole focus of the Welsh witchcraft as words cases.

Despite the creation of the English Principality in Wales in 1284, English and Welsh law co-existed in different parts of Wales, while a large part of Wales was left untouched by English law.<sup>23</sup> The situation in the Marches differed again as each lordship used either legal system according to the will of that lord. The Law of Hywel Dda was still practised by the Welsh people in areas outside the jurisdiction of the Principality, including Denbigh, Montgomery, Radnor, Brecon, Glamorgan and Pembroke as well as in the Welsherries on the Borders, a fact supported by a manuscript<sup>24</sup> which was probably prepared by a Welshman from the Teifi Valley in his capacity as official adviser on Welsh law to the royal authorities in fifteenth-century Cardiganshire.<sup>25</sup> Interestingly, these counties (other than Radnor and Glamorgan, where court records are scant) had the highest percentage of witchcraft as words cases. The place and status of women within Welsh society were determined by their legal position and their customary and traditional position, two distinct areas which were superseded by the imposition of the Acts of Union. Therefore, the legal position of Welsh women underwent a dramatic change when the 1536–1543 Acts of Union blanketed Wales with an English legal and administrative system which was essentially foreign to the majority of Welsh people. Theoretically, customary law as an instrument of justice should have disintegrated completely after the Acts of Union, but witchcraft as words cases provide considerable evidence that this did not happen.

Welsh law prior to 1536 emphasized compensation of the victim rather than punishment of the perpetrator in cases of murder, death or injury, although physical punishment did grow in importance as the state became stronger. Welsh law depended on the non-combative method of oaths sworn by both parties before witnesses, while the law books enlightened the judge as to which oath was required. Oath swearing was a common practical response to crime, the purpose of which was to ensure the accused did not transgress again and that the appropriate compensation was paid to the oath swearers and to their kin. As Jenkins points out, it is necessary to remember that Welsh society was microcosmic: everyone knew everyone else in the local area and this was itself a preventative measure against false oath taking.<sup>26</sup>

The kin, those people who comprised a four-generation group descended from a common great-grandfather, were responsible for the payment of compensation or *galanas*, the blood-price in cases of homicide.<sup>27</sup> The kinship networks, which so ardently maintained the continuation of the bloodfeud after the Edwardian conquest, remained a prominent feature of Welsh early modern society. Although evidence for the bloodfeud peters out by 1523 in Pwllheli in the county of Caernarfon, and in Glamorgan and Monmouthshire by 1575,<sup>28</sup> the concept was deeply reflective of the importance of kin groups and kin protection of individual members of the kin. It was the means by which the bloodfeud was settled which is important when considering witchcraft as words cases in the Courts of Great Sessions in the early modern

<sup>23</sup>Dafydd Jenkins, *The Law of Hywel Dda. Law Texts from Medieval Wales* (Dyfed, 1986), xviii.

<sup>24</sup>The British Library, Additional mss 22356.

<sup>25</sup>D. Jenkins, *op. cit.*, xxi.

<sup>26</sup>*ibid.*, xxx–xxxiii.

<sup>27</sup>Gwyn Alf Williams, *When Was Wales? A History of the Welsh* (Harmondsworth, 1991), 8.

<sup>28</sup>E. Ro(w)land Williams, *Some Studies in Elizabethan Wales* (Newtown, 1924), 26.



period. In almost all cases where the outcome was known, these cases were settled through compensatory payments and fines. Even in those cases where the outcome was not known, it can be assumed that an out of court settlement was reached because this was the usual practice after a case was brought to court.<sup>29</sup>

Bloodfeud was settled by the payment of *galanas*, the financial compensation agreed upon by the two parties in order to pay out the crime.<sup>30</sup> The Welsh had a distinct preference for solving bloodfeud through *galanas* settlement rather than through reparation killing, which was rare, and they also preferred settlement without an arbitrary jury system. Avoiding a jury system represented a surer means of ending kin-vengeance<sup>31</sup> because agreement between all participants ensured a peaceful outcome. A jury system would have punished the murderer, but the murdered person's kin would not have received compensation or satisfaction, a situation which would probably have escalated the vendetta in the long term.

Implementation of the Law of Hywel Dda had always depended on 'the memory and support of the kindred and the neighbourhood'<sup>32</sup> and this was still very much intact and remained so after the Acts of Union. Welsh customary law operated on the principle of reconciliation through arbitration, seeking, as it did, to preserve communal harmony and peace. Such a basis did not encourage the execution or overly harsh punishment of the accused, particularly women, because communal harmony would be impossible to maintain.<sup>33</sup> Harsh punishments led to the continuation of disputes which, in a small kin-orientated society, only perpetuated personal and communal disharmony. Resolution of the dispute through arbitration, kin and personal responsibility was the preferred option among Welsh people, in accordance with their customary laws.

The Welsh, therefore, had a long tradition of preferring compensatory payments for insult to honour, injury or death. Significantly, for those slandered as witches, the concepts inherent in financial payments for insult to honour may explain the large number of witchcraft as words cases lodged before the criminal Courts of Great Sessions. While the kin network existed, it worked as a protective measure for and among the common people. Women were specifically located in a legal system which dictated all payments, almost all of them compensatory in nature, for all aspects of women's lives prior to the Acts of Union.

In terms of lineage and inheritance, and without individual judicial power, the Welsh woman was no more than a procreatrix, but the place and status she had within Welsh society was extremely important. Socially, the Welsh woman was valued very highly as the genetrix, the unifying force between her natal kin and the kin into which she married. Her social importance was underlined by the complex laws dealing with compensation which pervaded all life situations commonly experienced by women. The Law of Women detailed the principles of the law relating to women in pre-1536 Wales in five separate sections which dealt

<sup>29</sup>Glyn Parry, *A Guide to the Records of Great Sessions in Wales* (Aberystwyth, 1995), xxxii–xxxiii; Hugh Thomas, *A History of Wales 1485–1660* (Cardiff, 1972), 63.

<sup>30</sup>R. R. Davies, 'The survival of the bloodfeud in medieval Wales', *History*, LIV (1969), 344.

<sup>31</sup>*ibid.*, 354.

<sup>32</sup>David Walker, *Medieval Wales* (Cambridge, 1990), 144–9, quote at 147 and Gwyn A. Williams, *op. cit.*, 75.

<sup>33</sup>Concept from a review of European legal customs in Anne Llewellyn Barstow, *Witchcraze. A New History of the European Witch Hunts* (San Francisco, 1995), 32.

with the normal aspects of a woman's life: her place in the kin, her property interests, her status in marriage, her matrimonial property and her inheritance rights.<sup>34</sup>

Each woman under any specific married or unmarried state was protected by her *sarhaed* or honour price, and this was calculated according to the status of the last man with whom the woman lived.<sup>35</sup> As Welsh law worked on the principle of compensatory payments for any wrongdoing or harm done to another individual, rather than execution or death, each individual had a calculated financial worth for which he or she must be compensated if they suffered any harm. The harm, however, was not only limited to physical harm. An honour price for verbal harm in the form of slander or defamation, i.e. calculated verbal harm, was also recognized and of equal importance. Intentional harm, as a concept linked to the notion of honour which *sarhaed* represented, became very important in witchcraft as words cases because the verbal insult is intentional. This is an affront to the honour of the slandered and, as such, requires a compensatory payment to reinstate the slandered person's honour.

No Welsh woman of any status throughout society could attract *sarhaed* in her own right, because all types of compensatory payment were based on the perceived social position of her male next of kin who, if she was married, was her husband. This particular point is significant in relation to the motives surrounding the formula used by plaintiffs when lodging actions of witchcraft as words cases in the Courts of Great Sessions. The majority of these cases were brought by the woman and her husband against another woman and her husband. Each woman's *sarhaed* value was based on her nearest male relative which, in these cases, was the husband of the accuser and the accused. The cases were all seeking compensatory payments for verbal harm (slander) done to an individual. While the importance of *sarhaed* and status regarding women was underlined in the legal aspects of the woman's place within the kin and her role in the concepts of shame and reparation, her demand for compensation for a verbal insult had to be based on the social place and status of her husband or nearest male kin. Before marriage, when she was a *morwyn* or virgin, her *sarhaed* was half that of her brother and, after marriage, one-third of her husband's as she was *guraig* or wife/sexually experienced woman. Hence, for most women, it was a change in *sarhaed* which was the most obvious sign of their changed status on marriage.<sup>36</sup>

The reason why witchcraft as words cases were lodged in the criminal Courts of Great Sessions was largely based on this need for the restitution of individual honour involving compensatory payment for damage done to that honour and the re-establishment of an individual's reputation in the eyes of the community. While witchcraft as words cases reflected native legal attitudes to slander as a type of insult requiring appropriate compensation, such cases had to be heard in the English courts of post-1536 Wales in the context of English law.

Cases for slander in Wales were procedural: an indictment was lodged at the quarter sessions, the information was lodged with the Council of the Marches while the Courts of Great Sessions and the inferior courts recorded the actions on the case for damages.<sup>37</sup> Slander was defined as a false report which was uttered maliciously with the intention of causing injury

<sup>34</sup>See D. Jenkins, *op. cit.*, and Dafydd Jenkins and Morfydd E. Owen (eds), *The Welsh Law of Women* (Cardiff, 1980).

<sup>35</sup>Davies, *op. cit.*, 21.

<sup>36</sup>Morfydd E. Owen, 'Shame and reparation: women's place in the kin' in Jenkins and Owen, *op. cit.*, 42-4.

<sup>37</sup>Richard F. Suggett, *An Analysis and Calendar of Early Modern Welsh Defamation Suits* (unpublished), vol. 1; NLW, Facs 721, ii.

to personal reputations and, as the slander had the potential to cause a breach of the peace, it was an indictable offence. As an indictable offence the case would normally proceed to the quarter sessions, but these courts could only hear cases for compensation below 40 shillings. As most Welsh cases were lodged with considerable sums requested, the consequence of this was that the cases had to come under the jurisdiction of the Courts of Great Sessions rather than the local courts.<sup>38</sup> The person lodging the case determined how much compensation she wanted, and most witchcraft as words cases were lodged with considerable sums requested, anything from a few pounds up to one thousand pounds. This means that the lodger of the case knowingly asked for an amount which would automatically move the case from the quarter sessions to the Courts of Great Sessions.

Cases could be brought by women alone against other single women, single men or against a husband and wife. English law required that a slandered woman bring her case accompanied by, or in conjunction with, her husband. Welsh customary law, however, did not require a woman to ask for judgement on a case accompanied by her husband. The importance of court cases lodged in conjunction with a husband was based on the formula used by each plaintiff in order to establish her honour and status: every case brought by the woman in conjunction with her husband stated both her husband's and the husband of the slanderer's occupation. This procedure defined both the status and social place of the slandered and the slanderer. It also underlined the damage such a slander did to one woman's reputation and the ability of the slanderer's family to pay the requested amount of damages, the compensation required to re-establish the damaged reputation.

Bringing the case against a married woman in conjunction with her husband not only established the ability of the slanderer's family to pay compensation for the damage to reputation, it also explained why one woman brought cases against several people claiming different amounts of compensation. While the slandered woman's honour and status did not change (because her husband's status remained the same), the compensation amount claimed also had to reflect the honour and status of the slanderer's next male kin. The point is reflected in the many witchcraft as words cases which Agnes verch Maddock began to lodge in the Courts of Great Sessions for Denbigh in 1604.<sup>39</sup> Agnes verch Maddock, wife of David ap Roger, brought a case against John Rice of Wrexham and his wife Margaret for £30 because Margaret had said that Agnes was a witch, 'the chiefeste witch that ever did treade the grownde'.<sup>40</sup> At the same sessions Agnes and her husband also brought a case for £30 against Randle ap Robert of Wrexham, yeoman, and his wife Margaret, because Margaret said that Agnes had bewitched her.<sup>41</sup> Six years later, Agnes brought a case for £40 against David Jones and his wife Katherine because Katherine had called Agnes a witch.

The cases lodged by Jane Jones in the Courts of Great Sessions for Denbigh emphasized the importance of a woman's changed *sarhaed* value when her status changed. As a single woman, Jane Jones brought Katherine verch Eubule to court claiming £100 in damages.<sup>42</sup> Eleven years later, however, Edward Lloyd and Jane Jones, his wife, brought a £500 damages claim against

<sup>38</sup>Owen M. Edwards, *The Story of the Nations* (London, 1901), 333 and Thomas, *op. cit.*, 64.

<sup>39</sup>NLW, Great Sessions 13/6 Great Sessions for Denbigh (1604) Sessions for Denbigh, 23 April, 2 James I.

<sup>40</sup>NLW, Great Sessions 21/104, m. 18a.

<sup>41</sup>NLW, Great Sessions 21/104, m. 8a.

<sup>42</sup>NLW, Great Sessions P. 680 Great Sessions for Denbigh (1673) Sessions for...?, April, 25 Charles II.

Henry Powell at the sessions held in March 1684.<sup>43</sup> Jane Jones's *sarhaed* value had risen by £400 on her marriage.

Widows were not averse to bringing witchcraft as words cases to court, since their damages claims were based on the status of their deceased husbands as well as the status of the men who slandered them or the husbands of the women who had spoken the slander. In a case from Pembroke, Margaret Collyns, a widow, brought a case of £100 against David Mabb at the Haverfordwest sessions in 1634.<sup>44</sup> At the same sessions, Margaret also lodged a case for £100 against John Mabb, David Mabb's brother, claiming that John Mabb had said she was an old witch and that he would prove it.<sup>45</sup> Two cases from Flint concerned widowed women. Elizabeth Skasbrig brought a case for £100 against William Moores who said she was a witch and that she had bewitched him.<sup>46</sup> Alice Lloyd brought a case for £40 against James Morgan for having called her a witch in 1677.<sup>47</sup>

Single women also brought cases to court citing specific damages. Eleanor Gravell brought a case against John Preson for £100.<sup>48</sup> Ursula Parry, a spinster, brought a case for £100 against John Jones and his wife Magdalene in 1660.<sup>49</sup> Mary Tayler, whose marital status is not recorded, brought a case against Richard Street for an unspecified amount of damages in 1666.<sup>50</sup> A 1648 case from Montgomery was brought by Anne Pryce, a spinster, against Thomas Webley and his wife Elenor (sic), for £100.<sup>51</sup> Women also brought cases against women, although this was not common. In another Montgomery case, Jane Meredith, a spinster, brought a case for an unspecified amount against Joan Miris, a widow, on 17 March 1650/1.<sup>52</sup>

Some of the witchcraft as words cases involving single women have no surviving financial compensation requests attached.<sup>53</sup> In a case from Denbigh, Catherine Salusbury, a spinster, brought a case against John Jones, gentleman, in 1712 as he had called her a whore and a burnt witch.<sup>54</sup> Other witchcraft as words cases were lodged with no damage amount specified, perhaps underlining the fact that case lodgement was more important because the slandered was seen to have taken some action towards restitution of her honour and reputation. It should not, however, be forgotten that damages must have been specified at some stage for the case to have been brought before the Courts of Great Sessions.

<sup>43</sup>NLW, Great Sessions P. 720 Great Sessions for Denbigh (1684) Sessions for...?, March, 36 Charles II.

<sup>44</sup>NLW, Great Sessions 13/29-1 Great Sessions for Pembroke (1634) Sessions for Haverfordwest, 14 September, 10 Charles I.

<sup>45</sup>*ibid.*

<sup>46</sup>NLW, Great Sessions 13/45-1 Great Sessions for Flint (1635) Sessions for Flint, 19 October, 11 Charles I.

<sup>47</sup>NLW, Great Sessions P. 358 Great Sessions for Flint (1677) Sessions for Flint, 8 October, 29 Charles II.

<sup>48</sup>NLW, Great Sessions 13/41-1 Great Sessions for Flint (1610-11) Sessions for Hawarden, 1 October, 8 James I.

<sup>49</sup>NLW, Great Sessions P. 324 Great Sessions for Flint (1660) Sessions for...?, 10 September, 12 Charles II.

<sup>50</sup>NLW, Great Sessions P.336 Great Sessions for Flint (1666) Sessions for Flint, 13 August, 18 Charles II.

<sup>51</sup>NLW, Great Sessions 13/15 Great Sessions for Montgomery (1648) Session for Welshpool, 16 October, 24 Charles I.

<sup>52</sup>NLW, Great Sessions 13/16 Great Sessions for Montgomery (1650/1) Sessions for...?, 17 March 1650/1.

<sup>53</sup>It has to be assumed that there was one initially as the case would have begun in the quarter sessions and moved to the Great Sessions if compensation of over 40 shillings was requested. Both of these cases were, however, very late in the early modern period – 1712 and, particularly, 1783.

<sup>54</sup>NLW, Great Sessions P. 755 Great Sessions for Denbigh (1712) Sessions for Denbigh, 22 September, 11 Anne.

This point is underlined by the two cases lodged by Catherine Pryce which indicate the degree of importance attached to being seen to attempt to achieve restitution of honour through the courts rather than actually receiving any financial recompense. The initial case lodged by Morris Pryce and his wife Catherine was for unspecified damages against Evan David ap Owen and his wife Jane in 1635, because Jane stated that Catherine was a witch and had bewitched her cow.<sup>55</sup> However, the following year, at the 1636 sessions, Morris Pryce and his wife Catherine again brought Evan David ap Owen and Jane to court, but this time with a specified damages claim of £100.<sup>56</sup> The inclusion of a damages amount for the second time that Catherine had been slandered by the same woman, for being a witch, may have been Catherine's way of intimating that the damaging slanders had to discontinue.

Under both the Law of Women and the new legal system which arose after the Acts of Union, the individual who had been slandered was responsible for clearing his or her name since the slander was a direct challenge to the honour of that individual. But it was the slanderer who had to prove that he or she did not say the actual slanderous words, as that was not regarded as being the responsibility of the individual who was the subject of the slander. In early modern Wales the person who was wronged and who did not take action was regarded by society as the guilty party, following much the same principle as the wife who did not leave her sexually wayward husband, as outlined in the Law of Women.<sup>57</sup>

Stating the words used by the slanderer in Welsh was an important aspect of the witchcraft as words cases, because Welsh was dropped from the declarations around 1560 on all the circuits for Wales. Welsh was reinstated in the 1590s, perhaps due to judgements in the Westminster courts which stated that 'declarations must expressly allege what words were spoken'.<sup>58</sup> Language was very important, because the slander was not actionable if the hearers could not understand what was said. By the end of the sixteenth century all the words spoken were quoted verbatim in the declarations before the Courts of Great Sessions, the Welsh accompanied by an English translation. The Welsh words were important because the translation of these alone may have resulted in making the slander non-actionable.<sup>59</sup>

Witchcraft as *malefice* cases in Wales were tried as criminal witchcraft cases, although such cases were rare. The woman accused as a witch was brought to court by one or a number of accusers, tried and the evidence presented against her after which, in every case, she was found guilty of practising witchcraft. One of the significant aspects of these cases was the extraordinary lack of consequences, both legal and communal, for the guilty woman as the verdict was couched in such a manner that the woman survived. Court records indicated that

<sup>55</sup>NLW, Great Sessions 13/14 Great Sessions for Montgomery (1635) Sessions for Welshpool, 20 April, 11 Charles I.

<sup>56</sup>NLW, Great Sessions 13/14 Great Sessions for Montgomery (1636) Sessions for Montgomery, 24 October, 12 Charles I.

<sup>57</sup>If a woman's husband had been wayward on more than three occasions, in the eyes of the community, and if the woman stayed with her husband, her loss of status was enormous as she was seen as accepting rather than dealing with the insult. The community expected the woman to assert her rights and leave her husband as she had

the legally recognized financial ability to survive on her own: see Jenkins, *op. cit.*, 46. Under Welsh law, a woman could injure or kill her husband's *cywyras* or mistress with her two hands and remain free without having to pay compensation to the mistress's kin. See Christopher McAll, 'The normal paradigms of a woman's life in the Irish and Welsh texts' in Jenkins and Owen *op. cit.*, 20–1.

<sup>58</sup>R. F. Suggett, 'Slander in early modern Wales', *Bulletin of the Board of Celtic Studies*, xxxix (1992), 124.

<sup>59</sup>*ibid.*, 124–5.

other people, including officers of the court and members of the woman's community, made every effort to ensure that the woman survived. This was done through petitions,<sup>60</sup> justices who declared that the evidence was not admissible in court,<sup>61</sup> and court personnel who declared the bill *Ignoramus*.<sup>62</sup> Gaolers sometimes let the woman escape: Anne Ellis fled over the border to Chester where Courts of Great Sessions jurisdiction ceased. Anne was persuaded to return and was found guilty, but the case was dismissed.<sup>63</sup> The allegations and evidence in the cases for witchcraft practices against Katherine Lewis of Gumfreston in Pembroke in 1607 were considerable<sup>64</sup> but she was not executed, and neither was Catherine Rees of Cardigan in 1693.<sup>65</sup>

The Welsh judicial response to those accused as witches appears to have been prompted by endeavours to curtail and control the witch's *malefice* activities when the community could no longer tolerate the results of such actions. This is reflected in both the case numbers and the outcomes as, apart from one substantiated case, that of Margaret verch Richard in Anglesey in 1655,<sup>66</sup> women accused as witches in early modern Wales did not die for witchcraft as *malefice* actions which the court considered were proved. There is some dispute as to the fate of Gwen verch Ellis,<sup>67</sup> but cases for *malefice* witchcraft in early modern Wales generally record survival as the outcome, not punishment or execution. Accused witches were, however, usually found guilty when accused before the courts, an outcome which suggests an important conclusion. There is an implication that execution or imprisonment may not have been the intention of those involved in all aspects of the court case process, because referral to the court may have been the last of the threefold sequenced pattern used by Welsh communities to curtail the activities of the suspected witch.

Curtilment could, however, only be achieved if the accused admitted her guilt. Welsh women accused of witchcraft as *malefice* before the courts did not deny their guilt, they acknowledged that they had been responsible for the harm they had caused, an important divergence from the responses of individuals so accused in England, Scotland and on the

<sup>60</sup>NLW Wales 4/985/2/18-19 Great Sessions for Flint (1655-6) Dorothy Griffith of Picton.

<sup>61</sup>NLW Wales 4/789/4 Great Sessions for Pembroke (1655) Golly Lullock of Haverfordwest; NLW Wales 4/719/2/48-55 Great Sessions for Carmarthen (1656) Gwenllian David or Lys Hier of Llangadock and Margaret David or Maggie Hier of Llangadock.

<sup>62</sup>*ibid.* The bill of indictment against Gwenllian Hier was declared *Ignoramus* and that against Margaret Hier was declared true endorsed and supported by fourteen witnesses but she was released.

<sup>63</sup>NLW Wales 4/985/5 Great Sessions for Flint (1657) Anne Ellis of Penley (particularly f. 23).

<sup>64</sup>NLW Wales 33/6/5-6 (1607) Great Sessions for Pembroke (1607) Katherine Lewis of Gumfreston or Katherine Bowen of Tenby at Pembroke.

<sup>65</sup>NLW Wales 4/886/15 (1693) NLW Gaol files for Aberteifi, Cardigan Gaol File (1693) the case of Katherine or Catherine Rees. (The 'K' and 'C' are

interchangeable but 'C' remains the most commonly used spelling of her name throughout the text.)

<sup>66</sup>NLW Wales 16/7 Great Sessions for Anglesey (1655) Margaret verch Richard of Beaumaris. Margaret verch Richard was executed for witchcraft practices.

<sup>67</sup>NLW, Great Sessions 4/9/4/10-15 NLW Denbigh Gaol Files (1594) Great Sessions for Denbigh, 36 Elizabeth. See Suggett, 'Witchcraft dynamics', *op. cit.*, 85-6. Transcriptions of this case do not specifically state the actual outcome of Gwen's case. Gwen was tried under the Witchcraft Act of Elizabeth I (5 Eliz.cap.16), not the 1604 Witchcraft Act of James I. In the 1562 Act, if *maleficia* was proved but had not resulted in a death, punishment was one year of imprisonment. If it was proved that a death had resulted from *maleficia*, the guilty person was executed. The point is, however, that in Welsh cases, even where the woman was proved guilty, execution was not the outcome.



continent.<sup>68</sup> This admission process may also be reflective of the Welsh procedures regarding *galanas* payments. The person who committed the crime admitted his guilt, thereby enabling the arbitration and paying out of the blood debt between the two kin groups involved. The motivation for the Welsh court case was, therefore, very precise: to make the witch acknowledge the harm she had done, because acknowledgement of guilt by the witch was the only way that reconciliation could be achieved. Without reconciliation, a cessation of the effects of *malefice* could not occur and it was cessation which was the most important aspect of the Welsh situation. Achieving reconciliation as a prelude to cessation was the process which formed the basis of the Welsh people's response to witches in their communities.<sup>69</sup>

The crucial point in the Welsh witchcraft cases is that bringing a person to court for *malefice* witchcraft did not solve the problem unless the witch admitted her guilt. Execution, or any other punishment, was not going to alleviate the problem of either bewitchment or interpersonal disharmony. The sufferer and his/her relatives would still be left without a resolution because the purpose of the entire process in Wales was acknowledgement of the wrong done to the other by both the witch and the victim. Accused witches were brought to court in Wales only after they had refused to participate in the process of acknowledgement leading to conciliation which would generate a resolution of the dispute to the satisfaction of both parties. *Malefice* court cases in Wales were, therefore, about making the witch begin the process by which harmony could be restored, a mechanism paralleling two other Welsh customary legal processes: bloodfeud<sup>70</sup> and arbitration.<sup>71</sup> A court case was, in effect, the last of the options available to Welsh people to resolve the disruption of both interpersonal and communal harmony when faced with *malefice* witchcraft.

In every *malefice* case, witness statements provide ample and detailed evidence of a series of actions which the witness had undertaken when confronted initially by the *malefice* of the witch, actions which occurred months and sometimes years before the accusers lodged a case against the woman in the Courts of Great Sessions. Such actions become more defined and a set pattern of behavioural responses emerged. Moreover, the statements showed that it was only when these behavioural responses had been unsuccessful that the sufferers eventually resorted to lodging a court case. Using witness statements, it becomes apparent that two specific phases of behavioural response were available and were used by Welsh people as an antidote to witchcraft prior to lodging a court case. The use of these antidote processes may be the reason why there are so few witchcraft as *malefice* cases before the Courts of Great Sessions

<sup>68</sup>See Lerner, *op. cit.*; Briggs, *op. cit.*

<sup>69</sup>The difficulties some communities faced in achieving reconciliation in any form become very apparent in cases of possession, particularly when the possessed were young people. See J. A. Sharpe, 'Disruption in the well-ordered household: age, authority, and possessed young people' in Paul Griffiths, Adam Fox and Steve Hindle (eds), *The Experience of Authority in Early Modern England* (New York, 1996), 187–212; R. Godbeer, *The Devil's Dominion: Magic and Religion in Early New England* (Cambridge, 1996).

<sup>70</sup>The Welsh bloodfeud resolution process for the death/injury of another through

acknowledgement and reconciliation achieved by arbitration and financial compensation: see Davies, *op. cit.*, 338–57 for compensation treaty payments/agreements re paying out of blood debt by the slayer's kin. The emphasis was on preventing inter-kin feud because of its potential for communal disharmony.

<sup>71</sup>Arbitration was used for settling disputes, reflecting the Welsh emphasis on reconciliation between parties rather than punishment. See Llinos Beverley-Smith, 'Disputes and settlements in medieval Wales: the role of arbitration', *English Historical Review*, CCCCXXI (1991), 836–60.

because, in all probability, using such antidotes resulted in a reconciliation between the two parties, the witch and the *malefice* sufferer, making court cases unnecessary in the majority of incidents.

The first phase of the antidote to witchcraft was personal. as the sufferer could take full responsibility for counteracting the actions of the witch. The personal phase required the sufferer to confront the suspected witch in order to establish if she was really responsible. Confrontation was face to face, person to person, as the victim was asking for confirmation from the witch that she was personally responsible for the damage suffered. Having ascertained the source, the victim could then proceed. The witch also had options, as she could either admit that she was responsible or she could deny her responsibility. If the witch conceded that she was responsible, the sufferer usually asked her to lift the bewitchment through a hands-on or verbal blessing, and the situation was resolved. Resolution only occurred when the witch had had an opportunity to state why she had subjected the victim to maleficent damage and the victim acknowledged that he or she had committed a wrong towards the witch. When the victim provided restitution for the wrong done to the witch, the witch lifted her *malefice*. Sometimes the witch refused to lift the bewitchment, as *malefice* was the means whereby the witch re-empowered herself and reasserted her position in her community.

Participants viewed the situation in terms of interpersonal disharmony. In order to restore harmony, all parties had to work towards rectifying the problem since no one party was to blame. Accordingly, if the interpersonal disharmony could be restored, the problem was resolved and the parties concerned, all of whom had equal power in the situation, rectified the imbalance in their social relationship. The response of the Welsh witch was reactive: she responded to another's action inflicted upon her by using her *malefice*. The only motive of the witch was a reaction to an action, a response caused by another. No Welsh case evidence existed where it can be shown that the witch was acting out of motiveless, unreasoned spite, underlined by the fact that her accusers always placed considerable emphasis on establishing the reason for the *malefice*. Court transcripts indicated that there was always a reason, and that both the accused and accuser knew the reason.

Most witchcraft as *malefice* cases in early modern Wales, as elsewhere in Europe, provide evidence showing that the *malefice* of the witch was a response to provocation. What is unusual, however, is the Welsh emphasis on establishing the reason for the witch's action. Essentially, ascertaining the reason further assisted the resolution process because the motive for the *malefice* was established, allowing an agreement to be reached between the two parties concerned. Anne Ellis of Penley in Flintshire, for example, was considered by her community to have been responsible for laming Richard Hughes more than eight years before her case came to court. When asked why she had done it, Anne responded by asking, 'Why did he pisse downe her chimley?'<sup>72</sup> The behaviour of a bailiff of Denbigh, William ap Griffith/Gruffyd ap William, and his large accompanying party, towards Gwen verch Ellis when they appeared at her house and demanded drink for all, was socially inexcusable behaviour. The ill effects of such behaviour, ostensibly the broken arm Robert Evans claimed he suffered at her

<sup>72</sup>NLW, Great Sessions 4/985/6/f.17 (1657)  
NLW Flintshire Gaol Files, examination of  
Elizabeth Jeffreys of Penley.

house, were regarded as sufficient probable cause for the supposed *malefice* action on the part of Gwen.<sup>73</sup>

Nearly every witchcraft as *malefice* case for early modern Wales contains information which initially positions the witch as the wronged party. There was not only, therefore, an expectation that the witch would react to an injustice done to her, it was also anticipated that she would react as a natural response. The situation which had developed thus placed the responsibility for solving the problem firmly in the hands of the person who had initially inflicted the wrong on the witch.

The use of personal protective mechanisms came into play when the witch refused to lift the bewitchment or when an individual wanted to protect himself or herself from bewitchment activities. A selection of personal protective devices was available to anyone who found themselves, their family or their livestock in such a position. Personalized procedural responses were rituals which offered a process designed to counteract the *malefice* of the witch, and included the blessing, the use of witches' butter,<sup>74</sup> witches' bottles,<sup>75</sup> chalk flagstone ornamentation,<sup>76</sup> iconographic protection of the house,<sup>77</sup> the use of holy wells,<sup>78</sup> rag wells,<sup>79</sup> white stones,<sup>80</sup> horse skulls,<sup>81</sup> burning thatch or clothing under the sufferer's

<sup>73</sup>NLW, Great Sessions 4/9/4/12-13 Denbigh Gaol Files (1594) Great Sessions for Denbigh, 36 Elizabeth.

<sup>74</sup>No evidence for the use of witches' butter as a counter-magical agent has been found for any other witchcraft case-study for the early modern world. The use of witches' butter was referred to initially by Cecil L'Estrange Ewen, *Witchcraft and Demonianism* (London, 1933), citing NLW, Great Sessions 4/719/2/48, 49, 50, 51, 52, 53, 54, 55; Eirlys Gruffydd, 'Witches' butter in Wales', *Bulletin of the British Mycological Society*, xix, 1 (1985), 63-5.

<sup>75</sup>Welsh people also used bottles as counter-magical tools, but not generally as part of a *malefice* or bewitchment process. Bottles were used to hold items which protected the owner of the bottle: iron filings, sealed in lead, or a charm paper. Witches' bottles in Wales were used mainly to counteract bewitchment rather than to engage in *malefice*; the importance of the bottle was as a container for charm papers. See W. Ll. Davies, 'The conjuror in Montgomeryshire', *Collections Historical and Archeological Relating to Montgomeryshire*, xlv (1937-8), 159; Thomas Gwynn Jones, *op. cit.*, 141; Elias Owen, 'Folk-lore, superstitions, or what-not, in Montgomeryshire and elsewhere', *Montgomeryshire Collections*, xvi (1883), 153.

<sup>76</sup>Anon, 'White chalk ornamentation on the flags before doorways', Addenda B, *Archaeologia Cambrensis*, lxxx, seventh series, v (1925), 120; Hope Hewett, *Walking through Merioneth* (Newtown, n.d.), 62; Eurwyn Wiliam, 'To keep the devil at bay', *Country Quest*, xv, 12 (1975), 34-6; Thomas Gwynn Jones, *op. cit.*, 176.

<sup>77</sup>Eurwyn Wiliam, 'The protection of the house: some iconographic evidence from Wales', *Folklore*, lxxxix, ii (1978), 130-2; Thomas Gwynn Jones, *op. cit.*, 177.

<sup>78</sup>Francis Jones, *The Holy Wells of Wales* (Cardiff, 1992), 12; Elias Owen, 'Holy wells, or water-veneration', *Archaeologia Cambrensis*, viii, fifth series (1891), 8-9; Ifan ab Owen Edwards, *A Catalogue of Star Chamber Proceedings Relating to Wales*, 1 (Cardiff, 1929), 125.

<sup>79</sup>Iowerth C. Peate, *Guide to the Collection of Welsh Bygones* (Cardiff, 1929), 60; E. S. Hartland, 'Pin-wells and rag-bushes', *Folklore* (1893), 58-9; D. Edmondson Owen 'Pre-reformation survivals in Radnorshire', *Transactions of the Honourable Society of Cymmrodorion* (1910-11), 106.

<sup>80</sup>Dafydd G. Ifan, 'Witches' grave on the banks of a Welsh lake', *Country Quest*, May (1987), 9; W. J. Hemp, 'Two cairns', *Transactions of the Caernarvonshire Historical Society*, v (1944), 101-2; O. M. Edwards, *Yr Hwiangerddi* (1911), 72; Frank Ward, *Lakes of Wales* (1931); Revd Jonathan Williams, *The History of Radnorshire* (Tenby, 1859) or Edwin Davies (ed.), *A General History of the County of Radnor* (Brecknock, 1905), 168.

<sup>81</sup>'Brecon and Radnor Notes', *Hereford Times*, 26 November 1910; Ella M. Leather, 'Radnorshire', *Folklore*, 1 (1913), 110; Thomas Richard Phillips (ed.), *The Breconshire Border between the Wye and Usk, with Notes, including a First Flora of Breconshire* (Talgarth, 1926), 103; E. and M. A. Radford, *Superstitions of the Countryside* (London, 1975), 58; Miranda Green, 'The symbolic horse in

nose,<sup>82</sup> blooding the witch<sup>83</sup> and charm papers.<sup>84</sup> The most significant of these was asking the witch for a blessing in order to relieve the sufferer of the inflicted *malefice*. The blessing procedure was simple: the sufferer went to the witch and asked her for a verbal or hands-on blessing and the witch either complied or refused. The usual response seems to have been that of compliance.

The Flintshire case against Dorothy Griffith<sup>85</sup> concerned the unusual behaviour of William Griffith. Various witnesses testified to both his behaviour and his mentioning that Dorothy Griffith was responsible. Dorothy Griffith was sent for

and being come unto him the sayd Dorithy uttered good words tending to prayer for him and protesting that she had done him no harme, but this examinant sayeth that within a short tyme after the said Dorithy Griffith had soe done the sayd William Griffith threw of the bedd clothes and risse and came to himselfe and was able to go home with his father.<sup>86</sup>

In a case from Carmarthen concerning Margaret David/Hier,<sup>87</sup> Anne Morgan detailed her bewitchment and Margaret's hands-on blessing for her relief, while Rees Bowen was also blessed by Margaret after he had become paralysed.<sup>88</sup> In 1607, a grand jury presented Katherine Lewis of Gumfreston in Pembroke, a spinster,<sup>89</sup> otherwise known as Katherine Bowen, the wife of a yeoman named Thomas Bowen of Tenby, for witchcraft practices.<sup>90</sup> She was accused of bewitching pigs but had, at the owner's request, come and blessed the pigs.<sup>91</sup> Katherine's testimony corroborated Richard Browning's, and his wife Elizabeth thought the *malefice* had been inflicted because Katherine was unhappy with the foodstuffs given to her by Elizabeth. Olly Powell was accused of witchcraft practices in 1693.<sup>92</sup> In this case from Pembroke, Henry Phillips, a coalminer, brought Olly to court on a charge of witchcraft. His testimony indicated that he had insulted Olly and she had bewitched him. Phillips took matters into his own hands and confronted Olly and she blessed him.<sup>93</sup> However, Phillips became ill again and asked for another blessing, which was forthcoming.

pagan Celtic Europe: an archaeological perspective' in Sioned Davies and Nerys Ann Jones (eds), *The Horse in Celtic Culture* (Cardiff, 1997), 1–22, especially 3–6; R. J. Moore-Colyer, 'On the ritual burial of horses in Britain', *Folk Life Journal of Ethnological Studies*, xxxii (1993–4), 62.

<sup>82</sup>NLW, Great Sessions 4/985/5/f. 22v, examination of Elizabeth Jeffreys of Penley, evidence against Anne Ellis. NLW, Great Sessions 4/985/5 Great Sessions for Flint (1657).

<sup>83</sup>Bodleian Library mss Ashmole 1815 f. r.–v. Letter written in February 1693/4 by John Edwards, then a justice of the peace for Pembroke, to Alexander Forde, his Archdeacon at Jesus College, detailing the case of Olly Powell. See NLW, Great Sessions 33/6/6 (1607) Great Session for Pembroke, Katherine Lewis of Gumfreston.

<sup>84</sup>Charm papers were used as personal protective devices but the actual papers had to be created by a conjuror and were considered as a communal protective mechanism.

<sup>85</sup>NLW, Great Sessions 4/985/2/18–19 Great Sessions for Flint (1655–6).

<sup>86</sup>NLW, Great Sessions 4/985/2/18.

<sup>87</sup>NLW, Great Sessions 4/719/2/48, 49, 50, 51, 52, 53, 54, 55 Great Sessions for Carmarthen (1656).

<sup>88</sup>NLW, Great Sessions 4/719/2/52.

<sup>89</sup>That is, she was a spinner of yarn 'as illustrated by the metamorphosis of the term "spinster", from one who spins to an unmarried woman': see Leonore Davidoff and Catherine Hall, "'The hidden investment": women and the enterprise' in Pamela Sharpe (ed.), *Women's Work. The English Experience 1650–1914* (London, 1998), 240.

<sup>90</sup>NLW, Great Sessions 33/6/5–6 Great Session for Pembroke (1607) Katherine Lewis of Gumfreston.

<sup>91</sup>NLW, Great Sessions 33/6/5.

<sup>92</sup>Bodleian Library mss Ashmole 1815 f. r.–v., *op. cit.*

<sup>93</sup>*ibid.*, 1.

The importance which Welsh people placed on the precise following of the blessing procedure as part of the conciliation, arbitration and reconciliation process is emphasized in one of the witness statements in the witchcraft case brought against Gwen verch Ellis. In the testimony of Ellen verch Richard, it becomes apparent that her grievance was irresolvable because her son, whom she claimed Gwen had bewitched, had died.<sup>94</sup> Lyckie verch John, another witness in the case, stated very plainly that she had told Ellen, when her son first became ill, to go and ask Gwen to come and bless him as he was demented because Gwen was punishing him for having struck her. Lyckie made a very astute point as to how the customary practices worked, saying that Ellen had waited too long to ask for the blessing. Lyckie even going so far as to visit Gwen herself to ask her to bless Ellen's son, Lewis ap John.<sup>95</sup>

Lyckie's words implied that, in reality, Ellen had brought her grief upon herself by not following customary practice procedures since Ellen had initially refused to ask for the blessing. When Ellen eventually went to Gwen to ask,

the said Gwen said it was too late and if she had come sooner in time she could and would have helpen him saying further that this deponents said son should live untill a certain day within a month or two there next following as this deponent now remembereth and this deponent saith and certainly remembereth that her said son departed this life the very day that the said Gwen had appointed and told this deponent. Further this deponent saith that long before the death of her said son Lyckie the wife of William ap Griffith ap Hugh told this deponent that the forsaid Gwen verch Ellis had caused this deponents said son to become mad in revenge of the injury that he had done to her.<sup>96</sup>

Case-studies also provide evidence of other forms of personal protective mechanisms. Witches' butter or *ymenyn y witsis* (*ffung ar goed marw*), the common name of the fungus *Exidia glandulosa*,<sup>97</sup> was a uniquely Welsh phenomenon which provided an immediate solution to any person who thought *malefice* had been directed against them.<sup>98</sup> The existence of the butter on any wooden surface, in the home or barn, was accepted as a visible and certain indication that bewitchment had occurred and a set procedure, if followed, brought immediate relief to the afflicted.

Precise details of popular beliefs surrounding witches' butter, and how people used the fungus to counteract bewitchment, occur in the testimony of Margaret Rogers, a witness in the Carmarthenshire case of Gwenllian David/Lys Hier of Llangadock/Llangadog, in 1656. Several of the thirteen witnesses mentioned witches' butter on the doorpost and Margaret Rogers gave a very detailed account of its appearance, stating<sup>99</sup>

that there was a kind of butter or Sybstance pitched upon the door post of the house of Thomas John her husband, at which time there was a poor woman begging at the door

<sup>94</sup>NLW, Great Sessions 4/9/4/13-14 (1594).

<sup>95</sup>NLW, Great Sessions 4/9/4/14.

<sup>96</sup>NLW, Great Sessions 4/9/4/14.

<sup>97</sup>A. H. Reginald Buller, *Researches on Fungi*, II (New York, 1958), 156-63.

<sup>98</sup>NLW, Great Sessions for Carmarthen, 4/719/2/48-55. Case of Gwenllian David/Lys Hier and

her daughter Margaret David/Maggie Hier, both of Llangadock (1657).

<sup>99</sup>NLW, Great Sessions 4/719/2/52 Great Sessions for Carmarthen (1656).

that first viewed it and told the Examinante that it was witches butter whereupon the Examinante went to her neighbours and acquainted them with it and asked their advice for it, so that David John Rhudderch being one of the neighbourhood took a knife and laid it on the fire till it was near (or red) hott, and stuck it through the said substance into the door post and left it there for a fortnights time and in the interim that the knife remained in the door post Gwenllian David alias Lys Hier lay sick and cried to take the knife out of her back and the Deponent thought of the knife that was thrust into the door post, and took it out, but it was no sooner taken out but immediately the said Gwenllian began to recover.<sup>100</sup>

Thomas John supported the testimony of Margaret Rogers, saying that he 'wished his wife to take out the knife from the door post which she did and immediately thereupon the said Gwenllian began to recover'.<sup>101</sup> Other witnesses further corroborated the testimony, one even stating that Gwenllian's condition was so poor that the knife had been removed from the witches' butter because of the participants' guilt over the consequences of their actions on such an old woman.<sup>102</sup>

Relief from *malefice* could also be achieved by burning a piece of the witch's clothing, or some thatch from her roof, under the victim's nose: as the item burned, the victim felt better. The examination of Elizabeth Jeffreys of Penley, given in evidence against Anne Ellis,<sup>103</sup> mentioned John Byrch of Overton Forren who had fallen out with Anne. Elizabeth's statement was very detailed: after John Byrch had fallen ill,

some of his children or friends repaired to some persons for advise uppon his sicknesse, who advised the friends of the sayd John Birch to goe to the house of the person suspected should wrong him and take thence some of the thatch of the sayd house and to burne it under the nose of the sayd John Birch in case the person suspected would not com. And thereuppon one of the daughters of the sayd John Birch requested the sayd Anne Ellis to come and blesse the sayd Birch, which shee refused to doe. And thereuppon the daughter of the sayd Birch tooke some partes of the thatch of the house where the sayd lived and burnt it under the nose of her father who recovered of his sicknesse and became well thereuppon.<sup>104</sup>

This was the only case in which such evidence was provided for early modern Wales.

Welsh people, in conjunction with many other individuals in the early modern world, used one very specific procedure to stop bewitchment: bleeding the witch. Sometimes known as 'scratching', bleeding the witch was an intensely personal way of resolving what was essentially an interpersonal conflict between the witch and the *malefice* sufferer. The witch had to be approached, face to face, by the person affected by the bewitchment who then had to strike the witch, drawing blood, and so end the bewitchment. The practice was widespread in England, the belief being that the witch's power could be broken if some blood was drawn, for power was in the blood, and if some of it was lost the witch's power over the victim was also lost.<sup>105</sup>

<sup>100</sup>NLW, Great Sessions 4/719/2/53 Great Sessions for Carmarthen (1656).

<sup>101</sup>NLW, Great Sessions 4/719/2/53 Great Sessions for Carmarthen (1656).

<sup>102</sup>NLW, Great Sessions 4/719/2/52 Great Sessions for Carmarthen (1656).

<sup>103</sup>NLW, Great Sessions 4/985/5 Great Sessions for Flint (1657).

<sup>104</sup>NLW, Great Sessions 4/985/5/f. 22v.

<sup>105</sup>E. and M. A. Radford, *op. cit.*, 60.



The usual means of drawing blood from the witch was to do so 'above the breath', that is, above the nose or mouth and often the forehead. The bleeding was considered to be effective only when blood was drawn above the orifices where breath was drawn and was not, usually, considered to be as effective if done on other parts of the body.<sup>106</sup>

Bleeding the witch was not a common practice throughout Wales as the procedure was quite localized, being found especially in the counties of Pembroke and Glamorgan where English influence and Protestantism were stronger. Two witchcraft as *malefice* cases for Pembrokeshire indicate a possible dilution of an English counter-magical procedure, as the drawing of blood from Olly Powell was not above the breath, and where Elizabeth Browning intended to take blood from Katherine Lewis was not specified.

Henry Phillips's problems with Olly Powell<sup>107</sup> were ongoing. One of his children became ill and Phillips was convinced that Olly was responsible. He again confronted Olly, saying

he would have some of her blood, and after long struggling and much fairer words she putt forth her hand and bid him to do his worst, he should have no blood of hers, he took a naile out of his pocket and thrust it thrice in the same orifice through the flesh which is between the thumb and forefinger and, with much squessing forced an inconsiderable drop out which she perseaving said, get thee gone before thou wilt be at home thy childe will be well which accordingly happened.<sup>108</sup>

This testimony is an exact account of bleeding the witch in an effort to solve an ongoing *malefice* problem.

Elizabeth Browning had accused Katherine Lewis of bewitching pigs belonging to her husband, Richard Browning. When Katherine finally arrived, after numerous summonses, accompanied by her husband, Thomas Bowen, Elizabeth threatened her with bleeding: 'And thereupon this Examinant saying she would have some of her blood, the husband of the said Katherine having in his hands a hay pick saying these words "If thou take her blood I will have thine for it for I thought of such a matter before I came hither"'.<sup>109</sup>

The point of all this activity was the need for all injured parties to make the witch acknowledge her guilt. Without acknowledgement accompanied by her admission of guilt, reconciliation could not be achieved; and without reconciliation, the cessation of the effects of *malefice* could not be achieved either. Eliciting a reconciliation in order to achieve cessation was the fundamental process which formed the basis of the Welsh people's response to *malefice* practising witches in their communities.

Nevertheless, resolution between the two parties was not always achieved through the personal phase, and so the parties moved into the second or communal phase of the antidote process. The communal phase occurred when the individual responsible for harming the witch asked another, usually the conjuror, to achieve reconciliation with the witch on his/her behalf. The conjuror was the paid link between the personal and communal protective antidotes

<sup>106</sup>George Lyman Kittredge, *Witchcraft in Old and New England* (New York, 1929), 47, 169, 236, 290, 428.

<sup>107</sup>Bodleian Library mss Ashmole 1815 f. r.-v., *op. cit.*

<sup>108</sup>*ibid.*, 1.

<sup>109</sup>NLW, Great Sessions 33/6/6 Great Session for Pembroke (1607) Katherine Lewis of Gumfreston.

available to the community and was responsible, in the main, for the creation of charm papers for individual protection. Acting as the designated conciliator and arbiter in the dispute, the conjuror's employment usually, but not always, resulted in a resolution of the dispute to the satisfaction of all parties. Conjurors were not regarded as cunning folk, healers or charmers in Wales as these individuals were deemed by popular culture to have roles which were very distinct from that of conjurors.<sup>110</sup>

In Welsh popular culture the art of the wizard or conjuror, *consurio*, was practised only by men, and there were three types of *consurwyr* or practitioner. The first had sold themselves to the devil to acquire supernatural powers. The second were educated men who had learnt their magical powers from books. The third had inherited the gift from their ancestors and were considered to be beneficial to society, consisting mainly of diviners and white magicians. Jenkins<sup>111</sup> has stated that the wizard<sup>112</sup> had three main areas of professional expertise which he performed in both his own immediate village community and in the wider community: health, theft and love. The conjuror also had another, very specific role which involved communal responsibility as the designated conciliator and arbitrator in the dispute between the witch and the victim. This fourth role was perhaps even more important to the community than the others because, as an intermediary between the victim and the witch, the conjuror became the communal protector, representing the second phase of the Welsh antidote to witchcraft as *malefice* in early modern Wales.

The Welsh conjuror's role was governed by concepts ensconced in traditional popular belief and expectations, in a manner similar to those surrounding the Welsh witch. He had to meet the expectations which the community had of him to earn his living, and he used methods which included incantations, charms both written and verbal, and spells 'to control the powers of nature, to compel the attendance of supernatural beings and to inflict injury'.<sup>113</sup> The conjuror, a worker of the magical who was credited with the power of ascertaining who had stolen goods from another, inflicted personal injury or injury to goods and animals and, importantly, the conjuror had an ability to control the devil and counteract the devil's activities.<sup>114</sup> In short, the conjuror provided a balancing, counter-magical mechanism between the threatening elements of the *malefice* of the witch and the individuals within the community who felt threatened.

Depending on client requirements, the conjuror followed a routine procedure: if an individual was not sure of the identity of the witch, consultation with the conjuror could

<sup>110</sup>Geraint H. Jenkins, *The Foundations of Modern Wales 1642–1780* (Cardiff and Oxford, 1987), 451; Thomas Gwynn Jones, *op. cit.*, 125–127; John Rhys, *Celtic Folklore Welsh and Manx*, 1 (Oxford, 1901), n. 264; Owen Davies, 'Cunning-folk in England and Wales during the eighteenth and nineteenth centuries', *Rural History*, VIII, 1 (1977), 91–107; Elias Owen, *Welsh Folklore: A Collection of the Folk-tales and Legends of North Wales* (Oswestry, 1888; republished Wakefield, 1976), 251.

<sup>111</sup>Geraint H. Jenkins, *op. cit.*, 451.

<sup>112</sup>Referred to in this work as 'conjuror', as it is the terminology in Wales.

<sup>113</sup>D. R. T., 'Demonology and witchcraft', *Montgomeryshire Collections*, XXXVII (c. 1910–26), 146.

<sup>114</sup>'The belief in conjuring was also formerly very general. The last professor of the black art in this parish was Mr John Roberts (Sion Gyfarwydd) who was also a bookbinder, and who died from twenty-five to thirty years ago. Some persons may still be found who believe in conjuring': Robert Williams, 'A history of the parish of Llanbryn-mair', *Montgomeryshire Collections*, XXII (1888), 326.

ascertain the correct identity.<sup>115</sup> Having established identity, the client then had two avenues to follow: confront the witch personally or pay the conjuror additional money to 'confront' the witch on the client's behalf. It should be noted that the conjuror rarely confronted the witch face to face. Usually he gave the afflicted sufficient information to be sure of the identity of the witch, accompanied by some formula or herbal mixture, the purpose of which was to empower the client with enough courage to deal with the witch. The purpose of the entire process was the cessation of the effects of the *malefice* of the witch, but at a cost, because the conjuror charged a fee for consultations.

The whole process was detailed by the testimony of Richard Lloyd. Richard Bloom, a conjuror of Carmarthen, was consulted by Richard Lloyd of Cardigan to find who had inflicted *malefice* on his young daughter:

The said deponent at Another time meeting with the said Richard Bloom who told the said deponent that a woman of his neighbourhood being of Short Stature, which . . . throw dice upon a Booke, pretending to be a fortune teller, And one that had a pyde eye, had occasioned that sickness and deformity to the said deponents' daughter And Charged the said deponent that when ever he met her to call her by the name of Witch not regarding the place to be ever so publick. And the said Richard Bloome engaged before witnesses to . . . has . . . the said deponent from Any damage that he might Incurre thereby and further deposest not.<sup>116</sup>

The conjuror was either successful or was proved to be unable to stop the *malefice* of the witch, at which juncture case evidence indicated that the sufferers took the case to court, the last way available to them to stop the *malefice* of the witch. The function of the court case was to make the witch acknowledge her guilt, an acknowledgement which she had previously refused when confronted by her accusers at a personal and communal level. The evidence suggests that the Welsh woman accused as a witch survived because she and her victims had had recourse to so many other options before going to court.

Witchcraft as *malefice* court cases exemplify the fact that Welsh communities understood that the witch used her *malefice* for very different reasons from those other countries associated with the devil. The witch normally used her power for the purpose of reminding someone of the harm they had first done to her. Essentially, the *malefice* of the witch in Wales was regarded by the community more as her reaction, not as an action she undertook without due cause. If the woman had power, she should use it to make her point about a wrong done to her. In all *malefice* cases the accused woman (other than Margaret verch Richard) always admits her

<sup>115</sup>The role of conjurors in Wales was similar to the role played by cunning folk, witch doctors and soothsayers in other early modern societies. See Robin Briggs, *Communities of Belief. Cultural and Social Tensions in Early Modern France* (Oxford, 1989), 93; Kathryn C. Smith, 'The wise man and his community', *Folk Life*, xv (1977), 24–35; Ronald C. Sawyer, "'Strangely handled in all her lyms": witchcraft and healing in Jacobean England', *Journal of Social History*, xxii (1989),

461–85; Hans de Waardt, 'At bottom a family affair: feuds and witchcraft in Nijerk in 1550' in Marijke Gijswijt-Hofstra and Willem Frijhoff (eds), *Witchcraft in the Netherlands, 14th to 20th Centuries* (The Hague, 1990), 132–48.

<sup>116</sup>NLW, Great Sessions 4/886/15. Witness testimony of Richard Lloyd in the case against Katherine Rees, Great Sessions for Cardigan (1693).

*malefice* actions, and she never denies her responsibility. The judges and juries of the Courts of Great Sessions circuits did not seek to expand or extend the *malefice* case by asking the accused to implicate others. There was no court record for early modern Wales in which an accused person was asked any such questions, or any cases where witnesses provided details of such events. The terms of reference remained the same throughout the witchcraft case chronology for Wales: the accused was tried, witness statements were taken, the witch admitted her guilt voluntarily, the jury gave its verdict, the judge pronounced the sentence and almost all those accused and found guilty were released.

Courts of Great Sessions case evidence indicates that witchcraft in early modern Wales may have had some significant differences from the experience of witchcraft before other courts in neighbouring countries, and in continental Europe and America. Witchcraft as *malefice* cases were lodged for reasons which were related to customary practice, not the specific customary laws associated with the Law of Women. Nevertheless, the reactions of the judicial authorities and the members of the accused witch's community reflect customary laws pertaining to women. Witchcraft as *malefice* cases were lodged in court as the last part of the three-phase process set out above. This followed the premise of reconciliation and restoration of communal harmony, although not financial compensation, for harm done to both the witch and the victim. Witchcraft as *malefice* cases lodged in the Courts of Great Sessions also reflect the protective aspects of the Law of Women, as preservation of the accused woman was the outcome in all but the case of Margaret verch Richard, despite guilty verdicts. In both types of Welsh witchcraft cases, customary practices and the customary Law of Women were authorities which clearly remained of greater significance to Welsh people than the authority of the English state.

Welsh witchcraft cases give every indication that English statute law became infused with the popular culture's long-standing experience of authority: customary law. Customary law, as a part of popular culture, was retained as a part of the new state authority. In other words, the customary laws, as these relate to women, witchcraft and those accused of witchcraft, become part of the law of the state because Wales, as a distinct cultural and social group, retained its customary response to witchcraft and customary laws relating to women. This infusion process works in the opposite way to Sharpe's evaluation of legality, order and authority for England. In his model, the law becomes a part of popular culture and that culture's experience of the authority because familiarization occurs through association, participation and involvement in office-bearing capacities and jury duty.<sup>117</sup> Since the Acts of Union did not completely blanket Wales until 1536–1543, the Welsh had little time either to undertake (implying a willingness to do so) or undergo such an infusion process. While studies of custom, authority, gender and the law in early modern England concentrate on the customs of local communities and the forms of social protest which assertion of customary rights entailed,<sup>118</sup> the Welsh evidence of

<sup>117</sup>See J. A. Sharpe, 'The people and the law' in B. Reay (ed.), *Popular Culture in Seventeenth-Century England* (London, 1985), 248, 264, 252.

<sup>118</sup>See Griffiths, Fox and Hindle (eds), *op. cit.*; Jenny Kermode and Garthine Walker (eds), *Women, Crime and the Courts in Early Modern England* (Chapel Hill, 1994); Amanda Shepard, *Gender and Authority in Sixteenth-Century England*

(Staffordshire, 1994); Laura Gowing, *Domestic Dangers, Women, Words, and Sex in Early Modern London* (Oxford, 1996); Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England* (London, 1988); Anthony Fletcher and John Stevenson, *Order and Disorder in Early Modern England* (Cambridge, 1985); Andy Wood, *The Politics of Social Conflict: The Peak District,*

continued use of customary law relating to women and witchcraft may require a review of the dimensions of what constitutes 'local communities'.

Taking the concepts of local custom a step further, it may be possible to extend the notion of 'two concepts of order'<sup>119</sup> to that of customary law as a pre-existing system of authority which was maintained even though the state authority was English. Retention of customary law accords Welsh people agency, an agency which may be unlimited within the structures of Wrightson's 'juxtaposition of a legislative/elite concept of order with an alternative village-based one'.<sup>120</sup> Welsh society was reacting in a very communal, 'village' orientated way when it came to dealing with women, witches and witchcraft. The legislative/elite concept of order, in this case the Witchcraft Acts of the English state, were subsumed within the constructs of customary law, enabling the continuation of the premises of interpersonal and communal harmony which was the cornerstone of Welsh customary legal principles.

If a society has a proven customary means of resolving conflicts which promoted persecution and death in other societies where such customary procedures were not evident, the implication for witchcraft and early modern societal studies could prove considerable. In terms of witchcraft historiography, this is an avenue which has not been explored, that is, a society uses customary law to override the official ideology of the state to such a degree that its judgements actually fly in the face of statute law. The implications could be that early modern Welsh society consciously ignored the Witchcraft Acts that the English state promulgated because their adherence to customary law required such a response. This could mean that there was collusion between all those who were involved in the process: the accused, the accuser, the judiciary and the community. If this is the case, then the motives for witchcraft case lodgement could indeed be significantly different in customary law orientated societies as opposed to societies which followed the dictates of the state more precisely.

Witchcraft cases for early modern Wales were deeply reflective of Welsh conformity to customary law which was outside the official ideology of the English state. Order in the form of continued personal and communal harmony was retained because the adherence to customary law, in the case of witchcraft as words, and customary practice, in the case of witchcraft as *malefice*, was so profound. Witchcraft in early modern Wales concerns the degrees of experience of authority with which all the participants had to contend. Custom, as customary law and customary practice, provided a framework within which Welsh people could respond to witches and witchcraft in such a way that interpersonal and communal harmony were maintained. It is precisely because Welsh people retained and used the principles of their customs that women slandered and accused of witchcraft in early modern Wales experienced a response in court which reflected the importance of their social place and cultural status. Witchcraft in early modern Wales was gender specific, an experience which was a determining and positive factor for Welsh women accused as witches.

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1520–1770 (Cambridge, 1999); Steve Hindle, *The State and Social Change in Early Modern England*, c. 1550–1640 (New York, 2000).

<sup>119</sup>Keith Wrightson, 'Two concepts of order: justices, constables and jurymen in seventeenth-century England' in John Brewer and John Styles,

*An Ungovernable People. The English and their Law in the Seventeenth and Eighteenth Centuries* (London, 1983), 22–4.

<sup>120</sup>Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003), 211–12.