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Back Cover: View of Phil Rader crossing Van Ness Avenue at Turk Street in his automobile, heading east. Dobbins, Henry Hamilton, c. 1907.

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Introduction to the History of Witchcraft Laws

(Above) A Yorkshire Terror, A.D. 1621 (1)

"I never saw the Devil's book nor knew that he had one." -Ann Pudeator (Convicted of witchcraft in the Salem witch trials. Executed by hanging)



There is considerable information and interest surrounding witch hunts and trials, but it is crucial to understand the laws that were utilized to enforce the unjust treatment of these individuals throughout history. Various forms of torture were employed to force confessions from accused witches and compel them to identify accomplices. Common methods of execution for those convicted included hanging, drowning, and burning. In Europe, burning was often preferred due to its agonizing nature, while in the American colonies, hanging was more commonly used.²

Early Writings

Witchcraft was intertwined with religion to such an extent that the medieval Church had the power to discipline those who they believed engaged in magic and sorcery. The church leveraged its teachings and the beliefs of its followers to create a system that targeted women and individuals accused of witchcraft. The actions of the accused were labeled as ungodly, demonic, and evil. A notable example of this can be found in the Old Testament book of Exodus (22:18), which declares, "Thou shalt not permit a sorceress to live." Another example is the Malleus Maleficarum, a handbook authored by two prominent German Dominicans in 1486. Often translated as "The Hammer of Witches." the book served as a guide for identifying, hunting, and interrogating individuals (primarily female) accused of witchcraft. The Malleus Maleficarum classified witchcraft as heresy and rapidly became the authoritative text for both Protestants and Catholics seeking to root out witches within their communities.

After asserting the right of Inquisitors to try Witches, they give the three ways of initiating proceedings, viz: (1) accusation by someone who offers to prove the crime under penalty of *talion* in case of failure; (2) accusation by someone not offering to prove the crime, and (3) inquisition *virtute officii*, on general report that there are witches in some place or town, in which last case, a formal Citation is posted up for all to appear and give information of any reported to be witches.³



"Witchcraft, in its aspects of sorcery, divination and the casting of spells, had existed for many centuries before this in every part of the world, being almost as old as mankind"⁴

Notable Acts

1541-42 An Act against Conjurations, Witchcrafts, Sorcery and Inchantments (33 Hen. VIII c. 8): The first English Witchcraft Act to formally define witchcraft as a crime punishable by death, placing it under the jurisdiction of the civil courts. The Act also abolished the benefit of clergy for those convicted of witchcraft, a legal privilege that had previously exempted the accused from the jurisdiction of the King's courts⁵ The Act was repealed in 1547 by Henry VIII's son, Edward VI, and no new legislation was enacted until 1562, during the reign of Elizabeth I.

1562-63 An Act against Conjurations, Inchantments and Witchcraft (5 Eliz. 1 c.16): Queen Elizabeth I endorsed Parliament's revision of a previous act, stipulating that the death penalty should apply only when supernatural harm had been inflicted.

Scottish Witchcraft Act 1563 (enacted June 4, 1563): Under this Act both engaging in witchcraft and seeking the counsel of witches were considered capital offenses. The Act led to over a century of witch hunts across Scotland, during which thousands of individuals lost their lives. The Witchcraft Act mandated the death penalty for all related offenses. **1586 An Act against Witchcraft and Sorcerie (28 Elizabeth 1 c. 2):** This Irish Act closely resembled the English Witchcraft Act of 1562. It declared causing death through witchcraft a felony, punishable by execution without the benefit of clergy.

In 1597 King James publishes Daemonologie: King James characterized witchcraft as high treason against God. Unlike Queen Elizabeth I, who had a relatively lenient approach to prosecuting witchcraft, King James was far more severe. He personally oversaw interrogations and developed a fixation with witchcraft in his domain.

1603-04 An Act against Conjuration, Witchcraft and dealing with evil and wicked Spirits (1 Jas. 1. c. 12): This Act imposed the death penalty without benefit of clergy on anyone who summoned evil spirits or communicated with familiar spirits. Burning at the stake was abolished, except in cases where witchcraft involved petty treason; the majority of those convicted were instead sentenced to hanging. **1692 An Act Against Conjuration, Witchcraft, and Dealing with Evil and Wicked Spirits:** This legislation, inspired by the English Witchcraft Act of 1604, established the death penalty for serious offenses and repeat offenders, while lesser offenses were punished with imprisonment. Passed by the Great and General Court or Assembly of Their Majesties province of the Massachusetts-Bay, in New-England.

1735 The Witchcraft Act (9 Geo. 2 c. 5): Penalties for practicing witchcraft were replaced with those targeting the pretense of witchcraft. Individuals claiming to summon spirits, predict the future, cast spells, or locate stolen items were to be treated as vagrants and fraudsters, facing fines and imprisonment. This Act applied to all of Great Britain, repealing both the 1563 Scottish act and the 1604 English act.

Witchcraft Suppression Act 3 of 1957: A South African parliamentary act that bans various activities associated with witchcraft. The act serves to provide for the suppression of the practice or witchcraft and similar practices.⁶