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Therefore the Judge ought not to be too willing or ready to proceed to such examination, unless, as has been said, the death penalty is involved. And in this case he must exercise great care, as we shall show; and first we shall speak of the method of sentencing a witch to such torture.

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QUESTION XIV

Of the Method of Sentencing the Accused to be Questioned: and How she must be Questioned on the First Day; and Whether she may be Promised her Life. The Ninth Action.

SECONDLY, the Judge must take care to frame his sentence in the following manner.

We, the Judge and assessors, having attended to and considered the details of the process enacted by us against you N. of such a place in such a Diocese, and having diligently examined the whole matter, find that you are equivocal in your admissions; as for example, when you say that you used such threats with no intention of doing an injury, but nevertheless there are various proofs which are sufficient warrant for exposing you to the question and torture. Wherefore, that the truth may be known from your own mouth, and that henceforth you may not offend the ears of the Judges, we declare, judge and sentence that on this present day at such an hour you be placed under the question and torture. This sentence was given, etc.

Alternatively, as has been said, the Judge may not be willing to deliver the accused up to be questioned, but may punish her with imprisonment with the following object in view. Let him summon her friends and put it to them that she may escape the death penalty, although she will be punished in another way, if she confesses the truth, and urge them to try to persuade her to do so. For very often meditation, and the misery of imprisonment, and the repeated advice of honest men, dispose the accused to discover the truth.

And we have found that witches have been so strengthened by this sort of advice that, as a sign of their rebel-

lion, they have spat on the ground as if it were in the devil's face, saying, "Depart, cursed devil; I shall do what is just"; and afterwards they have confessed their crimes.

But if, after keeping the accused in a state of suspense, and continually postponing the day of examination, and frequently using verbal persuasions, the Judge should truly believe that the accused is denying the truth, let them question her lightly without shedding blood; knowing that such questioning is fallacious and often, as has been said, ineffective.

And it should be begun in this way. While the officers are preparing for the questioning, let the accused be stripped; or if she is a woman, let her first be led to the penal cells and there stripped by honest women of good reputation. And the reason for this is that they should search for any instrument of witchcraft sewn into her clothes; for they often make such instruments, at the instruction of devils, out of the limbs of unbaptized children, the purpose being that those children should be deprived of the beatific vision. And when such instruments have been disposed of, the Judge shall use his own persuasions and those of other honest men zealous for the faith to induce her to confess the truth voluntarily; and if she will not, let him order the officers to bind her with cords, and apply her to some engine of torture; and then let them obey at once but not joyfully, rather appearing to be disturbed by their duty. Then let her be released again at someone's earnest request, and taken on one side, and let her again be persuaded; and in persuading her, let her be told that she can escape the death penalty.

Here it is asked whether, in the case of a prisoner legally convicted by her general bad reputation, by witnesses, and by the evidence of the fact, so that the only thing lacking is a confession of the crime from her own mouth, the Judge can lawfully promise her her life, whereas if she were to confess the crime she would suffer the extreme penalty.

We answer that different people have various opinions on this question. For some hold that if the accused is of a notoriously bad reputation, and gravely suspected on unequivocal evidence of the crime; and if she is herself a great

source of danger, as being the mistress of other witches, then she may be promised her life on the following conditions: that she be sentenced to imprisonment for life on bread and water, provided that she supply evidence which will lead to the conviction of other witches. And she is not to be told, when she is promised her life, that she is to be imprisoned in this way; but should be led to suppose that some other penance, such as exile, will be imposed on her as punishment. And without doubt notorious witches, especially such as use witches' medicines and cure the bewitched by superstitious means, should be kept in this way, both that they may help the bewitched, and that they may betray other witches. But such a betrayal by them must not be considered of itself sufficient ground for a conviction, since the devil is a liar, unless it is also substantiated by the evidence of the fact, and by witnesses.

Others think that, after she has been consigned to prison in this way, the promise to spare her life should be kept for a time, but that after a certain period she should be burned.

A third opinion is that the Judge may safely promise the accused her life, but in such a way that he should afterwards disclaim the duty of passing sentence on her, deputing another Judge in his place.

There seems to be some advantage in pursuing the first of these courses on account of the benefit which may accrue from it to those who are bewitched; yet it is not lawful to use witchcraft to cure witchcraft, although (as was shown in the First and Introductory Question to this Third Part) the general opinion is that it is lawful to use vain and superstitious means to remove a spell. But use and experience and the variety of such cases will be of more value to Judges than any art or text-book; therefore this is a matter which should be left to the Judges. But it has certainly been very often found by experience that many would confess the truth if they were not held back by the fear of death.

But if neither threats nor such promises will induce her to confess the truth, then the officers must proceed with the sentence, and she must be examined, not in any new or exquisite manner, but in the usual

way, lightly or heavily according as the nature of her crimes demands. And while she is being questioned about each several point, let her be often and frequently exposed to torture, beginning with the more gentle of them; for the Judge should not be too hasty to proceed to the graver kind. And while this is being done, let the Notary write all down, how she is tortured and what questions are asked and how she answers.

And note that, if she confesses under torture, she should then be taken to another place and questioned anew, so that she does not confess only under the stress of torture.

The next step of the Judge should be that, if after being fittingly tortured she refuses to confess the truth, he should have other engines of torture brought before her, and tell her that she will have to endure these if she does not confess. If then she is not induced by terror to confess, the torture must be continued on the second or third day, but not repeated at that present time unless there should be some fresh indication of its probable success.

Let the sentence be pronounced in her presence in the following manner: We the aforesaid Judge, as above, assign to you N. such a day for the continuation of your questioning, that the truth may be heard from your own mouth. And the Notary shall write all down in the process.

And during the interval before that assigned time the Judge himself or other honest men shall do all in their power to persuade her to confess the truth in the manner we have said, giving her, if it seems expedient to them, a promise that her life will be spared.

The Judge should also take care that during that interval there should always be guards with her, so that she is never left alone, for fear lest the devil will cause her to kill herself. But the devil himself knows better than anyone can set down in writing whether he will desert her of his own will, or be compelled to do so by God.

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