

General Introduction



This volume brings together two different types of records concerning premodern magic that have rarely been considered together in any substantive way: manuscripts of magic and legal proceedings against magicians. The body of evidence for magic practice is extensive, including scores of mostly anonymous manuscripts written in Latin and English in sixteenth-century England. These manuscripts reveal a good deal about the way the magicians thought about the world, where they got their ideas from, and how their magic was supposed to work. But the magicians behind them remain shadowy and largely anonymous. Legal records, by contrast, reveal little about the magic but much more about the lives and circumstances of those involved in magic, how they came to be involved with it, and what others, particularly secular and church authorities, thought about it.

The scholarship on magic has tended to be divided along the same lines. A long-established stream of investigation prompted by interest in the witch trials has focused on the history of magic and its relationship with authority. This developed into explorations of the social aspects of magic practice among lower-level practitioners such as cunning folk and into the broader question of disenchantment. On the other hand, the exploration of learned magic manuscripts has only begun seriously in the past three decades and has concentrated on the intellectual history of magic, its use of prior Arabic and Hebrew sources, how it was transmitted, its relationship to conventional religion or intellectual traditions, its condemnation by the guardians of orthodoxy, or the way the practice of magic has changed over the centuries.

The integrated study of intellectual and legal sources is thus timely and also offers us a more rounded picture of illicit learned magic. It also forefronts the encounters of magicians with authority in a way that separates them from narratives about witchcraft and the witch trials, into which typically (and often unreflectively) they have been collapsed. Those accused of witchcraft were commonly not magic

practitioners at all, and their cases present a picture of magic practice that bears little resemblance to real practices. Moreover, understood in the *longue durée* and over broad geographic areas, the witch trials were relatively unusual, scattered, and sporadic.¹ The magicians considered in this volume were all real magic practitioners in the sense that they had manuscripts of magic, peddled magic services, and set about to practice magic. Their encounters with the law were also more representative of how magic was treated in the centuries prior to the witch trials.

NECROMANCY AND ITS PRACTITIONERS

The magic presented and discussed in this book is typically found in late medieval and early modern necromantic handbooks. Despite the name, necromancy rarely has anything to do with the dead. Instead these collections are largely dedicated to spirit conjuring as well as other assorted practices, such as the creation of magic rings or astrological talismans.² This literature falls under the broad category of learned magic, a term that is potentially misleading. As this collection reveals, the practitioners were often low-level clergy or modestly educated laypeople who might be better described as middlebrow and who were part of what Richard Kieckhefer has described as a “clerical underworld.”³ During the course of the sixteenth century, necromantic material was increasingly translated into English, but knowledge of Latin remained almost indispensable.⁴ Most of the

1. For a very useful discussion of this question, see H. C. Erik Midelfort, “Witch Craze? Beyond the Legends of Panic,” *Magic, Ritual, and Witchcraft* 6 (2011): 11–33.

2. Richard Kieckhefer, *Forbidden Rites: A Necromancer’s Manual of the Fifteenth Century* (Stroud: Sutton, 1997); Frank Klaassen, *The Transformations of Magic: Illicit Learned Magic in the Later Middle Ages and Renaissance* (University Park: Pennsylvania State University Press, 2013), 82–155.

3. Richard Kieckhefer, *Magic in the Middle Ages* (Cambridge: Cambridge University Press, 2000), xi. On this group, see also Frank Klaassen, “Learning and Masculinity in Manuscripts of Ritual Magic of the Later Middle Ages and Renaissance,” *Sixteenth Century Journal* 38, no. 1 (2007): 49–76.

4. Frank Klaassen, *Making Magic in Elizabethan England* (University Park: Pennsylvania State University Press, 2019), 1–14.

necromantic handbooks continued to be written in Latin. Even if one could find a text written in English, it usually required an ability to recite prayers, psalms, and other liturgical formulae in Latin and ideally from memory. As we shall see in the Mixindale case, ability in magic, or “cunning,” was powerfully associated with learning and clerical status, and thus priests and other Latinate or literate people had significant advantages in the magic marketplace. For the same reasons, necromancy was also an almost uniformly male pursuit.⁵

The literature of necromancy arose from the confluence of Arabic and Jewish magic, particularly from Iberia, with magic and religious practices in the Latin West. The resulting written traditions of magic were not always stable or internally consistent but were framed by a basic set of assumptions that, for the most part, reflected conventional medieval Christian thinking. The medieval cosmos was an integrated system in which the moral, physical, and spiritual were inextricably intertwined. God ruled. But his cosmos operated according to a set of preordained natural mechanisms. These included the influence of the heavenly bodies, which influenced life below the circle of the moon in a manner analogous to the weather. In the same sense that heavy rain would tend to drive people to indoor activities, astrological conditions made certain kinds of human behavior or events easier and more likely to take place. These conditions also affected spiritual creatures like angels or demons, which populated the cosmos and which necromantic magic claimed to be able to influence or even control. So, for example, the necromantic handbooks tell us that it is much easier to conjure demons during a waxing moon. Similarly, the universe had a host of hidden interconnections that could be used by the magician. Certain demons were more likely to appear in hours when particular and related planets were reigning and when the way was prepared with the right sort of suffumigation (i.e., something burned like incense) or magical tools. In the same way, the names of spirits or their inscribed characters were ontologically connected to them and could be used to influence or control them.

5. For a specific discussion of ritual magic and the clerical environment, see Klaassen, “Learning and Masculinity.”

These natural structures were subsumed under the umbrella of Christian ideas, which held that demons could only be truly controlled by Christians invoking the name of Jesus.⁶ As a result, it was also necessary for the magician to be in a state of grace (i.e., physical and spiritual purity), achieved through the sacraments, prayer, abstinence, fasting, and godly behavior. In addition, the most powerful rituals were those established by the Church for use in daily worship, known as the liturgy, and someone who knew them was literally more spiritually powerful than other people. A good Christian who had made the right spiritual preparations and then performed the right rituals using the right words and gestures would be able not only to cast out demons, as one might in exorcism, but also to get these powerful creatures to do something wondrous and useful.⁷ This, at least, is what the necromantic handbooks argued. These putatively holy rituals contrast starkly with the self-interested goals of this form of magic (e.g., finding and getting treasure, locating stolen goods or thieves, acquiring power or influence, entertainment, and even sexual gratification).

The cases in this volume reveal a good deal about the transmission, exchange, copying, and use of magic books. We know, for example what books or what kinds of books the magicians employed. Their magic was drawn from a variety of sources, some of which are identifiable: the *Treasury of Spirits* (*Thesaurus spirituum*) and *Sworn Book of Honorius* (*Liber iuratus Honorii*) were clearly familiar to them.⁸ They employed well-known conjurations of the Four Kings and the spirit Oberion, as well as equipment such as parchment circles also found described in manuscripts. We can also trace the transmission and use of printed books on magic, such as Henry Cornelius Agrippa von

6. Acts 19:11–17; Mark 16:17.

7. Kieckhefer, *Forbidden Rites*; Klaassen, *Transformations of Magic*, 115–55.

8. The *Treasury of Spirits* has yet to be rendered in a scholarly edition but survives in numerous manuscript versions. See, for example, London, Wellcome Library, Welcome 110, which contains the Latin version (fols. 57r–98v) and an English epitome (fols. 1r–35v) both interspersed with other

texts. See also London, British Library, Sloane 3853, fols. 3r–45v. For the *Sworn Book of Honorius*, see Gösta Hedegård, ed., *Liber iuratus Honorii—A Critical Edition of the Latin Version of the Sworn Book of Honorius* (Stockholm: Almqvist & Wiksell International, 2002). For a brief discussion of the literature of ritual magic circulating in England, see *Transformations of Magic*, 115–27.

Nettesheim's *On Occult Philosophy* (*De occulta philosophia*). Finally, the clerics in the Mixindale case can be seen actually compiling and in some senses *creating* their own magic book by combining rituals in their books with material that they copied from a liturgical volume. All of these will be discussed in more detail in the chapters where they appear.

Despite their illicit status, the scores of necromantic manuscripts that survive from the sixteenth century attest to their popularity. That they were increasingly written in English as the century progressed evinces both a growing popular interest in this literature beyond the confines of the clerical world where they originated and also their introduction into a network of information exchange among laypeople. This picture is fully confirmed by the legal documents, which reveal a lively network of partnerships and exchange of books and information among magicians, both clerical and lay, with a wide range of education.

Undoubtedly, a portion of those who copied manuscripts of necromantic magic did so for private interest or practice, but the group that most commonly came to the attention of the authorities for this were cunning folk, a group that included necromantic practitioners as well as others who seem to have steered entirely clear of necromancy.⁹ The term that sixteenth-century people in England most often used to describe skill in magic is "cunning." This derived from the Anglo-Saxon *cunnan*, which meant simply "to know." When the term was applied to magicians, it typically preserved the older sense of learning (i.e., literacy). Unsurprisingly, cunning folk thus tended more often to be men, either clerical or lay, who had more access to education. Working either for pay or other forms of social capital, cunning folk provided a range of services, including identifying or locating thieves, finding lost or stolen property, curing illnesses, and treasure hunting. Cunning folk might also dabble in astrology and love magic. More crucially, they employed a variety of magical techniques that did not involve

9. Our discussion of cunning folk here and throughout this volume derives heavily from Owen Davies,

Cunning-Folk: Popular Magic in English History (London: Hambledon and London, 2003).

spirit conjuring of any kind and so they cannot be directly equated with necromancers.¹⁰

In many respects the professional magic practitioners examined in this volume are representative of cunning folk in general: they are men with modest but higher than usual levels of learning; they employ that learning in their magic or to convince their clients of their abilities; people travel many miles to consult with them; and they rely on their reputations to attract business. However, in one crucial respect, the practitioners disclosed in the following documents do not represent the majority of cunning folk. Their activities came to the attention of the authorities, and they were punished for them. Complaints to authorities about cunning folk were relatively rare, probably due to their need to carefully maintain their reputations, and they tended to attract little negative attention from the authorities.¹¹ It is possible that the attention received by the magic practitioners discussed in this book was simply a matter of bad luck, but evidence suggests that they were also less circumspect and more ambitious than most cunning folk.

MAGIC AND AUTHORITY IN THE EARLY SIXTEENTH CENTURY

Despite necromantic magic's constant reaffirmation of the power of God and the Christian religion, ecclesiastical authorities never regarded it as legitimate, either before or after the Reformation. Midcentury declarations by English bishops called for the gravest penalties possible for magic.¹² Contemporary secular authorities shared the English prelates' desire to root out and prosecute practitioners, at least in principle. This was made manifest in Henry VIII's 1542 legislation, which condemned magic practitioners to death. Public denouncements and legislation, however, are not the same thing as coordinated

10. *Ibid.*, 93–118; Sharon Hubbs Wright and Frank Klaassen, *Everyday Magicians in Tudor England: Legal Records and Magic Manuscripts* (forthcoming).

11. Davies, *Cunning-Folk*, 1–28.

12. *Reformatio Legum Ecclesiasticarum, Ex Autoritate Primum Regis*

Henrici 8. Inchoata: Deinde Per Regem Edouardum 6. Prouecta, Adauctaque in Hunc Modum, Atque Nunc Ad Pleniorem Ipsarum Reformationem in Lucem Aedita (London, 1641), 33. Cited in Francis Young, *Magic as a Political Crime in Early Modern England* (London: Taurus, 2018), 79–80.

suppression and extirpation. In reality, comparatively few cases for any form of magic appeared in the church courts and no one was ever prosecuted under Henry's law. This stark divergence between word and deed requires further examination.

In England, prior to 1542, magic was not a crime per se under common law. It fell to the ecclesiastical courts to control and punish magic because in theological terms it was superstitious, idolatrous, and potentially heretical. As the large set of records from the case of the Yorkshire treasure hunters in chapter 3 makes clear, the archbishop and his officials could and did take cases of necromantic magic practice seriously. Nonetheless, even in this case where all the participants were clearly guilty of performing magic, the heaviest penalty that the archiepiscopal court could inflict was major excommunication, which was dissolved by public penance. At the same time, cases such as this one were rare. Despite clear manuscript and legal evidence that magic practice was reasonably common, there does not appear to have been sufficient institutional will to pursue a systematic program of rooting it out. The church's resources were not infinite, but had there been a widespread conviction that such a program was necessary and worth the effort, more concerted efforts could have been made. The laws and mechanisms were certainly in place.¹³

Ecclesiastical energies were directed instead toward less invasive efforts to steer the faithful away from the practice of magic, or the error of believing in it. The late medieval literature written to help parish priests guide their flocks and the devotional and proscriptive literature written for lay readers taught that magic was bad and to be avoided.¹⁴ This literature provided, for example, lurid stories about magicians, their failures, and eventual punishment or redemption. The wide-reaching influence of pastoral and didactic literature meant that most fifteenth- and sixteenth-century people had a reasonably good idea about what they were supposed to avoid and why.

So why was so little real action taken against magic practitioners? One reason was probably that the most common and public forms of

13. Davies, *Cunning-Folk*, 1–66; Young, *Magic as a Political Crime*, 24–26.

14. Catherine Rider, *Magic and Religion in Medieval England* (London: Reaktion, 2012).

magic were not very problematic, and the most problematic forms of magic were less common and more private. The most widespread form of magic in the middle ages was the use of charms, which contained simple verbal formulae usually derived from biblical passages or the liturgy for common ailments or medical emergencies ranging from nosebleeds to childbirth. In general, while it clearly regarded charms as superstitious, the late medieval church was tolerant of such magic, because of its good intents, its affirmation of conventional religion, and the fact that it did not invoke demons or other spirits.¹⁵ More grievous forms of magic were less common and tended to be contracted and performed more or less in private. This was particularly the case with necromantic magic. Everyone knew that this was an illicit practice and that it was prudent to pursue it in careful seclusion. The effect of this situation was that eradicating charms and other similar low-level magic would have been impossible due to their integration into daily life and the sheer volume of potential cases. Detecting and eradicating other more dubious forms of magic was very difficult due to their private nature and the fact that they were less common.

Often, in instances where ecclesiastical officials recorded the use of magic, the issue that brought the case into the court was not magic per se but some other complaint in which magic had played a part.¹⁶ For example, we know of the use of magic for theft identification because the identified “thieves” came to court to seek redress for slander, not because court officials had prosecuted magic practitioners. The extensive surviving literature of magic and anecdotal evidence from the period makes clear that most magic practitioners operated freely and without ever having a confrontation with the authorities. So long as magicians were not socially disruptive, raising concerns about fraud, slander, and in extreme cases heresy, they were generally able to pursue their art without much interference.

The same conditions prevailed in the common law courts, which were even less likely to undertake action against magic, not least because it was not a crime in England until 1542. If the magicians and

15. Catherine Rider, “Medical Magic and the Church in Thirteenth-Century England,” *Social History of Medicine* 24, no. 1 (2011): 92–107.

16. For a sampling of common magic before sixteenth-century ecclesiastical courts, see Wright and Klaassen, *Everyday Magicians*.

their clients whose cases we examine in this book had been a little more circumspect, they probably would never have been brought to justice at all. This stands in stark contrast to the spirit of Henry VIII's 1542 Act, a closer examination of which can provide some insight into the concerns of secular authorities in the early Tudor period.

A few aspects of this Act can help make sense of the seeming lack of action taken by the secular courts on magic. First, the motivations behind it remain unknown. While it is commonly referred to as "witchcraft" legislation, no careful reading of it can sustain this description, particularly if the term "witchcraft" is understood to imply that it primarily targeted female practitioners. The principal form of magic it was concerned with was learned magic, particularly necromantic magic, and within that set of practices, treasure hunting. All of the magic it describes, including love magic, reflects the highly male-centered practices that one finds in magic manuscripts.¹⁷ Second, while this law was never actually used against any magicians, the amount of attention it gives to treasure hunters reflects the broader relationship of magic and authority in the period. Prior to the advent of witch trials in the 1560s, treasure-hunting magic appeared more often in legal cases than any other form of magic except the identification of thieves (also mentioned in this Act). Third, while Henry's Act expressed concern with how magic offended God, it gave as much, if not more, attention to the "disquietness of the realm" that magic provoked, the fact that magicians "have digged up and pulled down an infinite number of crosses within this realm," and the "hurt and damage" such actions did to the King's subjects. This is to say, it

17. In late medieval European antimagic literature, illicit magic was increasingly *framed* as feminine by key detractors. See Michael D. Bailey, "The Feminization of Magic and the Emerging Idea of the Female Witch in the Late Middle Ages," *Essays in Medieval Studies* 19 (2002): 120–34. However, aside from the use of the term "witchcraft" among numerous other terms for magic, all of the magic mentioned in the 1542 Act, *including love magic*, reflects what one finds in manuscripts

of magic written by and for men. See Richard Kieckhefer, "Erotic Magic in Medieval Europe," in *Sex in the Middle Ages: A Book of Essays*, ed. Joyce E. Salisbury (New York: Garland, 1991), 30–55. See also Wright and Klaassen, *Everyday Magicians*. For an argument that the Act reflects feminizing ideas of magic based on its reference to love magic, see P. G. Maxwell-Stuart, *The British Witch: The Biography* (Stroud: Amberley, 2014), 114.

focused heavily on social disruption and damage to property, precisely the issues that most commonly brought magicians into court. In short, the Act itself reflects a way of thinking about magic that emphasized its disruptive social effects and the habit of waiting for the disruption to take place before dealing with it.

Henry's Act suggests that Parliament and the Crown were not only very concerned about magic but also were prepared to punish offenders to the full extent of the law. However, this did not happen; very few magicians and their clients were actually punished for their activities. It may be that the draconian nature of Henry's legislation made the justices disinclined to use it. Execution for a clear case of theft of a significant amount of money was one thing, but the same punishment for attempting to locate stolen goods might well have seemed extreme even in the sixteenth century. In any event, the Act was never employed and was overturned a few years later under Edward VI. England returned to the old circumstances where magic was not a crime in itself.

Curiously, even cases that appear to be clear-cut instances of treason involving magic did not always result in grave punishments in this period. As we shall see, William Neville and the magician Richard Jones eventually walked free despite clearly treasonous offenses only the worst of which were Jones's prediction of Henry VIII's imminent demise and Neville's efforts to find financial and military resources for seizing personal advantage afterward. The same happened with Robert Allen, who was detained for predicting the death of Edward VI, and again with John Prestall in the early years of Elizabeth's reign.¹⁸ The latter, more than any of these magicians, was guilty of magical and treasonous skulduggery and association with seditious Catholic forces. It is possible that secular officials simply continued to regard magic as a matter for the Church courts. It is certainly clear that, despite abortive efforts to change the situation (like Henry's legislation), secular authorities were cautious in bringing to trial cases where someone was accused of using treasonable magic, and even

18. On Allen, see Wright and Klaassen, *Everyday Magicians*. On Prestall, see Young, *Magic as a Political Crime*, 91–145; Michael Devine, "John Prestall:

A Complex Relationship with the Elizabethan Regime" (MA thesis, Victoria University of Wellington, 2010).

more so in applying the death penalty in such cases. It is also clear that what motivated the initial investigation of William Neville and the later magicians was their potentially treasonous activities rather than magic per se.

Another motivating factor for the arrest of William Neville and his compatriots was clearly prophecy or the spreading of destabilizing rumors. Other cases suggest that prophecy and rumormongering were regarded as greater threats to public order than magic. Beginning in 1530, the Privy Council expended considerable energy seeking out, and sometimes brutally punishing, self-styled prophets and those who started rumors of impending political instability, new draconian taxes, or the death of the king. If the numbers of cases, the depth of the institutional paper trails, circular letters to courts from Cromwell, public punishments, and executions for these crimes are any indication, rumor and prophecy were of considerably greater concern to him than magic.¹⁹ Similar to the ecclesiastical courts, which were also concerned with rumor and social discord, cases involving magic most frequently seem to have come to the attention of the secular authorities because they were wound up with other issues. Investigations and trials for magic alone were very rare.

MAGICIANS AND THEIR COMMUNITIES

The cases examined in this book demonstrate that the line between cunning man and learned magician was fuzzy in the sixteenth century. Great intellectual magicians like John Dee and Henry Cornelius Agrippa represented their magic as a kind of mystical religion far above the common, pay-for-service magician. But arguably, they were merely cunning men of a higher order: neither of them entirely disdained to serve as astrologers for the high and mighty. Similarly, among lower-level cunning men, we find magicians who were not only literate but Latinate. In chapter 1, Nash does not represent himself as

19. Sharon L. Jansen, *Political Protest and Prophecy Under Henry VIII* (Woodbridge, UK: Boydell Press, 1991); G. R. Elton, *Policy and Police: The*

Enforcement of the Reformation in the Age of Thomas Cromwell (Cambridge: Cambridge University Press, 1972), 46–82.

a learned magician, but Jones certainly does. He has rooms at Oxford, clearly owns magic books, and is familiar with the literature of learned magic, including the work of Agrippa. Jones also evidently practiced alchemy, given the reported presence of stills and alembics in his rooms and his offer to perform alchemy for the crown. In a case we consider below, William Stapleton was a learned monk who ultimately served in various capacities as a treasure hunter and personal magician. In chapter 3, John Wilkinson does not appear to have hired himself out as a cunning man, but John Steward, a former grammar school teacher, certainly did. His knowledge of learned magic was clearly part of what made him attractive as a member of the treasure hunters' fellowship. So, although historians of magic manuscripts have tended to style their scribes as "learned magicians" rather than cunning folk, it is difficult to know where to draw the line. Such people, repeatedly described as "cunning" by their contemporaries, were probably responsible for copying and transmitting many of the surviving manuscripts of learned magic. As we shall see, the case of William Neville in chapter 1 also reveals that the line between magician and peddler of prophecies cannot be clearly delimited.

Examination of the legal documents, particularly those in this volume, also allows us to uncover communities of magicians in action. Five professional magicians and peddlers of prophecies are mentioned in chapter 1, a number of whom knew and communicated with each other. In chapter 3, Wilkinson and Steward each have their own communities of magic practice before joining forces and creating a third one, the Mixindale Fellowship. Wilkinson claims to have been involved in the world of clerical necromancy from his childhood, when he was used as a child scryer and may have had access, through the library of the Austin Friars at York, to one of the largest collections of magic books in England.²⁰ John Steward also communicated about magic with other laymen. The same sorts of communities appear in the Stapleton case discussed below. All of these magicians were part

20. It is possible that Wilkinson got his copy of the *Sworn Book of Honorius* there. K. W. Humphreys, *The Friars' Libraries*, Corpus of British Medieval Library Catalogues (London: British

Library in association with the British Academy, 1990), 86–101. On this collection, see also Klaassen, *Transformations of Magic*, 65–77.

of a complex and integrated economy of magic. They exchanged books for copying; trafficked magical items or ingredients, such as virgin parchment or prophecies; exchanged knowledge; and even shared clients or referred them to each other.

This economy was covert; magicians did not jangle their wares on the street corners. Instead they were sought out for their services in periods of crisis or intrigue. Potential clients found magicians by word of mouth, sometimes (as we will see with William Neville) exerting considerable effort to find the ones with the best reputations. Although it is clear that magicians competed for clients, it is also evident that some magicians knew each other and even exchanged clients. Magicians had differentiated skills or specializations, and these seem to have facilitated cooperation among them. They worked with different sorts of spirits or spiritual mechanisms and offered services ranging from identifying petty thieves to healing to necromantic conjuring. They could also adapt themselves to specific needs.

These active communities seem to stand in opposition to conventional views of magicians and also their literary representations. From Merlin to Dumbledore, magicians have been depicted as celibate hermits who performed most of their significant magical operations by themselves in monastic isolation. This picture has some justification in the magic literature not least due to its clerical origins. The *Ars notoria* requires long periods of isolation and the key rituals must be performed during those times.²¹ Similarly, the central ritual in the *Sworn Book of Honorius* (*Liber iuratus Honorii*) purports to provide a solitary vision of the divine.²² John Steward (see the Mixindale case) also invoked this mythology with his putative quip, “Let God, the devil, and me alone!” by which he meant that he would go off and privately conjure a demon with divine support in order to get the required information about Jameson’s servant. However, this was more a matter of bravado than reality. Most of the rituals in the *Sworn Book of Honorius* follow the more conventional

21. For a description of the two-year procedure for the Notary Art, see Julien Véronèse, “Magic, Theurgy, and Spirituality in the Medieval Ritual of the *Ars Notoria*,” in *Invoking Angels*,

ed. Claire Fanger (University Park: Pennsylvania State University Press, 2012), 37–78.

22. Hedegård, *Liber iuratus Honorii*.

scripts found in necromantic literature, which not only assume the presence of compatriots but give them essential roles in the rituals. The Mixindale Fellowship, which Steward joined, worked together, and members shared responsibilities appropriate to their station: delivering letters and fetching horses, performing religious rites, providing books and practical knowledge, or furnishing material support such as housing. The *Sworn Book* takes this into account in its rules for transmission, which insist on small groups of dependable men tested for their loyalty and sworn to secrecy and mutual protection. The primary failure of the communities examined here (and the reason they got caught) was that they were not as secretive or exclusive as they should have been.

THE CASE OF WILLIAM STAPLETON

The letter of confession written to Cardinal Wolsey in 1528 by the clerical treasure hunter William Stapleton beautifully illustrates much of what we have described here.²³ Stapleton, a Benedictine monk, was tired of being disciplined for sleeping through the morning offices and not performing other duties. He arranged with his superior to have a half-year dispensation from his duties to raise enough money to purchase a full dispensation that would allow him to become a hermit who was in charge of his own schedule. Together with his associate John Kerver, Stapleton had already become involved in magic. He was in possession of magic books, including the *Treasury of Spirits* (*The-saurus spirituum*), which he had borrowed from another priest. Kerver had also put him in touch with two men, probably William Smith and a man called Amylion, whom Stapleton describes as cunning men.

23. Full transcriptions of both the confession and also documents concerning the activities of William Smith and Amylion may be found in Dawson Turner, "Brief Remarks Accompanied with Documents Illustrative of Trial by Jury, Treasure-Trove, and the Invocation of Spirits for the Discovery of Hidden Treasure in the Sixteenth

Century," *Norfolk Archaeology or Miscellaneous Tracts Relating to the Antiquities of the County of Norfolk* 1 (1847): 50–64. See also K. M. Briggs, *The Anatomy of Puck: An Examination of Fairy Beliefs Among Shakespeare's Contemporaries and Successors* (London: Routledge & Kegan Paul, 1959), 255–61.

Smith and Amylion worked for Lord Curzon, who had a license from the crown for treasure hunting, and they seem to have made most of their money not through magic but by fining others who engaged in treasure hunting in their territory without a license. It is likely that they teamed up with Stapleton because, in addition to being a monk, he was an ordained priest and could perform the crucial magical operations that they needed. They provided Stapleton with more books on treasure hunting and together they set about to find hidden gold with the assistance of demons.

The account that Stapleton gives of his career as a magician is extensive and convoluted. He undertook several operations in Norfolk before he began to attract clients from elsewhere, evidently having achieved some notoriety. He made frequent contact with other clerics and cunning men who had been or were still involved in similar activities. During the course of this, he also came into possession of materials for summoning the spirit Oberion, including a circle, sword, and “plate” used for invocations. Other magicians had used them for treasure hunting without success. Although they had managed to conjure the demons, the spirits told them that Oberion was already working for Cardinal Wolsey and therefore could not help them! Although he never found so much as a groat, Stapleton worked in a series of treasure-hunting projects and for a succession of people, including various high-ranking and wealthy patrons, among them Lord Leonard Marquess. Although he failed to find money in Leonard’s garden, which the Lord had buried as a test of his skill, Leonard nonetheless bought him a dispensation to become a secular priest and made him his personal chaplain and magician.

Stapleton was finally arrested, but not for treasure hunting. Leonard arranged the arrest because the magician had left his service without permission. Unfortunately, as a result of the arrest, Stapleton’s treasure-hunting equipment ended up in the hands of none other than Sir Thomas More, from whom, as far as the records go, he never retrieved it. After Stapleton mended fences with his lord, Leonard secured his release. Had Stapleton been a little more careful, he might well have stayed out of trouble. However, he was drawn back into magic practice, this time by the servants of the Duke of Norfolk. They told Stapleton that the duke believed that Cardinal Wolsey had set an evil

spirit on him and needed his help. Although he claimed no expertise in this area, the attraction of such a powerful client must have proved too great and he was convinced to perform magic involving a wax figure to protect the duke. For reasons that are unclear, Stapleton was finally forced by the duke to write the letter of confession to Cardinal Wolsey, perhaps because the duke wanted to publicize Stapleton's claim that the cardinal had bound the spirit Oberion. What happened to Stapleton afterward is unknown, but there is no record of arrest or of ecclesiastical proceedings against him.

The story reveals a good deal about the magic of rogues. Many people were involved in the practice of magic, and there were numerous people willing to pay for such services. Even in the face of strong evidence that the magic did not work, the allure was still powerful. Magicians operated in complex networks in which they exchanged books and information, and even cooperated for periods of time. Finally, magicians tended to come to the attention of the authorities for reasons other than the practice of magic in itself—Stapleton because he *did not* practice magic!—and they often walked free afterward, particularly if they had wealthy and influential clients.

READING AND INTERPRETING LEGAL DOCUMENTS

This volume presents a variety of documents produced when magic practitioners came to the attention of ecclesiastical and secular authorities that we can loosely describe as “legal documents” because they were either assembled in courts or with an eye to potential legal proceedings. In the case of the Yorkshire treasure hunters, the documents were produced by the Archbishop's Court in York. The other materials are not court documents as such but rather the paperwork retained by the crown surrounding various investigations. The documents relating to William Neville's activities, for example, are preserved in the State Papers of Henry VIII and include letters of denunciation, confessions, pleas for leniency, and suchlike. Because they were written in situations where an unguarded word could have dire consequences, they hide as much as they reveal and must be read with considerable care. They are also products of a complicated set of interactions.

First, people potentially in trouble with the authorities adopted particular strategies and postures in what they said or wrote.²⁴ At some points the accused offered intentionally fuzzy responses or left out critical pieces of information, and at others they provided reams of seemingly irrelevant details. Often they revealed enough that was true to appear credible or even remorseful but simultaneously did their best to avoid incriminating themselves. They may also have adopted different sorts of personae or strategies. William Neville, for example, adopted a position of remorseful self-deprecation accompanied by pleas for mercy. The servant William Wilson in the Mixindale case evidently decided that his best chance for lenience would come through forthright disclosure of everything he knew. Many of the accused had a reasonably good idea of what the law had to say about their behavior, and this stood like a dark shadow in the background of everything they said. The result of all of this is that nothing in the documents can be taken entirely at face value. It was all strategically shaped.

Second, the law and its application were complex. All of the people we examine in this book were patently guilty of practicing magic. But as we have seen, depending on the court and the period, practicing magic might not have been illegal. At the same time, the authorities often had multiple ways of approaching a case to get the desired result. Ultimately, it was not so much a matter of guilt or innocence in a general sense as the degree to which one's behavior fit within the carefully defined categories that purveyors of the law regarded as criminal or sinful and that they had decided to employ. Court officials would press these points at great length. For example, the archbishop of York's commissary was very concerned with whether the magicians had made sacrifices to demons and whether they had "put faith" in these processes. These questions were driven by critical points of canon law and so are worth attending to. At the same time,

24. For discussion of courtroom strategies, see Thomas Cohen, "Three Forms of Jeopardy: Honor, Pain, and Truth-Telling in a Sixteenth-Century Italian Courtroom," *Sixteenth Century Journal* 29, no. 4 (1998); Derek Neal, "Suits Make the Man: Masculinity in Two English Law Courts,

c. 1500," *Canadian Journal of History* 37, no. 1 (April 2002): 1–22; Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*, The Harry Camp Lectures at Stanford University (Stanford: Stanford University Press, 1987).

such concerns can make the sources difficult to use because matters of key interest to modern readers, such as the order of events, might be utterly irrelevant to those who shaped the documents in the first place. Historians are left trying to piece these together as best they can.

EDITORIAL PRINCIPLES

In general, the titles have not been drawn from the original texts. The intended readers of this volume include students and nonspecialists. As a result, the texts have been rendered in English accessible to modern readers, although every attempt has been made to preserve the original words and word order. Otiose occurrences of the word “and” have occasionally been removed for clarity. Some archaic forms (e.g., “saith” versus “says”) have been retained, but otherwise punctuation and spelling have been modernized. Where we have translated words, since there was no direct modern English equivalent, the original has been indicated in the notes in italics. Where the archaic usages of modern words are employed, the original word is retained in the text and its meaning indicated in the notes following an equal sign.

Significant portions of chapters 2, 3, and 4 are translations from Latin. Where we have emended errors in the Latin for our translation or where our readings are conjectural or debatable, we have indicated the original Latin in the notes. We have also omitted wherever possible the formulaic and highly repetitive use of “*dictus*” and other similar terms from our translations in chapter 3. In texts using both languages, the points of transition from one to the other have been indicated in the notes. Occasionally, brief Latin formulae, words, or incipits have been preserved in the text and their meanings indicated in the notes, particularly where they were understood as words of power. Readers are reminded that the Vulgate numbering of the Psalms differs from modern numbering.

Lacunae or illegible sections of the original manuscript and conjectural readings of such sections have been indicated in angle brackets (e.g., bl<ack>).