

Law and the Supernatural: A Transition of Modernity in Britain, 1650-1850

John Blessing

HIST 4300

Dr. Phillip Guerty

April 13, 2019

Introduction and Historiography

When studying the supernatural in history, the focus tends to be guided toward what and why the people in a society believed. This is for good reason, as understanding both what and why people believed in the supernatural is done in an attempt to understand the historical perspective of that given period. Law, however, can act in a similar manner. For instance, a law in ancient Rome required all prostitutes to dye their hair blonde. This is because, at the time, Roman women had naturally black hair while blonde hair was preserved for women from the Gaul region. This was a reflection of not only the opinions they held for the people of Gaul, but also the expectation they had of Roman women.¹

When applied to the supernatural, law becomes an avid reflection of the changing ideas that Britain experienced. The supernatural, and the belief in the supernatural, are consistently reflected in legal proceedings in Britain. From the original illegalization of witchcraft and techniques of foresight to, as Vice-Chancellor Giffard phrased it, “a system of mischievous nonsense,” witchcraft and the supernatural went through an immense transition in the span of around 200 years.²³ This shift is only a larger reflection of the changes in Britain regarding the supernatural. From journalism found on critiquing and praising witchcraft, to scientific advancements that were used to both prove and disprove the supernatural, British societal norms were changing. The courts of Britain are designed to be the perfect reflection of societal maintenance of what is right and wrong. If society has deemed theft wrong, then the courts will follow in this verdict. Likewise, if the people have decided that witchcraft is dangerous, the

¹ Luke Owen Pike, *A History of Crime in England: Illustrating the Changes of the Laws in the Progress of Civilisation, Volume 1*, (UK: Smith Elder and Co, 1878), 37.

² Jon Butler, “Magic, Astrology, and the Early American Religious Heritage, 1600-1760”, *The American Historical Review* 84, no. 2 (1979): 319.

³ The Spiritualistic Case. —Lyon v. Home: Sep 7, 1868; The Sydney Morning Herald pg. 5.

courts decisions will reflect this sentiment. As the end of the Victorian era neared, it became clear that, to the mainstream public, the supernatural was no longer an acceptable form of modern thought and they expected the court to follow suit. This meant that the idea of witchcraft being dangerous was no longer the fear amongst the British people. They now instead feared being tricked, being lied to by individuals claiming supernatural abilities that they now knew to be false. In essence, *The evolution of legal jurisprudence regarding the supernatural can be used to reflect ever-shifting ideologies of the citizenry of Britain.*

Though law and the supernatural is a topic that is briefly mentioned in some texts regarding the supernatural, it is unfortunately only considered a side-note in most. This is because, as Alfred Fellows mentioned, the court only “deals with things essentially tangible.”⁴ This explanation is two-fold, firstly in that the court, for the most part, had little interest in dealing with problems related to the supernatural. Secondly, this means that historians themselves are less interested in the connection between the supernatural and the law, as there is little to no precedence for it.

Nonetheless, what has maintained focus in the eyes of history are witch trials. Perhaps one of the most discussed topics regarding the supernatural, cases involving witch trials are well documented by historians.⁵ Much of this is because these events were well documented by primary sources, something that legal cases are unfortunately lacking. Newspapers covered witch trials often, meaning it was easier to trace information relevant to witch trials. With many of these witch trials being exclusively women, the study of women up to the Victorian era has

⁴ Alfred Fellows, “The Occult and the Law,” *The Occult Review* 2, no. 10 (1905): 168.

⁵ For reference, see Adams, G. (2009), *The Specter of Salem: Remembering the Witch Trials in Nineteenth-Century America*, University of Chicago Press and Notestein, Wallace (1911). *A History of Witchcraft In England from 1558 to 1718*. Whitefish Montana: Kessinger Publishing Co 2003. ISBN 978-0-7661-7918-9. Both are a small portion of the history written on witch trials.

become increasingly prevalent. In particular, historians became focused on what the role of women was during this time and why so many turned to alternative methods of expression.⁶ Much of this details the independence that women sought when becoming involved in the supernatural. Women were limited by the experiences and status of their husband up through the Victorian era. This meant that women who pursued anything outside of this standard construct were generally vilified. The supernatural gave women control of their own lives. The séance was primarily practiced by women and witchcraft or cunning folk were most often associated with women. Divorced women were the most prominently involved in the supernatural, as many of them found it necessary to create their own independence, and income, in a world that would not afford them of such.⁷ When regarding women and the law, there is an interesting shift in the treatment of women. Though witch trials were common in the 1600s and part of the 1700s, there was a shift leading into the 1800s. The court found it difficult in deciding cases involving women and the supernatural such as séances, instead resolving to allow the court of public opinion to decide their fate.⁸ These details have guided many historians to understanding that women were instrumental in the creation of the supernatural world in Britain, but has drawn little interest to the study of occultism and law.

Documents directly pertaining to occultism and law primarily do so through the scope of understanding the connection between modernity and the supernatural. Even today, there is a longstanding debate among historians as to whether the supernatural was a sign of being unmodern, or modern. Much of this is due to the prospect that the supernatural is enchantment,

⁶ Judith R. Walkowitz. "Science and the Seance: Transgressions of Gender and Genre in Late Victorian London." *Representations*, no. 22 (1988): 3-29

⁷ Nicola Bown, Carolyn Burdett. *The Victorian Supernatural*, (Cambridge, UK: Cambridge University Press, 2009), 242.

⁸ Diana Barsham. *The Trial of Woman: Feminism and the Occult Sciences in Victorian Literature and Society*. (New York, NY: New York University Press, 1992), 111.

while modernity is inherently disenchantment. Proponents of the belief that the supernatural is modern, such as Karl Bell and Michael Saler, argue that the supernatural is simply a response to imagination and an ever-changing world.⁹ Saler explains this by arguing that enchantment is simply a rational response to the disenchantment of modernity.¹⁰

This conflict between modernity and the supernatural, though debated by historians today, brought about real conflict in the past. Among these conflicts were legal implications. Alfred Fellows best outlines this conflict throughout the ages. The first recorded responses to witchcraft in Britain dates back to Henry VIII which made witchcraft a felony without benefit of the clergy, which was in reference to Moses declaration that “Thou shalt not suffer a witch to live.” Elizabeth I passed a similar law in her time. James I instituted stricter policies regarding witchcraft, leading to the mass persecution and executions of witches by self-proclaimed witch hunter Matthew Hale.¹¹ Much of this was due to innate fear of the supernatural. This all changed as the time of the Industrial Revolution began. Ideas of modernity shifted as people found new answers to their questions of why or how. Trials regarding witchcraft shifted as well. No longer were the cases concerned with the dangers of witchcraft, now instead treated the cases like those of conmen.¹² The mysticism was all but erased in the courts, instead becoming skepticism such as Justice Denman who stated “It is absurd to suggest that this man could have believed in his ability to predict the fortunes of another...”¹³

⁹ Karl Bell. *The Magical Imagination: Magic and Modernity in Urban England, 1780-1914*. (New York, NY: Cambridge University Press, 2012) 129.

¹⁰ Michael Staler. *As If: Modern Enchantment and the Literary PreHistory of Virtual Reality*. (Oxford, UK: Oxford University Press, 2012), 9.

¹¹ Alfred Fellows, “The Occult and the Law,” 170.

¹² Ian A. Burney. “A Poisoning of No Substance: The Trials of Medico-Legal Proof in Mid-Victorian England.” *Journal of British Studies* 38, no. 1 (1999): 68.

¹³ Alfred Fellows, “The Occult and the Law,” 171.

Though historians have discussed the relation of law and occultism, the relation is relatively unnoticed. Primarily, there is no discussion regarding the impact that society has had on the evolution of legal precedence, and why this has been the case. Furthermore, law has rarely been used as an example to reflect changes in society, instead primarily being used as evidence of governmental control. This is an important detail that could be used not only when studying societal shifts in occultism, but other historical topics as well, as law is oftentimes a reflection of the values of a particular society. My discussion is going to center around how jurisprudence has evolved, and how this evolution represents the unmodernization of the supernatural in British society.

An Investigation of Occult Jurisprudence

To begin with, it is important to make the distinction between laws passed, and the interpretation of the laws by judges. As Britain is a common law society, much of their interpretations of laws is based less on the laws themselves, but more so on the cases that occurred regarding the laws. This is contrary to a civil law society, where their statutes are extremely codified and their judges judicial review is much more limited. This is an important distinction as it separates what the government intended by the law, and what a judge determines is the correct decision based on a cases specific situation. A great example of this is in regards to the Thomas Milbank trial. In it, Milbank had claimed to friends in a bar that he attempted to kidnap Jane Alsop disguised as Spring-Heeled Jack. During his trial, Alsop continued to insist that her attack could breathe fire, a common belief regarding Spring-Heeled Jack. Milbank's defense was simple, he had no ability to breathe fire.¹⁴ The written law of kidnapping is clear with a punishment and, since he had admitted committing the crime to witnesses, it seems open

¹⁴ The Late Outrage At Old Ford: March 2, 1838; The Times.

and shut. To the judge, however, the situation garnered different results, as the facts of the case did not reflect the confession. As so, Milbank was released. This unique distinction in common law puts more pressure on judges than on the parliament of Britain when it comes to decisions made in trials, as their own subjective view of a particular issue will have its impact. This also means that these judges will be uniquely situated to be responsive to the ebb and flow of the people, a different concept than that in civil law, where the laws are unflinchingly rigid.

When attempting to date as far back as possible regarding the law and occultism, perhaps the best starting place is under Elizabeth I. Though Henry VIII had passed the first Witchcraft Act banning witchcraft, it had little effect beyond accusing his wife, Anne Boleyn, of witchcraft.¹⁵ Elizabeth I passed her own legislation regarding witchcraft aptly named the Elizabethan Witchcraft Act, which followed similar guidelines to Henry VIII, though meant to be less harsh. Nevertheless, the people of the time were terrified of witches. The Bubonic Plague continued to have frequent outbreaks with no reason and urbanization had halted as disease and death made the production of food difficult. People required an answer, and the court presented them with one. Though Elizabeth's policies were meant to be less harsh, she reigned over the first secular witch trials in British court, as trials before had been done in the ecclesiastical court, called the Chelmsford Witch Trials of 1562. By the end of her reign, witch trials resulted in 270 accused witches being executed, 247 of which were women. This was no coincidence, as most of the women accused were poor, elderly and recently widows. In most instances, the women kept pets who were oftentimes labeled as their familiars.¹⁶ These executions of witches reflected the societal understanding of witchcraft at the time. Witchcraft was not seen as anything but

¹⁵ Wallace Notestein. *A History of Witchcraft In England from 1558 to 1718*. (Washington, DC: American Historical Association, 1911) 140.

¹⁶ Wallace Notestein. *A History of Witchcraft*, 143.

dangerous, a backlash to the Reformation that people, and subsequently the courts, refused to allow.

By the time of James IV and I, the execution of witches in England had declined significantly. Still, daily problems in people's lives had little to no answer, crops refused to grow, ships would sink, and Queens would die seemingly without cause. Among these causalities was Mary, Queen of Scots, who was the mother of James IV and died by execution. From this point, James blamed witchcraft for any problem facing Scotland, which culminated in the execution of 4,000 witches in Scotland during his reign, many times over the execution rate of England with less than half the size. James IV published *Daemonologie*, becoming the only king to ever publish work on witchcraft with the sole purpose to reinvigorate the prosecution of witchcraft, claiming that witchcraft was "high treason against God."¹⁷ This worked to exceeding success in Scotland before becoming King of England, and James I. During his first year reigning he reprinted *Daemonologie* twice in hopes of reversing the decline of the witch trials. Furthermore, he passed a new statute against Witchcraft, claiming that they "Loathe to confess without torture" and making all first offenses of witchcraft punished by hanging.¹⁸

The impact that King James I had on the public with his publication of *Daemonologie* cannot be understated. In *Daemonologie*, James I claimed that water was a pure element that would repel the guilty, an ordeal by water. The courts began to reflect such sentiment once Matthew Hopkins began his witch-hunter expeditions. Hopkins believed himself to be an expert at finding witches and used this system of ordeal by water to claim the guiltiness of woman. Courts would ultimately hold up this opinion in several cases, resulting in the deaths of at least

¹⁷ Wallace Notestein. *A History of Witchcraft*, 154.

¹⁸ For more information see Gibson, Marion (2006), "Witchcraft in the Courts", in Gibson, Marion (ed.), *Witchcraft And Society in England And America, 1550–1750*, Continuum International Publishing Group, pg. 5-6.

18 separate women for witchcraft, accounting for 3.6% of all executions in England.¹⁹ It is of note that, to gauge one's innocence of witchcraft, James I instituted an ordeal by water, a practice wholeheartedly based in the supernatural, though defined instead by God rather than by supernatural abilities. There were many trials like the ordeal by water which required people to have abilities not possessed by humans, supernatural almost. In fact, for all that the ordeal by water was worth to the Witchfinder Matthew Hopkins, he was ultimately discredited when he fell into the water and he, too, sank.²⁰ Nonetheless, the court accepted this ordeal as evidence of witchcraft, as did many of the citizenry. When Amy Duny and Rose Cullender were accused of being witches, there was no evidence beyond what two parents of the children said, parents that were known to hold a grudge against the two women. Nonetheless, the Lord Chief Justice Matthew Hale remained silent, completely ignoring whether the children had actually been bewitched and, if so, were those women guilty. The jury would ultimately find them guilty and sentence them to hanging with no evidence of wrongdoing beyond the words of angry neighbors.²¹ This heightened fear of witches during the reign of James I would not last long after his reign, indicating just how significant of an impact he had on the people of England and their courts, reviving a dying age of witch trials.

As Britain began to change around the 1760s, so too did the ideology regarding witchcraft. The expansion of the Printing Press and higher literacy rates brought about new ideas among the citizenry. People began to have an interest in ideas such as enlightenment and consumerism. Alongside these ideas was also the development of industrialism, a massive shift in production that led to urbanization, a medical revolution, and more narrowly defined social

¹⁹ Wallace Notestein. *A History of Witchcraft*, 178.

²⁰ Alfred Fellows, "The Occult and the Law," 170.

²¹ Alfred Fellows, "The Occult and the Law," 170.

structures including class divisions. With these new ideas and inventions came answers to many questions that were previously unanswered, but also brought about new questions for people. These questions only created further anxiety in a world becoming increasingly modern. As a result, the supernatural not only began to lose its thorns as a dangerous dark magic, but occultism began to be seen as an answer to the difficult questions of a changing world.²² Concepts like astrology and palm reading rose in popularity, the use of charms and cunning people lost its taboo and became an alternative option to the church, and folklore became an urban idea rather than solely a rural one.²³

A great example of the evolution of folklore is of Spring-Heeled Jack. What originally started as ghost sightings across the streets of London evolved into the tale of a man who would harass women before fleeing the scene and could not be found. He gained the name Spring-Heeled Jack after attacking a carriage, then jumping over a nine foot wall to escape. He was officially recognized decades later in the 1838.²⁴ What made Spring-Heeled Jack so representative of urban lore is the transformative nature of the folklore. Depending on who was asked, Spring-Heeled Jack could speak English; was incomprehensible; breathed white, blue or red flames; had eyes that resembled fire; was tall; short and thin; resembled a gentleman; looked like a devil; wore a helmet or even had metallic claws. The sheer difference in each case of Spring-Heeled Jack made him the perfect Urban folklore, he represented anything that someone might fear, he was the terror of the streets of London.²⁵ It was no coincidence that once Spring-Heeled Jack had been officially recognized, that same year he was accused of kidnapping one

²² Nicola Bown, *The Victorian Occult*, 247.

²³ Karl Bell. *The Magical Imagination*, 64.

²⁴ Karl Bell. *The Legend of Spring-Heeled Jack: Victorian Urban Folklore and Popular Cultures*. (Suffolk, UK: Boydell and Brewer, 2012), 19-46.

²⁵ Karl Bell. *The Legend of Spring-Heeled Jack*, 57.

Jane Alsop. In the report, Alsop claimed that she was approached by a man claiming to be an officer who stated that they had caught Spring-Heeled Jack. Once she had brought him a candle at his request, he removed his cloak and attacked her, vomiting blue flames with eyes red with fire.²⁶²⁷ This would ultimately lead to the case previously mentioned of Thomas Milbank, where the court decreed that, due to his lack of breathing fire, he could not be guilty. This is incredibly contrary to cases before, where a judge would easily convict a sentence a woman charged with witchcraft on account of floating as opposed to sinking in water. In this case, a judge not only believes the claims of Alsop that the man could breathe fire, but even holds that these events, or lack thereof by the defendant, constitutes an acquittal. This directly reflects the shift in society regarding occultism; what was once considered taboo and dangerous was now considered a defense in court.

The final shift occurred during the reign of Queen Victoria. As journalism began to combat the rise of supernatural publications, the public began to turn away from alternative methods. Ideas of the supernatural had become unmodern, rural and lower-class. People instead aspired for modernity, subscribing to the idea that everything can be explained with science and invention. With this shift, the courts shifted as well. No longer were trials dependent on the dangers of witchcraft, nor on the likelihood of one's abilities. Instead, the law became to discredit those claiming to have such abilities at all. In 1877, the court claimed that it is not the courts decisions as to whether there is any real power to mediums, but instead claimed it is the courts job to determine if someone is simply an impostor. Only ten years later, however, the court overruled this opinion, stating that anyone who believes they are actually performing such

²⁶ The Late Outrage At Old Ford: March 2, 1838; The Times.

²⁷ This event is particularly interesting in just the sheer amount of interest it developed, even making the list as one of the most important events of the year. See here: Burke, Edmund; Ivison Stevenson (1839). *The Annual Register of World Events: A Review of the Year*. London: Longmans, Green. p. 23.

feats as astrology or séances is simply nonexistent. This ultimately concluded that, not only has the court decided that these practices are innately false, but that since no one could actually believe they perform these feats, then everyone must be an impostor.²⁸ This completely disregarded the fact that mediums laid claim to a special power while palmists or astrologists simply claimed that they had mastered an art. To the court and to the public, they were one in the same, imposters. Even when money had not been exchanged for services, palmists had been convicted of crimes.²⁹

The case of *Lyon v. Homes* showed that the “system of mischievous nonsense” was no longer valid in court. In the case, Lyon, who was seven years a widow, went to see Homes in hopes of contacting her late husband. When he made contact over several occasions, he claimed that her husband wanted all of her fortune willed to him as an adopted son. She began to question this, after already having done so, and took him to court.³⁰ In the case, Homes brought forth several witnesses who claimed his validity, but none trusted them, with many citizens following the case arguing that this was simple manipulation as he used his close friends in his defense.³¹ The court ultimately made its decision in favor of Lyon, with the Vice-Chancellor stating that spiritualism as a whole was indeed “a system of nonsense.”³² The problem many spiritualists had with the case was less of if Homes was an imposter or not, and more that the judge claimed that spiritualism as a whole was nonsense. This case outlined future decisions based on both

²⁸ Alfred Fellows, “The Occult and the Law,” 172.

²⁹ Alfred Fellows, “The Occult and the Law,” 173.

³⁰ Spiritualism in Chancery. Saturday review of politics, literature, science and art; May 2, 1868; 25, 653; British Periodicals pg. 581.

³¹ Our Fun-Done letter. Fun: Jun 6, 1868; 7, British Periodicals pg. 134.

³² Alfred Fellows, “The Occult and the Law,” 172.

astrology and palmists, further removing the supernatural from society through the court systems of Britain.³³

Conclusion

Throughout every change regarding the public and occultism, the laws and their executions thoroughly reflected these changes. When the public had recently experienced hardships, as well as the reformation, the court tightened its policies on occultism as the people had under Elizabeth and James I. This then led to the cultural shift and a desire for mysticism. People developed answers with technology, but more questions as well. This desire for both answers and mystery led to the creation of folklore like Spring-Heeled Jack, as well as a reliance on alternative methods outside of the church like cunning people and witchcraft. As the Industrial Revolution came into full swing in the Victorian era, people had become more educated, and thus less interested in the supernatural. The citizenry began to believe that the supernatural was backwards, and the courts shifted to reflect this idea as well. Astrology and Palmistry, which were staples of many people's lives not 50 years prior, became crimes by the 1880s. In each evolution of the ideas regarding the supernatural and occultism, the court followed suit soon after. With each decision the court made, the jurisprudence of the court evolved with the decisions of society and help to reflect that change through their set precedents.

³³ The "Spiritual" Case. Examiner: May 23, 1868; 3147; British Periodicals pg. 231.

Annotated Bibliography

Barsham, Diana. *The Trial of Woman: Feminism and the Occult Sciences in Victorian Literature and Society*. New York: New York University Press, 1992.

Another book discussing the critical role of women in the Victorian Occult age, this book discusses how roles of femininity were difficult to define in court, thus leaving it open to interpretation. This is to say that, because many of those who practiced spiritualism and Theosophy were women, there is a lack of precedence for the court to follow regarding women, and thus the court had little to decide. The book then went on to discuss women's roles in occultism and how this provided both a sense of freedom for women and fear for men. The book is well cited, though difficult to read the citations in their given format. This was useful in that it helped to outline women's role in court, something narrowly discussed anywhere.

Bell, Karl. *The Legend of Spring-Heeled Jack: Victorian Urban Folklore and Popular Cultures*. Suffolk: Boydell and Brewer, 2012.

A book whose wider context involves the analysis of Spring-Heeled Jack and his evolution from rural legend to urban sensation. This was a useful source for me as it analyzed the legend of Spring-Heeled Jack and its origins. Furthermore, the notes used by Bell were instrumental in finding primarily resources regarding Spring-Heeled Jack. As usual, Bell sources every bit of new information as well as helpful notes on the topic, outlining not only the articles usefulness, but its credibility as well.

Bell, Karl. *The Magical Imagination: Magic and Modernity in Urban England, 1780-1914*. New York: Cambridge University Press, 2012.

Another great book by Bell, this one primarily revolves around an understanding of modernity and the supernatural. In it, Bell discusses the creation of the supernatural and why this

became quite popularized in Urban England rather than being secluded in rural areas. Furthermore, and most important for my research, Bell discusses modernity and its relation to magic. This is reflected in other works such as Michael Saler's *Modernity and Enchantment*, where each discusses the idea that the supernatural is inherently unmodern. Both propose in their own ways that the supernatural was just a new way of understanding the mysteries of life, and Bell discusses how this is reflected by changing times, from industrialization to shifting populations and ideas. The book is well sourced and useful in that it further helps in understanding whether ideas of the supernatural were truly unmodern or a new form of modernity.

Bown, Nicola, Carolyn Burdett, and Pamela Thurschwell. *The Victorian Supernatural*.

Cambridge: Cambridge University Press, 2009.

When discussing the supernatural, it is also important to understand how the individuals of the time felt regarding the context. This book perfectly discusses these feelings, analyzing how people of Victorian London felt regarding the supernatural and why these ideas of the supernatural existed in the first place. The book also discusses the sensitivity of the subject and why topics like occultism are difficult to find in law, as these ideas tended to remain out of the public's eye. For what it is worth, the book is very well sourced, pulling sources from the 1700s up to the 1990s including discussions of how, instead of resulting to law, many societies regulated themselves such as the Society for Psychical Research regarding Helena Blavatsky.

Burke, Edmund; Ivison Stevenson (1839). *The Annual Register of World Events: A Review of the Year*. London: Longmans, Green. p. 23.

This particular page highlights two important details. Firstly, that the kidnapping of Jane Alsop had occurred which is useful for obvious reasons, but also that these events were important enough to be in the public eye, being found in the Annual Register of World Events.

Burney, Ian A. "A Poisoning of No Substance: The Trials of Medico-Legal Proof in Mid-Victorian England." *Journal of British Studies* 38, no. 1 (1999): 59–92

Though narrowly related, the analysis of this case dated similarly to many supernatural legal cases assisted in understanding the legal terminology of the time. Furthermore, Burney's analysis of the legal system of the time in Britain was instrumental in developing an understanding of cultural shifts on the court. There was a normalization of conviction of people based on morality rather than actual committing of a crime, much of which is reflected in cases regarding the supernatural. The article seems to be well sourced, though the information I used was primarily of the authors mind and less of their sourcing. Though the article was not much use, it was certainly beneficial.

Butler, Jon. "Magic, Astrology, and the Early American Religious Heritage, 1600-1760." *The American Historical Review* 84, no. 2 (1979): 317-46

Though the topic has little relation to the research question and thesis in question, This article's primary use was understanding cultural reflections of colonies. This was in an attempt to understand if British occultism translated to the colonies, who are typically considered to be more religious. The article also helped in defining specific terminology regarding the supernatural. The article is published in the American Historical Review, which is highly reputable and well sourced. The article is not of much relevance or utility, but the information it did have was helpful and difficult to find elsewhere.

Fellows, Alfred. "The Occult and the Law." *The Occult Review*, Vol. II, no. 10 (1905): 168-176.

A fascinating analysis of the shifts of opinion regarding the occult in law. This document, which quickly became a primary document for this paper, helps to analyze the legal aspect of occultism. In particular, it is an analysis 100 years ago discussing the exact topic I am today. This helps in two ways. Firstly, it shows how opinion of the supernatural has shifted alongside cultural belief. Secondly, it shows how, even 100 years ago, these opinions were still shifting and having an effect. The one issue with the article is that it is published in *The Occult Review*, rather than a legal publication. This is an issue because it reflects more of the occult ideas rather than the legal ideas, but is beneficial in that it gives a first-hand perspective of occultism and law. Furthermore, because of its publication, its sourcing is not of the highest caliber either. Nonetheless, this article was extremely useful in helping to create this paper. I think what was most important in the article is highlighting the fact that this very topic is little discussed due to the idea of its nonsensical nature.

**Notestein, Wallace. *A History of Witchcraft In England from 1558 to 1718*.
Washington, DC: American Historical Association, 1911.**

An in-depth analysis of witch trials in England. The book particularly focuses on the 1645 Trials as well as the 1662 Trials. In it, Notestein writes of several women who were tried and prosecuted with little information beyond that given by Matthew Hopkins, a self-appointed Witchfinder. Much of this is due to laws of the time that allowed for the pursuit and execution of those practicing in dark magics, such as witchcraft. What makes this so interesting to my research is that it helps to reflect the change over time that the court had regarding the

supernatural. For its time period, it is actually quite well sourced and very well organized. Very useful for finding other primary resources.

Our Fun-Done letter. Fun: Jun 6, 1868; 7, British Periodicals pg. 134.

Quite the esoteric find, this letter simply shows the feelings of the people at the time regarding the case of Lyon v. Home, an extremely popular and important case regarding the transition of law and the supernatural.

Pike, Luke Owen. *A History of Crime in England: Illustrating the Changes of the Laws in the Progress of Civilisation, Volume 1*. United Kingdom: Smith Elder and co, 1873.

When studying the legal system of Victorian Britain, I thought it would be helpful to study the system in its entirety, from accusation to conviction and sentencing. This article primarily outlined the latter. Existing from the same period as many of these cases, this book categorizes punishments of Britain dating all the way back to the conquest by Rome into Britain. It also highlights the origins of many punishments by the British legal system of the time and events that have changed legal precedence, such as the death penalty being used less and less over time. Though not entirely necessary, this was beneficial in understanding the system of legal carrot and stick in Victorian London. Beyond this, it also helped in understanding legal decisions as they are primarily based off the codified version of laws before them, dating back to Rome in some instances. Unfortunately, and possibly due to the age of the book, sourcing in the book is rather poor. There was little I could pull from the references beyond what was already said in the book.

Spiritualism in Chancery. Saturday review of politics, literature, science and art; May 2, 1868; 25, 653; British Periodicals pg. 581.

This article is interesting in that it follows the case much closer than anywhere else. In this article found in the newspaper, it outlines how close Homes and Lyon had become, and how Lyon began to see him as an imposter. What is noteworthy about this, however, is that she saw him as an imposter because she went to see a witch who then claimed he was the imposter, basically using spiritualism to disprove spiritualism.

Staler, Michael. *As If: Modern Enchantment and the Literary PreHistory of Virtual Reality*. Oxford: Oxford University Press, 2012.

Similar to Karl Bell. Staler's *As If* highlights the particularly difficult conversation of modernity and enchantment. In it, he argues that modernity and supernatural are one in the same, a response to an evolving world. Furthermore, he argues that things like science are similar to the supernatural in that they are answers to mysteries that people want to understand. Staler does a great job using citations and notes and is clearly well versed in sourcing. I found this book particularly helpful as it helped to explain how the supernatural and modernity coexist.

Spring-heeled Jack: March 7, 1838; *The Morning Post* pg. 62–3.

This article discusses a lesser covered story involving Spring-Heeled Jack. In it, just eight days after the Alsop case, a man spit blue fire in her face depriving her of eyesight for hours. This case had less follow-up than the Alsop case but the investigation done was incredibly thorough, showing that there was a desire to deal with the man committing these crimes, a reflection that the public had a belief and terror regarding these events.

The Late Outrage At Old Ford: March 2, 1838; *The Times*.

A piece done regarding the story of Spring-Heeled Jack and Jane Alsop, perhaps the most notable case for his fame. In the case, the piece covers her claims of being kidnapped and his frightening appearance including vomiting blue fire and white flames while his eyes were of fire.

She was ultimately able to escape with help from her sister. In the piece, they discuss the trial of Thomas Milbank, a man who bragged in public that he had committed the kidnapping. He was arrested and tried, but due to the instance that Spring-Heeled Jack could breathe fire and Thomas Milbank could not, he was acquitted.

The Spiritualistic Case. —Lyon v. Home: Sep 7, 1868; The Sydney Morning Herald pg. 5.

Another article discussing the case of Lyon v. Home, reflecting the sheer interest in the case at the time. Furthermore, this article outlined the expediency required by the judge.

According to the article, Home was not only supposed to pay back every bit of money requested by Lyon, but any bills beyond that including legal fees and will fees.

The “Spiritual” Case. Examiner: May 23, 1868; 3147; British Periodicals pg. 231.

An interesting conclusion in the case, this brief article covers the conclusions of the Lyon v. Home case. In it, the judge ultimately rules against Home’s claim that the law should remain outside of a decision made by adults as he claims that Lyon made those decisions due to her trust in Home. The court ultimately concludes that Home’s must pay back all of Lyon’s money. This is important as it rounds off the story of Lyon v. Home.

Walkowitz, Judith R. "Science and the Seance: Transgressions of Gender and Genre in Late Victorian London." *Representations*, no. 22 (1988): 3-29

This article discusses a vital piece of the Victorian puzzle regarding the supernatural—Gender. Like many supernatural creations, gender’s construction spelled warnings for those who stepped outside of its boundaries. Using stories such as those of Jack the Ripper, Walkowitz shows how the creation of many of the most famous folklore’s were an attempt to frighten women into staying in their respective gender roles. Furthermore, Walkowitz explores the freedoms and independence garnered by tools such as seances. The article is published by

Representations, which is interdisciplinary and highly regarded. The article provided to be highly resourceful as it outlined gender in Victorian London as well as well sourced and noted, further assisting in understanding the topic.